



Aspects of the privatization of basic sanitation in Brazil

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Aspectos da privatização do saneamento básico no Brasil

RESUMO

Objetivo - traçar um panorama com aspectos da privatização do saneamento básico no Brasil.

Metodologia - realizou-se breve pesquisa bibliográfica e documental para amparar a análise de dados secundários coletados nas bases do Sistema Nacional de Informações sobre Saneamento (SNIS), do Ministério das Cidades, do Banco Nacional de Desenvolvimento Econômico e Social (BNDES) e do Banco Central, durante períodos variáveis, mas com foco em identificar e descrever a presença da iniciativa privada nos serviços públicos de saneamento básico.

Originalidade/relevância - buscou-se a ampliação da base de dados a ser considerada para uma análise mais completa sobre a temática.

Resultados - admitido que o saneamento básico é direito humano fundamental e a universalização sugere a indisposição com o deslocamento do interesse público para as empresas particulares e capital estrangeiro, evidencia-se uma tendência tanto de privatização quanto de desnacionalização.

Contribuições teóricas/metodológicas - articulação entre os referenciais normativos e os diferentes indicadores quantitativos sobre saneamento básico, apresentando a tendência de privatização desses serviços públicos.

Contribuições sociais e ambientais - apresentar a heterogeneidade da distribuição dos serviços de saneamento básico que, apesar da imposição legal de universalização e de qualidade, revela a concentração e desigualdade acentuadas pelo processo de privatização socialmente excludente e ambientalmente frágil.

Palavras-chave: Saneamento básico. Privatização. Desnacionalização.

Aspects of the privatization of basic sanitation in Brazil

ABSTRACT

Objective - to outline aspects of the privatization of basic sanitation in Brazil.

Methodology - a brief bibliographical and documentary study was carried out to support the analysis of secondary data collected from the National Sanitation Information System (SNIS), the Ministry of Cities, the National Bank for Economic and Social Development (BNDES) and the Central Bank, during varying periods, but with a focus on identifying and describing the presence of the private sector in public basic sanitation services.

Originality/relevance - we sought to expand the database to be considered for a more complete analysis of the subject.

Results - given that basic sanitation is a fundamental human right and that universalization suggests an unwillingness to shift the public interest to private companies and foreign capital, there is a trend towards both privatization and denationalization.

Theoretical/methodological contributions - articulation between the normative references and the different quantitative indicators on basic sanitation, presenting the trend towards privatization of these public services.

Social and environmental contributions - presenting the heterogeneous distribution of basic sanitation services which, despite the legal requirement for universalization and quality, reveals the concentration and inequality accentuated by the socially exclusionary and environmentally fragile privatization process.

Keywords: Basic sanitation. Privatization. Denationalization.

Aspectos de la privatización del saneamiento básico en Brasil

RESUMEN

Objetivo - esbozar aspectos de la privatización del saneamiento básico en Brasil.



Metodología - se realizó una breve investigación bibliográfica y documental para apoyar el análisis de datos secundarios recogidos en el Sistema Nacional de Información sobre Saneamiento (SNIS), el Ministerio de las Ciudades, el Banco Nacional de Desarrollo Económico y Social (BNDES) y el Banco Central, durante períodos diversos, pero con el foco puesto en identificar y describir la presencia del sector privado en los servicios públicos de saneamiento básico.

Originalidad/Relevancia - el objetivo fue ampliar la base de datos a ser considerada para un análisis más completo del tema.

Resultados - dado que el saneamiento básico es un derecho humano fundamental y que la universalización sugiere una falta de voluntad de transferir el interés público a las empresas privadas y al capital extranjero, se observa una tendencia tanto a la privatización como a la desnacionalización.

Aportaciones teóricas/metodológicas - articulación entre las referencias normativas y los diferentes indicadores cuantitativos sobre saneamiento básico, presentando la tendencia a la privatización de estos servicios públicos.

Contribuciones sociales y ambientales - presentación de la distribución heterogénea de los servicios de saneamiento básico que, a pesar de la exigencia legal de universalización y calidad, revela la concentración y desigualdad acentuadas por el proceso de privatización socialmente excluyente y ambientalmente frágil.

Palabras clave: Saneamiento básico. Privatización. Desnacionalización.

INTRODUCTION

Looking at the etymology of the term sanitation, lexicons indicate that the word derives from the Latin *sanu*, meaning to make healthy, habitable, hygienic and clean. The World Health Organisation (WHO) defines sanitation as 'access to and use of facilities and services for the safe disposal of human urine and faeces' (2018, p. 12). Furthermore, when addressing the essential factors for human health, the WHO itself makes an unbreakable link between sanitation and drinking water, proclaiming them to be fundamental rights and essential elements for achieving the Sustainable Development Goals (SDGs) (World Health Organisation, 2018). Internationally, the United Nations (UN), through Resolution A/RES/64/292 of July 28th 2010, proclaimed "clean and safe water and sanitation a human right essential to fully enjoy life and all other human rights" (United Nations, 2010, p. 2).

The recognition of water and sanitation as a human right is an achievement dating back to the UN Conference in Mar del Plata (March 1977) and various other international conventions, notably the Rio Summit on Environment and Development (Rio 92) (June 1992) to the reiteration of these and other historical milestones indicated by their formalisation through UN Resolution A/RES/70/1, a document entitled "Transforming our world: the 2030 Agenda for Sustainable Development", or simply Agenda 2030, which was signed between September 25th and 27th, 2015, in New York, representing the global understanding on addressing the serious threats to humanity and life on Earth, with Brazil being one of the 193 countries that ratified it.

Among the Sustainable Development Goals (SDGs), the sixth aims to 'ensure availability and sustainable management of water and sanitation for all,' broken down into eight sub-items (United Nations, 2015). Each SDG is subdivided into other more specific aspects, so that the 17 SDGs encompass 169 targets that are inseparably connected, highlighting interdependent relationships. and, as in the case of SDG 6, have a direct impact on nine of the 17 SDGs (1, 3, 5, 7, 10, 11, 13, 14 and 15), according to the Water and Sanitation Institute (IAS) (2023).

The importance of the international scenario, especially due to decisions agreed upon within the UN, lies in the need for States to submit to rules that limit current unsustainability, recognising interdependence and proclaiming the need to regulate national policies in the name of coexistence (Carvalho, 2019).

Thus, this study's goal is justified both by the international context (which has an impact on the domestic legal order) and by its focus on aspects of basic sanitation in Brazil, notably the advance of private initiative in the sector and the phenomenon of denationalisation, which are the subject of this research.

Returning to the concept now under national law, environmental sanitation corresponds to 'the set of services and infrastructure for water supply, urban cleaning and solid waste management, sanitary sewage and urban rainwater drainage', according to the National Basic Sanitation Plan (PLANSAB), approved by Decree nº 8. 141, of 20 November 2013, and Interministerial Ordinance No. 571, of December 5th 2013, both in accordance with Law nº 11,445, of January 5th 2007, regulated by Decree No. 7,217, of June 21st 2010.

According to Law nº 11,445/2007 (Brazil, 2007, Art. 3, item I), “basic sanitation is the set of public services, infrastructure, and operational facilities for: a) drinking water supply [...]; b) sewage disposal [...]; c) urban cleaning and solid waste management [...]; d) drainage and urban storm water management.” Basic sanitation services are provided at different levels of quality and regulation and in various forms, ranging from municipal, state and private providers.

Among the aspects introduced by Law nº 10,026/2020 are: active participation by the private sector in the provision of sanitation services; expansion of the possibility of charging for urban cleaning services; elimination of dumps throughout the country; the mandatory use of bidding processes; expansion of the regulatory powers of the National Water Agency (ANA); and the possibility for municipalities to jointly contract water and sewage services (Brazil, 2020).

The main changes resulting from the new legislation were related to ownership, contracts, concessions, economic and financial sustainability, regulation, and universalisation (Leite; Moita Neto; Bezerra, 2022). This is a change in the institutional arrangement of sanitation policy for a cross-cutting interconnection of basic sanitation with other policies, especially those of an urban nature, and to meet the goals of the 2030 Agenda, specifically SDG 6.

Law nº 14,026/2020 (through Article 7, which inserts Article 11-B into Law nº 11,445/2007) has as its primary objective the universalisation and improvement of service provision in the sanitation sector, while proposing a target to ensure that “[...] 99% (ninety-nine per cent) of the population is supplied with drinking water and 90% (ninety per cent) of the population has sewage collection and treatment by December 31st 2033” (Brazil, 2020, Article 11-B). Despite several stated objectives, it should not be forgotten that the ‘new’ Law [...] aims to stimulate free competition, decentralisation of the sector and privatisation’ (Guedes; Sugahara; Ferreira, 2021, p. 54-55).

The ‘new’ path to implementing a basic sanitation policy is to increase the presence of private companies in Brazil’s public sanitation service, as highlighted by Formiga et al. (2024). Despite what recent international experiences show in this regard: ‘The privatisation of water and sanitation services raises concerns related to sustainability, since private companies often refrain from investing in the expansion, improvement or maintenance of infrastructure [...]’ in the section on prevention and sustainability guidelines in the Report of the Special Rapporteur on the human rights to safe drinking water and sanitation (United Nations, 2020, p. 23).

In contrast to both the resounding discourse and legal changes in Brazil in favour of privatising water and sewage as a panacea, the nature of basic sanitation as a fundamental human right differs from the market logic that guides private companies, since the *animus lucrandi* (profit motive) takes precedence over other aspects that should prevail. Corroborating concerns about privatisation, there are indications that the inability of private companies to prioritise serving the population has led to renationalisation of sanitation services, with 180 cases of remunicipalisation (136 in high-income countries and 44 in low- and middle-income countries) in more than 35 countries in 2014, compared to only 3 cases in 2000 (Lobina; Kishimoto; Petitjean, 2014).

Given this context, this article aims to provide a brief overview of the privatisation of basic sanitation in Brazil in terms of water and sewage, contributing to the discussion on this

topic, which has now been sufficiently introduced. The subsequent sections outline the methodological approaches, present the data and discuss it, before concluding with final considerations.

METHODOLOGY

For the preparation of this article, a study was conducted on the topic of basic sanitation, specifically services related to water and sewage, as well as the legal framework in Brazil.

Secondary data was also collected from the databases of: the National Sanitation Information System (SNIS) of the Ministry of Cities; the National Bank for Economic and Social Development (BNDES); and the Central Bank of Brazil. The SNIS database used data presented in SNIS Diagnostics – water and sewage, from December 2023, reference year 2022. Specifically, data from the spreadsheet with information on private companies, Planilha_LEP_Informacoes (SNIS, 2023a), was considered, regarding: identification of municipalities by state; services provided by private companies based on three classifications (water, sewage, and water and sewage); investments by type of allocation, namely capitalisable expenses, water supply, sewage and others (purchase of equipment, facilities and general-purpose materials). This information allows us to identify privatisation and how these private companies operate in water and sewage services.

In the BNDES database (2024a), the financing operations considered were those hired directly and indirectly (accredited financial intermediary) on a non-automatic basis. In this case, financing applicants must comply with a roadmap with information and the requested volume in 2024 is at least R\$ 20 million to R\$ 40 million (BNDES, 2024b). On this basis, operations hired by clients who were private companies requiring financing and who served the CNAE subsector grouped as “water, sewage and waste” and the CNAE subsector called “water collection, treatment and distribution”, “network management” and “sewage-related activities, except network management” were considered. The data considered covers the entire period of the database, which is from 2003 to June 2024, specifically regarding: the number of operations contracted per year and per state; the status of these operations (active and settled), knowing that there are cases of operations that were not carried out; and the annual volume of the amount contracted and disbursed. Data indicating the privatisation of services.

As for the Brazilian Central Bank database (2024a), tables depicting direct investments in the country were considered, with data from 2010 to 2022 presented in dollars. Tables on direct investment in the country by economic activity sector of companies resident in Brazil were analysed, presenting the value of the investment and the number of companies that made this investment in the service sector in the activities of ‘sewage and related activities’ and ‘water collection, treatment and distribution’. With this data, it was possible to identify the process of denationalisation in the sector.

The monetary investment values are presented in dollars and the financing provided by the BNDES in reais. In this case, the values were adjusted using the Getúlio Vargas

Foundation's General Price Index - average (IGP-M) for the base month of June 2024, using the Citizen's Calculator (Central Bank of Brazil (2024b)). In the case of investments made by private companies, from the SNIS database, the information is presented as a percentage, but has also been adjusted.

RESULTS

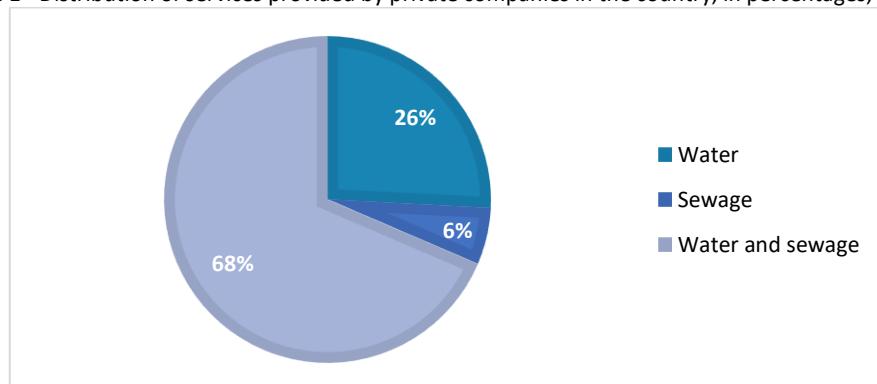
Under the terms of the Constitution, in order for Brazil to fulfil one of its fundamental objectives of 'promoting the welfare of all' (Brazil, 1988, Art. 3, item IV), it may directly engage in economic activity for reasons of 'national security or relevant collective interest' (Brazil, 1988, Art. 173). As a result, state-owned companies were created whose capital is owned by the government, either in part – resulting in mixed-capital companies – or in whole – resulting in public companies. Under the influence of neoliberalism since the 1990s, there has been a trend towards the marked withdrawal of the state in favour of market coverage, an example of which is the National Privatisation Programme, defining privatisation as "the disposal, by the Union of rights that ensure, directly or through other controlled entities, preponderance in corporate decisions and the power to elect the majority of the company's administrators" (Brazil, 1990, Art. 2, §1). Concessions, permits, authorisations and outsourcing are also included as forms of privatisation, understood for the purposes of this study in summary terms as a process by which public entities delegate assets, structures and/or services to the private sector.

The privatisation process in the basic sanitation sector is still at an early stage in Brazil, but its development can already be observed, particularly following the provisions introduced by Law n° 14,026 of 2020 (Brazil, 2020). According to data from the SNIS, a self-reporting database that municipalities are required to complete, 125 municipalities across the country already have water, sewage, or combined water and sewage services under the responsibility of private companies.

In these municipalities, according to 2022 data, the concession contracts for water services are set to expire between 2023 and 2060, while those for sewage services extend from 2024 to 2060. Considering that this information was provided by the private service providers themselves in 2022, some concession contracts have a duration of at least 38 years. Although the precise terms of these contracts are not available, it can be inferred that such companies enjoy the security and stability of providing these services for almost four decades.

Figure 1 illustrates the distribution of these services in the country: 68% of the services provided by these private companies correspond to combined water and sewage provision, 26% to water services only, and 6% to sewage services only.

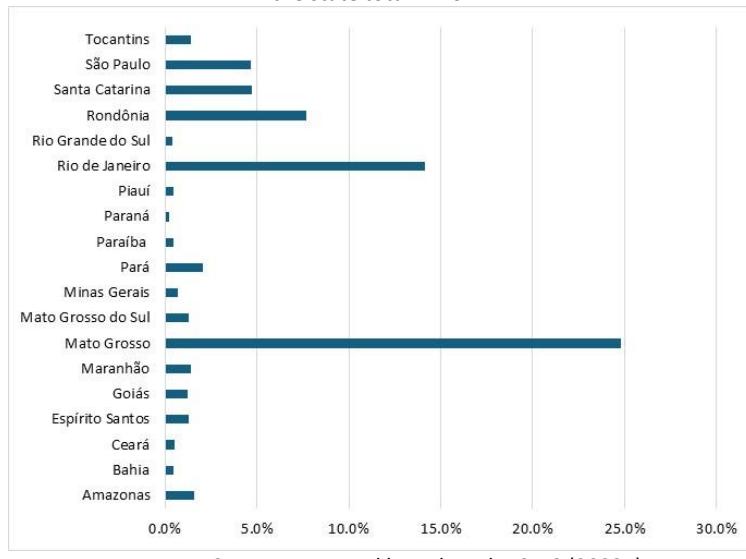
Figure 1 - Distribution of services provided by private companies in the country, in percentages, in 2022.



Source: Prepared based on the SNIS (2023a).

Of the 27 federative units in the country, 19 have undergone privatisation of sanitation, water, and sewage services. These states encompass a total of 4,987 municipalities, of which 125 have services provided by private companies, representing 2.5% of the total. The state with the highest number of municipalities under private provision is Mato Grosso, with 35 (Figure 3), corresponding to 24.8% of its municipalities (Figure 2). São Paulo follows, with 30 municipalities: seven with populations between 101,000 and 500,000 inhabitants, five with populations between 51,000 and 100,000 inhabitants, and 18 with populations of fewer than 50,000 inhabitants. In Mato Grosso, the distribution is concentrated in smaller municipalities, with 28 having fewer than 50,000 inhabitants, and a single municipality with over 501,000 inhabitants—Cuiabá (SNIS, 2023a). The state of Rio de Janeiro ranks fourth in terms of the number of municipalities with privatised services; however, proportionally, 14.1% of its municipalities have privatised provision (Figure 2).

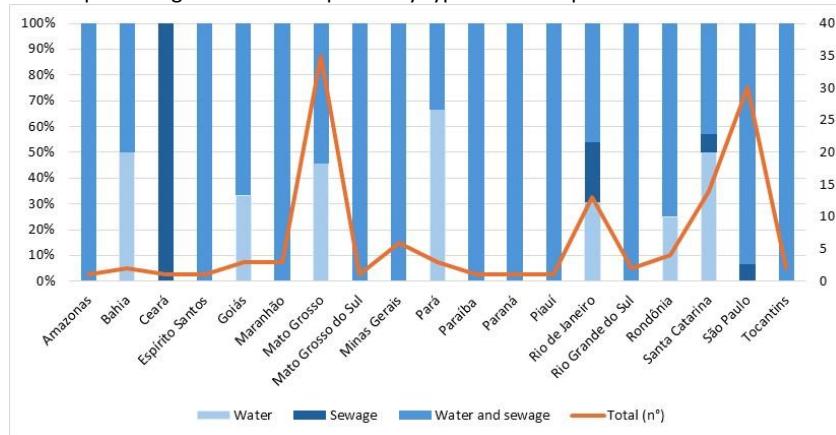
Figure 2 - Percentage of municipalities with private companies providing water and sewage services compared to the state total in 2022.



Source: Prepared based on the SNIS (2023a).

Figure 3 shows that in nine states, all municipalities with privatised provision had services delivered by private companies in the combined form of water and sewage, with particular prominence in Minas Gerais (six municipalities) and Maranhão (three municipalities). Mato Grosso also warrants mention due to the scale of privatisation: of its 35 municipalities, 19 have private companies providing combined water and sewage services, while 16 have private provision of water only. It is important to note that when services are not delivered in a combined form, as shown in Figure 1, the second most common arrangement is the provision of water services alone, present in 33 municipalities nationwide. This situation raises concerns, as water is a vital resource for life and, at the local level, its management lies in the hands of the private sector, which—despite the contractual framework—is driven primarily by profit-seeking, treating the common good as a mere means to that end.

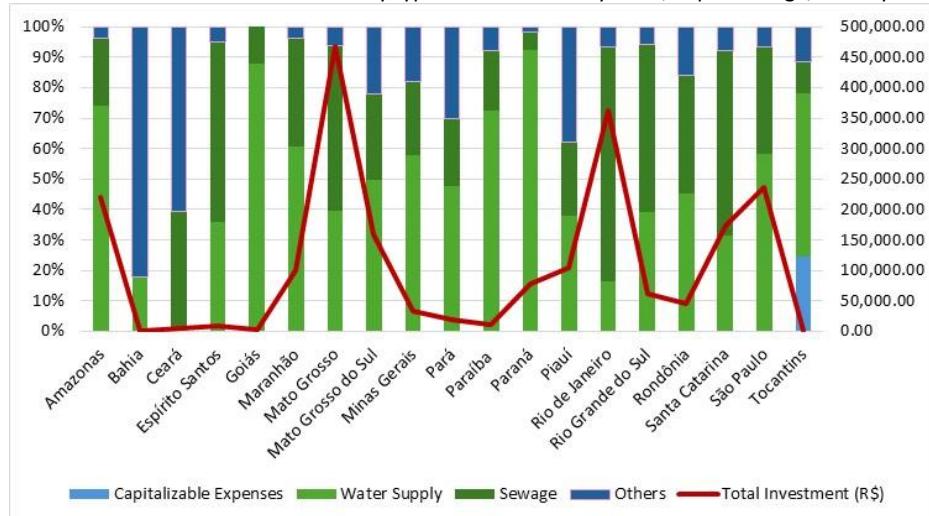
Figure 3 - Total and percentage share of companies by type of service provided in the states for the year 2022.



Source: Prepared based on the SNIS (2023a).

There is a predominance of investment in water supply and sewage services, amounting to R\$ 937.98 million for the former and R\$ 953.04 million for the latter, expressed in June 2024 prices. The total investment, considering the four types of allocation, reached R\$ 2.09 billion. In states with a larger number of municipalities, such as Mato Grosso, the investment volume was R\$ 468.7 million, of which 54.3% was directed to sewage services and 36.5% to water supply (Figure 4). The same figure shows that in São Paulo the total investment amounted to R\$ 235.81 million, with 58.3% allocated to water supply and 35.2% to sewage services. In the case of Rio de Janeiro, total investment reached R\$ 362.5 million, of which 77.0% was directed to sewage services and 16.3% to water supply.

Figure 4 - Total and share of investments by type of destination by state, in percentage, in the year 2022.



Note: Capitalisable expenditures are those incurred under contracts related to projects and oversight activities which, although recognised as expenses in accounting records, are not incorporated into the permanent asset account (SNIS, 2023b). Source: Prepared based on the SNIS (2023a).

This process of privatisation can also be observed in the financing demands of private companies in the basic sanitation sector, as shown in Table 1, with operations recorded since 2003. It is worth noting that, of the total 183 financing operations approved, 49 were not executed. The contracted amount totalled R\$ 27.77 billion, but only R\$ 5.48 billion were disbursed. Of these, 66 operations remain active, 68 have been settled, and others may yet become active. The years with the highest disbursements were 2014, with R\$ 1.04 billion, and 2018, with R\$ 1.1 billion. Particularly noteworthy is the contracted amount in 2023 of R\$ 10.4 billion, of which R\$ 82.66 million had already been disbursed.

Table 1 - Direct and indirect non-automatic operations contracted by private companies from 2003 to June 2024, in number and Brazilian reais (R\$ million).

| Year | Contracted operations | | | Value of operations | |
|--------------|-----------------------|--------------------------|---------------------------------|------------------------|----------------------------|
| | Total (nº) | Active situation (nº) | Liquidated Situation (nº) | Hired (R\$ million) | Disbursed (R\$ million) |
| 2003 | 2 | 0 | 2 | 43.50 | 43.75 |
| 2004 | 1 | 0 | 0 | 1,037.54 | 0.00 |
| 2005 | 1 | 0 | 1 | 4.84 | 4.92 |
| 2006 | 4 | 0 | 4 | 47.10 | 47.67 |
| 2007 | 2 | 0 | 1 | 1,436.36 | 48.06 |
| 2008 | 5 | 0 | 4 | 1,059.45 | 864.08 |
| 2009 | 36 | 0 | 33 | 1,237.25 | 465.89 |
| 2010 | 9 | 0 | 0 | 2,774.11 | 0.00 |
| 2011 | 11 | 0 | 1 | 2,199.03 | 107.57 |
| 2012 | 20 | 0 | 18 | 472.10 | 303.98 |
| 2013 | 23 | 19 | 0 | 1,182.65 | 503.02 |
| 2014 | 9 | 7 | 0 | 1,710.42 | 1,043.56 |
| 2015 | 11 | 7 | 0 | 1,072.63 | 502.48 |
| 2017 | 1 | 0 | 1 | 174.28 | 174.28 |
| 2018 | 21 | 17 | 4 | 1,405.87 | 1,100.50 |
| 2019 | 2 | 2 | 0 | 102.50 | 55.10 |
| 2020 | 1 | 1 | 0 | 94.58 | 94.00 |
| 2022 | 6 | 5 | 0 | 684.82 | 39.82 |
| 2023 | 15 | 6 | 0 | 10,401.20 | 82.66 |
| 2024 | 3 | 2 | 0 | 627.95 | 0.00 |
| Total | 183 | 66 | 69 | 27,768.17 | 5,481.33 |

Note: Values adjusted by the IGP-M index, based on June 2024. Source: Prepared based on the BNDES (2024a).

It is also important to highlight that the distribution of these investments by state includes states without private companies operating in sanitation services, although it should be borne in mind that the latter dataset refers only to 2022 and is self-reported (SNIS, 2023a). Table 2 lists Amapá and Pernambuco, which are not included in the SNIS dataset. On the other hand, the state of Rio de Janeiro stands out with 51 operations, representing 27.87% of the requests, not all of which necessarily resulted in implementation. São Paulo ranks second with 39 operations (21.31%), followed by Espírito Santo with 37 (20.22%).

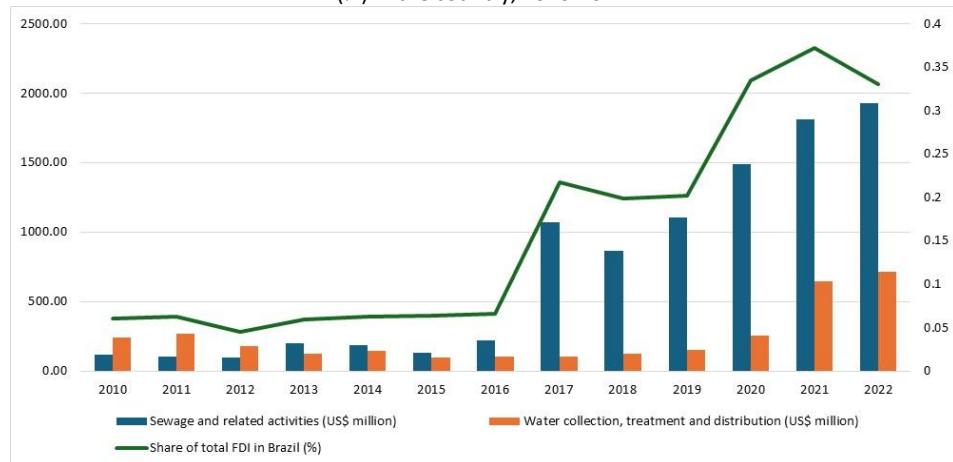
Table 2 - Number of direct and indirect non-automatic operations contracted by state and share of the total, percentage, from 2003 to 2024.

| States of Brazil | Total operations (nº) | Share of the Total (%) |
|-------------------|--------------------------|---------------------------|
| Alagoas | 4 | 2.19 |
| Amazonas | 15 | 8.20 |
| Amapá | 1 | 0.55 |
| Bahia | 2 | 1.09 |
| Espírito Santo | 37 | 20.22 |
| Inter estados | 4 | 2.19 |
| Minas Gerais | 11 | 6.01 |
| Mato Grosso | 4 | 2.19 |
| Pernambuco | 3 | 1.64 |
| Paraná | 7 | 3.83 |
| Rio de Janeiro | 51 | 27.87 |
| Rio Grande do Sul | 3 | 1.64 |
| Santa Catarina | 2 | 1.09 |
| São Paulo | 39 | 21.31 |
| Total | 183 | 100.00 |

Source: Prepared based on the BNDES (2024a).

From Figure 5 it is possible to identify both the process of privatisation in the basic sanitation sector and that of denationalisation, given the inflow of foreign direct investment. This process has expanded over the analysis period, from 2010 to 2022, both in terms of the volume of US dollars invested and in the share of total foreign direct investment in the country. Growth has been particularly pronounced from the variation observed between 2016 and 2017 onwards.

Figure 5 - Amount of foreign direct investment (US\$) in water and sewage-related activities and share of the total (%) in the country, 2010-2022.



Source: Prepared based on the Central Bank of Brazil (2024a).

Between 2010 and 2022, total foreign direct investment in Brazil amounted to US\$ 9.32 billion in sewage and related activities, and US\$ 3.14 billion in water abstraction, treatment, and distribution. In 2021 and 2022, investments in sewage and related activities totalled US\$ 1.81 billion and US\$ 1.93 billion respectively, together accounting for 40.0% of the total in this segment. In the case of water abstraction, treatment, and distribution, the share was 43.2%, given that in 2021 foreign direct investment reached US\$ 644.13 million and in 2022 US\$ 711.83 million. These figures attest to the process of privatisation and denationalisation.

With regard to the number of companies with foreign direct capital in Brazil, there were five in 2010, rising to 10 in 2015 and nine in 2020 in the segment of water abstraction, treatment, and distribution, as shown in Table 3.

Table 3 - Number of companies and amount of foreign direct investment (FDI) in US dollars in water and sewage-related activities in the country for 2010, 2015, and 2020.

| Economic activities / Year | Water collection, treatment and distribution | | Sewage and related activities | |
|----------------------------|--|---------------------|-------------------------------|---------------------|
| | Companies (nº) | Value of FDI (US\$) | Companies (nº) | Value of FDI (US\$) |
| 2010 | 5 | 239.15 | 6 | 115.53 |
| 2015 | 10 | 98.42 | 6 | 131.51 |
| 2020 | 9 | 256.99 | 9 | 1,491.39 |

Source: Prepared based on the Central Bank of Brazil (2024a).

The same table indicates that the number of companies with foreign direct investment in sewage and related activities was six in both 2010 and 2015, increasing to nine in 2020, which points to the growing denationalisation of these sectors.

Therefore, from the combined analysis of the data, it can be inferred that, alongside privatisation, there is an increasing presence of foreign capital entering the basic sanitation sector in Brazil.

CONCLUSION

The evident essentiality of water and sewage services is demonstrated by the fact that they are recognised as human rights and, as such, must be universal. However, Brazil, oriented towards privatisation since at least the early 1990s, has promoted the growing participation of private enterprise in the basic sanitation sector, especially since the introduction of the "new" regulatory framework, Law nº 14,026/2020.

As is well known, the logic of the market does not coincide with the fulfilment of social needs, which is precisely the primary purpose of the State. The means through which politically organised society achieves its most fundamental objectives necessarily requires state action. Nevertheless, the decision to relegate the provision of essential public services such as sanitation to private companies appears to contradict the very importance of the right to water and sewage services, effectively denying their status as human rights. A contradiction must be noted: while the normative discourse advocates universalisation of sanitation services in the future, in practice it promotes and stimulates privatisation which, by transferring the satisfaction of pressing and fundamental needs from the State to the market, merely secures the foremost objective of private companies—profit (and immediate profit).

International experience shows that private enterprise has not been able to deliver on promises made under the mantra of state failure and inefficiency in sanitation, leading states to re-nationalise services. Nevertheless, Brazil's current course seems to rest on the assumption that private actors are better guardians and providers of the common good than state entities, as the data reveal.

Such deliberate weakening and wilful absence of public authority in areas most needed by society—such as the provision of basic sanitation services, which are indispensable for life, well-being, and social progress—undermines the very *raison d'être* of the State. To this must be added the fact that the drive for privatisation is accompanied by foreign capital, signalling a potential threat to national sovereignty, insofar as Brazilians' vital needs are increasingly subject to foreign interests strengthened through their investments and driven by profit.

Ultimately, the relegation of a fundamental and universal human right to the private sector is a dangerous course, for it admits that the public interest is better safeguarded when entrusted to private initiative.

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