

1997

## Front Matter

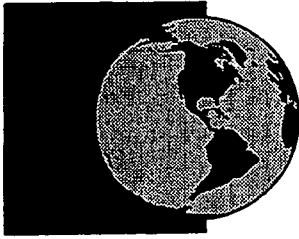
Follow this and additional works at: <https://scholar.smu.edu/lbra>

---

### Recommended Citation

*Front Matter*, 3 LAW & BUS. REV. AM. i (1997)  
<https://scholar.smu.edu/lbra/vol3/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>.



# NAFTA:

## *Law and Business Review of the Americas*



American Bar Association



Section of International  
Law and Practice



*A journal of law,  
business and policy,  
co-sponsored by the ABA  
Section of International  
Law and Practice,  
Southern Methodist  
University School of  
Law (and its NAFTA  
Law Centre), with the  
SMU School of Business,  
the SMU Departments of  
Economics and  
Political Science,  
and the Centre for  
Commercial Law  
Studies (Queen Mary  
and Westfield College,  
University of London).*

Spring 1997

ISSN 1381-4605

CODEN NAFTA

Vol. III, No. 2

### *In this Issue:*

#### Articles:

- Dispute Resolution Under MERCOSUR from 1991 to 1996:  
Implications for the Formation of a Free Trade Area of the Americas ..... 3  
*David Lopez*
- Peru: How Problems in the Framework for Secured Transactions  
Limit Access to Credit ..... 33  
*Heywood W. Fleisig and Nuria de la Peña*
- General Principles of a Modern Secured Transactions Law ..... 73  
*John L. Simpson and Jan-Hendrik M. Röver*
- A Functional Analysis of the EBRD Model Law on  
Secured Transactions ..... 82  
*John A. Spanogle*
- The NAFTA(ization) of Sexual Harassment: The Experience of  
Canada, Mexico, and the United States ..... 96  
*Renee G. Scherlen and Ruth Ann Strickland*
- The Legality of the Helms-Burton Act under NAFTA: An Analysis of  
the Arguments the United States, Canada, and Mexico May Present  
to a Chapter 20 Dispute Resolution Panel ..... 116  
*Stephen V. Iglesias*
- Nations Update: Venezuela Mining Law ..... 137



**KLUWER LAW  
INTERNATIONAL**

## Editorial and Submission Policies:

This journal is a quarterly publication produced by Kluwer Law International in association with the Section of International Law and Practice of the American Bar Association, and Southern Methodist University School of Law (and its NAFTA Law Centre). The journal relies on the ongoing cooperation of the SMU School of Business, the SMU Departments of Economics and Political Science, and the Centre for Commercial Law Studies and its London Institute of International Banking, Finance and Development Law at Queen Mary & Westfield College at the University of London.

### Aims and Publication Policy:

This journal addresses the legal, business, economic, political and social policy dimensions of NAFTA, its implementation, its future evolution and expansion and its overall impact on doing business in the Americas. The journal will combine practical and policy implications of NAFTA. 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: free trade, direct investment, licensing, finance, taxation, litigation and dispute resolution and organizational aspects of NAFTA and the specific implementation. 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. The authors should ensure that the significance of a contribution will 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 alternating the meaning, the manuscript will be returned to 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 for good reason or to move a publication from one issue to later or earlier issue. The editors will not accept unsolicited student-written submission, 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, along with a corresponding computer diskette, should be submitted in duplicate, together with a covering letter, to:

Editor in Chief

*NAFTA: Law and Business Review of the Americas*

The NAFTA Law Centre

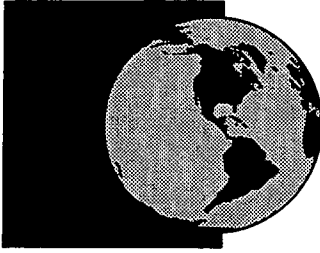
SMU School of Law

3315 Daniel Avenue

Dallas, TX 75275-4330

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.

Authors are requested to submit two copies of their manuscript, typed in double space, together with a summary of the contents. Manuscripts may range from 6,000 from 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. Short titles are used as running heads. All notes should be numbered in sequential order, as cited in the text, and should be typed in double-spaced on a separate page. Unless for good reason acceptable to the editors, endnotes for legal articles should conform to a uniform system of citation (*The Harvard Bluebook, 16th ed.*). For nonlegal articles, the citations should be internally consistent within the given article. The author should submit short biographical data including his or her affiliation.



---

# NAFTA:

## *Law and Business Review of the Americas*

---

— Board of Professional Editors—

*Editor-in-Chief*

Joseph J. Norton

SMU-Dallas/CCLS-London

*Deputy Editor-in-Chief*

Alejandro M. Garro

New York/SMU-Dallas

*Deputy Editor-in-Chief*

George A. Martinez

SMU-Dallas

*Associating Editors for 1997 Issues*

David W. Banowsky

Mexico City

Emily S. Barbour

Dallas

Patrick Sargent

Dallas

Jill A. Kotvis

Dallas

Gerald Nels Olson

London

Clint N. Smith

Washington, DC

— Student Editorial Board (SMU)—

*Student Editor in Chief*

Marcus J. Williams

*Managing Editor*

Brian Kimzey

*Senior Articles Editor*

Tara Dale

*Comments Editor*

Charles Vorndran

*Articles Editors*

Paul Fitzer

Patrick Hodo

Stephen Iglesias

*Symposium Editor*

Lara Saldivar

J. Todd Applegate

David Drez

Sherilyn Ellens

*Staff Editors*

Carolyn King

Jennifer Nolte

Thelma Romano

Geneva Stephens

Donna Thayer

Roland P. Wiederaenders, III

— Editorial Base—

Southern Methodist University School of Law

Dallas

---

©1997 Kluwer Law International, The Hague, The Netherlands. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means — electronic, mechanical, photocopying, recording, or otherwise — without prior permission of the publisher.

---

---

— Advisory Board —

— ABA Members —

Chair: Lucinda A. Low  
*Washington, DC*

Ernesto P. Soto  
*Mexican Law Committee*

James H. Carter  
*New York*

Steven H. Levin  
*Canadian Committee, Ottawa*

Salvador J. Juncadella  
*Interamerican Committee, Miami*

Richard C. Levin  
*Dallas*

Rona R. Mears  
*Dallas*

Marsha Echols  
*Regional Economic Integration Task Force*

Mark A. Sandstrom  
*International Trade Committee*

— SMU Members —

Ndiva Kofele-Kale  
Marc I. Steinberg  
Christopher Hanna

Esfandiar Maasoumi  
Luigi Manzetti  
Shlomo Weber

Hon. Richard R. Rubottom  
Jane L. Dolkart  
Peter Winship

Daniel J. Slottje  
L. Mike Wooton

— CCLS Members —

Raymond M. Auerback

Mary Footer

— External Members —

Andrea Bonime-Blanc  
*New York*

Diego C. Bunge  
*Buenos Aires*

Louis Capin L.  
*Mexico City*

Beverly Mae Carl  
*Santa Fe*

Carlos Creel C.  
*Mexico City*

Julio Cueto-Rua  
*Buenos Aires*

Tom J. Farer  
*Washington, DC*

Carlos A. Gabuardi  
*Washington, DC*

Manuel Galicia R.  
*Mexico City*

Hon J.E.G. Gibson  
*Dallas*

Franklin E. Gill  
*Albuquerque*

Michael W. Gordon  
*Gainesville*

William C. Gruben  
*Dallas*

Michael Hart  
*Ottawa*

Francisco J. Illanes  
*Santiago*

John H. Jackson  
*Ann Arbor*

Lawrence Johnson  
*Dallas*

Boris Kozolchyk  
*Tucson*

Cynthia C. Lichtenstein  
*Boston*

Hon. Roberto Maclean  
*Washington*

David J. McFadden, Q.C.  
*Toronto*

Dana G. Nahlen  
*Dallas*

Miguel B. O'Farrell  
*Buenos Aires*

Sergio Le Pera  
*Buenos Aires*

Riordan Roett  
*Washington, DC*

José Luis Siqueiros  
*Mexico City*

James F. Smith  
*Los Angeles*

J. Christopher Thomas  
*Vancouver*

Joel P. Trachtman  
*Boston*

Julio C. Treviño  
*Mexico City*

Stephen T. Zamora  
*Houston*

**OFFICIAL CITATION**  
**3 NAFTA L. REV. (Spring 1997)**

---

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.

---