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## FEATURED Q&A

# Has Guatemala's Anti-Graft Agency Gone Too Far?



Iván Velásquez, the head of the United Nations' International Commission Against Impunity in Guatemala, or CICIG, survived an attempt by Guatemalan President Jimmy Morales to expel him last August. // File Photo: CICIG.

**Q** The United Nations' anti-corruption commission in Guatemala, known as CICIG, said March 20 that the country's government removed 11 police investigators working with the panel in what its head, Iván Velásquez, said was an effort "to affect the investigations" of the panel. How effective is CICIG, and has the group extended beyond its original mandate, as critics suggest? Has CICIG's relationship with the government improved any since President Jimmy Morales unsuccessfully attempted to expel Velásquez from the country last August? How much support is CICIG receiving from outside actors, such as the United States, and does it need more external support in order to effectively do its work?

**A** Mario Polanco, director of Grupo de Apoyo Mútuo in Guatemala City: "Without CICIG, Guatemala runs the risk of becoming a failed state. Taking advantage of internal armed conflict, groups with links to paramilitary organizations that worked closely with the army built criminal networks. These networks captured important institutions, including ports and borders, eventually co-opting the presidency, the most important ministries and almost the entirety of the state. In 2003, facing the possibility of having the entire state under the control of organized crime, several human rights groups proposed that the United Nations create an international commission against impunity. Facing international pressure, the Guatemalan government reluctantly acquiesced, and CICIG was installed despite a lack of government support. Pro-impunity groups materialized almost immediately, seeking to use hatred to delegitimize CICIG, its members

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## TODAY'S NEWS

### POLITICAL

## U.S. Senator Meets With Maduro, Jailed American

U.S. Senator Richard Durbin (D-Ill.) met with Venezuelan President Nicolás Maduro to press him to delay the country's May 20 presidential election and also to advocate for the release of a Utah man who is jailed on what U.S. officials consider exaggerated charges.

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### ECONOMIC

## Chilean Gov't Planning to Sell \$7 Bn in Bonds

The country's Finance Ministry said it will sell the bonds this year on the local market.

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### POLITICAL

## Lula Surrenders to Brazilian Authorities

Former Brazilian President Luiz Inácio Lula da Silva on Saturday surrendered to police to begin serving his 12-year prison sentence. The former president's surrender ended a tense standoff with authorities.

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Lula // File Photo: Brazilian Government.

## POLITICAL NEWS

## Lula Surrenders to Brazilian Police, Starts Prison Term

Former Brazilian President Luiz Inácio Lula da Silva on Saturday ended a dramatic standoff with authorities, turning himself in to federal police to begin serving his 12-year prison sentence on corruption charges, *O Estado de S. Paulo* reported. The front-runner in Brazil's presidential election, Lula's detention marked a stunning turn in the career of the former union leader who remains popular, though polarizing, and helped build the leftist Workers' Party, which governed Brazil for more than 13 years. Before turning himself in, Lula had been holed up in the headquarters of the metalworkers' union in São Bernardo do Campo, just outside São Paulo, where he launched his career four decades ago, *The Washington Post* reported. "I will comply with the order," Lula told supporters earlier on Saturday. "That way, they will know I am not afraid. I am not running. I will prove my innocence." Lula's supporters joined arms in a human chain in an attempt to prevent him from leaving, even as a motorcade of police vehicles drove toward the union headquarters. Lula has vowed to continue his re-election bid from prison, but he also appeared to concede that his political career is over, at least for the time being. "You will have to transform yourselves," he told supporters on Saturday, *The New York Times* reported. "They must know that the death of a combatant doesn't end a revolution." Lula did not name a successor to take his place on the ballot, but in his speech to supporters, he did praise Manuela d'Ávila and Guilherme Boulos, two other leftists from other parties, who joined him on stage. Also in the presidential race are far-right-wing lawmaker Jair Bolsonaro, who has been running second behind Lula in the polls, and former Environment Minister Marina Silva, who supports the judiciary's pursuit of corruption cases. Lula's imprisonment could shake Brazilians' faith in the legitimacy of the country's October presidential election, especially if other politicians who are

accused of wrongdoing escape punishment, Daniel Aarão Reis, a professor of contemporary history at Federal Fluminense University, told *The New York Times*. "It worries me, because whether or not the people who provoked this situation meant it, it's a blow to democracy," he said. "Democracy is living a moment of very little prestige." However, Brazil's National Association of Prosecutors on Saturday night issued a statement describing the strength of Brazil's institutions. "No citizen is above the law, and no one, regardless of how important a leader he may have been, or what position he once held, is entitled to make a mockery of justice," the association said. "Institutions are the pillars of democracy." Lula became the first Brazilian president since restoration of the country's democracy in the 1980s to be sent to prison. He was convicted last July of accepting a beachfront apartment in exchange for contracts awarded to construction company OAS. His conviction was upheld on appeal in January, and last week Brazil's Supreme Court turned down his bid to remain free while his appeals are pending. Lula has repeatedly denied wrongdoing and has said the case against him is politically motivated. Late on Saturday, Lula entered a specially configured cell in the federal police headquarters in the southern city of Curitiba, *Agence France-Presse* reported. The 160-square-foot cell is in the same building that has served as the headquarters for the sprawling "Car Wash" corruption investigation. The building opened in 2007, and Lula was on hand at the time to inaugurate it.

## U.S. Senator Durbin Meets With Maduro, Jailed American

U.S. Senator Richard Durbin (D-Ill.) met with Venezuelan President Nicolás Maduro in Caracas to encourage electoral reforms and advocate on behalf of a jailed American in the country, the Associated Press reported Saturday. Durbin, the second-highest ranking Democrat in the Senate, arrived on Wednesday after accepting a rare invitation from the Venezuelan government in an effort to promote

## NEWS BRIEFS

## Texas National Guard Sends Troops to U.S.-Mexico Border

The Texas National Guard on Friday deployed several troops to the U.S.-Mexico border, and planned to send 250 more by today, the *Texas Tribune* reported. The deployments followed U.S. President Donald Trump's order to deploy the Guard to the border to respond to what the Department of Homeland Security on Wednesday called a "crisis" of immigration. Texas lawmakers recently budgeted more than \$2 billion for border security. Texas Lieutenant Governor Dan Patrick told *Fox News* that he hopes the troops stay until a border wall is built.

## Colombian Supreme Court Rules Government Must Protect Environment

Colombia's Supreme Court on Thursday ruled that the country's government must protect its rainforest from deforestation, *El Tiempo* reported. The suit, which was introduced on behalf of Colombian youths who claimed a right to enjoy the environment, alleged that Colombian authorities were not sufficiently protecting the country's area of the Amazon. Colombian authorities said on Monday that they are preparing to implement what they called a "historic" ruling.

## Chilean Government Planning to Sell \$7 Bn Worth of Local Bonds

The Chilean Finance Ministry said on Friday that it plans to sell \$7 billion worth in bonds on the local market this year, *Reuters* reported. The sale will include four new bond issuances, as well as four taps of existing bonds. The bond auctions are set to begin in May. The announcement follows a recent promise by new President Sebastián Piñera to reduce public spending by \$500 million over four years.

dialogue. The United States and Venezuela have not had ambassadors in each other's countries since 2010. Durbin asked Maduro to delay the country's upcoming election, which is slated for May 20, and allow opposition parties to participate. Venezuelan oil output has collapsed over the past several years, crippling the country's economy and sending inflation skyrocketing just as Maduro cracked down on dissent. Durbin has often criticized Maduro's government, and in February co-sponsored a Senate resolution that decried Venezuela's humanitarian crisis and accused Venezuela of "cruel use of government food rations to influence votes during a period of severe food shortages." The senator also met with Joshua Holt, a Utah man who has been in a Venezuelan prison for two years on weapons charges. U.S. officials have characterized the charges as trumped-up. Durbin told reporters that Maduro said he would consider releasing Holt, though he did not make any concrete promises. Durbin also said that Maduro made no demands.

## BUSINESS NEWS

# Steelcons Wins Contract to Supply Solar Power in Brazil

Brazilian renewable energy contractor Steelcons has won a contract to supply 270 megawatts of solar power capacity, Reuters reported Thursday. The company will install the capacity over the next four years. The firm won the contract, which begins in 2022, in an April 4 renewable electricity auction held by the Electric Energy Trading Center, or EECC, in São Paulo. In the auction, the EECC sold the right to supply 1,024 megawatts of power to 17 distributors. Solar power had a strong showing at the auction, winning 29 of the 39 new plants set to be constructed as a result of the deals. According to O Globo, the auction sold energy at an average price 59 percent below the established ceiling price for electricity. Another renewables auction for contracts beginning in 2024 is slated to take place in August.

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and those who supported its work. During CICIG's first eight years, these groups never enjoyed open support from the government. However, with the election of Jimmy Morales to the presidency came some of the shadiest actors involved in co-opting institutions. These groups are referred to by the name 'la juntita' and are the president's principal advisors. Morales' government does not support CICIG. Nevertheless, important state institutions such as the Office of Human Rights and the Public Ministry do support it, as do the international community and Guatemalan society, which has expressed its support through protests."

**A Donald J. Planty, senior advisor to Albright Stonebridge Group in Washington and former U.S. ambassador to Guatemala:** "One

could argue that CICIG has strayed far from its original mandate in Guatemala. That mandate was twofold: to help Guatemala eliminate clandestine security forces and to strengthen the Guatemalan justice system. Unfortunately, CICIG has not fulfilled the second part of its mandate—to promote institutional reform that would help reinstate the rule of law in Guatemala. When CICIG departs Guatemala, it will leave justice sector institutions in much the same state that it found them 12 years ago. To have missed this opportunity is tragic. CICIG has focused largely on government corruption in recent years and has uncovered important wrongdoing, including among senior officials like former President Pérez Molina and former Vice President Roxana Baldetti. Guatemala is afflicted by deep systemic corruption that pervades political life and society at large, including parts of the private sector. That said, CICIG's 'one off' approach that centers on exposing high-level corruption is not the solution to restoring the rule of law in Guatemala. Without addressing the basic structural problem—Guatemala's weak and inefficient justice sector institutions (the police, courts, prosecutors and penal

system)—corruption will continue to thrive, and the country will not progress. CICIG and the Morales government should seek a

**“ One could argue that CICIG has strayed far from its original mandate in Guatemala.”**

— Donald J. Planty

truce and jointly address these fundamental issues before it is too late. CICIG receives robust external financial aid, and it is past time for it to implement the second part of its commitment to Guatemala."

**A James Meyer, partner at Harper Meyer in Miami:** "It should not be surprising that the Morales administration would take actions which are less than helpful to CICIG, as it remains under investigation by that body based on a variety of accusations, the list of which seems to keep growing. However, it is doubtful that the removal of 11 police investigators will slow down or lessen Iván Velásquez's resolve. Nevertheless, Guatemalan society still seems to be divided almost down the middle regarding the legitimacy of CICIG's mission, which seems to have been weakened due to the overly broad scope of its efforts. CICIG should have been focusing most intensely on deep-seated government corruption, kickbacks, payoffs, extortion and the infiltration of organized crime throughout most government institutions. Instead, it seems to have become bogged down by dedicating a disproportionate amount of time and resources on hundreds of cases (if not more) about the use of questionable VAT tax refund facilitators and violations of strict campaign finance laws, including many activities that have been conducted for decades 'in the ordinary course of business' without prior enforcement. These

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efforts, while important, seem relatively minor in the current context of a potentially captured state under siege by organized crime. Moreover, these efforts have created an impression for many that CICIG may have become politicized. In order for CICIG to garner critical consensus within Guatemala, and for it to continue receiving international support from the United States and other countries and entities, it should consider trying to regain a greater level of legitimacy by refocusing its efforts on the most egregious and damaging crimes of corruption that have plagued the country in recent years rather than getting tangled up in local politics.”

**A** Virginia Garrard, professor of history and director of the LLILAS Benson Latin American Studies and Collections at the University of Texas at Austin: “CICIG plays a vital role in a country where impunity is still pervasive and the rule of law remains weak more than 20 years after the end of the country’s armed conflict. Its mandate, which is to help identify and disband clandestine security forces that continue to regularly perpetrate human rights abuses against Guatemalan citizens, and to recommend judicial and institutional reforms that will move issues of justice from illegal and illicit organizations into proper judicial channels, is essential to Guatemala’s continuing efforts to become a genuinely democratic country governed by a legitimate rule of law. That said, CICIG is not as effective

or as influential as it could or should be. Although its commissioner, Iván Velásquez, was able to withstand efforts to unseat him last August, there has been pressure from many sides since that time to weaken CICIG’s authority and influence, and it has

“**President Jimmy Morales is openly hostile to CICIG’s work, as are other elements of Guatemala’s ‘deep state.’**”

— Virginia Garrard

taken a toll. President Jimmy Morales is openly hostile to CICIG’s work, as are other elements of Guatemala’s ‘deep state.’ This antagonism stems from their perception that CICIG’s basic mission directly threatens their own interests. The recent removal of 11 police investigators working with CICIG was yet another attempt to disempower CICIG and thus render it toothless and ineffective. Without additional significant support from the United Nations and other international players, the Guatemalan government may well succeed in its effort to sideline CICIG into irrelevancy.”

*The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at [gene.kuleta@thedialogue.org](mailto:gene.kuleta@thedialogue.org).*

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