

# Novedades



News from the National Law Center for Inter-American Free Trade

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## GOVERNORS SUPPORT SECURITIZATION STUDY

### ARIZONA-MEXICO COMMISSION

At a special meeting of the June 2005 plenary session of the Arizona-Mexico Commission (AMC), National Law Center for Inter-American Free Trade (NLCIFT) president Dr. Boris Kozolchyk set forth for Sonora Gov. Eduardo Bours and Arizona Gov. Janet Napolitano the recently commenced NLCIFT feasibility study on securitization of mortgages on real estate in Mexico. Also present were members of the governors' staffs, Arizona Department of Real Estate Commissioner Elaine Richardson, members of the NLCIFT Board of Directors, NLCIFT staff and private sector members of AMC task forces on real estate and finance. The study—concerning the feasibility of cross-border financing of property purchases in Mexico and re-sale of mortgages as marketable securities—is being financed with a grant from the U.S. Trade and Development Agency and is expected to take approximately nine months to complete.

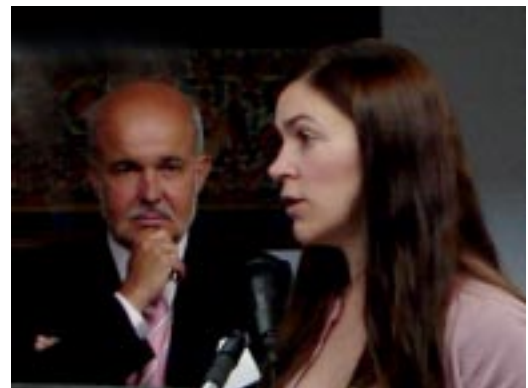


(Top above L. to R.) Sonora Gov. Eduardo Bours and Arizona Gov. Janet Napolitano listen as NLCIFT President Dr. Boris Kozolchyk explains NLCIFT's securitization project during the Arizona-Mexico Commission meetings in Tucson in July. Next to Kozolchyk is Lic. Pablo Silva, NLCIFT project director, then Edmundo Chávez, Executive Director of ICRESON. (Lower photo above L. to R.) Gov. Bours, Dr. Kozolchyk, Gov. Napolitano.

### FOUR WORKING GROUPS ORGANIZED

The Center convened an organizational meeting, at its headquarters building on July 12, of more than 25 professionals connected with real estate, real estate finance and the legal, architectural, ecological and cultural aspects of real estate development. Working groups were formed for the respective legal, financial, technical and operative, and achitectural/cultural/ecological aspects of the study. Among the attendees were bankers, attorneys, builders, investors, appraisers, academics, an architect and an expert on title insurance.

The group heard from Kozolchyk, NLCIFT securitization project director Lic. Pablo Silva, other participants and from two high-ranking Mexican government officials: Ing. Rafael Villavicencio from Mexico's National Commission to Promote Housing (*Comisión Nacional de Fomento a la Vivienda* - CONAFOVI) where he is general coordinator of the Modernization Program of the Public Registries for Property and Ing. Edmundo Chávez, executive director of the State of Sonora's *Instituto Catastral y Registral de Estado* (ICRESON), the state's property mapping/measurement and title registry institute.



(Above) Marcela Pino, director of the trust department of Banco J.P. Morgan S.A., Mexico City, speaks at organizational meeting as José Manuel Palli, President of World-Wide Title Inc., Miami and an expert on public registries, listens.

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## GROUP ADVISES ON INTERNATIONAL RECOVERY OF CHILD SUPPORT

National Law Center for Inter-American Free Trade (NLCIFT) Research Director Dra. Mariana Silveira traveled to Cincinnati, Ohio for the July 31–August 4 54<sup>th</sup> annual conference of the National Child Support Enforcement Association (NCSEA). The NCSEA conference workshops analyzed both domestic and cross-border problems pertaining to the enforcement of child support and related issues. There were workshops on understanding proposed and existing agreements, inter-jurisdictional case law (interstate, international and tribal), inter-jurisdictional custody disputes and international case management, the latter including how to handle an international case, who to contact, where to get help, the use of standardized forms, currency information, etc.

Of particular significance was the August 3 meeting of the Study Group on International Child Support convened by the U.S. Secretary of State's Advisory Committee on Private International Law. The purpose of the meeting was to assist the Department of State and the Office of Child Support Enforcement of the U.S. Department of Health and Human Services to prepare for the next negotiating session of a new worldwide convention for the recovery of child support obligations under the auspices of the Hague Conference on Private International Law.

Dra. Silveira participated in this working session at the invitation of the U.S. Department of State, as did officials from several other countries, including two from Latin America: Beatriz Palacios, head attorney of the international office of the Legal Aid Corporation in Santiago, Chile, and attorney Maria Rosa Guimarães Loula of the international legal cooperation department of the Brazilian Justice Ministry. Questions under consideration included: how a new convention should handle modifications of child support orders so that inconsistent practices around the world do not result in multiple, and conflicting, orders; how to handle legal and administrative costs of services; and what minimum level of services should be required and how should that requirement be monitored and enforced. The text of a new convention is expected to be concluded by 2007.

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## U.N. DRAFT FOR PAPERLESS TRADE IN INTERNATIONAL SUPPLY CHAINS

The United Nations Economic Commission for Europe (UNECE) organized the Third Executive Forum on *Trade Facilitation, Paperless Trade in International Supply Chains: Enhancing Efficiency and Security* in Geneva, Switzerland, on June 20-21, 2005. Various e-initiatives launched by different governments and by public and private entities were discussed during the Forum with the goal of drafting a Roadmap to make paperless trade a reality. A majority of speakers at the Forum presented projects run by the Customs services in their respective jurisdictions (Sweden, Russia, Senegal, Mauritius, the European Union, etc.). One panel within the Forum enabled private sector representatives to share their experience in the transportation area.

A "Roadmap Toward Paperless Trade," prepared by the UNECE Drafting Group composed of UN employees and customs officials, was presented during the last session of the Forum. The Roadmap is intended to provide guidance to governments and other entities on how to do away with barriers to electronic trading. Marek Dubovec, as a representative from the National Law Center for Inter-American Free Trade (NLCIFT), attended one of the private sessions of the Drafting Group before the Roadmap was open to the floor for discussion and, during the final session, pointed out that framework laws on electronic signatures, electronic certifications and admissibility of electronic evidence are not sufficient to create acceptable electronic documents. Reform is needed also in the areas of secured transactions and transport laws in order to achieve recognition of electronic documents when they enter the financing, transport or the banking systems. This recommendation was included in the final version of the Roadmap.

For the future, it is hoped that UNECE will seek to draw widespread attention to this project within various trade sectors—which handle documents in their daily operations—and to raise awareness in Latin America about UNECE projects in order to safeguard worldwide acceptability of the "Single Window" and other solutions that UNECE promotes. There is a role to be played by the NLCIFT here, for instance by encouraging Latin American countries to participate actively and to share their experience with e-commerce transactions in these forums. It is of great importance that Latin American practice be reflected in the final version of recommendations and layouts of electronic documents that will be produced by the UN to implement the principles of the Roadmap.

THE INTERAM<sup>SM</sup> DATABASE  
&  
RESEARCH AND TRANSLATION  
SERVICES

## InterAm<sup>SM</sup> Database

The Center's *InterAm<sup>SM</sup>* Database is a unique online service providing **Latin American legal and regulatory information**. Subscribers to the database receive same-day electronic access to Mexico's *Diario Oficial de la Federación*, the equivalent of the U.S. Federal Register. The InterAm<sup>SM</sup> Database contains laws, regulations and secondary source materials for 25 countries in the Americas—primarily original language text (Spanish or Portuguese), but with some key legislation translated into English, especially for Mexico. The collection is arranged in 26 substantive areas and also now includes case law for Argentina, Brazil, Colombia, Costa Rica, El Salvador, Mexico plus Chilean Arbitral Decisions.

A basic subscription for original language materials costs US\$495/year for universities, government agencies and non-profits, and US\$595/year for businesses and individuals with a 50% discount for English translations. Larger entities are, however, finding it easier and cost-effective to subscribe to complete access as a single plan, instead of paying per individual English translation. Subscription and pricing information on the basic and the single plans is available at <http://www.natlaw.com>, or e-mail [rsalazar@natlaw.com](mailto:rsalazar@natlaw.com), or call Roberto Salazar, Esq., at 1-800-LAW-FIND from the United States or (001)(520)622-1200 from outside the United States.

## Inter-American Legislative Research Service

The National Law Center is pleased to offer its **Inter-American Legislative Research Service**. The Service is available to research original language Latin American laws, decrees and regulations.

## Inter-American Translation Service

Translations of documents obtained via the Research Service or of other legislation or other original language documents are available upon request. The Translation Service translates private documents as well. For further information and fees for **Research and Translation Services**, contact:

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Telephone: (520) 622-1200  
Fax: (520) 622-0957

## CENTER SPOTLIGHT BONILLA, MONTANO, TORIELLO & BARRIOS

The law firm of Bonilla, Montano, Toriello & Barrios <[www.bonilla.com.gt](http://www.bonilla.com.gt)> in Guatemala has a long-standing commitment to an international outlook and to providing legal expertise of high quality. As part of its international outlook, the firm is a supporting member of the National Law Center for Inter-American Free Trade (NLCIFT). As trade with Central America promises to become increasingly important, it is timely and fitting to spotlight this firm, which has advised numerous international firms and which has done so much to nurture the climate fostering free trade.

Beyond their daily legal activities, members of the firm have authored legal writings in several areas. Attorneys in Bonilla, Montano, Toriello & Barrios have been active participants in the work that the NLCIFT has recently completed with respect to customs laws and practices in Central America and continue to work together with NLCIFT president Dr. Boris Kozolchyk on legal modernization.

Founded in 1964, Bonilla, Montano, Toriello & Barrios is one of the largest corporate law firms in Central America. Based in Guatemala City and numbering over a dozen attorneys, the firm offers coordinated legal services in the Central American area and has working relationships with law firms in other parts of the world. It has advised clients on acquisitions in Guatemala and also has participated in multi-jurisdictional acquisitions. All of the attorneys speak both Spanish and English, while one of the senior partners speaks French as well. The range of services offered is comprehensive, including corporate and commercial, mergers and acquisitions, domestic and international banking and finance, tax, telecommunications, transportation, energy, immigration, intellectual property, real estate and construction, litigation and arbitration.

•DR. BORIS KOZOLCHYK, DIRECTOR AND FOUNDER  
*B.KOZOLCHYK@WORLDNET.ATT.NET*

•DAVID GANTZ, ESQ., ASSOCIATE DIRECTOR  
*GANTZ@LAW.ARIZONA.EDU*

•KEVIN J. O'SHEA, ESQ., DEPUTY DIRECTOR  
*KJOSHEA@NATLAW.COM*

•DRA. MARIANA SILVEIRA, RESEARCH DIRECTOR  
*MSILVEIRA@NATLAW.COM*

•MINA GOLDBERG, EDITOR, NOVEDADES  
*MGOLDBERG@NATLAW.COM*

•ROBERTO SALAZAR, ESQ., PUBLICATIONS & MEMBERSHIP  
*RSALAZAR@NATLAW.COM*

•WILLIAM J. AUGELLO, ESQ.  
TRANSPORTATION LAW PROJECT DIRECTOR

*INTERAM DATABASE*  
*NATLAW@NATLAW.COM*

TEL: 520/622-1200 AND FAX: 520/622-0957  
THE CENTER'S INTERNET ADDRESS IS <http://www.natlaw.com>

**ROGERS COLLEGE OF LAW AND NLCIFT**  
**WELCOME NEW LLM IN**  
**INTERNATIONAL TRADE LAW STUDENTS**

Thirteen attorneys from eleven countries are participating this year in the prestigious master of laws in international trade program at the James E. Rogers College of Law at the University of Arizona. This talented group is comprised of attorneys who have had a variety of professional experience. In late August, the NLCIFT hosted the group for a briefing session on the work of the Center, current law reform projects and the resources the Center offers, including the InterAm<sub>sm</sub> database. The members of the group are:

Eva Ambrusne – Hungary  
Wanneeya (Gift) Attahakul – Thailand  
Korakoch (Kora) Ingsathit – Thailand  
Fangming (Sue) Bian – China  
Xue Cao – China  
Huong Thi Lien Doan – Vietnam  
Alvaro Guerrero Hardy – Venezuela  
Nathalia Jimenez – Colombia  
Bevan Narinesingh – Trinidad & Tobago  
Ifeoma Ononye – Nigeria  
Johanne Poteau – Haiti  
Cesar Villafranca – Mexico  
Ritu Whig – India

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EDITOR

Mina Goldberg

CONTRIBUTING EDITOR

Kevin J. O'Shea Esq.

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Tel: 520/ 622-1200 Fax: 520/622-0957;  
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