

The Food And Nutrition Security At Risk In Brazil

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Abstract: This article approaches the Food and Nutrition Security (FNS) as a universal human right and, therefore, as an essential element to fulfil human dignity. Concerns about hunger and adequate nourishment in the international organization scope had only begun after the Second World War, since pacts and declarations to hold the human right to food have emerged. In this paper, we sought to analyze the existence of threatening aspects to the current FNS situation in Brazil, related to governmental policies. Regarding FNS as a public policy, it is worthwhile to point out the Brazilian engagement in the international scenario, as well as the approval of the Food and Nutrition Security Organic Law (LOSAN), Law number 11.346/2006. Currently, a relevant part of that law has been repealed, configuring a risk to the Food and Nutrition Security in Brazil, along with the clearance of many agrochemicals, and also the harmful soil and water effects resulting of dam mining disasters. This analysis was based on national and international legislations, on relevant news published in 2018 and 2019 by the Food and Agriculture Organization of the United Nations and on books, thesis and articles related to the theme.

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I. INTRODUCTION

In the contemporary world, ancient problems persist, as the lack of housing, education, health, food and others related to the basic human needs. Among these, it stands out the adequate nourishment – an existential human need, currently considered as a human right, that must be within the appropriate amount, quality and regularly available, preventing starvation and extreme poverty.

The Food and Nutrition Security – FNS worries about the accomplishment of this right to all people regarding the regular and permanent access and this is a matter of national and international attention. The civil society and the government had an active engagement on the legislation compilation regarding the subject, although, in the present-day, this theme deserves warnings and questionings, as: Are the existing public policies in the country in accordance with the legal specifications of FNS? Among the administrative governmental measures, is FNS at any risk?

The present article is about food and nutrition security and aims to analyze the existence of threatening aspects in the current situation of FNS in Brazil, regarding administrative measures from the Government. This study is divided in three parts: the first one refers to the appropriate nourishment right focusing on the lack of food, which puts the human existence in immediate danger; the second part presents a brief history of FNS; and the last part sets out the FNS situation in Brazil, as well as the recent administrative measures from the Government.

It is important to reinforce that this analysis is grounded on the Brazilian legislation, on the publication of recent and relevant news regarding the present subject in 2018 and 2019, on the Food and Agriculture Organization of the United Nations (FAO), in some of many international legislations published by the United Nations and also on books, thesis and articles related to the theme.

II. FOOD AND NUTRITION SECURITY IS SOCIAL JUSTICE

Nourishment and Hunger – A daily Confrontation

Firstly, it is important to refer to the adequate nourishment as a human right and its transgression, which is hunger. According to Negreiros³⁹, “despite the extraordinary scientific and technological progress, the modern civilization hasn’t overcome the hunger drama”.

Food as a human necessity was only recognized a human right since the Second World War, with the Universal Declaration of Human Rights (UDHR) by the United Nations, in 1948, which represented an achievement for mankind and the expression of a compassionate and pacific desire of a society opposed to violence. The UDHR represented the legal materialization of the rejection of atrocities committed by the

European nazi-fascism and a compensation with the internationalization of human rights, which stood as a highlighted position in the international community interests as of a concept of universal values.

The UDHR proclaimed the called civil and political rights (Articles II and XXI), as well as the well-known economic, social and cultural rights (Articles XXII to XXVIII), which represented an enormous driving strength to the emergence of this new culture of rights. These are considered essential to guarantee the minimum rules of limitation of the forces of the State in relation to its compatriots and to the establishment of countless demands of positive benefits, therefore reinforcing the equality in a Constitutional State¹³.

Taking actions from the UDHR started an important expansion, protection and promotion of the human rights, establishing the basic terms that drive the affirmation and interpretation of human rights, as it can be looked into in the Article XXV of the UDHR:

Article XXV

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control³³.

Among the human rights listed in the Article XXV of the UDHR is the food, which in fact was greatly relevant since the right to nourishment became a universal human right, mainly to developing countries.

It is important to point out that, in Brazil, the food became source of concern during the 30's, but only to the undernourished and restricted to the scholar environment, as assures Aragão¹:

In reality, the creation of the Scholar Meal Campaign (1955) delimitation does not match the initial development of the Scholar Food Policy in Brazil, which had already been processed since 1930. The discussions about feeding practices at school started off, since that time, based on the concept that the Brazilians were undernourished because, once they were poorly educated, they didn't know how to feed themselves, in the qualitative sense of the term.

Food as a right of every Brazilian citizen is recent. Although the elaboration of the Federal Constitution of 1988-FC/88, also denominated the citizen constitution, comes from a National Constitutional Assembly in 1987, in which there was an intense popular engagement, and fundamental rights have been guaranteed in several scopes, food wasn't a part of these discussions. Consequently, it was not supported by the Federal Constitution in its promulgation year. Only in 2010, with the Constitutional Amendment 064/2010, the right to food figured between the individual and collective social rights, featuring as a fundamental right on the 6th Article. Currently, after one more alteration, the Constitutional Amendment 090/2011, which also inserted the transportation as a social right, on the 6th Article, presents the following text:

Article 6. Education, health, food, work, housing, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute are social rights, as set forth by this Constitution⁸.

It is interesting to observe that food is part of Brazilian education when we glimpse the nourishing inserted on the subparagraph VII from the Article 208 of the Federal Constitution of 1988:

Article 208. The duty of the State towards education shall be fulfilled by ensuring the following:

I - mandatory basic education, free of charge, for every individual from the age of 4 (four) through the age of 17 (seventeen), including the assurance of its free offer to all those who did not have access to it at the proper age;
VII - assistance to students in all grades of basic education, by means of supplementary programmes providing school materials, transportation, food, and health care⁷.

Therefore, nourishing in Brazil is assured by the FC/88 under two angles. The first, figuring a right of every Brazilian citizen, according to Article 6, as a social right; the second one, as a right assured to every student from basic education of the public system. The latter, although restricted, carries relevance, since it is inserted in the national food policy, and thus, sheltered by a specific legislation exactly because food is a part of the Brazilian education, and it is mandatory and free.

To understand the security of food as a right journey, it is worthwhile to retake the subject in the international scope. The International Covenant on Economic, Social and Cultural Rights (ICESCR), from 1966, which came into force in Brazil through the Decree number 591, from June 6 of 1992, referring in its preamble to the ideals of a free human being, released from fear and poverty and the necessity of creating conditions so everyone can enjoy the economic, social, cultural, civil and political rights⁹. Therefore, the human right to an adequate nourishment (DHAA) has been recognized, in an international scope, by the International Covenant on Economic, Social and Cultural Rights that, in its Article 11, refers to the fundamental right of every person to be protected against hunger:

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

There is a dichotomy between nourishing/hunger in which, currently, the second overlaps the first. About this contrast, Bezerra⁴ stands correctly by stating: "Discussing food/nourishing implies considering another inseparable category from the eating action itself, clearly when it refers to the poorest portion of the population: the hunger". Unquestionably, hunger reflects a global reality, a concern that figures in food and nutrition security since its emergence.

The affirmation of a protection against hunger is due to its constant presence since the blight of the war, or yet due to situations derived from huge diseases outbreaks. In the years 1315 to 1317, hunger and the bubonic plague spread in Europe, mostly after the Hundred Year's War (1337-1453).

Hunger arises, still, from environmental conditions, as the Brazilian northeastern countryside. Regarding this subject, Castro²² states:

About the studies in this field – the northeastern countryside – we are going to face a new type of hunger, entirely different. Not a hunger permanently acting out anymore, conditioned by habits of a daily life, but presenting itself from time to time through epidemic breakouts. Great hunger outbreaks emerge with drought, cyclically interspersed among relatively generous periods, which describes the countryside man's life during regular periods.

In addition to the causes of hunger in the world, in January 15 of 2019, in Santiago - Chile, Graziano da Silva, General Director of FAO, mentioned that, in a global level, the main causes of hunger are the armed conflicts and the climate impacts: "Today, 60 percent of people who are hungry are in countries affected by conflicts and 40 percent are in countries that have suffered from drought, one of the most devastating phenomena for production"²⁴.

Other sources also contribute to hunger, like the food distribution deficiency, waste, poverty and food insecurity.

Waste is a very contributing factor to reduce the local and global food availability and raise the price to consumers. Moreover, the losses and wastes cause a negative effect on the environment, indicating the non-sustainable use of natural resources. Raúl Osvaldo Benítez, local nominee of FAO²⁷ states about waste:

In a global scale, between a quarter and a third of foods yearly produced for human consumption gets lost or wasted. It is equivalent to around 1.300 billion tons of food, which includes 30% of cereals, between 40% and 50% of roots, fruits, greenery and oilseeds, 20% of meat and milky products and 35% of fish. The FAO calculates that these foods would be enough to feed two billion people.

According to the data in the document entitled *Panorama of Food and Nutrition Security in Latin America and the Caribbean 2018*, there was a serious raise in food insecurity regarding the three year gap 2015-17 in Latin America, where 7,9% of the population faces extreme food insecurity, that is to say, 47,1 million people, almost 5 million more than the previous three year gap²⁶.

For hunger, a synonym of lack of nourishment, food deficiency²³, there is no simple cause. As a problem, hunger exists in the daily life of people who continuously do not have access to the sufficient amount of calories to fulfil their daily energy needs. According to disclosed data, the Food and Agriculture Organization (FAO) announced for the third consecutive year that the number of people in the world who suffers from hunger has increased, reaching about 821 million of people. That is to say that one in every nine people was affected by hunger in 2017, a raise of 17 million compared with the previous year²⁵.

Despite substantial progress reached in reducing hunger and undernourishing in the past 25 years, the malnutrition in every way currently affects one out of three people in the world, and 821 million of people starve daily.

In 2012, hunger was a concern of the Rio+20 United Nations Conference, whose negotiations culminated, in September 2015, in the establishing of 17 Sustainable Development Goals (SDGs) in occasion of the United Nations Sustainable Development Summit. These goals must drive the national policies and international cooperation activities for the next fifteen years, following and updating the Millennium Development Goals (MDGs). Among the 17 Sustainable Development Goals (SDGs), figures the goal 2: "End hunger, achieve food security and improved nutrition and promote sustainable agriculture"¹¹.

Brazil has participating actively and shown a great representation along all the intergovernmental sessions until reach the 17 Goals and 169 Targets deal, which involves several issues, as poverty eradication, food and agriculture security, health, education, gender equality, reduced inequalities, energy, water and

sanitation, sustainable production and consumption patterns, climate change, sustainable cities, sustainable protection and use of oceans and terrestrial ecosystems, inclusive economic growth, infrastructure and industrialization, governance, and means of implementation.

In addition to the debates about nourishing, it's worthwhile to point out that Brazil hosted the first Conference on Environment and Development (Rio 92), as well as the Rio+20 Conference in 2012, which also took place in Rio de Janeiro city and also played an important role at the MDGs implementation.

In São Paulo, on March 20 of 2019, the *SDG Investment Forum* took place – the first in the world about investing in sustainable goals from the UN, in which the companies and investors gathered with government representatives to discuss the private sector mechanisms to mobilize investments on behalf of the UN's Sustainable Development Goals. Over 140 representatives from the corporative business, public sector, civil society and academy attended, and the UN's agenda was highlighted as a business opportunity³⁷.

Therefore, all these appointments that the several nation representatives take on, when turned into documents, are closely connected to issues of interest to all mankind, towards human survival, as the nourishing situation, the hunger fight and the food security.

It is important to point out that the continuous commitment of Goal 2 from the CDGs, besides ending hunger, mentions reaching food security. In fact, there is an intimate relation between these two topics. The hunger fight is one of the sources that guarantees nourishment, and both were covered in this topic. The food security will be the next matter to be approached.

The Food and Nutritional Security – Everyone's Duty

The food security became a concern of the international scenario after the First and Second World War (1914 – 1918; 1939 – 1945) when European countries were tormented by the impossibility of producing food.

The concept of food security emphasizes issues as quantity, quality and regularity of the safe food access. The latter involves its production, trading and distribution. Regarding these aspects, Teixeira⁴⁵ states:

Between the 1980 and 1990 decades, new aspects were incorporated to the food security, including the notion of safe food (not physically, biologically or chemically contaminated), high quality food (nutritional, biological, sanitary and technological), sustainably produced and respecting the cultural diversity and access to information. The food security, regarding quantity, refers to person's access to the food in the sufficient amount to fulfil the nutritional requirements capable of promoting health meeting the cultural diversity, and to be environmentally, culturally, economically and socially sustainable.

The food quality relates to the hygienic-sanitary and sensory aspect. It means that the food must be in adequate consumption conditions regarding physical, biological and chemical contamination, with no decomposition issues or referring to the expiration date, evoking feeling of pleasure in the act of eating and by its alluring appearance.

On the international scope, during the World Food Summit in 1996, in Rome, it was established the Rome Declaration on World Food Security and the Plan of Action, which set the basis to reach a common goal: food security on a individual, familiar, national, local and global level. According to these documents, 'There is food security when people have, at all moments, physical e economic access to safe and nutritive food, enough to satisfy their dietetic needs and nutrition preferences, in order to take and active and sound life'³⁶.

These instruments had the purpose of reaching food security to everyone, through a permanent effort and common and national commitment of the engaging countries of the Word Food Summit to eradicate hunger in all countries, with the immediate goal of reducing, to half of its current level, the number of undernourished people until the year 2015.

The Rome Declaration and the Plan of Action of the World Food Summit established seven commitments that delimited the right to an adequate nourishment multiple characteristics in every country, that, according to its conditions, must adapt schemes to obtains reach their own goals and cooperate together, at the local and international plan, in the organization of collective solutions of global problems of food security³⁶.

In the year of 1999, an important document, entitled General Comment 12, was elaborated by the UN Economic, Social and Cultural Rights Committee (OHCHR) as of a request from the States Member during the World Food Summit in 1996. This document aimed a more accurate definition of rights regarding the nourishing topic on Article 11 of the International Covenant on Economic, Social and Cultural Rights, and still, the Committee to devote attention to the specific measures on Article 11 of the Covenant on monitoring the World Food Summit Plan of Action³⁶.

The item 7 of the General Comment 12 mentions the meaning of the word "adequate" as being partially conditioned to the social, economic, cultural, climate, ecological conditions, among others. It stills states that the "sustainability embraces the notion of availability and accessibility in a long-term"³⁵.

Regarding the rights related to nourishment, the document brings:

4. The Committee affirms that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of

Human Rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all³⁵.

The General Comment 12 became a reference to the human rights organizations and a guide to an entire international community due to the fact that this document points out the relevance of “the right to an adequate nourishment, as any other human right, imposes three types or levels of duties to the State members. The obligation of respecting, protecting and accomplishing the right”³⁵. It imposes that every State member adopts ensuring measures to free their population from hunger so they can enjoy the right to an adequate nourishment.

This adequate nourishment, a right to every human and opposed to hunger, when offered to students of basic education by the Brazilian Government during school days in the academic area, is a very debated theme, closely to other related and relevant topics, by some authors below:

Table 1: Some authors’ approaches regarding scholar nutrition and other related topics

Subject	Author	Feature
Scholar nutrition definition	SILVA et al, 2017 ⁴⁴	States the term “scholar nutrition” as the set of meals granted by the Scholar Nutrition National Program (PNAE), integrating a significant nutritional practice of basic education in public schools. “The act of eating at school is conducted along with other practices that integrate the scholar environment, configuring experiences and processes that influence kids and teens nutritional habits and identities construction.” (SILVA et al, 2017, p. 2)
Family agriculture	BACCARIN et al, 2017 ²	Suggests the combination of the mandatory acquisition of 30% foodstuffs from PNAE resulting from family agriculture with other programs, as the Food Acquisition Program (PAA) and fairs, aiming to benefit a greater number of agricultures and to represent a municipal public policy guideline. It would be an improvement of the legislation and its implementation, intending a higher social range.(BACCARIN et al, 2017, p. 120)
Social Control – Scholar Nutrition Council	GABRIEL et al, 2013 ³⁰	Highlights the indispensability of a joined action among the counselors of the Scholar Nutrition Council (CAE), the nutritionist, the education and health professionals and other members of the school community. Such performers are considered substantial agents on encouraging students to pursuit a healthy food practice, as a mean of guaranteeing the food and nutrition security. (GABRIEL et al, 2013, p. 977)
Nutriton and Food Education	FERNANDES et al, 2014 ²⁸	The encouraging actions towards a scholar nutrition – which are also food and nutrition education actions – are classified in two categories. The first are the daily actions, increasing the amount and variety of vegetables, serving a varied diet, offering the student all the foods, regardless acceptance, encouraging the consume. The second are planned actions – educational activities elaborated focusing on the nutritional education. (FERNANDES et al, 2014, p. 44)

Source: Updated research sources compilation.

The subjects approached above are closely related to food security. The Scholar Nutrition Program (PNAE) “is an important strategy to promote a healthy nutrition”⁴¹, it encourages the inequalities reduction and promotes the opportunity of an alliance in promoting health with an environmental, social, economic and cultural sustainability, contributes to the local development and it still favors the food and nutrition educational actions.

The Food And Nutrition Security In Brazil And Its Connection With Public Policies

A recognized democratic nation foresees the Food and Nutrition Security – FNS – as a right inserted in the fundamental rights and guarantees, since it is indispensable to a citizenship formation. A developed nation ensures FNS to all its population, who will, therefore, exercise their freedom as citizens.

In Brazil, the legislation that handles the Food and Nutrition Security – FNS originates from a wide fight of civil society regarding this legal support to become a State’s obligation and to be effective. Among the relevant legislations and events, we point out:

Table 2: Distribution, by period, of relevant events and legislations of FNS

Year	Event	Goal
1986	I Food and Nutrition National Conference	Incorporate the concept of nourishment as a citizen right and insert the human right to food in the Brazilian legal planning.
1993	Creation of the Food and Nutrition Security National Council (CONSEA)	Advise the Federal President and promote the government’s articulation and the organized civil society.
1994	I Food and Nutrition Security National Conference (ICNSAN)	Consolidate the concept of food security and elaborate a document with the participation of many sectors of society worried about hunger.
1995	CONSEA Extinction	Interrupt the institutional policy construction of FNS and replace CONSEA by the Solidary Community Council.
1999	Approval of the Food and Nutrition National Policy (PNAN)	Guarantee the quality of the food available for consumption in Brazil and promote healthy nutrition practices, prevent and control nutritional disturbs and encourage intersectoral actions of the universal access to food.
2003	Beginning of ZERO HUNGER Strategy	Ensure the Human Right to Adequate Food to the underprivileged people.
2003	CONSEA Reimplementation	Stimulate and expand the debate regarding FNS and elaborate an Organic Law Project proposal for FNS.
2004	II Food and Nutrition Security National Conference	Propose the guidelines to a Food and Nutrition Security National Plan - PLANSAN (period from 2004 to 2007) and evaluate experiences regarding food and nutrition security in Brazil.
2006	Food and Nutrition Security Organic Law - LOSAN, Law number 11.346/2006	Create the Food and Nutrition Security National System (SISAN) and establish the basis to the Food and Nutrition Security National Plan (PLANSAN).
2007	Creation of the Food and Nutrition Security Interministerial Chamber - CAISAN	Promote the articulation and integration of public administration bodies and entities related to FNS.
2007	III Food and Nutrition Security National Conference	Elaborate the Food and Nutrition Security National System (SISAN).
2010	Inclusion of the Human Right to Adequate Food in the Federal Constitution	Add the right to food as a social right, on article 6 of the Federal Constitution of 1988.
2011	IV Food and Nutrition Security National Conference	Implement the human right to adequate and healthy food and enable the nutrition sovereignty through the implementation of the Food and Nutrition Security National Policy and System (SISAN)
2015	V Food and Nutrition Security National Conference	Expand and consolidate the implementation of nutrition sovereignty, ensuring the Human Right to Adequate Food, the

		social engagement and intersectoral management at SISAN.
2019	CONSEA Extinction	Abolish an instrument responsible for the definition of public policies oriented to ensure the human right to adequate food.

SOURCE: Personal compilation based on research sources BRASIL (1995)¹⁴, BRASIL (2003)¹⁵, SANTOS (2005)⁴³, BRASIL (2007)¹⁶, BRASIL (2010)⁸, BRASIL (2011)¹⁷, BRASIL (2013)¹², BRASIL (2015)¹⁷, BRASIL (2019b)¹¹, NASCIMENTO (2010)³⁸, PINHEIRO (2008)⁴² e TEIXEIRA (2017)⁴⁵.

FNS as part of Government plans is not remote, on the contrary, it is quite recent, but initially connected to the food offer³.

In 1985, the expression “food security” emerged due to the prediction of a Nutrition Security National Policy, from the Ministry of Agriculture, whose objective was to meet the population’s nutrition needs and reach national self-sufficiency in food production¹⁹.

Combined to the Food Security policy proposal, there was also the creation of Food Security National Council, headed by the Federal President and composed of State Ministers and civil society representatives¹⁹.

With the purpose of combating hunger and poverty, the Food Security National Council (CONSEA) was created, through the Decree number 807, in April 22 of 1993, by the Government ruled by President Itamar Franco, constituted of the articulation of institutions, bodies and social agents from several administration levels²⁰.

In 1994, the I Food Security National Conference took place, as a CONSEA and “Citizenship Action against hunger, poverty and pro-life” movement initiative, headed by the sociologist Herbert de Souza, as known as Betinho⁴⁵.

Brasil¹⁹ states that, in the year 2003, the beginning of Luiz Inácio Lula da Silva Government took over social commitments, seeking for a turnaround. That provoked effects on Brazilian’s foreign policy, since this government elected the hunger fight and the social development as the Brazilian fights on the international scenario.

The Zero Hunger strategy was a commitment accepted by the President at the time, Lula, that every Brazilian should have access to at least 3 (three) daily meals. For the first time in Brazil, a government organized a strategy of political articulations among many Ministries to eradicate hunger. Such strategy attacked the structural causes of hunger and helped guarantee the FNS and the poverty combat, through social inclusion, and the possibility of a citizenship right to the underprivileged part of the population⁴⁵. As of this strategy, many laws and social programs emerged.

It is important to point out that, in 2003, the Federal Government took over the commitment entirely directed towards the construction of the Food and Nutrition Security (FNS) agenda as a State policy, in a wide intersectoral process with the civil society engagement, defining legal and institutional milestones of this agenda – as the Food and Nutrition Security National System (SISAN) in 2006; the recreation of the Food and Nutrition Security national Council (CONSEA); the installment of the Food and Nutrition Security Intersectoral Chamber (CAISAN); and the elaboration of the Food and Nutrition Security National Plan (PLANSAN 2012/2015).

In 2006, the Food and Nutrition Security National Organic Law – LOSAN (Law n. 11.346, of September 15, 2006), which instituted the SISAN with the purpose of guaranteeing the Human Right to Adequate Food (DHAA). SISAN ensured many legal and institutional progresses while the responsible structure for implementing and managing the Food and Nutrition Security National Policy in a federal, statewide and municipal scope. For this, the public power must take over the necessary policies and actions to promote and guarantee the food and nutrition security of the population¹⁰.

The SISAN – CAISAN, the CONSEA and the Food and Nutrition Security Conferences instances – were programed to work on a National scope and all the federative units to have CAISAN, CONSEA. Every federative unit was responsible for elaborating its own Food and Nutrition Security State Plan¹⁰.

The concept of Food and Nutrition Security – FNS is anticipated on article 2 of LOSAN, which states:

Article 3. The food and nutrition security consists on the accomplishment of everyone’s right to regular and permanent access to quality food, in sufficient amount, without jeopardizing the access to other essential needs, having nourishing practices that promote health as basis, that respect the cultural diversity and that are environmentally, culturally, economically and socially sustainable¹⁰.

The food and nutrition security also covers relevant programs to strengthen the access to food and the local and sustainable development, as the Food Acquisition Program (PAA) and the National Scholar Food Program (PNAE), that demand the minimum acquisition of 30% of foodstuffs derived from family agriculture. The PAA – Law n. 10.696, from July 2nd of 2003, later changed by the Decree n. 8.473/2015 – is one of the public policies that aims the hunger and poverty combat with the acquisition of foodstuffs, as of any federal government body responsibility. The PNAE – law n. 11.947/2009 – is a scholar nutrition policy, existing for

over half a century in the country, which promotes the basic education students' access to a healthy nourishment during the school year²¹.

In these programs it is noticeable the intention of promoting the access and the quality of the food, its permanence, sustainability and local development, intrinsic characteristics of family agriculture products, combating both hunger and rural exodus. These laws seek to promote the access to the necessary quality, quantity and regularity of food for individuals facing food and nutrition insecurity; stimulate the family agriculture, providing economic and social inclusion, increasing the sustainable production and income; and boost the consumption and appreciation of food originating from family agriculture.

Currently, the Federal President Jair Bolsonaro, in his first day of government, through the Temporary Measure n. 870, on January 1st of 2019, extinguished the CONSEA. Such device establishes the basic organization of the Presidency bodies and the new government Ministries²⁰.

As fighting hunger and poverty were priorities at Lula's Government, the CONSEA was recreated in 2003, becoming part of the Federal Presidency Cabinet, whose patron was Josué de Castro, an important Brazilian activist in the hunger fight and president of FAO between 1952 and 1956.

CONSEA consists an instrument of articulation between the government and the civil society, of consulting aspect, responsible for proposing guidelines for actions in the food and nutrition field. The main attribution of the Council was to orient the Federal Presidency regarding the proposal and definition of public policies oriented to guarantee the human right to adequate food. Moreover, CONSEA was one of SISAN instances, that, in order to work properly, needs the CAISAN, CONSEA and Food and Nutrition Security Conferences tripod. The extinction of CONSEA blocks the SISAN operation and disorganizes entirely the system set on the Law 11.346/2006.

As a governmental body, it occupied an institutional space for social control and engagement regarding the formulation, monitoring and evaluation of public policies of food and nutrition security, aiming to promote the progressive accomplishment of the Human Right to Adequate Food. It is important to mention that the Council presents the attribution of establishing permanent articulation mechanisms with the bodies and analogous entities of food and nutrition security in the States, in the Federal District and Municipalities, in order to promote the dialogue in accordance with the integrating actions of SISAN.

The Temporary Measure n. 870/2019 transferred the food and nutrition security national policy responsibility to the Citizenship Ministry and revoked part of the Law n. 11.346, from September 15 of 2006, specifically the subparagraph II of article 11, which states the CONSEA and its attributions⁵.

The Temporary Measure (TM), according to the article 62 of the Federal Constitution/1988, is an instrument of the legislative process that acts as a law, taken by the Federal President in cases of relevance and urgency. Its legal effects are instant, but it depends on the National Congress approval to become permanently a law. It's applicable for sixty days that can be extended once for the same period. In case it's not approved within 45 days as of its publication, the TM blocks the voting agenda of the responsible entity (Chamber or Senate) until it is finally voted. In this case, the Chamber can only vote some types of proposals in extraordinary sections⁷.

The Citizens Right Federal Attorney (PFDC), on February 19 of 2019, forwarded to the General Attorney of the Republic, Raquel Dodge, a representation requesting evaluation regarding the possibility of sending the Federal Supreme Court (STF) a proposal of a direct action of unconstitutionality of the devices related to the CONSEA extinction, from the TM n. 870/2019. For involving every human basic needs, the PFDC also forwarded to a STF analysis a precautionary action that allows the immediate suspension effects of the TM regarding the CONSEA extinction. The PFDC considers the CONSEA extinction inconsistent with one of the Federal Constitution principles, which ensures the right to adequate food, consisting article 6 alongside with the subparagraph III of article 3, which states "eradicate hunger and marginalization and reduce social and local inequalities" – one of the fundamental goals of the Federative Republic of Brazil²⁰.

The Citizens Right Federal Attorney (PFDC) emphasizes that there has been a significant increase of the number of people in extreme poverty, resulting of the reduction of governmental programs oriented to the hunger fight and income transfer, the elimination of social benefits and the worsening of a political and economic crisis in the country. Only between 2014 and 2017, this number increased around 5,2 million to approximately 11,8 million of Brazilians. The PFDC still acknowledges internationally the SISAN and, specifically, the CONSEA as one of the main sectors, in the Federal Government, that contributed to the rethrow of Brazil, in 2014, from the World Hunger Map²⁰.

According to the Chamber of Deputies website, the last procedure of the TM 870/2019, that happened on June 3rd of 2019, after many modifications, among them the return of CONSEA existence, was sent to presidential sanction⁵. Therefore, after almost six months of extinction – affected by popular manifestations, the CONSEA has its existence ensured by the congressmen, leading the definition of the impasse to the Federal President.

Another risk to the food and nutrition security is the increasing release of agrochemicals by the running Federal Government. From January 2019 until the current date, 166 new pesticides were released, and the last 12 are new registers published on the Union Official Diary, through the act n. 29, on April 20 of 2019⁶.

The agrochemicals are chemical products used in plantations aiming the combat of harmful factors, as plagues (pesticides), insects (insecticides), fungi (fungicides), mites (acaricides), weeds (herbicides), among others⁴⁶. The agrochemicals, used in large scale at agricultural activities in Brazil, have promoted not only environmental contaminations, as well as human exposure and expanded the risk of intoxication to non-target species, as domestic animals and humans, through the presence of active ingredients, used in veterinary and household sanitizing formulation products. These intoxications occur in several socioenvironmental contexts, and, even in face of preventing measures, as the hygiene of food produced with agrochemicals and a strict use of an individual equipment of protection – EPI, it is unlikely to stop harmful occurrences to human health, once the danger is inherent to agrochemicals and it is impossible to be removed³¹.

Therefore, the use of agrochemicals has brought more dangerous harms to the population's health and to the ecosystems, what rebounds not only in the health of the rural worker, his families and neighbors, through the intake of contaminated food and water, but also affects the family agriculture, and consequently, the food and nutrition security.

Another aspect that puts the food and nutrition security at risk are the consequences left by the mining dams ruptures of Fundão and Brumadinho that occurred recently in Minas Gerais. The dam rupture in Fundão, belonging to Samarco Mineração S/A, resulted in a wave of residual mud that decimated human lives, buried hundreds of fountains, contaminated rivers as the North Gualuxo, Carmo and Doce, destroyed forests, in addition to harm to ichthyofauna, causing fishers to lose their main livelihood³². The disaster of Brumadinho is also related to the exposure of polluting overlapping of residues in the mud, which will remain in the soil, river and sediments²⁹.

Therefore, the disasters of mining dams are complex and dynamic in their various social, economic, environmental, cultural and sanitary processes, whose spatial and temporal limits are diffuse depending on the environmental degradation scenarios, expositions, risks, damages and diseases. Consequently, there is a connection with the food and nutrition security, considering the harmful effects to soil and water, which will interfere in the food production.

All things considered, it is worth to point out that the human dignity principle is one of the Federative Republic of Brazil fundamentals, and its organizations is centered in the human being, not any other indicative⁴⁰, also a basic principle of the Food and Nutrition Security. Therefore, we must await the decisions regarding the process of the TM 870/2019, the reduction on the release of agrochemicals and the effective inspections regarding the safety of mining dams, necessary political actions to promote a human to a decent person.

III. FINAL CONSIDERATIONS

In a Democratic State ruled by law, adequate food is a fundamental right to ensure the dignity and autonomy of the human being. For this reason, the fundamental right to adequate food has been validated on numerous international documents and in many decisive moments of public policies formulation.

This principle is closely related to Food and Nutrition Security, since the adequate food is considered a priority if the human dignity is respected, considering that the citizen who has this guaranteed right, will be free to pursuit other rights. Nourishment promotes freedom.

It is clear that Food and Nutrition Security is not a stalled subject, but part of a net of other interdependent policies and political decisions.

The Brazilian public policies brought legal innovation and are considered contributions to integrate the economic, social and environmental dimension with a sustainable development. All of this is connected to the hunger fight.

Adequate food, hunger combat, family agriculture strengthening and others are important themes to reach an effective food and nutrition security policy. However, these approaches need to be a Government priority and engagement of many sectors of society, non-governmental organizations, several entities and associations that are dedicated to study the subject and to work on planning actions of support to the economically underprivileged communities.

It is important that the Government conceives the social justice as a political guidance, not the opposite, by revoking part of the legislation emerged from social movements, releasing agrochemicals registrations that put at risk the populations' health or not effectively supervising mining companies to prevent environmental disasters, that, more than reaping lives, leave devastating environmental consequences to the population. An established and effective policy, as the Food and Nutrition Security, with CONSEA – which counted on the civil society engagement on governmental decisions and was originated from other movements with international organizations participation – needs to continue a part of the permanent and effective public policies set in a

Democratic Stated ruled by law. After all, the Food and Nutrition Security is a policy associated with the poverty and marginalization eradication and social inequalities reduction, in other words, it seeks social justice.

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