

# Normative decentralization of the food and nutrition security agenda: descriptive study of legislation published in Brazilian capitals

## *Descentralização normativa da agenda de segurança alimentar e nutricional: estudo descritivo das legislações publicadas nas capitais brasileiras*

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### ABSTRACT

#### Objective

This study aimed to identify and characterize the legislation published in Brazilian capitals regarding food and nutritional security.

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## Methods

This is a descriptive, exploratory, and documentary research, with a survey on public and free access websites to legislation published until July 2021 in the 26 Brazilian state capitals. Document characterization information was extracted, systematized, and systematically analyzed.

## Results

Of the 1,390 legislations found, 307 were included in the analysis, 31% from the South region of Brazil and 23% from the Southeast region. The legislation mainly referred to the Structuring of the Brazilian System of Food and Nutritional Security (76.5%) and the Promotion of Universal Access to Adequate Food (17.3%). The categories less present were Evaluation and Monitoring of the Brazilian System of Food and Nutritional Security and Food and Nutritional Security (1.9%), Food and Nutrition Actions Aimed at Quilombolas and Traditional Communities (1.3%) and Universal Access to Water (0.7%), with 17 capitals (65.4%) having no localized legislation for these three themes.

## Conclusion

The results point to the need for qualification of transparency mechanisms in public management and good governance, and demonstrate an incipient process of implementing the government food and nutrition security agenda in Brazilian capitals, with low incidence on different government sectors and other public policies

**Keywords:** Food and nutritional security. Governance. Government publications. Public policy.

## RESUMO

### Objetivo

O estudo teve o objetivo de identificar e caracterizar as legislações relacionadas à segurança alimentar e nutricional publicadas nas capitais brasileiras.

### Métodos

Trata-se de uma pesquisa descritiva, exploratória e documental, com levantamento em sites públicos e de acesso livre de legislações publicadas até julho de 2021 nas 26 capitais dos estados brasileiros. Informações de caracterização dos documentos foram extraídas, sistematizadas e analisadas de forma sistemática.

### Resultados

Das 1.390 legislações localizadas, 307 foram incluídas na análise, sendo 31% da região Sul e 23% da região Sudeste. As legislações referiam-se principalmente à Estruturação do Sistema Nacional de Segurança Alimentar e Nutricional (76,5%) e à Promoção do Acesso Universal à Alimentação Adequada (17,3%). As categorias menos presentes nas legislações foram Avaliação e Monitoramento do Sistema Nacional de Segurança Alimentar e Nutricional e de Segurança Alimentar e Nutricional (1,9%), Ações de Alimentação e Nutrição Voltadas para Quilombolas e Comunidades Tradicionais (1,3%) e Acesso Universal à Água (0,7%), sendo que 17 capitais (65,4%) não tiveram legislações localizadas para o conjunto destes três temas.

### Conclusão

Os resultados apontam para a necessidade de qualificação dos mecanismos de transparência na gestão pública e de boa governança, e demonstram um processo incipiente de implementação da agenda governamental de segurança alimentar e nutricional nas capitais brasileiras, com baixa incidência sobre os diferentes setores de governo e demais políticas públicas.

**Palavras-chave:** Segurança alimentar e nutricional. Governança. Publicações governamentais. Política pública.

## INTRODUCTION

Many countries have invested in Food and Nutrition Security (FNS) public policies as a response to commitments made with international agencies and organizations to solve problems such as the persistence of hunger, the increasing prevalence of chronic diseases, and the socio-environmental consequences of an unsustainable food system [1-4]. These public policies comprise a set of State strategies to meet collective needs and interests. Their implementation process depends on the standardization, regulation,

and legalization of previously formulated principles and guidelines [5]. Thus, conditions and an environment of legal certainty for the decision-making of public administrators are created to guide the organization of structures and processes so that the public policy is implemented effectively and transparently, allowing good governance.

In Brazil, the *Sistema Nacional de Segurança Alimentar e Nutricional* (SISAN, National Food and Nutrition Security System) was created in 2006 as a form to promote the intersectoral articulation and coordination of public policies to the FNS Brazilian agenda. Its operationalization at the national level occurs through the *Política Nacional de Segurança Alimentar e Nutricional* (PNSAN, National Food and Nutritional Security Policy), and is described by a set of legislation that guides the actions of the public authorities and establishes objectives, guidelines, strategies, procedures, and allocation of resources [6].

Like other Brazilian public systems and policies, the implementation of SISAN and PNSAN should take place in a decentralized manner in states and municipalities. A local approach to implementing FNS policies enables greater effectiveness in addressing inequalities and territorial inequities in the country, tending to expedite the reaction to internal and external factors that negatively affect the implementation process [7,8]. In this sense, municipal governments must be responsible for conducting this process intersectorally from the standing dialogue with civil society, formalizing the accession to SISAN and publishing its own legislation that establish the commitments to the System, which includes, at least, instituting and regulating the Policy, Plan, Conference, Intersectoral Management Chamber, and the FNS Council in the municipality. Additionally, municipal legislations must respond to local needs and interests without disregarding the objectives, principles, and guidelines of the System and PNSAN [8].

The beginning of the decentralized implementation of SISAN and its public policy completed 15 years in 2021, at a time of greater fragility of the System, marked by budget cuts and the restructuring of teams and programs by the federal government, and the extinction of the *Conselho Nacional de Segurança Alimentar e Nutricional* (CONSEA, National Council for Food and Nutritional Security) [9-11]. At the same time, Brazil faced the resurgence of hunger and food insecurity as direct consequences of unemployment and misery caused by the economic, social, and health policy of the federal government implemented before and throughout the Covid-19 pandemic [12,13]. In this context, municipal public administrators should assume an even greater role in conducting the food and nutrition security agenda in Brazil, minimizing the losses caused by federal government decision-making. This study identified and characterized the legislations published by the government of the Brazilian capitals related to the FNS theme to discuss the decentralized implementation of SISAN as a public policy of the Brazilian agenda of FNS.

## METHODS

This is a descriptive, exploratory, and documentary research, with a survey of legislation regarding the FNS published up to July 2021 in the 26 capitals of the Brazilian states. The analysis was restricted to capitals to ensure a national sample and enable document collection and analysis. The Federal District was not part of the survey sample due to the Federal Decree no 7,272/2010, which regulates SISAN and determines that this unit of the federation has powers and assignments similar to that of the Brazilian states.

The documents included in the study were municipal laws and decrees. Laws have a higher legal hierarchy than decrees, and greater normative force since the Legislative and Executive Branches compete for their preparation and publication. Decrees do not undergo legislative discussion and approval, being exclusive acts of the Executive Branch with the aim of regulating the law and thus creating the necessary means for its execution. Together, laws and decrees constitute the main legislation to guide the

implementation of public policies in Brazil.

The laws and decrees were collected from the websites of the legislative chambers and city halls, as well as free access websites that aggregate and systematize the legislations published by the municipalities: *Leis Municipais* <<https://leismunicipais.com.br>>; *JusBrasil* <<https://www.jusbrasil.com.br>>; and *Normas Brasil* <<http://www.normasbrasil.com.br>>. We searched for laws and decrees that explicitly contained the term “food security” in any part of their text. We chose to exclude the term “nutritional” to ensure greater sensitivity for locating documents despite Brazil adopting the concept of FNS. The *Leis Municipais* website provided the location of a larger collection of legislation and a more effective search strategy based on a collection pilot test conducted by three independent researchers. The pilot test also aimed to align and validate the collection procedures among researchers and define the criteria for document inclusion and exclusion.

Among the documents located, those that created or regulated at the municipal level were included for analysis: (i) the FNS policy; (ii) SISAN components, such as Council, Intersectoral Management Chamber, Conference, and Bodies; (iii) policies, programs, or statutes related to FNS; (iv) working groups for the creation of programs or policies related to FNS; (v) public equipment of the FNS and; (vi) documents with budget and taxation related to FNS.

We excluded the legislation apart from laws or decrees, that were duplicated, repealed, or out of effectiveness, that did not refer to the municipal scope, did not contain the term “food security” in the text, referred to animal food security, or that exclusively: (i) amended, modified, or repealed laws; (ii) designated, replaced, or exonerated members for composition of bodies and sectors; (iii) created or regulated working groups for the creation of programs or policies related to FNS; and (iv) that structured the government organization or its institutional structure.

Document characterization information was extracted and systematized in a database built using Microsoft® Excel®. The inclusion and exclusion criteria were applied in two stages. The first after reading the title and syllabus of the legislation, and the second by sorting the included documents based on the full reading.

The analysis was carried out from the description of the absolute and relative frequency of the legislations by the state capitals and by topics related to the implementation of the SISAN and to the municipal FNS agenda, based on PNSAN guidelines. Thus, eight themes were previously defined to categorize the documents: (i) SISAN structuring (subdivided into the structuring of SISAN components, the creation of municipal policy, and the allocation of resources for FNS); (ii) promotion of universal access to adequate food; (iii) structuring of sustainable agroecological production and supply systems; (iv) institution of standing food and nutritional education, research, and training processes in FNS; (v) food and nutrition actions aimed at quilombolas and traditional communities; (vi) food and nutrition actions at all levels of health care (subdivided into health surveillance, and structuring of the Unified Health System); (vii) universal access to water; and (viii) SISAN and FNS evaluation and monitoring.

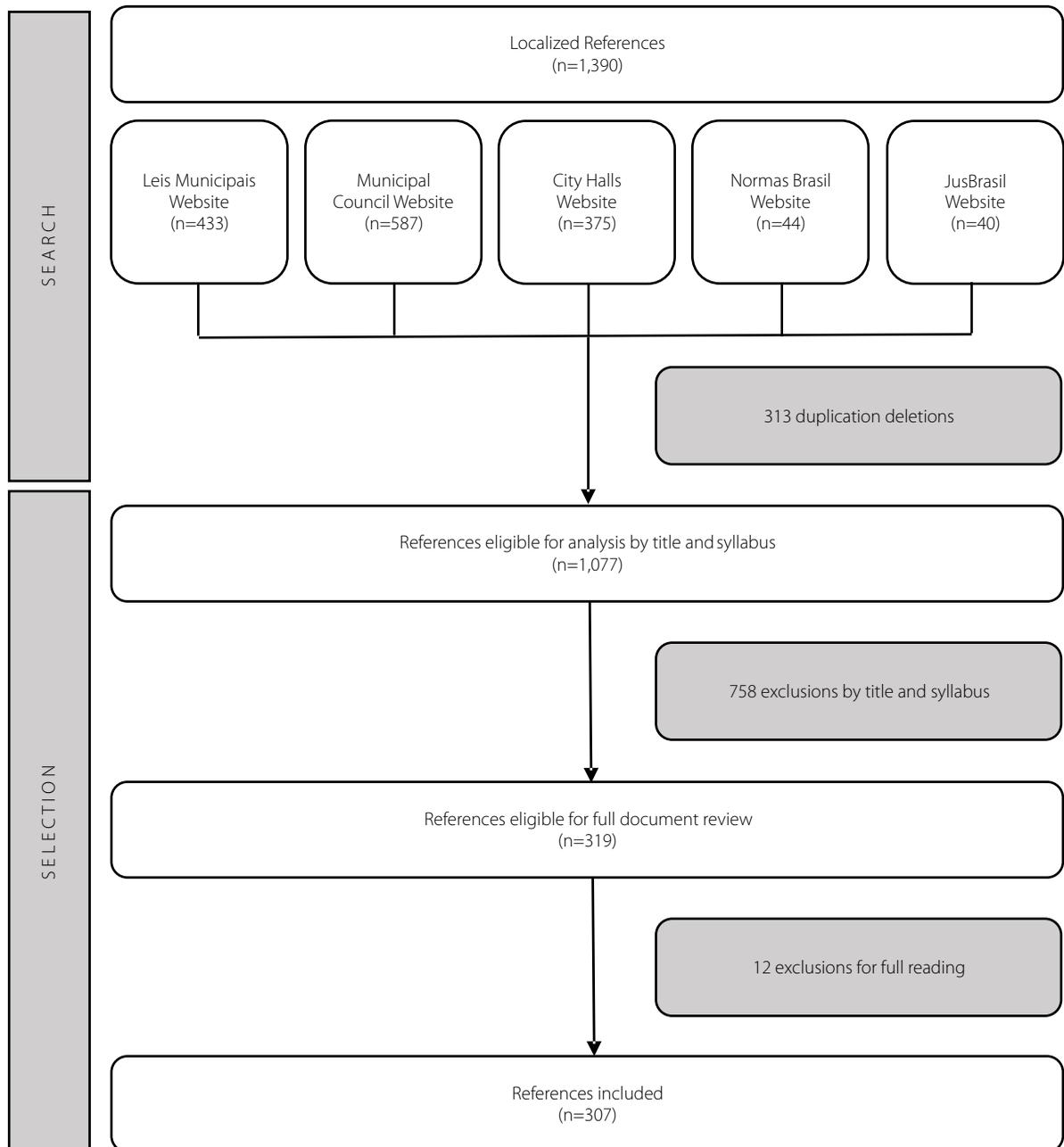
The same document could be categorized into more than one theme. The documents were distributed between the themes independently by three researchers after the full reading of all the legislations included for analysis. Consensus meetings were held among the researchers to define the categorization of the documents that diverged in the analysis.

## RESULTS

We located 1,390 documents and excluded 1,083, resulting in 307 analyzed legislations, which were mostly published after 1990. O websites of the legislative chambers, city halls and the *Leis Municipais*

website contributed to the largest number of documents located, with a high number of duplicates identified among the sources of information (Figure 1).

The capitals with the highest number of legislations located and included in the survey were *Porto Alegre* (n=46), *Curitiba* (n=42), *Porto Velho* (n=29), and *Belo Horizonte* (n=26). Only three legislations were included for *Belém*, *São Luís*, and *Teresina*, and one legislation for *Cuiabá* and *Rio Branco*. There were no legislation regarding food security for *Aracaju*, *Macapá*, and *Maceió* that met the research criteria. The South region presented the highest average of documents per capital (n=32), while the Northeast region



**Figure 1** – Search and selection of legislation on food and nutrition security in Brazilian capitals. *Florianópolis* (SC), Brazil, 2021.

had the lowest average (n=5). Of the total legislations analyzed, 31% were from the South region and 23% from the Southeast region. In other words, more than half of the documents were concentrated in seven of the 26 Capitals (Table 1).

**Table 1** – Distribution of the legislations included in the research by region of Brazil, capital, and topics related to the implementation of the Food and Nutritional Security System and the municipal food and nutritional security agenda. *Florianópolis* (SC), Brazil, 2021.

Region/Capital	Total	Theme 1	Theme 2	Theme 3	Theme 4	Theme 5	Theme 6	Theme 7	Theme 8
Midwest – n(%)	25(100)	17(68.0)	7(28.0)	2(8.0)	5(20.0)	1(4.0)	1(4.0)	–	–
<i>Campo Grande</i>	10(100)	8(80.0)	2(20.0)	1(10.0)	2(20.0)	–	–	–	–
<i>Cuiabá</i>	1(100)	1(100)	–	–	–	–	–	–	–
<i>Goiânia</i>	14(100)	8(57.1)	5(35.7)	1(7.1)	3(21.4)	1(7.1)	1(7.1)	–	–
Northeast – n(%)	49(100)	32(65.3)	12(24.5)	4(8.2)	2(4.1)	1(2.0)	2(4.1)	–	2(4.1)
<i>Aracaju</i>	–	–	–	–	–	–	–	–	–
<i>Fortaleza</i>	6(100)	4(66.7)	1(16.7)	–	1(16.7)	–	–	–	–
<i>João Pessoa</i>	5(100)	2(40.0)	3(60.0)	1(20.0)	–	–	–	–	1(20.0)
<i>Maceió</i>	–	–	–	–	–	–	–	–	–
<i>Natal</i>	7(100)	3(42.9)	2(28.6)	2(28.6)	1(14.3)	–	–	–	1(14.3)
<i>Recife</i>	16(100)	14(87.5)	2(12.5)	–	–	–	1(6.3)	–	–
<i>Salvador</i>	9(100)	5(55.6)	2(22.2)	–	–	1(11.1)	–	–	–
<i>São Luis</i>	3(100)	2(66.7)	1(33.3)	–	–	–	1(33.3)	–	–
<i>Teresina</i>	3(100)	2(66.6)	1(33.3)	1(33.3)	–	–	–	–	–
North – n(%)	66(100)	62(93.9)	3(4.5)	2(3.0)	3(4.5)	–	1(1.5)	1(1.5)	–
<i>Belém</i>	3(100)	2(66.7)	–	–	1(33.3)	–	1(33.3)	–	–
<i>Boa Vista</i>	6(100)	6(100)	–	–	–	–	–	–	–
<i>Macapá</i>	–	–	–	–	–	–	–	–	–
<i>Manaus</i>	15(100)	15(100)	–	–	–	–	–	–	–
<i>Palmas</i>	12(100)	12(100)	–	–	–	–	–	–	–
<i>Porto Velho</i>	29(100)	26(89.7)	3(10.3)	2(6.9)	2(6.9)	–	–	1(3.4)	–
<i>Rio Branco</i>	1(100)	1(100)	–	–	–	–	–	–	–
Southeast – n(%)	71(100)	43(60.6)	19(26.8)	10(14.1)	8(11.3)	1(1.4)	8(11.3)	–	4(5.6)
<i>Belo Horizonte</i>	26(100)	16(61.5)	9(34.6)	4(15.4)	4(15.4)	1(3.8)	3(11.5)	–	2(7.7)
<i>Rio de Janeiro</i>	15(100)	9(60.0)	2(13.3)	3(20.0)	1(6.7)	–	2(13.3)	–	1(6.7)
<i>São Paulo</i>	18(100)	10(55.6)	5(27.8)	3(16.7)	3(16.7)	–	1(5.6)	–	–
<i>Vitória</i>	12(100)	8(66.7)	3(25.0)	–	–	–	2(16.7)	–	1(8.3)
South – n(%)	96(100)	81(84.4)	12(12.5)	4(4.2)	4(4.2)	1(1)	3(3.1)	1(1.0)	–
<i>Curitiba</i>	42(100)	31(73.8)	10(23.8)	1(2.4)	4(9.5)	–	2(4.8)	–	–
<i>Florianópolis</i>	8(100)	5(62.5)	1(12.5)	3(37.5)	–	–	–	1(12.5)	–
<i>Porto Alegre</i>	46(100)	45(97.8)	1(2.2)	–	–	1(2.2)	1(2.2)	–	–
Total – n(%)	307(100)	235(76.0)	53(17.3)	22(7.2)	22(7.2)	4(1.3)	15(4.9)	2(0.7)	6(1.9)

Note: The sum of the number and percentage of legislations for each theme may be greater than the total number of legislations since some legislations have been included in more than one theme. Theme 1: SISAN structuring; Theme 2: Promotion of universal access to adequate food; Theme 3: Structuring of sustainable agroecological production and supply systems; Theme 4: Institution of standing food and nutritional education, research, and training processes in FNS; Theme 5: Food and nutrition actions aimed at quilombolas and traditional communities; Theme 6: Food and nutrition actions at all levels of health care; Theme 7: Universal access to water; Theme 8 - SISAN and FNS evaluation and monitoring.

The capitals concentrated their legislation related to FNS in the category *SISAN structuring* (76.5%) and *Promoting universal access to adequate food* (17.3%), regardless of the region. Concerning the *SISAN structuring legislation*, 23.4% referred to the structuring of SISAN instances, 21.3% created the FNS policy or plan in the capital, and 60.0% regulated the allocation of resources for FNS actions.

Legislation related to *Promoting universal access to adequate food* were located in 20 capitals and mainly referred to public FNS equipment, food donation, school feeding policy, early childhood policies and

the right of children and adolescents, attention to the homeless population, social assistance policies and *Bolsa Família*, popular economy programs, and policies of access to adequate food for specific populations.

Legislation concerning *structuring sustainable agroecological production and supply systems* was found in 11 capitals, and involved the following themes: guarantee of food from family or agroecological agriculture in the municipal education network, agriculture policies or urban fair, incentives for the production and distribution of organic food, establishment of pesticide-free zones, incentive to family agriculture, and environmental protection. *Rio de Janeiro* and *Florianópolis* differed from the other capitals by presenting a higher number of legislation regarding the *structure of sustainable agroecological production and supply systems* than on *promoting universal access to adequate food*.

Legislation related to the subject *Institution of standing Food and nutritional education, research, and training processes in FNS* corresponded to 7.2% of the total legislation, located in ten capitals and mainly related to the *Programa Nacional de Alimentação Escolar* (National School Feeding Program). Legislations that mentioned the term food security and referred to *Food and nutrition actions at all levels of health care* were also found in ten capitals, totaling 4.9% of the legislation analyzed and addressing topics such as the Organization of Primary Health Care, health surveillance, obesity prevention programs, and other food and nutrition programs.

The categories less present in the legislations that mentioned food security were *SISAN and FNS evaluation and monitoring* (1.9%), *Food and nutrition actions aimed at quilombolas and traditional communities* (1.3%), and *Universal access to water* (0.7%). Additionally, 17 capitals (65.4%) had no localized legislation for these three themes.

## DISCUSSION

The results of the study conducted in Brazilian capitals allow some findings and reflections on transparency in public management and governance, as well as on aspects of the FNS agenda and the decentralized implementation of its public policy in Brazil. A complementary study including a larger number of municipalities would be important to better understand the National panorama since the sample used in this study is non-representative.

Information systems for the location of municipal legislation are an important tool for transparency, control, supervision, accountability of public management, and for the exercise of citizenship and participatory democracy [14]. Qualifying these information systems and empowering FNS Councils and other social actors to seize these tools is required to improve governance and provoke advances so that interests are articulated and decisions relevant to FNS, towards meeting the demands and priority needs of society as a whole, are taken and implemented with equity and responsibility [15]. Such prerogatives are even more relevant in the current Brazilian context, marked by the emptying of the FNS governmental agenda and the dismantling of SISAN and the extinction of CONSEA [9].

Although the legislation does not guarantee the effective implementation of SISAN and FNS public policies in Brazilian capitals, its existence is a structuring step of implementation, especially when they meet the normative objective of defining responsibilities, duties, competencies, and sources of financing, in addition to delimiting structures and guiding processes and other aspects of governance and public administration. It is recognized that the methodological option of this study to include only the legislation that explicitly contained the term “food security” in its text did not allow the identification and analysis of legislation that possibly referred to some of the areas and themes related to the Brazilian agenda on FNS. However, this methodological decision was intentional and important to reinforce the need for legislation

to be explicitly linked to the FNS as a condition to give greater legality and legitimacy to the agenda. In this sense, the low number of legislations found by this research is an indicator of an incipient process of decentralized implementation of SISAN and FNS policies in Brazilian capitals, as already indicated by other studies that analyzed the process of decentralization at a municipal level [16,17]. Although there is a concentration of localized documents concerning the structuring of SISAN, the fact that a minority of capitals have legislation related to the FNS plan and the financing mechanisms of FNS policies reinforces a fragile implementation process [17,18]. Also, the modest inclusion of the term “food security” in the legislations of Brazilian capitals expresses a low incidence of the FNS agenda on the different sectors of government and other public policies, which also points to the immense challenge of implementing a policy guided by intersectorality and transversality in relation to other agendas [19].

The results of this research also revealed a profile of legislations formulated in a vague and generic form, generally dissociated from mechanisms and strategies capable of inducing effective behaviors in the governance of the FNS and in the decentralized implementation of SISAN. We highlight the imbalance of localized legislation regarding the themes of the FNS agenda to be implemented in the capitals, based on PNSAN guidelines. There was a concentration of legislation regarding the “promotion of universal access to adequate food”, which can be explained by the historical and necessary linkage of the Brazilian agenda of the FNS to government sectors related to the area of development and social assistance, and to strategies and policies to combat hunger [18,20]. However, access is only one of the dimensions of the FNS, which depends on public policies related to the other dimensions and themes being implemented to be guaranteed and promoted [21].

The lack of legislation that explicitly included the term “food security” and related to “food and nutrition actions aimed at quilombolas and traditional communities” and “universal access to water” reinforce the challenges for the implementation of a complex, intersectoral, and multidimensional public policy. The invisibility of quilombola communities, Indigenous peoples, and other traditional peoples and communities in public policies linked to FNS must be urgently prevented as it reflects the inefficiency of the State and Brazilian society in fulfilling the historical debt with these populations, which persist as the most vulnerable in access to adequate food [22,23]. Water insecurity, despite affecting both food consumption and production, is still addressed marginally on the FNS agenda, even in a scenario where water scarcity appears as a potential problem in all Brazilian regions [24].

Another aspect that should make up the debate on the legislation on FNS is the inequality in the distribution of documents located in different regions of the country. The characteristics of Brazilian federalism, the decentralization of public policies, and local socioeconomic contexts have generated important differences in the implementation of public policies, which does not differ in the case of SISAN and PNSAN, which have failed to advance in tools and strategies to overcome such problems [25,6]. We reaffirm that SISAN and PNSAN should be implemented in a decentralized manner and based on the local reality of the municipalities. In this sense, the complexity of a local approach must be considered in decision-making for the implementation of SISAN and PNSAN [7,20]. A greater integration of federated entities, support and autonomy to municipalities, and overcoming implementation inequalities in the various regions of the country seem to be necessary agendas to favor the decentralization of FNS policies for municipalities [17]. Although the municipal level is the most suitable locus for the implementation of Public FNS actions, a local approach tends to be complex since it requires technical and political capacities not always available in the municipal sphere, even in capitals [7,20].

Despite the limits and numerous challenges presented in the results of this research, we also identified legislative experiences related to FNS that deserve to be recognized. *Florianópolis* established by law a zone free of pesticides to guarantee access to quality water and regulated the agroecological and organic

production in the municipality. Legislations that encourage organic farms and urban agriculture were found in several capitals. Similarly, many capitals presented legislation that associated the FNS with the health sector agenda, especially concerning Primary Care, health surveillance, and the prevention of chronic non-communicable diseases, with a focus on obesity, in a movement that denotes a close relationship between the National Food and Nutrition Policy and the PNSAN [26].

## CONCLUSION

The originality in the methodological systematization and the results of this study, whose analysis points to two main conclusions, stands out given the scarcity of studies focused on analyzing normative frameworks related to FNS policies. The first refers to the importance of qualifying transparency mechanisms in public management as a condition for promoting good governance, citizenship, and participatory democracy. The second is finding an incipient process of decentralized implementation of the government agenda of FNS in Brazilian Capitals, with low incidence on the different government sectors and other public policies, with important regional disparities.

Overcoming these limits depends on a set of actions that must involve *compliance* and *accountability* by the State and governments, consisting of strengthening instruments and strategies of participatory democracy and placing the population at the center of decision-making processes concerning the formulation, implementation, and evaluation of public policies. In parallel, the SISAN and the FNS agenda must be implemented for their continuity and consolidation in the federal government and at subnational levels. This process requires the qualification of SISAN's intersectoriality and its relationship with the different government sectors and public policies, as well as the establishment of management mechanisms that correct regional disparities and consider the different contexts of Brazilian capitals.

## CONTRIBUTORS

B ORTHMANN, ML MACHADO, and MC MARTINS participated in the conception, design, data collection, analysis, writing, review, and final approval of the article. CG GABRIEL participated in the conception, design, analysis, writing, review, and final approval of the article. C SOAR and ML PINTO participated in the writing, review, and final approval of the article.

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