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FEATURED Q&A

Can Latin America Guard Both Citizens and Their Privacy?



Governments in Latin America have reportedly increased surveillance efforts in order to enforce lockdown measures during the Covid-19 pandemic. // File Photo: needpix.com.

Q Governments in Latin America and the Caribbean, including in Mexico, Chile and the Brazilian states of Rio de Janeiro and Recife, have been implementing geolocation technologies to ensure compliance with lockdowns and conduct contact tracing of infected citizens, according to a recent report by organizers of Rightscon, an annual conference focused on human rights in the digital age. To what extent have technologies been effective in controlling the spread of coronavirus? What do the new measures mean for citizens' right to privacy, and how are governments ensuring basic principles of privacy are met? Are these technologies likely to stay in place after coronavirus-related lockdowns are lifted, and to what extent would that present risks associated with state abuse of surveillance, as the report suggests?

A Katitza Rodriguez Pereda, international rights director at the Electronic Frontier Foundation (EFF): "Governments should remember that all these apps are experimental both in terms of how they work and how humans will interact with them. They should also remember that technology in itself won't bail out poor planning or replace inadequate public health infrastructure, but it could misdirect resources and instill a false sense of safety. This is why governments should answer these questions before implementing public health surveillance due to the sensitivity of the data at stake and associated privacy and security risks. If public health authorities want people to trust health surveillance tools, governments should first demonstrate to the public that such technology will be effective at solving the problem."

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TODAY'S NEWS

POLITICAL

Brazil Extends 'Car Wash' Team for Four Months

Brazil's chief prosecutor extended the mandate of the "Car Wash" anti-corruption task force until the end of January. The task force has existed since 2014, and its work has led to the imprisonment of hundreds of politicians and business people.

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POLITICAL

Bolivian Gov't Asks ICC to Probe Morales

Bolivia's government has asked the International Criminal Court to investigate former President Evo Morales over roadblocks that were set up last month in the South American country.

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ECONOMIC

Mexican Finance Minister Defends Budget Proposal

Mexican Finance Minister Arturo Herrera defended the government's recently proposed budget after Moody's called its austerity measures "unsustainable."

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Herrera // File Photo: Mexican Government.

POLITICAL NEWS

Brazil Extends Car Wash Task Force Until End of January

Brazil's chief prosecutor on Wednesday extended the mandate of the country's "Car Wash" anti-corruption task force until Jan. 31, Folha de S.Paulo reported. The work of the task force, which is headquartered in the city of Curitiba and started work in 2014, has led to the convictions of hundreds of politicians and business people in the South American country. Among them was former President Luiz Inácio Lula da Silva. In a statement Wednesday, Brazil's prosecutor general said it was important to institutionalize anti-corruption investigations in Brazil, but it did not say whether the Car Wash task force's mandate would extend past January, Reuters reported. Carlos Fernando Lima, a former member of the task force, said the chief prosecutor, Augusto Aras, should allow the group to continue working. "If [Aras] decides to effectively end the task force in January, we're going to have serious problems with a bottleneck of work," Lima told Reuters. The group's mandate had been scheduled to end today. Prosecutors had requested that the task force's mandate be extended for a year, but the country's vice prosecutor general, Humberto Jacques de Medeiros, rejected the request, citing budget shortfalls, Agence France-Presse reported. The task force has been celebrated for clamping down on corruption in Brazil, but critics have accused it of being overzealous, saying it helped to spark political and economic crises. The Car Wash investigation will continue without two of its most prominent figures. Lead prosecutor Deltan Dallagnol announced his resignation last week, citing family reasons, AFP reported. Also, former Judge Sérgio Moro became Brazil's justice minister in January 2019, serving under current President Jair Bolsonaro. However, Moro resigned that position last April, accusing the president of interfering in police investigations involving Bolsonaro's inner circle. [Editor's note: See related [Q&A](#) in the Sept. 3 issue of the Advisor.]

Bolivia Asks ICC to Investigate Morales Over Roadblocks

The chief prosecutor of the International Criminal Court, or ICC, said Wednesday that Bolivia has sent a request for a probe into whether former President Evo Morales and his supporters committed crimes against humanity by setting up blockades that sought to prevent citizens from accessing health care during the Covid-19 pandemic, the Associated Press reported. In a written referral to the ICC dated last Friday,



Morales // File Photo: Bolivian Government.

Bolivia accused Morales and his main supporters of instigating roadblocks last month to prevent citizens "from accessing public health supplies and services with the direct consequence of causing the death of several people" and anxiety among the population that they would not be able to access medical supplies, treatments and medical oxygen, according to a court statement. The government alleged the conduct was deliberate, with the intention of causing "serious suffering in the physical integrity and mental health of the population, as a means to force a serious social upheaval," the wire service reported. Supporters of the former president set up blockades in protest of a move from the government of interim President Jeanine Áñez's to once again delay the presidential election, which is a re-do of last year's vote. It was originally rescheduled for May and then postponed to September over health concerns amid the pandemic. It is now set to take place in October. [Editor's note: See [Q&A](#) on Bolivia's upcoming election in the Aug. 31 issue of the Advisor.]

NEWS BRIEFS

Researchers Investigating Uncounted Deaths From Hurricane Maria

The death toll in Puerto Rico from the aftermath of Hurricane Maria in 2017 may be higher than the 3,000 deaths that were previously estimated, according to researchers at the George Washington University's Milken Institute of Public Health, the Associated Press reported Wednesday. University officials said they are working on a project that seeks to identify all direct and indirect deaths linked to building and infrastructure failures in the two weeks after Maria hit the island.

Uruguay Committed to Partnerships for Economic Recovery: Lacalle Pou

Uruguay is committed to its partnerships with other countries as it looks toward economic recovery from the Covid-19 pandemic, President Luis Alberto Lacalle Pou said Wednesday. Speaking at the annual CAF Conference, co-sponsored by the CAF-Development Bank of Latin America, the Inter-American Dialogue and the Organization of American States, Lacalle Pou said international partnerships are "in our essence as a nation" and that he has spoken during the pandemic to Chinese President Xi Jinping, as well as officials of the U.S. government.

Chile's Banco de Crédito e Inversiones Names Foxx as COO of Miami Office

Chilean bank Banco de Crédito e Inversiones, or BCI, has appointed Teresa Foxx as its new chief operating officer for the bank's Miami branch as well as for BCI securities, its international brokerage, the South Florida Business Journal reported Wednesday. One of Chile's largest banks, BCI is the parent company of the Miami-based City National Bank of Florida.

ECONOMIC NEWS

Mexico's Finance Minister Defends New Budget Proposal

Mexican Finance Minister Arturo Herrera on Wednesday defended his recently proposed 2021 budget after ratings agency Moody's cautioned that the austerity measures included in the plan were "not sustainable," Reuters reported. The finance ministry on Tuesday presented its budget proposal for next year, with an eye toward cutting expenditures while increasing support for hospitals, pensioners and infrastructure. The plan estimates an 8 percent contraction this year, higher than the central bank's worst-case scenario forecast of a 13 percent decline, as well as 4.6 percent growth next year, significantly better than the bank's worst prediction, the wire service reported. During President Andrés Manuel López Obrador's daily morning conference, Herrera defended his proposal, saying "it's a responsible estimate." His remarks came after ratings agency Moody's criticized the plan. "It is not sustainable," said Ariane Ortiz-Bollin, sovereign analyst for Mexico at Moody's, adding that the tight budget meant the ratings agency was now more concerned about Mexico's economic growth than its debt. In a report published in August, Moody's lowered its outlook for Mexico's economic growth this year, saying it could shrink as much as 10 percent, worse than the 7 percent decline it previously predicted. In related news, following the presentation of the 2021 budget, Deputy Finance Minister Gabriel Yorio told Reuters in an interview that state oil company Pemex, one of the world's most indebted energy firms, should consider borrowing on the local market to meet its financing requirements. Pemex has billions of dollars in bond repayments due during López Obrador's six-year term, which ends in 2024. Yorio said that about 80 percent of the company's debt is external, and most of it is denominated in U.S. dollars. [Editor's note: See related [Q&A](#) in the May 4 issue of the Advisor.]

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If they can do so, governments should then show those measures will not excessively intrude on people's rights or do too much harm. Finally, they must establish that those measures are necessary, adequate, legitimate and proportionate and that their countries have sufficient legal safeguards against such measures. They should communicate all of this to the public. They should tell their people when they will delete such data to ensure it is not misused. Like many other Covid-19 mitigation strategies, these measures are being rolled out rapidly amid the crisis. Intrusive tools undermine public health surveillance goals. They undermine the public's trust in the government's public health programs. We have concerns about those. History shows that governments rarely 'waste a good crisis' and tend to seize those new surveillance powers during emergency situations. Beyond the immediate risks, we need to make sure people do not feel they have to prove their location to the government at every minute."

A **María González Calvet, partner at Ropes & Gray LLP:** "The Covid-19 pandemic is having a particularly adverse effect on Latin America and the Caribbean. As governments focus on containment and mitigation, there appears to be a correlation between early adoption of digital technology and low Covid-19 per capita mortality rates. For example, early surveillance and contact tracing, including through mobile phone apps, can identify exposed individuals and track the spread of infection. Governments can then pinpoint where resources, such as testing, are most needed. The continued use of digital technology will be crucial to pandemic response in Latin America and the Caribbean, as the region contends with some of the highest per capita infection rates in the world. Among considerations when deploying these technologies, pandemic response must account for citizens' right to privacy and local laws. Many countries

in Latin America consider Covid-19-related health data to be sensitive information and afford heightened protection in the dissemination and use of such data, including

“Pandemic response must account for citizens' right to privacy and local laws.”

— María González Calvet

requiring affirmative consent from individuals before data collection. Data protection regulations may include broad exceptions for public emergencies, but pains should be taken to ensure the data is properly and lawfully used."

A **Ashley Friedman, senior director for policy at the Information Technology Industry Council (ITI):** "As Latin America grapples with Covid-19, it is critical that governments leverage the appropriate tools to help stem the spread of the virus. Already, we have seen success in contact-tracing measures in places such as Uruguay, and harder-hit countries such as Mexico and Brazil are also embracing technological solutions to support their governments' efforts. It's important to note that there is not a binary choice between public health and privacy—privacy is a fundamental right that is core to consumer trust in government and in the tech industry, and any effort to successfully deploy technology, such as contact tracing, in the fight against Covid-19 will fail without this trust. To ensure a high degree of trust, contact-tracing technology should be voluntary, it should be limited in scope to only what is necessary, it should incorporate data protection and security measures, and it should be fully transparent. We encourage companies and public health authorities to work in partnership, and companies from

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all aspects of the technology ecosystem should also continue to work with each other in order to effectively tackle a problem of this magnitude, such as the contact-tracing initiative undertaken by ITI members Apple and Google. Ultimately, efforts to deploy location-based contact tracing should be narrowly and responsibly targeted to fighting the pandemic during the pandemic, while ensuring that fundamental privacy rights are not impeded once the crisis is over.”

A Sergio Bitar, nonresident senior fellow at the Inter-American Dialogue, vice president of the Board of Advisors of International IDEA and president of Consejo Chileno de Prospectiva y Estrategía: “On a planet with 7.8 billion inhabitants, with climate change that is hitting all countries, a frightening pandemic and an economic crisis that increases poverty and inequality, democratic governance becomes more difficult than ever. Global institutions are also weakened, and disputes and threats reduce the capacity to collaborate. We are heading toward a turning point; a new way of thinking, and institutional reforms should emerge. The pandemic has aggravated Latin American weaknesses. One of its most important effects has been the acceleration of digitization, with mixed consequences

on social well-being and political control. Technological applications in health, traceability for prevention and direct financing for the survival of numerous families have helped to solve problems, while at the same exposing citizens to state surveillance. With

“The risk of authoritarianism and populism may increase...”

— Sergio Bitar

facial recognition, and the replacement of cash with phone payments, the possibilities for social control are enormous. The risk of authoritarianism and populism may increase, highlighting a dilemma between social control and citizen empowerment. The priority today is to protect democracy, to have transparent elections, balances of power, political participation—especially of women—a new social pact and green growth. Democracy needs to establish legal and ethical norms to guarantee privacy, regulate platforms, check the veracity of information, transparency and enhance citizen action. Strengthening democracy is the key to attaining a new way of life.”

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Q&A

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LATIN AMERICA ADVISOR

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