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FEATURED Q&A

Will Chileans See Big Changes From a New Constitution?



Chileans voted overwhelmingly on Sunday to rewrite the country's constitution. President Sebastián Piñera is pictured casting his vote. // Photo: Chilean Government.

Q Chileans on Sunday overwhelmingly voted to rewrite their dictatorship-era constitution. In the referendum, more than 78 percent voted to draft a new charter, and in April they are expected to select the 155 members of an assembly to handle the task, which is expected to take two years. What major changes could—and should—be included in the new constitution? To what extent is Chile's current constitution responsible for the nation's economic progress? How orderly and transparent will the process to rewrite the charter be? Will Sunday's vote put an end to the social protests that Chile has seen over the past year?

A Sergio Bitar, nonresident senior fellow at the Inter-American Dialogue and former Chilean senator and minister of mining, education and public works: "The overwhelming result of the plebiscite raises great expectations and hope for institutional, democratic and participatory change. Chile will move toward an economy that provides fundamental public goods and services to all, and one that generates inclusion and social equality. The constitutional debate will prioritize the reduction of presidential power and the expansion of socioeconomic rights, without discrimination. No constitution solves social problems by magic, but it establishes values and procedures so that the majority can make changes while the minority is protected. Today, the Chilean constitution maintains barriers to majority expression and privileges the defense of property rights, neglecting social and economic rights. It will be necessary to modify existing constitutional barriers to the exercise of the majority's will, among others, the

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Mexico's Covid Deaths Far More Than Official Tally: Gov't

Mexico's government acknowledged that the country's death toll from Covid-19 is far higher than the official figures indicate.

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Brazil to Extend Military's Deployment to Protect Amazon

Brazil's government will extend for five months, to next April, its deployment of the military to protect the Amazon rain forest, said Vice President Hamilton Mourão.

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Argentina Needs Pact to Resolve Currency Crisis: VP Fernández

Argentina needs a political pact in order to resolve the country's escalating currency crisis, said Vice President Cristina Fernández de Kirchner, a former president.

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Fernández // File Photo: Facebook page of Cristina Fernández.

POLITICAL NEWS

Mexico's Covid Death Toll Far Higher Than Official Tally: Gov't

Mexico's government has acknowledged that the country's actual death toll from Covid-19 is far higher than the official statistics suggest, The Guardian reported Monday. The disease is suspected of actually killing at least 139,153 people in Mexico, much higher than the official death toll of approximately 89,000. Still, that official death toll is the fourth-highest in the world, after those of the United States, Brazil and India, according to Johns Hopkins University. A death toll of more than 139,000 would put Mexico's fatalities ahead of India's. Ruy López Ridaura, the director of Mexico's National Center for Preventive Programs and Disease Control, told reporters that historical averages indicate that the country would have had 524,920 deaths from the beginning of the year to Sept. 26, The Guardian reported. However, 718,090 had actually been recorded during that time. Officials believe that 72 percent of those "excess" deaths might be attributed to Covid-19. Experts determined that percentage by examining death certificates for diagnoses that showed some possible connection to Covid-19. "We can clearly see how in the first few months [of 2020] the number of deaths we saw was very similar to the number we had expected—and it was precisely beginning in the 12th or 13th or 14th week of the year [in April] that we started to see this increase," López said. "We hit our maximum peak in the 29th week [in early July], and since then we've seen a continuous fall." The highest mortality rates were among people ages 45 to 64, which showed an increase of 63 percent. The highest rates of "excess" mortality were found in Baja California state, Mexico state and Mexico City, he added. Mexico has also agreed to host human trials of seven potential vaccines for Covid-19 in order to strengthen relationships with pharmaceutical companies, the Financial Times reported. "We are saving places in the queue for the purchase of something that

does not yet exist," Deputy Foreign Minister Martha Delgado told the Financial Times in an interview. "You cannot wait to see it before getting in line ... there is a risk some countries will say 'this is all for me.'" [Editor's note: See related [Q&A](#) on vaccine nationalism in the June 8 issue of the Advisor and the Advisor's [interview](#) on the topic with Arachu Castro of Tulane University.]

Brazilian Gov't to Extend Military's Amazon Deployment

Brazil's government will extend by five months the military's deployment to fight destruction of the Amazon rain forest, Vice President Hamilton Mourão said Monday, Reuters reported. President Jair Bolsonaro plans to



We must continue because we want to enter a virtuous cycle of falling deforestation."

— Hamilton Mourão

sign a decree by next week that will extend the military's deployment in the Amazon through April. It had been set to expire in November. "We must continue because we want to enter a virtuous cycle of falling deforestation," said Mourão. "We are committed to bringing it down and to bring it down we need people out in the field enforcing the law." Bolsonaro had ordered the deployment last May, repeating a similar action from last year when fires spiked in the rain forest. The fires prompted international criticism that Brazil was not doing enough to protect the Amazon, which absorbs a vast quantity of greenhouse gases, acting against climate change. Pressure from abroad has continued this year in Brazil, including by global investment funds that have threatened to divest from Brazil if the country does not do more to protect the Amazon. Among the investment groups that have put pressure on Brazil's

NEWS BRIEFS

Philippines' Envoy to Brazil Faces Probe Over Treatment of Housekeeper

The Philippines' ambassador to Brazil, Marichu Mauro, has been recalled home to face an investigation after a Brazilian news agency released a video allegedly showing her physically mistreating her Filipino house helper, officials said Monday, the Associated Press reported. The video footage was reportedly taken from security cameras in the ambassador's home in Brasília. Mauro did not immediately respond to the AP's request for comment.

Panamanian Indigenous Group Bans Face Masks Used to Curb Covid-19

A cultural body of the Guna Yala Indigenous people in Panama on Monday voted to prohibit face masks used to curb the spread of Covid-19, saying "it is not a custom of our people," the Associated Press reported. The measure calls for eliminating the requirement for masks in schools and bans government officials visiting the group's territories from wearing them. About 34,000 Guna Yala people live mostly in the country's Caribbean coast.

Brazil's BTG Acquires Necton Investimentos for \$61.9 Million

Brazil's BTG Pactual has acquired brokerage Necton Investimentos for 348 million reais (\$61.9 million), Reuters reported Monday, citing a securities filing. Necton, whose brand and operations will remain separated from those of BTG, has 16.1 million reais in assets under custody, said BTG Pactual. The acquisition is part of BTG's strategy to grow its platform for retail investments. Amid low interest rates, investors in Brazil have been seeking high returns through riskier assets, the wire service reported.

government to do more to protect the Amazon is Norway-based Storebrand Asset Management. “For a megadiverse country like Brazil, sustainable use of natural assets is critical to present and future generations,” Emine Isciel, Storebrand’s head of climate and environment, told the Advisor in a [Q&A](#) published Sept. 21. In July, Jan Erik Saugestad, Storebrand’s chief executive, told Bloomberg News that pressure on Brazil to protect the Amazon has been having a “real impact.”

ECONOMIC NEWS

Argentina Needs Pact to Resolve Currency Crisis: VP Fernández

Argentine Vice President Cristina Fernández de Kirchner on Monday called for a political pact to help resolve the country’s escalating currency crisis, she said in a public statement published on her website to mark the 10th anniversary of the death of her husband and predecessor as president, Néstor Kirchner, and one year since current President Alberto Fernández’s electoral victory. Fernández de Kirchner said Argentina’s “bimonetary economy,” in which individuals earn and spend in pesos but save and import in U.S. dollars, is unsustainable, calling on politicians to work together to resolve it. “The problem of the monetary economy, which is, without a doubt, the most serious problem that our country has, it is impossible to solve without an agreement that encompasses all the political, economic and social sectors of the Argentine Republic,” wrote Fernández de Kirchner, who led Argentina from 2007 to 2015. “Whether we like it or not, that is not reality, and with it you can do anything but ignore it,” she added. Her comments come as the country’s unofficial exchange rates with the U.S. dollar are more than double the official rate after the government tightened already-strict currency controls, Bloomberg News reported. [Editor’s note: See related [Q&A](#) in the Oct. 6 issue of the Advisor.]

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disproportionate quorums in the current constitution. The extremely low support for ‘Rechazo’ revealed the lack of understanding and disengagement of the conservative right from the feelings and spirit of the bulk of the citizenry. I think that important changes will occur within the right wing, in order to adapt to the new reality and accept a distribution of power. The election of constituents will show greater diversity, since the majority that voted ‘Apruebo’ includes sectors with different criteria about the contents of a new constitution. Gender parity in the constituent assembly is unprecedented in the world and can have great influence in the advancement toward a ‘Estado Social de Derecho’ and toward a solidarity state, one that goes beyond the current subsidiary state. I am confident that the commitment to engage in dialogue and to reach agreements will prevail.”

A **Jorge Heine, professor at the Frederick S. Pardee School of Global Studies at Boston University and former Chilean cabinet minister and ambassador:** “The driving force of Chile’s 1980 constitution is the protection of private property and the assigning of a subsidiary role to the state. The government is thus often unable to promote greater equality or protect the environment, in one of the region’s most unequal societies and one of the countries most threatened by climate change. These principles are strictly enforced by Chile’s Constitutional Court, a de facto third legislative chamber, which adjudicates more than 1,000 cases a year. These principles need to be adapted to the 21st century. A revision (if not downright abolition) of the powers of the Constitutional Court, the main enforcer of minority-rule in Chile, is essential. Greater balance between the executive and the legislative branches is required. Members of the latter are not allowed to initiate legislation that implies any sort of expenditure, an absurdity on the face of it. Anti-democratic features such as super-majorities required to enact legislation

in a variety of issue areas, need to be done away with. Chile’s economic progress over the past 30 years has nothing to do with the current constitution—in fact, much of this period was spent in attempts to reform the

“**This is an obsolete and anachronistic document that needs to be replaced.**”

— Jorge Heine

most retrograde features it once had, such as senators appointed by the armed forces. This is an obsolete and anachronistic document that needs to be replaced. There is no reason to think the process to write a new constitution will not be as orderly and transparent as Sunday’s vote was. It will entail the election of a 155-member Constitutional Assembly based on gender parity next April, nine months of deliberation and a popular vote in 2022 to ratify the new text.”

A **Naomi Roht-Arriaza, Albert Abramson Distinguished Professor of Law at the University of California’s Hastings College of Law:** “One of the core demands of the social protests has been to reverse the extreme supremacy of private property over social needs in the Pinochet-era constitution. A recent book (Pinochet’s Economic Accomplices, published by Lexington Books) details the ways in which anti-union labor policies, extreme privatization of health, pensions and education, and an extractive model that privatizes water and common resources led to rising inequality, incarceration rates and evictions. That model was integral to the large-scale rights violations of the regime, but the economic underpinnings of the violence and corruption are only now being highlighted, including in a few court cases tying private sector actors to killings and disappearances. The new constitution will

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have to revise many of these policies, establishing a different balance between market and society. In addition, it should finally abolish Pinochet's amnesty law for past human rights violations, as demanded by the Inter-American Court of Human Rights. It should strengthen the rights of Indigenous peoples to their land and resources, create greater accountability for the police (Carabineros) and military, and enshrine equal rights for women. Whether the vote ends the social protests of the last year depends on the extent to which a new constitution does these things, and how quickly the process is organized and implemented. Like all major changes, it's likely to be messy, but also has the potential to unleash the creative energies of a new generation unencumbered by the fears and silences of their elders, who lived through the dictatorship."

A **Adrian Cruz Vazquez, retired former president for Latin America at GlaxoSmithKline:** "The major change expected in Chile's new constitution is to provide opportunities for all, including social welfare improvement. Full free health care and education, covered through taxes, is a major aspiration. Another is a fair, objective and effective judicial system, in addition to a new government system as most people are

fed up with politicians of all sides. The 1980 constitution brought the market economy, which importantly improved the living standard of 90 percent of Chileans. However, this came at the cost of critical personal indebtedness that deteriorated their quality of life. All post-1980 governments of both sides overlooked the principle of first grow and then distribute. While most of the population started to live better but with the burden of tight budgets and debts at ridiculously high interest rates, the wealthy minority, politicians and people working for the government started to live like monarchs. This resulted in the riots that began in October 2019. The process to rewrite the constitution will be managed in an orderly way. Order in such endeavors has always been a constant in Chile. Except for three or four incidents, Sunday's voting process started at 8 a.m., with 50 percent turnout. The definitive, audited and uncontested outcome was announced by 10 p.m. and accepted by all sides. As elsewhere, in Chile there have always been social protests, and in spite of the ongoing process to draft a new constitution, they are not expected to stop."

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at gene.kuleta@thedialogue.org.

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Advisor Video

Chile's constitutional referendum

A Latin America Advisor interview with Ricardo Lagos, former president of Chile (in Spanish)

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