

Latin American Environmental Law Roundtable

March 11, 2015

Washington, DC

www.bdlaw.com/LARRoundtable2015



Setting the Stage: Key Economic, Environmental, and Enforcement Trends in Latin America

Latin American Environmental Law Roundtable
March 11, 2015

Madeleine Kadas
Chair, Latin American Practice Group
mkadas@bdlaw.com

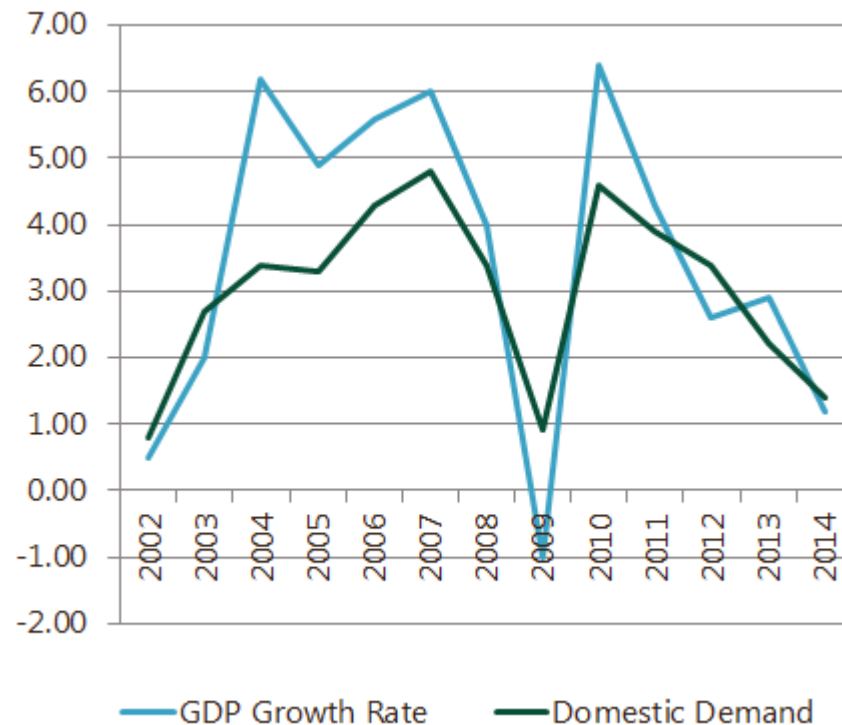


Economic Trends



Recent Challenges

- Flattened regional growth
- Decline in commodity prices
- Decline in private consumption
- Stagnant job growth



Source of Data: ECLAC; A Preliminary Overview of the Economies of Latin America and the Caribbean

Economic Trends



Recent Challenges

- Sluggish global economy, in particular EU and China
- Declining oil prices
- Lack of transportation and infrastructure
- Transparency and corruption

Corruption Perceptions Index



Brazil: 43



Peru: 38



Colombia: 37



Mexico: 35



Venezuela: 19

**100 = Very Clean
0 = Highly Corrupt**

Economic Trends

Long Term Opportunities

- Remains a key economic power globally
- Pockets of strong growth
- Strong trading block for U.S.
- Regional blocks and alliances strong



Highest Valued Exports in LAR



Economic Trends



Long Term Opportunities

- Strong GDP relative to other areas of the world on per capita basis
- Brazil is expected to become the fifth largest economy in the world by 2023, moving up in ranks

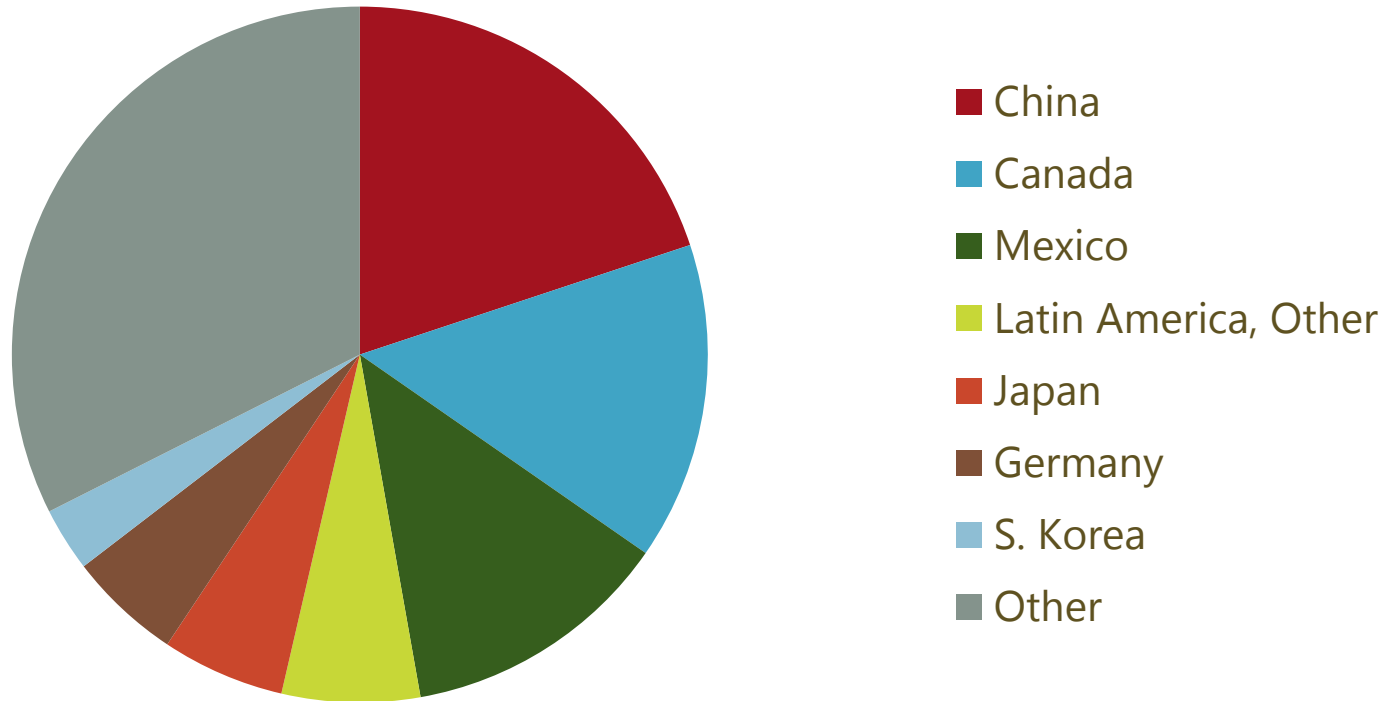
Ranking (2014)	Country	GDP 2013 (billions)	GDP 2014 (billions)	GDP 2014 (billions per capita)
1	U.S.	16,768	17,416	54,979
2	China	9,469	10,355	7,332
7	Brazil	2,246	2,244	11,079
15	Mexico	1,261	1,296	10,767
24	Argentina	610	536	9,639
31	Colombia	378	400	8,125
42	Chile	277	264	14,856
50	Venezuela	227	209	11,231
51	Peru	202	208	6,895

Source of data: IMF World Economic Outlook

Economic Trends – Global Comparisons



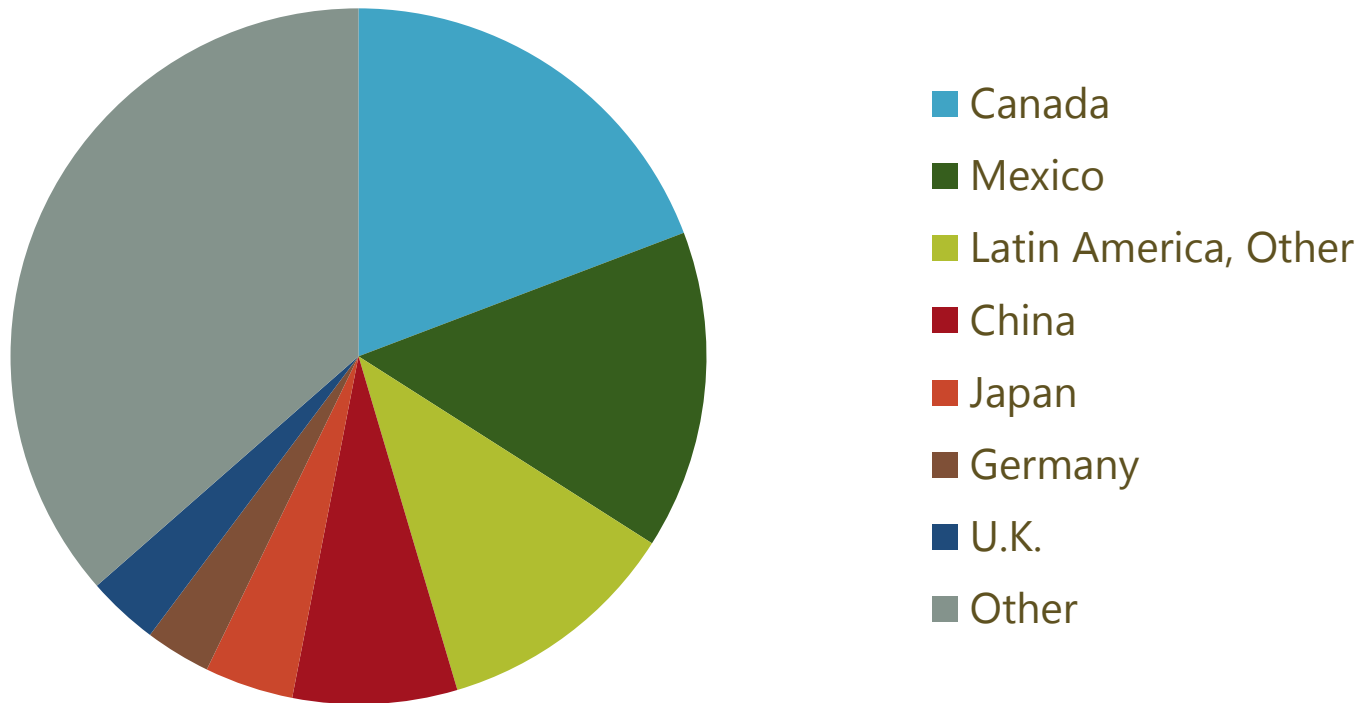
United States' Largest Import Markets



Economic Trends – Global Comparisons



United States' Largest Export Markets



Economic Trends – Global Comparisons

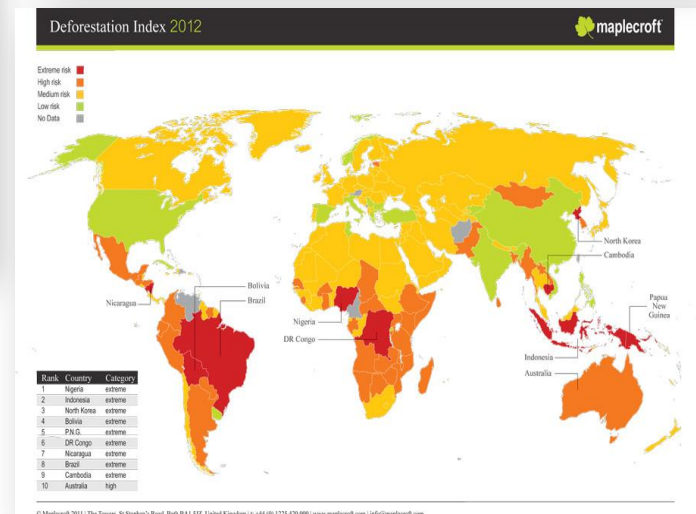
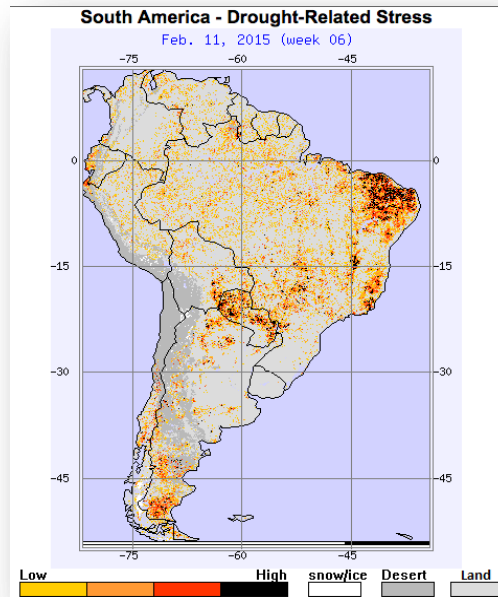


Environmental Challenges



Numerous challenges

- Drought
- Climate change
- Deforestation



Environmental Challenges



Numerous challenges:

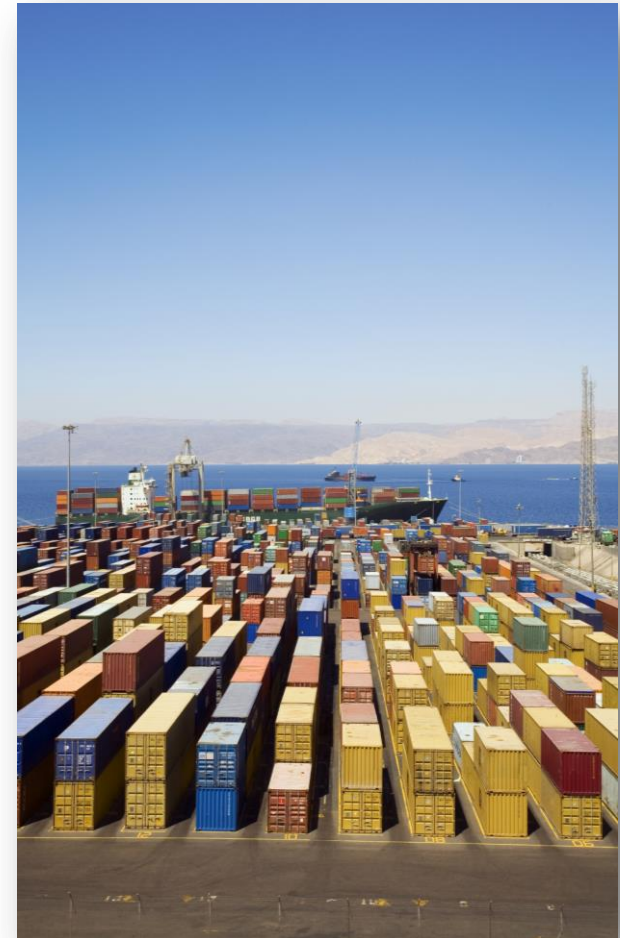
- ◆ Historic Contaminated Sites
- ◆ Waste Infrastructure
- ◆ Air Quality
- ◆ Water Quality
- ◆ Oceans



Environmental Legal Trends



- Most major economy countries have **framework laws, implementing regulations, technical standards** for broad range of media
- Key industrialized **regional and city governments** often have similar laws that are **more stringent** than national laws
- Ratification and implementation of most environmental laws and treaties; **influence domestic standards**
- **Fusion** and “**blended**” regulatory standards not uncommon



Environmental Legal Trends



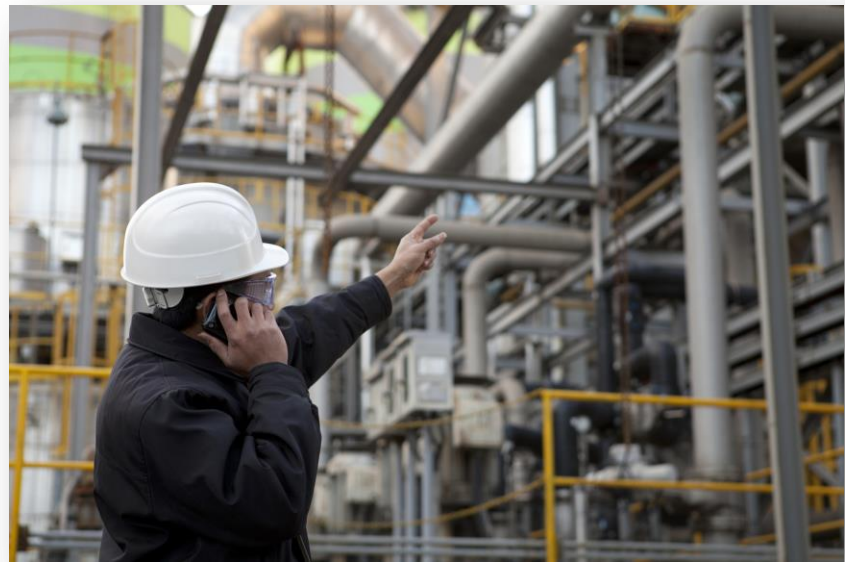
- **Homecourt rules** increasing – standards, permitting, certification, lab testing
- Region is an **international leader** on product stewardship, climate change policy, and water rights issues
- Highly **dynamic legal landscape**, continuous amendments and revisions in all areas of law
- Dynamic unlikely change, **expect more stringency** over time



Environmental Enforcement Trends



- High profile cases
- Broad range of media (species, deforestation, e-waste, contaminated sites)
- Increased agency enforcement staff and funding (though erratic)
- Increased training and capacity building
- More rigorous inspections and government inquiries
- Use of criminal provisions
- High fines



Enhanced Role of the Citizen



- Natural resources and pollution issues significant citizen and legislative concern
- Transparency increasing:
 - ♦ social media
 - ♦ government websites
- NGOs – homegrown and global
- Increased use of *amparo* or environmental citizen complaint mechanisms
- Increased judicial access for citizens through class actions
- Growing system of “environmental courts”



Gracias!



Madeleine Kadas

Principal

Austin, Texas

mkadas@bdlaw.com

+1-512-391-8010