

THE FOOD & NUTRITION CRISIS FACING BRALIZIAN INDIGENOUS POPULATIONS

A BRIEF ON THE FAILURE OF FOOD DISTRIBUTION POLICIES IN BRAZIL

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EXECUTIVE SUMMARY

Since the mid-1970s, a nutrition transition has been observed in the indigenous peoples of Brazil, where diets based on traditional cultivation and food production activities - such as fishing, hunting and harvesting - are increasingly substituted with ultra-processed, high-fat foods and a sedentary lifestyle. [1] As a result, The indigenous peoples of Brazil face what is often labelled as a "cultural genocide" or "genocide by omission" and experience challenges to their ways of life by policies that effectively deprive them of conditions essential for maintaining health, culture and overall survival, which intensified with the COVID-19 crisis. [2] One aspect of these policies includes "fuelling their nutrition transition and represent serious threats to the survival of many of these communities across Brazil – a sort of "food genocide" powered by loss of traditional lands and introduction of industrialised, processed foods". [3]

Many factors contribute to this nutrition transition, including unfavourable socioeconomic and environmental conditions. While the transition has led to a rise in chronic disease and obesity in indigenous populations in Brazil, it is also closely related to the rising unfavourable rates of undernutrition in those groups.



^[2] See Menton,

A policy [4] aimed at ensuring food security for the Brazilian population in general defines food sovereignty in the context of Brazilian Food Security Law as:

Food and Nutrition Security is the realization of the right of all to regular and permanent access to quality food of sufficient quantity, without compromising access to other essential needs, based on practices that promote health, respect the people's cultural diversity and that are socially, economically and environmentally sustainable. [5]

Despite several efforts made by Brazilian authorities, such as Cestas Básicas and Bolsa Familia, assessments carried out in different indigenous communities report high frequencies of families still in situations of food insecurity, very far from ideal food sovereignty. Furthermore, these policies resulted in adverse consequences related to rising health-related issues, undermining indigenous cultures and traditions, environmental harm caused by food packaging, and increased vulnerability of indigenous peoples, all due to the absence of cultural sensitivity and accuracy. Therefore, Brazil's inability to guarantee food security and its disregard for indigenous peoples have resulted in the infringement of domestic constitutional principles, internal regulations of various kinds, and international human rights law.





The long history of Brazil's indigenous peoples, one that is marked by discrimination, disease, and brutality continues today, and the advance of agribusiness in the region each day not only threaten indigenous communities, as well as the environment they live in - the conservation of which is also vital for most of the world. Brazil's current political climate and legislation affecting indigenous reserves and communities poses the risk of decimating many indigenous communities if nothing is done to reverse the unfavourable impacts of modern colonialism and human rights violations.

INTRODUCTION

WHY IS THERE FOOD INSECURITY IN INDIGENOUS COMMUNITIES IN BRAZIL?



AGRIBUSINESS IS LEADING TO DECREASED LAND ACCESS, CONTAMINATION OF PRODUCED FOODS, AND DECLINING BIODIVERSITY

In the last several years, Brazil's indigenous peoples have suffered from the increasing erosion of their traditional food systems, occurring alongside the general decline of biodiversity and occupation of traditional territories. This is in part attributable to advances in agribusiness in Amazonia, a hallmark of the Brazilian Government's current environmental policy, which directly threatens the Amazonian indigenous peoples' survival.[6] Additionally, some indigenous communities are heavily affected by extensive monoculture plantations taking root in Amazonia, which intensively use pesticides close to or even in these communities and whose activities contaminate rivers and streams used by these groups.[7] In this context, even when these families manage to produce their own foods, evidence of contamination from agribusiness operating nearby may pose serious risks to their health. For instance, one of the most serious threats to the indigenous population's survival lies in the contamination of fish by mercury through industrial gold digging.

Other development projects such as mining, dam construction, extensive farming and the rise of pulp and paper plantations in Amazonia facilitate environmental changes that contribute to the steady decline in availability of traditional foods for indigenous peoples.[8] In the Central-West region of Brazil, the regional economy is dominated by agribusiness and lands reserved for indigenous peoples are unable to sustain the population because of reduced biodiversity and lack of space.[9] Additionally, these lands are surrounded by large cattle ranches and soy and sugarcane monoculture plantations that erode the native vegetation cover and limit indigenous peoples' potential for collecting, fishing and hunting as well as increasing the potential for extensive, destructive dry-season wildfires.[10]

- [6] See Welch, especially 19.
- [7] See "The Gurani and Kaiowá...," especially p. 63 for further data and description of the effects of intensive use of pesticides on nearby indigenous communities.
- [8] See Rocha for further description and discussion of development projects facilitating environmental change in Amaoznia.
- [9] See Welch, especially 16.
- [10] See Welch, especially 15-16

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INCREASED SOCIAL VULNERABILITY OF INDIGENOUS PEOPLES

Research throughout the world shows that indigenous populations have greater vulnerability than other populations, due to invasion of their territories, racism, a lack of sanitation, food insecurity, difficult access to hospitals and vital resources and the constant circulation of people not native to the community like missionaries, miner and loggers.[11] An emerging pattern for indigenous peoples worldwide is that greater integration in market economies often leads to increased prevalence of excess weight and chronic disease, such as diabetes and hypertension.[12]

Additionally, policies aimed at targeting food insecurity prove inadequate in accounting for indigenous peoples' linguistic and cultural differences, which may contribute to continuing food insecurity in these regions.[13] As defined by researchers in the international journal Food, Culture, & Society, food insecurity may emerge not only from "lack of (physical or economic) access to food," but also from "access to unsafe and unhealthy foods", leading to "inappropriate, unhealthy diets and deteriorating health conditions."[14] For example, extreme food vulnerability has been documented among the Guarani M'bya in Espírito Santo State; no household in this village had full access to the food they needed, with 41% experiencing severe food insecurity.

^[11] See Silva for a discussion about indigenous peoples' unique vulnerabilities.

^{12]} See Coimbra, especially 1947-1949, for a discussion case studies demonstrating this emerging pattern among indigenous peoples

^[13] See Segall-Corrêa, especially 1548-9, for further discussion of factors which contribute to food insecurity in indigenous regions of Brazil.

WHAT ARE THE NUTRITIONAL NEEDS OF BRAZIL'S INDIGENOUS PEOPLES?

As of today, there is a limited understanding on what an adequate diet among indigenous peoples in Brazil may look like, or what is required to ensure sustainable access to an adequate indigenous diet. [15]

The First National Survey of Indigenous People's Health and Nutrition in Brazil (the "National Survey") was the first study to evaluate a nationwide representative sample of Brazil's indigenous peoples from 2008-2009. Its data reveals important information about the nutrition situation in Brazil's indigenous populations.

BY 2022, 41% OF GURANI M'BYA PEOPLE IN BRAZIL'S ESPÍRITO SANTO STATE EXPERIENCED SEVERE FOOD INSECURITY

Moreover, specific studies conducted in indigenous communities using an adapted, experience-based Brazilian Food Insecurity Scales show extreme food insecurity for the indigenous Guarani M'bya people in Brazil's Espírito Santo State, where none of the households had full access to the food they needed, with 41% experiencing severe food insecurity. [16]

In four communities of Guarani and Kaiowa, indigenous peoples living in vulnerable and violent areas in the State of Mato Grosso do Sul experience severe food insecurity, found in 28% of these households, a prevalence almost 9 times that of the national average of 3.2%. [17]

Areas of Brazil where indigenous communities have undergone major environmental and cultural changes because with non-indigenous contact environments show pervasive household food insufficiency and inadequacy, like those in the State of Mato Grosso do Sul and for the Indigenous Guarani communities.[18] Increasing industrial food production in areas close to indigenous communities and dispossession of these peoples from their homelands and traditional agrarian resources leads to a rapid Westernisation of indigenous food environments and dietary patterns, which has in turn increased the prevalence of obesity, type 2 diabetes and other diet-related chronic diseases globally, but especially for indigenous populations. [19]

^[15] See Segall-Corrêa, especially 1548-49, for further discussion on the limited academic understanding of traditional Indigenous diets.

^[16] See Segall-Corrêa 15/8

^[17] See "The Gurani and Kaiowá...." especially p. 61 for further data on food insecurity among Indigenous Peoples

^[18] See Segall-Corrêa, especially 1548, for discussion about the differing effects on Indigenous communities living in contact with non indigenous environments compared to those living in only an indigenous environment.

^[19] See Browne, 2.



DISEASE PRONE FACTORS SUPPORT THE NEED FOR SPECIAL CONSIDERATIONS

This transition from traditional to industrialised diets was imposed onto the indigenous populations of Brazil through harmful food distribution practices and unfavourable policies: it environmental increases the prevalence of obesity, type 2 diabetes and other diet-related chronic diseases for indigenous populations. Type 2 diabetes' is primarily acquired through eating habits. Its large-scale prevalence in indigenous populations is likely due to an important and unique genetic factor: the ABCA1 gene, which is carried only by indigenous peoples.[20] This genetic variant helps to accumulate energy and fat, intended to protect the body against periods of drought and hunger; however, today it is known for leading to a higher susceptibility of metabolic disease in several indigenous Brazilian populations.[21] Lack of support for viable economic activities based on local products, an absence of recognition for the uniqueness of the biodiversity and traditional processes and harmful practices by external market forces lead to this unfavourable nutrition transition.

As participation in traditional indigenous food systems and consumption of traditional indigenous foods decreases due to various factors including external market forces, the traditional diet is replaced with "highly processed foods of poor nutrient quality", including "refined grains, and food with added sugar and fat", which have the effect of increasing the overall energy density of food consumed negatively impacting indigenous peoples' physical health.[22]

Data from the National Survey shows indigenous women in households that purchase foods are four times more likely to be obese. Women in households with higher household goods index scores and higher housing conditions index [23] also had an increased risk of obesity.[24] Thus, less reliance on local food production is associated with increased risk of excess weight and obesity in many indigenous communities.

FOOTNOTES

[20] See "Land and Food Sovereignty...". See also Acuña-Alonzo, especially 2880-83 for further evidence and information on the functional differences of the genetics of Native Americans, including Brazil's Indigenous Peoples.

[21] See Acuña-Alonzo, stating the communities this genetic variant has been observed in include the Mura, Satere, Apalai, Tiriyo, Arara Xicrin,

[22] See Acuña-Alonzo, stating the communities this genetic variant has been observed in include the Mura, Satere, Apalai, Tiriyo, Arara Xicrin,

Parkateje, Gorotire, Guarani, Xavante, Kuben Kran Keng, Mekranoti, Txukahamae, Yanomama, Pacaas, and Içana populations.

[23] That is, a greater participation in the external market in terms of construction materials, access to electricity and cooking fuel.

[24] See Coimbra, especially 1949-50

As the endocrinologist João Paulo Botelho Vieira Filho stated, gradual abandonment of the traditional diet for more industrialised foods is especially detrimental in that it is associated with abandonment of traditional physical activities of indigenous peoples, like hunting, which negatively affects indigenous peoples' health across the country.[25] As Filho states, "we cannot feed everyone equally when genetic inheritance is different. The condition for the survival of indigenous peoples in Brazil is to maintain the traditional diet."[26]





OBSTACLES TO INDIGENOUS SELF-SUFFICIENCY SUPPORT THE NEED FOR TAILORED POLICY

Globalisation of food systems and increased access to market foods does not "overtly require household decision makers to purchase or furnish unhealthy exogenous diets". Nonetheless, they "bring about this effect" because of the extensive extrinsic factors associated with industrialised food systems. These range from public policies to local market access, causing households "to lack real food production and consumption options, which is to lack food sovereignty."[27] A recent qualitative study has linked the increased health vulnerability of the Riverine People from the Amazon with several factors such as an increase in purchase activity, greater participation in the market economy, and lack of effective and continuous actions by the administrators of basic health services in nearby cities.[28] As argued by Damman et al.,

Indigenous peoples' chronic disease risk tends to increase as a result of government policies that infringe on indigenous peoples' livelihoods and territories, undermining their economic system, values, and solidarity networks. Policies intended to increase food security, including food aid, may also fuel the nutrition transition.[29]

Overall, erosion of indigenous food systems because of declining biodiversity and reduction of traditional territories threatens indigenous food sovereignty as well as dramatically affects indigenous food security levels and health conditions.[30] The key to counteracting these high rates of chronic disease and malnutrition may be food policies which take account of indigenous peoples' right to maintain their own independent food systems and self-sufficient means of production. As Damman et al. conclude,

Policies and programmes should aim to improve household economies (and thus the economic access to and availability of marketed food of good quality), and also facilitate local initiatives and efforts to maintain and improve the availability and access to traditional foods.[31]

Thus, indigenous peoples' special rights with regard to their ability and advantage of self-sufficient living support the fact that traditional food habits must be taken into account when food aid is needed and delivered to these communities, as indigenous peoples' health and livelihoods are at stake otherwise.

BRAZIL'S FOOD & NUTRITION POLICIES AND OBLIGATIONS

WHAT ARE BRAZIL'S FOOD AND NUTRITION POLICIES?

In 2006, Brazil's National System of Food and Nutritional Security (Sistema Nacional de Segurança Alimentar e Nutricional – "SISAN") was created by Law 11,346/2006. It aims to ensure "everyone's right to regular and permanent access to quality food, in sufficient quantity [...], based on health-promoting food practices that respect cultural diversity and that are environmentally, culturally, economically, and socially sustainable."[32] In February 2010, the Proposta de Emenda Constitucional 047/2003 – PEC 047/2003 was approved in the National Congress and promulgated as constitutional amendment 64 (EC 64/2010), which made the right to food part of all Brazilian's social rights.[33] In 2010, Decree No. 7.272 became the main instrument to regulate the SISAN and the national policy on food and nutrition security, which includes nine chapters defining the different actions, objectives and baselines of the federal government in their effort "to respect, protect, promote, and provide the human right to adequate food for all people in Brazil."[34] Two social programs implemented through this system will be the focus of this brief: Bolsa Familia, a governmental cash transfer providing family stipends (discontinued in the second half of 2021 and replaced with a new cash transfer program called Auxilio Brasil), and Cesta Básica, a food donation basket containing rice, beans, sugar, salt, coffee and other non-perishable foods in packages or tins.[35]

FOOTNOTES

[32] See Presidency of the Republic.

[33] See International Policy Centre for Inclusive Growth, especially 1-3 for a further discussion about Brazil's food security policy framework and dates of governmental action for food and nutritional security over the last three decades.

[34] See Ministra do Desenvolvimento Social e Combate à Fome

[35] See "Introduction to Cesta Básica."

ISSUES WITH BRAZIL'S FOOD DISTRIBUTION POLICY & APPROACH

ACCELERATION OF THE FOOD TRANSITION OF INDIGENOUS PEOPLES

The government handouts arriving in Cesta Básicas to indigenous communities see some disparity between regions of Brazil, with the National Survey reporting a greater proportion of households in the Central-West (nearly 89%) and South/Southeast (nearly 78%) received and consumed their food through these means, when compared to the North and Northeast (less than 35%).[36] The processed foods delivered from Cesta Básica often contain "refined sugar, coffee, salt, vegetable cooking oil, pasta, and canned tomato paste". This promotes "diets rich in fast-acting carbohydrates, sodium, and saturated fats" and strongly influence dietary choice, therefore reducing food sovereignty of the indigenous population receiving these baskets.[37] Traditional production systems may be undermined by these seductive donations, which have the potentially unintended negative consequence of increasing indigenous peoples' reliance on the donations rather than on their own traditional self-sufficient means of food production.[38] While these food baskets may overcome the obstacle of insufficient food supply for some of these indigenous communities, communities like the Guarani and Kaiowá peoples report some foods in the baskets differ radically from the food traditionally produced and consumed in their community.[39]

A 2008 study assessing the nutritional status of the adult Suruí population, an indigenous community from the Brazilian Amazon, showed that 42.3% of adults between 20 and 49.9 were overweight and 18.2% were obese; the frequency of obesity for women (24.5%) was twice that recorded for men. The study highlighted that the nutrition transition undergone by the Suruí population has had a negative impact on diet and physical activity patterns.[40]

FOOTNOTES

[36] See Coimbra, especially 1947. See also Welch, especially 12.

[37] Welch, 18

[38] See Damman, especially 138-140 for a discussion about the unintended negative consequences of food donation baskets like Cesta Básica in Brazil.

[39] See "The Guarani and Kaiowá…", especially 66-68 for further discussion on the effects of these food baskets in nutritional needs of the indigenous communities they are sent to.

[40] Lourenço et al. Nutrition transition in Amazonia: Obesity and socioeconomic changes in the Suruí Indians from Brazil.

The Bolsa Familia program was effective in increasing the variety and quantity of food items consumed by an indigenous family. However, this increased purchasing power was often associated with the adoption of a high-calorie and low-nutrient diet.[41] Because of the vulnerability of these families due to the ongoing food transition, the cash transfers they received through the program often lead to unhealthy food choices, with higher consumption of sugar and soft drinks and lower amounts of fruits or vegetables. Further, research carried out by FIAN Brazil and CIMI-MS (Missionary Council for Indigenous Peoples, Mato Grosso do Sul Region) revealed at the time of their study in 2013 food supplement programs like Bolsa Familia and Cesta Básica had just reached some indigenous groups, like the Gaurani and Kaiowá, and though almost all of the families in the three indigenous communities researched within the state of Mato Grasso do Sul met the legal criteria necessary to qualify for Bolsa Familia's cash transfer, fewer than 40% could actually access the program in 2013.[42] When communities do have effective access to social programs like Bolsa Familia, the growing consumption of industrialised products and greater access to bigger diversity of options offered by industrial life at an accelerated speed – particularly when unaccompanied by orientation and prevention monitoring – has a devastating impact on community health in many of Brazil's Amazonian indigenous populations.



^[41] See Soares, especially 1496-98 for further information about household purchasing power and its association with diet trends.

INCREASES IN CHRONIC HEALTH ISSUES AMONG INDIGENOUS PEOPLES

Many indigenous communities live in unfavourable socioeconomic and environmental conditions, due to their reduced access to natural resources and land and poor sanitary conditions. This plus the effects of increasing participation in the expose market economy indiaenous peoples to undernutrition, poor energy and nutrient intake and recurrent parasitic or infectious disease.[43] For several indigenous communities, "health" is recognised broadly as "intertwining with and culture for well-being," articulated through physical, mental. spiritual and social elements, for both indigenous individuals and their wider communities.[44] The increasing frequency of issues like metabolic syndrome, chronic diabetes and obesity create a vicious cycle which reduces a community's capacity to produce their own food and increases their government distributions, reliance on reinforcing the community's consumption of industrialised food and sugary drinks.[45]

Thus, the dietary options of these indigenous communities become dominated by the external market economy rather than by traditional, local production activities. The National Survey suggests this is particularly true in the Central-West, South/Southeast and Northeast where there are elevated frequencies of purchasing foods, which in turn compromises these regions' sovereignty and chronic illness.[46] A study evaluating the health of the Xavante of the São Marcos and Sangradouro reservations in Mato Grosso noted significant rises in metabolic syndrome among women in these communities as well as a lower life expectancy than the average Brazilian, which it linked to sedentariness, consumption of industrialized food and soft drinks, as well as the shrinking of the territory of the Xavante and the loss of natural resources, with similar levels of metabolic syndrome also discovered for the Kaingang and Guarani peoples in the state of Mato Grosso.[47]

FOOTNOTES

[43] See Horta.

[44] "Food and Agriculture...," 285

[45] See Lea, especially 159-160 for a discussion of metabolic syndrome's prevalence and effects on Brazil's indigenous peoples.

[47] See Lea, especially 159, for more information about the causes of a lower life expectancy and metabolic syndrome in the Xavante people. Data from a 2009 study on the effects of the nutrition transition in the adult Xavante Indians of the Brazilian Amazon reports significant BMI and weight increases in males and females between 1962 and 2006. The study attributes this evolution to indigenous communities' growing involvement and dependence on market economies – with an ever-increasing reliance on external food products as part of diets.[48]

Data from the National Survey studied by researchers at an array of Brazil's Federal Universities reveals some important nutritional information about indigenous women in Brazil which exemplifies the impact of compromised food security and sovereignty on indigenous peoples' lives. In contrast to indigenous communities with greater integration in market economies, expressively lower levels of excess weight and obesity are shown in the Northern indigenous communities of Brazil, which stand out from all other regions for having much higher numbers of villages that reported acquiring food by hunting, fishing and collecting, traditional methods of indigenous food production.[49] Additionally, the North has the greatest extension of indigenous lands which may explain why these communities had the lowest proportion of households reporting consuming food by means of government distribution (3.5%) and a slightly lower proportion of households purchasing at least some food as compared to other regions of Brazil (though still around 90% of households).[50]

Indigenous women in the North also had a significantly lower prevalence of high blood pressure as compared to the other regions, and the prevalence of hypertension in the indigenous population in the Northeast was almost three times higher than that in the North and nearly five times higher in the South/Southeast and Central-West than in the North.[51] The National Survey not only confirms the livelihood of indigenous women is a problem of great magnitude, but also confirms that when measuring for low height-for-age, chronic undernutrition affects one in four indigenous children in Brazil. This is a problem of great magnitude even for those communities in the North, where the burden of stunting and anaemia for children under five years was the greatest.[52]

BY 2022 CHRONIC UNDERNUTRITION HAD AFFECTED ONE IN FOUR INDIGENOUS CHILDREN IN BRAZIL

FOOTNOTES

[48] Welch et al., Nutrition Transition, SocioEconomic Differentiation, and Gender among Adult Xavante Indians.

[49] Coimbra, 1947

[50] See Welch, especially 17-19 for data on indigenous food sovereignty compared by regions in Brazil.

51] Coimbra, 1947.

[52] Welch. 6.

UNDERMINING OF INDIGENOUS CULTURES AND CULTURAL VALUES

As stated by researchers in Food, Culture, & Society, an international journal for multidisciplinary research, food security is not just about having enough suitable food, but also about people "being able to acquire food in.(...)culturally acceptable and personally dignifying [ways]."[53] The decline in availability of the indigenous communities' traditional foods due to environmental change and surrounding agribusiness also brings about the loss of indigenous knowledge and skills in harvesting, cultivating, and preparing traditional foods. Damman et al. further supports that traditional food habits in indigenous populations "express and reinforce cultural identity" in relation to "non-nutrient based value of food", which is integral to indigenous peoples' right to adequate food.[54]

The Food and Agriculture Organization of the United Nations and the Centre for Indigenous Peoples' Nutrition and Environment also lend support to this important value of traditional foods remaining part of indigenous peoples' diets, as these foods provide numerous benefits to physical health both in consumption and in the physical activity of harvesting and preparing these foods.[55] Aside from physical health, traditional foods maintain diverse indigenous cultures, languages, heritages, and identities supporting the "mental, emotional, spiritual, and physical well-being of Indigenous Peoples."[58] Elders across many cultures all over the world recognize consuming traditional indigenous foods is a necessary key to maintaining health and well-being, and that food security is not necessarily only related to health, but also to promoting culture, connection to the land, and the social organization of both individuals and communities.[57] Thus, as researchers from several Federal Universities in Brazil state in the *International Journal for Equity in Health*,

Food and nutrition policies and interventions designed for indigenous peoples in Brazil must be tailored for consonance with the cultural lifestyles and food perceptions of target communities, going beyond the generalized distribution of energy-rich food items, typical of both governmental and non-governmental food relief initiatives.[58]

A right to adequate food must be seen in light of the special considerations and rights of indigenous peoples, where traditional indigenous diets and lifestyles are supported by policies and programs that improve food security and promote indigenous peoples' food sovereignty.[59]

FOOTNOTES

[53] Rocha, 591

[54] See p. 141

[55] See p. 37.

[56] See "Food and Agriculture...," 37.

[57] See "Food and Agriculture...," especially 6-8, for further discussion of the importance of Indigenous peoples consuming traditional indigenous foods.

[58] Horta, 11.

[59] See Damman, 140-142 for a discussion of the proper format for policies and programmes addressing a right to adequate food in Indigenous contexts.

DETRIMENTAL IMPACT OF FOOD PACKAGING ON THE ENVIRONMENT

In addition to the impact these food programs and policies have on the indigenous populations to whom they are distributed, most of the food delivered in Cesta Básicas is packaged in plastics and other materials that is ultimately disposed of improperly.[60] This is primarily because the indigenous communities these packaged foods arrive in do not always have the same waste disposal methods as industrialised areas and no method of getting the packaging waste to a proper recycling facility. Therefore, these plastics and other packaging materials end up scattered in and around the indigenous communities, contributing to pollution and waste in their surrounding environment. Delivering such ill-fitted materials has a direct impact on the resources on which these indigenous populations rely. It also has a negative impact on the ecosystem on which both indigenous peoples and industrialised areas depend for clean air, water and food, especially when most indigenous communities across Brazil lack access to recycling facilities.



FOOTNOTES

[60] Juneia Mallas, a Brazilian citizen working with Indigenous Peoples in the State of Mato Grosso do Sul, in discussion with No Peace Without Justice, June 2021.

IS BRAZIL IN VIOLATION OF ITS LEGAL OBLIGATIONS TO INDIGENOUS PEOPLES BY DISTRIBUTING FOOD AID IN THIS MANNER?

WHAT ARE BRAZIL'S INTERNATIONAL OBLIGATIONS WITH RESPECT TO FOOD AND NUTRITION?

In addition to Brazil's national policies and programs, as a signatory of several international treaties, Brazil has obligations to the international community for actions within its borders. These treaties include the International Covenant on Civil and Political Rights ("ICCPR") and the International Covenant on Economic, Social, and Cultural Rights ("ICESCR"), both of which Brazil ratified in 1992. Brazil is a party to the International Labour Organisation Indigenous and Tribal Peoples Convention ("C169") and The International Criminal Court's Rome Statute, both ratified in 2002. Brazil also voted in favour of adoption of the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"), in 2007 and the Universal Declaration of Human Rights ("UDHR") in 1948.

Brazil's obligations arising out of these international treaties and declarations are described in more detail in Table 2.

BRAZIL'S CONSTITUTION AND LAWS

TABLE 1: BRAZIL'S NATIONAL CONSTITUTIONAL LAW AND PUBLIC LAWS VIOLATED

Name of Law

Relevant Text of Law

How is it Violated?

1988 Constitution

Art 231: "Indians shall have their social organization, customs, languages, creeds and traditions recognized, as well as their original rights to the lands they traditionally occupy..."

The observed transformation in diets, the effects of degrading health, the loss of traditional indigenous territories, and greater market integration tend to be associated with a reduction in traditional indigenous food production systems and customs of consumption. Thus, Brazil's food policies and programs have not effectively recognized and respected indigenous customs, traditions, and rights to land traditionally occupied.[61]

Public Law 6.001 ("the Indian Statute")

Art 2 V: "right to remain... permanently in their habitat, providing them with resources there for their development and progress."

Art 2 VI: "Respect, in the process of integrating the Indian in the national communion, the cohesion of the native communities, and their cultural values, traditions, usages, and customs."

Art 2 VIII: "Utilize the cooperation, spirit of initiative and personal qualities of the Indian, with a view to improving his living conditions and integrating him in the development process."

Art 58 I: "[making it illegal] to revile or disturb in any way the practice [of native cultural ceremonies, rites, usages, customs or traditions]"

The lack of State-backed programs including or supporting Indigenous Peoples' initiatives, perspectives, and local food resources as compared to programmes reflecting the mainstream dominating culture threatens traditional culture and foods, as well as development and progress of indigenous culture in violation of Article 2 V-VII.[62]

As shown by data in the National Survey, when indigenous communities have contact with non-indigenous environments "disturbing" their traditional culture and food practice, their food habits, health, and nutritional status are negatively affected in direct violation of Article 58.[63]

FOOTNOTES

[61] See Coimbra; Damman; Soares; "The Guarani and Kaiowá..."; Welch, for further information about the observed nutrition transformation and impact on traditional indigenous food systems and consumption.

[62] See "Food and Agriculture..."; "The Guarani and Kaiowá..." for a discussion about the lack of indigenous perspectives, initiatives and resources in policies and programmes, as well as the influence of mainstream culture on these policies and programmes.

indigenous interference with Indigenous communities in Brazil.

INTERNATIONAL LEGAL OBLIGATIONS

TABLE 2: INTERNATIONAL LEGAL OBLIGATIONS AND TREATY OBLIGATIONS VIOLATED

International Treaty

Relevant Text of Applicable Law

How is it Violated?

International Covenant on Civil and Political Rights ("ICCPR")

Art 1.1: "... the right of self-determination.... [and to] freely pursue...cultural development."

Art 1.2: "In no case may a people be deprived of its own means of subsistence."

Art 1.3: "...Parties...shall promote the realization of the right of selfdetermination, and shall respect that right"

Art 27: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture"

In Brazil, the cultural rights of indigenous peoples have tended to be ignored and policies implemented by the government have undermined rather than facilitated traditional food systems and indigenous self-sufficiency, in direct violation of Article 1.1, 1.2, 1.3, and Art 27.[64]

The observed erosion of indigenous food systems in Brazil is associated with the decline of biodiversity and reduction of traditional territories, which is worsened by the Brazilian government's hallmark advance of agribusiness, Brazil thereby violating Article 1.2 and Article 27 by stripping the subsistence and cultural capacity of these food systems away through government action.[65]

International Covenant on Economic, Social, and Cultural Rights ("ICESCR")

Art 11.1: "...Parties...recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food...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 international cooperation based on free consent."

Art 11.2 : "...recognizing the fundamental right of everyone to be free from hunger..."

Through this treaty, the Brazilian government has committed itself to respect, protect and fulfil the right to food; yet, despite advances in attempts to ensure food security for the Brazilian population in general, assessments still report high frequencies of families in situations of food insecurity, far from reaching an ideal food sovereignty and in violation of Brazil's obligation pursuant to Article 11.[66]

The way in which Brazil has increased dependence on store-bought foods and food donation baskets for some indigenous communities (like the Guarani and Kaiowá) due to environmental changes and development projects reduces indigenous peoples' ability to realise the right to adequate food rather than ensures it.[67]

FOOTNOTES

[64] See Damman for a further discussion about government programs undermining traditional indigenous food systems.

[65] See Welch; Lea; Vaconcelos for further information about the advance of agribusiness and its detrimental effects on biodiversity and traditional indigenous territories.

[66] See Welch; Rocha for evidence of high frequencies of food insecurity among indigenous families and further discussion about the Brazilian governments contribution to this demonstrated food insecurity.

67] See Rocha: Coimbra for more information about the increasing dependence on store-bought foods and food donation baskets

Relevant Text of Applicable Law

How is it Violated?

International Covenant on Economic, Social, and Cultural Rights ("ICESCR") Art 11.2(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"

Art 12.1: "...Parties...recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

Art 12.2(c): "...prevention, treatment and control of epidemic, endemic, occupational and other diseases..."

Brazil's incentivising access and diet change through Bolsa Familia and Cesta Basica to unsafe/unhealthy foods leading to inappropriate, unhealthy diets and deteriorating health violates the obligations to promote nutrition and attain physical health in Articles 11 and 12.[68]

Universal Declaration of Human Rights ("UDHR")

Art 3: "Everyone has the right to life, liberty and security of person."

Art 22: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."

Art 25: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food..."

Flagrant environmental damage perpetrated by plantations and the agribusiness sector in general strongly affects the indigenous communities by contaminating their food, water, and posing serious risks to their health, an action depriving Indigenous Peoples' right to life in violation of Article 3.[69]

Diminished access to traditional territories and food production methods for indigenous peoples by the Brazilian government's policies undermine indigenous social and cultural rights in violation of Article 22 rather than seek the resource and knowledge from within indigenous communities to help realisation of their rights.[70]

High levels of diabetes and the growing epidemic of obesity facilitated by Brazil's inadequate food programs show that Indigenous Peoples' right to an adequate standard of well-being including food is being violated[71]

FOOTNOTES

[68] See Rocha; "Food and Agriculture..."; Damman for a further discussion about how Brazilian food programmes may lead to increased access to unbealthy foods and inappropriate diet changes

[69] See "Food and Agriculture..."; "The Guarani and Kaiowá..."; Damman for more evidence of environmental damage and its effects on the indigenous communities surrounding the plantations and dominant agribusiness areas

[70]See Coimbra; Damman; Soares for further discussion of how food policies undermine indigenous social and cultural rights. [71] See Rocha; Welch; "Land and Food Sovereignty..."; Browne for evidence of diabetes, obesity and other chronic illnesses am

indigenous communities facilitated by the effects of Brazil's food programs and policies.

United Nations Declaration on the Rights of

Indigenous Peoples ("UNDRIP")

Relevant Text of Applicable Law

How is it Violated?

Art 7.2: "Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence"

Art 8.1: "Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture."

Art 8.2: "States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities:"

Art 29.3: "States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, developed as and implemented by the peoples affected by such materials, are duly implemented"

Agribusiness and development projects deprive indigenous communities of land, water and their livelihoods, Brazil's government subjecting these peoples to a life absent of freedom, peace or security in their homes and cultures is in violation of Article 7.2.[72]

Programs like Bolsa Familia and Cesta Básica do not provide effective mechanisms for prevention of deprivation of cultural values or ethnic identities, as these programs fuel transitions to industrialised diets and participation in the external market, effectively depriving indigenous communities of their traditional food systems. These actions force assimilation and have the effect of destroying indigenous food cultures and self-sufficiency, in violation of Article 8.1-8.2.[73]

Brazil's failure to tailor food and nutrition policies to food consistent with a traditional indigenous diet and health needs has led to a transition affecting health conditions and chronic disease of indigenous peoples, in violation of Article 29.3.[74]

International Labour Organisation Indigenous and Tribal Peoples Convention ("C169")

Preamble: "Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live..."

Art 2: "Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity"

Brazil's food and nutrition policies lack a measure of participation and implementation involving the food insecure indigenous peoples targeted with these policies; the right to adequate food of indigenous peoples must be informed by indigenous peoples' human rights as such, including indigenous peoples' special rights and their right to culture as expressed in the preamble and text of C169.[75]

In Article 2, Brazil has agreed to develop participation-based, coordinated action to protect indigenous peoples' rights, but the indigenous peoples' right to adequate food and self-determination is met with poorly adapted programs and actions that have the effect of depriving these rights and these communities' integrity. [76]

FOOTNOTES

[72] See "The Brazilian Indians."; Welch; Vasconcelos; Damman for discussions about the effect of agribusiness and development projects on indigenous

[73] See "Land and Food Sovereignty..."; Browne; Lea; Soares for information about how Brazil's programs and policies fuel the indigenous nutrition transition and force assimilation into the dominant culture.

[74] See Soares; Damman; Coimbra for information about how Brazil's food policies and programs fail to tailor provisions and actions to the specific needs of a traditional indigenous diet

[75] See Damman; Soares; Rocha; "Land and Food Sovereignty..." for evidence of how policies lack participation and implementation targeting the

76] See Segall-Corrêa; "Food and Agriculture..."; "International Policy Centre for Inclusive Growth..."; Browne for discussions about how the policie:
adopted by Brazil are poorly adapted to the needs of the indigenous communities they are intended to positively affect.

Relevant Text of Applicable Law

How is it Violated?

International Labour
Organisation Indigenous and
Tribal Peoples Convention
("C169")

Art 2(c): "assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life."

Art 4: "Special measures shall be adopted as appropriate for safeguarding the persons...cultures and environment of the peoples concerned." Art 14: "...measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities."

Additionally, Brazilian the government's generalised actions increasing the local market access indigenous peoples inappropriate "Westernisation" of their indigenous food systems, with deprivation along autonomous land ownership, poor access to health, social, and educational services only exacerbate the socio-economic gap experienced by indigenous peoples in comparison to other Brazilians in violation of Articles 2(c) and 4.[77]

magnitude of research exemplifies indigenous peoples in Brazil have repeatedly been dispossessed from their homelands, as well as suffered the effects of deforestation. contamination. and pollution arising from agribusiness on traditional indigenous subsistence and food production activities, in violation of Article 14.[78]

FOOTNOTES

[77] See "Land and Food Sovereignty..."; "Food and Agriculture..."; Vasconcelos for a discussion about how these food and nutrition policies negatively impact the indigenous populations by generalisation and inappropriate actions to fit the needs of the indigenous peoples.

[78] See Welch; Browne; Rocha; Soares for more information about the effects of environmental destruction and degradation dispossessing indigenous peoples from their traditional homelands.

* Due to the nature of this brief, there is a necessary analysis that must occur here to satisfactorily fit these acts into the elements of genocide and crimes against humanity under the Rome Statute. The chapeau attached to each of these elements require deeper research and study to determine whether they are in fact satisfied and such analysis may be sufficient to conclude these two articles would not actually apply to the acts in Brazil.

Relevant Text of Applicable Law

Art 6 (c): For the purpose of this Statute,

"genocide" means any of the following

acts committed with intent to destroy.

in whole or in part, a national, ethnical,

racial or religious group, as such: (c)

How is it Violated?

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;"

a population..."

Art 7.1(b): "For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (b) Extermination;..." defined by Art 7.2 (b): "Externination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of

The nutrition transition fuelled by Brazil's food programs and policies giving indigenous communities ultra-processed and industrialised foods has been proven to lead a rise in chronic illness and dietary changes, which may bring about the indigenous peoples' destruction or their forced assimilation into the "Westernised" culture ill-fitted to potentially traditions. their classifying these acts as a genocide under Art 6 of the Rome Statute. (see section "Increases in Chronic Health Issues Among Indigenous Peoples" and "Acceleration of the Food Transition of Indigenous Peoples")*

The high rates of malnutrition, chronic illness, and erosion of traditional food systems due to Brazil's food programs and policies being ill-fitted and detrimental to Indigenous Peoples' physical wellbeing, if allowed to continue, may result in the destruction of indigenous communities groups in Amazonia, potentially constituting the crime against humanity of extermination under Article 7.1(b). (see section "Increases in Chronic Health Issues Among Indigenous Peoples" and "Acceleration of the Food Transition of Indigenous Peoples")*

Rome Statute of the International Criminal Court

CONCLUSION

DISCUSSION

Although this brief summary of the issues occurring in Brazil's indigenous communities is by no means exhaustive, literature and research produced over the last 20 years depict an increasingly dire situation for the indigenous population of Brazil. Erosion of indigenous food systems, increasing rates of chronic disease, prevalent undernutrition and disregard for their basic human rights has led many of the indigenous populations of Brazil to live in a constant state of threatened survival. Brazil's Human Rights Advocacy Collective and other human rights organisations urge the "livelihoods, culture and survival of indigenous groups are directly linked to the natural environment" while activists and indigenous leaders lend support to this idea in stating that any policy permitting massive ecological harm effectively permits attack on indigenous peoples.[79] Additionally, policy changes in the recent years rollback some of the protection given to the environment and open traditionally indigenousoccupied territories, including isolated and uncontacted communities, to mining, agriculture and logging, which has been proven to lead to violence and the destruction of protected indigenous lands.[80] The continuing threat to the environment from the Brazilian Government not only endangers major ecosystems, but also the indigenous peoples living among them. The findings of this research stress the importance of accountability and continual efforts to fight the impunity enjoyed by the perpetrators of these crimes.

While some advances have been made in policy and approach to the rights of indigenous peoples, much remains to be done and the COVID-19 pandemic only intensifies the plight of Brazil's indigenous peoples.[81] While policies from previous Brazilian governments have already threatened indigenous peoples' diets in the past - through inadequate food and land distribution policies - current President Jair Bolsonaro's administration has been taking proactive steps towards the decimation of Brazil's indigenous communities. Though intent to endanger, negatively impact, or decimate Brazil's indigenous peoples may not be obvious on the face of policies, it becomes obvious with a review of Brazil's current President Jair Bolsonaro's words and actions. President Bolsonaro's actions aimed at furthering development of indigenous lands receive backlash for having the possible effect of starting a new era of ethnocide for indigenous peoples, in addition to his slashing the funding of the National Indian Foundation, responsible for upholding indigenous rights under Brazil's Constitution.[82] President Bolsonaro has also made many anti-indigenous statements, including comparing indigenous peoples to zoo animals and stating Brazil's failure to "exterminate the indians" failed in comparison to that of the United States, clearly supporting the position Brazil's head of government intends harm to the indigenous populations in their territory and "in the way of" land development.[83]

Brazil is in breach of numerous international obligations the nation has coveted to uphold, and in breach of their own constitution and public laws. More research must be done to construct and detail the non-state, foreign national, and international parties. Member-States to the international instruments Brazil has been violating through these harmful policies should seek accountability for its actions in front of competent bodies.

^[82] See Londoño.

RECOMMENDATIONS



COLLABORATION WITH INDIGENOUS PEOPLES IS NECESSARY FOR EFFECTIVE FOOD AND NUTRITION POLICIES

As stated by the ICESCR, to which Brazil is a signatory, a human right-based approach is necessary to achieve indigenous peoples' right to adequate food: this calls for laws and policies related to food security to be consistent with the right to food and other related human rights, including the special rights of indigenous peoples.[84] Policies intending to improve food sovereignty and thus the fulfilment of indigenous peoples' human rights must include their right to enjoy their unique culture, a self-sufficient lifestyle and traditions tied to food production, land and natural resources.[85] This may include collaboration with indigenous leaders, community members, or other stakeholders who can accurately depict not only the nutritional needs of indigenous peoples but also the best ways to provide policies in a culturally acceptable and personally dignifying way. Policies that effectively implement indigenous peoples' right to food should be the result of thorough consultation and involvement of indigenous communities across the country. This process should allow for the expression of free, prior and informed consent from members of the interested groups. To counteract the politics of apparent extermination led by the Brazilian Government, interventions must include the preservation of indigenous ethnic identity, access to traditional territories and natural resources, and revitalised traditional ecological knowledge.[86] The Brazilian Government must be held accountable for noncompliance with its obligations to prevent the eventual genocide by omission of the indigenous peoples before it is too late.

DEVELOPMENT OF POLICIES THAT CATER FOR INDIGENOUS PEOPLES' SPECIFIC NUTRITIONAL NEEDS AND FOOD SOVEREIGNTY

In light of this report's findings, it is crucial for the preservation of Brazilian indigenous population's health that the government implements policies that enable them to maintain their traditional food production methods and nutritional habits. The common scenario currently affecting indigenous communities across the country includes a relatively high supply of cheap and energy-dense foods, combined with a sedentary lifestyle of low physical activity. While drafting food distribution policies, the Brazilian Government should be sensitive to the human biological outcomes on these populations of the environmental, cultural and socioeconomic transformation of their every-changing environment. Brazilian indigenous communities' increasing involvement in the market economy has been accompanied by national food distribution programs that have posed a serious threat to their survival.

Ensuring access to land and to food production techniques for indigenous populations could provide an avenue for more sustainable and culturally aware policies on land and food distribution in Brazil. This could include allowing for communities to regain access to their ancestral lands, and taking into account their nutritional needs when creating and distributing food parcels. The right to food includes an obligation on the Brazil State to implement policies that protect and promote indigenous peoples' food sovereignty and food security. Because traditional nutritional habits are an expression of cultural identity for indigenous populations in Brazil, the right to food will only be fulfilled when government programs allow for the maintenance of their own food production and consumption systems.



PACKING AND THE ENVIRONMENT - CALLING FOR THE USE OF MORE SUSTAINABLE PACKAGING

As mentioned above, in addition to the impact food programmes and policies have on the indigenous populations they are distributed to, most of the food delivered in Cesta Básicas is packaged in plastics and other materials that end up disposed of improperly, especially in areas where communities do not have easy access to recycling facilities. Consequently, these materials contribute to pollution and waste in indigenous groups' environments. Because many communities depend on the preservation of these ecosystems, food distribution policies should make space for the use of more sustainable and eco-friendly packaging and materials, particularly when targeted to those groups that do not have access to recycling facilities



FUTURE POLICIES: CALLING FOR VIABLE FINANCIAL SUPPORT FOR LOCAL INITIATIVES

The erosion of economic activities at local levels across Brazil has led many of the country's indigenous communities into increased poverty. A policy of revaluation of lucrative activities that is centred around local products and traditional techniques would allow for communities to regain access to means of income that align with their traditional lifestyle, as well as contribute to the recognition of the unique biodiversity and product range of indigenous territories. These means of keeping local food systems and production techniques alive also require viable, long-term investment in research, technology and infrastructure that is tailored to different communities' needs and that fulfil indigenous peoples' right to be consulted and heard on these topics.

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ILLUSTRATIONS

FIGURE 1

Photo by Rodrigo Flores on Unsplash,https://unsplash.com/photos/T5qj s-63kqQ

FIGURE 2

Supermarket in recife, pernambuco, Brazil w.jpg by Wilfredor, liscensed under CC BY-SA 4.0, https://wordpress.org/openverse/image/7b5d0300-bfba-488c-a88e-137a687bd50e/

FIGURE 3

Photo by Eduardo Soares on Unsplash,https://unsplash.com/photos/XyK Oqb5DN1s

FIGURE 4

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FIGURE 5

Photo by Prefeitura de olinda, Operação Inverno - Limpeza de Canais, https://wordpress.org/openverse/image/4fa4eebb-f3cf-49f4-997c-29c1f7e7caf4

FIGURE 6

Photo by Victoriano Izquierdo on Unsplash, https://unsplash.com/photos/Orcw3QahuS0

FIGURE 7

Photo by Alexander Schimmeck on Unsplash, https://unsplash.com/photos/rV9xbwQj1Ck