
Notes from the privatization of a public oil company: the Petrobras case

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Résumé

The present paper intends to study the privatization of the energy sector in Brazil during the post-Dilma years. Though the legal structure and other preconditions were already part of the Brazilian legal system and even some policies were already been held under the first Dilma's presidential term, it is possible to observe a radicalization of the privatization policy after the so-called impeachment in 2016. As the process seems to be speeded up under the new Bolsonaro government, any deeper critique could be compromised by default. This way, instead providing a deep case analysis, this paper is presented as a report on the selected sector, leaving in its last part and conclusion some analytic approach of the problem. Describing the work itself, the paper is focused on the energy sector, specifically oil & gas. Under a myriad of reasons, the object was chosen first because during the beginning of the last decade, under Fernando Henrique Cardoso term, Petrobras was withdrawn from the National Privatization Program. At the same time, the company went public at the NYSE, enabling the participation of the international financial capital on its composition. More, the giant state-run company, responsible for prospection, refining and distribution of oil and have a huge role on the Brazilian nationalist imaginary, both by left and right wing nationalists. Since its founding during the 1950s, the company was used as instrument to force industrialization cycles in Brazil. Moreover, Petrobras has a strong support to remain as a public enterprise. Although these motivations has some importance, the main reason for selecting this object of analysis remains on the fact that since 2016 rumors that Petrobras could be privatized. In fact, although prohibited by law, the company is being slowly sold. After the discovery of 38 billion of deep sea (pré-sal) oil barrels on the Brazilian shore and as the technology for its prospection got economically viable it became extremely interesting for foreign oil companies, the financial sector and the US government. Further, the corruption investigation known as Lava-Jato (Operation Car Wash) is seen by a few as a process to destroy national interest on the oil & gas sector, attending to the USA political agenda for the region. Finally, the paper is dived in 3 parts. The first part brings a summary of the Brazilian constitutional framework of the sector and a brief historical reconstitution on the subject. The second part analyzes the economic policies for the energy sector after the promulgation of the 1988 Constitution. After, the paper demonstrates the opposition between the constitutional frame and the economic policies that has been implemented. Last, the third part tries to point some of the reasons that may have led to a constitutional dead letter.

Mots-Clés: privatization, oil company, national interest

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