
A Qualitative Comparison of Anti-Corruption Measures in Guatemala and Brazil

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Abstract: *The purpose of this research is to compare recent initiatives aimed at addressing corruption within the public sector in Guatemala and Brazil. Political unrest in the last two decades, charges of bribery and financial mismanagement by leaders, instances of electoral mismanagement, and other actions by national and local government officials in both countries have highlighted what has become almost commonplace throughout many areas in Latin America. Guatemala and Brazil represent countries that have taken different philosophical approaches to dealing with the recent corrupt acts and thus offer a good case for comparison. What remains to be seen is whether one approach is more effective than the other.*

Key Words: Anti-Corruption Initiatives, Latin America

Introduction

In September, 2015 Otto Perez Molina resigned as president of Guatemala following a series of credible accusations that he had played a major role in a multimillion-dollar fraud scheme (Ahmed and Malkin, 2015). When Molina was first accused, Guatemalans came out in large numbers to protest his actions and demand his resignation. The demands voiced by the people continued to the point that the president could no longer ignore their persistence. Because protests are common occurrences in Guatemala, it was no surprise that crowds gathered when they discovered Molina's corruption, but the results of their protests were unexpected. Not only did Molina step down, but he went on trial, was found guilty, and was ultimately jailed, becoming the first president in Guatemala's history to resign due to a corruption scandal. This was in marked contrast to similar situations occurring earlier in Guatemala, long known for the impunity of its political establishment (Ahmed & Malkin, 2015).

In another part of Latin America, Brazil was in the middle of similar political unrest resulting from political scandal. President Dilma Rousseff was accused of corruption and large crowds of Brazilians demanded her impeachment. She was accused of taking kick-backs from PETROBRAS, Brazil's state owned energy company, while also attempting to shield her mentor, the former President da Silva, by appointing him to a cabinet position. Finally, she was accused of manipulating fiscal budgets to improve her image before the 2014 presidential elections. Rousseff was adamantly fighting the allegations and refused to step down. Brazil's Lower Congress voted on impeachment and decided it

would be the direction the country would take in the near future (Park, 2016). The daily news updates echoed those feelings by strongly suggesting that Rousseff may be looking for a new job sooner than she would like.

The possibilities of politicians being corrupt are almost an expectation in both Guatemala and Brazil. In fact, political corruption is all too common throughout Latin America (Husted, 2002). Stories abound recounting how political officials abused positions of authority to make personal gain at the expense of those they were sworn into office to serve. Political corruption erodes away at society and can lead to instability in a government. Citizens lose faith in the public and private institutions that make up society and things only continue to deteriorate from there (Husted, 2002). Unfortunately, Brazil and Guatemala offer prime examples of how state level government is affected by this type of erosion. This is not something that occurred only, but instead has developed throughout a long history.

Guatemala and Brazil have histories of dictatorial regimes and they both share a history of colonization. Aspects of these shared experiences seem to influence and impact the ways that these governments function. In many ways, much of the corruption found in politics ties to these historical characteristics. Mejia (1999) describes Guatemala as “the land of eternal impunity” (p. 56). He cites numerous examples of human rights violations occurring after which individuals committing them did not face consequences for their actions. Impunity afforded them a way around the legal system that would normally punish them for their crimes. While incidences of human rights violations are only one area where corruption is an important factor, this single example clearly highlights the failure of public servants and institutions to hold national leaders and those who work under them accountable for their actions.

Brazilians have a saying that, when translated into English, means “anything for friends; for enemies, the law” (Husted, 2002, p. 417). This phrase represents an unwritten rule for Brazilians that rules and laws apply differently to those with whom they have a personal relationship. This motivates the development of relationships with those who make or enforce rules or laws in order to find ways around them. Analysis of various cultural aspects may provide insight into why this occurs and further analysis of how corruption has emerged and continues in these environments offers some explanation of the nature of the problem and what policy responses may be necessary for improving the situation.

This study aims to analyze the current level of corruption in Brazil and Guatemala and to begin to consider the extent to which it may be able to be reduced. This study conducts a comparative analysis to increase understanding of how each of the two nations has addressed its corruption problem. To that end, the study qualitatively evaluates the political environments of Brazil and Guatemala to look for explanations of how they arrived where they are now. Further, analysis is focused on how each country is dealing with corruption through the public policies, and how this affects democratic values and practices. Finally, the study examines how specific anti-corruption policies in each country were developed, evaluates the effectiveness of those policies, and concludes with some speculation on the direction of future anti-corruption policy for each country. The goal is that new insights will surface about corruption policy, that the insight gained will increase understanding of the measures needed to diminish the levels of corruption in Brazil and Guatemala, and that any future negative impact on democracy in each country can be minimized.

Literature Review

Corruption stems from many sources and is an endemic problem in a host of countries

throughout the world. In order to compare the policy responses of Guatemala and Brazil to their own corruption problems, it is first necessary to characterize corruption's nature and scope in those two countries. Transparency International provides annual rankings of the perceived level of public sector corruption for 168 countries. In its most recent index on a scale of 0 to 100, (0 indicating high levels of corruption and 100 no corruption), Guatemala was rated 28 and Brazil 38. The index also includes a ranking of the countries to facilitate comparison of corruption levels between nations. A review of the rankings reveals that Brazil was ranked 76th and Guatemala 123rd, with 168th being the most corrupt. Transparency International also includes trend identification, and this provided interesting insight. Among all of the countries listed, three were identified as having the greatest decline on the corruption perception index, with Brazil and Guatemala being two of the three (Transparency International, 2016). High levels of corruption are an unfortunate reality for both nations, creating a serious challenge for decision makers trying to address it.

The annual survey from Transparency International provides clear evidence that whatever policy exists to combat corruption in these two nations does not appear to be working. However, citizens seem to be more empowered than they were before, as suggested by the results of the presidential ouster in Guatemala and highly likely impeachment proceedings in Brazil. Protests have actually produced positive results and impunity seems to be declining, at least in the case of the few public figures being held accountable for their actions. But there is much still to be examined in order to fully understand what is going in these countries and what the future holds.

The simple fact is that corrupt politicians have infiltrated and invaded government and institutions in countries throughout the world through a variety of means. Klitgaard shares that "corruption is an outcome of weak state administration that comes forward when an individual or organization has monopoly power over a good or service, discretion over making decisions, limited or no accountability, and low level of income" (Shabbir & Anwar, 2007, p. 753). This offers many suggestions of how corruption develops and persists within politics. Klitgaard's perspective also may shed light on where policy needs to be enacted to resolve these issues. Fortunately, policy for combating corruption in Brazil and Guatemala does exist, although its effectiveness may not be as obvious or is debatable. Research indicates that the policies currently being shaped or those that have been enacted in these countries are fairly new.

In order to begin a comparative analysis, it is first necessary to identify anti-corruption policies developed in these countries. However, prior to leaping into the policy analysis and comparison, one more important question must be addressed. What is the point of comparing these policies? Cox, Mann, and Samson (1997) explain that comparison leads to a form of benchmarking or competition among nations that are compared. It may not be that Brazil and Guatemala are looking directly at one another to make any comparison, but organizations like Transparency International are. These countries are being compared based on a corruption perception index and therefore, it seems somewhat reasonable to think that a study of them will increase understanding of what is going on there, whether any movement is positive or negative, especially regarding efforts by either country to do something about its perception ratings. It is important to note that both countries were affected by a recent dramatic dive in index rating (Transparency International, 2016). Perhaps further insight is needed to understand what is causing this change and applying a comparative analysis seems to be movement in the right direction. Dodds (2013) justifies the use of comparative analysis since, in this case, it could change the level of understanding held by those who study corruption with respect to the nature of certain phenomena as well as their views on how and why those phenomena arise.

Another reason to compare the anti-corruption policies of these two nations is to determine how regional affects may be impacting the way policy is created and implemented. The world is growing increasingly interconnected through commerce, international institutions, and other means. Jordan et al., (2003) suggested that international institutions, which represent committed participants in the processes of global good governance, are leading nations to the convergences of policies, and policy transfer is occurring across borders. While it may be a stretch to suggest that either country in this study is affecting the other's policies, it is still an interesting thought to consider that institutions may potentially be bringing nations together by either passively or actively promoting specific agendas.

Guatemalan Political Environment and Anti-Corruption Policy

The purpose of this section is to discuss the anti-corruption policies enacted in Guatemala. Additional perspective is also included to understand what the policies do not include. It just as important to understand what laws or policies may have been omitted in order to capture the whole reality in the political environment. Sieder (as cited in Ruhl, 2011, p. 38) indicated that, "narcotics trafficking is particularly widespread in Guatemala, and traffickers have been successful in penetrating the highest Guatemalan government circles." This perhaps explains why corruption is so prevalent, but how does a country arrive to this point? Ruhl adds that Guatemala and other Central American countries exhibit two types of corruption, grand corruption and petty corruption. He suggests that each has different causes and the way to put them in check is by first focusing on petty corruption by cutting down on cumbersome bureaucratic procedures imposed by the government on its citizens. Many cases of petty corruption are caused by individuals bribing lower officials to avoid the bureaucratic red-tape often holding up dealings with the government (Ruhl, 2011).

Another factor that may contribute to the levels of corruption found in Guatemala is the way in which their political parties are established. Sanchez (2008) explains that Guatemalan political parties are shaped by their founders or leaders. The party follows whatever plans or agendas the leader has and if the leader fails politically, so too may the party. This model differs greatly from the way political parties are established in the U.S. The Republican, Democratic, and even Independent parties rest upon a base comprised of ideals, values, and morals. All of the parties seek to uphold the U.S. Constitution and espouse liberty, and the only major differences are political values (Independent Hall Association, 2014). On the other hand, "Guatemalan political parties evince a marked absence of ideological commitment, and most are bereft of any ideological orientation" (Sanchez, 2008, p. 141). This appears to be evidenced by Molina's ouster. What ideals was he following when he decided to commit fraud? This may suggest that Guatemala's political party culture can lead to inconsistencies in how government is run and the degree of difficulty associated with holding individuals accountable continues to increase. Perhaps this is why Sanchez adds that "...elections have not helped to legitimate democratic rule in the eyes of Guatemalans" (2008, p. 138). Guatemala's political environment appears to facilitate corruption, but there are least a few policies enacted to help abate these issues.

All of the governments in Central America including Guatemala signed the Inter-American Convention against Corruption (IACAC), the United Nations Convention Against Corruption (UNCAC) and the Guatemala Declaration for Region Free of Corruption (Ruhl, 2011). IACAC constitutes the world's first attempt to combat corruption at the international level and this policy was ratified to establish a legal framework to overcome transactional bribes that persist within government and government officials. This instrument was developed to serve as a source of guidance on how to combat corruption within state government and to promote the practice of states working together to enforce anti-

corruption measures in the region (Altamirano, 2007). Although UNCAC involves additional measures to combat corruption, only IACAC will be discussed here because of its specificity to the region of interest for country comparison.

Implementing IACAC represents a positive move for Guatemala, but some feel that it does not have the necessary means of enforcement. Additionally, those that should enforce the rules in the court system are accused of being corrupt (Mejia, 1999). Altamirano (2007) points out that IACAC leaves discretion to each state over how anti-corruption measures are enforced. This can greatly weaken the impact of the policy passed. McSherry and Molina (as cited in Mejia, 1999) offer insight to explain further why these policies may be difficult to enforce by asserting that Guatemala exhibits three types of impunity or means that serve to facilitate the exercise of power by abusers to avoid getting in trouble when they are obviously corrupt. They add that, in some cases, legalized measures are in place to allow impunity to continue despite its potential negative effects. A policy established to fight corruption is resistant to effective and successful enforcement as long as officials are able to find ways around the legal system through impunity.

However, despite the many setbacks and challenges discussed, Guatemala does have many measures in place and continues to pass new laws to address the corruption issue within its borders as a result of IACAC's enactment. Decision makers signed IACAC in 1996 and then ratified it in 2001. Prior to ratification and since then, Guatemala has created a special prosecution office to tackle and prosecute corrupt public officials. They created an Anti-Corruption Commission in 2002 that integrated legal officials to enable investigation. Further, they developed a decree that outlined norms and procedures to ensure public officials maintained transparency in their actions. Subsequently, a transparency and anticorruption commission was created by the Guatemalan Executive Branch and an appointee was placed over it to validate government transparency (Altamirano, 2007). Altamirano continues to outline other agreements and mechanisms put in place by Guatemala to ensure they abided by the terms put in place by IACAC. Perhaps this explains why Guatemala arrived to a point that the president was ousted and then held accountable by these actions. It also could be that IACAC enabled an environment that fostered anti-corruption norms or at least a culture of reprisal for corrupt acts.

On the other hand, as indicated earlier, there are researchers that perceive IACAC as ineffective. Some research analysis may support this conclusion. Individuals chose to utilize the Corruption Perception Index (CPI) to evaluate the effects on corruption in a country based on policies passed. The index ranks countries against each other and also identifies a score based on perception data collected. A low score on the index indicates that perception of corruption is very high whereas a high score indicates little or no perception of corruption (Transparency International, 2016). The same test is used to evaluate the effectiveness of IACAC in Guatemala through individuals' perceptions of corruption in the country. Figure 1 provides visual representation of a slight positive trend between the years 2001 and 2015 that indicates that there may be an improvement in the overall perception of corruption in Guatemala, but the change is very meager. However, this could indicate less than optimal effectiveness of IACAC as an accurate measurement in that a negative trend appears when data are excluded prior to 2009. This begs the question of whether perception serve as an adequate gauge of effectiveness or should there be other considerations.

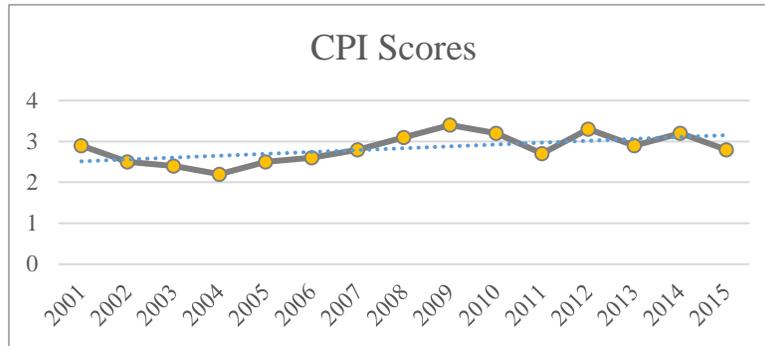


Figure 1: CPI Scores, 2001-2015, Transparency International, 2016

Responding to that question requires perspective and an understanding that a complete evaluation must include more than just corruption policy. It must also involve consideration of the effects of democracy. Altamirano (2007) suggests that corruption is a secret act that those involved try to cover up and conceal. He also adds that, corruption in the past was accepted as a cultural norm rather than the illegal activity it is which IACAC was ratified to combat. Perceptions therefore may be affected by an increase in awareness rather than an actual increase in corruption. “The public is now informed of the problem and is increasingly demanding greater government accountability and transparency” (Altamirano, 2007, p. 540). In the midst of Molina’s ouster, presidential candidates based their campaign platforms of transparency and promises of honesty. Jimmy Morales, a comedian with no political experience was voted into office following Molina’s ouster. One of his main slogans was “not corrupt and not a thief,” and this resonated with the public disillusioned by Molina’s corrupt regime (Partiow, 2015).

It appears as though IACAC facilitated the workings of a political environment that enforced the need to take action to stop corruption rather than overlook those seeking to break the rules with the hopes that they would not be caught. Not everyone wants corruption to persist. “Every country criminalizes corruption, and every culture and religion heavily discourages corruption” (Altamirano, 2007, p. 492). Now, it appears that IACAC led to corruption no longer being overlooked. Another positive is that Guatemala was able to sustain democracy through presidential election and enforce the need for transparency. However, only time will tell whether Guatemala’s new president will live up to his campaign slogan.

Policy Effects.

Guatemala has the right idea in enacting policy that combats corruption and clearly politicians need to continue finding ways to improve government transparency. Although IACAC has done much to implement the means to combat corruption there is still a lot of work, and there is also the consideration of whether it is received well by current policy makers. One author points out that corruption amongst government officials exists when little is done to reign in the levels of discretionary power afforded to these individuals (Altamirano, 2007). But steps still need to be taken to promote a decision making process that allows for transparency. Many more challenges remain, in some cases due to what policy fails to include. There is also the challenge of what stems from pervasive corruption within government. Where corrupt practices continue as the norm, a negative cycle ensues that attracts individuals pursuing government positions to enable corrupt practices. Unfortunately, this eventually

causes the system that is supposed to keep corruption in check to unravel (Altamirano, 2007).

There is some evidence of how this is happening in Guatemala despite policies being in place to combat these issues. Torres-Rivas and Aguilar (1998) explain that there are weaknesses in Guatemalan legislation that should ensure that campaign party finances are transparent, but do not. Dye (as cited in Sanchez, 2008, p. 141) adds that campaign donors are able to remain anonymous and there is no limit on what they can donate. This enables private donors to promote self-interests and to do so without anyone knowing. There is evidence of drug money being used to fund political campaigns leading many to believe that Guatemala is becoming a narcodemocracy (Sanchez, 2008). Drug cartels are increasing contributions to campaigns as a result of their increased activity in Guatemala. "Their financing of candidates for public office includes mayors, deputies for congress, and even presidential candidates" (Sanchez, 2008, p. 141). It appears that Guatemala's attempts to promote an anti-corruption agenda through IACAC is not working. Democracy in Guatemala is being threatened by self-interested agendas. Somewhat surprisingly, research conducted by the United Nations Development Program (UNDP) indicated that over 54 percent of people surveyed in Latin America would support transition from a democratic government to an authoritarian government if it would resolve the issues they are facing as a result of corruption in democracy (Altamirano, 2007).

Although, this portrays a bleak picture of Guatemalan politics, and what appeared to be negative gains on IACAC's effects, Molina's ouster cannot be overlooked. This again suggests that despite additional corruption issues in the system, impunity for violators is beginning to waiver. Establishing a culture of transparency and accountability may require greater effort and more time, but at least Guatemalans are showing that they want to head in that direction.

Brazilian Political Environment and Anti-Corruption Policy

Brazil is a much different country than Guatemala. Land mass comparison is one obvious difference, while economic strength, military size, and population are other factors that greatly differ. However, Brazil shares with Guatemala many similarities related to culture and regional characteristics. In many cases, the political environment appears to be similar and, therefore, it is no surprise that policies passed in Brazil are designed to address the same issues with corruption. One of Brazil's policies that stands out for combating corruption is its Brazilian Clean Companies Act (BCCA). This policy is likened to the Foreign Corrupt Practices Act in the U.S. in terms of anti-corruption measures aimed at industry. The policy was enacted to put a stop to corrupt business transaction in Brazil (Richard, 2014). BCCA was passed in 2013 in the hopes that it would help improve the negative corruption perception that persists until today in Brazil.

Perception shapes reality and Brazilian policy makers understand that corruption must be attacked at all levels of government. Prior to BCCA, another anti-corruption measure was implemented in 2003 to encourage more transparency at the local government level. Although BCCA and the 2003 anticorruption measure are not all encompassing; they do provide good representation of the way Brazil actually handles corruption in government. The 2003 measure allows for the periodic selection of municipal governments for random audit to evaluate how federal funds are utilized and the results are made available to the public (Ferraz & Finan, 2008). This helps improve accountability of politicians and enables individuals to make informed decisions when deciding whether to vote for a politician to retain his office or replace him with another candidate. Ferraz and Finan (2008) discover that voters already perceive politicians as corrupt and only punish those by voting against them when they surpass a certain level of unacceptable corruption. This corruption threshold mentality seems strange, but may stem

from Brazil's short experience with democracy. A brief summary of its recent history may shed light on this matter.

Brazil transitioned to democracy from a 20-year long dictatorship in 1985, bringing changes to all levels of society. Democracy included "more transparency of the governmental decision making process, greater freedom of the press, ideas and association, [and] more citizen participation in public life..." (Adorno, 2013). Kunicova and Rose-Ackerman (2005) share insight on how citizen participation improved as a result of shifting to democracy. Through increased opportunity for participation, people were enabled to elect their government representation, whereas in the past, a dictatorship was unrestrained by the people. Elections put government officials in check by eventually pushing those out that did not garner public approval. Kunicova and Rose-Ackerman (2005) asserted elections provided incentives for politicians to enact certain kinds of policies and placed constraints on politicians' malfeasance." Therefore, the move to democracy in Brazil set the stage for enacting policies against corruption.

However, at the beginning of the democratic process, Brazil was rocked by two consecutive corrupt presidents following its transition from dictatorship. Geddes and Ribeiro (1992) evaluate this time period and identify many contributing factors related to the political environment that caused corruption to continue in Brazil's political processes. One example given relates to the number of Brazilian political parties. In Brazil there is high number of parties and participants must be registered in order to engage in elections. However, the rules governing these parties frequently change the requirements for legal representation. This is caused by parties vying for more leverage over one another and has resulted in the number of different parties to grow (Geddes & Ribeiro, 1992). When Geddes and Ribeiro conducted their research, there were 37 political parties and today there are 32 (Mello, 2013). Why does knowing the number of political parties in a given country matter? It has been suggested that "in a two party system, most people can substitute a simple rule of thumb—vote against the party responsible for the outcome considered undesirable—for detailed knowledge" (Geddes & Ribeiro, 1992, p. 658). An excessive number of political parties makes it difficult for voters to keep track of values and ideologies, let alone the names of the individuals running for office or their political record. Perhaps this enables political officials to cover up illegal activity from the past. There is much more to discuss on this matter, but the judicial system also needs to be included.

Brazil's political environment, though democratic, still faces impediments to government transparency and enforceable licit ways for doing business. One author points out that "the prevailing image of the criminal justice system is that of a funnel: wide at the base and narrow at the bottleneck" (Adorno, 2013, p. 419). This means that Brazil's legal system leans more toward heavily punishing minority groups, the poor and other similar demographics, while overlooking crimes committed by those in the upper-class and those who are well connected. Adorno (2013) characterizes this as selective impunity and suggests that this is a serious issue for Brazil that complicates the political environment and slows anti-corruption measures. However, the democratic process allows for oversight. Geddes and Ribeiro (1992) offer that instruments for detecting and punishing corruption by the president and other politicians are the press, the Congress, and, ultimately, the public.

Policy Effects.

Anti-corruption policy implemented in Brazil has led to ways to both discourage corruption while also encouraging accountability. However, Geddes and Ribeiro (1992) suggest that as long as there is a private sector dependence on the state, corrupt practices will continue. This appears to be

the case for Brazil now. Although policy is supposed to be reducing corruption, the highest echelons of government in Brazil are still being filled with individuals who break the rules and expect impunity. A recent survey suggested that approximately "... 2.3 percent of Brazil's Gross Domestic Product or 57.5 billion [dollars] is misappropriated from the national accounts every year" (de Almeida, 2012, p. 53). Corruption appears to be well entrenched in the political system and thus difficult to stop. Perhaps policy is not carrying out its intended affect.

In Rousseff's first term as president, and partially into her second term her approval ratings were fairly high despite some unsettling news that members of her regime, whom she appointed, were being investigated and removed after being accused of embezzlement and other fraudulent crimes. For example, her chief of staff had to be removed because he could not explain why his salary had gone up by twenty times over a four-year period (de Almeida, 2012). This begs the question, is something missing from the process? It has been suggested that what may be needed is "a strengthened follow-up mechanism and better national enforcement institutions [; these] are important components of an integrated anti-corruption strategy [needed] to prevent and fight corrupt practices" (Altamirano, 2007, p. 492). However, current events appear to be contradicting the perspective that Brazil is missing an enforcement mechanism in its policy. Rousseff will likely soon go on trial for her involvement in fraud. Yet, de Almeida (2007) suggests that perhaps policy may not be the reason for actions against Rousseff, but rather something else.

Collor, a former president of Brazil, faced impeachment in the early 1990s, because of similar circumstances as Rousseff. He was misappropriating funds, utilizing government funds to pay for personal expenditures and other illegal actions. Geddes and Ribeiro (1992) reveal that not necessarily anti-corruption policy, but other events led to public coming out against him. They indicated that "several unusual circumstances contributed to the effective public mobilization against Collor [the first example being] economic distress caused by Collor's policies..." (1992, p. 644).

History appears to be repeating itself. Brazil faced several years of economic prosperity under Da Silva's presidency and Rousseff carried that prosperity into her first term, but accusations and investigations soon began to surface. De Almeida (2012) explains that the levels of corruption found in the system did not necessarily change when the presidency passed hands from Da Silva to Rousseff, but instead what changed was how it was handled. Supposedly Da Silva was better at keeping internal issues from surfacing. However, ironically, de Almeida (2012) also points out that Rousseff's ratings as president remained high despite the many corrupt individuals around her who had to be forced out. This does not seem to set the stage for Rousseff's impending impeachment, but instead provides the illusion that politics would continue as they had in the past. Yet, other events came up that perhaps explain more effectively the actions against Rousseff.

Change occurred as Brazil's economy declined. PETROBRAS, Brazil's state owned oil company and center of Rousseff's presidential scandal, saw a 60 percent decline in stock value (Gillespie, 2015). Just a few years prior to this, as was pointed out earlier, fraud was occurring in Rousseff's regime, but the economy was on the upside. If anti-corruption policy were to explain Rousseff's impending impeachment, why had it not occurred earlier? De Almeida (2012) explains that "... so long as Rousseff continue[d] to respond appropriately to corruption scandals, and economic news remain[ed] positive, Brazilians [would] likely maintain confidence in her government." Although it may be easier to pass judgement on a situation when there are fewer unknowns (investigation revealed Rousseff's involvement in scandal), it is hard to overlook the correlation between what is causing Rousseff's

impending impeachment and the dire economic circumstances of the Brazilian citizenry. The obvious question is whether it is really the effect of the BCCA or other anti-corruption policy leading to these outcomes, or could it just be that the people are no longer satisfied, and their lack of satisfaction leads to seeking out reasons to impeach.

Methodology

Public policy shapes the lives of every person on the planet in some way or another. As a result, public policy is routinely studied using a multitude of methodologies, both qualitative and quantitative. When examining in a systematic manner differences that exist between nations and sectors in the creation and delivery of public policies, the discovery process in general can lead to both expected and unexpected results. As clearly stated in the introduction, this study seeks to offer a comparative analysis of the current level of corruption in Brazil and Guatemala, and it is the comparative nature of the process that poses challenges for effectively drawing conclusions. However, these challenges can possibly be overcome by carefully engineering the actual comparison. This has led many researchers to establish some form of guide or framework in order to apply a systemic process.

Dodds (2013) discusses several approaches for comparative policy studies that have been used by researchers that include comparisons based on resources available to public policy actors as well as how those actors put those resources to use on policy instruments. Specific approaches include the degree to which policies ultimately developed involve government expenditure, are coercive and direct, or the degree to which they affect actors whether inside or outside government. Other approaches compare policies on the basis of outcomes produced. All of these methods are based on inductive reasoning, relying on what can be called reconstructive logic of policy analysts (Linder and Peters, 1989). Using these approaches, analysts effectively first collate information related to the use of policy instruments and then separate them on the basis of their key characteristics.

In contrast, other approaches rely on deductive reasoning using theories from other disciplines to specify certain dimensions of public policy on which policy instruments from different countries can vary. Perhaps the approach used most commonly used example is the NATO model. In that model, Hood (as cited in Dodds, 2013), draws on existing analytical categories from control theories used in disciplines such as cybernetics to posit that policy actors operate using four specific analytical categories. As depicted in Table 1, these categories include the use of information (Nodality), legal powers (Authority), financial resources (Treasure), and formal organizations (Organization).

This study uses a policy instruments approach modeled after that used by Dodds (2013), and based on the NATO model developed by Hood, to compare the anti-corruption policies of Guatemala and Brazil. It does not suggest that different policy instruments are easily chosen or adopted by either of these governments through a simple policy making process. Neither does the resulting comparison of policies imply that the resulting policies are equally available to both governments. The policies selected for the study are not discussed based on the policy design approach in which analysis included examining whether policy actors actually chose the most efficient and effective policies to deal with problems and facilitate strategic political planning.

The method of comparison in this study acknowledges, as did Dodds (2013), that the best policies do not always already exist so that policy makers can simply select them. Rather, it is often necessary to construct or develop the necessary policy instruments. In this way, policies are not merely a means toward achieving predetermined goals, but instead must be considered within their political

context, which includes ideas and interests, with an eye toward determining their role as part of governing institutions. They are increasingly seen as being more directly linked to governance rather than to government.

Table 1			
NATO Model for Comparative Policy Analysis			
Public Actors Operate Through - Hood (1986)			
<u>N</u>odality	<u>A</u>uthority	<u>T</u>reasure	<u>O</u>rganization
<p><i>Use of information they have acquired by being central actors</i></p> <ul style="list-style-type: none"> • Information provision and processing • Advice • Advertising • Public information campaigns • Policy inquiries • Other research 	<p><i>Their legal powers</i></p> <ul style="list-style-type: none"> • Command and control regulation • Regulated self-regulation • Delegated regulation • Consultation processes (creates insiders and outsiders among groups) 	<p><i>Their financial resources</i></p> <ul style="list-style-type: none"> • Taxes and fees • Use of tax system for spending (tax credits or incentives) • Grants and loans • Funding of non- or quasi-governmental actors (e.g., interest groups) 	<p><i>Formal organizations they can use for their ends</i></p> <ul style="list-style-type: none"> • Direct use of state, non- and quasi-state bodies to promote or induce certain behaviors
N	A	T	O

Guatemala and Brazil: Comparison of the Use of Financial Resources and Institutions

As indicated earlier, there are many differences between Brazil and Guatemala that complicate comparison. In 2014 Guatemala’s GDP was measured at USD 58.8 billion whereas a study conducted in Brazil revealed that approximately 2.3 percent or USD 57.5 billion of Brazil’s GDP was funding corruption (de Almeida, 2012; World Bank, 2016). Obviously there is a resource difference, but that can be explained by the fact that there is a great distinction between population size and resources availability.

In fact, very little was revealed in the literature about resources used in the furtherance of developing anti-corruption policy in either country. Yet, through inference one idea for comparison comes to mind. Guatemala worked through an institutional approach that motivated the development of these measures. IACAC included several countries from Central and South America (excluding Brazil) and it laid the framework for each country to develop its own anti-corruption measures. This effort relied on international partnerships, whereas the policies discussed in this analysis for Brazil did not require an external framework. Instead, Brazil created BCCA, perhaps through policy transfer. Dolowitz and Marsh describe policy transfer as “a process in which knowledge about policies, administrative arrangements, and institutions in one time and/or place is used in the development of policies, administrative arrangements, and institutions in another time and/or place” (1996, p. 344). Richard

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(2014) explained that it resembled the U.S. policy to stem corruption in the business sector. Where Brazil had the resources and capabilities to research and develop its own mechanism to fight corruption, Guatemala relied on a pooling of resources through IACAC. This is not to suggest that one method is better than the other, but rather to point out the limitations or resources available for each to develop an effective policy to respond to similar issues. In the next section, a comparison of the political climates in each country is analyzed.

Guatemala and Brazil: Comparison of the Use of Organization

The discussion earlier about political parties pointed out that Brazil's political system becomes construed with the number of political parties. This situation makes it difficult for voters to keep up with candidates' political histories and therefore many may not even know anything about the candidate they are voting for (Geddes & Ribeiro, 1992). Guatemala has only 14 parties, less than half the number of political parties as Brazil, and is thus less construed than Brazil. However, this is still a very high number for a population of approximately 16 million (IFES, 2015; World Bank, 2016). The issue with Guatemala's political parties is not necessarily the number of parties, though that alone may offer challenges to voters similar to those experienced in Brazil. But perhaps even more important is that rules are not clearly defined about donor contributions and anonymity (Sanchez, 2008). In both cases, corrupt individuals appear to have a way to get into politics and a way to remain there. This appears to be true for both countries.

The policies discussed for Brazil and Guatemala are established essentially to fight the same issues. However, the means used to enact policies differ for each country. BCCA and Brazil's measure to enforce transparent use of federal funds at the municipal level were established internally. Though policy transfer may have influenced BCCA and Brazil's other anti-corruption measure, the literature did very little to discuss how governmental organization influences the establishment of these policies. Perhaps this is because Brazil stands out from the rest of Latin America possibly due to its population size and its economic prowess in comparison to neighboring countries. This may have influenced a decision to not be involved in organization based anti-corruption measures like what was accepted in Guatemala (IACAC) and other parts of Latin America.

IACAC outlined all of the measures Guatemala had to take as a signatory in the agreement. These measures caused Guatemala to develop oversight positions in government that would watch out for and handle corruption internal to the government. This provided accountability among government officials and this probably is one of the reasons why Guatemala was able to convict Molina and incarcerate him. For Brazilians, BCCA "provides for administrative and civil strict liability for foreign or domestic corporations that promise, offer, or give (directly or indirectly) any undue advantage to a public servant or a third person related to him or that fund efforts to use a third party to do so" (Coie, Reider-Gordon, & Funk, 2014, p. 12). This is the policy that allows for the punishment of those who decide to commit fraud in government and the private sector. However, it does not provide the details for the organization for enforcement similar to those provided by IACAC. It could be that this already relies upon an established judicial system that is set up to handle violators, which is most likely the case. Therefore, one major difference between policies is that IACAC outlines organization whereas BCCA relies on pre-existing organization.

Guatemala and Brazil: Comparison of the Use of Authority

In Guatemala, one researcher described the political environment as a narcodemocracy,

referring to the supposed or evidenced influence of drug trafficking organizations on the outcomes of elections and political agendas (Sanchez, 2008). This may also stem from Guatemala's history of offering impunity to high ranking officials and overlooking their actions. Similarly, Brazil has a history of impunity and the legal system is biased towards those with authority or position (Adorno, 2013). These elements make it difficult for anti-corruption policy to work effectively, because the institutions and infrastructure do not seem to be in place to encourage transparency and hold government accountable.

Earlier it was noted that IACAC provides direction for Guatemala to develop anti-corruption policy through its use of organization whereas BCCA serves as law to outline what is illegal. Where authority comes into play is in the enforcement of these measures. Brazil's BCCA is generally considered to take a tough stance, but if its judicial system is unable to enforce these measures then the policies' validity may fade. Adorno (2013) compares Brazil's legal system to a funnel in which certain aspects of society are punished more often or more severely than others. It could be that the judicial system may exhibit certain levels of partiality and a high degree of impunity may still exist. Other than the legal system, there are additional examples of other ways by which authority may be subverting the policies' effects, even to the point of preventing passage of effective measures. Exchanges are used in Brazilian politics "to cement loyalties...and buy large numbers of legislative votes on key national issues" (Geddes & Ribeiro, 1992, p. 647). Use of authority has the potential to help or hinder Brazil's anti-corruption measures; essentially Brazilians law makers are buying others' votes. However, Rousseff's impending impeachment may suggest that things are moving in a more positive direction.

In Guatemala the IACAC is working to establish anti-corruption infrastructure and positions are created to enable accountability and transparency. These are all measures established to promote the institutionalization of anti-corruption initiatives across the region in Latin America. The idea seems sound, but as Altamirano (2007) suggests, IACAC may not be actively enforced at the level intended by the policy developers. Similar to Brazil, impunity continues to hamper the progress in Guatemala, because those who are holding others accountable in the government are not necessarily being held accountable themselves. Policies for both countries should in theory work as long as proper authority and the right level of authority is applied to their enforcement.

Guatemala and Brazil: Comparison of the Use of Information

Geddes and Ribeiro (1992) suggest that the media plays a significant role in making anti-corruption policy feasible. This feasibility comes from a fundamental of democracy, freedom of the press, which is, in fact, guaranteed by both governments. The media may be the only source by which the people can find out about political scandals. This most likely is the reason why the public has a perception of corruption in their governments, because, as Altamirano (2007) suggests, actors committing fraud usually do not want others to know about it.

The media is also typically the source of information individuals rely on to keep abreast of current events. This information also shapes perception, and is most likely the source for people's perceptions of corruption in a country. However, the media potentially can be manipulated into shaping the information that is shared and those with the means or position could have the power to do this. Kingdon (1995) suggests that policies are derived from policy groups promoting specific agendas and these agendas arise from what he calls policy streams. These groups shape the information that leads to the policy creation and through this they shape the environment of government practices. One example that appears in both countries is the election process.

Guatemala is known for having very few rules governing campaign donations and for still having a number of campaign parties that espouse campaign founder ideals rather than shared ideals (Sanchez, 2008). Similarly, Brazil has very few rules governing its campaign process and has many more campaign parties. Brazil dramatically increased the amount of money spent on campaigns in 2014. In 2002 only \$321 million was spent as compared to \$3 billion in 2014 for the same contested seats. Corporations are able to sway candidates to promote their agendas through the amounts they pay to fund their campaigns (Bevins, 2014). This occurs in other countries as well to include in the U.S. However, a point of clarity is added to explain that Brazil does not have an overall economy comparable to that of the U.S., so for Brazil, these expenses are excessive. Bevins adds, quoting Furtado, president of Brazil's Bar Association, that "the actual system (referring to campaign donations) is, in reality, a business investment strategy, in which large economic groups establish an extremely unhealthy relationship with democracy" (Bevins, 2014). This would suggest that enterprises are directly shaping the campaign process by promoting their own agendas and thereby shaping the information voters receive which leads to them voting for a particular candidate. Once these candidates are in office they are placed in a position of power to shape the policies that governs society and ultimately push the agendas of their campaign funders.

The reason for exploring this example was to indicate how government is being shaped by the way information is controlled in Brazil and Guatemala. Powerful special interest groups are able to pay large amounts of money to ensure a candidate is elected to office. These are the officials that should be upholding the law and promoting democracy through transparency and accountability. However, some may not uphold the law and their position could be giving them the ability to control information that distorts transparency and accountability. Additionally, if caught committing fraud, they can find ways around the law through political impunity. Unfortunately, Brazil's and Guatemala's election systems appear to promote unhealthy information control. Sanchez (2008) explains that this is turning Guatemala into a "narcodemocracy" and Bevins (2014) provided a few details about how this is affecting Brazil. Both countries have anti-corruption measures, a few were discussed earlier, but information sharing is hindering the effectiveness of these policies. More work is needed to shape the political environment before progress can be made towards anti-corruption. One more example is provided that may suggest future direction for Brazil.

Bremmer (2016) feels that though the scandal with Rousseff's involvement in a PETROBRAS kick-back scheme was unfortunate, it helped make a difference for Brazil. He refers to it as the crisis Brazil needed, because it will help the country work towards improving its governance. This perspective is interesting and may suggest that policy still needs to catch up to where it needs to be. Also, it may be that the country is beginning to understand that it can no longer tolerate corruption and in order to deal with it, the right policy is needed. Yet, Brazil comes from a tough past and seems to be gradually headed in the right direction. Molina's ouster and prison time appears to suggest the same for Guatemala. However, sources of corruption are multifaceted and require further analysis to fully understand it. Discussion of one last topic, cultural differences, is relevant to finding a more comprehensive comparison.

Guatemala & Brazil Comparison of Cultural Differences

Differences between Brazil and Guatemala are further clarified through discussion about the countries' cultures and how they developed their respective anti-corruption policies. Although both countries are categorized as Latin American, there are several notable cultural differences. The research

of Geert Hofstede (2011) is useful in decoding some of these differences and providing understanding. Hofstede's cultural dimensions theory is represented as a basic framework for cross-cultural communication. Simply stated, it describes the various effects that a society's culture has on the values of its members, in particular, how these values relate to behavior. Hofstede's original theory identified four dimensions along which to analyze cultural values. Table 2 summarizes the six dimensions of national culture that result from Hofstede's research.

Dimension	Description
Power Distance Index (PDI)	Defined as the extent to which less powerful members of organizations and institutions accept and expect that power is distributed unequally. A higher value indicates that a hierarchy is clearly established and executed in society. Lower values signify that people question authority
Individualism vs. Collectivism (IDV)	Explores the extent to which people in a society are grouped. Individualistic societies have loose ties that often only join individuals to the immediate family. Collectivism describes a society in which close relationships tie members into in-groups characterized by binding loyalty and support
Uncertainty Avoidance Index (UAI)	Defined as a society's tolerance for ambiguity. Societies with a high score in this index maintain rigid codes of behavior, guidelines, laws, and generally rely on the existence of an absolute truth that dictates everything and everyone knows what it is. Lower scores show more acceptance of opposing thoughts and ideas. The result is that society imposes fewer regulations and ambiguity is more tolerated.
Masculinity vs. Femininity (MAS)	Masculinity is defined as a preference for achievement, heroism, assertiveness and material rewards for success. Femininity represents a preference for cooperation, modesty, caring for the weak and quality of life. Women in different societies tend to display different values; in feminine societies, they share modest and caring views equally with men, while in more masculine societies, women are more emphatic and competitive, but notably less so than men. They still see a gap between male and female values.
Long-term vs. Short-term Orientation (LTO)	Associates the connection of the past with current and future actions and challenges. A lower score, indicating a short-term orientation, indicates that traditions are honored and kept, revealing value given to steadfastness. Societies with a high score, indicating a long-term orientation, views adaptation and pragmatic problem-solving required by circumstances as being necessary. Poor countries with a short-term view usually have little or no economic development; long-term oriented countries continue to develop.
Indulgence vs. Restraint (IND)	Essentially a measure of happiness. Indulgence refers to the extent to which a society allows relatively free gratification of basic and natural human desires related to enjoying life. Restraint describes a society that controls gratification of needs, regulating it by means of strict social norms. In indulgent societies, people believe they are in control of their own lives and emotions, whereas people in restrained societies believe other factors dictate them.

Using Hofstede's (2011) model, it appears that both Brazil and Guatemala exhibit behavior which causes them to be labeled a high collectivist society. This type of society is one in which the goals of the group are more important than those of society (Husted, 2002). Brazil and Guatemala appear to exhibit this type of culture and that could explain to some extent why they are encountering similar issues with corruption. Brazilians place the value of relationships over rules and Guatemalans have a history of offering impunity to high ranking and otherwise powerful individuals. This perhaps explains some of the difficulties with implementing BCCA and IACAC.

Guatemala and Brazil also exhibit higher levels of uncertainty avoidance, another cultural dimension from Hofstede's (2011) work. Guatemala's level of uncertainty avoidance is extremely high meaning that they embrace structure and rules, whereas Brazil is more moderate allowing them to be more comfortable with less structure and more room for creativity and flexibility (Husted, 2002). Although this reveals very little about the historical reasons why corruption has become so embedded in each country's politics, it does add background in order to more fully understand the countries being compared. However, these differences add to the complexity of comparing the two countries, even though some contrast may help to explain policy formation for each.

Another point to consider is Husted's generalization about Latin American policy creation in states ranked higher in levels of certainty avoidance. He explains that where high uncertainty avoidance exists, countries pass stricter laws, thus increasing the chance that the general populous ignore the laws. Therefore, Husted feels that it is not a question about whether Brazil and Guatemala have anti-corruption policy in place, but rather instead what are the countries doing to enforce their laws. "The cultural tendency will be to break the laws in practice since they do not fit perceived reality" (Husted, 2002, p. 418).

There are also some obvious cultural similarities between Brazil and Guatemala. Their collective nature helps explain many reasons why certain individuals are able to get around the law through impunity, perhaps due to group membership or affiliation with individuals of position or power. However, one difference is the level of uncertainty avoidance and this may suggest the reason why Guatemala chose to go with IACAC and Brazil chose to develop its own policy.

Guatemala is rated high in uncertainty avoidance (Husted, 2002). This means that they need levels of solid and stable infrastructure to function, whereas Brazilians are considered more comfortable with uncertainty. Brazil came up with BCCA, possibly based on what it observed being implemented in other countries. Guatemala utilized a more structured approach by working with other countries and within institutions to develop its anti-corruption measures. There are very possibly more differences that should be explored in future research. However, this does offer a possible explanation for why Brazil chose not to participate in IACAC despite that fact that neighboring countries did. They possibly did not see the need for infrastructure like the Guatemalans. Overall, culture is a broad topic that could easily be explored in much more depth, so it is recommend that future research consider this topic further to expand on its implications for the anti-corruption policies and sustainability of democracy in Brazil and Guatemala.

Conclusion

Many people around the world have already concluded that corruption is an unresolvable problem and will likely always exist in some form. But those who are more optimistic argue that, in fact, the likelihood of solving most problems undoubtedly increases with the depth of our understanding of

them, to include their causes and effects, the cost of addressing them versus not addressing them, and approaches to bringing about change. While this study does not answer the question of how to solve the world's corruption problem, or even only the portion of the problem found in only two specific countries, it does increase our level of understanding of it through their experience.

Throughout this qualitative comparative analysis, many topics were discussed and insights uncovered by comparing anti-corruption policy approaches in Brazil and Guatemala. What seemed most apparent after reviewing several studies found in the literature and analyzing each country is that corruption is a serious problem for both of these nations. It is potentially threatening to democracy in both the near and long term. It was interesting to note that some preferred an alternative to democracy when considering the level of corruption facilitated by their governments (Altamirano, 2007). However, IACAC helped institutionalize anti-corruption initiatives for Guatemala and BCCA help raised the standard in Brazil. Yet, both countries need to improve their political environments by addressing problems in the campaign process through the introduction of higher levels of transparency and additional levels of rules. Additionally, impunity needs to be eliminated from each nation. They can no longer afford to allow politicians to blatantly break the law without suffering the consequences. This requires a culture of transparency and accountability.

On another point, Brazil should consider signing IACAC or at least look into the measures it enforces for the nations who enacted it. This could facilitate some of the anti-corruption measures needed to clean up Brazil's government. Additionally, Brazil should not wait for another crisis to occur before it does anything about the issues it is facing right now. The same probably could be said about Guatemala. It seems as though new policies emerge in response to political corruption implosions rather than addressing issues before they arise. This is going to be a long process that requires continual change.

Corruption is still so embedded in each country's culture that they will need to continue developing policy, institutionalizing processes, and addressing the root causes of corruption within their respective governments if they hold any hope for sustaining and preserving their democracy. Since recent events in both countries have yet to become history that can be studied, only time will tell what will happen with the charges facing Rousseff and how Morales fares as the new president of Guatemala. Hopefully, each country will realize a brighter future as a result of these events. Brazil showed in the past that it has the potential to grow economically at a rapid rate, but this relies on a stable government clean of corruption. Guatemala has potential, but needs to make certain that special interest groups are placed in check by establishing rules to prevent excessive influence by interest groups in politics.

The qualitative approach used in this study makes it difficult to determine whether or not anti-corruption policy is really making any difference. Specifically, after comparing the cultures of Guatemala and Brazil, it does raise questions of how culture contributes to citizens' perception of and tolerance for corruption. While there is clearly some explanatory power to this study, many questions remain unanswered by it. Perhaps further research beyond the scope of this study, that is more quantitative in its approach, is needed to evaluate what shapes public perception, and what is involved in the public's tolerance threshold for overlooking corruption versus mobilizing to take action against it. It is only through continued study that a path to consistently successful anti-corruption initiatives can be forged.

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