Program Title:

Global Privacy, Data Protection and Security Across Borders

Description:

Varied approaches to privacy and data protection in Asia, Europe, Latin America, and United States, arising from differing perceptions of privacy values and security needs, impact formulation of compliance strategies for global businesses. Panelists playing roles of regulators, plaintiffs and a traveler will test strategies advocated by corporate counsel to meet the needs and risks of crossing borders with data—electronically and in person.

Europe and United States have agreed safe harbors, Latin American notions of habeas data and tensions between open society and privacy values reflect attention to rule of law concerns, Asia appears to be exploring yet another path. Panelists will consider the issues in light of new technologies, government security initiatives, and the 2009 Joint Proposal for International Standards on Protection of Privacy with regard to Processing of Personal Data, adopted in Madrid by data protection authorities of some 50 countries.
Program Title:

Resolving Disputes Over International Water Resources: The All-American Canal Case

Description:

This panel will examine the resolution of environmental and water resource allocation disputes over shared groundwater underlying international borders, with the All-American Canal case as an example. The All-American Canal conveys Colorado water to southern California. The Canal parallels the border with the Republic of Mexico. Seepage from the Canal has historically recharged the aquifer in Baja California. In 1988 the United States proposed lining the Canal to eliminate the seepage and provide the conserved water to California. Suit was brought in federal district court in Nevada by Mexican and American interests in Baja to enjoin the lining. The case was dismissed when the Congress attached a rider authorizing the lining to legislation. This case demonstrates the need for an effective means of resolving international disputes over shared groundwater and will relate the lessons learned to similar areas of dispute in Africa, the Middle East, or Europe.
**Program Title:**

Navigating lien registry systems: best practices in Europe and the Americas

**Description:**

Civil law notarial systems approach lien priorities differently than the Uniform Commercial Code Article 9. Panelists will identify best practices in notarial and article 9 lien registry systems. They will discuss and evaluate current developments in Latin America (notably Mexico’s advanced upgrade of its registry systems and the OAS initiative to render registry systems accessible across borders) and new approaches in Europe such as France’s system for registry of liens on moveable and intangible property. Notarial systems inject a neutral professional into establishment of lien priorities to confirm party identities, technical correctness of documentation, and parties’ understanding of their act. Uniform Commercial Code Article 9 notice filing systems leave parties to their own devices in these regards. Understanding pros and cons of notarial systems that frontload cost relative to notice-filing systems that leave to courts to establish the foundation to resolve disputes, can help avoid surprises in cross-border lending.