

Operation Lava Jato Ignited a “New Spirit” of Compliance in Brazil, Sergio Moro Tells ¡(H)Ola Compliance!

In Episode 13 of the ¡(H)Ola Compliance! podcast, former Brazilian Justice Minister [Sergio Moro](#) describes Operation Lava Jato as a “game changer” for anti-corruption compliance in Brazil. Speaking with [Matteson Ellis](#) and [Gregory Bates](#) of Miller & Chevalier, Mr. Moro, who currently is Managing Director with Alvarez & Marsal Disputes and Investigations, identifies “a new spirit of Brazilian companies in relation to integrity policies.” The former Federal Judge explains that, before Lava Jato, companies tended to deny responsibility for corporate offenses and few sought to cooperate with authorities in the context of investigations. He says that in Brazil today, the trend towards corporate integrity programs continues upward.



Data supports Moro’s assertions. Miller & Chevalier’s [2016](#) and [2020](#) Latin America Corruption Surveys reveal a marked increase in corporate compliance interest in Brazil since Operation Lava Jato began in 2014. In the 2016 survey, Brazil had the highest percentage of respondents regionwide saying that the importance of preventing corruption for their companies had increased over the last five years, with 81% saying yes compared with a regional average of 71%. By 2020, while other countries in the region were also beginning transitions toward compliance, Brazil remained near the top, with 80% saying the importance of compliance had increased over the last five years, compared with a regional average of 65%.

Brazilian Authorities Can Spot “Fake” Compliance

Moro describes Brazilian authorities as having a high degree of sophistication when evaluating corporate compliance programs. He says that the “effectiveness” of a company’s program is key: “Are the policies consistent? ... Do they function in practice?” He explains that programs must be dynamic and that Brazilian authorities are capable of detecting when compliance is a mere “façade,” what he calls “fake compliance.” He adds that authorities take nuanced approaches when evaluating programs. For example, the level of program complexity expected will depend on the size and nature of the company: “The same cannot be expected from large companies, middle market companies, and small companies.”

Anti-Corruption Wave in Latin America Won’t Stop

Moro tells ¡(H)Ola Compliance! that Operation Lava Jato started an anti-corruption wave in Brazil and in Latin America and “this movement will continue.” He explains that, like Brazil, other Latin American countries have adopted laws establishing corporate liability for corrupt acts. He acknowledges that the movement has suffered recent setbacks, describing those as “a great pity.” He adds, “In my opinion, it is a movement that won’t stop because there exists an international trend.” The hope he expresses for a continued wave is remarkable given that Moro resigned from his position as Justice Minister in 2020, sharply criticizing what he saw as Brazilian President Jair Bolsonaro’s politicization of the Justice Ministry.

Moro’s optimism is shared by others in the region, in particular those from countries like Brazil that have strengthened their anti-corruption laws over the past 10 years. In the 2020 Latin America Corruption Survey, more than half of respondents from Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, and Peru (countries that have strengthened their anti-corruption laws to facilitate prosecution of corporations) think that anti-corruption laws are having an impact. These respondents show greater optimism than the regional average of 50%: Argentina (72%), Brazil (74%), Chile (59%), Colombia (55%), Costa Rica (52%), Mexico (68%), and Peru (63%).