

TRANSFORMATIONS IN THE SANITATION SECTOR IN THE STATE OF RIO DE JANEIRO: NEOLIBERALISM AND REGULATORY CHANGES

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Abstract

This article analyzes the reconfiguration of water supply services provided to municipalities across the State of Rio de Janeiro. It seeks to examine how advancements in the neoliberalization of Brazil's basic sanitation sector have contributed to a fragmentation in the provision of services and to the emergence of uneven geographies on a regional scale. This will be conducted through the lens of policy experimentation, particularly after the approval of Law No. 14.026/2020. The study is based on an approach concerning the commodification of public services within the context of neoliberalism, marked by a complex reformulation of regulatory mechanisms. The methodology combines an analysis of secondary data, documentary research, and thematic mapping. The results reveal that the management of sanitation services is increasingly guided by market logic, with the experimentation of controversial regulatory mechanisms that have exacerbated fragmentation and deepened territorial inequality.

Keywords

Sanitation; Commodification; Neoliberalization; Regulatory Changes.

TRANSFORMAÇÕES NO SETOR DE SANEAMENTO NO ESTADO DO RIO DE JANEIRO: NEOLIBERALIZAÇÃO E MUDANÇAS REGULATÓRIAS

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Resumo

Este artigo tem como objetivo analisar a reconfiguração da prestação do serviço de abastecimento de água nos municípios do estado do Rio de Janeiro, buscando identificar como as novas investidas do processo de neoliberalização no setor de saneamento básico no Brasil promovem a fragmentação na oferta dos serviços e a produção de geografias desiguais na escala regional, sob a lógica da experimentação de políticas, sobretudo após a aprovação da Lei nº 14.026/2020. O estudo se fundamenta em uma abordagem sobre a mercantilização dos serviços públicos no contexto de neoliberalização marcado por uma complexa reformulação dos mecanismos regulatórios. A metodologia baseia-se na análise de dados secundários, pesquisa documental e mapeamento temático. Os resultados indicam que a gestão dos serviços de saneamento tem se orientado cada vez mais por uma lógica de mercado, com experimentação de mecanismos regulatórios controversos que reforçam a fragmentação e a desigualdade territorial.

Palavras-chave

Saneamento; Mercantilização; Neoliberalização; Mudanças Regulatórias.

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1. Introduction

Basic sanitation services are a fundamental sector for understanding how the process of neoliberalism takes on specific forms at the regional and local scales, involving institutional reforms, policy experimentation, and the production of unequal geographies.

The management of sanitation services in Brazil has undergone many transformations, and the main regulatory framework for the sector was approved in 2007, by Law No. 11,445 (Brazil, 2007a), which is based on the perspective of basic sanitation as a social right. However, after provisional measures had aimed at new changes in the sector, Law No. 14.026/2020 (Brazil, 2020a) was created with a discourse aimed at universalizing water and sewage services, although, to achieve this, it established as a fundamental strategy the creation of a more “secure and competitive” environment for private companies.

The State of Rio de Janeiro (SRJ) was one of the first to implement changes in the sector with the concession of services from the Rio de Janeiro State Water and Sewage Company (known as CEDAE) to the private sector, based on a process of regionalization. Given this scenario, this article aims to analyze the reconfiguration

1. The authors would like to extend their thanks to colleagues from the Instituto Nacional de Ciência e Tecnologia Observatório das Metrôpoles for their contributions to the study in presentations and debates, and to the Fundação Carlos Chagas Filho de Amparo à Pesquisa do Estado do Rio de Janeiro (FAPSRJ) for the financial support awarded to the research project “How cities are governed: challenges for urban development in the state of Rio de Janeiro”, and to the reviewers for their observations and the editorial team at RBEUR.

of providing basic sanitation services in the municipalities of this state, through new advances in neoliberalization in Brazil, particularly in the sector under analysis. This investigation is guided by the hypothesis that recent advancements in Brazil's neoliberalization of the basic sanitation sector have tended to exacerbate the territorial fragmentation in the provision of services, particularly after the approval of Law 14,026/2020 (Brasil, 2020a), following the logic of the production of uneven geographies across regions and fostering policy experimentation.

Neoliberalization, “a variegated, geographically uneven and path-dependent process” (Brenner; Peck; Theodore, 2012)², is demonstrably evident in the appropriation and management of natural resources, as well as in access to water and basic sanitation services. Furthermore, the concept of an “actually existing neoliberalism” (Theodore; Peck; Brenner, 2009) enables us to analyze this process by shedding light on how different places are inserted into neoliberal restructuring projects, while simultaneously revealing the conflicts linked to the path dependence.

Although sanitation involves water supply, sewage, urban cleaning and solid waste management, as well as drainage and rainwater management, in this article we focus on water services in order to enable the analysis of changes, due to the possibility of services being delivered by different providers.

The methodological strategies used in this study involve the analysis of secondary data and documentary sources based on legislation at federal, state and municipal levels, as well as official documents from public and private bodies. The aim of this was to trace the historical trajectory of sanitation in Brazil, focusing on the rounds of neoliberalization and the most recent regulatory changes, taking the SRJ as the object of analysis. In addition, the public hearings related to the concession of CEDAE services and auctions were also monitored by the authors and used as material in the research.

In temporal terms, the scenario involving the provision of services in the SRJ was characterized before and after CEDAE was auctioned (considering the municipal adherence to the blocs and companies that competed) so as to reveal the reconfiguration of provision and the new scenario of private participation in the SRJ. For this, data from the providers in 2019 were used, obtained from the National Sanitation and Water Data System (SNIS). The data for 2021 and 2022, although not consolidated in official data bases, were obtained through documentary research on websites of public departments, archives and studies from the National Bank for Economic and Social Development (BNDES) and from data in the media regarding the process. The analyzes and surveys were systematized into thematic mappings

2. N.B. For direct citations, the English version was used of BRENNER, N.; JAMIE PECK, J.; THEODORE, N. After Neoliberalization? *Globalizations*, 7:3, 327-345, 2010. doi: 10.1080/14747731003669669.

in order to depict territorial changes in the municipal division of the SRJ and the intra-urban division, in the specific case of the municipality of Rio de Janeiro.

In addition to this introduction, the article has been structured around the topic that analyzes the trajectory of sanitation in Brazil, focusing on the context of neoliberalization and regulatory changes. In the following topic, we discuss how these changes have occurred within the reality of Rio de Janeiro. We then present a recent survey of the changes in providing water supply services in the SRJ municipalities, with the approval of Law No. 14,026/2020 (Brazil, 2020a) and the CEDAE bidding processes. Given this situation, some reflections on the agenda surrounding the sector are raised.

2. The trajectory of the sanitation sector in Brazil: neoliberalization and regulatory changes

Urban infrastructure services, particularly basic sanitation, have a significant impact on both human health and the quality of the environment. Although access to water and basic sanitation is recognized as an essential right (UN, 2010), the sector has nonetheless undergone contradictory processes associated with a neoliberal restructuring characterized by the growing dominance of agents, organizations and global financial institutions that have promoted a commodified vision of water services, based on a discourse of economic gains and full recovery of production costs (Swyngedouw; Kaika; Castro, 2016; Roberts, 2008). The private sector is motivated to adopt cost reduction strategies that ultimately reduce the quality of the service provided (Bel; Fageda; Warner, 2010). Water becomes a commodity no longer subject to its use value but priced at its exchange value.

Within the neoliberal restructuring that has taken place in sanitation, it is also possible to verify the weight of previous policies on the new actions. In the field of politics, some authors have used the concept of path dependence (Bernardi, 2012; Britto, 2012; Brenner; Peck; Theodore, 2012) to analyze how a certain disposition in the field of politics influences future decisions and actions, since, when making decisions, some aspects will have more weight than others, since they are reinforced on a temporal scale, presenting cumulative effects throughout the trajectory (Bernardi, 2012). Thus, it is possible to perceive the path dependence of the austerity policies adopted since 1980, which have promoted neoliberal logic with negative impacts on social rights and the reproduction of socio-spatial inequalities (Theodore, 2019). Access to natural resources is an example of this socio-spatial inequality, given that power relations dictate the distribution of resources. Thus, even with public provision, the logic of water commodification signifies that upscale neighborhoods are better served when compared to peripheral regions (Quintslr, 2023).

Given the contradictions and dependence on the urban neoliberal trajectory in sanitation policies, in several countries it is possible to notice divergences in legal instruments, which sometimes highlight public actions, and others private (Landriani et al., 2019), and an increase in barriers to public action (McDonald, 2018), aspects that create insecurity in the sector and favor private initiative.

It is also essential to note that, despite this dominant logic, several studies have analyzed a trend toward the re-municipalization of public services in different parts of the world. The reasons for this are based on the inability of private management to provide quality, efficient, safe, and fair services to society. A study carried out in 2017, called *Remunicipalización: Cómo ciudades y ciudadanía están escribiendo el futuro de los servicios públicos* [Reclaiming Public Services: How cities and citizens are turning back privatization] identified re-municipalization initiatives in more than 1,600 cities located in 45 countries (Kishimoto; Petitjean, 2017).

As demonstrated by McDonald and Swyngedouw (2019) and Clifton et al. (2021), the term “re-municipalization” signifies a process by which public authorities, generally at the municipal level, regain control of public services that had previously been transferred to the private sector.

In addition to water, these international experiences include other services, such as transport, energy, telecommunications, postal, finance and waste, together with the creation of new municipal services, such as local administration, education, and social services. In general, among the various motivations that researchers have detected for re-municipalization, is the need to put an end to recurrent abusive practices on the part of the private sector, to offer better conditions of access to services for the population served and to regain public control (municipal) over its territory and natural assets (Kishimoto; Petitjean, 2017). An example of this process is the experience in Paris that implemented the re-municipalization of the water system (Ribeiro, 2023).

To some extent, this movement, still in its infancy, has become a threat to the private sector and its profits, while policies of fiscal austerity induce forced privatizations and regulatory frameworks create barriers to re-municipalization (McDonald; Swyngedouw, 2019).

When analyzing the Brazilian reality, it may be observed that neoliberal logic has broadened, generally going against any possibility of re-municipalization. Indeed, attempts to reconfigure the role of the State in the sanitation sector and insert it into the financial market have been broadened. Since the 1990s, supported by a government project (the Sanitation Sector Modernization Project) financed by the International Bank for Reconstruction and Development (IBRD), and aligned with the neoliberal guidelines of that institution, some municipalities have

joined the model by privatizing their services, and certain State Basic Sanitation Companies (CESBs) have been registered on the stock exchange, transferring their assets partially or completely to private capital (Rezende; Heller, 2008).

From that point onward, the private sector has actively fostered the development of a “sanitation market.” This market is characterized by restrictions placed on public action and a growing dominance of companies that leverage public investments to generate profits. Furthermore, a concerning trend has emerged – a strategy of resource accumulation from nature, with practices such as the intensive exploitation of water resources marking a new frontier in this approach. (Smith, 2007). This integration has transformed the sector into a participant within a new dynamic of capital accumulation. Over the subsequent century, not only did other CESBs embrace open capital structures, but private companies also underwent significant restructuring. Their ownership compositions shifted, with control increasingly falling to banks and pension funds operating on a global scale.

Within these restructurings, it is possible to identify what the literature has indicated as mechanisms of regulatory experimentation, linked to “place-, territory-, and scale-specific projects designed to impose, intensify, or reproduce market-disciplinary modalities of governance” (Brenner; Peck; Theodore, 2012, p. 24)³. For these authors, neoliberalization is “a variegated, geographically uneven and path-dependent process”⁴. The process, systemic, endemic, unequal, hybrid, follows a basic operational logic, which penetrates places, territories and scales, producing profound geo-institutional differentiation, and involves institutional reforms and policy experimentation that can be driven by a context of crisis. This logic of experimentation is associated with a series of contradictions, which are part of the process, and a rapid succession of regulatory projects and counter-projects, neoliberalizing or otherwise (Brenner, Peck, Theodore, 2012, p. 20).

In Brazil, the main normative definition of the sector in the twenty-first century was implemented with the Sanitation Legal Framework, Law No. 11,445/2007 (Brasil, 2007a). Guided by the principles of decentralization and sanitation as a social right, it constituted a significant advance for the national sanitation policy, indicating “the need to prioritize plans, programs and projects aimed at [the] implementation and expansion of sanitation services and actions”⁵ (Britto; Rezende, 2017, p. 562), including for the poorest population. The 2007 legislation also covered an “institutional void” experienced until then by the sector with the

3. N.B. For direct citations, Theodore, Peck and Brenner (2010, p. 9)

4. N.B. For direct citations, Theodore, Peck and Brenner (2010, p. 1)

5. This and all non-English citations hereafter have been translated by the authors.

decline of the Military Government's National Sanitation Plan (Planasa) (Rezende; Heller, 2008). Through this law, the elaboration was also foreseen of the National Basic Sanitation Plan (Plansab), established in 2013 (Brasil, 2013).

In addition to the political-institutional problems, as part of path dependence, neoliberal advances remained present, enabling the growth of private companies linked to the sector (Britto; Rezende, 2017). Private capital continued to use previous normative instruments, such as, for example, the Concessions Law (Law No. 8,987; Brazil, 1995), the Public-Private Partnership Law (Law No. 11,079; *ibid.*, 2004) and the Public Consortia Law (Law No. 11,107; *ibid.*, 2005) and its Decree No. 6,017 (*ibid.*, 2007b), to ensure not only its reproduction, but also to appropriate public resources in favor of its interests (Brasil, 1995; 2004; 2005; 2007b; Britto; Rezende, 2017; Quintslr; Werner, 2021).

Even after the Sanitation Legal Framework (Brazil, 2007a), regulatory experiments continued to broaden – for example, provisional measures 844 and 868 (Brazil, 2018), which already aimed at new changes in the sector. However, it was only in 2020, with the changes promoted by the approval of Law No. 14,026/2020 (Brazil, 2020a), that private companies and their investors guaranteed the safeguarding of capital. Although with a discourse focused on the universalization of water and sewage services, the law was implemented in an authoritarian manner in the middle of the pandemic, with the adoption of an economic agenda of continuity and broadening of neoliberal measures, with strong incentives to advance the privatization of several state companies.

It is important to highlight that the actions listed do not translate into a simple absence, removal or weakening of the State, but rather into its active participation in implementing the neoliberal agenda. This has led to a reconfiguration of its role in terms of decision-making, and formulating and implementing policies, and in a complex reformulation of regulatory and territorial appropriation mechanisms.

One of the strategies is the possibility of regionalization (Sousa, 2020), which was analyzed by Ribeiro (2023) as a tool for the state to potentially serve the interests of capital. This approach involves regionalizing municipalities served by state sanitation companies into Regional Units (RUs) and subjecting them to a form of market “competition” through auctions. Notably, the law mandated states to establish this new regionalization within a year, with the federal government assuming responsibility should they failed to comply.⁶

6. When established by the states, the region formed is called Regional Units; and Reference Blocs when formed by the Union, according to Law No. 14,026/2020 (Brasil, 2020a).

The law also ensures that municipalities have optional adherence to this model. However, in contrast, Decree No. 10,588/2020 (Brasil, 2020b), which regulates and provides for technical and financial support, establishes that the allocation of federal public resources does not apply to municipalities that do not adhere to this imposed regionalization model.

The constitutionality of Law No. 14.026/2020 (Brazil, 2020a) has been challenged by non-governmental organizations and political parties, due to the conflict of some changes with the Federal Constitution. The municipality, as the entity responsible for the services, could directly transfer the responsibility for water supply and sanitation to the state, without a bidding process. This instrument, called a program contract, provided for by the Federal Constitution, was completely vetoed with the new law and, therefore, the delivery of public sanitation services must necessarily be submitted to market competition.

In addition to this constitutional setback, inherent to these regulatory experiments and their contradictions, other topics were also challenged through Declaratory Actions of Unconstitutionality (ADIs) and judged by the Supreme Federal Court (STF). However, the final decision was for the legitimacy of the process, leading to a strengthening of the private sector ⁷ and a reduction in the role of the public authorities in the sector.

Despite a series of constraints on adhering to the concession (such as Decree No. 10,588/2020b), municipalities were able to decide on this matter, since they are responsible for providing the services. At the same time, “the States can, regardless of the interested Municipalities, institute regionalization through metropolitan regions, urban agglomerations and microregions” (Ondas, 2021a, p. 13). In the case of the SRJ Metropolitan Region, adherence was a joint decision, despite opposition from the city of Rio de Janeiro itself during the vote held in the Metropolitan Chamber. While in the interior of the SRJ, in principle, because “it is not a Metropolitan Region, Urban Agglomeration or Microregion, in the case of local public sanitation service providers, adhering to the structures of the regionalized forms of provision is optional” (ibid., 2021a, p. 26).

Given the setbacks and extensive contradictions in the process, for example, in the controversial public hearings held at an accelerated pace and remotely at the height of the pandemic (Ribeiro, 2023), both the formation of regional blocs to grant services and the adherence mechanisms did not follow a logic of regional

7. According to Silva and Ferreira (2022), the STF’s decision paved the way for fiscal austerity, based on the state’s inability to promote substantial changes in the sector. This decision appealed to a market logic and consequently contributed to the formation of a private monopoly.

integration, territorial articulation or even any existing regional urban division. Although the role of municipalities as providers is fundamental, there was no coordination between them and the federal and/or state governments, much less inter-municipal coordination and no association or cooperation mechanism within the state (Souza, 2023).

Thus, we have investigated the hypothesis that the new advances of the neoliberalization process in the basic sanitation sector in Brazil have produced a fragmented provision of services, thereby reinforcing the logic of uneven geographies on a regional scale. We have taken as a case study the concession of the CEDAE water supply services to private companies in the SRJ, as occurred in 2021.

3. The reconfiguration of water supply services in the State of Rio de Janeiro

In line with the new legislation, all Brazilian states were required to adapt to the imposed guidelines and reconfigure the organization of sanitation management within their territory. The majority opted for microregions, with the approval of a complementary law, while others joined the new regionalization format (RUs), such as, for example, Alagoas, São Paulo, Rondônia, Rio Grande do Sul and Rio de Janeiro. Only Santa Catarina opted for metropolitan regions (Silva, 2021; Silva; Ferreira, 2022).

Unlike other states, Rio de Janeiro was the only one that did not pass state legislation. Even so, the major sanitation privatization project was still implemented, with CEDAE being divided up in a way that served the interests of capital and not necessarily the real needs of the population. The attack on the public dimension of services was unprecedented in the history of the sector.

Since the 1990s, there have been attempts to privatize the company, which were contained through various political and institutional aspects and social forces against privatization. The history of the company and these attempts may be observed in studies such as those by Costa (1994), Scudino (2019) and Quintslr and Werner (2021). However, after the economic crisis created in Brazil, in the SRJ scenario, the “need” to privatize the company was highlighted as being central to the state’s economic and fiscal recovery strategies.

From 2015 onwards, Brazil began a period of deepening political, social, and economic crisis, which stemmed from a confluence of factors. One significant contributor was the decline in the international price of oil. This directly impacted the public budgets of the state and municipalities of Rio de Janeiro, particularly through a reduction in oil royalties and special participations (Osorio; Rego; Versiani, 2017).

The SRJ became highly dependent on the oil and gas industry, which, according to Sobral (2017a, p. 46), contributed to the creation of a “hollow productive structure”, which functioned without solving structural problems. This only led to isolated gains, making the economy fragile and vulnerable to crises, not enabling public revenues to work so as to minimize dependence.

In this crisis scenario, essential services for the population are scrapped and public companies are targets for privatization, legitimized by the discourse of reducing public spending. These measures, however, should not be part of the path out of the crisis (Sobral, 2017b).

Quintslr and Werner (2021, p. 352) stated that the sale of CEDAE became central to the state’s project for the Fiscal Recovery Regime (FRR), serving as a “guarantee offered for contracting a credit operation whose resources should be used primarily in paying public sector employees.” Thus, the state governor sanctioned Law No. 7529/2017 (Rio de Janeiro, 2017), authorizing the sale of CEDAE shares, in which BNDES was confirmed as a minority shareholder.

This demonstrates that the privatization of CEDAE remained a process linked to the FRR. Law No. 14,026/2020 (Brazil, 2020a) was just another instrument that contributed to the privatization of the company, acting as a catalyst and also as legal shielding. This episode bears a resemblance to the situation in the state of Alagoas. There, since 2019, sanitation services in the Metropolitan Region have undergone a regionalization process modeled by BNDES. However, in 2020, the governor employed new legal instruments to expand this approach across the entire state, effectively weakening CASAL, the state sanitation company (Troni; Montenegro, 2021).

To analyze the reconfiguration of providing the water supply service in the municipalities of SRJ, within the logic of producing uneven geographies on a regional scale and served as an experiment for broader policy implementation, we present a systematization of surveys conducted between 2019 and 2022 referring to the providers, which were derived from our comprehensive mapping efforts.

In the case of the SRJ, Scudino (2019) demonstrated that, in 1998, CEDAE was operating in 73 of the 92 municipalities in Rio de Janeiro. However, although at a slow pace, it was already losing ground in providing the water supply, even before the growing threats from the FRR. By 2005, the document revealing the company’s financial statements already presented a decline, providing the service to 63 municipalities (Cedae, 2005).

Even with a certain loss of space, before the 2020 legislation, CEDAE was still characterized as the state’s majority provider of water supply services, as may be observed in Figure 1, based on data from the 2019 SNIS. The participation of private

companies was then restricted to certain municipalities, since in others there was action either by direct public administration or autarchies.

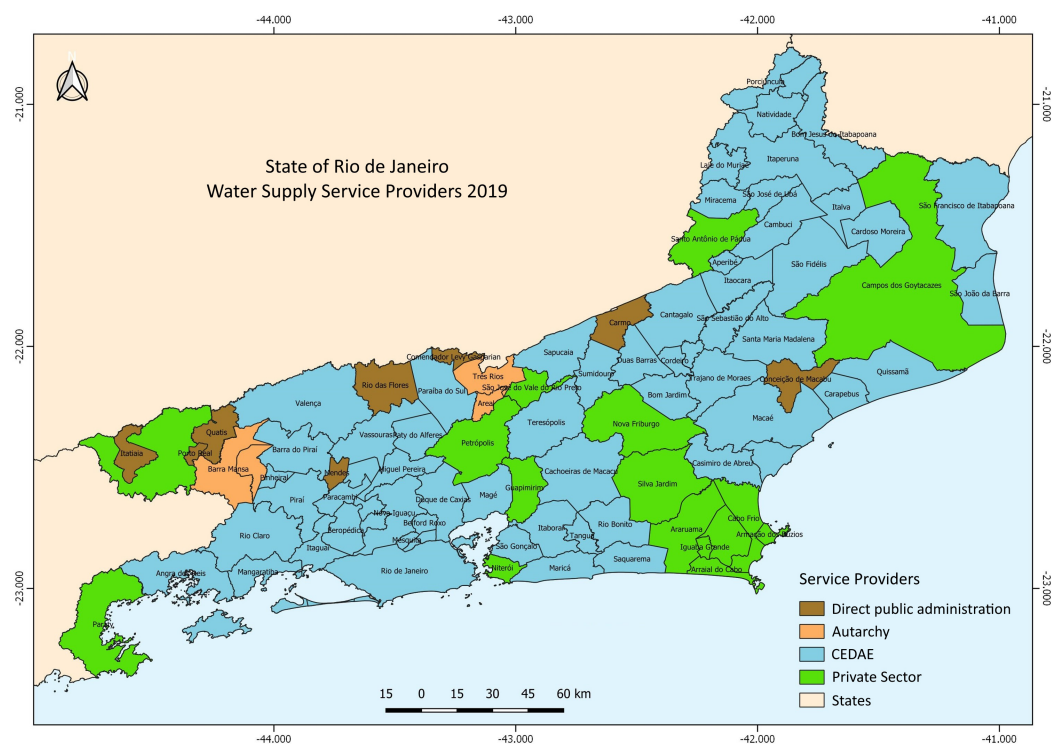


Figure 1. Water supply service providers (2019)

Source: Own elaboration based on SNIS data (2022).

As previously presented, given the economic situation of the SRJ and the conditions brought about by the new legislation, the federal government, through the strong actions of BNDES, undertook all the bases for expanding private participation in the interior of the state. Quintslr and Werner (2021) highlight the active role that the bank has played in the sector in several states across Brazil, which was no different in the SRJ with the new regionalization. The BNDES was the state’s main modeling agent, dividing the territory into four blocs⁸ (see Figure 2) made up of municipalities served by CEDAE, which gained centrality in the SRJ economic and fiscal recovery strategies. According to a 2019 disclosure on the BNDES News Agency website (*Agência BNDES de Notícias*), the adopted regionalization model, referred to it as “fillet with bone,” in which the fillet is the most profitable municipalities, and the bone is the deficit-ridden municipalities.

8. According to Silva and Ferreira (2022), the STF’s decision paved the way for fiscal austerity, based on the state’s inability to promote substantial changes in the sector. This decision appealed to a market logic and consequently contributed to the formation of a private monopoly.

Thus, the original modeling proposed by BNDES (2019) for the concession contracts of CEDAE services divided the capital into four parts, distributing them among the blocs. Thus, Bloc 1 covered the South Zone of Rio de Janeiro and another forty municipalities (most of them in the north of the state); Bloc 2 covered the West Zone and seven other municipalities (most of them in the intermediate region of Volta Redonda); Bloc 3 was made up of neighborhoods in the West Zone and eight other municipalities; and, finally, Bloc 4 covered the North Zone, the Center of the state capital and eight other municipalities (all in the intermediate region of Rio) (Figure 2).

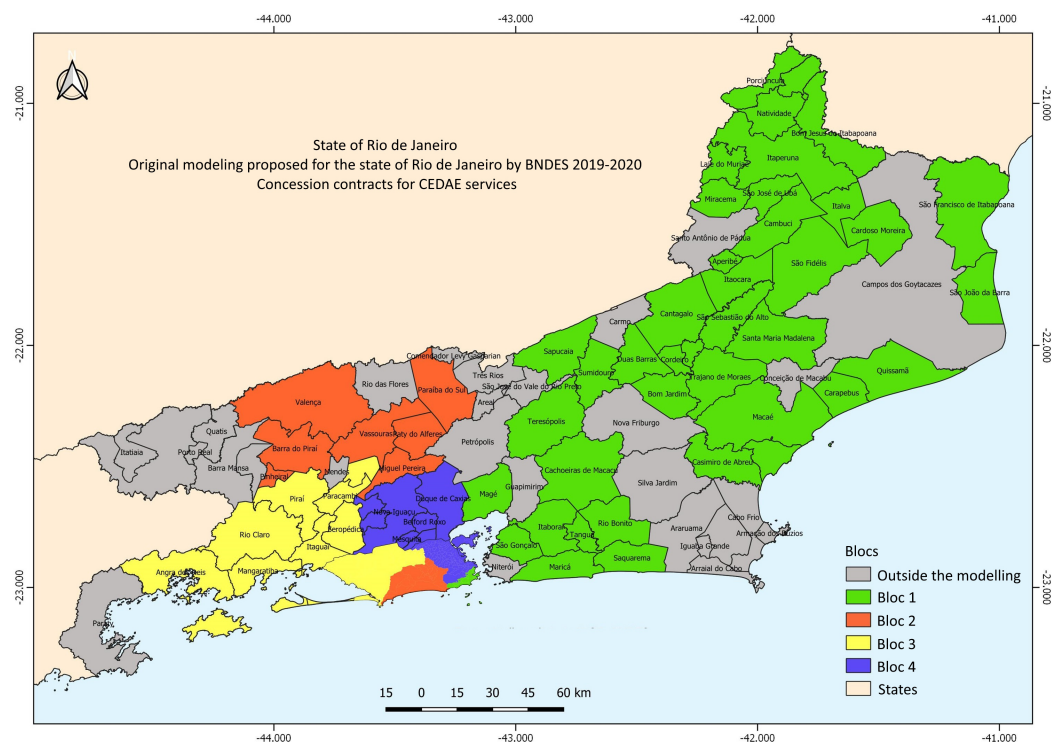


Figure 2. Original BNDES modeling proposed for the state of Rio de Janeiro (2020)

Source: Own elaboration based on BNDES data (2019).

Although this original division presented some axes for the formation of blocs in the capital (for example, the municipalities to the north would all be in the same bloc), this proposition already revealed itself as a fragmentary logic, expressly in the metropolitan region and, especially, in the state capital.

The proposed model was intended to seek a balance between and within the blocs and promote cross-subsidization, a practice that had been used since Planasa by the CESBs, with the intention of achieving economic-financial balance in smaller and low-income municipalities, based on the collection of surpluses

(Branco; Cruz, 2021). However, the termination of program contracts represented a risk for the continuity of this practice, since it was a formal means of establishing and guaranteeing subsidies for areas of lower profitability. Law No. 14,026/2020 (Brazil, 2020a) introduced a mandatory bidding process for companies seeking to provide sanitation services. This presents a potential challenge for the continued use of program contracts, a key tool for the CESBs to implement cross-subsidization strategies. As Moretti and Ferrara (2019, p. 26) aptly noted, “the situation for sanitation becomes unpredictable if the possibility of cross-subsidization is disrupted by the transfer of service provision to private concessionaires, particularly in municipalities with current surpluses”.

Another BNDES strategy was to build the regionalization model of the SRJ with the mandatory inclusion of at least one municipality from the Metropolitan Region in the blocs. Thus, the regionalization process was transformed into a metropolitan issue, with only the Executive Power of the municipalities and the Metropolitan Region Consultative Council⁹ able to make any decisions.

In view of these aspects, it appears that regionalization was merely instrumental and imposed in an authoritarian manner, fragmented on the local and regional scales. The urgency with which the SRJ complied with the law and promoted the holding of auctions raises questions concerning how the process was conducted, thereby generating the need for more in-depth analysis.

Despite the extensive articulation between the federal and state governments and all the existing pressure for municipalities to join, the final offer of the blocs, with the exception of the municipalities that make up the Rio de Janeiro Metropolitan Region (Bloc 4), underwent significant changes (Figure 3). Of the forty municipalities in Bloc 1, only eighteen remained. In Bloc 2, only two municipalities joined the model. In Bloc 3, two municipalities left and one entered, displaced from Bloc 2.

9. Currently, the president of the Deliberative Council of metropolitan governance is Cláudio Castro, the SRJ governor, who originally took office in 2021 after the impeachment of former governor Wilson Witzel, and who was then re-elected in 2022.

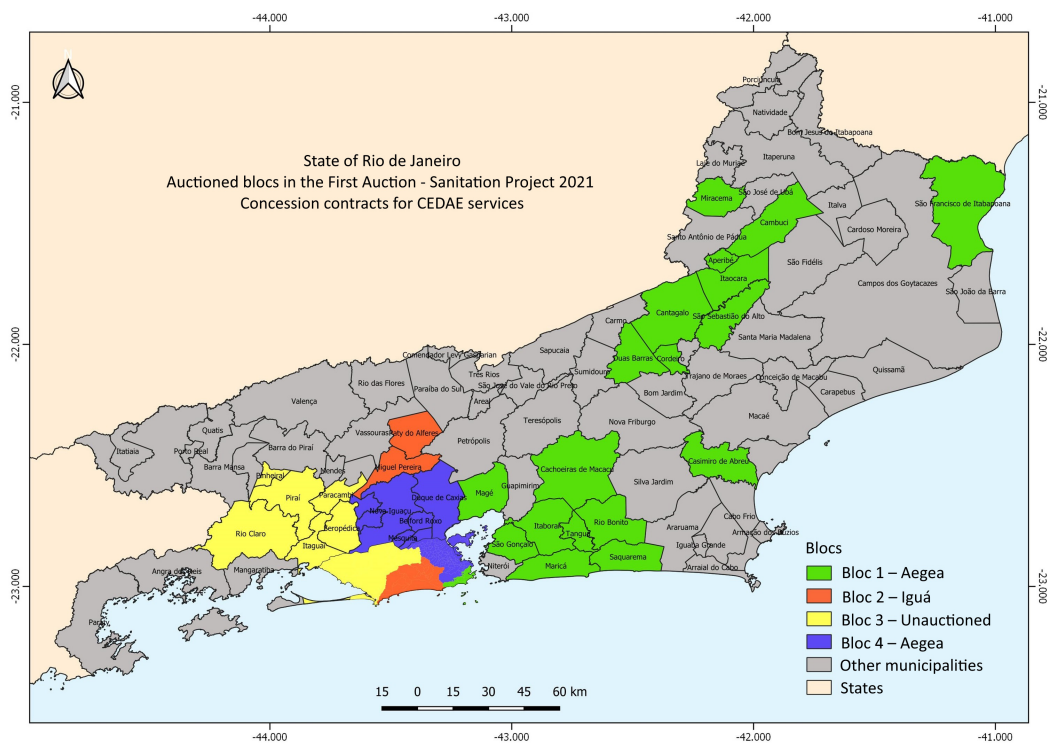


Figure 3. Blocs offered in the first auction (2021)

Source: Own elaboration based on G1 data (2021).

The panorama that emerged after the municipalities' decision to join the model, especially when we take into account the number of those who made the opposite decision, prompts a reflection on the issues and aspects considered in making this choice regarding the proposed model.

With the configuration presented in Figure 3 and, after three public hearings permeated by debates and contradictions (Ribeiro, 2023), the first auction was held on April 30, 2021. With the exception of Bloc 3, all were sold. Blocs 1 and 4 were purchased by Aegea (R\$8.2 and R\$7.203 billion, respectively), while Bloc 2 went to Iguá (R\$7.286 billion) (Silveira; Mello, 2021).

Bloc 3 was the subject of new public hearings, was remodeled and fourteen municipalities were attached to it, mostly those that belonged to Bloc 1 and had not adhered to the BNDES proposal. Within this process, a convergence may be identified with notes from the literature on policy experiments, in which clashes, contradictions and even failures are predicted and are part of the process (Brenner, Peck, Theodore, 2012). What, in principle, could represent a problem, such as the failure to auction Bloc 3, became the object of reformulation, with a new round of rearrangements of the regional territory, within the logic of experimentation and fragmentation. With this new configuration, the auction for this bloc took place

on December 29, 2021, and was sold for R\$2.2 billion (G1 Rio, 2021) to the Águas do Brasil group. As a result of this new round of privatization of sanitation services, the populations of another 49 municipalities in the SRJ were served by private companies (Figure 4).

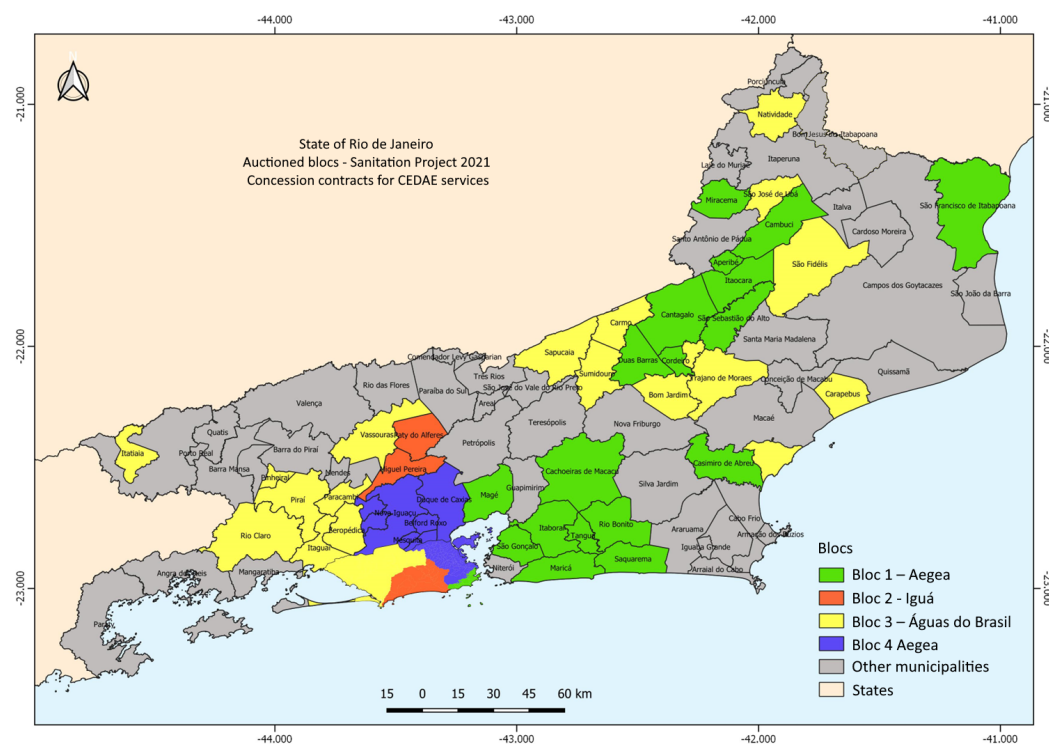


Figure 4. Blocs of auctioned municipalities after the auctions (2021)

Source: Own elaboration based on BNDES data (2021).

Comparing the current panorama of providers (Figure 5) with the year 2019, it may be observed that the role of CEDAE, which had already been reduced since the first round of privatizations, became even more restricted, being responsible for the water supply service in seventeen municipalities. It is important to highlight that, even with the concession of services to the private sector, the company was still responsible for producing water in the Metropolitan Region (Quintslr; Werner, 2021).

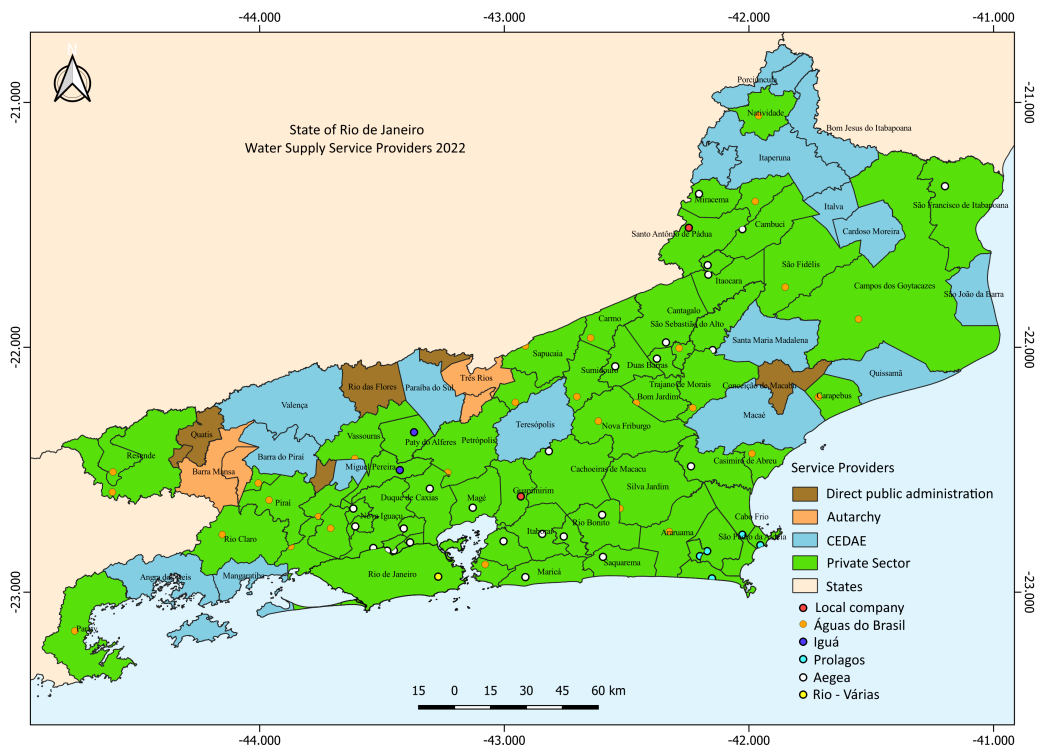


Figure 5. Reconfiguration of the service providers (2022)

Source: Own elaboration based on SNIS (2022), BNDES (2019; 2021) and G1 Rio (2021) data.

Therefore, it is essential to have a multitude of studies that follow this considerable advance of the private sector throughout the state, which contributes to the current number of municipalities where companies operate, totaling 65. Among the companies, it is Águas do Brasil that operates in the highest number of cities.

When observing how the provision of services was configured in 2019 (Figure 1), before the promulgation of Law No. 14,026/2020 (Brazil, 2020a), the BNDES modeling proposal and the new distribution of services after the auctions (which depended or not on the adherence of municipalities), several issues were raised, including the non-adherence of many municipalities in the interior to the great project of the SRJ government and BNDES. The reasons for this position, in principle, are not homogeneous and do not necessarily represent a rejection of the concept of expanding the privatization of services, as analyzed by Souza (2023). In addition to the reasons that led to the municipal decision on the concession, we may reflect on the scenario of access to water supply if the necessary improvements in infrastructure had been encouraged, both for CEDAE and for the municipalities. It is also important to analyze the conditions of the city halls in monitoring and inspecting companies and acting effectively as a granting authority.

With the current conjuncture in the distribution of the water supply, in which the state territory has been divided between four different companies, with the exception of local companies, and due to the problems identified in carrying out the entire process – controversial public hearings, clashes and conflicts in carrying out the auctions, lack of municipal participation, lack of integration on a regional scale – there are elements that highlight the territorial fragmentation in providing sanitation services in SRJ, and the possible increase in inequalities between municipalities. Given this situation, the question that arises is: how will this process affect the equity of the SRJ population in accessing services?

4. Final considerations

The aim of this article has been to analyze the reconfiguration of the water supply service in the municipalities of the State of Rio de Janeiro, seeking to identify how the new advances of the neoliberalization process in the basic sanitation sector in Brazil has promoted a fragmentation in the supply of services associated with policy experimentation. In this process, the SRJ megaproject has served to portray the changes instituted by Law No. 14,026/2020 (Brasil, 2020a), resulting in the successful neoliberal undertaking in the state, where, as of 2022, the water supply service of 65 municipalities was provided by the private sector.

Faced with a conflicting trajectory, the bases for constructing this new arrangement had already been designed since the 1990s due to incentives to weaken the local public authorities and the scrapping of state companies. The fact is that, given the current political and economic situation in Brazil and the SRJ, an atmosphere conducive to applying and consolidating an aggressive privatization agenda has been created, through a new round of neoliberalization in the sector.

Upon examining this process, Law No. 14,026/2020 (Brazil, 2020a) has already indicated a weakening of the municipal public authority in the sector with the “sentenced” regionalization proposal by the state government. However, there are still restrictions for municipalities to become empowered in the search to improve the services offered to the population, since access to resources and technical support is limited in cases of non-adherence to regionalization, in accordance with Decree No. 10,588/2020 (Brazil, 2020b).

Thus, while some places in the world have tended toward the possibility of re-municipalization in the sanitation sector, in the SRJ, within this sector, neoliberal logic and privatization have been reinforced, with mechanisms that involve policy experimentation and territorial fragmentation in the provision of services, following the logic of the production of uneven geographies on a regional scale. Consequently, several issues have arisen regarding: the possible adjustment

of tariffs for sanitation services; the effects on the equity of the population's access to water supply services in SRJ, since four different large companies are operating in the sector, in addition to the local companies; what would the services be like if the municipal public authority had been strengthened throughout the sector's trajectory?; and, what is the real capacity and interest of the private sector in filling the deficit present in the municipal public authority?

Lastly, it is necessary for the academy and representatives of civil society to participate in the construction of such responses by monitoring this new reality in the sector, taking the interests of the population to the stage of discussions. We consider it important to mention that the fight for sanitation and against neoliberal logic comes from several fronts and is supported by the device of social control, regulated by Law No. 11,445/2007 (Brazil, 2007a)¹⁰. Among the actors, we may mention social movements, residents' associations, unions, councils (including sectors that interact with sanitation policies, such as health and education), civil society organizations, and universities with research and extension projects, among others. Several actors are at the forefront of the fight for universal access to water and sanitation, engaged in work aligned with a broader vision of sanitation, thus opposing advances in reforms that trample over human rights.

Although the articulation of privatist forces in this round of neoliberalization is strong, we cannot fail to reveal the existing conflicts and fight for the appropriation and management of resources and services to occur from the perspective of equity, justice and effective universalization.

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10. According to article 3, item IV of the law, social control is a "set of mechanisms and procedures that guarantee society information, technical representations and participation in policy formulation, planning and evaluation processes related to public basic sanitation services" (Brazil, 2007a).

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