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Access to food and the right to development: Challenges to the realisation of article 8 of the 1986 Declaration in the Brazilian context

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Abstract: *Article 8 of the 1986 Declaration on the Right to Development recommends states to ensure equality of opportunity in access to basic resources, including food, through economic and social reform as well as popular participation. This chapter examines the persistence of hunger in Brazil, despite a normative and institutional framework formally aligned with article 8. Using a qualitative analysis of legal sources, statistics and literature, the chapter interprets article 8 through two dimensions: material (equal access to basic resources and the structural reforms required to achieve it) and procedural (popular participation in policy). The review covers the constitutionalisation of the right to food in Brazil in 2010 and its institutionalisation through the National System of Food and Nutritional Security, as well as other initiatives that expanded access to food. The chapter argues that persistent hunger stems from institutional fragility and the lack of structural reform, rather than normative deficiencies. In its material dimension, agricultural policy geared towards the export of state-subsidised commodities perpetuates land concentration and exposes the domestic food supply to market vulnerabilities. From a procedural standpoint, the abolition of the National Council for Food and Nutritional Security (CONSEA), the principal forum for popular participation in food-related matters, in 2019, and its reinstatement in 2023, demonstrate that participation remains exposed to the volatility of government action. These policy reversals reveal the persistent institutional fragility and the enduring gap between the normative level and reality, particularly as regards the realisation of article 8 of the 1986 Declaration in its dimension of access to food. These policy reversals reveal ongoing institutional fragility and the enduring gap between the normative level and reality, particularly regarding the realisation of article 8 of the 1986 Declaration.*

Résumé : *L'article 8 de la Déclaration de 1986 sur le droit au développement recommande aux États de garantir l'égalité des chances dans l'accès aux ressources de base, y compris l'alimentation, par le biais de réformes économiques et sociales ainsi que de la participation populaire. Ce chapitre examine la persistance de la faim au Brésil, malgré un cadre normatif et institutionnel formellement conforme à l'article 8. À partir d'une analyse qualitative des sources juridiques, des statistiques et de la littérature, ce chapitre interprète l'article 8 selon deux dimensions : matérielle (l'égalité d'accès aux ressources de base et les réformes structurelles nécessaires pour y parvenir) et procédurale (la participation populaire à l'élaboration des politiques). Cette étude porte sur la constitutionnalisation du droit à l'alimentation au Brésil en 2010 et son institutionnalisation par le biais du Système national de sécurité alimentaire et nutritionnelle, ainsi que sur d'autres initiatives visant à élargir l'accès à l'alimentation. Le chapitre soutient que la faim persistante résulte de la fragilité institutionnelle et de l'absence de réformes structurelles, plutôt que de lacunes normatives. Dans sa dimension matérielle, la politique agricole axée sur l'exportation de produits de base subventionnés par l'État perpétue la concentration foncière et expose l'approvisionnement alimentaire national aux vulnérabilités du marché. D'un point de vue procédural, la suppression en 2019 du Conseil national de la sécurité alimentaire et nutritionnelle (CONSEA), principale instance de participation populaire aux questions liées à l'alimentation, puis sa réinstauration en 2023, démontrent que cette participation reste exposée à la volatilité de l'action gouvernementale. Ces revirements politiques révèlent la fragilité institutionnelle persistante et le fossé durable entre le niveau normatif et la réalité, notamment en ce qui concerne la mise en œuvre de l'article 8 de la Déclaration de 1986 dans sa dimension d'accès à l'alimentation. Ces revirements politiques révèlent une fragilité institutionnelle persistante et le fossé durable entre le niveau normatif et la réalité, notamment en ce qui concerne la mise en œuvre de l'article 8 de la Déclaration de 1986.*

Key words: *right to development; right to food; food security; popular participation; Sustainable Development Goal 2*

1 Introduction

Far from being an inevitable outcome of misfortune, hunger is the result of specific social, economic and political arrangements. This view considers food deprivation as a question of rights. This shift is reflected in article 8 of the United Nations (UN) General Assembly's Declaration on the Right to Development, adopted in 1986 (DRtD), which lists food among the basic resources to which states must ensure equal access. Although Brazil has established an extensive legal and institutional framework to meet these obligations, food insecurity has persisted and varied over the years. This ongoing tension forms the basis of the present inquiry.

While article 8 of the DRtD encompasses a broad range of social and economic conditions necessary for the right to development, requiring states to ensure equality of opportunity in access to basic resources, education, health services, food, housing, employment and the fair distribution of income, this chapter focuses specifically on food and the right to food. Food constitutes the primary biological and material prerequisite for human survival, without which the other elements listed in the provision cannot effectively be enjoyed. Moreover, food reveals a stark paradox in the Brazilian context, where a global agrarian powerhouse continues to face persistent hunger and food insecurity.

Consequently, the research problem concerns why hunger persists in Brazil despite the existence of a normative and institutional framework formally aligned with article 8 of the DRtD. The general objective is to analyse the factors that account for the persistence of hunger in the country notwithstanding that formal alignment. Three specific objectives follow: first, to examine the evolution of the right to development and the normative content of article 8, with emphasis on food as an element indispensable to the realisation of that right; second, to describe the constitutionalisation and institutionalisation of the right to food in Brazil and its convergence with the right to development; and, third, to identify obstacles to the realisation of article 8 in the Brazilian context, including those arising from contradictions in the economic model and from the impermanence of food security policies.

The study uses a qualitative approach, applying deductive reasoning and relying on documentary and bibliographic sources, such as international and national legal norms, official statistics and specialised literature.

The hypothesis guiding the work is that the persistence of hunger in Brazil does not stem from a normative gap, but from the fragility of the institutional arrangement designed to give effect to the right to food and from the failure to undertake the structural reforms required by article 8 of the DRtD.

The chapter seeks to contribute to the literature in three ways. First, it brings together two bodies of scholarship usually treated separately, namely, those on the right to food and on the right to development. Second, it proposes reading article 8 through two complementary dimensions, namely, a material dimension, concerned with equal access to basic resources and with the economic and social reforms needed to secure it, and a procedural dimension, concerned with popular participation in decisions on development policy. Third, applying that framework to Brazil, it suggests that the persistence of hunger is better understood in terms of institutional fragility and of an agricultural policy oriented towards commodity exports than in terms of an absence of legal norms.

Following this introduction, the chapter is structured into four main parts. The following part examines access to food as a pillar of the right to development. Part 3 considers the Brazilian normative framework on the right to food and its convergence with the right to development. The fourth part addresses the recent challenges and setbacks that these rights have encountered in the Brazilian legal landscape. Finally, part 5 offers concluding thoughts.

2 Access to food as an element indispensable to the right to development

The recognition of development as a human right emerged from a widening of the meaning attached to that term within the United Nations (UN). In the years after World War II, development was claimed by African and Asian states as a right to overcome the economic dependence inherited from colonial administration,[1] conceptually

1 CC Ngang & SD Kamga 'Poverty eradication through global partnerships and the question of the right to development under international law' (2017) 47 *Africa Insight* 40.

aligned with the right to self-determination[2] and situated, therefore, within international economic law. From the 1970s and 1980s onwards, the notion was progressively broadened to take in the social, cultural and political dimensions, as the human person began to displace states and their interests, formerly the only addressees of international law, through the growing centrality of international human rights law.

In that vein, Resolutions 4 of 1977 and 34/46 of 1979 of the Commission on Human Rights and the General Assembly paved the way for the principal international instrument on the subject, the Declaration on the Right to Development of 1986 (DRtD).[3] The Declaration structures the right to development (RtD) around three axes: It is an inalienable human right; it presupposes a process of economic, social, cultural and political development in which all other human rights may be fully realised; and it confers on every person and every people the prerogative to take part in that process, to contribute to it and to enjoy its results.[4] It is therefore at once an individual and a collective right, one that affirms the self-determination of peoples and permanent sovereignty over their wealth and natural resources.[5]

Alongside that construction, the environmental agenda at that time was consolidating within the UN and was at first perceived as a competitor to the developmental claims of the Global South. It did not take long, however, for the convergence of the two programmes to redefine the priorities of the RtD, now framed as a demand for social justice in the global economy and recast through the debates on sustainable and equitable development.[6] From the Brundtland Report (1987) and, above all, from the Rio Declaration on Environment and Development (1992), whose Principle 3 conditions the exercise of the right to development on the equitable satisfaction of the needs of present and future generations, the RtD came to be read as a right to sustainable development.

2 NJ Udombana 'The Third World and the right to development: Agenda for the next millennium' (2000) 22 *Human Rights Quarterly* 769-770.
3 FG Isa *El derecho al desarrollo: entre la justicia y la solidaridad* (2003) 20.
4 AK Sengupta 'Conceptualizing the right to development for the twenty-first century' in United Nations (ed) *Realizing the right to development* (2013) 68.
5 SD Kamga *The right to development in the African human rights system* (2018) 13.
6 S Fukuda-Parr 'The right to development: Reframing a new discourse for the twenty-first century' (2012) 79 *Social Research* 858.

In the wake of that revisited concept, Olsson and Salles hold that the 2030 Agenda for Sustainable Development, adopted in 2015, 'inaugurates a new phase in the understanding of development at the international level, now singularly sustainable and multidimensional' and 'takes a decisive step towards the very affirmation of the human right to development declared in 1986'.[7] The Sustainable Development Goals (SDGs) express, in the language of international public policy, states' intention to honour, individually and collectively, the commitments assumed in the DRtD, and they serve as a roadmap for giving that right concrete form.[8] The formulation of the SDGs is informed, among other instruments, by the 1986 Declaration, and so ties human rights to international development.[9]

Within the scope of the 2030 Agenda, SDG 2 aims to end hunger, achieve food security and promote sustainable agriculture. As an instrument for operationalising the RtD, that goal serves as an itinerary for fulfilling article 8 of the DRtD with respect to access to food.

Under article 8, states are to undertake, at the national level, 'all necessary measures for the realisation of the right to development' and to ensure, among other things, 'equality of opportunity for all in their access to basic resources, education, health services, *food*, housing, employment and the fair distribution of income'.[10] Alongside safeguarding individual access to certain goods, the provision calls for economic and social reforms that aim for the eradication of all social injustices. It also requires effective measures to guarantee women play an active role in the development process.[11]

Food, therefore, lies at the core of the right to development. Josué de Castro, the Brazilian physician and geographer who chaired the Council of the Food and Agriculture Organisation (FAO) of the UN between 1952 and 1956, had already shown in *Geografia da fome*

7 G Olsson & EBC Salles 'Direito humano a qual desenvolvimento? Uma arqueologia da construção do desenvolvimento sustentável pluridimensional' (2024) 128 *Revista Brasileira de Estudos Políticos* 411 (our translation).

8 M Kanade 'The right to development and the 2030 Agenda for Sustainable Development' in M Kanade & S Puvimanasinghe (eds) *Operationalizing the right to development in implementing the Sustainable Development Goals* (2020) 9.

9 Ngang & Kamga (n 1) 40.

10 Declaration on the Right to Development GA Res 41/128 (4 December 1986) art 8(1) (DRtD) (our emphasis).

11 Declaration on the Right to Development (n 10) art 8(1).

(1946) that hunger is structural in character, political, economic, social and historical.[12] Decades later, Sen would reach a similar conclusion in holding that famines do not follow the absolute unavailability of food, but rather come from the collapse of the entitlements through which food is obtained, that is, from the absence of the means by which a person converts what they own into a meal.[13]

For Sen, these entitlement failures have varied economic causes. Those who do not produce food, or who do not own what they produce, depend on their monetary income and, thereby, on the price of foodstuffs and on the extent of their other expenses, circumstances unevenly distributed across social groups.[14] Food deprivation thus sits on the same plane as the social injustices that article 8 of the DRtD requires states to eradicate.

Article 8 also commends popular participation in all spheres as an important factor in development and in the full realisation of all human rights.[15] It follows that giving effect to the right to development rests on both a material dimension, concerned with the satisfaction of needs, and a procedural dimension, concerned with securing for its addressees an active role in decisions about development policy. As Sen observes, instrumental freedoms of a political nature, such as open discussion and public scrutiny, directly enhance the people's capabilities.[16] In the field of food, that requirement means opening decision making about the food system to those who depend on it.

Seen in this light, article 8 of the 1986 Declaration recommends that states develop an institutional organisation that promotes development in its several dimensions, food among them, and does so in a participatory manner. The argument here is not that the Declaration provided the foundation for Brazilian food legislation, whose acknowledged basis is the human right to adequate food. What is proposed is an examination of the national experience in the light of the requirements of article 8. That examination is organised around the material and procedural dimensions of article 8 identified above. The following part accordingly analyses the correspondence between the constitutionalisation and

12 J de Castro *Geografia da fome: o dilema brasileiro – pão ou aço* (2022) 280.
13 A Sen *Desenvolvimento como liberdade* trans LT Motta (2010) ch 7.
14 Sen (n 13) 184.
15 Declaration on the Right to Development (n 10) art 8(2).
16 Sen (n 13) 49.

institutionalisation of the right to food in Brazil and the realisation of the RtD.

3 The constitutionalisation and institutionalisation of the right to food in Brazil and its convergence with the right to development

General Comment 12 of the UN Committee on Economic, Social and Cultural Rights (ESCR Committee), the conceptual guideline on the right to food within the UN system, recognises that adequate food is indivisibly linked to the dignity of the human person, indispensable to the realisation of other human rights and inseparable from the struggle against extreme poverty. The right is realised when every person enjoys uninterrupted physical and economic access to adequate food or to the means of procuring it.[17]

The content of the right to adequate food, therefore, brings together two principal components: the availability of food in quantity and quality sufficient to satisfy dietary needs, free from harmful substances and acceptable within a given culture; and physical and economic accessibility to that food, in a manner that is sustainable and does not compromise the enjoyment of other human rights.[18] This is the interpretation of article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which affirms the right to adequate food and the right to be free from hunger.[19]

The legal prescription of the human right to food is a consequence of the increase in food injustice, which expands food production for the monetary satisfaction of those who exploit its exchange value while depriving an ever-growing share of the world's population of access to that essential good. The gap between production abundance and satisfaction scarcity makes it necessary to establish rules that correct and reorganise the production and distribution of, and access to, food.[20]

17 ESCR Committee General Comment 12: The right to adequate food (art 11) (1999) 2.
18 General Comment 12 (n 17) 2.
19 International Covenant on Economic, Social and Cultural Rights GA Res 2200A (XXI) (16 December 1966) art 11 (ICESCR).
20 C Derani *Planeta à mesa: direito ambiental econômico e a transformação dos sistemas alimentares* (2025) 102.

In Brazil, food entered the list of social rights in article 6 of the Constitution of the Federative Republic through Constitutional Amendment 64 of 2010.[21] The amendment did not introduce the subject into the constitutional text, since it already appeared there instrumentally, in provisions such as article 7(IV), which counts food among the basic vital needs to be met by the minimum wage.[22] In those and other instances, food appeared as a component of another right or as the object of sectoral policy. The 2010 amendment changed that status by making food an autonomous social right, with its own foundation and belonging to the legal regime of fundamental rights.

In line with the other social rights of article 6, the right to food forms part of a constitutional architecture that defines national development and the eradication of poverty as objectives of the Republic (articles 3(II) and (III)) and binds the economic and financial order to a dignified existence in accordance with the dictates of social justice (article 170)[23] and to sustainable development.[24] On that reading, the reasons for constitutionalising food go well beyond mere assistance to vulnerable segments: Food emerges as an element of a national project that counts development among its aims. There is symmetry, then, with what article 8 of the DRtD requires of states, namely, to couple equal access to basic resources with the reform of economic and social structures.

The institutionalisation of the right to food preceded its constitutionalisation. As early as 2006, Lei 11.346 created the National System of Food and Nutritional Security (SISAN), which was intersectoral and participatory in nature and would prove decisive for the inclusion of food among social rights in 2010. The operating dynamic envisaged for SISAN brings the Brazilian experience close, at least in normative terms, to what the second part of article 8 provides, in obliging states to encourage popular participation for the full realisation of the RtD and of all other human rights.

Within SISAN, the body where social participation takes concrete form is the National Council for Food and Nutritional Security (CONSEA), which advises the President of the Republic directly on

21 Constitutional Amendment 64 of 2010 (introducing food as a social right in art 6 of the Constitution of the Federative Republic of Brazil).
22 Constitution of the Federative Republic of Brazil, 1988 art 7(IV).
23 Constitution (n 22) arts 3(II) & (III) & 170.
24 C Derani *Direito ambiental econômico* (2008) 226.

policy formulation and the definition of guidelines for guaranteeing the right to food. Two-thirds of its members represent civil society and one-third the government, and a civil society representative chairs it, chosen from among peers.[25]

Created in 1993, CONSEA was replaced in 1995 by the Comunidade Solidária Programme, which weakened the focus on food and reflected the growing prominence of neoliberal economic theory at the time.[26] In 2003, the Council was recreated, reflecting the priority that the fight against hunger assumed in the first term of President Luiz Inácio Lula da Silva. During the first decade of the twenty-first century, the work of CONSEA and other SISAN structures proved fundamental to establishing and consolidating the Fome Zero Programme (Zero Hunger Programme). This strategy drove improvements in Brazilian food indicators and promoted human development among the most vulnerable populations.[27]

Fome Zero assembled a set of public policies around four pillars: access to food; strengthening family farming; income generation; and social participation.

Regarding access, the first pillar, the creation of the Food Card Programme and, later, of Bolsa Família stands out; the latter unified pre-existing cash transfers and made the benefit conditional on school attendance and health monitoring. On the productive axis, the Food Acquisition Programme (PAA) deserves mention, directing public procurement to family farming, as does the subsequent requirement that at least 30 per cent of the National School Feeding Programme (PNAE) be sourced from family farmers (Lei 11.947 of 2009). On the structural plane, the Cisterns Programme brought water access to a large area of the Brazilian North-East subject to prolonged drought, treating water as a component of food security itself. As for participation, the national conferences on food and nutritional security were resumed.[28]

25 Lei 11.346 of 2006 (creating the National System of Food and Nutritional Security, SISAN).

26 C Grisa 'Políticas públicas para a agricultura familiar no Brasil: produção e institucionalização das ideias' PhD thesis, Universidade Federal Rural do Rio de Janeiro, 2012 192.

27 FAO, IFAD & WFP 'The state of food insecurity in the world 2014: Strengthening the enabling environment for food security and nutrition' (2014) 23.

28 AV Aranha 'Fome Zero: a construção de uma estratégia de combate à fome no Brasil' in AV Aranha (ed) *Fome Zero: uma história brasileira* (2010) 82.

Fome Zero, in its original conception, was short-lived. It ceased to exist as a unified strategy as early as 2003, although its main programmes remained active. Foremost among them, Bolsa Família established itself as the government's principal social policy.[29] At the same time, CONSEA remained the most prominent channel for civil society participation in the formulation of food security policy.

The arrangement built under Fome Zero, and later under Bolsa Família, transformed the lives of millions by widening access to food, income and basic resources, a development that also contributed to advances in the domestic realisation of the RtD. However, these gains were not accompanied by structural reforms of wider reach. Land concentration and the primacy of export agribusiness over family farming persisted, and the participatory apparatus that sustained food policy proved fragile, as the discontinuation of CONSEA in 2019 would reveal. The following part examines those limits.

4 Challenges to the realisation of article 8 of the 1986 Declaration in the Brazilian context

The report 'The state of food security and nutrition in the world' (SOFI) for 2026 shows that Brazil remains off the UN Hunger Map, as it has since 2025, after an unfavourable hiatus between 2020 and 2022. According to the study, 0,6 per cent of the population, or 1,2 million people, live in conditions of severe food insecurity, while the prevalence of moderate to severe food insecurity stands at 9,6 per cent, representing some 20,3 million people.[30] Although these are the historically lowest levels of food insecurity in Brazil, it is nonetheless clear that the realisation of the right to food remains unfinished business.

National surveys reveal that severe food insecurity falls disproportionately on households headed by women, and more heavily still on those headed by black or mixed-race women.[31] That distribution

29 CG Tomazini & CKS Leite 'Programa Fome Zero e o paradigma da segurança alimentar: ascensão e queda de uma coalizão?' (2016) 24 *Revista de Sociologia e Política* 26.

30 FAO and others 'The state of food security and nutrition in the world 2026: Understanding and addressing the high cost of a healthy diet' (2026).

31 Rede PENSSAN 'Insegurança alimentar e desigualdades de raça/cor da pele e gênero: II VIGISAN – inquérito nacional sobre insegurança alimentar no contexto da pandemia da Covid-19 no Brasil: Suplemento II' (2023).

confirms the structural character of the phenomenon, a pattern also observable in African countries,[32] reproducing the inequalities inherited from the colonial past, from enslavement and from the gendered division of labour, determining who has a place at the table. Those who do not are condemned to the *quarto de despejo*, or the rubbish room of society, a term coined by Carolina Maria de Jesus, a black, female favela resident and chronicler of hunger.[33] It is for no other reason that article 8 of the DRtD ties the overcoming of deprivation to economic and social reform and, expressly, to measures that guarantee women an active role in the development process.

As Josué de Castro has observed, Brazil, a Latin-American country whose history is inescapably marked by colonisation, developed 'its oceanic vocation, exporting all its potential wealth – the wealth of its soil and of its labour – at derisory prices'.[34] It was in the colonial period that land ceased to occupy the central place it had held for indigenous peoples, and instead became a productive base for private owners. Since then, the agrarian question, with its strong repercussions for hunger and access to food, has been organised around the triad of monoculture, latifundium and enslaved labour,[35] a dynamic maintained, and modernised, by the transformations that followed.

Over the second half of the twentieth century, the Green Revolution introduced a new technological standard in agriculture and, with it, opened the Brazilian agricultural market to the large American and European suppliers of inputs. From that point, the country's agriculture underwent a process of technical modernisation that replaced production based on natural resources with production dependent on industrially manufactured inputs, with a view to raising productivity.[36] From the 2000s onwards, the era of so-called conservative modernisation gave way

32 AG Assefa 'The impact of the African Charter on Human and Peoples' Rights and the Protocol on the Rights of Women on the South African judiciary' LLM dissertation, University of the Western Cape, 2011 16-17; RA Ige & CC Ngang 'The right to development: An African feminist view' in CC Ngang, SD Kamga & V Gumede (eds) *Perspectives on the right to development* (2018) 99; R Meena 'Women and sustainable development', http://www.un-ngls.org/orf/documents/publications.en/voices.africa/number5/vfa5.07.htm (accessed 29 July 2026).

33 CM de Jesus *Quarto de despejo: diário de uma favelada* (2014).

34 De Castro (n 12) 287 (our translation).

35 R Traspadini 'Questão agrária e América Latina: breves aportes para um debate urgente' (2018) 9 *Revista Direito e Práxis* 1701-1702.

36 P Niederle & V Wesz *As novas ordens alimentares* (2018) 74-75.

to the agribusiness economy, which remains in place and is characterised by the financialisation of agriculture.[37]

That configuration privileges the cultivation and export of certain agricultural commodities, heavily subsidised by the state, to the benefit of agri-food corporations and to the detriment of the production of quality food for domestic consumption and nutritional security.[38] On this horizon, 'food is merchandise, a commodity in the capitalist system, and in the agribusiness model its price is transacted on the international financial market and not according to the domestic conditions of production'.[39] Understanding food as merchandise tends to fit a linear narrative of economic growth and a productionist view of the food system.[40] In Brazil, the expansion of soya monoculture for export illustrates the point.

In the 2013-2014 harvest, legume farms occupied 30,1 million hectares. Since then, the planted area has expanded across the country to 43,8 million hectares and is projected to reach 55,8 million within the next decade, an increase of 85 per cent over 20 years. Beans, by contrast, a staple of the Brazilian diet, occupied 3,3 million hectares ten years ago and had fallen to 2,7 million hectares by 2024, a decline of 18 per cent. The estimate is that by the end of the decade the area given over to the crop will have shrunk by as much as 48 per cent.[41]

In this context, the role of the state proves fundamental to the consolidation of the agro-export sector. Support is visible, for example, in the approval of mergers and acquisitions, the provision of public finance, tax relief and simplification, the authorisation of pesticides, and the institutional coordination of policies directed at the sector.[42] The

37 GC Delgado *Do 'capital financeiro na agricultura' à economia do agronegócio: mudanças cíclicas em meio século (1965-2012)* (2012) 92.

38 C Derani & MC Scholz 'A injustiça ambiental das externalidades negativas das monoculturas para commodities agrícolas de exportação no Brasil' (2017) 3 *Revista de Direito Agrário e Agroambiental* 1-25; M Santos & V Glass *Atlas do agronegócio: fatos e números sobre as corporações que controlam o que comemos* (2018).

39 CS Luciano & PB Correa 'A fome como projeto político da burguesia antinacional brasileira' (2022) 25 *Revista Katálysis* 480 (our translation).

40 P Jackson and others 'Food as a commodity, human right or common good' (2021) 2 *Nature Food* 132.

41 B Bronoski 'Quem salvará o arroz, o feijão e a mandioca?' *O Joio e O Trigo* 22 January 2024, https://ojoioeotrigo.com.br/2024/01/arroz-o-feijao/ (accessed 9 August 2025).

42 Y Goldfarb & MA Mitidiero 'Agro, um bom negócio para o Brasil?' (2025).

2024-2025 Plano Safra, the main mechanism for promoting Brazilian agriculture, allocated 516 billion reais to agribusiness,[43] against 89 billion to family farming,[44] with the latter responsible for a significant share of the foods that make up the basic food basket.[45]

The emphasis placed on commodities is one of the factors exerting upward pressure on food prices, alongside others such as exchange rate movements, international prices and climate events, since substituting food crops for export monocultures decreases the domestic availability of necessary goods and pushes their prices up.[46] The resulting price rise affects lower-income families most severely, as they spend a greater proportion of their income on food. [47] It is then that the cycle of food inequality is finished: the same system that concentrates land and credit leads to the poorest families experiencing a lack of adequate food.

This mechanism indicates that the agrarian question is not the sole cause of non-compliance with article 8, but rather one of several key failures. As Delgado warns, state prioritisation of export crops in pursuit of higher profit margins subordinates food production to financial logic, leaving domestic supply hostage to the market. Consequently, when external events exert upward pressure on prices, the state-backed agrarian structure prevents buffer mechanisms from functioning, thereby reinforcing deprivations and exposing vulnerable populations to food insecurity.[48]

In light of the material dimension of article 8 of the DRtD, this picture shows that the measures adopted by the Brazilian state, however significant, have not amounted to the economic and social reforms on which, under that provision, equality of opportunity in access to food depends. Implementing that dimension of article 8 would require reforms in the distribution of land and credit, rather than policies of food access sustained by income transfers or by public procurement and supply programmes alone. Measured against that requirement, the achievements described in the preceding part represent a considerable

43 Brasil, Ministério da Agricultura e Pecuária 'Plano Safra 2024-2025' (2025) 10.
44 Brasil, Ministério do Desenvolvimento Agrário e Agricultura Familiar 'Plano Safra da Agricultura Familiar 2024-2025' (2025) 12.
45 IBGE 'Agricultura familiar' in IBGE *Atlas do espaço rural brasileiro* (2020) 294.
46 Goldfarb & Mitidiero (n 42) 15-17.
47 As above.
48 Delgado (n 37) 66-67.

advance in access to food, yet they operate upon the effects of an unequal agrarian structure rather than upon that structure itself. Their reach, therefore, is conditioned by the circumstances of each administration, and the challenges inherent in the country's own socio-economic and political formation, the agrarian question chief among them, have yet to be addressed.

In parallel, the procedural dimension of article 8, the encouragement of popular participation in all spheres, has followed an irregular trajectory in the field of the right to food. In recent years, participation within SISAN passed through periods of severe disarticulation which, compounded by the effects of the COVID-19 pandemic, contributed to the worsening of hunger in the country between 2020 and 2022.[49] The most emblematic instance of that process was the abolition of CONSEA by Medida Provisória 870, issued by President Jair Bolsonaro on the first day of his term in 2019.[50]

Since the 1990s, despite a hiatus in its operation between 1995 and 2003, the Council served as an institutional counterweight to agribusiness influence over the direction of food policy. CONSEA played a decisive role in drafting policies such as the National Plan for Food and Nutritional Security, the National Policy on Agroecology and Organic Production, and the Dietary Guidelines for the Brazilian Population, as well as the Food Acquisition Programme, the National School Feeding Programme, and the Plano Safra for family farming already mentioned.[51]

The discontinuation of CONSEA in that context meant closing the forums where society's demands were actively heard,[52] replaced by another political body of reduced scope composed exclusively of senior federal government officials.[53] The narrowing of participatory democracy,

49 R Salles-Castro 'Desafios políticos da retomada da fome e da insegurança alimentar no Brasil' in T Campello & AP Bortoletto (eds) *Da fome à fome: diálogos com Josué de Castro* (2022) 84.

50 CC Oliveira 'A volta da fome no Brasil' (2022) 11 *Revista NECAT: Revista do Núcleo de Estudos de Economia Catarinense* 50, 73, https://ojs.sites.ufsc.br/index.php/revistanecat/article/view/5607 (accessed 29 July 2026).

51 IRR Castro 'A extinção do Conselho Nacional de Segurança Alimentar e Nutricional e a agenda de alimentação e nutrição' (2019) 35 *Cadernos de Saúde Pública* e00009919, 2, https://www.scielo.br/j/csp/a/CH3GmJVXnMRTRH89bL6LZVz/?format=html&lang=pt (accessed 29 July 2026).

52 Oliveira (n 50) 75.

53 Decreto 10.713 of 2021 (on the Interministerial Chamber for Food and Nutritional Security), repealed by Decreto 11.422 of 2023.

limiting the exercise by the people of the right to plan, organise, decide upon and scrutinise the direction of the public policies that give material form to the right to food,[54] not only weakened the institutional mechanisms of social control but was among the determining factors of the return of severe food insecurity to the country,[55] alongside the economic effects of the pandemic, rising unemployment and food inflation.[56]

In 2023, at the start of the third Lula administration, CONSEA was reinstated, prompted by the launch of the Brasil Sem Fome Plan.[57] The Council was convened by the same route that had suppressed it: an executive act. Nothing, therefore, prevents a future government from repeating the gesture of 2019. So long as social participation remains a guarantee of government rather than a guarantee of the state, the participatory component of the RtD, as it concerns access to food, will remain exposed to political alternation.

If food is to be treated as a human right in earnest, and its distribution secured beyond the games of the financial market and the impermanence of politics, agricultural production systems must be structured to inhibit externalities arising from the privatisation of common goods and their exhaustion.[58] The eradication of poverty and hunger is neither a mere welfare target, nor an automatic by-product of market growth, but a legal requirement of redistribution and social justice. Guaranteeing basic resources and socio-economic rights, including food, is a pillar of any legitimate development process.[59]

54 Luciano & Correa (n 39) 480.
55 LFO Ribas 'Dos determinantes sistêmicos da injustiça alimentar: análise crítico-jurídica dos determinantes (jurídicos, políticos e econômicos) que atuam em face da efetividade dos instrumentos da justiça alimentar no Brasil' PhD thesis, Pontifícia Universidade Católica do Rio de Janeiro, 2022 250.
56 Rede PENSSAN (n 31).
57 Decreto 11.421 of 2023 (on the National Council for Food and Nutritional Security).
58 Derani (n 20) 207.
59 S Deva 'Financing for inclusive, sustainable and participatory development' Report of the Special Rapporteur on the Right to Development (2025) UN Doc A/80/206.

5 Conclusion

The question motivating this research was why hunger persists in Brazil even though the country has erected a normative and institutional framework formally aligned with article 8 of the DRtD and stands out as one of the largest food producers in the world. The analysis has shown that this mismatch is not explained by a normative gap. Brazil constitutionalised the right to food; what remained fragile was the institutional arrangement meant to give that right effect.

The last 30 years of anti-hunger policy in Brazil have shown that the bodies created within the state, however important, are vulnerable. CONSEA has never moved beyond its advisory role and has proved unable to generate permanent policy. Its unquestionable value lies in working from the bottom up, but without the power of consolidation needed to carry its findings forward and to guarantee them, it is confined to the exchange of information and the registering of needs. SISAN, for its part, has the merit of organising food policy by coordinating several levels of public administration; it falls to SISAN to organise the execution of food and nutritional security policy nationwide, a task of great importance in a country of such geographical extent, such profound social inequality and such marked regional difference.

These two bodies are, respectively, a democratiser of the participation through which policy is built and carried out and an executor of policy. The policies themselves, however, are scattered across the many initiatives open to the executive and the legislature, which leaves the institutional arrangement weak. Integrated reform of access to land, security of tenure, credit, technical assistance and markets has never reached the level of state policy. The agrarian question, historically organised around monoculture and land grabbing, and compounded by the absence of training for producers, the dismantling of technical assistance, the scarcity of credit, the withdrawal of purchase guarantees and of access to storage and markets, and the lack of collective arrangements for improving and scaling production, to name only some of the difficulties, either goes unanswered or receives isolated government action. The state remains tied to commodity production organised as an agribusiness economy, which drains space, incentives and policy in favour of a favourable trade balance, while the domestic market suffers from food scarcity and lacks the dignity and security that family farming needs to develop.

In this respect, the Brazilian state has omitted precisely the economic and social reforms that article 8 requires. Income transfer policies, however transformative, have addressed the symptoms without reaching the root of the problem.

Brazil's food security has also proven highly sensitive to changes in government. The dismantling of SISAN's participatory structure, as illustrated by the abolition of CONSEA in 2019, coincided with a return of hunger during 2020 to 2022, itself driven by the economic effects of the pandemic, by rising unemployment and by food inflation, just as strengthening that same structure had occurred when the country left the Hunger Map. While this coincidence does not establish causation on its own, it is consistent with the argument that participatory structures matter for the realisation of the right to food, since they are what allow society to monitor and contest the state's response when such shocks occur. The temporary nature of these institutions turns a basic right into something that depends on the political will of the time, and the weakening of participatory democracy undermines the very mechanisms by which food security can be achieved.

Hence, the answer to the research problem is that food insecurity continues since article 8 has been realised only at the normative level; it relies on structural change, on an agricultural policy which strengthens family farming and makes access to land, water and credit more democratic, and on stable and participatory institutions that regard food as a human right rather than as a commodity whose price is determined on the financial markets. The fact that Brazil pulled itself out of the Hunger Map once again in 2025 demonstrates that the right to food can be realised within a short period of time; it also shows how much that accomplishment is still dependent on political will.

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