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# Keep it up, keep it going

A short-term guide to sustain Brazil-U.S. relations through political transition and turmoil

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## **Brazil and the United States in political transition**

The twelve-month period between the second half of 2016 and the first half of 2017 was a time of political transition for both Brazil and the United States. In the two countries, major political changes unsettled previously established patterns and created future policy uncertainty.

The Brazilian political system was shaken with the deepening of corruption-fighting Operation Car Wash, the impeachment of President Dilma Rousseff, and the onset of the new Michel Temer administration. In 2016, Brazil's economic crisis, which began in 2014, became the country's deepest recession in decades with unemployment surpassing 13 percent. In the United States, Republican presidential candidate Donald Trump won the presidency in a surprising electoral victory, expanding Republican control to the executive branch and strengthening the party's majorities in both houses of the U.S. Congress.

As the political establishments in both Brasilia and Washington were adjusting to these new realities, presidents Temer and Trump geared up for major domestic reforms. The new administration in Brazil aimed to put the country's fiscal and monetary policies back on track through increased executive branch budgetary command, large-scale spending cuts, tighter inflation control, establishment of a twenty-year spending cap, and social security entitlement reform. President Temer was also pushing for regulatory and labor law reform to attract foreign investment and to facilitate business growth and job creation. The new U.S. administration was focused on economic policies, including health care and tax reforms, and the promise of a job-creating infrastructure investment program.

While the two presidents were deploying their political weight behind these domestic initiatives, they also sought to refocus their respective foreign and trade policies. The Brazilian president worked to increase Brazil's credibility in the international financial markets and to strengthen his own post-impeachment administration by improving the economy. Recent examples included the country's membership in the Paris Club and its request to accede to the Organization for Economic Co-operation and Development. The Temer administration also pursued groundbreaking trade deals with the European Union and Mexico, and aimed to reinvigorate the Mercosul trade bloc.

The U.S. president had his own agenda which prioritized a rebalancing of the country's relationship with key military and economic partners. On the one hand, the Trump administration sought to strengthen the U.S. position vis-à-vis China and Russia, the two largest balancers of U.S. global power. On the other hand, President Trump also looked to squeeze trade concessions from traditional trade partners such as Canada and Mexico in order to redress what has been perceived as unfair trade relations that 'steal' jobs from the United States.

Despite the political investment made by both presidents on domestic and foreign po-

licies, the landscape quickly changed and what was once a time of political transition rapidly metamorphosed into one of turmoil.

## **Brazil and the United States in political turmoil**

Since mid-2017, presidents Temer and Trump have been facing an increasing number of challenges, particularly on the domestic front, that severely constrains their capacity to deliver promised reforms.

While President Temer was already running against the political clock of Brazil's 2018 presidential election and trying to avoid the headwinds of the Brazilian engineering giant Odebrecht plea bargain, he was taped in an off-the-schedule conversation with the CEO of JBS, another major Brazilian company deeply involved in the corruption scandals, allegedly approving bribe. The leaking of his conversation by the Brazilian press ignited a political crisis that virtually paralysed the administration and prompted the Brazilian Office of the Prosecutor General to file charges against the president, a procedure that required authorization by the Brazilian Congress.

The many months spent by the Temer administration managing its congressional coalition with the explicit aim to roadblock the Prosecutor General's initiative depleted the president's political capital. As a consequence, social security entitlement reform, a major piece of legislation sponsored by him, was not voted in Congress. Even voting of less complex, sector-specific legislation was halted.

At the same time, President Trump began facing challenges of his own. On the one hand, congressional and FBI investigations in the Trump campaign's 'Russian connections' started to take a toll on the administration. On the other hand, a divided Republican Party and a White House living through a series of infights around the president were unable to pass health care reform, a key campaign promise. Although the Trump administration secured approval of a high-stake tax reform, it continues breeding division within the Party, increasing chances that the 2018 mid-term elections will turn against the president and his agenda.

## **Sustaining Brazil-U.S. relations**

Presidents Temer and Trump have met during and on the margins of multilateral summits such as the G-20 leaders' meeting and the United Nations General Assembly. Still, Brazil-U.S. relations are not a top priority for either of them. Skeptics will reason that this lack of priority might actually be godsent, as every top-notch issue becomes automatically contaminated by the political turmoil in both countries. Nonetheless, a relationship that does not evolve risks becoming irrelevant as time passes.

With the presidents devoting almost all of their focus and energy to their respective domestic challenges and limiting their foreign policy engagement mostly to domestic-driven objectives, the current scenario bears the question: are there any opportunities to sustain Brazil-U.S. relations through these turbulent times? If the answer is 'yes,' what can be done in practice?

To answer this question, we offer a pragmatic guide to short-term bilateral goals that meet the interests of both administrations without directly involving the presidents, without demanding significant expenditure of political capital by members of the cabinet, nor risking contamination by the political environment. Even as the two countries focus on more short-term and pragmatic areas laid out in this paper, in the long-term, big-ticket political and economic issues cannot be abandoned—from mutual regional security interests in Colombia, Cuba and Venezuela, to major bilateral economic initiatives such as a free trade agreement and a bilateral tax treaty.

Brazil and the United States have two pro-business administrations with both legislative branches controlled by a pro-business majority. This coincidence of political alignment creates opportunities for more bilateral cooperation, particularly on economic matters—even if the Temer and Trump agendas are not apparently convergent. And both administrations would benefit from concrete political and tangible economic ‘wins,’ opening opportunities for this short-term package of bilateral policy deliverables.

In this context, the list of recommendations presented below is comprised of thirty-three actionable items to be executed in the next few months up to the Brazilian October 2018 presidential election and the U.S. November 2018 mid-term elections, by a range of government agencies using the existing bilateral government-to-government and business-to-government institutional machinery. These items are divided in five thematic areas that cover the bulk of Brazil - United States relations: (1) political relations, including defense and security and regional matters; (2) economic integration, including trade, investment and innovation; (3) a partnership on infrastructure, energy and sustainability; (4) a partnership on social policy, including human rights and public health; and (5) the diplomatic practice of both countries.

It is important to stress that these short-term recommendations do not preclude the need for a long-term strategic bilateral agenda that includes all key items crucial to the Brazil-U.S. partnership and that does not exclude politically sensitive ones.

These strategic issues, as well as a deeper look at potential gains from expanded bilateral local-government diplomacy, business-to-business relationships and people-to-people connections, will be addressed in a further report.

## **Short-term recommendations to sustain the Brazil-U.S. partnership**

### **POLITICAL RELATIONS**

- Re-establish the annual Global Partnership Dialogue between the Brazilian Ministry of Foreign Affairs and the U.S. Department of State. The partnership is a key platform to align regional and global Brazilian and U.S. goals and initiatives. This meeting would be an action-forcing event to exchange and collaborate, including on contingency planning for regional security issues such as the crisis in Venezuela and transnational crime.

- Set up, within the Global Partnership Dialogue, a regular ‘horizon-scanning briefing’ to develop a bilateral early-warning system for political instability and security threats to the region.
- Urge the Brazilian executive branch to submit the Brazil-U.S. Master Information Exchange Agreement to the Brazilian National Congress, followed by presidential promulgation. This agreement - signed in 2017 but not yet in force - builds upon the existing bilateral framework for defense and security cooperation established by the 2010 Brazil-U.S. Defense Cooperation Agreement, the 2010 Brazil-U.S. General Security of Military Information Agreement, and the 2016 Letter of Intent Concerning the U.S.-Brazil Defense Industry Dialogue.
- Establish, within the Brazil-U.S. Joint Commission on Economic and Trade Relations, a Bilateral Working Group on Haiti to implement a regional cooperation initiative under Section 10(a) of the Haiti Economic Lift Program Act of 2010 (HELP). This cooperation should take the form of a Brazilian Haiti-specific trade preferences program, whose rules of origin would be compatible to and integrated with its U.S. equivalent, thus allowing Brazilian, U.S. and Haitian companies to benefit from both schemes. The implementation of Section 10(a) regional cooperation is an essential economic component of ongoing efforts to support the Haitian economy after the end of the United Nations Stabilization Mission in Haiti.

## ECONOMIC INTEGRATION

- Advocate for the Brazilian National Congress to approve the Brazil-U.S. ‘Open Skies’ Agreement - signed in 2011 but not yet in force - and secure presidential promulgation of the agreement, which will foster bilateral tourism and business travel, as well as air cargo trade, by eliminating restrictions on flight frequencies and destinations.
- Advocate for the Brazilian National Congress to approve the Brazil-U.S. Social Security ‘Totalization’ Agreement - signed in 2015 but not yet in force - and secure presidential promulgation of the agreement, which will reduce double taxation of companies operating in each other’s market and allow Brazilian and U.S. workers to accumulate social security contributions.
- Expand the 2015 Brazil-U.S. Patent Prosecution Highway Agreement to cover all sectors as well as utility models, to remove its patent-application temporal limitation and to convert it from a pilot-program to a permanent mechanism. This agreement is a landmark achievement in bilateral cooperation on intellectual property and a key step towards a more ambitious bilateral agenda in this area.
- Conclude the negotiation of a Mutual Recognition Arrangement of Brazil’s

Authorized Economic Operator Program and the U.S. Customs-Trade Partnership Against Terrorism. This agreement will facilitate trade between both countries by reducing processing times and customs-associated costs.

- Negotiate a new Technology Safeguard Agreement between Brazil and the United States for the use of the Alcantara space-launch base located on Brazil's northern Atlantic coast. This agreement will create a new revenue stream for the Brazilian economy in the form of launching services exports and technology transfers, while providing U.S. companies with a geographically advantageous launching base for their space cargo.
- Implement electronic phytosanitary certification (ePhyto) between Brazil and the United States as a step in a broader bilateral trade facilitation agenda. The ePhyto program will significantly reduce transaction costs between the two countries and foster bilateral trade on agricultural products.
- Set up, under the Brazil-U.S. Joint Commission on Economic and Trade Relations, a time-bound scoping exercise to explore the feasibility and potential of a bilateral Brazil-U.S. Free Trade Agreement. This scoping exercise could also be pursued as a so-called Mercosul 'exploratory dialogue' similar to those already conducted by the trade bloc with Canada, the European Free Trade Association, and South Korea.
- Urge the U.S. Congress to renew the Generalized System of Preferences maintaining Brazil as a beneficiary developing country whose exports under the program provide key inputs and capital goods in the form of a 'competitiveness boost' to the U.S. industry.
- Coordinate prior to every meeting of the World Trade Organization Committees on Sanitary and Phytosanitary Measures (SPS) and Technical Barriers to Trade (TBT), through the Brazil-U.S. Joint Commission on Economic and Trade Relations, mutual support to Specific Trade Concerns already raised by both countries as well as the joint notification of new ones. This coordination will ensure maximum results when removing third-country non-tariff barriers to Brazilian and U.S. trade.
- Use the Brazil-U.S. Joint Commission on Economic and Trade Relations to discuss and draft joint proposals to the World Trade Organization. Two areas of potential mutual interest are the liberalization of trade in remanufactured goods and the establishment of multilateral rules on regulatory coherence with a view to streamlining and providing more transparency to national trade-related rule-making processes.
- Secure U.S. support and endorsement for Brazil's accession to the Organization for Economic Co-operation and Development.
- Implement Brazil's General Agreement on Tariffs and Trade Uruguay Round

commitment to establish a duty-free import quota for up to 750,000 metric tons of U.S. wheat. This quota will foster bilateral trade and secure a stable source of wheat imports for the Brazilian economy, an important component of daily food consumption in Brazil.

- Establish a road map within the Brazil-U.S. Consultative Committee on Agriculture to remove the remaining trade restrictions on animal protein in each other's market. The Brazilian market is already open to U.S. beef exports while the U.S. market is open to Brazil's beef and pork exports. Allowing further opening of the Brazilian market to U.S. pork and mutual access to poultry will create a significant economic compact between the two largest animal protein world exporters, benefiting consumers and allowing for increased cooperation vis-à-vis third countries.
- Introduce and pass legislation in the Brazilian National Congress to allow foreign acquisition of Brazilian land. New federal legislation is essential to provide legal certainty to U.S. and other foreign investors already established in Brazil as well as to promote further investment in key Brazilian sectors including agriculture, forestry and renewable energy.

#### **PARTNERSHIP ON INFRASTRUCTURE, ENERGY, AND SUSTAINABILITY**

- Reinvigorate the Strategic Energy Dialogue and the biofuels partnership established in 2007 by reviewing the scope of both mechanisms, selecting priority energy-related sectors, establishing a list of bilateral projects based on these sectors to act upon and redefining work programs with timelines for action. With the recent reestablishment of pre- and post-salt biddings of Brazilian oil and gas fields, potential areas for cooperation might include environmental licensing, emergency response, and the decommissioning of platforms.
- Use the Strategic Energy Dialogue to identify bilateral opportunities for cooperation on research and development with a focus on energy efficiency by leveraging private sector engagement in partnerships and projects already in place by the U.S. Department of Energy and the Brazilian Ministry of Mines and Energy.
- Establish, under the Strategic Energy Dialogue, a bioeconomy working group with the private sector participation to identify opportunities to increase bilateral investments and boost research and development partnerships in these industries.
- Adopt a bilateral ethanol free trade policy in order to avoid new tariff and non-tariff barriers to biofuels trade between the world's two largest ethanol producers and exporters, including by rolling back the recently reestablished Brazilian import tariff on U.S. ethanol. This commitment, along with the review of the 2007 partnership, will secure long-lasting cooperation between Brazil and the United States in this key energy area.

- Use the 2007 biofuels partnership to define a joint strategy to open third countries' biofuels markets to Brazilian and U.S. ethanol exports and to expand the use of biofuels in urban mobility projects and related technology.
- Further engage the private sector in the Brazil-U.S. Infrastructure Working Group by establishing a joint program to implement Section III.3 of the 2016 Memorandum of Cooperation on Infrastructure Development in order to promote information-sharing between the public and private sectors of both countries regarding infrastructure legislation and regulatory guidelines.

#### **PARTNERSHIP ON SOCIAL POLICY**

- Use the Memorandum of Understanding Concerning Labor Cooperation, signed in 2012, to set up a Bilateral Working Group to discuss and propose a new methodology for the U.S. Department of Labor Bureau of International Labor Affairs' list of goods produced by child labor or forced labor. The new methodology should include provisions to ensure due process and the categorization of countries based on their level of transparency when providing data related to child and forced labor.
- Expand the bilateral public health partnership to fight all mosquito-borne diseases, including Chikungunya, dengue, yellow fever, and malaria. This partnership will build upon the cooperation on the zika virus that was put in practice during the 2016 Olympics in Rio de Janeiro, and will increase both countries protection from disease.
- Implement the 2015 Brazil-U.S. Memorandum of Understanding on Health and Medical Sciences through the establishment of formal bilateral cooperation on non-communicable diseases.
- Establish a bilateral mechanism to exchange information on policies and best practices for individuals with disabilities, including early intervention, education, and job and social inclusion initiatives and programs.
- Restart, adequately fund, and plan year-round activities of the Diaspora Brazil Network in the United States to foster people-to-people and business-to-business connections between the two countries.

#### **DIPLOMATIC PRACTICE**

- Encourage both governments to strengthen personnel capacity through the expansion and, wherever necessary, creation of strong 'Brazil Desk' positions in key U.S. government agencies including the Executive Office of the President, the Department of State, the Department of Treasury, the Department of Defense, the Department of Commerce, the Department of Agriculture, the Department of Energy, and the Office of the United States Trade Repre-

sentative. Similarly, establish strong ‘U.S. Desk’ positions in key Brazilian government agencies including the Office of the Brazilian President’s Chief of Staff, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Defense, the Ministry of Industry, Foreign Trade and Services, the Ministry of Agriculture, Livestock and Supply, and the Ministry of Mines and Energy. The creation of “U.S. Desk” positions would mirror the expansion of the “Brazil Desk”. This network of mid-ranking officers would be a focal point to advocate for and implement the bilateral agenda on foreign policy, finance, trade, agriculture, and energy.

- Increase Brazilian government specialists at the Embassy of Brazil in Washington by expanding the existing pool of attachés to include an Industry and Trade Attaché from the Brazilian Ministry of Industry, Foreign Trade and Services, and a Finance Attaché from the Brazilian Ministry of Finance.
- Establish year-round plans of action for all key bilateral government-to-government mechanisms and include consultations to the private sector in areas related to economic issues. These dialogues should include the Brazil-U.S. Joint Commission on Economic and Trade Relations, the Brazil-U.S. Commercial Dialogue, the Economic Partnership Dialogue, the Dialogue on Manufacturing Innovation, and the four so-called ‘presidential-level’ dialogues on foreign policy, defense and security, energy, and economic and financial policy.
- Resume the bilateral program under the Mutual Educational and Cultural Exchange Act of 1961 (MECEA) for U.S. members of Congress to visit Brazil at least twice a year and deepen ties with their counterparts in the Brazilian National Congress.

## Summary

All the proposed actionable items can be delivered through executive branch administrative action or, in rare cases, by simple majority-vote legislative action. These are all feasible deliverables that only require political will from the Brazilian and U.S. governments. Both administrations could secure their approval with virtually no direct involvement of the presidents and little political capital spent by their cabinet members. In fact, many of these items can be pursued by undersecretary-level staff, thus not risking significant contamination by the political environment. Although several of them appear to be timid initiatives in view of the Brazil-U.S. relations potential, their collective accomplishments can be a valuable bridge towards a more robust bilateral agenda in the future.

## **Epilogue: the looming U.S. steel and aluminum tariffs and quotas**

As this paper is published, the Trump administration is considering imposing tariffs and quotas on imports of steel and aluminum ranging from 10% to 25%. These measures are based on an investigation under American trade law Section 232, a national security safeguard enacted during the Cold War and inconsistent with existing WTO rules. Brazil can be significantly and negatively impacted by the new tariffs and quotas as it is the second largest supplier of steel to the United States. In addition, Brazil is also a major buyer of U.S. coal for steel processing, a fact that demonstrates the level of economic integration already achieved by the two economies. If the Trump administration moves forward with the imposition of these measures, Brazil might counteract by seeking WTO litigation and/or unilateral trade retaliation. Although a dispute over steel and aluminum might become the main bilateral item of the news cycle, it hardly invalidates the recommendations of this paper. Trade friction is a natural element of any significant trade relationship and, in this particular case, there seems to be no intent on the part of the Trump administration to specifically target Brazil. China seems to be the political target of most trade-related defensive actions by the U.S. government. This potential dispute only reinforces the need to seek a pragmatic, under-the-radar positive agenda between the two countries in a time of turmoil to keep the bilateral relationship evolving.

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