



ESCOLA DE
HUMANIDADES

CIVITAS

Revista de Ciências Sociais
Programa de Pós-Graduação em Ciências Sociais

Civitas 20 (3): 425-438, set.-dez. 2020
e-ISSN: 1984-7289 ISSN-L: 1519-6089

<http://dx.doi.org/10.15448/1984-7289.2020.3.37882>

DOSSIER: FIGHT AGAINST CORRUPTION: STATE OF THE ART AND ANALYSIS PERSPECTIVES

Carwash operation and the complex mechanism of political corruption in Brazil

Operação Lava Jato e o complexo mecanismo de corrupção política no Brasil

Operación Carwash y el complejo mecanismo de corrupción política en Brasil

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Received: 29 Apr. 2020

Accepted: 14 May 2020

Published: 23 Dec. 2020

Abstract: This article analyzes the relationship between the governance structures of hidden exchange networks as well as the regulation and protection mechanisms of the corrupt system. It is assumed that the actors interact in a complex network of corrupt exchanges based on an informal system of behavioral rules. The empirical material that serves as the basis for this discussion constitutes the extensive set of legal and journalistic data produced from the "Carwash" operation. The analysis showed that it is, on the one hand, a systemic corruption and, on the other hand, networks whose governance structure is centrifugal. Contrary to what the legal narrative of the operation affirmed, the Brazilian case demonstrates a polycentric system with a high capacity to develop autonomous networks.

Keywords: Carwash operation. Corruption. Hidden exchanges network.

Resumo: Este artigo analisa a relação entre as estruturas de governança das redes de trocas ocultas e os mecanismos de regulação e proteção do sistema corrupto. Parte-se do princípio que os atores interagem numa rede complexa de trocas corruptas a partir de um sistema informal de regras de comportamento. O material empírico que serve de base para essa discussão constitui no extenso conjunto de dados jurídico e jornalístico produzidos a partir da operação "Lava Jato". A análise permitiu mostrar que se trata, de um lado, de uma corrupção sistêmica e, de outro, de redes cuja estrutura de governança é centrífuga. Ao contrário do que afirmou a narrativa jurídica da operação, o caso brasileiro demonstra um sistema policêntrico e com alta capacidade de desenvolver redes autônomas.

Palavras chave: Operação Lava Jato. Corrupção. Redes de trocas ocultas.

Resumen: Este artículo analiza la relación entre las estructuras de gobierno de las redes de intercambio ocultas y los mecanismos de regulación y protección del sistema corrupto. Se supone que los actores interactúan en una red compleja de intercambios corruptos basados en un sistema informal de reglas de comportamiento. El material empírico que sirve de base para esta discusión es el extenso conjunto de datos legales y periodísticos producidos a partir de la operación "Carwash". El análisis mostró que es, por un lado, corrupción sistémica y, por otro, redes cuya estructura de gobierno es centrífuga. Al contrario de lo que afirmaba la narrativa legal de la operación, el caso brasileño demuestra un sistema policéntrico con una alta capacidad para desarrollar redes autónomas.

Palabras clave: Operación "Carwash". Corrupción. Redes de intercambio ocultas.



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Introduction²

In recent years, Brazilians have been overwhelmed by a flood of news, scandals and inquiries of legal nature that have contributed to presenting corruption as one of Brazil's central evils. Similar to what has already been observed in the past, delations make up the scene of disputes between political groups for state control.³ However, what has been observed in recent years is the construction of a legal narrative, led by members of the Public Ministry and Judiciary, which is above political interests. Such narrative contributed not only to the construction of a certain concept of corruption, but also to its possible political and legal uses.⁴

In order to understand - from a sociological approach - the dynamics of corruption, this article analyzes the hidden exchange networks of corruption to identify the complex codes and mechanisms that govern it and that allow, at the same time, the circulation of certain types of resources between corrupt and corrupting, among which we can mention: authority resources, privileged information and networks of personal relationships. It is assumed that in political corruption the State becomes the main agent, once as an organization- it delegates powers to a group of public agents (politicians and bureaucrats) to make decisions and establish contracts in favour of the collective interest (Della Porta and Vannucci 1999, 2007, 2012; Vannucci 1997). To obtain the benefits that the State can offer, a third actor also emerges whose function is to provoke the public agent to mobilize its resources, such as decision-making power, to grant access to agreements and negotiations. In return, he offers a portion of the value, usually in the form of bribe. The empirical material that serves as the basis for this discussion consists of the extensive set of legal (awarding statements,

testimonies, cooperation agreements) and journalistic data (interviews, news articles, report book) produced from the "Carwash" operation.

Started in March 2014, the "Carwash" became known as one of the largest legal investigations on corruption in Brazil, bringing to light a set of illegal connections established between the world of politics (parties and politicians), the economical world (companies) and the public administration (state employees). And despite having focused on Petrobras⁵ and, more specifically, on the parties that formed the allied base of the Lula and Dilma governments, it allowed to reveal a profound scheme of bribes that involved politicians from all parties and public companies from different states of the federation. It also allowed the public access to a broad glossary of terms that make up the world of corruption: allotment of public offices, exchange of favours, kickbacks, bribery, money laundering, illegal exchange, evasion of foreign exchange.

The legal investigation revealed a scheme that involved: 1) financial operators, the so-called "money dealers", who worked in the underground market laundering money through a set of front companies and accounts abroad for politicians, parties, businessmen and public agents. Among other functions there was the distribution and passing on the tuition money and the indication of companies that could be part of the scheme; 2) public agents, senior career officials of the State, with more than 20 years of professional experience in public companies, directors and executive managers, mainly from Petrobras, who worked through the concession of public works and closing contracts with contractors. The function was to guarantee advantages and meet the interests of the parties that indicated the position, in a kind of commitment to the "political godparents"; 3) politicians, who acted by appointing public agents for the positions and negotiating with the

² This article is the result of a postdoctoral research carried out in Italy on the comparison between the "Carwash operation" and the "Mani pulite" operation (Petarca 2019). I am grateful to CNPq for offering the material conditions to carry it out.

³ On major corruption scandals in Brazil and their political uses, see Bezerra (1995) and Silva (2017). On networks of corruption see, especially Ribeiro et al. (2018).

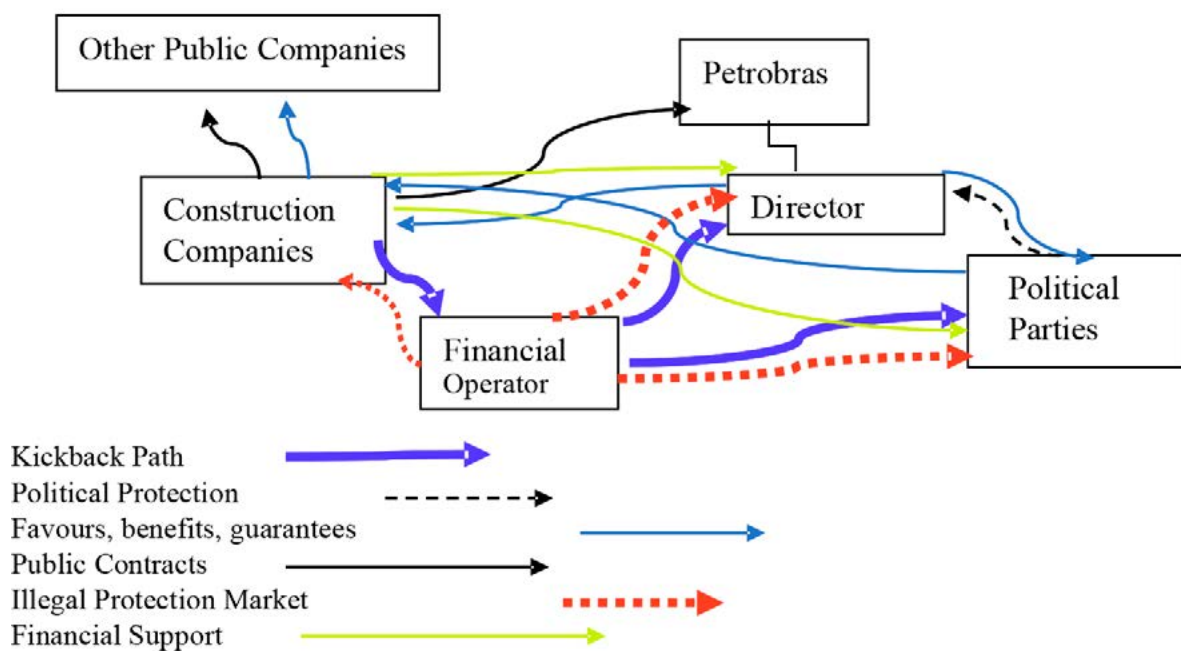
⁴ A more detailed analysis of this aspect can be found in Petarca (2019).

⁵ It is the largest public oil company in Brazil and the 10th. biggest in the world. Forbes. 2019. Petrobras é a 10ª maior petroleira do mundo em 2018. *Forbes Negócios*, May 10, 2019. Accessed on Oct. 10, 2019. <https://forbes.com.br/negocios/2019/05/petrobras-e-a-10a-maior-petroleira-do-mundo-em-2018/>.

contractors in order to gather bribes for the Party. The party's function was to nominate officials to serve as second-tier positions, thus making sure that their position in the government's alliance system, as well as looking for businessmen to obtain money for the party, in the form of legal and illegal campaign donations. In addition, the parties placed companies in other state, federal and municipal public works; 4) executives of large companies: a group of contractors that through bids obtained contracts with Petrobras and other companies and public sectors. The investigations revealed that the contractors formed a cartel to

combine values in the execution of works and to have their proposals approved. The cartel divided the works, allowing the company chosen as the winner of the bidding to make a bid. In total, 16 companies formed a group of contractors that disputed contracts for major works, in a kind of "club". The circulation of the bribe had two distinct purposes: illicit enrichment with accounts abroad and illegal campaign financing through the so-called "box 2". In this way, it allowed the re-election of politicians and the concession of public works for a specific set of companies, making sure that the collection interests of each part.

Figure 1 - Corruption networks



Source: Prepared by the author.

The system observed at Petrobras, from "Carwash", was only part of a diffuse scheme that occurred in the states through various public works such as highway concession and construction of overpasses. But despite the fact that the

disclosures reveal a much broader and more extensive dynamic, they were gradually directed, by the prosecutors, specifically to Petrobras case from 2003 to 2012 and involving, above all, the political alliances of Lula's and Dilma's governments.⁶ As a

⁶ Prosecutor Deltan Dallagnol stated, in an interview, that the investigations were centered on the allied base of the federal government, since it was this base that controlled the posts at Petrobras and, therefore, the bribe. Furthermore, conversations between prosecutors and other members of the operation - recently made available by the "The Intercept" website through the leak of content from the "Telegram" application - reveal the investigation strategies adopted by the prosecutors. Boechat, Ricardo. 2016. Programa Ricardo Boechat Entrevista. Rádio BandNewsFM. São Paulo, SP: *BandNews*, Jan. 22, 2016. Accessed on Jan. 28, 2017. <https://www.facebook.com/radiobandnewsfm/videos/boechat-entrevista-dallagnolvoc%C3%AA-pediu-e-est%C3%A1-aqui-a-%C3%ADntegra-da-entrevista-que-o/864926130285298/>. The Intercept. 2018. As mensagens secretas da Lava Jato. 2018. *The Intercept*, June 9, 2018. Accessed on June 12, 2018. <https://theintercept.com/series/mensagens-lava-jato/>.

result, they allowed the construction of a particular legal narrative that has limitations in understanding the dynamics of corruption.

To understand how the logic of corruption operates and how governance is structured in systemic corruption networks, it is essential to analyze the relationship between the actors involved and the resources mobilized by them. It is, therefore, learning how different skills are converted to the corruption market in order to guarantee exchanges and make agreements feasible, which can be expanded or reduced when necessary. In this dynamic, corruption functions as a market that adjusts itself in order to maintain the regulation and functioning of the system (Della Porta and Vannucci 1999, 2007; Vannucci 1997). To address these issues, the article is divided into three fundamental moments. At first, the role of mediators in corrupt exchange and the place it occupies is analyzed. In a second step, public agents and the resources available to them and, finally, private companies, in particular, contractors.

Based on the material analyzed, it is therefore necessary to demonstrate two fundamental questions. On one hand, it is possible to identify that the dynamics of corruption is systemic, since it involves several actors inserted in a complex specialization of tasks. In this type of corruption, there is an inclination towards corrupt practices by a large part of the members of the public structure, who work to guarantee and facilitate exchanges (Della Porta and Vannucci 2012). On the other hand, the analysis shows that the governance structure of this network of corrupt exchanges is centrifugal and without a center of authority. In a centrifugal system, parties lose the role of controlling corrupt exchange and companies can, on the other hand, take a more active role and can even organize themselves into cartels with the capacity to limit competition

and define the share (the quota), in other words, each one's place in the corrupt exchange (Della Porta, Sberna and Vannucci 2015).

Contrary to what happened in previous scandals, such as the "Big Monthly",⁷ what can be seen from Carwash is that the system has adapted, reducing the parties' ability to control the dynamics of corruption networks. If in the case of "Big Monthly", the parties, through their bureaucratic structure, had a greater control of corrupt exchanges, guaranteeing participation and entry, now the system has expanded and with this the resources have also been expanded. Such expansion is the result of the effects of legal corruption investigations on a fragmented political system and supported by broad alliances.⁸ Thus, competition between corruption networks in a political system of this nature - and constantly submitted to different control bodies - led to the expansion and diversification of resources and actors. Gradually the parties transferred the competence to a wider network that started to involve companies, local politicians, financial operators, public agents. This dynamic led to a polycentric system organized from different centers of authority with relative autonomy.

This centrifugal structure also has an effect on legal investigations and the restructuring of the political system after major anti-corruption operations. In one respect, this dynamic makes legal work difficult, making it practically impossible for investigations to have a chain effect with the capacity to disrupt the scheme. In contrast, the legal operations that focus on certain links in the networks, as observed in the case of "Carwash", focusing only on a few actors, have no capacity to dismantle the governance structures that organize corrupt exchanges. In addition, they contribute to the consolidation, resistance and rapid re-articulation of certain niches of corruption.

⁷ Scandal discovered in 2006, involving leaders of different parties, revealed a scheme to buy votes from deputies to approve measures and projects of the federal government. Such a scheme was centralized by the parties, whose functions involved everything from controlling the process of co-opting party leaders to the ability to define the system for collecting and distributing the bribe payment.

⁸ Brazil has a multiparty system characterized by strong internal dissent and the formation of competing party factions. After the redemocratization of the country (1988), a model for forming governments was associated with this system, characterized by broad alliances and without ideological inclination (Carreirão 2015; Nobre 2013). The "coalition presidentialism", as defined, characterizes the need for the president to compose the base of the government based on the formation of a large majority in the congress with parties that are not part of the electoral alliance (Abranches 2018). In this model, many parties organize themselves just to guarantee alliances, in a pure exchange of favors.

From money dealers to financial operators: the role of intermediaries

One of the actors that becomes central in cases of corruption involving large sums of bribes are the so-called "brokers" or intermediaries. In general, these actors take on high-risk functions in the corrupt exchange market, guaranteeing and enabling business to be carried out. For this, they mobilize a set of skills acquired in certain diversified professional spaces, providing various resources such as information, contacts, confidence. Among the trades with a high capacity to convert into mediators of corrupt exchanges are lawyers, brokers, ex-bureaucrats, ex-civil servants, since their professional activities contribute to building trusting relationships with those who can benefit from corrupt exchanges (Della Porta and Vannucci 2012; Pizzorno 1992).

Among the mediators who played a central role in the corruption scheme discovered by "Carwash" are "financial operators". These are agents specialized in illegal markets and money laundering, whose function is to carry out the task of operating the financial part of the corrupt exchange, such as money transfer, value transfers, financial negotiation. These intermediaries, who must remain hidden, mobilize their *illegality competence* (Pizzorno 1992) and enter the scene to guarantee security and protection mechanisms, besides having the role of socializing public and private actors in the market for illegal norms. Its function is the centerpiece of the system's gear and may even collapse in the event of large-scale judicial inquiries (Della Porta and Vannucci 1999).

In Brazil, the so-called "dollar dealers" have become a central component of this network, since their skills in illegal foreign exchange markets were fundamental for carrying out financial operations. That was how the dollar dealer Alberto Youssef, arrested in the first phase of "Carwash", became the centerpiece in the mechanism of corruption. He and his partners, also experts in the illegal market, were transferring large sums of

money abroad using a network of more than 100 shell companies and hundreds of bank accounts. Among the numerous activities was import and export, without any trade in products or services, in addition to consulting companies that only served to issue bills of services that were never provided and investment companies with the objective of remitting money from abroad to Brazil. Investigations showed that only one of Youssef's companies had received payments from 9 contractors in the order of 5 million *reais* over a period of one year. But the dollar dealer not only had shell companies, he was also a partner in companies that had actually provided services to countless construction companies, in a mix of legal activity with illegal financial exercise.

Youssef began his career as an appliance smuggler on the Brazilian border with Paraguay and was later introduced to the foreign exchange trade by his sister. Gradually it included drug trafficking and illegal diamond trade. His professional performance took on unexpected proportions when he joined the federal deputy, José Janene, leader of the Progressive Party (PP) in the Chamber of Deputies. It was through José Janene that he became a centerpiece in the gear of corruption, expanding his business considerably and occupying high levels of intermediation. Initially, he worked specifically for Janene's business with state and private companies, maintaining his relations in this cycle. But soon after, with the deputy's death, he expanded his activities, his clients and parties, becoming an autonomous professional capable of moving easily between different party acronyms, multiple private companies and several state-owned companies. From party operator to professional mediator, Youssef became what specialized literature (Della Porta and Vannucci 2012; Pizzorno 1992) calls enablers, whose business involves multiple customers and whose role becomes central to a wide network of corrupt exchanges.

Alberto Youssef⁹ verticalized his participation,

⁹ In times of greatest performance, Youssef came to move 40 million dollars a day, according to the prosecutors of "Carwash". Jelin, Daniel. Na trilha da operação Lava Jato. *Veja*, s.d. Accessed on June 2019. <https://complemento.veja.abril.com.br/brasil/na-trilha-da-operacao-lava-jato/>.

acting as a true company, coordinating a group of employees among other money dealers and emissaries (responsible for the delivery of money) in order to meet the diverse set of companies and parties for which he served. His connections were so wide that his complaint to the "Carwash" prosecutors promised to *"overthrow the Republic"*.¹⁰ It was Youssef who made the calls, distributed the money among the financial operators of other parties, made payments, delivered bags of money, negotiated with companies, took care of public agents, created front companies, sent money abroad and, if necessary, - chartered private plane to carry money. Gradually he gained recognition for his work and came to be seen as someone who had a good relationship with politicians and contractors. For the federal police, he was the central bank of the parallel market, becoming one of the top 5 dollar dealers in the country.¹¹ In the words of one of his lawyers: *"He moved like a fish in the water between the companies"*.¹² Expressions such as *"had good credibility"*, *"opened doors"* and related to people *"decision makers"*, were used by Youssef's partners in the discussions and statements. Such expressions demonstrate, at least, three essential characteristics of the mediators: capital of social relations; confidence of the other players in the corrupt game and reputation among customers.

One of the functions of intermediaries is precisely to enable agreements, create opportunities and connections between the world of politics, public administration and the business sector. As a mediator between "social worlds", he is also given the responsibility of maintaining the secrecy of hidden exchanges and ensuring protection to those involved (Della Porta and Vannucci 1999, 2012; Pizzorno 1992).

Among the numerous attributions involving *"dirty work"* is that of controlling police officers with the aim of preventing investigations. Using these strategies Youssef managed to remain active for many years. One of the documents found in the search and apprehension of Youssef's office was a spreadsheet whose content demonstrated that the money dealer's performance went beyond Petrobras' limits and reached other federal state-owned enterprise, state public agencies, city halls and private companies. With 34 pages, the spreadsheet ¹³ shows 747 infrastructure works, not all of them carried out, linked to several direct customers (the construction companies) and end customers (public and private companies). The dollar dealer used a company to sign contracts with construction companies in public works in all regions of the country. Petrobras and its subsidiaries appear as a final customer in about 400 projects shown in the spreadsheet. Youssef was considered as someone who had *"good traffic with the construction companies"*, as said in testimony by one of his clients.¹⁴ He became the great articulator capable of negotiating and guaranteeing resources for parties, politicians, directors of the state-owned company and advantages for contractors. His connection with the contractors took place through his partner and personal friend Ricardo Pessoa, president of UTC Engenharia and considered the coordinator of the "club of the contractors".

Specialist in illegal dollar remittances abroad, Youssef had already been investigated by the Federal Police in the 1990s for being the PP's financial operator in the state of Paraná, raising illegal funds to finance the campaigns of the party's candidates in the state. He also became a central figure in the "Banestado scandal" for carrying out

¹⁰ In an interview with *Veja* magazine in 2017, he stated "I said I would overthrow the Republic. And I dropped it". Bonin, Robson. 2017. Youssef: 'Eu disse que derrubaria a República. E derrubei'. *Veja*, July 29, 2017. Accessed on Dec. 10, 2018. <https://veja.abril.com.br/brasil/youssef-eu-disse-que-derrubaria-a-republica-e-derrubei/>.

¹¹ Marcelino, Francisco, e Maria Valle. 2015. Conheça a trajetória de Youssef, "banqueiro" do mercado paralelo do Brasil. *UOL Notícias*, Jan. 14, 2015. Accessed on Dec.12, 2018. <https://www.bol.uol.com.br/noticias/2015/01/14/conheca-alberto-youssef-banqueiro-central-do-mercado-paralelo-do-brasil.htm>.

¹² Alves, Cintia. 2014. Quem é Alberto Youssef e como começou a Lava Jato. *GGN: O jornal de todos os Brasis*, Dec. 9, 2014. Accessed on Dec.15, 2018. <https://jornalggn.com.br/justica/quem-e-alberto-youssef-e-como-comecou-a-lava-jato/>.

¹³ Militão, Eduardo, e João Valadares. 2014. Planilha revela a atuação da quadrilha. *Correio Braziliense*, Dec. 6, 2104. Accessed on Dec. 19, 2018. <http://www2.senado.leg.br/bdsf/handle/id/504845>.

¹⁴ Serapião, Fábio. 2014. A Planilha de Youssef. *Carta Capital*, Dec. 3, 2014. Accessed on Dec. 2, 2018. <http://www.cartacapital.com.br/revista/828/a-planilha-de-youssef-7774.html>.

illegal transfer of dollars from resources resulting from the privatizations carried out under the FHC government". For having closed an agreement, he was released. In 2014, when the "Carwash" operation was triggered, Youssef was arrested again and after closing a winning cooperation agreement, released again. This last collaboration was made with the intention that Youssef could collaborate with justice specifically revealing the characters involved in the so-called Petrobras scheme. The scheme known as "Petrolão" dealt with deviation of values in contracts involving the Abreu e Lima Refinery in the period 2003-2012.

The cooperation agreement took place in December 2014 and in March 2015 Youssef asked the court to reveal new facts.

I am not the mentor or the boss of this scheme as it has been mentioned in the media and the prosecution itself says that I am the mentor and the head of the criminal organization. Well, I'm not. I am just a cog in this subject that happened in Petrobras. There were people much higher above it, including above Paulo Roberto Costa, such as public officials. This matter occurred in the works of Petrobras and I was one of the operators (testimony by Alberto Youssef).¹⁵

Youssef's entry into the "Petrobras scheme" took place through deputy José Janene, for whom the dollar dealer already worked, leader of the PP in the Chamber of Deputies in Lula's first government. In order to participate in the government's support base, to be able to carry out nominations at federal state-owned companies, the party negotiated its entry using the chamber as a form of pressure. The Progressive Party (PP), which elected exclusively parliamentarians (deputies and senators) obstructed the agenda by locking all votes.¹⁶ The government then

negotiated and included the party in the allied base. Thus, as part of the alliance system, the party gained the right to dispute names nominations for the second tier and obtained the command of Petrobras supply board.¹⁷ One of the central names of the party in the nomination for the position was the civil servant, an engineer at Petrobras, Paulo Roberto Costa, who became another important part of the system, as we will see below.

Public Agents

The role of the public agent in a network of corrupt exchanges is to ensure that the system is kept hidden and to preserve the benefits for the parties. Paulo Roberto Costa's entry into the Petrobras supply department aimed to achieve this end. An engineer and career employee in Petrobras, he had held several technical and managing positions within the company. But there was a kind of barrier, a glass ceiling, for more important positions in which he could only overpass through political nomination. "Petrobras's board cannot be reached without political support [...]. Since Sarney's Government, if the directors of Petrobras and other companies, did not have political support, they would not become directors".¹⁸

But as "*there is no free lunch*", he says in the statement, when a politician appoints someone, he always requires a counterpart. In this sense, his role was to help the party seek support from companies that could participate by contributing financially. In the beginning, its function was limited to the central responsibility of the sector, which was to supply the country with oil products (diesel and gasoline). However, with the increase in government investment in the state-owned

¹⁵ Testimony by Alberto Youssef as part of plea agreement signed with Public Ministry in October 2014. Folha de São Paulo. 2015. Aceso a integra da delação do doleiro Alberto Youssef. *Folha de São Paulo*, Mar. 12, 2015. Accessed on Nov. 11, 2018. <https://www1.folha.uol.com.br/poder/2015/03/1601678-acesse-a-integra-dos-depoimentos-da-delacao-do-doleiro-alberto-youssef.shtml?origin=folha>.

¹⁶ Youtube. s/d. Information provided by federal deputy Pedro Correia (PP) in testimony to federal judge Sérgio Moro, in 2016. Prosecution number 504651294. Accessed on Jan. 3, 2019. https://www.youtube.com/watch?v=L_apYkFi39U-.

¹⁷ Sector responsible for supplying the entire country with oil products.

¹⁸ Information provided by engineer Paulo Roberto Costa in testimony to the Public Ministry in 2015. Testimony by in plea agreement to Public Minister in February 2015. Available in video and document. Macedo, Fausto. 2015. Leia os 35 depoimentos do ex-diretor sobre corrupção na Petrobras. *O Estadão*, Feb. 13, 2015. Accessed on Jan. 5, 2019. <https://politica.estadao.com.br/blogs/fausto-macedo/leia-os-35-depoimentos-do-ex-diretor-sobre-corrupcao-na-petrobras/>. Youtube. 2015. Accessed on Jan. 5, 2019. <https://www.youtube.com/watch?v=jzQQMPcOjPM&t=5s>.

company,¹⁹ the area that previously did not carry out projects started to play a fundamental role in the construction of new refineries. With this investment, Paulo's sector started to have contact with companies in the construction of large refineries, which made it possible to achieve the objectives of its political indication. The established rule was that for each contract executed with the supply area, of which he was a director, the participating companies should pay 1% as a bribe to the board. Of this 1%, part was earmarked for PP, another part for the financial operator and another for the director as commission. According to Paulo Costa in a complaint, the companies were interested in serving politicians because they also wanted to guarantee participation not only in Petrobras, but in other important ministries and major state works. He describes part of the situation to prosecutors as follows:

I am the tip of the iceberg. [...] Do not limit yourselves to Petrobras. [...] What happened at Petrobras happened all over Brazil: [...] on the highways, on the railways, at the airports, at the ports. (Paulo Roberto Costa-award-winning statement-2015).²⁰

Initially, PP kept 60% of the 1%. Later, the dispute between the parties for control of second-tier positions intensified and, in order not to lose, PP needed to share control of the board with other parties, such as PMDB. In order to prevent PT from controlling all the state's boards, PMDB and PP joined together to guarantee the supply sector. Thus, PP and PMDB shared the 60%, 20% for operating expenses (notes) and 20% divided between Janene and Paulo Roberto Costa.

Each board was controlled by one of the parties of the allied base and had a percentage of bribes to be paid in the projects. The fee was divided between the parties and the so-called "house", latter representing Petrobras employees involved in the receipt. When corruption becomes systemic it involves employees who occupy different levels of function until they reach the highest positions.²¹

As it can be seen in the table below, each party had its financial operators and a percentage of fees for projects. The supply director was with PP and later PMDB; the service director was appointed by PT; PT's gas and energy board; exploration and production PT and international board of PMDB.

Chart 1 – Kickback scheme: Petrobras board per party

Party	Board	Kickback Percentage	Financial Operators	Time
PT	Services Board: Renato Duque Pedro Barusco	1 e 2%	José Dirceu Vaccari Neto Milton Pascowitch	2003- 2012
PP e PMDB	Supply Board: Paulo Roberto Costa	1%	Alberto Youssef (PP) Fernando Soares (PMDB) Pedro Henry (PP)	2004- 2012
PMDB	International Board: Nestor Cerveró Jorge Zelada Eduardo Musa	3%	Fernando Soares	2003- 2008

Source: Prepared by the author.

¹⁹ The company that in 1994 had a market value of 9 billion dollars, in 2007 with the discovery of the Pre-Salt the company reached 242.7 billion dollars. In 2010 the company was classified as the fourth largest company in the world in terms of market value. Petrobras. 2016. We have reached the milestone of 1 billion barrels produced in the pre-salt. *Petrobras*, Dec. 20, 2016. <https://petrobras.com.br/en/news/we-have-reached-the-milestone-of-1-billion-barrels-produced-in-the-pre-salt.htm>.

²⁰ Information provided by engineer Paulo Roberto Costa in testimony to the Public Ministry in 2015. Testimony by in plea agreement to Public Minister in february 2015. Available in video and document. Macedo, Fausto. 2015. Leia os 35 depoimentos do ex-diretor sobre corrupção na Petrobras. *O Estadão*, Feb. 13, 2015. Accessed on 5 Jan. 2019. <https://politica.estadao.com.br/blogs/fausto-macedo/leia-os-35-depoimentos-do-ex-diretor-sobre-corrupcao-na-petrobras/>. Youtube. 2015. Accessed on Jan. 5, 2019. <https://www.youtube.com/watch?v=jzQQMPcOjPM&t=5s>

²¹ Among layoffs, suspensions and warnings, after Carwash operation, Petrobras has already held more than 300 employees responsible for irregularities. Polito, Rodrigo. 2018. Petrobras responsabiliza 300 funcionários por atos ilícitos. *Valor Econômico*, Nov. 31, 2018. Accessed on Feb. 12, 2019. <https://valor.globo.com/empresas/noticia/2018/11/30/petrobras-responsabiliza-300-funcionarios-por-atos-ilicitos.ghtml>.

With the construction of the Abreu e Lima Refinery (Rnest) and the Rio de Janeiro Petrochemical Complex (Comperj), the performance of some boards became more intense, involving more resources and more bids. This allowed the group of companies to have a stronger and more organized performance. The function of the directors was to guarantee support for the parties, but the negotiation took place between the companies themselves and the politicians, as one of the directors reveals.

Whenever there was a contract, whatever it was that ran on a normal request, the party or party treasurer usually approached the company asking for a contribution. And the company usually worked because it was something institutionalized within the company. Usually over contract. The company would get the contract and was looked for...]. Nothing was asked from me. It was something that was institutionalized. All of the parties knew, from the president, secretary, deputies, senators, everyone knew that this was happening. This situation already existed [...]. I didn't need to go to the company and say that they had to contribute. This was already institutionalized. It involved big contracts. There were no minors (testimony by Renato Duque).²²

When corruption is systemic, the payment of the bribe tends to obey a payment table with more or less precise rates, in order to avoid endless negotiations that could jeopardize the continuity of practices. Thus, the need to establish a quota previously defined between the parties not only creates an informal organizational structure, but it becomes the most convenient strategy to avoid the costs of constant negotiations in a widespread corruption model and involving a diversity of actors with different functions. As a result, an informal organizational structure emerges (Della Porta and Vannucci 2012).

Furthermore, in this model, employee participation is not merely occasional, individual and private. On the contrary, it becomes a predictable standard, conforming to the rule of the game, and reaching high-ranking officials. In

an extremely refined bribery distribution model, with regular distribution and proportional quotas, systemic corruption becomes regulated by informal rules of behavior in a pattern of tacit acceptance. The values are exceedingly high and the tax system becomes complex.

I knew and allowed that to happen. I never asked for any values. I never asked for benefit. There was a scheme that Barusco conducted. He provided conversation with companies and deposits of money. [...] Once it reached a certain value, it was more than enough for me. What will you want to collect and collect money? I didn't even use that money. When it reached 10 million dollars it was more than I needed to live until my third generation. From then on, I didn't even control anymore (Testimony by Renato Duque to Judge Sergio Moro).²³

The function of public agents in the corrupt network is to allow illegalities to occur, thus ensuring the maintenance of the system. It is because of this that they become important to the parties, being constantly sought to offer guarantees in exchange for political protection in office.

However, as this agreement depends on the position of each party in the corrupt game and that position is not stable, the public agent himself is often the one who establishes the conditions for the exchange in a more independent position. That was how Paulo Roberto Costa exceeded party networks and gained some autonomy in direct negotiations with politicians, forming their own alliances. With the death of deputy José Janene, for whom he provided assistance, and with the constant disputes between the parties for control of the board, Paulo Roberto Costa identified that it would not be easy to remain in office and over time began to negotiate his permanence with other party leaders. To remain on the board, he needed to expand his political support, investing not only in "wholesale" (that is, in parties), but occasionally inserting some politicians from other parties in the so-called "retail", building a kind of "bench" of his own.

²² Youtube. 2015. Testimony by Renato Duque to Judge Sergio Moro, as part of Carwash Operation. Prosecution number 505493238, 2017. *Youtube*, May 5, 2015. Accessed on Jan. 12, 2019. <https://www.youtube.com/watch?v=SbzOylQwgQM->.

²³ Youtube. 2015. Testimony by Renato Duque to Judge Sergio Moro, as part of Carwash Operation. Prosecution number 505493238, 2017. *Youtube*, May 5, 2015. Accessed on Jan. 12, 2019. <https://www.youtube.com/watch?v=SbzOylQwgQM->.

Paulo Roberto even made a bench for him, put people in, even I was aware, I didn't know who he was because if I knew I would be against it, but even the PSDB, all parties. He set up a bench for him, where he then helped all parties so that he had the prestige to remain in office (Pedro Correa, former PP president).²⁴

Another important element in the performance of "public agents" is that they acquire an important social capital which can be mobilized when they leave office. This is again the example of Paulo Roberto Costa who, after leaving Petrobras in 2012, built a consulting company in the oil area. With a wide network of contacts with politicians and contractors, Paulo Roberto went from public agent to intermediary and financial operator of the tuition system. His company not only connected construction companies with politicians in order to have access to major public works, but also appears involved in the transfer of bribes to accounts abroad.²⁵ Consulting companies have become one of the main ways to pay the bribe. These companies received millionaire payments and issued counterfeit bills, simulating service provision.

The triangle: parties, governments and companies

In previous governments, the same thing was done, indication, if everything was asked for. And there was an attempt to make an election by doing the businessman a favor so that the businessman could help the politician to make an election. This happened in all the governments in which I participated since 1978 when I was elected for the first time (Pedro Correia, ex-deputy, ex-president of the PP).

This system of triangular relationship between party, government and companies did not come up with the so-called "Petrolão", a corruption scheme unveiled by "Carwash". It is narrated by the

actors of the political game as a practice already established between parties, governments and the business world, as the rule of the game. And sometimes it gets confused with the very dynamics of organization of the political system.²⁶ In order to be elected, politicians need financial support in their electoral campaigns, won through illegal donations in a relationship with companies. Corporate donations guarantee the functioning of parties during the electoral period and also outside of it, contributing not only paying electoral campaign for Members, senators, governors, mayors and councilors, but to pay advocate, solve pending, paying party meeting. *"For this reason I was elected 7 times federal deputy,"* says PP President in testimony to "Carwash."²⁷

Politicians were responsible for establishing the conditions of exchange with entrepreneurs, negotiating and bargaining. Generally made by a two-sided representative: parties and companies. Thus the highest positions both in the world of politics (such as presidents), as in the world of companies (owners) designated their representatives who negotiate with each other. This may be better understood in the Emilio Odebrecht account (Odebrecht owner) to the "Carwash operation" when questioned about the relationship with the former presidents in the democratic period. They asked me.

They all asked me: can you help me with campaign problems? [...] I never dealt with values. I delegated someone of my confidence. I used to instruct them to have a meeting whenever possible. [...] My staff wanted to minimize and the other side to maximize. They were fighting for the minimum whereas the other side wanted to get the maximum (Emilio Odebrecht, in testimonial to "Carwash").²⁸

In systemic corruption parties play a key role in the relationship between companies and the world

²⁴ Youtube. 2016. Testimony by Pedro Correa, in prosecution number 504651294, to the judge Sérgio Moro. Accessed on Jan. 5, 2019. https://www.youtube.com/watch?v=L_apYkFi3gU-

²⁵ According to an article published on the Senate website, one of Costa's sons-in-law, Humberto Sampaio Mesquita, was the operator of the scheme involving ships at Petrobras on behalf of the PP. Beto, as he is known, controlled at least three accounts abroad and moved the bribe in the naval area to his father-in-law. Macedo, Fausto e Brandt, Ricardo. 2014. Lava Jato apura elo de esquema na Transpetro. *O Estadão*, Nov. 29, 2014. Accessed on Jan. 5, 2019. <https://politica.estadao.com.br/noticias/geral/lava-jato-apura-elo-de-esquema-na-transpetro.1599955>.

²⁶ An analysis of the dynamics of the relationship between business and politics can be found in Petrarca (2017).

²⁷ Youtube. 2016. Testimony by Pedro Correa, in prosecution number 504651294, to the judge Sérgio Moro. Accessed on Jan. 5, 2019. https://www.youtube.com/watch?v=L_apYkFi3gU-

²⁸ Youtube. 2016. Testimony by Emilio Odebrecht to Public Ministry, as part of Carwash Operation on Dec. 13, 2016. Accessed on Jan. 6, 2019. <https://www.youtube.com/watch?v=6mtbLw1oyvM>.

of politics, "*selling difficulties to make facilities*", as the entrepreneurs say. In a context of party fragmentation, as observed in Brazil, the money is given to politicians who form their own alliances, therefore there is no centralization in the control of resources. In the Brazilian context States have autonomy to make their own alliances that do not always match the alliances at the federal level. So governors, state and federal deputies and senators follow the alliances of states. While at the federal level, the party can adopt another alliance.

Furthermore, for support and governability, the president must conquer a majority in the camera and the Senate. To have the support of the majority he needs to negotiate the federal positions, in a complicated balance of party forces. Such a balance aims to ensure the alliance system necessary for maintaining "governability". If the president does not know how to maintain this system, it can generate a deep political crisis capable of making his government unfeasible and leading to impeachment.

The companies in turn invested into politicians in order to gain access to public works, especially large ones.

What we have in Brazil is not a 5-year old business. It's 30 years old one. Everything that is happening is institutionalized. It is a normal thing. Due to all these names of parties where they fought, it was not for positions, but for fat budgets. There, the parties placed their representatives to raise funds. And that's been done for 30 years. In 30 years it is difficult for things not to become normal (Emilio Odebrecht, in testimony to "Carwash").²⁹

The testimonies of the largest contractors' directors in the country revealed a relationship structure established in exchange for advantages. Contractors and the State are symbiotically related and the rise of one necessarily depends on the other.³⁰ Among the main ones involved in

the Car Wash, we can name the case of Camargo Correa, a company that grew up at the time when the brother-in-law of one of the shareholders, Adhemar de Barros, became governor of the state. Another case is that of the construction company Andrade Gutierrez, present in the works of President Juscelino Kubitschek in the 1950s. And perhaps the most important of these is the rise of Odebrecht in the 1950s. one company: Petrobras. The two grew up together. Its first president, Juracy Magalhães, was twice minister of the military governments in the periods of 1964-1983. With the military governments and the investment in Petrobras, Odebrecht reached business levels that have not yet been explored, moving from a regional company to become a major national company (Campos 2014). When "Carwash" broke out in 2014, Odebrecht was already the largest Brazilian multinational, present in 27 countries. The group's revenue went from R \$ 17.3 billion in 2003 to R\$ 107.7 billion in 2014.³¹

The so-called "Odebrecht list", organized by the company's "structured operations" sector, was obtained by the disclosure of Marcelo Odebrecht's ³²(director) and one of his managers' cooperation agreement. It shows an organized action by the company involving 415 politicians from 26 parties. PT, PMDB and PSDB topped the list with 59% of the accused. PP is the fourth most affected acronym. The bribes were aimed at federal deputies and senators and involved everything from the approval of provisional measures to the concession of public works. Other politicians were part of the list as: councilors, governors, mayors. The relationship went beyond the federal level and reached states and municipalities. This occurred when the company supported an election campaign for politicians for state governments and then started to have advantages in the concession of works.

²⁹ Youtube. 2016. Testimony by Emilio Odebrecht to Public Ministry, as part of Carwash Operation on Dec. 13, 2016. Accessed on Jan. 6, 2019. <https://www.youtube.com/watch?v=6mtbLw1oyvM>.

³⁰ A detailed analysis of the relationship between companies, especially Odebrecht, political parties and the state, can be found in Bezerra (2017).

³¹ Venturini, Lilian. 2016. Por que a delação de Marcelo Odebrecht é uma das mais importantes da Lava Jato? *Nexo Jornal*, May 31, 2016. Accessed on Jan. 20, 2019. <https://www.nexojornal.com.br/expresso/2016/05/31/Por-que-a-dela%C3%A7%C3%A3o-de-Marcelo-Odebrecht-%C3%A9-uma-das-mais-importantes-da-Lava-Jato>.

³² Considered by Forbes Magazine in 2015 as the 9th. richest man in Brazil in a list of 10. *Economia UOL*. 2015. Lista de bilionários do Brasil tem Marcelo Odebrecht, preso pela Lava Jato. *UOL*, Aug. 28, 2015. Accessed on Jan. 20, 2019. <https://economia.uol.com.br/noticias/redacao/2015/08/28/lista-de-bilionarios-do-brasil-tem-marcelo-odebrecht-presos-pela-lava-jato.htm?>

"This comes from my father's time," reported one of Odebrecht's patriarchs about the so-called "kickback department". One of the central guidelines in the company was to maintain equity and avoid making discrepancies between the parties in order to avoid jealousy and problems with politicians. As Emilio Odebrecht, owner of the company, reported: "I always gave Campaign help to all of them. And it certainly had the help from official and unofficial cash. The company's norm was to serve politicians whenever possible".³³ The construction company, like many others, acquired skills in dealing with state bureaucracy and politicians, managing to overcome legal barriers and including electoral disputes in its business agenda.

Over time, with the increase of its participation and intense international growth, Odebrecht adopted a model of transferring tuition fees through a specific team, called "structured operations", through which it was defined that unaccounted payments to politicians would be made all through dollar dealers. This team had a specialized employee within the company who was responsible for passing on the values to the money dealers. In a division of labor, there was generation and distribution. The generation generated the unaccounted resources and made them available in offshore companies and accounts abroad. The money dealers received values abroad and passed on the payments in the country. In the old model, which operated until the early 1990s, unaccounted payments were paid on the same project through fictitious contracts. But due to the crisis of the "*Budget dwarfs*"³⁴ scandal, it was decided that this model was very risky, since it contaminated business accounting, generating fiscal uncontrollability. This nucleus of structured operations also made payments not directly related to works, but the

electoral campaign, in a mix of legal donation (with fixed values) and illegal donation. The company was careful to serve all parties and not make legal donations with different values between politicians, so as not to generate disagreement. It is through illegal donations, known as "box 2" that the differences were established by region and application capacity. Official donations were often also bribes in disguise. Moreover, the company also paid for provisional measures passed in the senate with the objective of helping the company.

This was another important change adopted in the company's relationship with the State. The Provisional Measure (MPs) is an instrument adopted by the President of the Republic in urgent cases. She needs to pass the chamber and the senate to be approved and has the force of law. According to one of the informers, of the 1000 provisional measures adopted in the four-year period of the government, 900 had bribes.

The construction company's investment in MPs was another consequence of the "*Budget Dwarfs*" scandal in 1991. It was through the Union budget that parliamentarians (deputies and senators) disputed "quotas" that could be used in their states and municipalities of origin for infrastructure works. Thus, Odebrecht was investing in parliamentarians so that there was budget forecast and funds for work of interest to the company in states and municipalities.³⁵ With the scandal, Odebrecht stopped investing in parliamentarians and started investing in the "owner of the project", in this case governors and mayors so that they put pressure on parliamentarians. Investment in parliamentarians (deputies and senators) was directed towards the approval of provisional measures. The latter, from 2009, started to have more value for the company.³⁶

The legal material, such as the complaints, of the executives of the different construction companies

³³ Youtube. 2016. Testimony by Emilio Odebrecht to Public Ministry, as part of Carwash Operation on Dec. 13, 2016. Accessed on Jan. 20, 2019. <https://www.youtube.com/watch?v=6mtblw1oyvM>.

³⁴ Group of congressmen who in the late 1980s were known for fraud in the resources of the Union budget. Of the 37 parliamentarians involved, 6 lost their seats during the investigation processes in the so-called CPI (Parliamentary Committee of Inquiry) of the Budget.

³⁵ A more detailed analysis of Odebrecht's participation in the union's budget can be found in Bezerra (2017).

³⁶ According to the statement of one of the company's managers, between 2005 and 2014 Odebrecht acted to influence 7 provisional measures. Together, these measures allowed tax concessions and benefits for companies. Costa, Flávio, and Vinicius Konchinski. 2016. Delação aponta que Odebrecht agiu por MPs que deram R\$ 140 bi em benefícios a empresas. UOL, Dec. 18, 2016. Accessed on Feb. 10, 2019. <https://noticias.uol.com.br/politica/ultimas-noticias/2016/12/18/delacao-aponta-que-odebrecht-agiu-por-mps-que-deram-r-140-bi-em-beneficios-a-empresas.htm>.

allows us to understand that the companies act at different levels, state and federal, and in the Legislative and Executive branches. Another fundamental element is that the relationship with political power, based on the system of payment of kickbacks and "political support", compose the dynamics of functioning of the business world. Known as the "end of the world denouncement", reports by Odebrecht executives promised to turn the political world upside down, as the construction company had a tradition of investing extensively in the political class.

Centrifugal corruption in a centripetal legal narrative

The legal narrative, constructed by the operators of the Carwash task force, highlighted that the corruption scheme observed in the case of the so-called "Petrolão" *had a boss, a maximum commander*, a "great general". The legal narrative is fundamentally based on the figure of the highest authority of the executive who is the President of the Republic. As chief executive he was not only able to restrain the system, he was also fully aware of its functioning and had sufficient decision-making power to appoint and dismiss. *"Without Lula's decision-making power, this scheme would be impossible"* (Carwash Attorney-Deltan Dallagnol at a press conference).³⁷

What the legal narrative ignores is that corruption has its own mechanism of operation. And that is to say that the top of the executive power pyramid does not necessarily mean being at the top of the corrupt system's power. Based on the set of material analyzed, it is possible to state that it is a systemic corruption whose governance structure is centrifugal and not centripetal. It is, therefore, a model of regulation of corrupt practices on a large scale, with strong fragmentation, a certain autonomy of the subnets and whose structure is polycentric.

Some aspects will be highlighted here and

allow us to conclude that it is a centrifugal dynamic. The first aspect is the characteristic of the political environment. In a centripetal model there is relative stability and the parties organize themselves as "cartels" to control the political market and electoral financing, thus preventing other parties from making up the competition.³⁸ In the case of Brazil, what is observed is, on the contrary, a highly competitive political environment, supported by fragile alliances. Political parties themselves are internally fragmented and organized according to "factions" with autonomy to create their own networks.

The second aspect is the mechanism adopted to regulate and control corrupt practices. In a centripetal model, there is clearly a recognized authority center whose role is coercive and whose function is to ensure that the rule of the game is fulfilled by the participating actors. In these conditions, there is a hierarchy between the actors and a center that regulates and punishes. Authority resources are essential in the application of effective sanctions that guarantee cooperation. What is observed in the Brazilian case is the lack of a center of authority capable of applying sanctions. The main mechanism that guarantees the execution of corruption in a centrifugal model is the internalization of values and codes of conduct, through socialization, and the incentives given to those who participate in the game. Thus, an employee who wants to become director of a large public company knows that he needs to be part of the game to receive the incentives. His experience within the company made him internalize the set of rules and norms essential for professional advancement.

One last aspect that we can mention here is the power structure. In a centripetal dynamic it is hierarchical and centralized. On the contrary, in centrifugal dynamics it is horizontal and fragmented. There are several elements, in the Brazilian case, that demonstrate a network

³⁷ Youtube. 2016. Coletiva da Lava Jato denuncia: Lula é o chefeão. *Youtube Press Conference*, Jan. 15, 2016. Accessed on Jan. 30, 2019. <https://www.youtube.com/watch?v=LulFNrwV0oc&t=25s>.

³⁸ Della Porta, Donatella, and Alberto Vannucci. 2014. Centripetal versus centrifugal corruption. A framework for the analysis of corrupt exchange and hidden governance structures. European University Institute. EU Grant Agreement. *Project acronym: Anticorrp*. Accessed Dec. 10, 2019. https://anticorrp.eu/wp-content/uploads/2014/12/D1.1_Part6_Centripetal-versus-centrifugal-corruption.pdf.

structured in a centrifugal dynamic. One of them is the capacity of autonomy of the subnets. This is the case, especially, of public agents who acquired autonomy and the ability to negotiate their own stay in their own networks. Under conditions of strong personalization and relative autonomy of networks in relation to party logic, political careers do not depend directly on the party, but on the capacity of public agents, especially in creating personal networks (founded on bonds of friendship, kinship, professionals) as source of your power. In this direction, from the Brazilian case, it is possible to demonstrate the organization of a corrupt polycentric system with a high capacity to develop autonomous networks.

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