

Law and Business Review of the Americas

Volume 15 | Number 2

Article 1

2009

Front Matter

Recommended Citation

Front Matter, 15 LAW & BUS. REV. AM. i (2009)

<https://scholar.smu.edu/lbra/vol15/iss2/1>

This Front Matter is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Law and Business Review of the Americas by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

Law and Business Review of the Americas

VOLUME 15

SPRING 2009

NUMBER 2

TABLE OF CONTENTS

PERSPECTIVE

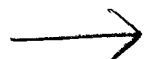
Declaration of the Summit on Financial Markets and the World Economy	273 — 283 ECON.
--	--------------------

ARTICLES

Regulation and Supervision of Microfinance Institutions: A Proposal for a Balanced Approach	<i>B. Seth McNew</i> 287—309 BANK + FIN. ADMIN.
Sempra Energy International v. the Argentine Republic: Reaffirming the Rights of Foreign Investors to the Protection of ICSID Arbitration	<i>Daniel A. Krawiec</i> 311—337 DISP. RES. INTL TRADE
We Don't Count! Rousseau's General Will as a Tool to Judge the Legitimacy of the Judicial Decisions Relating to the Presidential Elections in Mexico and the United States ..	<i>Lao-Tze Smith</i> 339—351 JUDGES POLITICS
Brazilian States Tax War Explained by the Property Right Theories of Law and Economics—Fake Redistributive Policies Leading to Underdevelopment	<i>Fábio Roberto Castilho and Rodrigo Frota Silveira</i> 353—376 ✓ TAX (TRANSN ECON.)

COMMENTS AND CASENOTES

Medical Tourism: The Commodification of Health Care in Latin America	<i>Angeleque Parsiyar</i> 379—404 HEALTH
Innovation, Access and the Public's Health: Intellectual Property Rights in Mexico and the TB Epidemic	<i>Pamela Das</i> 405—423 HEALTH INTELL PROI



The São Francisco River Transposition Project: ⁶
Friend or Foe to the Brazilian People *Jessica Lee* 425-433
omit

UPDATES

The New Argentine Consumer Defense Law.
Punitive Damages: The Main Star *Agustin Cerolini* 437-441
omit

A Surrealist Country *Tania Sordo Ruz* 443-448
omit

Canada Update-Highlights of Major Legal
News and Significant Court Cases from
August 2008 Through October 2008 *Romit S. Cheema* 449-452
omit

Recent Developments in NAFTA
Law-Spring Update 2009 *Melissa Long* 453-461
omit

DOCUMENT

South American Union of Nations
Constitutive Treaty 465-476
INTL

Editorial and Submission Policies:

This journal is a quarterly publication produced by the Southern Methodist University Dedman School of Law's International Law Review Association (and its Law Institute of the Americas), as well as the Section of International Law and Practice of the American Bar Association. The journal relies on the ongoing cooperation of the SMU Tower Center, the SMU Departments of Economics and Political Science, the SMU Cox School of Business, and the London Forum of International Economic and Financial Law.

Aims and Publication Policy:

This journal addresses the legal, business, economic, political and social dimensions of Western Hemispheric integration efforts (e.g., NAFTA, FTAA, MERCOSUR, etc), their implementation, their future evolution and expansion, and their overall impact on doing business in the Americas. The journal will combine practical and policy implications of these integration processes. As such, it will cover not only matters of immediate concern and interest, but also matters respecting reform of legal, business, economic, political and social structures within the various countries in the Western Hemisphere. Subject matter concerning other regional integration efforts in the world and various other comparative topics in the international trade and investment areas will also be addressed, from time to time.

However, topics of *particular concern* to the journal will include: (1) free trade, direct investment, licensing, finance, taxation, litigation and dispute resolution, and organizational aspects of NAFTA and other specific integration efforts and their specific implementation; (2) subject matter involving economic, legal, political and social integration, and reform effects in Latin and Central America and in the Caribbean Basin; and (3) FTAA implications. For practical reasons, English is used as the language of communication.

Article Submission:

The editors will consider for publication manuscripts by contributors from any country. Articles will be subjected to a professional review procedure. Authors should ensure that the significance of a contribu-

tion would be apparent to readers outside the specific expertise. Special terms and abbreviations should be clearly defined in the text or notes.

Accepted manuscripts will be edited, if necessary, to improve the journal's effectiveness of communication. If editing should be extensive, with a consequential danger of altering the meaning, the manuscript will be returned to the author for approval before type is set. Alternatively, the manuscript may be returned to the author to address the deficiencies. In all events, the editors reserve the right, after discussion with the author, to change its acceptance decision, or to move a publication from one issue to a later or earlier issue. The editors will not accept unsolicited student-written submissions, nor will they consider articles or reports that have been, or are to be, published elsewhere, or materials prepared for one's clients or business promotion.

Manuscripts submitted for publication should be submitted in duplicate with a cover letter summarizing the contents to:

Editor-in-Chief
LAW AND BUSINESS REVIEW OF THE AMERICAS
Southern Methodist University
Dedman School of Law
P.O. Box 750116
Dallas, Texas 75275-0116
lbra-eic@list.smu.edu.

At the time the manuscript is submitted, written assurance must be given that the article has not been published, submitted, or accepted elsewhere. The author normally will be notified of acceptance, rejection or need for revision within 8-12 weeks.

Manuscripts may range from 6,000 to 10,000 words (approximately 20-30 pages in length). However, longer articles are accepted based upon topic, quality, and space availability. The title of the article should begin with a word useful in indexing and information retrieval. Text and endnotes should be double-spaced. All endnotes should be numbered in sequential order, as cited in the text. Unless for good reason acceptable to the editors, endnotes for legal articles should conform to *The Bluebook, Uniform System of Citation* (18th ed, 2005). For non-legal articles, the citations should be internally consistent within the given article. Authors should submit short biographical data, including his or her affiliation.

THE INTERNATIONAL LAW REVIEW ASSOCIATION

An Association of *The International Lawyer* and *Law and Business Review of the Americas*

SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW

2008-2009 Student Editorial Board

President

JACOB McBRIDE

Law and Business Review of the Americas

Editor-in-Chief

PAMELA DAS

Managing Editor

MICHELLE BIVINS

The International Lawyer

Editor-in-Chief

JACOB CLIFTON

Managing Editor

JESSICA LEE

Associate Managing Editors

MICHAEL GAVIN
LAURA KEITH
BRAD PURCELL

STEVEN QUALLS
WILLIAM RICHMOND
RACHEL RIDER

ADAM SAXON
ELLIOT STRADER
JULIAN VASEK

Contents Editor

ROB WEITZEL

Note and Comment Editors

CLINT BODIEN
CODY TUCKER

Symposium Editors

PATRICIO NOBOA
AKSHAR PATEL

Canada & NAFTA Reporters

ROMIT CHEEMA
MELISSA LONG

Study Series Editor

JENNY CANE

Managers of

Business Development

JOHN ALEXANDER
MEREDITH VESLEDAHL

Articles Editors

MATTHEW BAKER
DELILAH BANKS
BRIAN BULLARD
CORRINA CHANDLER
SUZANNE CLIFTON
MEGAN DUNAGAN
COLE GEARHART
PAUL MATTHEW HAWKINS
BRENDA IWUAGWU

KELLIE JOHNSON
SUSHOVAN KARKI
PETER LACINA
COLLIN LENSING
JENNIFER LOWARY
AMY MOORE
BENJAMIN OPLIGER
ANGELEQUE PARSIYAR

JONATHAN RASTEGAR
FATIMA SHAH
MARISA SILVERMAN
BRIAN SPIEGEL
CHRISTINE ST. GERMAIN
MACHIR STULL
NAM D. TRAN
KENDALL YOW
RUSSELL ZIMMERER

Staff Editors

MELISSA BACK
BRET BENEDICT
JENNA BRAISTED
ANDREW C. BROWN
KRISTEN LEE BROWN
JOHN CAPEHART
JACQUELINE COWEN
MARGARET ANGELITA
DELGADILLO
CHRISTOPHER ELAM
ALLISON FORD

RENEE GATELY
JEFFREY GHOUSE
DAVID GIBSON
KIMBERLY GONZALEZ
KEVIN GRUBBS
THOMAS HIESBERER
WILLIAM HOWELL
CRYSTAL JAMISON
CHRIS L. JOHNSON
BRENT KIRBY

MISSY LUTON
OLIVIA MCDANIEL
LAUREN MITCHELL
CHARLES MURNANE
HEATHER NALE
ALEXANDER NGUYEN
ARIF PANJU
LANI PAYNE
JOHN PIERRAT
GREGORY PLACZEK

MICHELLE PUTMAN
JASON RICHARDS
JAMES ROBERTSON
AMY SANDERSON
ROBERT SHULTS
JONATHON SPILLER
CHRISTOPHER TEJEDA
JAMES VOELKER
BRADEN WAYNE
JIN LONG ZHENG

TALIBRA FERGUSON

Administrative Assistant

—Editorial Base—

Southern Methodist University Dedman School of Law

Dallas

Law and Business Review of the Americas

Honorable Editor-in-Chief
PROFESSOR ROBERTO MACLEAN
President, SMU – LIA

Editor-in-Chief
JOSEPH J. NORTON
SMU-Dallas

Associate Editors-in-Chief

MAURICIO BAQUERO-HERRERA
Columbia

JORGE M. GUIRA
London-Warrick

MARCOS AURÉLIO P. VALADÃO
MARCOS AURÉLIO P. VALAD
Brazil

NARA PORTO
Dallas-Brazil

—BOARD OF SENIOR PROFESSIONAL EDITORS—

DIEGO C. BUNGE
Buenos Aires/SMU-Dallas

OMAR GARCIA-BOLIVAR
Washington D.C.-Caracas

JORGE A. GONZALEZ
Dallas

ROSARIO SEGOVIA-HEPPE
New York

ANTONIO PEÑA
Miami

LAWRENCE B. PASCAL
SMU-Dallas

—SMU FACULTY ADVISORY BOARD—

Chair
GEORGE MARTINEZ

GAIL M. DALY
CHRISTOPHER H. HANNA
JOHN S. LOWE

MICHAEL LUSTIG (POL.SCI.)
DANIEL J. SLOTTJIE (ECON.)

MARC I. STEINBERG
PETER WINSHIP
L. MIKE WOOTEN (BUS.)

—ADVISORY BOARD—

—ABA Representatives—

Chair

JEFFREY B. GOLDEN

*Canadian
Committee*

H. SCOTT FAIRLEY
BRIAN D. WALKER

*International Investment &
Development Committee*

MELINDA N. HODGSON
IGNACIO JUAN RANDLE

*International Trade
Committee*

MATTHEW S. DUNNE
MATTHEW ROBERT NICELY

*Latin American & Caribbean
Committee*

GUILLERMO MALM GREEN
MARCOS RIOS

*International Corporate Counsel
Committee*

RICHARD T. WALSH
THOMAS WERLEN

*Mexico
Committee*

YVES HAYAUX-DU-TILLY
GUSTAVO A. SANTILLANA

—External Representatives—

DR. ERNESTO AGUIRRE
Washington, D.C.

DR. CARLOS GERSCOVICH
Buenos Aires

PROF. ANA MACLEAN
Lima

MR. LEE BUCHEIT
New York

PROF. BENJAMIN GEVA
Toronto

DR. HECTOR MAIRAL
Buenos Aires

PROF. DONALD BUCKINGHAM
Saskatchewan

PROF. MICHAEL W. GORDON
Gainesville

DAVID J. MCFARLAND, Q.C.
Toronto

LOUIS CAPIN
Mexico City

DR. WILLIAM C. GRUBEN
Dallas

RONA R. MEARS
Dallas

PROF. EM. BEVERLY MAE CARL
Santa Fe

DR. EVA HOLZ
Montevideo

DANA G. NAHLEN
Plano

PROF. MARSHA ECHOLS
Washington D.C.

LAWRENCE JOHNSON
Dallas

HON. MIGUEL OTERO
Santiago

PROF. TOM J. FARER
Denver

PROF. BORIS KOZOLCHYK
Tucson

PROF. JOEL P. TRACHTMAN
Boston

MANUEL GALICIA
Mexico City

DR. LEONCIO LARA
Mexico City

PROF. LEON TRAKMAN
Australia

PROF. FRANK J. GARCIA
Boston

SERGIO LEISECA
Denver

PROF. STEVEN T. ZAMORA
Houston

DR. ALEJANDRO M. GARRO
New York-Dallas

PROF. CYNTHIA C. LICHTENSTEIN
Boston

OFFICIAL CITATION

LAW & BUS. REV. AM. SPRING 2009

Nothing herein shall be construed as representing the opinions, views or actions of the American Bar Association unless the same shall have been first approved by the House of Delegates or the Board of Governors or of the Section of International Law and Practice of the Association unless first approved by the Section or its Council.

Southern Methodist University Dedman School of Law's Law Institute of the Americas

(formerly SMU Centre for NAFTA and Latin American Legal Studies)*

Established in 1952, the LAW INSTITUTE OF THE AMERICAS at Southern Methodist University Dedman School of Law was originally designed to promote good will and to improve relations among the peoples of the Americas through the study of comparative laws, institutions and governments respecting the American Republics, and to train lawyers in handling legal matters pertaining to the nations of the Western Hemisphere. Today, in reviving this institution, the Law Institute of the Americas comprises meaningful academic research, teaching and programs pertaining to the "NAFTA/FTAA processes" and other Western Hemispheric integration efforts; to Latin and Central American law and judicial reform, particularly focusing on Argentina, Brazil, Chile, Guatemala, Mexico, Peru and Venezuela; and, to a more limited extent, to Canadian legal issues, particularly as they interrelate to the NAFTA/FTAA. The Law Institute of the Americas also is concerned with increasing (regional and hemispheric) legal and economic interconnections between the "NAFTA/FTAA processes" and European and Asia-Pacific integration activities.

The officers of the Institute are as follows: the HONORABLE ROBERTO MACLEAN, President; PROFESSOR JOSEPH J. NORTON, Executive Director; and PROFESSOR GEORGE A. MARTINEZ, Associate Executive Director. The Institute is also supported by a distinguished group of Professorial Fellows, Senior Research Scholars, Professional Fellows, and Student Research Fellows.

As the Institute focuses primarily on issues pertaining to the North American Free Trade Agreement and the pending Free Trade Area of the Americas, and the broader economic, political, legal, and social integration processes underway in the Western Hemisphere, *Law and Business Review of the Americas* is one of its publications, and is produced jointly by the Law Institute of the Americas and the International Law Review Association of SMU. Other parties involved in the production of the journal are the SMU Cox School of Business, the SMU Departments of Economics and Political Science, the London Forum, and the American Bar Association Section of International Law and Practice.

* From 1952 through the early 1970s, the name was the Law Institute of the Americas; in 1993, it was reactivated as the Centre for NAFTA and Latin American Legal Studies; and in 1998, it returned to its original name. For further detailed historical information on the Law Institute of the Americas, please refer to the Law Institute of the Americas' website at <http://www.law.smu.edu/lia>.

Perspective

