Lava Jato and the Brazilian Web of Accountability Institutions: A Turning Point for Corruption Control?

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ABOUT THE PROJECT

Lava Jato or Operation Car Wash refers to Latin America’s largest known corruption scheme in living memory. Related events began unfolding in Brazil in March of 2014. Construction companies were colluding with employees of Brazil’s state-owned oil company to win public works contracts. The oil company’s employees took bribes, while politicians obtained kickbacks as personal gifts or campaign donations.

The relevant scholarship had warned that corruption could result in public works being constructed at inflated costs. However, such warnings were ignored, and so the people involved in the scheme managed to steal billions in state funds. Prosecutors further revealed that bribes paid by the region’s largest construction group extended to eleven other countries besides Brazil.

In spite of the continued interest among policy practitioners and academics, there are key questions about Lava Jato that remain unanswered. For instance, how did the construction company that led the corruption scheme choose the countries in which to do business? According to the international press, the scheme played a role in the 2014 World Cup, but was corruption also at work in the planning and execution of the 2016 Rio Olympics? Also, what is motivating some of the key actors fighting corruption in Brazil, and what can be done to avoid similar corruption scandals in the future?

To answer these and related questions, the Center on Global Economic Governance (CGEG) at Columbia University’s School of International & Public Affairs has collected a series of policy briefs on Lava Jato-related themes. This project is proudly cosponsored by the Center for Development Economics and Policy (CDEP), Columbia Global Center in Rio, and the Latin America Initiative at Rice University’s Baker Institute for Public Policy with the goal of shedding light on a complex problem that has affected the lives of millions.

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Abstract

This policy brief analyzes the level of coordination reached among five accountability institutions in Brazil: The Public Prosecutor’s Office (*Ministério Público Federal*, MPF), the Federal Police (*Polícia Federal*, PF), the Office of the Comptroller General (*Ministério da Transparência e Controladoria Geral da União*, CGU), the Federal Court of Accounts (*Tribunal de Contas da União*, TCU), and the Attorney General of the Union (*Advocacia-Geral da União*, AGU). Lava Jato shows that institutions can be more effective in controlling corruption when they participate in a web of accountability. That being said, while Lava Jato may signal the end of long-standing impunity in Brazil, this brief finds that doing away with impunity raises other challenges. Mainly, the outrage generated by the corruption revelations can lend support to populist and antidemocratic movements.
Lava Jato has seen a historical level of coordination among Brazilian institutions of accountability. Among the institutions focused on corruption control there is the Public Prosecutor’s Office (Ministério Público Federal, MPF), the Attorney General of the Union (Advocacia-Geral da União, AGU), the Federal Police (Polícia Federal, PF), the Office of the Comptroller General (Ministério da Transparência e Controladoria Geral da União, CGU), and the Federal Court of Accounts (Tribunal de Contas da União, TCU).

All the aforementioned institutions play different and important roles. For one, the Public Prosecutor’s Office may investigate and press criminal charges. Both the Public Prosecutor’s Office and the Attorney General of the Union may pursue civil claims. The Federal Police conducts criminal investigations and carries out search warrants and arrests. The Federal Courts judge the civil and criminal cases. Finally, both the Office of the Comptroller General and the Federal Court of Accounts conduct audits and impose administrative penalties, such as fines or bans from contracting with the federal government. All of these institutions have played a role in Lava Jato. However, points of tension persist—the level of coordination continues to present some imperfections. For example, several of the relevant authorities continue to demand a say in negotiating the leniency agreements established with private companies.

I begin this policy brief with a description of the key institutions of accountability in Brazil, before discussing the coordination among these in the context of Lava Jato. I then discuss the extent to which Lava Jato represents a turning point in the history of the Brazilian web of accountability institutions. Finally, to conclude this brief, I argue that
accountability institutions should continue to support each other and be themselves held accountable when it comes to controlling corruption, while being careful to protect the country’s fragile democracy. After all, political instability is one of the potential externalities from challenging long-standing impunity. In a country with a recent authoritarian past, such as Brazil, those who step in to fill the political vacuum left in the wake of corruption prosecutions may turn against democracy.

The Web of Accountability Institutions in Brazil

As a starting point, it is useful to examine the institutions in Brazil responsible for fighting corruption across four dimensions: Scope, Autonomy, Proximate Institutions, and Activation, described below:

- **Scope**: The responsibilities attributed to an institution, and the effects these have on the institution’s reach.
- **Autonomy**: An institution’s ability to choose what cases to address and how to prioritize its efforts, as well as its ability to act without undue concern for the reactions of other institutions.
- **Proximate Institutions**: Institutions with which a given institution must closely and frequently interact. Some institutions are constrained by their relationships with proximate institutions: for example, the Federal Police cannot prosecute crimes

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directly in the courts, but must rely on the Public Prosecutor’s Office to carry its cases to the Courts.

- Activation: Whether an institution can take initiative, or whether it must react to the initiatives of others.

Based on the proposed framework, it is worth noting that the Office of the Comptroller General (CGU) and the Federal Police depend on the country’s Executive. They enjoy limited autonomy and tend to have a narrow scope of action; thus, they must rely heavily on proximate institutions to carry forward any investigation. The CGU was created in 2003 and is responsible for assisting the president in matters related to the protection of public assets, setting up internal controls, conducting audits, and promoting transparency, among others. In terms of the Federal Police, it is subordinate to the Ministry of Justice, and its main functions include combating crimes against federal institutions, as well as tackling international drug trafficking, terrorism, cyber-crime, organized crime, public corruption, white-collar crime, and money laundering.

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3 The CGU was created by Law Nº 10,683/2003. It has four high-level units: The Federal Secretariat for Internal Control; the Corruption Prevention and Strategic Information Secretariat; the National Disciplinary Board; and the National Ombudsman’s Office. In Portuguese, the name of the Ministry is “Ministério da Transparência e Controladoria Geral da União.” For more information see: <https://bit.ly/2B3rIV8>.

4 The mandate of the Federal Police is expressed in Article 144 of the Brazilian Constitution, which assigns it a number of roles, including: to investigate criminal offenses against the political and social order, or against goods, services and interests of the Brazilian federal government, its organs and companies, as well as interstate and international crime. For more information see: <https://bit.ly/1bIJ9XW>.
The Attorney General of the Union (AGU) is a cabinet-level position that is empowered to represent the government of Brazil in legal proceedings. The AGU also provides legal advice to the government. It may file civil lawsuits, including those related to corruption against misuse of public resources, illicit enrichment, and public property damage. The AGU’s lawsuits are usually based on the investigations of other accountability institutions, such as the CGU, the Federal Police, and the Federal Court of Accounts (TCU).

In the administrative arena, the TCU is the main institution responsible for monitoring public spending in Brazil. It is formally linked to congress, and acts as an external control on the executive branch. The TCU can be thought of as a proactive institution, as it often conducts audits to test for points of vulnerability. However, its scope is restricted by the regulation governing its auditing procedures. Although the TCU does not rely on other accountability institutions and can pursue its own administrative investigations, its decisions can be challenged by other institutions with overlapping powers. In other words, the TCU’s charges can be appealed through the court system.

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5 The AGU was created by the Federal Constitution of 1988 and implemented by Complementary Law No. 73/1993. For more information see: <https://bit.ly/2Ecu3QK>.

6 The Constitution of 1988 determined that the external control of the Executive Branch is the responsibility of the Congress with the support of the TCU. The TCU conducts audits whenever it is required by Congress. It is also responsible for approving the annual accounts of the President. For more information see: <https://bit.ly/2rDEgOK>.

The Public Prosecutor’s Office (MPF) is the most unusual accountability institution in Brazil, and it leads in fighting corruption. The MPF is a prosecutorial body that is formally independent of the other three branches of government. It has a guaranteed yearly budget and career incentives that are set with almost no outside interference. The autonomy and scope of the MPF are almost unlimited. Its main role in corruption cases is to investigate and refer charges to the appropriate court. The court, in turn, determines liability and punishment. Despite their broad mandate to intervene in a number of potential arenas, the courts are reactive institutions: they require activation by an external actor before they can take on particular cases, and their effectiveness in the accountability process relies heavily on the quality of the cases forwarded by the MPF.

None of these accountability institutions has corruption control as its sole responsibility, and none is responsible for all of the steps involved in the accountability cycle, which includes monitoring, investigating, and sanctioning. For example, corruption prevention and monitoring is mainly the responsibility of the CGU, which gathers and analyzes strategic information to identify illicit actions affecting federal resources. The CGU and the TCU both conduct audits, which the MPF and the Federal Police cannot do. The core mission of the TCU is to improve the management of public funds. In this sense, the TCU’s auditing capacity helps to prevent corruption by strengthening other institutions’

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8 After two years of working at the MPF, public prosecutors can only lose their jobs through a formal judicial proceeding. Furthermore, they can only be transferred if they personally agree with being moved or if the move serves the public interest. The Constitution guarantees that the Public Prosecutor's Office will enjoy independence; each MPF member has complete autonomy in their work.

defenses. The very expectation of control generated by the TCU and CGU helps to curb potential misconduct.

The Federal Police investigates felonies and conducts arrests. Meanwhile, the MPF is empowered to initiate civil and criminal proceedings. In collaboration with the other authorities, and relying on its own investigatory powers, the MPF gathers evidence of wrongdoing to present to the relevant courts. Federal Courts then rule on the merits of the evidence.

Over the last few decades, all of the accountability institutions referenced thus far have been strengthened through reform efforts. The TCU acquired more institutional autonomy to exercise its functions of external control.\textsuperscript{10} Public prosecutors acquired autonomy to pursue investigations. The Federal Police gained personnel and resources.\textsuperscript{11} The CGU was created with the mission of auditing and preventing corruption.\textsuperscript{12}

Still, some suggest that the reforms did not go deep enough in providing an adequate response to corruption.\textsuperscript{13} For example, the requirement that the MPF and the Federal Police collaborate on corruption investigations causes some unnecessary delays.


\textsuperscript{13} Power, Timothy J. and Matthew M. Taylor, eds., \textit{Corruption and Democracy in Brazil}. 

Sometimes the TCU, while trying to avoid losing a court case against a corrupt official, will apply an administrative sanction rather than referring a case to the courts for criminal prosecution. The web of anti-corruption institutions also focuses on the investigative phase, and devotes less attention to monitoring or sanctioning. The investigations involving multiple agencies often lack a clear chain of command or adequate coordination of information-sharing processes.

My close examination of the Brazilian web of accountability institutions, based on 64 interviews with the personnel of federal accountability institutions, indicates that coordination among these was starting to work around the year 2014. These institutions had started to sign cooperation agreements for information sharing, and they had begun to set a common agenda. What triggered the heightened coordination was the finding of corruption. When an institution found indications of wrongdoing, it communicated them primarily to the Federal Police and the MPF. Coordination was sought precisely because corruption cases are hard to prove.

However, relationships in the web of accountability are not completely free of issues. Tensions persist between public prosecutors and police officers, and between auditors from the CGU and the TCU.

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15 Ibid.
16 Ibid.
Lava Jato and the Accountability Web

Lava Jato is the product of more than a decade of improvements to Brazil’s web of accountability institutions. It is just one of several recent successful operations carried out by the Federal Police in coordination with public prosecutors and the Federal Judiciary. For example, the Federal Police carried out four times as many anti-corruption operations in 2017 (286) as it did in 2013 (56).\(^{18}\) Hundreds of people have been arrested for such crimes as corruption, organized crime, money laundering, fraud, obstruction of justice, and influence peddling. Lava Jato, which started out as an ordinary operation to investigate money laundering, grew into a vast corruption case that was prosecuted successfully through a coordinated effort.\(^ {19}\) As evidence of this coordination, the MPF can point to its collaboration with other accountability institutions in over 4,000 investigations and proceedings relating to Lava Jato.\(^ {20}\)

A website called “Lava Jota” collects information about all 1,242 Court proceedings related to Lava Jato.\(^ {21}\) A search on this site exemplifies how the five accountability institutions studied here are central to the Lava Jato case. There were 26,548


\(^{20}\) Source: author’s public information request submitted to the Ministério Público Federal and answered on December 19, 2018.

mentions of the term “Ministério Público Federal,” and 11,837 mentions of “Polícia Federal.” The TCU also appeared frequently in the proceedings with 861 mentions. The CGU and the AGU were mentioned fewer times, but were still present (265 and 167 mentions, respectively).

Each of Brazil’s accountability institutions appears to be proud of its participation in Lava Jato. The MPF’s website, for example, explains the Operation in detail, listing 215 convictions against 140 people, resulting in a total of 2,036 years of imprisonment. The website of the Federal Police also highlights the Operation, emphasizing the extensive investigative work, which also prompted 6 special operations in other parts of Brazil.

At the beginning of the Operation, the MPF created the Lava Jato Task Force to lead the investigations. The Lava Jato Task Force is a group of 47 federal prosecutors based in the cities of Brasília, Curitiba, and Rio de Janeiro. The Task Force has actively coordinated with other accountability institutions, especially the Federal Police, the CGU, the TCU, the Revenue Services, the Ministry of Justice (which is responsible for coordinating with authorities from other countries), and two federal bodies—COAF and CADE—that monitor money laundering and cartel formation.

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The Council for Financial Activities Control (*Conselho de Controle das Atividades Financeiras*, COAF) is a Brazilian administrative body that was created by Law No. 9,613/1998 and is linked to the Ministry of Finance. COAF’s core mission is to produce financial intelligence and to protect against money laundering and terrorism financing. The COAF can apply administrative penalties for which there is no specific regulatory or supervisory body.\(^25\) The Administrative Council for Economic Defense (*Conselho Administrativo de Defesa Econômica*, CADE) is an independent agency reporting to the Ministry of Justice (Law Nº 12,529/2011). CADE’s mission is to ensure free competition. It is the body in the Executive Branch responsible for investigating and deciding competition issues.\(^26\) In 2017, COAF’s activities, in coordination with those of the MPF and police, resulted in the freezing of assets worth R$ 46 million (equivalent to U$12 million) in Brazil and abroad related to money laundering investigations. A significant part of these blocked assets related to persons investigated in Lava Jato.\(^27\) CADE actions based on Lava Jato included obtaining 20 leniency agreements with companies accused of cartel offenses.\(^28\)

\(^{28}\) CADE’s Leniency Program allows companies or individuals currently involved or that were involved in a cartel offense or other antitrust conspiracy to apply for a Leniency Agreement by committing to cease the illegal conduct, report and confess the wrongdoing, and cooperate with the investigations by submitting information and documents relevant to the investigation. CADE’s leniency program is different from the leniency agreements based on the Anticorruption Law. The legal framework for leniency agreements related to cartels and other competition-related wrongdoings is based on Law No. 12,529/2011. This law notes that CADE is the authority with the power to adjudicate on antitrust matters at the administrative level; that a legal entity may enter into a leniency agreement with CADE; and that a deal with CADE will statutorily halt any official criminal and administrative charges. For more information see: <https://bit.ly/2zW3D2D>. 
The coordination reached during Lava Jato among the institutions of accountability began when the Federal Police and MPF started to investigate corruption allegations. Then the MPF presented the case to the Courts. Judgment has then been passed by either Federal Courts or the Supreme Court.\textsuperscript{29} Coordination also appeared in the administrative arena. For example, the TCU prioritized proceedings related to Lava Jato and applied administrative sanctions to companies that were involved.\textsuperscript{30} The TCU also set up a special group of auditors to deal with materials and reports coming from plea-bargain agreements reached in the context of Lava Jato.\textsuperscript{31} The unrestricted access by the TCU to the documentation used in the negotiations serves as additional evidence of coordination. The TCU’s website highlights its close relationship with the MPF and CADE. Briefly, that same website mentions the Federal Police and the CGU—though it does not mention the AGU, perhaps signaling some of the tension referenced earlier.\textsuperscript{32}

As to the CGU, the agency publicly highlights its partnership with the Federal Police and the MPF. In 15 years, 338 Federal Police investigations have been launched

\textsuperscript{29} In Brazil, members of Parliament, government ministers, the president and vice president, and members of the Higher Courts have the prerogative of jurisdiction (\textit{foro privilegiado}). Essentially, they are judged by the Supreme Court.


\textsuperscript{31} It is important to distinguish plea bargains and leniency agreements according to the Brazilian legislation. In both, the accused pleads guilty or cooperates with the authorities in exchange for benefits (e.g., a reduced fine or sentence). The plea bargain is regulated by Law nº 12.850/13 and the leniency agreement is regulated by Laws 12.529/11 and the Anti-Corruption Law 12.846/13. The plea bargain (delação premiada) is undertaken by the public prosecutors and is ratified by the Judiciary. On the other hand, the leniency agreement (acordo de leniência) is set by an administrative institution (i.e., CGU).

with the participation of the CGU; 18 of these were launched in 2018 alone.\(^{33}\) In the context of Lava Jato, the CGU has sanctioned many of the companies mentioned in the investigations (as of this writing, 9 companies have been forbidden from bidding for government contracts), and has reached leniency agreements to secure the cooperation of Odebrecht and other companies.\(^{34,35}\) The CGU has also remained in dialogue with the Lava Jato Task Force as a way to promote collaboration with the ongoing investigations and the effective sharing of evidence. For example, the CGU has suspended some leniency negotiations in progress in order to avoid interfering with negotiations then being conducted by the MPF.\(^{36}\)

But this does not mean that cooperation between the relevant institutions is always smooth. There are issues of overlapping administrative sanctions between the CGU and the TCU, and issues of authority over the negotiation of leniency agreements. For one, both


\(^{35}\) The AGU also participated in these leniency agreements thanks to a formal understanding with the CGU. This formal understanding is spelled out in the Joint Directive (Portaria Interministerial) No. 2,278. Issued in 2016, the directive offers guidelines for cooperation in the process of drafting and negotiating leniency agreements. The directive establishes the following: (a) the CGU will inform the AGU about any new leniency agreement offer; (b) a joint workgroup will be formed with two or more CGU officials and one or more AGU attorneys; (c) the workgroup and the wrongdoer will sign a memorandum of understanding and then engage in negotiations of the terms and conditions of the leniency agreements; (d) the AGU members will appraise the pros and cons of the proposed terms and conditions vis-a-vis the prospects of judicial action against the wrongdoer; (e) the workgroup will issue a report to the CGU and AGU; (f) both the CGU and AGU will decide whether to sign the leniency agreement; and (g) the CGU will monitor the performance of the agreement.

can impose restrictions on the right to bid and contract with the government. Furthermore, there are some points of tension regarding leniency agreements.

The negotiation of leniency agreements is one of the flagships of Lava Jato, and the coordination of these agreements can be challenging. Under the Anti-Corruption Law (Law 12.846/2013), the CGU has exclusive jurisdiction to enter into leniency agreements at the federal level in relation to administrative sanctions. It is possible for the CGU to waive or mitigate an administrative penalty in exchange for effective collaboration. The AGU has been taking part in the CGU negotiations to provide legal guarantees and to extend the agreements’ coverage to other penalties to which the company under investigation may be subjected.

The MPF has also entered into leniency agreements, agreeing to waive companies’ civil liability for wrongdoing in order to obtain valuable information on corruption and related irregularities. In a recent decision, the TCU ruled that it could take into consideration leniency agreements concluded by other bodies, subject to certain conditions, when deciding on the appropriate punishment.\footnote{The legal basis for the authority of the Office of the Comptroller General is the Law on Tenders and Administrative Contracts (9,666/93). A separate law (8,443/92) empowers the Federal Court of Accounts to impose administrative sanctions on companies that participate in bid frauds.}

In other words, the legal framework provides for different institutions enforcing leniency agreements. On the one hand, CGU and AGU support each other in the leniency agreements negotiations. This, in accordance with the Portaria Interministerial No. 2,278, which does not mention the participation of the MPF or TCU.\(^{39}\) On the other hand, the public prosecutors from the MPF and auditors from the TCU have been trying to coordinate with each other. In fact, in 2017, the TCU prohibited certain construction companies who had not yet reached a legal settlement (among them, Queiroz Galvão and Techint) from bidding and entering into contracts with the federal government, while deciding that it would not impose the same penalty on other companies (specifically, Odebrecht, Camargo Corrêa, and Andrade Gutierrez), considering that these other companies had managed to sign leniency agreements with the MPF.\(^{40}\) But, to be clear, such coordination has not yet been fully tested. The TCU could, in theory, reject any amendment to a settlement by the MPF—indeed, the TCU could still prohibit companies that have reached a settlement with the MPF from participating in federal procurement processes.

Another point of tension was highlighted in 2017 by the newspaper Folha de São Paulo. The news outlet argued that the CGU’s negotiations of leniency agreements was stalling corruption investigations.\(^ {41}\) Eleven companies, most of which were being targeted

\(^{39}\) The term *portaria interministerial* refers to an administrative act signed and published by two or more ministries on matters of mutual interest.


by Lava Jato, had their investigations suspended by leniency agreements being negotiated by the CGU.\textsuperscript{42} In response, the TCU complained that such halts to their investigations had no legal bearing and tended to improperly benefit the companies.\textsuperscript{43} As long as negotiations with the CGU were ongoing, the companies were allowed to continue bidding for public contracts.

Other examples of tension abound, which serves to highlight a problem with the existing institutional framework. Agencies often have overlapping powers, but no formal rules to guide and coordinate their efforts. The MPF, TCU, CGU, and AGU often end up competing for the right to settle and punish wrongdoers. And yet, all things considered, Lava Jato has seen an unprecedented level of coordination among the relevant institutions of accountability.

\textbf{A Turning Point?}

Even though my interviews did not ask specifically about Lava Jato, as they were conducted right when the scandal was being uncovered, the people I spoke to at each of the institutions mentioned it and the so-called “Mensalão” scandal that preceded it.\textsuperscript{44} As an


\textsuperscript{43} Fabrini and Wiziack. “Leniency Agreements....”

\textsuperscript{44} Mensalão was a vote-buying scandal that broke in 2005 when the president of an allied party claimed that the ruling Workers’ Party was paying several members of Congress 30,000 Reais a month (around US$12,000) to vote a certain way. For more information see: The Economist. "What Is Brazil’s ’Mensalão’." The Economist. November 18. 2013, sec. Explaining the world. <https://econ.st/2rttASR>.
operation, Lava Jato was consistently portrayed as unprecedented—as going beyond the routine investigation of corruption cases, and as signaling an end to impunity. Indeed, there were high expectations for both Lava Jato and Mensalão. One person at the Federal Police said, “Mensalão and now Lava Jato—they will have consequences. So, the Judiciary [will now play a key role in] reversing this sense that whoever diverts [public] resources can remain unpunished” (Interview 54, Federal Police, 2015).

From the perspective of the people I interviewed, Mensalão and Lava Jato were seen as success stories. In fact, it is because of the progress made in the fight against corruption that the political elite began to pressure the accountability institutions responsible for the investigations. In the words of one prosecutor:

We are suffering many reprisals in relation to, for example, Mensalão…. We have suffered various types of reprisals…. There is a bad feeling, a belief that the Public Prosecutor’s Office exaggerated or [that it] played the game of the right-wing parties (Interview 26, MPF, 2014).

The discomfort of the powerful resulting from the investigations, and especially from the unprecedented level of punishment (a characteristic frequently emphasized by the accountability actors I interviewed), hinted at some of the potential dangers resulting from Lava Jato.
Efforts to Limit Accountability

Lava Jato would not have happened without the Workers’ Party’s contribution to the strengthening of accountability institutions. During the Workers’ Party tenure, judges, prosecutors, auditors, and police officers were given far greater scope to act. “Before [President] Lula took power, we were toothless,” said a member of the Federal Police union. “The Workers’ Party increased our budget, upgraded our equipment and gave us more authority. It is ironic: they lost power because they did the right thing.”

In hindsight it is obvious that Lava Jato generated angst amongst the political elite. In March of 2016 a conversation between Minister Romero Jucá of the PMDB party and the president of the Transpetro company, Sérgio Machado, was made public. Weeks before the impeachment of President Dilma, Romero Jucá suggested to Machado that a change in the government could “stop the bleeding” caused by Lava Jato, which had investigated both of them.

The pushback against the anti-corruption agenda can also be seen in measures adopted by President Michel Temer. When Temer’s government took power in 2016 after the impeachment of President Rousseff, it renamed and changed the institutional position

of the CGU. This step was received with caution by members of the CGU and by other anti-corruption specialists who were concerned that this could mean a loss of autonomy for the agency.\textsuperscript{47}

As further evidence of pushback against the accountability efforts, in early 2017, resources for the Federal Police were cut. The number of federal police officers supporting the Lava Jato Task Force was reduced from nine to four.\textsuperscript{48} Similarly, the budget for the Federal Police was cut by 44\%, thus negatively impacting the investigations.\textsuperscript{49} In the words of the president of the National Association of Police Officers, “The investment is almost zero. The cut will paralyze the activities. For a budget that is already small, cutting 44\% will lead to a complete stop.”\textsuperscript{50}

**Risks Ahead?**

During Lava Jato, the accountability institutions were able to develop joint actions, exchange information, and sign cooperation agreements. But, at the same time, the biggest corruption scandal in Brazilian history has generated political instability and stirred up new threats to democracy. Given these troubling developments, it is necessary to take concrete


\textsuperscript{49} Ibid.

\textsuperscript{50} Ibid.
measures to protect civil society, journalists, and democracy itself. It is important to remember that the fight against corruption is also a fight for human rights and social justice. As stated by Transparency International:

A government elected on an anti-corruption platform must take concrete measures to increase and protect the space for civil society and social movements to operate safely and effectively; create a free and safe environment in which the media can investigate, expose wrong-doing and hold the powerful to account without suffering any sort of intimidation or retaliation; and strengthen accountability institutions, rule of law, and checks and balances against the abuse of power.51

In other words, the web of accountability should work within a system of rights and responsibilities to uphold the democratic order. Also, recently elected politicians should resist the temptation to use the anticorruption flag to justify abuse.