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Introduction

The last five years in Brazil were marked by a period of profound transformation, closely tied to the development of investigations related to major corruption schemes, of which Operation Lava-Jato is a well-known example. Although such schemes demonstrate the State's efforts to combat corruption, even after the imprisonment of politicians and businessmen, the general climate caused by the denunciations generated great instability, evidencing institutional fragility and the need for profound modifications. The political operatives associated with the state organs of oversight and justice and the corruption scandals became the center of the political debate.

In this context, there was a growing rejection of traditional party alliances and an increasingly strong participation of civil society in the political life of the country. The elections of 2018 reflected the general public sentiment of a desire for structural changes capable of supporting the fight against corruption. These elections saw more new members of Congress than ever before¹ and anti-corruption discourse gained strength mainly in the presidential race, which culminated in the election of President Jair Bolsonaro. However, despite the population's support for measures against corruption and organized crime, challenges abound, and there is the risk that confidence in the government will decrease if anticorruption promises do not materialize as concrete actions.

Notably, the context of major corruption scandals and public demand for structural changes is not exclusive to Brazil. Operation Lava-Jato, as well as other major corruption cases, have shaken the region as a whole. Although each national context has its nuances, it is possible to identify similar scenarios, in terms of the region's elections² and the high level of uncertainty regarding their results, the polarization of the debate, the demands of society and the low credibility of the parties and the traditional politicians. Naturally, these elements point to the public's perception of a deterioration of democratic institutions, which led to various debates in the region that culminated with the Eighth Summit of the Americas in April 2018, during which the countries of the region met to discuss the challenges and possible solutions to fighting against corruption in the hemisphere. The central theme of the meeting, addressed by the heads of state and government in the Americas, was "Democratic Governance against Corruption", and it resulted in the adoption of the **Lima Commitment**, which presents concrete initiatives to strengthen democratic institutions and the organs of transparency, prosecution and control, as well as reinforcing the role of education and citizen participation in developing a culture of integrity.

This issue is extremely relevant considering that every year, according to OECD data, 5 percent of the global Gross Domestic Product (about 2.6 trillion dollars) is lost due to corruption, having a disproportionate impact on the poorest and most vulnerable, increasing costs and reducing access to and quality of public services. The Lima Commitment, in addition to reaffirming the dedication of the region to dialogue and cooperation, confirms Brazil's interest in acting collaboratively to create a more

¹ In the House of Representatives, the rate of re-election was 48.9% (in the last five elections, the rate varied between 54 and 58%.) In the Federal Senate, 85% of elected leaders were newly elected.

² Presidential elections in the region happened in Ecuador, Chile and Honduras in 2017; in Paraguay, Colombia, Mexico, Brasil in 2018; and in El Salvador and Panama so far in 2019, with Argentina, Uruguay and Guatemala set to have elections by the end of this year.

just society. The theme of the Summit of the Americas and the historical context of the hemisphere, especially in Latin America, have mobilized countries, international organizations and civil society to assist in the process of modernizing reforms, in order to implement the commitments assumed at the Summit and provide States with consistent tools and innovative solutions to prevent, detect and punish corruption.

In that sense, and taking into account the demands of Brazilian society in the context of the presidential elections of 2018 and the effects of the fight against corruption in the opinion and behavior of Brazilians, especially after actions such as Operation Lava-Jato, it is important to highlight the challenges of the fight against corruption in the region and the measures that Brazil is taking to address them, in particular considering the commitments assumed at the Summit of the Americas.

Brazil's actions toward the implementation of the Lima Commitment

a. Education

The Comptroller General of the Union (CGU) and the Ministry of Education (MEC) signed an agreement for the development of content for physical and digital media used by teachers and students under the "One for all, all for one!" campaign developed by the CGU in 2008 with the aim of disseminating values related to democracy, social participation, civic responsibility and respect for diversity. In 2018, the Program was expanded to allow the participation of states and municipalities, private entities and educational institutions with an interest in its execution, and in 2019 the Program was expanded in order to provide the teaching material to all students from younger school years, in line with the general and specific objectives of the Common National Curriculum Base.

b. Public Integrity

In 2019, the Governance Decree was passed (Ordinance 57/2019) to establish the procedures for organizing, executing and monitoring the integrity programs of the organs and entities of the Federal Executive Branch. Guidelines, stages of development and deadlines were established for the bodies to develop their integrity programs, with mechanisms to prevent, detect, remedy and punish acts of fraud and corruption. The Office of the Comptroller General of the Union (CGU) promotes training and guidance to support the organs and has published a set of guides and practical manuals. In addition, the CGU developed a public consultation panel that allows society to monitor compliance with the necessary procedures for the construction of integrity plans.

Another initiative approved in 2019 is the adoption of objective criteria for the selection of commissioned public servants (Ordinance 9.727 / 19). In addition to strengthening public integrity, for example, by establishing restrictions on people convicted of acts of corruption, this was an important step towards the professionalization of public management. The measure aims to ensure that the public administration provides public services of increasing quality and with an expanded capacity to deliver the results expected by the population.

c. Integrity of the private sector

Some years ago, the Brazilian government introduced certain actions to promote integrity in the private sector, in order to make the Brazilian corporate environment more ethical and transparent. An example of these actions is the Pró-Ética Business Program, which was developed in 2010 and aims to publicly

recognize the companies that begin to adopt measures for the prevention, detection and remediation of acts of corruption. Pró-Ética consists of an evaluation of integrity programs of the companies that voluntarily present information for analysis of the technical team of the Comptroller General of the Union (CGU), which determines the profile of the company and its degree of risk exposure to corruption, as well as the specific needs of its integrity program. The CGU's analysis is then sent to the Program Management Committee, composed of public and private entities, which approves the final reports and the list of approved companies. The Program is in its seventh year, and during the most recent iteration in 2017, 171 companies participated in the process of evaluating their integrity measures, with 23 companies receiving full clearance as a "Pró-Ética" company. 222 companies have already registered for the 2018/19 edition.

Another example of moves to improve conduct in the private sector is the approval, in July 2016, of the Law on State Enterprises, which establishes more rigorous technical criteria for the appointment of directors and members of boards of directors of state-owned companies and alters the public procurement process. Additionally, the Law creates obligations for the adoption of integrity programs along with Codes of Ethics and Integrity, conducts risk analyses, and mandates the annual disclosure of a letter with public policy objectives and operational and financial data. In order to evaluate the development of the integrity programs of state enterprises and their internal oversight, the CGU developed a special audit unit with its own methodology. Since the audit unit began its work, the CGU has evaluated 31 state companies, with important results in the promotion of integrity, including the publication of reports with specific recommendations, the implementation of which is monitored by the CGU. The reports are also made public, which facilitates social oversight of compliance by state companies with recommendations for integrity, and reinforces commitments to transparency.

d. Transparency and open data

Brazil has a long tradition of and commitment to providing public information, especially after the approval of the Access to Information Law. There are a series of instruments available to access public data, such as Brazil's online Transparency Portal, which was launched in 2004 and reformulated in 2018 in order to increase usability as well as provide the information in open data format. Since the reformulation of the Portal, citizens have access to a total integration of databases which allows modular navigation and contains new search tools, visualization and aggregation of information, in addition to allowing access to specific panels on government organs, programs or areas of government, with graphs on the different topics (expenses, income, public servants, sanctions applied to servers or legal entities, among others). The Portal aims to guarantee and expand the transparency of public management and strengthen citizen participation in the oversight of expenses and investments of the Federal Executive Branch.

Another relevant initiative in this area is the implementation of the National Open Data Policy, which establishes the rules for data availability in an open format and has as one of its objectives the creation of a culture of public transparency and encouragement of the use of government data by citizens in order to unite the population and the government in the search for innovative solutions for the fight against corruption. The Policy is realized through Open Data Plans that each government body must present, including specific deadlines. In order to facilitate the monitoring and dissemination of the plans, the General Comptroller of the Union developed, in July 2017, a Monitoring Panel, where the plans of each body and the percentage of compliance are visible, including if there are delays or if there is no

available plan. The available data are then compiled in the Brazilian Open Data Portal, which already offers more than five thousand data sets.

e. Whistleblower protection

In order to encourage the reporting of acts of corruption and protect the identity of those who denounce, Brazil developed the Ombudsman System of the Federal Executive Power (e-OUV), which is an online tool that allows the reception of and response to citizen inputs (which include complaints, claims, solicitations and compliments) by “oidorias”, or listening centers. Any citizen can register an input to the 306 existing oidorias, with the possibility of expressing themselves anonymously. The system allows, in a structured and orderly way, to expand the offer of data to the citizen, at the same time that it creates safe and effective channels of communication, with control over the deadlines and the processing of the input within the public administration. In 2019, the federal government created National Network of Ombudsmen, in order to integrate the actions developed by the units of oidorias of the states and the municipalities, under the coordination of the Ombudsman-General of the Union, a unit that is part of the CGU. The Network makes mandatory the use of e-OUV by the organs and entities of the Federal Executive and guarantees access and free use by actors of the states and municipalities.

F. Fight against corruption

In addition to sanctions, Brazil has taken further measures to strengthen the fight against corruption. One measure is Leniency Agreements based on the Anticorruption Law, which companies sign to commit to implementing new or improving existing integrity programs in order to prevent the recurrence of corruption, and through which they also commit to forfeiting certain amounts of funds. So far, six agreements were signed between companies and the Office of the Comptroller General of the Union and the General Attorney’s Office of the Union (Abogacía General de la Unión.) These agreements resulted in a total of more than 6 billion reais, which must be recovered over the next few years, and including a certain determined fine, damage compensation and the amount of illicit gains. The CGU is responsible for directly monitoring compliance with the agreements, including integrity obligations, based on the analysis of semi-annual reports and through technical visits to companies. In 2019, the CGU began publishing all the agreements on its website, publicizing the clauses and allowing the company to access the relevant information.

It is also important to highlight the results of sanctions applied through administrative processes in the Federal Government. In 2019, 129 public servants were expelled, 68 of whom due to corruption cases foreseen in the Law. Meanwhile, 672 sanctions were applied to companies and 435 companies were prevented from seeking contracts with the public sector. Finally, in the Lava-Jato case, nine companies were sanctioned by administrative process and are prevented from signing public contracts.

Conclusion

The Summit of the Americas was held during a pivotal time for the hemisphere in terms of the fight against corruption. Latin America has experienced corruption scandals in recent years that have resulted in crucial social and institutional reactions and have influenced presidential elections. In that sense, the debates that sparked the Lima Commitment are an important impetus to governments, civil society, businessmen and international organizations to act together to counter corruption, which is too

complex to be addressed alone. The Lima Commitment can therefore serve as a basis for joint strategies that are being developed.

In the specific case of Brazil, the fight against corruption became a government mandate, and the country is taking concrete actions to promote integrity and transparency, strengthen the organs of oversight and justice and the channels for citizen participation, in consideration of commitments declared during the Summit. Big crises can also present great opportunities for change, and we hope to continue advancing, especially through institutional cooperation and with international assistance.