

12-1-2015

## Front Matter and Table of Contents

Follow this and additional works at: <http://repository.law.miami.edu/umiclr>

---

### Recommended Citation

*Front Matter and Table of Contents*, 23 U. Miami Int'l & Comp. L. Rev. Iss. 1 (2015)

Available at: <http://repository.law.miami.edu/umiclr/vol23/iss1/1>

This Prefatory Matter is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami International and Comparative Law Review by an authorized administrator of Institutional Repository. For more information, please contact [library@law.miami.edu](mailto:library@law.miami.edu).

**UNIVERSITY OF MIAMI  
INTERNATIONAL AND COMPARATIVE LAW REVIEW**

**VOLUME 23 ISSUE 1 FALL 2015**

**ARTICLES**

- I. ARBITRATION OF MEXICAN TRUST DISPUTES: A COUPLE MADE FOR EACH OTHER? .....1**  
*Edgardo Muñoz & Sofia Llamas*
- II. EXECUTIVE ACQUIESCENCE TO CONSTITUTIONAL NORMS AND JUDICIAL DECISION-MAKING IN SOUTH AFRICA .....85**  
*Andrew Konstant & Shayda Vance*
- III. WHERE LAW MEETS CULTURE: THE LEGAL PROTECTION OF THE DEAD IN CHINA .....139**  
*Bing Shui*
- IV. CARRIER LIABILITY FOR DAMAGES INCURRED BY SHIP PASSENGERS: THE EUROPEAN UNION AS A TRAILBLAZER TOWARDS A GLOBAL LIABILITY REGIME? .....193**  
*Stefan Kirchner, Grit Tüngler, & Jan Martin Hoffmann*
- V. ACTIONS AND REACTIONS: THE EVOLUTION OF ENVIRONMENTAL COMMON LAW AND JUDICIAL ACTIVISM IN INDIA AND THE UNITED STATES.....215**  
*Elizabeth B. Fata*
- VI. THE FAST DEALING OIL TRADING GAME: OILOPOLY .....257**  
*Melissa Victoria Jordon*

## The University of Miami School of Law

The *University of Miami International and Comparative Law Review* welcomes submission of articles of substantial legal merit and creativity authored by scholars and practitioners of private and public international law. The *University of Miami International and Comparative Law Review* was founded in 1991 and publishes twice a year by students at the University of Miami School of Law.

It is the policy of the University of Miami that no person within the jurisdiction thereof shall, on the basis of race, religion, color, sex, age, disability, sexual orientation, gender identity or expression, veteran status, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment (including all forms of sexual harassment and sexual violence) under any program or activity of the University, regardless of whether such program or activity occurs on campus or off campus.

The *University of Miami International and Comparative Law Review* is available on Westlaw, Lexis, Hein Online, the University of Miami Institutional Repository website at <http://repository.law.miami.edu/umiclr/>, as well as on our organizational website at <http://international-and-comparative-law-review.law.miami.edu>.

**SUBMISSIONS:** *University of Miami International and Comparative Law Review* invites the submission of unsolicited manuscripts and comments. All manuscripts should conform to the style set forth in the 20th Edition of *The Bluebook: A Uniform System of Citation*. Authors seeking publication in the *University of Miami International and Comparative Law Review* should submit manuscripts in Microsoft Word format electronically to [umiclr@law.miami.edu](mailto:umiclr@law.miami.edu) or as otherwise provided at <http://international-and-comparative-law-review.law.miami.edu/submissions/>.

Although the *University of Miami International and Comparative Law Review* generally gives great deference to an author's work, the *Review* retains the right to determine the final published form of every article. Articles should have footnotes with citations that should conform to the 20th Edition of *The Bluebook: A Uniform System of Citation*. The *Review* assumes no responsibility for the return of any material. All articles represent the opinions of the noted authors and do not necessarily reflect the opinion of the editorial board.

**COPYRIGHT:** The copyright in the Journal shall be owned by the University of Miami as a collective work pursuant to the Copyright Act, 17 U.S.C. §§101 and 103 (b). The copyright in the Work shall be owned by the Author pursuant to the Copyright Act, 17 U.S. C. § 201 (c). This issue may be reproduced and distributed, in whole or in part, by nonprofit institutions for educational purposes, including distribution to students, provided that the copies are distributed at or below cost and that those copies identify the Author(s), the University of Miami International and Comparative Law Review, the volume, the number of the first page, and the year of publication.

---

Please address all editorial correspondence to:

University of Miami School of Law  
UM International & Comparative Law Review  
P.O. Box 248087  
Coral Gables, Florida 33124  
[umiclr@law.miami.edu](mailto:umiclr@law.miami.edu)

# UNIVERSITY OF MIAMI SCHOOL OF LAW

## ADMINISTRATION

Julio Frenk, M.D., M.P.H., Ph.D.,  
*President of the University*  
Thomas J. LeBlanc, B.S., M.S.,  
Ph.D., *Provost & Executive Vice  
President*  
Patricia D. White, B.A., M.A., J.D.,  
*Dean & Professor of Law*  
Scott Sundby, B.A., J.D., *Associate  
Dean for Faculty Development,  
Dean's Distinguished Scholar &  
Professor of Law*  
Kele Stewart, B.S., J.D., *Associate  
Dean for Experiential Learning, Co-  
Director of the Children & Youth  
Law Clinic & Professor of Clinical  
Legal Education*  
Ileana Porras, B.A., M.Phil., J.D.,  
*Associate Dean of Academic  
Affairs*  
Raquel M. Matas, B.A., J.D.,  
*Associate Dean for Administration  
and Counsel to the Dean*  
Harold Flegelman, B.A., J.D.,  
*Associate Dean for the Adjunct*

*Faculty & Director of the Graduate  
Program in Entertainment, Arts and  
Sports Law*  
Georgina Angones, B.A., *Assistant  
Dean for Law Development and  
Alumni Relations*  
Marcelyn Cox, B.A., J.D., *Assistant  
Dean, Career Development Office*  
Michael L. Goodnight, B.A., M.S.,  
*Associate Dean of Admissions and  
Enrollment Management*  
Marni B. Lennon, B.A., Ms.Ed.,  
J.D., *Assistant Dean for Public  
Interest and Pro Bono, Director,  
HOPE Public Interest Resource  
Center*  
Greg Levy, B.A., J.D., *Assistant  
Dean of Academic Affairs and  
Student Services*  
Janet E. Stearns, B.A., J.D., *Dean of  
Students*  
William P. VanderWyden, III, B.A.,  
M.Ed., J.D., *Assistant Dean for  
Professional Development*

## FACULTY

David Abraham, B.A., M.A., Ph.D.,  
J.D., *Professor of Law & University  
of Miami Law Review Faculty  
Advisor*  
Anthony V. Alfieri, A.B., J.D.,  
*Dean's Distinguished Scholar,  
Professor of Law & Director of the  
Center for Ethics & Public Service*  
Paula Arias, J.D., *Director of  
International Moot Court Program*

*& Lecturer in Law*  
Yasminat Assis, LL.M., J.D.,  
*Associate Director, International  
Graduate Law Programs &  
Lecturer in Law*  
Jill Barton, B.J., B.A., M.S., J.D.,  
*Professor of Legal Writing*  
Ricardo Bascuas, B.A., J.D.,  
*Professor of Law*  
Ellen Belfer, B.A., J.D., *Professor of*

*Legal Writing*

Caroline Bettinger-Lopez, B.A., J.D., *Professor of Clinical Legal Education & Director, Human Rights Clinic*  
William Blatt, A.B., J.D., *Professor of Law*  
Caroline M. Bradley, B.A. (Hons), LL.M., *Professor of Law*  
Patricia A. Brown, B.S.F.S., J.D., *Director, Graduate Program in Taxation*  
Sergio Campos, A.B., J.D., *Associate Professor of Law*  
Donna K. Coker, B.S.W., M.S.W., J.D., *Professor of Law*  
Charlton Copeland, B.A., M.A.R., J.D., *M. Minnette Massey Chair in Law and Professor of Law*  
Caroline Mala Corbin, B.A., J.D., *Professor of Law*  
Andrew Dawson, B.A., J.D., *Associate Professor of Law*  
Michele DeStefano, B.A., J.D., *Professor of Law*  
Stephen M. Diamond, B.A., A.M., Ph.D., J.D., *Professor of Law*  
Alyssa Dragnich, B.A., J.D., *Professor of Legal Writing*  
Marc Fajer, A.B., J.D., *Professor of Law*  
Zanita E. Fenton, A.B., J.D., *Professor of Law*  
Mary Anne Franks, B.A., M.Phil., Ph.D., J.D., *Professor of Law*  
Sandra Friedrich, J.D., LL.M., *Director, White & Case International Arbitration LL.M. Graduate Program & Lecturer in Law*  
Christina M. Frohock, B.A., M.A.,

*J.D., Professor of Legal Writing*

A. Michael Froomkin, B.A., M.Phil., J.D., *Laurie Silvers and Mitchell Rubenstein Distinguished Professor of Law*  
Patrick O. Gudridge, A.B., J.D., *Professor of Law*  
Michael H. Graham, B.S.E., J.D., *Dean's Distinguished Scholar for the Profession, Professor of Law*  
Susan Haack, B.A., M.A., B.Phil., Ph.D., *Distinguished Professor in the Humanities, Cooper Senior Scholar in Arts and Sciences, Professor of Philosophy & Professor of Law*  
Stephen K. Halpert, A.B., J.D., *Professor of Law*  
Frances R. Hill, B.A., M.A., Ph.D., J.D., LL.M., *Dean's Distinguished Scholar for the Profession, Professor of Law*  
Elizabeth M. Iglesias, B.A., J.D., *Professor of Law*  
Jan L. Jacobowitz, B.S., J.D., *Director of the Professional Responsibility and Ethics Program & Lecturer in Law*  
Osamudia James, B.A., J.D., LL.M., *Professor of Law*  
D. Marvin Jones, B.S., J.D., *Professor of Law*  
Stanley I. Langbein, A.B., J.D., *Professor of Law*  
Tamara Rice Lave, B.A., M.A., Ph.D., J.D., *Associate Professor of Law*  
Lili Levi, A.B., J.D., *Professor of Law*  
Dennis O. Lynch, B.A., J.D., J.S.D., LL.M., *Dean Emeritus & Professor of Law*

Martha R. Mahoney, B.A., M.A.,  
J.D., *Dean's Distinguished Scholar  
& Professor of Law*  
Elliott Manning, A.B., J.D., *Dean's  
Distinguished Scholar for the  
Profession & Professor of Law*  
Fred McChesney, A.B., J.D., Ph.D.,  
*Carlos de la Cruz-Soia Mentschikoff  
Chair in Law and Economics*  
Felix Mormann, J.D., LL.M.,  
*Associate Professor of Law*  
Peter Nemerovski, B.A., J.D.,  
*Professor of Legal Writing*  
JoNel Newman, B.A., J.D., *Director  
of the Health and Elder Law Clinic  
& Professor of Clinical Legal  
Education*  
James W. Nickel, B.A., Ph.D.,  
*Professor of Philosophy &  
Professor of Law*  
Leigh Osofsky, A.B., J.D., *Associate  
Professor of Law*  
Bernard H. Oxman, A.B., J.D.,  
*Richard A. Hausler Endowed  
Chair & Professor of Law*  
Kunal Parker, A.B., M.A., J.D.,  
Ph.D., *Dean's Distinguished  
Scholar & Professor of Law*  
Jan Paulsson, A.B., J.D., *Michael  
Klein Distinguished Scholar Chair  
& Professor of Law*  
Shara Pelz, B.A., J.D., *Professor of  
Legal Writing*  
Carmen Perez-Llorca, J.D., LL.M.,  
*Director of International Graduate  
Law Programs & Lecturer in Law*  
Bernard P. Perlmutter, B.A., J.D.,  
*Co-Director of the Children &  
Youth Law Clinic & Professor of  
Clinical Legal Education*  
Alejandro Portes, B.A., M.A.,  
Ph.D., *Professor of Sociology &*

*Professor of Law*  
Tina Portuondo, B.A., J.D., LL.M.,  
*Director of the Heckerling Institute  
on Estate Planning & Director of  
the Heckerling LL.M. in Estate  
Planning*  
Daniel B. Ravicher, B.S.C.E., J.D.,  
*Director of the Larry  
Hoffman\Greenberg Traurig Startup  
Law Practicum & Lecturer in Law*  
Thomas A. Robinson, B.S., J.D.,  
B.Litt., *Professor of Law*  
Scott Rogers, B.S., M.S., J.D.,  
*Director, Mindfulness and the Law  
Program & Lecturer in Law*  
Laurence M. Rose, B.A., J.D.,  
*Director of the Litigation Skills  
Program & Professor of Law  
Emeritus*  
Robert E. Rosen, A.B., M.A., J.D.,  
Ph.D., *Professor of Law*  
Keith S. Rosenn, B.A., LL.B.,  
*Professor of Law*  
Andres Sawicki, S.B., J.D.,  
*Associate Professor of Law*  
K. Renee Schimkat, B.A., J.D.,  
*Professor of Legal Writing*  
Stephen J. Schnably, A.B., J.D.,  
*Professor of Law*  
Rebecca Sharpless, B.A., M.Phil.,  
J.D., *Director, Immigration Clinic &  
Professor of Clinical Legal  
Education*  
Rachel Smith, B.A., J.D., *Professor  
of Legal Writing*  
Rachel Stabler, B.A., J.D., *Professor  
of Legal Writing*  
Irwin P. Stotzky, B.A., J.D.,  
*Professor of Law*  
Jessi Tamayo, B.A., J.D., *Director  
of the Street Law Program &*

*Lecturer in Law*

Annette Torres, B.A., M.B.A., J.D.,  
*Professor of Legal Writing*  
Stephen K. Urice, B.A., Ph.D., J.D.,  
*Professor of Law*  
Francisco Valdes, B.A., J.D., J.S.M.,  
J.S.D., *Dean's Distinguished  
Scholar & Professor of Law*  
Teresa Verges, B.A. J.D., *Director,  
Investor Rights Clinic & Lecturer in  
Law*

Markus Wagner, J.S.M., M.J.I.,  
J.D., *Associate Professor of Law*  
William H. Widen, A.B., J.D.,  
*Professor of Law*  
Richard L. Williamson, Jr., A.B.,  
M.A., J.D., *Professor of Law*  
Sally H. Wise, B.A., J.D., M.LL.,  
*Director of the Law Library &  
Professor of Law*  
Cheryl Zuckerman, B.A., J.D.,  
*Professor of Legal Writing*

**EMERITI**

Terence J. Anderson, B.A., J.D.,  
*Professor Emeritus of Law*  
Kenneth M. Casebeer, A.B., J.D.,  
*Professor Emeritus of Law*  
Mary I. Coombs, B.A., M.A., J.D.,  
*Professor Emerita of Law*  
Mary Doyle, B.A., LL.B., *Dean  
Emerita & Professor Emerita of  
Law*

M. Minnette Massey, B.B.A.,  
LL.B., M.A., LL.M., *Professor  
Emerita of Law*  
George Mundstock, B.A., J.D.,  
*Professor Emeritus of Law*  
Kathryn D. Sowle, B.A., J.D.,  
*Professor Emerita of Law*