TABLE OF CONTENTS

ARTICLES

Resolving U.S. Expropriation Claims Against Cuba: A Very Modest Proposal
Matías Travieso-Díaz ................................ 3

“Superficie” Rights and Usufruct in Cuba: Are They “Real,” “Title Insurable” Rights?
José Manuel Pallí ................................. 23

Civil Liability of the Port Operator: Brief Considerations of Case Law in Paraná, Brazil
Frederico E.Z. Glitz ............................... 41

UPDATES

Report: TransCanada Seeks $15 Billion from U.S. for Breach of NAFTA Obligations
Elise LeGros ........................................ 51

Cuba: The Last One to the Global Economic Table
Vienna Flores ...................................... 59
Editorial and Submission Policies:
This journal is a quarterly, professional peer-reviewed 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 School of Business, the SMU Departments of Economics and Political Science, and the London Forum of International Economic and Financial Law at the Centre for Commercial Law Studies at Queen Mary College, University of London.

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 (including human rights, gender, labor, and environmental issues) 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, labor, environmental, litigation and dispute resolution, and organizational aspects of NAFTA and other specific integration efforts and their specific implementation. For practical reasons, English is used as the language of communication; (2) subject matter involving economic, legal, political and social integration, and reform efforts in Latin and Central America and in the Caribbean Basin; and (3) FTAA implications.

Article Submission:
The editors will consider for publication manuscripts by contributors from any country. Articles will be subjected to a professional peer-review procedure. Authors should ensure that the significance of a contribution 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
eic-lbra@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; online version 2008). 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, an abstract summarizing the manuscript (not to exceed 150 words).
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
2015-2016 STUDENT EDITORIAL BOARD

CORTLAND HOGE
President

THE INTERNATIONAL LAWYER
JUSTIN HANNA  BRANDT ROESSLER  ALYSSA ORTIZ  JAMISON JOINER
Editor-in-Chief  Managing Editor  Editor-in-Chief  Managing Editor

LAW AND BUSINESS REVIEW OF THE AMERICAS
Associate Managing Editors
ALYSON ALFORD-GARCIA  JULIA DANESHfar  ZAINAB KHAN  JENNIFER MCCOY  ABBY MUSSER  MATT STRINGER  CAMILLE WALKER

Senior Note & Comment  Case Note & Comment  Canada  NAFTA
CITATIONS EDITORS  CITATIONS EDITORS  EDITORS  EDITORS
MICHAEL ROUSSEAU  BRITTNEY HERSON  CLIFTON BEECH  ELISE LEGROS
WILLIAM DERRICK KYLE  CHARLES MITCHELL  CHARLES NORTH  BEN SCHWARTZ  SYDNIE SHIMKUS  WALKER YOUNG

Latin America Reporter
VIENNA FLORES

Citations Editors
CORY EDEN  TAYLOR WILLIS

Administrative Managing Editor
ADAM BELL

Articles Editors
WILL ALDRETE  WALTER CARDWELL IV  KATHERINE DEVLIN  WILLIAM EILAND  NATALYELBERG  KRIS KEARNEY  NADIA KHALID

Articles Editors
MARIO A. LAMAR  AMY MAHER  DIANA MINEVSKI  ABBY PARMELLY  FORREST ROBERTS  RYAN SEAY  MICHAEL STEVE

Staff Editors
VERONICA DIAZ ARRASSTIA  JACOB JACOB  CHARLES BRAZELL  KRISTI BROOKS  CATHERINE CHILEBOWSKI  CAITLIN CONNER  TRAVIS COX  JONATHAN CREEK  CHRISTOPHER CROZIER  REBEKAH DALL'ASEN  KRISTIN DICKHANER  REGAN DONENFIELD  CAMILLE ESLICK  ALEXANDRA FIGARI  CARTER GANZ  TAYLOR GRAHAM

Staff Editors
KATHERINE GROSSKOPF  SAMANTHA GUGLIUZZA  GABY GUTIERREZ  KENNETH HAESLY  MATT HORTENSTINE  LAURA JACOBI  HANNA KIM  EVAN KIRKHAM  ZACH KLEIMAN  LAUREN KRAMER  MICHAEL LAMAR  JENNIFER LITTLE  CARA MARTIN  AUSTIN MOORMAN

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

Co-Editors-in-Chief
JOSEPH J. NORTON
SMU-Dallas
DIEGO C. BUNGE
UBA-Buenos Aires

Associate Editors-in-Chief
MAURICIO BAQUERO-HERRERA
Colombia
MARTIN L. CAMP
SMU-Dallas
MARCOS AURÉLIO P. VALADÃO
Brasil

—BOARD OF SENIOR PROFESSIONAL EDITORS—

RODRIGO OLIVARES-CAMINAL
London
OMAR GARCIA-BOLIVAR
Washington D.C.-Caracas
JORGE A. GONZALEZ
Dallas

ROSARIO SEGOVIA-HEPPE
SMU-Dallas
GABRIEL GARI
London-Montevideo
ANTONIO PEÑA
Miami
LAWRENCE B. PASCAL
SMU-Dallas

CHRISTOPHER MALCOLM
West Indies
VIRGINIA TORRIE
Toronto
GERARDO VÁSQUEZ GÓMEZ
Mexico City

NARA PORTO
Dallas-Brasil
CLAUDIA CARBALLAL-BENAGLIO
Mexico-Dallas

—SMU FACULTY ADVISORY BOARD—

Chair
LUIGI MANZETTI (POL.SCI.)

GAIL M. DALY (LAW) GEORGE MARTINEZ (LAW) THOMAS OSANG (ECON.)
CHRISTOPHER H. HANNA (LAW) MICHAEL LUSTIG (POL.SCI.) MARC I. STEINBERG (LAW)
JOHN S. LOWE (LAW) DANIEL J. SLOTTJIE (ECON.) PETER WINSHIP (LAW)
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 people 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 the institution, the Law Institute of the Americas comprises meaningful academic research, teaching and programs pertaining to the "NAFTA/FTAA processes" and other Western Hemisphere 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 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 the International Law Review Association of SMU. Other parties of the journal are the 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 1970's, 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.
Articles