Horizontal Accountability and Corruption Control in Brazil

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ABSTRACT

The central purpose of this paper is to map out the Brazilian web of accountability institutions – how these institutions establish links with each other in order to control and sanction the cases of corruption that reach them. Particular focus is on the institutions that are at the center of the Brazilian anti-corruption agenda, including the Federal Public Prosecution Office (MPF), the Federal Police (PF), the Office of the Comptroller General (CGU), the Federal Court of Accounts (TCU), the Federal Justice (JF) and the governmental Ministries. In the literature, the most widespread argument is that despite recent institutional improvements, the final result of this web in terms of interaction and coordination is still weak. This paper tests these claims by looking at the program called “Inspections from Public Lotteries,” which targets the federal funds transferred to municipalities. Given that this program brings irregularities to the public sphere, I asked whether investigative or judicial proceedings are established in the institutions that compose the Brazilian web of accountability. Through a longitudinal approach, I observed the flux of control activities among the institutions until they reach the Judiciary. The conclusion is that the Brazilian web is able to coordinate and articulate itself in order to control and hold the public officials accountable (something new in this recent democracy), but not in a homogeneous way across all institutions (something the literature has missed). Furthermore, I demonstrate that despite interacting more when facing corruption cases, the accountability institutions are not able to arrive at a decision in a timely manner. This means that facing corruption is not important enough to expedite the flux of the investigations and sanctions.

Keywords: Accountability, Corruption, Web of Accountability Institutions, Interactions, Brazil
INTRODUCTION

When we think about improving the democratic control of corruption, the focus often falls upon changes in the accountability institutions. The recent literature indicates that, at the current stage of reform and democratization around the globe, accountability institutions must undergo a strengthening process in order to improve economic performance, promote fiscal responsibility and fight corruption: at the root of both corruption and administrative inefficiency is government institutions' lack of oversight capabilities (SIAVELI, 2000:71). This is especially reinforced regarding horizontal accountability institutions, which are seen as effective mechanisms for controlling corruption (ODONNELL, 1998; ROSE-ACKERMAN, 1999).

In this study, the discussion centers on the articulation of six Brazilian institutions of horizontal accountability – the Office of the Comptroller General (CGU), the Federal Court of Accounts (TCU), the Federal Public Prosecutor's Office (MPF), the Federal Police (PF), the intern control in the Ministries, and the Federal Justice (JF). This paper seeks to understand how these accountability institutions interact in order to control corruption cases. As part of the Brazilian web of accountability institutions, those institutions should be linked in order to control deviations involving federal resources. The first and second part of the paper address the idea of a web of accountability institutions, and how it has developed in Brazil, taking the recent renovations that have strengthened them into consideration. The subsequent part focuses on the corruption concept used and how it departs from the literature mainstream. The fourth part describes the methodology – the longitudinal perspective. Finally, I analyze the joint actions of the accountability institutions aiming to control corruption, and discuss the vulnerable points of the Brazilian web of accountability institutions in the conclusion.

1. THE IDEA OF A WEB OF ACCOUNTABILITY INSTITUTIONS

Contemporary democracies reaffirm, as a core principle, the idea that rulers should be held accountable by the people, and should be held responsible for their actions and omissions in the exercise of power. Despite the recognition of accountability as a central aspect of contemporary democracies, it is still a highly contested concept and can be thought of in the light of different theoretical perspectives. In general, it involves a dimension of control, for constraining the abuse of power and establishing checks on the misuse of authority
(SANTISO, 2007:120). But it also involves certain ability to justify public actions: the ability to ensure that public officials are answerable for their behavior – and forced to justify and inform the citizenry about their decisions, and eventually be sanctioned by them (PERUZZOTTI; SMULOVITZ, 2006:5).

The definition of accountability used follows the ideas of Mark Philp, for whom A is accountable with respect to M when some individual, body or institution, Y, can require A to inform and explain/justify his or her conduct with respect to M (PHILP, 2009:32). Thus, accountability has four components:

(i) an agent or institution should be accountable (A);
(ii) to some agent or institution (Y);
(iii) for some responsibilities or areas of action (M);
(iv) and Y’s ability to require accountability from A.

In this paper, the usage of this definition runs as follows: some federal institutions (Y) impose accountability on the municipal Executive (A), when considering the application of federal funds in some areas of public policy (M).

One of the most controversial points in the definition of accountability concerns the sanction theme (MAINWARING, 2003). For some authors, accountability calls for mechanisms of direct and credible sanctions to be effective (SCHEDLER, 1999; KENNEY, 2003; MORENO et al., 2003.). As a rebuttal to this point, it might be (convincingly) argued that accountability power can be divided between direct and indirect power sanction (MAINWARING, 2003). Although accountability cannot exist without the power to impose sanctions – accountability cannot exist with no sanctioning power or other sanctions; some capacity to redress wrongdoing by referring a case to other venues (...) is critical (MAINWARING, 2003:13) – there are certain accountability institutions that do not have the ability to sanction directly, but only to transfer their findings to other actors that may establish punishments (MAINWARING 2003; MANZETTI; MORGENSTERN, 2003). This would be an indirect sanction power: one agent of accountability has a formalized authority of oversight over public officials even though the office cannot impose formal sanctions (MAINWARING, 2003:13).
The institutional framework of accountability includes a wide range of institutions. Some have the ability to impose direct sanctions and others rely solely on the indirect possibility of punishment. Among the institutions studied here, the Office of the Comptroller General, for instance, does not have the power to directly sanction or remove rulers from office, but the information it provides demands responses and justifications. It transfers the information regarding corruption (and others malfeasances) to agencies that may provide administrative punishment, such as the Federal Court of Accounts; or judicial sanctions, such as the Public Prosecutor's Office. I consider that institutions that do not have the direct sanctioning power are also part of the accountability process: although sanctioning power cannot be entirely absent in a relationship of accountability, it can be indirect (MAINWARING, 2003:14). This means that institutions with indirect sanction power must rely heavily on a close relationship with the institutions that can establish judgments and punishments so that the cycle of accountability may come to a close. The objective of this paper is precisely to ascertain the extent to which the institutions of accountability maintain this bond when it comes to controlling corruption cases.

The accountability institutions studied here are part of what O’Donnell (1998) has called “horizontal accountability.” While vertical accountability is correlated with electoral or societal control by the citizens, the task of horizontal accountability is to control the exercise of power in order to prevent the misuse of resources and influences. It requires

the existence of state agencies that have legal authority and are willing and able (empowered) to take action, ranging from routine checks to criminal sanctions or even impeachment. Those state agencies act in relation to actions or omissions by other state agencies which may, in principle, be classified as illegal (O’DONNELL, 2001:7).

In contemporary democracies, horizontal accountability institutions are legally responsible for overseeing, preventing and punishing illegal actions or omissions of other national or subnational government agencies. Within the horizontal accountability domain, there are two types of control: internal and external. In the former, the organization itself provides mechanisms of surveillance and monitoring through a set of actions, methods, procedures and routines that are intended to preserve the assets of the organization and determine the compatibility between actions and agreed principles (SPINELLI, 2008). The activities of the internal control are mainly preventive and aim to identify critical points in the flow of actions and to avoid the occurrence of possible deviations. The body responsible for this control in Brazil is the Office of the Comptroller General (CGU). The external form of control, on the
other hand, consists of activities of surveillance and monitoring developed outside the organization itself. In Brazil, this control is exercised by the National Congress, with technical support from the Federal Court of Accounts (GOMES; ARAUJO, 2008).

There is a growing support for the claim that accountability relationships should constitute an integrated web of agencies, whose credibility depends on the quality of the links and synergies between the different components of the system (O’DONNELL, 2001). In this paper, I seek to map these links and synergies. The effectiveness of accountability does not depend solely on one state agency's legal authority or will to act. It is necessary to have a web of state agencies committed to the preservation and enforcement of horizontal accountability – what Mainwaring and Welna called the “web of accountability institutions.” Institutions with different roles and powers perform the task of holding rulers accountable for their actions and decisions.

2. THE BRAZILIAN WEB OF ACCOUNTABILITY INSTITUTIONS

It seems fair to suggest that Brazil has improved its institutions responsible for tackling corruption. For example, the TCU has a reasonable margin of institutional autonomy to exercise its functions of external control (LOUREIRO; TEIXEIRA; MORAES, 2009); the MPF has authority and freedom to pursue its investigations; the Federal Police was strengthened; and the CGU was created within the Executive Branch, with the core mission of auditing and preventing corruption (OLIVIERI, 2011).

Despite these recent strengthening strategies, corruption remains a common practice (FILGUEIRAS; AVRITZER, 2010). This paradox highlights that the institutional changes experienced in the 90’s, in spite of representing a positive process in the patterns of Brazilian public management, still coexist with the persistence of corruption that negatively characterizes the Brazilian public opinion, which creates a sense of impunity.

In Brazil, none of the recently strengthened institutions has corruption control as its sole responsibility, and none of them concentrate all the steps involved in the accountability cycle, which includes monitoring, investigating and sanctioning (OLIVIERI, 2011; TAYLOR, 2011). The prevention step is left mainly to the CGU, which produces strategic information to identify illicit actions regarding federal resources. The TCU is in charge of administrative
penalties involving the misuse of public resources. The Federal Police investigates the felonies, meanwhile the MPF presents the complaints to the Judiciary, being responsible for initiating civil and criminal proceedings. In the end of the cycle, the Federal Courts judge those proceedings. Thus, these institutions compose together a web, each serving its own functions, but in a way that can and should be complementary. They need to establish interactions with each other in order to carry out all the stages of accountability.

Although there is a rapidly growing literature on the web of accountability institutions, most of the studies still examine each institution separately. They tend to focus on a single institution's internal procedures and systems rather than looking at the broader framework in which these institutions are inserted (SANTISO, 2007). While the literature argues that studies on control mechanisms must map the institutions and actors that promote accountability (ARANTES, 2011), there appears to be a consensus on the difficulty of gaining access to the performance of control institutions, especially in developing countries:

> Yet, little systematic comparative research has been undertaken to assess the effectiveness of oversight agencies in fiscal governance and public finances. The scarcity of comparative social research on fiscal oversight institutions has precluded any systematic assessment of the role and performance of external auditing agencies in emerging economies (SANTISO, 2007:4)

As noticed by Speck, in reference to the Brazilian case, the study of control institutions is even rarer:

> compared to other areas of research, such as the decision-making process or parties and voting behavior, the logic of control institutions has not been given the same attention from political scientists. Most of the studies on this subject have come from law studies and administrative science. Research on Brazilian control institutions is much narrower. Almost all the studies published about internal and external control in Brazil have been written by members of the control institutions (SPECK, 1999:2).

Hence, there is insufficient research on the Brazilian web of accountability institutions. The Brazilian literature does not investigate sufficiently the means through which these institutions fulfill their accountability roles (TAYLOR; BURANELLI, 2007). The Brazilian version of the Transparency International Sourcebook concluded that, despite recent advances, the mere proliferation of control institutions was insufficient to ensure an effective integrity system (SPECK, 2002). Even this study, which proposes in its Introduction to incorporate the cooperation and integration among the institutions in the analysis, still provides a strictly individualistic approach. It does not dedicate enough space to the consideration of interactions among different accountability institutions.
Mainwaring and Welna (2003) in “Democratic Accountability in Latin America” and Power and Taylor (2011) in “Corruption and Democracy in Brazil: the Struggle for Accountability”, identify the growing need in the Political Science field for comprehensive approaches. Nevertheless, their analysis of the interactions is in an incipient stage of exploration. They focus on each institution separately, and lack more detailed and deeper analysis on the links that have been established among the accountability institutions. This paper intends to fill this gap in the literature regarding the web of accountability institutions in Brazil, by focusing exactly in the interactions among these institutions.

The few studies that have been carried out about Brazilian accountability institutions emphasize that, despite the prominence of corruption in the Brazilian public agenda, there is a huge difficulty to combat it effectively (POWER; TAYLOR, 2011). The studies emphasize the numerous tensions involved in the relations between the accountability institutions – the necessity of working together engenders an ineffective competitiveness. There is a huge tension, for instance, between the Federal Police and prosecutors from the MPF, when it comes to the investigations of corruption cases. Also, an excessive dependence on another institution to apply sanctions is also a bad signal. It has lead to second-best compensatory sanctions mechanisms in order to escape the weakness of the Judiciary in the establishment of civil or criminal penalties – an alternative sought frequently by the administrative arena (TCU). Moreover, the web concentrates an enormous emphasis on the investigative phase in comparison with the lack of attention devoted to the monitoring or sanction’s phases of the accountability cycle (TAYLOR; BURANELLI, 2007; POWER; TAYLOR, 2011).

Recent studies indicate that the Brazilian institutions of horizontal accountability are internally sufficiently well structured to perform their statutory duties, but there is a pressing need to create mechanisms or practices of coordination between the stages of accountability – performed in a dispersed way by them. Buranelli and Taylor (2007) sustain this view and claim that the accountability issues in Brazil are not associated with internal institutional weakness, but with an excess of independence and lack of coordination among the institutions:

The weakness of the accountability process in Brazil is due not entirely to the toothlessness of individual institutions of accountability, but is also due to the independence of such institutions at each of the three stages [of accountability] (TAYLOR; BURANELLI, 2007:59).
They showed that the entire range of investigations under their analysis has generated relevant information, but they lacked a clear chain of command or filter processes by which this information could be unfold. Moreover, the investigations accumulated a great amount of incriminating information, but with little corresponding sanctions. Administrative sanctions by TCU had little effect, and the civil and criminal penalties from the Judiciary are so slow that could be considered virtually non-existent.

Another recent study has come to similar conclusions about the need for coordination between the institutions of accountability in Brazil (LOUREIRO et al., 2011). This research pointed out that the plurality of control bodies in the Brazilian public administration may not be a problem in itself, given the fact that each body has specific tasks which cannot be carried out within the same institution. The problems arise due to a lack of coordination between their actions. Despite the strengthening that has occurred in recent years, there are problems of overlapping responsibilities, lack of coordination and lack of definition of purposes and modalities of control.

This web of institutions tries to maintain the government accountable. In doing so, it may face and investigate corruption cases. It is necessary to clarify that this is not the only function of this web. But whenever it finds corruption in its investigations, it has to address it properly. The following section clarifies the definition of corruption followed in this study and how it departs from other types of irregularities. This paper seeks to map whether the accountability institutions choose to interact with each other whenever a corruption investigation is on the table (and consequently whether this pattern of interaction is similar when other types of irregularities are investigated).

### 3. CORRUPTION v. MISMANAGEMENT

Concepts do not have predefined empirical measures. They are constructs and, in order to be measured and empirically tested, must pass the interpretation of the researcher. Therefore, one should always justify the chosen indicators explicitly. When it comes to corruption, the difficulty in measuring this phenomenon is evident: since it is an illegal and illegitimate practice, if it is successful remains hidden, and its agents intend to keep it that way.
The research agenda on corruption in recent decades followed two very different paths. On the one hand, there are those who study it through aggregate perception measures – such as the Corruption Perception Index from Transparency International. This measure, widely used, assigns corruption scores to each country, in an attempt to identify broader trends and contrasts. The problem is that corruption perceptions in general are not highly correlated with the concrete experiences of citizens, increasing the suspicion that the perceptions are biased (BOHN, 2013). The indicators constructed from these perceptions are actually subjective measures of corruption level.³

On the other hand, there are those who are dedicated to in-depth analysis of the phenomenon, carrying out detailed case studies that highlight how corruption is a process immersed in complex human interactions, which do not allow comparisons that transcend time and space. If the first approach emphasizes what is common about corruption around the globe, the second exaggerates the contrasts and singularities. It is common in this second group the study of major corruption scandals, which receive special media attention.

Among Brazilian studies on corruption, there are representatives of both groups. There are those who study indicators obtained through surveys that require citizens or experts to inform the degree and extent of corruption perceived by them (MOISÉS, 2009; VÁSQUEZ, 2010; MENEGUELLO, 2011). There are also studies of the biggest corruption scandals (CHAIA; TEIXEIRA, 2001; TAYLOR; BURANELLi, 2007). The limits of this latter approach touch questions about the freedom of the press and possible editorial platforms, which may favor sensationalist reports on corruption. By analyzing only scandals that had media attention, it fails to capture how many cases are not investigated or judged. In this paper, I intend to move forward on this, since I was able to map both the irregularities that triggered processes and those that have not generated any impact. Selections based on the media tend to pick up very particular cases, which usually receive greater priority than usual.

This paper uses an alternative path, by choosing more "objective" measures of the phenomenon – for example the irregularities founded by one accountability institution. But it is necessary to point out that in its reports there is an ample spectrum of irregularities, not only corruption. Among the scholars who use CGU’s reports as an approximate measure of corruption, it is common to distinguish at least between corruption and inefficiency.

³ For critics about corruption perception measures, see also Abramo (2005), Ivanyna and Shah (2011).
In order to accomplish this basic distinction, I use the definition of corruption proposed by Warren (2005, 2006), and its four basic features:

i) collective decisions are entrusted to a group or individual;

ii) There are rules that regulate how the group/individual can use their power to make these decisions (in a democracy this is the inclusive rule);

iii) The group/individual breaks this rule;

iv) Breaking the rule benefits the individual/group and harms the community.

Failures related to poor management – which demonstrate managerial incapacity and waste of resources – and those related to corruption involve a dimension of social exclusion, since both prevent citizens from the access to public goods and services to which they are entitled. If resources are wasted, misapplied or are object of corruption, this prevents citizens from having full access to public policies. But the boundary that separates corruption from mismanagement is the political aspect of the exclusion. Corruption generates a private benefit which is, from a democratic point of view, illegitimate since it benefits some at the expense of the decisions made by the political community. So, corruption goes beyond social exclusions. It involves a degree of exclusion that is political: the citizens are excluded from actions that implement democratically decided policies regarding the provision of public goods. Corruption, thus, involves a hidden dimension. It is a form of exclusion based on deception and opacity. For corruption there is no plausible justification; poor management, instead, can be publicly justified and even accepted by the overseeing agencies. Consequently, on one side we have poor management and inefficiencies, and on the other corruption, defined by the implausibility of public justifications – because they would have to publicize illegitimate privileges and undue advantages.

Therefore, I separate corruption from mismanagement, highlighting a non trivial relationship between the two and social exclusions (excluding citizens from the access to public policies) and the specific relationship between corruption and political exclusion (citizens are indirectly left out of decisions and actions that affect their lives). I then compare irregularities related to corruption with those related with mismanagement, always pointing out that, among those encompassed in the corruption side are irregularities linked to some kind of inappropriate private benefit, publicly unjustifiable.
In order to tell the story about the interactions among accountability institutions, I used longitudinal approach, following the irregularities found in the monitoring stage over time, until they reached the Judiciary. From the inspection of one agency, I want to know what has been done – which actions were taken – by the other institutions of the web. Did the irregularities found generate reactions in other institutions towards the opening of investigative proceedings? And did those investigative proceedings end up in sanctions or punishments? Put in other words, did the web Or TCU established administrative sanctions? That is, does the network work? In the next section there is a methodological overview of the literature, explaining the choice in favor of a longitudinal approach.

4. METHODOLOGY

4.1 THE LONGITUDINAL APPROACH

The traditional method of reconstituting the flow of control systems and activities – used in this paper – is the longitudinal. This type of analysis monitors a set of cases, from the record of their occurrence, over a certain period of time. Such monitoring aims to determine the percentage of cases progressing to subsequent stages of control. In this paper, the individual and progressive monitoring of irregularities as they advance in the stages of accountability allows to count, directly, how many and which kind of cases are investigated and/or legally prosecuted.

The main difficulty faced in collecting data of this type refers to the fact that the information systems of accountability institutions in Brazil are not designed to monitor the flow of cases over several institutions. So, it is up to the researcher to monitor the individual cases, checking when they passed from one institution to another. Since each institution uses its own categories and its own identification codes, there is a huge difficulty to identify cases from one system to another. Thus, the use of this longitudinal methodology is subject to the possibility to follow a certain set of cases for a certain period of time. For this reason, generally, longitudinal studies set a limit in years for the cases to be accompanied. During this period, the researcher follows the set of cases, recording their passages to the subsequent phases.
In summary, this approach has been seen as the most suitable to replenish the flow of control systems, despite the difficulty in implementing it. However, studies on the web of accountability institutions do not use longitudinal methods to draw their conclusions about the interactions. In this sense, this paper presents a breakthrough. The database used is one of the few sources of information that brings together official data within a longitudinal perspective in Brazil. In the next section I explain how the data was collected and how the interactions under analysis were submitted to a test.

4.2 THE LOTTERY PROGRAM AS A TEST

The creation of CGU is part of the Brazilian evolution regarding the strengthening of accountability. This institution has constitutional authority to oversee federal resources, even when they are managed by private entities, state or municipal governments. The information gathered by it, for example, helps Ministries to understand the implementation of public policies at the local level. This implementation, especially in the social and infrastructure sectors, is performed in a decentralized manner by Brazilian municipalities; and the control actions of the CGU have enabled the inspection of mayors who receive federal funds (OLIVIERI, 2011). But besides this, the auditions made by this institution have already helped other institutions’ investigations. For example, it helped the Federal Police and the Public Prosecution Office to reveal a major scheme of corruption that involved all the governmental levels of authority, from mayors to federal deputies (Operation “Sanguessuga”). In this way, the auditing of this institution has helped the improvement of Brazilian public policies by one side, and the discovery of corruption patterns in the other.

In order to test how Brazilian accountability institutions interact when they face information about corruption cases, I examined the audits conducted by CGU in the Brazilian local governments. I did not, however, analyze all forms of oversight that this agency has produced. I was especially interested in one particular program called “Inspections from Public Lotteries,” which randomly targets the federal funds transferred to municipalities with less than 500,000 inhabitants. This program is an initiative of the Brazilian federal government that has brought a significant increase in the exposure of governmental data in terms of

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4 The federal government transfers a significant amount of resources to the Brazilian municipalities: they receive on average 35 billion dollars a year from the federal government (FERRAZ; FINAN, 2005).
irregularities in municipal management of federal funds. The reports show an unprecedented gathering of information about municipal management from a single source, which has advanced the production of academic research on public policy, municipal management and corruption.

At present, there are more than 5,500 municipalities in Brazil, over 80% of which survive thanks to the compulsory or voluntary transfers made by the Union. Over 4,400 municipalities maintain public and administrative services in operation due those transfers. For the municipal governments, the logic of control is that of “the one who transfers is responsible for inspections.” Under Brazilian law, the transferring agency must ensure that there has been proper and regular use of the transferred funds. Therefore, the federal institutions, including CGU, have to demand accountability for the use of federal resources.

In its Lottery Program, every month the Comptroller sends approximately 10 auditors to 60 randomly-selected municipalities across the 26 Brazilian states to examine the allocation of federally-transferred funds, inspect the quality and completion of public construction work, and conduct interviews with key members of civil society. The auditors search for irregularities involving the federal resources that were sent up to two years before the visit. Each visit usually lasts seven days and results in a detailed audit report documenting any irregularity associated with either the federal transfers or federally-funded social programs. Each report contains the total amount of federal funds that was transferred and thus audited, as well as an itemized list describing each irregularity.

The entire range of irregularities detected is then forwarded to the competent bodies that may establish administrative or legal sanctions. Meanwhile the Public Prosecutor's Office (MPF) is responsible for the allocation of civil or criminal liability of public servants, in the field of administrative liability, the Federal Court of Accounts (TCU) is the sole responsible for dealing with the irregularities (FONSECA; ANTUNES; SANCHES, 2002).

The reports show that municipal corruption in Brazil assumes a variety of forms. Illegal procurement practices, diversion of funds, and over-invoicing for goods and services are

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5 The reports are publicly available at www.cgu.gov.br.
among the most common ways local politicians find to appropriate public resources. Although the corruption cases found at the municipalities are not the only concern of the institutions analyzed – each one has a wide spectrum of situations that instigate their actions and reactions – if an institution chooses to start a program like the Lottery one, spending many human and economic resources around the country, it is expected that its reports are not wasted, and that some action or some systematic relationship is adopted with the institutions that receive the reports.

This paper is concerned with the issue of whether these institutions (especially the administrative and the legal bodies – TCU and MPF) use the data from CGU, deciding to act (to open investigation proceedings), and whether these proceedings arrive at the Judiciary. By doing this, it maps all three stages of accountability, from monitoring (CGU identifies poor performances or malfeasance), investigating (procedures aim to discover past malfeasance that may have greater extent or depth), until the final stage, in which appropriate sanctions and punishments are established.

From the literature presented in the previous section it is possible to arrive at some observable implications about what we should expect in the world if they are right. In the first place, it is reasonable to expect an absence of interactions between the Brazilian accountability institutions or, at least, in a non-coordinated way. This would translate into a low percentage of irregularities turned into administrative or judicial processes. So, after all, do the institutions interact or not?

So far, the literature has been unison when it comes to the prevalence of the investigative phase, compared to the prevention and punishment. Therefore, the expectation is to find many proceedings opened by the three institutions that can conduct investigations compared with the amount of sanctions (particularly the percentage of cases that arrive at the Federal Justice, and of these, the ones which receive a sentence). The lack of concrete punishment in terms of arrests or recovery of misappropriated funds is expected, credited to the slowness of the Brazilian Judiciary.

But exactly how those claims are tested? The Lottery program fits in the analysis as a descriptive test for the interactions between the accountability institutions. It allows us to check broadly the performance of the institutions, ranging from the administrative arena – its
Ministries and auditors – to the criminal prosecution in federal courts. In the longitudinal approach used, I followed over time the trajectory of the irregularities on the institutions of the web, observing them for over 10 years, from the inspections that discovered them until the judicial processes that addressed them. By doing this, the objective was to understand what has been done with these irregularities in the other institutions of the web. Did they generate reactions in other institutions towards opening administrative or judicial proceedings? And from these investigative processes, did they end up at the federal court and generated judicial sanctions? In other words, did the web work and the three stages of accountability have been met? The next Figure shows the flux reconstructed here, which has as a starting point the Lottery program:

![Diagram showing accountability flux](image)

**FIGURE 1** – The accountability flux, by federal institutions monitoring, investigating and prosecuting local governments with regard to federal resources, Brazil, 2015.

**5. RESULTS**

From CGU reports, a random sample was built containing the irregularities found in Brazilian municipalities, from 2003 until 2010.\(^7\) Since the beginning of the Lottery program, the

\(^7\) The criteria selection for this time limit was the year in which the program began (2003) to the year before the program makes a long interruption (2010).
Comptroller has inspected 1,581 municipalities (which correspond to 28.4% of Brazilian municipalities). From that total, a random sample was calculated, stratified by state and year of inspection, which resulted, with a confidence level of 95%, in the study of 322 municipalities. Those municipalities are highlighted in the map below:

FIGURE 2 – Brazilian municipalities audited by CGU and selected for the random sample, 2003-2010

This paper takes into consideration each irregularity found in these 322 municipalities (total of 19,177 irregularities), analyzing the extent to which they generated reactions (proceedings) from the administrative and judicial arenas until 2015.\(^8\) CGU inspection reports are sent to the

\(^8\) This was the last year of the research project, entitled “The strengthening of accountability institutions in Brazil”, which is part of the Reference Centre for the Public Interest (UFMG).
entire Federal Public Administration, so it can be assumed that the other institutions were aware of the irregularities found by the internal control. The first step is to look specifically to those irregularities which generated reactions at the Federal Court of Accounts and at the Public Prosecutor's Office. Based on the online information provided by the websites of these two institutions, every proceeding opened by them that could be related to the Lottery Program was matched with its correspondent irregularity. The purpose was to understand, in the first place, whether there was an interaction in the investigative stage of accountability.

5.1 Do they interact? From CGU monitoring to investigations and sanctions

In the administrative arena, the TCU and the Ministries responsible for the public policies are able to deal with the irregularities by opening what it is called a “Special Account Process” – in Portuguese, “Tomada de Contas Especial” (TCE). This is a duly formalized process, aimed to determine liability in cases of damages to the federal government and obtain financial compensation. In general, it is established by the competent authority (the one responsible for the resource management, such as the governmental Ministries). Furthermore, the TCE can also be established from the recommendation of the internal control or from the decision of the external control (TCU itself).

In the dataset, only 2.8% of the irregularities brought by the reports generated this kind of process, which corresponded to 533 irregularities. Since Special Account Processes can be opened by both the Court of Accounts and the Ministries, among the irregularities that generated this administrative process, only 7.4% were installed by the Court. This shows that the irregularities brought are hardly subject of proceedings initiated by the external control, pointing out to a distant relationship between this institution and the internal control. On the other hand, 91.6% of the TCEs analyzed were initiated by the Ministries, which then passed them to the Court of Accounts, responsible for the administrative judgment. Hence, in most cases, this Court limited itself to a supporting role. It only begins to act when provoked by the Ministries.
### TABLE 1 – Irregularities investigated through Special Account Processes, by the institution responsible for initiating them, Brazil, 2003-2015

<table>
<thead>
<tr>
<th>Institution responsible for initiating the TCE</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministries</td>
<td>488</td>
<td>91.6</td>
</tr>
<tr>
<td>TCU</td>
<td>39</td>
<td>7.4</td>
</tr>
<tr>
<td>Missing</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>533</td>
<td>100.0</td>
</tr>
</tbody>
</table>

On the other hand, the scenario on the judicial arena is quite different. The Public Prosecution’s Office has a more active role than the administrative arena – there are 9,666 irregularities under investigation by the MPF. This means that while the administrative institutions did not pay attention to 97% of the cases presented, the judicial arena highlighted as important and worthy of attention half of them.

In total, 9,957 irregularities were targeted by some investigation (52%) – either by the administrative or judicial arenas. Thus, the investigative stage had a huge breath, mainly due to MPF efforts. This is in line with the statement made by the literature that, regarding accountability stages in Brazil, the emphasis always lies in the investigation. The next stage is to compare the scope of this investigative step to the last stage of accountability – the trials made by the Federal Justice.

From the 19,177 irregularities found at the monitoring stage, 1,494 reached the Federal Justice (7.8%). Although this number reflects a lower percentage of cases in relation to the investigative phase, this number may even be considered relevant when compared, for example, with the percentage of homicides that are prosecuted by the Brazilian Judicial system - 10% (RIBEIRO, 2010). In this paper, the cases are not as serious as homicides, nor are related to national corruption scandals. They are much more about small deviations and overbillings, which combined provide a socially and politically exclusive environment. In this sense, the accountability provided by the federal institutions provides the return of the ideals present in the public policies and programs, the return of the inclusion as the democratic principle par excellence. Analyzing how irregularities are sanctioned by the Federal Courts helps to understand one of the most vulnerable points of the Brazilian accountability process. If the Federal Justice fails to close the accountability cycle, judging and making the mayors responsible for their actions, these mayors maintain privileges for themselves and exclusion for others.
### TABLE 2 – Irregularities investigated and prosecuted, Brazil, 2003-2015

<table>
<thead>
<tr>
<th>Irregularity investigated/prosecuted</th>
<th>TCE</th>
<th>MPF</th>
<th>Federal Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>Percentage</td>
<td>Frequency</td>
</tr>
<tr>
<td>No</td>
<td>18644</td>
<td>97.2</td>
<td>9511</td>
</tr>
<tr>
<td>Yes</td>
<td>533</td>
<td>2.8</td>
<td>9666</td>
</tr>
<tr>
<td>Total</td>
<td>19177</td>
<td>100.0</td>
<td>19177</td>
</tr>
</tbody>
</table>

#### 5.2 The maps of accountability interactions

The central objective of this paper is to map the trajectory of the irregularities found by the federal internal control in the Brazilian web of accountability institutions. In order to accomplish this objective, I built three maps that represent this flux. The first map – shown in Figure 3 – represents the flow of irregularities by the performance of the Federal Court of Accounts and should be read as follows: on the right side are the percentages for the flow of irregularities inside the TCU and, on the left side, there are the percentages of the flow of irregularities investigated by the TCU which were challenged at the Federal Justice system. For example, the results of the right side should be interpreted in this way: from 100% of irregularities detected (19,177) 2.8% were investigated through Special Account Processes, 2.1% reached a sentence within the TCU and 1.4% were convicted by this administrative institution. In the next column, from all irregularities investigated by TCU (533), 76.3% were sentenced and 52.7% convicted. And the reading follows so forth, from all irregularities that received a sentence (407), 69% were convicted. On the left side, from all the irregularities investigated by TCU (533), 21.7% had their results challenged at the Federal Justice, with 9.5% judged and 3.3% convicted by it. From the 116 irregularities investigated by the TCU and challenged at the Federal Justice, 49 ended up at this judicial instance thanks to a concomitant MPF activity (that also investigated and presented the case to the JF). The others 67 have been challenged at the judicial level because of the conviction obtained from the TCU.
FIGURE 3 - Flux of irregularities investigated through Special Accounts Processes, at the TCU and at the Federal Justice, Brazil, 2003-2015

The next Figure brings the same flux, but this time for the irregularities investigated by the federal prosecutors, in terms of the amount of initiated processes, judgments and convictions at the Federal Justice.

FIGURE 4 - Flux of the irregularities investigated by the Public Prosecution’s Office and judged by the Federal Justice, Brazil, 2003-2015
These two maps allow us to arrive at some conclusions. The administrative Court is very modest regarding the investigations of irregularities found by the internal control. But the few cases that arrive at this Court receive a high number of sentences: 76%, and those with a conviction amount to 69%. On the other hand, the MPF activity is extremely marked at the beginning of the flow – it investigates half of what is picked up by the internal control. But few cases have enough breath to arrive at the Federal Justice (13%) and, when they arrive, only 30% receive some sentence – a result credited to the famous slowness of the Brazilian Judiciary. However, it is worth to emphasize the high percentage of convictions (almost 80% of the irregularities that are judged are condemned in the end).

Since the paper’s argument is not only interested in the flow of irregularities in general, but especially in the treatment that corruption cases receive, I built a map especially for the flux of the irregularities considered corruption. These cases – I described in Figure 5 – follow almost the same trends already described. TCU analyzes few cases of corruption (4%); from those which it decides to analyze, a large part (80%) receives some administrative sentence; and among those who receive these sentences, most are condemnatory (63%). MPF analyzes many corruption irregularities – over half of them – few reach the Federal Justice (slightly more than in the general picture: 17.8% versus 13.3%), from the ones that arrive at the Federal Justice, around 25% receive some sentence, and among the sentenced ones the condemnation is quite high: 86%. Convictions are more frequent in JF than in TCU for both types of irregularities – mismanagement and corruption.

So far, the results point to the force of the investigative stage and the weakness of the sanctioning phase. It seems fair to suggest that they are consonant to what the literature had pointed out in general. But the novelty of these results is that they clearly separate which institutions are more active than the others – something new in the literature. It is remarkable the close relationship between the internal control and the public prosecutors, meanwhile the internal and external controls show an almost non-existent relationship. Besides this novelty, this paper keeps its new and different approach by analyzing deeper the second common sense in the literature – the slowness of the sanctioning phase.
FIGURE 5 - Flux of irregularities considered corruption by the investigation of the Federal Prosecution’s Office, the Court of Accounts and the Federal Justice, Brazil, 2003-2015
5.3 Time as a crucial variable in the Brazilian web of accountability institutions

Since we are longitudinally analyzing the trajectory of the irregularities in the accountability web, it makes sense to think that time is an important variable regarding the interactions. It is reasonable to assume that it takes some time until other institutions get comfortable with a new program like the Lottery one, and it takes a while until they can process the reports produced by another institution of the web (read and interpret them). Once they decide to act on the basis of CGU’s reports, the proceedings have to go through a ritual of investigation and trial, and the time required for these tasks may vary from institution to institution. For example, I wonder how long the proceedings took to be started - how many years have passed from the Lottery report until the start of the proceedings by the other institutions?

In order to do this analysis, a new variable was created, which subtracted the year of the beginning of the proceeding from the year in which the irregularity was discovered. In the case of the administrative field and its Special Account Processes, the average was 5.43 years. Very few cases had a process started in the same year of the lottery (only 10 irregularities had this “luck”), with a significant percentage of irregularities (9%) being inspected 10 years after the report publication. This poses serious problems for the accountability network, especially if we are talking about mayors, whose mandates close in four years. The lack of agility of the Ministries and the TCU in the starting of the proceedings gives enough time for rulers to commit irregularities and leave their political positions without any sanction. The literature on these institutions should talk not only about the slowness of the Judiciary, but also about the slowness of the whole system, including its administrative side. In the case of the MPF, its performance has been faster, with an average of 2.55 years difference between the report and the beginning of the proceeding. Thus, this institution proves to be more agile, concentrating its activities in a maximum of 4 years after the irregularity is found, ensuring that the deviations are not lost of sight.

In the temporal description of the processes, it is also important to calculate the time that they spent until they reached a final decision – how many days it took for each institution internally come to a decision about the irregularities, since the beginning of the processes. Once started, how long did the institution took to investigate? I calculated the days that the investigation processes remained in movement within the institutions, by subtracting the date of the last movement by the date of the opening (the “last movement” means that the
institutions reached a decision about the irregularity: it was filed, acquitted or convicted). The average for the internal processing time – shown in the Table below – was 995 days for the TCU, which corresponds to slightly more than two and a half years.

On the other hand, inside the MPF, the processes seem to run a little faster, with an average of 712 days between the starting day and the last internal decision. Despite having a greater standard deviation, it seems that, within the Public Prosecution’s Office, the processes run faster than within the Court of Accounts. It is noteworthy that this may be the case because the Office needs to reach faster decision, since it is not the ultimate responsible for the judgment aspect. It makes no final judgment on the matter and must refer its cases to the Federal Justice. Unlike it, the Court of Accounts investigates and gives a final judgment about the irregularities from the administrative aspect. This would require a longer internal procedure when compared with the institution that only prepares the case for the trial. But even so, this exception must have a temporal a limit, so that it does not become an excuse for the slowness of the Court of Accounts, which does not reach final decisions in a timely manner.

The literature never ceases to blame the Judiciary as the great villain of the accountability web in Brazil, mainly because of its slowness. How long did it take from the discovery of the irregularities until their arrival at the Federal Justice? And once they reach it, how long does it take to arrive at a final decision? Surprisingly enough, the results are a bit more optimistic for the Federal Justice compared to the time spent by TCU, for example. On average, the processes spent four and a half years from the Lottery until the arrival at the Justice system, indicating a long path that the irregularities had to pass from its discovery until the legal proceedings. This is a long time, which allows mayors to leave their political positions without suffering any judicial sanction. Nevertheless, in the administrative field, irregularities wait one year more to reach a decision. On average, irregularities and processes arrive faster at the Federal Justice than in the administrative field (the merit may be given to the institutions that initiate the actions: it can be that the public prosecutors are faster than the Ministries to identify the irregularity and gather evidence about it).

This slowness of TCU is also felt in the internal processing of the irregularities – it takes on average 995 days to reach a decision. On the other hand, at the Federal Justice, this time is shorter in 100 days. Maybe we should start reviewing our paradigms in the literature, like the
one that addresses the major control problems of corruption only to the Justice system. If the institutions are compared, we are able to relativize the most famous vulnerabilities of the Brazilian accountability web.

TABLE 3 – Descriptive statistics for the difference in years from the lottery until the opening of the process and the difference in days from the opening of the process until the last movement within the institution at the TCU, MPF and Federal Justice, Brazil, 2003-2015

<table>
<thead>
<tr>
<th></th>
<th>TCU</th>
<th>MPF</th>
<th>JF</th>
</tr>
</thead>
<tbody>
<tr>
<td>N Valid</td>
<td>530</td>
<td>523</td>
<td>9560</td>
</tr>
<tr>
<td>Missing</td>
<td>18647</td>
<td>18654</td>
<td>8168</td>
</tr>
<tr>
<td></td>
<td>From the lottery until the opening (years)</td>
<td>From the lottery until the opening (years)</td>
<td>From the lottery until the opening (years)</td>
</tr>
<tr>
<td>Mean</td>
<td>5.43</td>
<td>995.86</td>
<td>2.55</td>
</tr>
<tr>
<td>Standard deviation</td>
<td>2.67</td>
<td>686.10</td>
<td>2.17</td>
</tr>
<tr>
<td>Minimum</td>
<td>0</td>
<td>176</td>
<td>0</td>
</tr>
<tr>
<td>Maximum</td>
<td>10</td>
<td>3729</td>
<td>9</td>
</tr>
<tr>
<td>From the opening until the decision (days)</td>
<td>From the opening until the decision (days)</td>
<td>From the opening until the decision (days)</td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>4.55</td>
<td>17692</td>
<td>2.55</td>
</tr>
<tr>
<td>Standard deviation</td>
<td>1.74</td>
<td>1485</td>
<td>4.55</td>
</tr>
<tr>
<td>Minimum</td>
<td>1</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Maximum</td>
<td>10</td>
<td>17692</td>
<td>9</td>
</tr>
</tbody>
</table>

In the next section, the results of a methodological technique in longitudinal studies are showed. The survival analysis tries to understand which factors could influence the speed of the web in processing the irregularities, especially the processing time at the Judiciary – the most famous vulnerable point of the Brazilian web. I analyze the flux of the irregularities in the accountability system in terms of the factors that can influence a faster progress.

5.4 Survival analysis

Survival analysis is a branch of statistics that deals with analysis of time duration until one or more events happen. In this context, death or failure is considered an “event” – usually only a single event occurs for each subject, after which the organism or mechanism is dead or broken (CARVALHO et al., 2005). In the case of this paper, the events are the arrival of the irregularities at the Justice system and the judgment of the irregularities. I am interested in studying the survival time: the time spent by the irregularities from an initial time until the occurrence of these two events. I analyze the available time variables: how many years it took from the lottery until the arrival of the irregularity in the judicial sanctioning phase and how many days it took for them to be judged by the Federal Justice. Behind this, is the idea that faster processes generate faster responses to the irregularities, exempting or blaming those involved, helping to reduce the prevailing impunity perception. On the other hand, processes
that take a long time to be started, or that are not completed, only reinforce the already widespread idea that corruption is not sanctioned in Brazil.

In a survival analysis, one of the objectives is to estimate the survival function. This function is defined as the probability that an individual survives beyond a certain time \( t \). To estimate it there are two non-parametric methods. The Life Table method normally uses few time intervals, giving a rough approximation of the true conditional proportion and the death/failure rate. One way to minimize this problem, that allows greater precision in the calculations, is to use the Klapan-Meier estimator.

I estimated the time that the irregularities took until they reached the Federal Justice and the time that this institution took to judge the cases. The intention is to understand whether corruption irregularities are judged faster. The point is that, if the accountability web elects corruption as a major obstacle, this web would make an effort to streamline the processes that deals with this kind of irregularity. The survival curves are presented in a comparative way: if that survival probability is higher or lower depending on the particular kind of irregularity – considered corruption or not. The influence of the interactions in the final stage of accountability is also explored – how the interactions established during the investigation stage affect the arrival of the irregularities at the Federal Justice and the speed of the judgments delivered by it.

The three following analysis has as the main event the arrival of the irregularity at the Federal Justice; the time variable is the difference in years from the lottery until this arrival; and the comparisons are between the kind of irregularity (considered corruption or not), the amount of institutions that investigated the irregularity (one or two), and the institutions involved in the investigation phase (MPF, TCU, MPF and TCU or PF and another institution).

In the first graph and in the first log-rank test,\(^9\) there is a clear distinction in the two survival curves – “surviving” in this case means that the irregularity did not reach the Justice system, and the “death” means that it reached that accountability stage. In general, cases involving corruption are significantly slower than the others at every point in time. This means that corruption cases take a longer time to reach the Federal Justice.

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\(^9\) The log-rank test is a hypothesis test to compare the survival distributions of two samples. It is a nonparametric test and appropriate to use when the data are right skewed and censored (technically, the censoring must be non-informative).
Secondly, the survival of the irregularities is especially affected depending on the institutions that participated in the investigation phase (significant log-rank test). From all the cases that arrived at the Federal Justice, the investigations processes that heavily relied on the help of the Federal Police tended to arrive much faster than the cases investigated by the TCU, for example. This can be largely explained by the fact that the Police only participates in criminal cases that already intend to be judicially prosecuted. The TCU, on the other hand, is a strictly administrative body, with no initial intention of helping the cases to arrive at judicial sanctions.

But surprisingly, the processes that relied on the help of the Federal Police are much faster than those investigated only by the public prosecutors. The data about the participation of the Federal Police was extracted from the judicial and administrative processes (from the MPF and TCU). This means that the category “PF” indicates the participation of at least two institutions in the investigation (an articulation between MPF-PF or TCU-PF). The processes in which there was an interaction with the Federal Police during the investigation spent significantly less time to arrive at the Justice system. Interesting is also the fact that when the Court of Accounts and the Public Prosecutor’s Office investigated concomitantly an
irregularity, it tended to take a longer time to arrive at the Federal Justice than those just investigated by the prosecutors. The fact that these two institutions have investigated neither increases nor greatly decreases the time of survival until reaching the Justice system (4.8 years on average) compared with the overall average (4.4 years).

TABLE 4 – Means for the survival times of the irregularities that arrived at the Federal Justice, by institution involved in the investigation stage, Brazil, 2003-2015

<table>
<thead>
<tr>
<th>Institution that investigated</th>
<th>Means</th>
<th>Estimator</th>
<th>Standard Error</th>
<th>Confidence Interval (95%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPF</td>
<td>4.48</td>
<td>.049</td>
<td>4.39</td>
<td>4.58</td>
</tr>
<tr>
<td>TCU</td>
<td>6.04</td>
<td>.276</td>
<td>5.50</td>
<td>6.58</td>
</tr>
<tr>
<td>PF-another</td>
<td>3.24</td>
<td>.086</td>
<td>3.07</td>
<td>3.40</td>
</tr>
<tr>
<td>TCU and MPF</td>
<td>4.80</td>
<td>.167</td>
<td>4.48</td>
<td>5.13</td>
</tr>
<tr>
<td>Total</td>
<td>4.30</td>
<td>.044</td>
<td>4.21</td>
<td>4.38</td>
</tr>
</tbody>
</table>

The analysis also wonders if the existence of partnerships in the investigation stage would affect the chances of a quick arrival at the Justice. One can imagine that an irregularity investigated by more than one institution would bring more evidences, accelerating its arrival
at the stage of judicial sanctions. The hypothesis was confirmed by the log-rank test: the partnerships decreased the time that the irregularity spent until reaching the Judiciary. This means that the establishment of links between the institutions at the investigation stage is crucial to more agile accountability processes. Looking at the average, irregularities analyzed without the establishment of partnerships – which means that only one institution investigated it – took 4.8 years to reach the Federal Justice; meanwhile those with a partnership (two institutions involved in the investigation) reached it with an average of 3.5 years.

TABLE 5 – Means for the survival time of the irregularities that arrived at the Federal Justice, by the amount of institutions that investigated, Brazil, 2003-2015

<table>
<thead>
<tr>
<th>Amount of institutions that investigated</th>
<th>Means</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimator</td>
</tr>
<tr>
<td>1</td>
<td>4.84</td>
</tr>
<tr>
<td>2</td>
<td>3.57</td>
</tr>
<tr>
<td>Total</td>
<td>4.55</td>
</tr>
</tbody>
</table>

GRAPH 3 - Survival curves analyzing the time until the arrival of the irregularities at the Federal Justice, for different levels the amount of institutions that investigated, with Kaplan Meier estimates, Brazil, 2003-2015

So far, I analyzed the survival in terms of the arrival at the Federal Justice. But the major criticism behind the web of accountability institutions does not refer to the fact that its institutions take a long time to bring the cases to the Judiciary. The critical point is the fact that the Judiciary takes too much time to judge the irregularities. From now on, the event in analysis is the judgment of the irregularities by the Federal Justice (when it reaches a
sentence). The time variable is the difference in days from the opening of the process until its judgment. Is the time that the irregularities spend inside the Justice faster for the cases involving corruption and interactions?

On average, the irregularities stayed 1,741 days inside the Federal Justice until they obtained a sentence. The graph below shows that 90% of the irregularities survived (did not received a judgment) until they reach 1,000 days inside the Justice system. After this point, there was a sharp drop in the survival (many judgments were reached at once). The survival rate stabilized after it, reaching a new fall at the 2,000 days’ mark. After that, it becomes very difficult for the process to be judged. Comparing the two types of irregularities, those considered corruption took a longer time to reach the judicial decision (on average 215 days longer). The judicial stage remains a major bottleneck in the corruption control.

![Graph 4 - Survival curves analyzing the time until the judgment by the Federal Justice, for different levels of irregularity considered corruption, with Kaplan Meier estimates, Brazil, 2003-2015](image)

The average for the survival times per institution shows that if the irregularity was monitored by the administrative arena, it took a longer time to obtain a judgment in the Judiciary than those investigated by the public prosecutors. This was expected: the prosecution processes are totally focused on the juridical aspects, which would in turn make them better prepared to have a quick trial in the Federal Justice. The log-rank test was significant, indicating that there are significant differences between the curves. Again, the 2000° day’s mark appears as a
threshold, when the Judiciary judges the vast majority of the cases, and this pattern repeats independently of the institution under analysis. There seems to be a trend that the irregularities investigated by the MPF are judged faster (especially in the interval between 1,000 and 2,000 days). The fastest sentences are achieved when TCU and MPF jointly investigated, followed by the MPF alone, the Federal Police and its partner and, finally, the TCU is the slower one.

TABLE 6 – Means for the survival time of the irregularities judged by the Federal Justice, by the institutions involved in the investigation stage, Brazil, 2003-2015

<table>
<thead>
<tr>
<th>Institutions that investigated</th>
<th>Means</th>
<th>Standard Error</th>
<th>Confidence Interval (95%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPF</td>
<td>1702,43</td>
<td>52,05</td>
<td>1600,41 - 1804,45</td>
</tr>
<tr>
<td>TCU</td>
<td>1927,35</td>
<td>118,30</td>
<td>1695,47 - 2159,23</td>
</tr>
<tr>
<td>PF-another</td>
<td>1794,16</td>
<td>112,74</td>
<td>1573,18 - 2015,14</td>
</tr>
<tr>
<td>TCU and MPF</td>
<td>1620,35</td>
<td>74,11</td>
<td>1475,09 - 1765,61</td>
</tr>
<tr>
<td>Total</td>
<td>1786,09</td>
<td>43,94</td>
<td>1699,96 - 1872,23</td>
</tr>
</tbody>
</table>

The following analysis of the survival rates in terms of sentencing is revealing and shows an opposite trend to that found in the survival rates for the arrival of the irregularities at the
Justice system. Particularly in the early days, the occurrence of partnerships delays the Justice’s judgments, and this is a statistically significant difference. Interestingly, this trend is reversed when the curve reaches more than 2,000 days: after this period, irregularities that relied on partnerships during the investigation stage are sentenced sooner. The fact that the curve of the irregularities that were investigated without partnerships tend to be faster, at least in the beginning, calls into question the hypothesis that interactions could reduce the vulnerabilities of the Judiciary. In short, the interactions help the irregularity to arrive faster at the Judiciary, but once they arrive there, the interactions do not contribute to more agile sentencing.

TABLE 7 - Means for the survival times of the irregularities judged by the Federal Justice, by the amount institutions that investigated stage, Brazil, 2003-2015

<table>
<thead>
<tr>
<th>Amount of institutions that investigated</th>
<th>Means</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimator</td>
<td>Standard Error</td>
<td>Confidence Interval (95%)</td>
</tr>
<tr>
<td>1</td>
<td>1711,42</td>
<td>46,10</td>
<td>1621,04</td>
</tr>
<tr>
<td>2</td>
<td>1737,89</td>
<td>58,39</td>
<td>1623,44</td>
</tr>
<tr>
<td>Total</td>
<td>1724,81</td>
<td>40,41</td>
<td>1645,58</td>
</tr>
</tbody>
</table>

GRAPH 6 - Survival curves analyzing the time until the judgment by the Federal Justice, for different levels of amount of institutions that investigated, with Kaplan Meier estimates, Brazil, 2003-2015
TABLE 8 - Log-rank (Mantel-Cox) tests of equality between survival distributions for different levels of irregularity considered corruption, institutions involved at the investigation stage and amount of institutions that investigated, Brazil, 2003-2015

<table>
<thead>
<tr>
<th>Time variable</th>
<th>Comparison</th>
<th>Qui-square</th>
<th>Degree of Freedom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Years until the opening of the judicial process</td>
<td>Irregularity considered corruption</td>
<td>28,464***</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Institutions involved at the investigation</td>
<td>193,088***</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Amount of institutions</td>
<td>148,193***</td>
<td>1</td>
</tr>
<tr>
<td>Days until reaching a judicial decision</td>
<td>Irregularity considered corruption</td>
<td>21,313***</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Institutions involved at the investigation</td>
<td>18,338***</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Amount of institutions</td>
<td>4,869**</td>
<td>1</td>
</tr>
</tbody>
</table>

** Significant at the confidence level of 0.05
*** Significant at the confidence level of 0.01

CONCLUSION

Accountability should promote democratic empowerment: should bring corruption into the open, submit it to the judgment of control institutions and empower the citizens’ judgments about their rulers. Thus, the study of accountability requires that we look at the web of institutions devised to hold rulers publicly accountable for their actions. The accountability mechanisms are precisely those that allow the uncovering of corruption: the role of democracy as a check on corruption centers on its ability to foster a network of governmental and nongovernmental accountability mechanisms (BLAKE; MORRIS, 2009:9).

Corruption is an illegal and illegitimate action from the point of view of democratic inclusion since it puts equal citizens in a disadvantaged situation that prevent the implementation of the public interests, values and perspectives, discussed in the democratic forums and put into practice through public policies. The Brazilian web of accountability institutions has been strengthened and has tried to face this deeply entrenched phenomenon. In this path, some interactions among the institutions have appeared and this paper proposed to analyze if and how these interactions happen.

First of all, it is not true that the institutions do not interact. At least when it comes to the irregularities brought by the internal control, they open proceedings to investigate them. It is necessary to consider that the conclusions about the web of accountability institutions cannot
suppress the different internal relationships found among those institutions. This means that, while it is noteworthy a certain distance among the internal and the external controls, there is also a close connection between the CGU and the judicial arena (especially the MPF). I found that the institutions interact from the Lottery program (at least in the formal aspect of opening processes to deal with the irregularities). Specifically, the MPF interacts more, followed by the Ministries and then the TCU. The investigative phase concentrates most of the network attention. The sentences are rare if we check the absolute numbers, but in relative terms the administrative body (TCU) can reasonably handle the demands that come to it (in terms of percentage of sentences), which is not so much the case of the Federal Justice. On the other hand, this same Justice is faster, spending less time to judge compared to the Court of Accounts.

Secondly, the survival analysis shows that corruption is not important enough to expedite the speed of the judicial processes – in fact it leads to slower processes. Moreover, the interactions between the institutions in the investigative phase are critical to expedite the arrival of the irregularities at the final stage of accountability, but do not contribute to faster sentencing. It is possible to imagine that corruption cases are difficult to investigate and trial, demanding more time to be processed; or that this kind of irregularity is strategically placed aside (if these institutions are porous to external pressures). In any case, this systematic delay in corruption trials only reinforces once again the great barrier that the Judiciary is for an accountability web concerned with corruption control.

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