

ANTI-INDIGENOUS FOUNDATION

A Portrait of FUNAI Under the Bolsonaro Administration

Dossier reveals persecution of employees and indigenous people by Brazil's Indigenous agency under the Bolsonaro administration

In the face of the shocking disappearance of a former Funai employee and a British journalist in the Amazon ten days ago, a report released by INESC and the association that represents FUNAI's civil servants and indigenists (INA) lists illegalities in the policy of (non-) demarcation of indigenous territories, cutting resources, militarization and oppression within the agency

Brasília, June 2022 – Under the Bolsonaro administration, the National Indian Foundation (Fundação Nacional do Índio – FUNAI) has implemented an *anti-indigenist* policy, marked by the non-demarcation of indigenous territories, persecution of government employees and indigenous leaders, in addition to an unprecedented militarization of the agency, according to a new dossier published this week by INA (Associated Indigenists – Association of FUNAI's Civil Servants) and INESC (Institute of Socioeconomic Studies), a result from three years of joint monitoring.

The situation is so alarming that on Tuesday (14), [Funai employees walked off the job](#) amid anger over statements by the Foundation criticizing Bruno Pereira, the former Funai employee who went missing with the British journalist Dom Phillips ten days ago in the Javari Valle.

The report says that, currently, only 2 of FUNAI's 39 Regional Offices are headed by civil servants. In the other offices, the situation is as follows: 19 of them coordinated by military officers; 3 by military police officers; 2 by federal police officers; and the remaining by substitute civil servants or people with no ties to the public administration. At the higher levels, 2 of the 3 directors, in addition to FUNAI's president, Marcelo Xavier, are police officers, and one military officer.

Since 2019, FUNAI has dramatically increased the number of Disciplinary Administrative Proceedings (PAD), reflecting a deliberate institutional policy to spread fear and intimidate civil servants in the workplace, with the aggravating

factor that the constant use of this instrument implies a reduction in the time available for the practical tasks of indigenists who have dedicated themselves to two or even three simultaneous PAD commissions.

This is added to the fact that very few resources reach FUNAI's practical activities (those destined for actions in indigenous territories, with teams of specialized civil servants). The last report of the agency, from 2020, shows that there were more vacant positions in the autarchy (2,300 positions) than active professionals (2,071 professionals, of which 1,717 are appointed government officials)—an emptying inversely proportional to the growth of the indigenous population in the country at the same time.

The detailed analysis of official documents, collected since early 2019, is reinforced by testimonies from civil servants, press materials and publications by civil society organizations. The document is being released amid the indignation of organizations regarding the disappearance of the indigenist Bruno Araújo Pereira and the British journalist Dom Phillips, a contributor to *The Guardian*.

“With the dossier, we want to record the depth of the damage that has been done within FUNAI,” explains Fernando Vianna, president of INA. “Instead of protecting and advancing indigenous rights, the current administration of the Foundation has decided to prioritize and defend non-indigenous interests, as was clear in the ruling of the *marco temporal* [time frame clause], which was to be resumed this June,” he adds, referring to the process in the Federal Supreme Court (STF) that analyzes the thesis that indigenous people would only have the right to lands that were in their possession as of October 5, 1988, the date on which the Federal Constitution was promulgated, ignoring the historical violations that these peoples have endured over the years.

Ironically, it was FUNAI that, in previous years, filed the appeal that led to the ruling of the *marco temporal*. But, under the current administration, the agency has performed a U-turn, and is now siding with unions and associations of rural landowners and agribusinesses, defending legal theses that are totally contrary to the rights conquered by indigenous peoples.

The starting point of the dossier is the discourse adopted by the President of the Republic, who stated in his pre-election period: “If I am elected, I’ll stick a scythe in FUNAI’s neck. There is no other way.” Indeed, Bolsonaro’s assault on FUNAI’s jugular began in the first months of his term, with the attempt to put the agency under the auspice of the Ministry of Agriculture, Livestock and Food Supply, which only failed after the Federal Supreme Court’s intervened, overturning the Provisional Measure created for this change.

Not resigned to the defeat, the government handed the agency over to the chief of police Marcelo Xavier, a trusted advisor to Nabhan Garcia, currently Special Secretary

for Land Affairs at MAPA, agriculturalist, ruralist leader and notorious antagonist of indigenous rights.

Over these four years, the expression “demarcation of indigenous territories” simply disappeared from the government's plans. Not a single specific budget program aimed at indigenous peoples appeared in the Pluriannual Execution Plan (2020–2023) or in the Budget Law (2020) drafted by the federal government.

For INESC's spokesperson, political advisor Leila Saraiva, “today's FUNAI reveals itself to be a blatant case of erosion of rights, not only regarding indigenous policy, but also in related fields, such as environmental, cultural, racial relations, which have also deteriorated throughout Brazil.”

In her assessment, the Bolsonaro administration has taken an approach that seizes State structures to annihilate all conquered rights. Assessments on the current administration describe this practice as *authoritarian infra-legalism* or *institutional harassment*.⁷⁷ “After delving into the materials to create this dossier, we found that these expressions fit FUNAI's case perfectly,” concludes Leila.

One of the examples mentioned in the dossier is the case of a civil servant who, at the request of the Specialized Attorney's Office of FUNAI (PFE), examined a specific lawsuit to annul the identification and delimitation of an indigenous territory (IT).

Through a document called Technical Information, the civil servants argued that FUNAI should claim the annulment of the annulment ruling, showing to the legal system the fundamentals of the technical work carried out for the demarcation of the IT. However, Marcelo Xavier not only rebutted the proposal to contest the sentence—he thus accepted the judicial annulment of the IT's identification—but also determined that the conduct of the civil servant be reported to the Office of Internal Affairs and the Federal Police.

About INA – *Indigenistas Associados (INA), an association made up of civil servants from the National Indian Foundation (FUNAI), which works both for improving the quality of life of civil servants and in defense of the rights of civil servants, especially in the scope of FUNAI, whether through bills, judicial proceedings and political and social articulation and mobilization, as well as in the promotion and defense of the rights of indigenous peoples, through articulation with entities of indigenous and indigenist movements, the elaboration of manifestos and the participation in social mobilizations.*

About INESC – *For 42 years, the Institute of Socioeconomic Studies has served as a non-governmental, non-profit, non-partisan organization based in Brasília, which monitors, analyzes and contributes to discussions on public policies and human rights, through the interpretation of public budget data.*

THE DISMANTLING OF FUNAI IN 10 ACTS

1. The ruralist agenda in charge

As soon as he took office, in 2019, Bolsonaro tried to take away from FUNAI, through a Provisional Measure, its competence of demarcating indigenous lands, as well as providing opinions in environmental licensing processes with an impact on these lands. [Bill 870](#) was edited twice so that these attributions were left to the Ministry of Agriculture, Livestock and Food Supply, more specifically, under the command of [Nabhan Garcia](#), former president of the Ruralist Democratic Union, recently appointed to the Special Secretariat for Land Affairs at MAPA. After the Federal Supreme Court barred this strategy from affecting FUNAI through a Provisional Measure, the plan turned to controlling the agency by appointing the chief of police Marcelo Xavier to the presidency, as well as other directors and coordinators totally aligned with Garcia and the caucus of ruralist legislators.

2. The indigenists leave, the military and police officers enter the scene

Unable to leave FUNAI in the care of Nabhan Garcia, Bolsonaro appointed then-Federal Chief of Police [Marcelo Xavier](#) to the presidency of the agency. He is the one who appears [in this video](#), during a hearing with agriculturalists in Mato Grosso do Sul, saying: "I am putting people I trust in the bases now, precisely to serve you" (Nov 8, 2010). Xavier, who was even nominated as advisor to ruralist Nabhan at MAPA, adopted a peculiar criterion when choosing his team. One of the regional coordinators designated to work in Vale do Javari (AM) has already been recorded talking about ["setting fire" to isolated Indians](#). Another one was [captured by security cameras assaulting an indigenous person at the headquarters of the Xavante unit \(MT\) that he heads](#). In Araguaia (TO), a third one [supported a search and seizure procedure in a village](#) that resulted in the death of an indigenous man, who was fatally shot in the presence of children and other members of the community. [And there is also a coordinator from Ribeirão Cascalheira \(MT\) who was arrested for involvement in the leasing of an indigenous territory](#).

3. Persecution of civil servants

In charge of FUNAI, the [duo](#) Xavier and Nabhan has inaugurated a policy of persecution and harassment to civil servants, by posing obstacles to the exercise of their functions, filing numerous Disciplinary Administrative Proceedings and

criminal investigations. Many lost their authority and access to the processes they were working on, were threatened or even stripped from their duties entirely.

4. Red tape for official visits to indigenous territories

Abusing the centralization in Brasília, the authorization of visits by civil servants to indigenous territories previously only needed to be signed off by the president of FUNAI in special cases. Today, however, the request must be made more than fifteen days in advance, in addition to the need for authorization from the institution's board, plus a technical opinion from the General Offices in Brasília, confirming the relevance of the visit. Added to the deliberate delays, which make emergency actions in the communities unfeasible, is the fact that the agency is not paying work-related travel allowances, leading civil servants to give up making the visits or cover the expenses with their own money.

5. Not an inch more of indigenous land

In 2019, not a single indigenous land was delimited (first stage for the creation of a reserve), and there is no target for this in the strategic planning for 2020–2023, except for cases when there was pressure from the Federal Prosecution Office. Even so, in assembling the Working Groups for the legal proceedings, FUNAI delays the process, proposing to re-structure the groups, arbitrarily relocating civil servants that had already been monitoring specific cases.

6. Employment of “trusted” anthropologists

To head the technical groups, FUNAI created the figure of the *trusted anthropologist*, who—according to the Brazilian Association of Anthropology itself—are “people without the least qualification and legitimacy, even without legal support to coordinate and carry out studies for identifying and delimiting Indigenous Territories.” President Marcelo Xavier's chief of staff himself has written, in an administrative order, that the coordinators appointed to the WG responsible for the demarcation proceeding were chosen “according to principles of opportunity and convenience.”

7. Lands erased from the map

According to the Constitution, if a private property overlaps an indigenous land, the indigenous rights prevail. However, with the establishment of Normative Instruction No. 9 of 2020, FUNAI limited this right only to lands already ratified, weakening the protection given to that area during the demarcation process. What we see today is FUNAI telling non-indigenous stakeholders: “Come in and use them as you see fit, as the territory is not yet ratified. In practice, the act of not preserving an area while it is being ratified is equivalent to striking indigenous lands off the official map.

8. Criteria for classifying “real indigenous people”

Created in January 2021, Resolution No. 4 tried to define criteria to establish those who are or those who aren't indigenous people, in order to regulate access to certain public policies—reviving the ruralist agenda of the “false indigenous people,” in strike contrast with the principle of indigenous self-identification provided for in Convention 169 of the International Labour Organization (ILO). With the disapproval of indigenous organizations and experts, the resolution was suspended in court.

9. Illegal miners are welcome

Under the current administration, according to the Instituto Socioambiental (ISA), deforestation in indigenous lands grew by 138%. Invading miners traveling to Brasília on an official plane expose how complicit the government is to all forms of illegality on indigenous lands. Infra-legal measures create new sui genesis arrangements of organizations between indigenous and non-indigenous people for the economic exploitation of land (including with GMOs), and mining and wood exploitation already on the horizon.

10. Omissions in the judicial sphere

As was to be expected, FUNAI has formally withdrawn from legal demands involving collective rights of indigenous peoples, remaining silent in numerous cases of violence, invasions, massacres and corruption. In the antithesis of its *raison d'être*, the agency has become a laboratory for anti-indigenous policies without defined legal bases, weakening territories and ethnicities.

THE SETBACK IN NUMBERS

Zero	inches of demarcated land
2	of the 39 coordinators are civil servants
24	are military officers
3	directors, in addition to the president, are military or police officers
620	demarcation processes stuck in their initial stages
117	territories delimited or declared, but not ratified
R\$ 12.7 million	spent on compensation for lands occupied by non-indigenous people
R\$ 58,000	spent with identification and delimitation of ITs

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^[1] [Bolsonaro adopts 'authoritarian infra-legalism' against democracy, researchers point out - Jan 11, 2022 - Poder - Folha; Afipea launches book on institutional harassment in Brazil.](#)