

The equality trap: notes on indigenist policies in the Bolsonaro government

Marcos Pereira Rufino

Universidade Federal de São Paulo, Escola de Filosofia, Letras e Ciências Humanas,
Departamento de Ciências Sociais, São Paulo, SP, Brasil

Abstract

Fervently criticizing the theme of difference and public policies that emphasize it, Bolsonaro and other top officials in his government propose a new indigenist policy for the country, based on the understanding that all Brazilians are equal. This article seeks to demonstrate that supported on a generic notion of equality, Bolsonaro has established an indigenist policy that seeks its own extinction by putting an end to difference, or its recognition, leading the Brazilian state to return to assimilationist policies from the period before the promulgation of the Federal Constitution of 1988. The article explores government actions related to Indigenous territorial rights and gives special attention to efforts to liberate Indigenous Lands for the realization of various economic activities, such as mining, gold prospecting, cattle raising, energy generation, tourism, and cultivation of genetically modified organisms.

Keywords: Indigenist policy, Bolsonaro government, Indigenous lands, mining, Federal Constitution of 1988.

Ciladas da igualdade: notas sobre a política indigenista no governo Bolsonaro

Resumo

A partir de uma crítica ardorosa do tema da diferença e às políticas públicas que o enfatizam, Bolsonaro e outros componentes do primeiro escalão de seu governo propõem uma nova política indigenista ao país, construída no entorno da acepção de que os brasileiros somos todos iguais. Este artigo procura demonstrar que, amparado em uma noção genérica de igualdade, Bolsonaro constitui uma política indigenista que almeja a extinção de si mesma pelo fim último da diferença, ou de seu reconhecimento, conduzindo o Estado brasileiro a um retorno às políticas assimilacionistas do período anterior à promulgação da Constituição Federal de 1988. O artigo explora algumas das ações do governo no âmbito dos direitos territoriais indígenas e dá especial atenção aos esforços de liberação das Terras Indígenas para a realização de atividades econômicas diversas, como mineração, garimpo, agropecuária, geração de energia, turismo e cultivo de organismos geneticamente modificados.

Palavras-chave: política indigenista, governo Bolsonaro, terras indígenas, mineração, Constituição Federal de 1988.

The equality trap: notes on indigenist policies in the Bolsonaro government

Marcos Pereira Rufino

Introduction

Since the establishment of the Brazilian Republic, the policy of the Brazilian state towards Indigenous peoples, considering the defense of the lives and rights of these peoples, was in consonance with a broad group of factors such as the national political situation, the mobilization of civil society around Indigenous rights, and pressure from abroad – exercised by civil organizations, nation states and multilateral organizations – in response to events with strong repercussions. Studies of this historic process clearly identify that the Republic's Indigenist policy was predominantly assimilationist for a long period, and expressed an understanding that the cultural diversity and ways of life of these native populations would be a provisory condition, and that it is up to the Brazilian state to accelerate and facilitate their passage to “civilization”.¹ The Service for the Protection of Indians and Localization of National Workers, which was created in 1910, defended assimilation policies and was renamed the Indian Protection Service eight years later (Souza Lima, 1995). The National Indian Foundation (Funai), which was born from the ashes of the Indian Protection Service in 1967, during the military regime, continued this perspective of integration of the Indigenous into the world of labor and national society, and only took a distance from this perspective in the late 1980s.

It would be incorrect, however, to not recognize important advances in the decades that preceded the Constitution of 1988 – which is unprecedented in its recognition of Indigenous rights (Carneiro da Cunha, 2018) – particularly those referring to the rights to their territories. For example, the Constitution of 1934 took an important step because its article 129 determined respect for possession of land by the “forest dwellers who are permanently located within them”, and prohibited the alienation of this land by any means. In 1939, a council was formed that was responsible for guiding national Indigenist policy and the work of the Indian Protection Service, in response to criticisms of actions by the state. The National Council for Indigenist Policies was composed of young engaged researchers who left an important legacy to Brazilian anthropology in coming decades, such as Eduardo Galvão, Darcy Ribeiro, Heloísa Alberto Torres and Roberto Cardoso de Oliveira. Even during the military dictatorship there were some positive actions to guarantee Indigenous territories, despite the authoritarianism and countless situations of violence against these populations, which was propitiated by the developmentalist policy for the construction of large infrastructure works, and for the opening of the Amazon to economic activity (Davis, 1978; Hoornaert, 1992; Trinidad, 2016). The Constitution of 1967, enacted under the government of General Castelo Branco, eliminated an important legal gap in the previous constitutional text that did not define the ownership of land whose possession and use was recognized to the Indigenous. Since then, Indigenous Lands are defined as federal property, thus preventing any private party from insinuating a particular right to these territories. With the annulment of that Constitution and the promulgation of a new one in 1969, this time under the military junta that substituted General Costa e Silva, the text related to Indigenous territorial rights was not only maintained but gained more precise contours

¹ There are many studies that address Indigenous policy in the twentieth century and its perspective for socio-cultural assimilation of our socio-diversity. Among the most important names we can cite Antônio Carlos de Souza Lima (1995, 2009, 2015), João Pacheco de Oliveira (1978, 1985, 2016) and Darcy Ribeiro (1962).

that are present in the current Constitution of 1988. In addition to reaffirming that the Indigenous Lands are public patrimony, for the exclusive possession and use of the Indigenous, and which cannot be alienated, the Constitution of 1969 added two important propositions: in addition to declaring null and extinct “of legal effects of any nature that have the object the domain, possession or occupation of lands inhabited by forest dwellers”, it determined that the non-Indigenous occupants would not have a right to “any action of indemnification” against the Brazilian state and against the official indigenist agency.

Nearly three years since the beginning of the government of President Jair Bolsonaro, we note a sharp shift in the direction of an indigenist policy that is more coherent and unified, without the contradictions and tensions that marked the action of the federal executive in the Indigenous field in recent years. We now have an Indigenous policy that is clearly anti-Indigenous in a dual sense of the term. The anti-Indigenist attitude is first manifested in how the government has directly and clearly attacked the regulations, norms, actions and public policies that we commonly understand to be located in the field of Indigenous rights. Secondly, the anti-Indigenist posture is expressed in the reality itself of an Indigenist policy whose aim is to terminate itself through the extinction of its object. It is a policy that strongly supports a project of assimilation of the Indigenous to the national community, reviving a public policy perspective questioned by anthropologists in the mentioned National Council of Indigenist Policy in the 1940s, combated by the Indigenous movement and support organizations since the 1970s and definitively buried by the current Federal Constitution.

This article seeks to demonstrate the characteristics of the Bolsonaro government’s Indigenist policy by exploring these two meanings of anti-Indigenism. Firstly, we argue that President Jair Bolsonaro actively promotes an understanding that is appropriated from a modern and current criticism of ethnocentric concepts from the colonial period that traditionally associate the Indigenous to nature, and returning to the ideology of their integration to national society. We then discuss the actions of the federal executive that seek to modify or extinguish the public policy tools focused on these peoples, constituted mainly since the 1990s. Finally, we seek to highlight how the Constitution of 1988, and the way it is wielded by some republican institutions, has been the great obstacle to the implementation of Bolsonarist indigenist policy.

Equality traps

In “*Ciladas da diferença*” [Traps of difference], Antônio Flávio Pierucci (1990) narrates a landmark event for the US feminist movement that demonstrates how social struggles that emphasize difference can run concrete and not just theoretical risks of flowing in the direction opposite than they desire. The giant retail store chain and the largest employer of women in the United States at the time, Sears, Roebuck and Company, was sued for sexual discrimination in 1979 by the US government’s Equal Employment Opportunities Commission. Sears reserved those departments where sales paid commissions, and thus offered better earnings, to men, who were a minority of the employees. The company’s defense strategy involved the decisive participation of a feminist historian Rosalind Rosenberg, whose argument pointed to the distinctions between men and women in the workplace. Using arguments published in a book by another feminist historian, Alice Kessler-Harris, who testified in the same suit, but in support of the plaintiffs, Sear’s defense argued that men and women were substantially different not only in their aspirations towards work but also “in their interests in the jobs that they preferred and the types of products that they preferred to sell” (Pierucci, 1990: 21). The tough blow that Sears victory meant for the US feminist movement should, according to Pierucci, warn us to the traps that a defense of difference can create. The author recalls that in addition to being a theme that defines traditions of political rights, difference can always imply a defense of inequality, making it impossible to emphasize the difference without making a value distinction.

Four decades after this episode, Bolsonaroist indigenist policy brings a paradox to this debate. We see the president himself, the self-proclaimed leader of a conservative and Christian political rightwing, come to defend a new indigenist policy based on the theme of equality. It is on this basis that he has denounced as mechanisms to perpetuate a social and economic apartheid previous policies related to the Indigenous that have created protected territories and established public policies for differentiated treatment. For Bolsonaro and his ministers and closest aides, the indigenist policy that was constructed after the military dictatorship is abusive because of the isolation that it imposes on native populations, preventing them from attaining the happiness brought by work and the wealth it produces. In the Bolsonaroist view, although they live on their lands that are wealthy in natural and mineral resources, they are prohibited from exploiting them, which condemns them to a cycle of misery, debt and permanent dependence not only on the state, but also on the ill-fated action of national and foreign NGOs that earn high profits for assisting these populations and their territories.

Most Indians are Brazilians like us. They want electricity, television, to date a blond girl, to have internet.²

Now look, in Bolivia we have an Indian who is president. How come in Brazil we have to keep them cloistered on reserves, as if they were animals in zoos?³

Our Indians, most of them, are condemned to live like pre-historic men within our own country. This must change. The Indian wants to produce, wants to plant, wants the benefits and wonders of science and technology. We are all Brazilians.⁴

The Bolsonaroist narrative makes an effort to portray Indigenous policy since the dictatorship as a terrifying dystopic drama, in which helpless Indigenous people are held captive on confined territories, like inert elements of nature or jailed animals, closely monitored by a broad network of control devices, whose agents compose an obscure network supported by powerful interests. Money, minerals, biological assets, and national borders would be some of the ingredients that place the native populations of Brazil at the center of a transnational complot. And as in the movies, it is up to the hero, an outsider to palace politics, a critic of the dominant interpretations, and a denier of established truth, to enter the scene and change the course of history.

The interpretation of reality and the president's discourse perhaps bring us a parallel with the Sears episode in the United States. In the Bolsonaroist reading, the indigenist policy born at the political opening of the 1980s had produced a fundamental inequality between men precisely because of its emphasis on difference and its supposed denial of the subjacent equality among Brazilians. The praise of cultural diversity and native identities would serve to separate us and them, denying the Indigenous the right to history, science, and technology, but above all to belonging to the greater "us" of "Brazilianness". Here, no Indigenous will be president.

However, if traditions belong to the field of reinvention, as Adam Kuper affirms, perhaps we should rethink the central themes of the tradition of political rights, at least in the realm of the Brazilian experience with the Bolsonaro government. If in the Sears case difference was used to support discriminatory and therefore unequal employment practices, here it is the category of equality that serves to support a conservative action that proposes to terminate public policies that support diversity and attention to minorities. A structuralist analyst may suggest that the terms of the conservative cosmology of the Bolsonaro universe move in groups of transformation and that the pairs difference/inequality and similarity/equality are no longer found where they should be. Here, the trap is equality.

2 Declaration by Jair Bolsonaro during the electoral campaign, Várzea Grande (MT), on 30/04/2017.

3 Statement by Bolsonaro after the second electoral round, Cachoeira Paulista (SP), in 30/11/2018.

4 Statement by the president on the morning of 27/11/2019, Zona Franca de Manaus.

In this version of conservatism, we have a glorification of the identical, the same, the image of oneself. Statements such as “my party is Brazil” or “the Indian is a human being just like us, whether we like it or not”, expresses this choice of one over the multiple. Diversity, in all its manifestations, must be abolished, expelled, like diseased tissue from the body of the nation. And in this sense, the indigenist policy becomes a policy against the Indigenous, because it seeks to have them disappear along with their difference. It is not a simple revival of past assimilationist proposals, which saw the integration of the Indigenous to national society as an inexorable phenomenon, specific to history. In the assimilationism of the past, state, military and other agents believed that the indigenist policy would have a crucial role in providing a smooth transition from the Indigenous condition to the state of civilization, despite the reports of violence and inhuman actions towards these populations in countless situations. This version perhaps recognizes that difference is not so fragile and integration not so inexorable. It now wants the state to induce a centripetal movement that undoes the previous efforts to value internal differences and national socio-diversity, made possible by the Constitution of 1988, and that to greater or lesser degree guided the governments of the democratic period.

Another paradox of the president’s declarations is the “modern” aspect of his criticism of policies for protection and support to the Indigenous consolidated until then. The Indigenous Lands are portrayed as abominable zoos that harm the human condition of the beings “confined” there who are condemned to live in pre-history and far from civilization. In addition to isolation, the prohibition of mineral exploration and of leasing land to neighboring farmers makes them permanently poor, and always dependent on Funai and Brazilian and foreign NGOs. Condemned to live in an immutable cultural bell jar because of outdated anthropological concepts, the “myth” - the nickname given to Bolsonaro by his supporters - wants to bring the Indigenous into history. He wants to free them from nature, from the crystal forest that cannot be touched, and make them free to work, for wealth and glory. If Native Americans in the US can have casinos, ours can have gold prospecting, mining, cattle, tourism and agricultural monoculture on their lands. Between its contempt and grotesque quality, the new indigenist policy places a *retrofit* of post-modern and post-colonial airs over an agro-industrial-evangelical reading of the Indigenous peoples.

The Bolsonaro government never made an effort to hide its detestation of the Indigenous as signs of alterity. We note frequent statements from top government officials in this regard. At a ministerial meeting held in April 2020⁵, then Minister of Education Abraham Weintraub presented his position - in a tone, style and language very similar to that of the president - about his unacceptance of difference.

I hate the term ‘Indigenous peoples’, I hate this term. I hate it. The “gypsy people’. There is only one people in this country. If you want it, OK. If not, back out. It is the Brazilian people, there is only one. It may be black, white, Japanese, it may be descendent from Indians, but it must be Brazilian, dammit! Enough with this business of peoples and privileges.

The minister’s statement reaffirms an understanding that appears common to this conservative right-wing. The rights of minorities, established by the Constitution or even as objects of political struggle and demands, are presented as privileges, advantages or benefits reserved for a few. Privileges that are seen as a bargaining chip of NGOs and social movements whose survival is alleged to depend on the exploitation and management of a solid “business of peoples”. In the same meeting, in which alterity was presented as a threat to the country, Minister of the Environment Ricardo Salles urged the government to take advantage of the exalted atmosphere of public opinion during the pandemic that was roiling the country to “start the stampede” and implement an extensive deregulation and flexibilization of environmental laws. The expression used by the minister also

⁵ The meeting has perhaps entered the history books because of the polemic and improper declarations of the ministers against the Federal Constitution and republican institutions.

describes the political action of the government in the indigenist field. As we will see, the gate was too small for the stampede that the government wanted to start.

We previously affirmed that the government that took office in 2019 implemented a consistent anti-indigenous policy, whether through the affirmation of a Brazilianness that should obfuscate alterity, or through actions aimed at destroying the public policies and regulations constructed in the period since the drafting of the constitution. To demonstrate this anti-indigenist stance we must go beyond the public declarations of the president and his ministers and review the government's concrete actions. A broad analysis of this entire indigenist policy should examine the many different actions that affect different aspects of life of the Indigenous. But this would require space that we do not have here. We thus chose to examine one topic that we understand to be central in this indigenist policy and that clearly characterizes the anti-indigenism: government initiatives concerning Indigenous Lands, with special attention to the suspension of demarcations, the dismantling of Funai and Bill PL 191/2020, which proposed opening the Indigenous lands to various economic activities.

The politics of “not one more centimeter”

The federal government's actions in relation to Indigenous Lands did not bring any surprise considering what Jair Bolsonaro had promised during his electoral campaign of 2018 or his previous statements. As a federal deputy, shortly after the approval of the Yanomami Indigenous Land in May 1992, he tried to extinguish the measure by proposing a legislative decree in the Commission for National Defense of the Chamber of Deputies. Although notorious for being an unproductive deputy, his limited legislative action attacked Indigenous rights. His parliamentary work always accompanied the positions of the agricultural and evangelical caucuses in the National Congress. As President he has fulfilled his campaign promise: no Indigenous Land has been demarcated until now. As the Federal Public Ministry [a federal attorney's office with the responsibility to defend social rights and the democratic regime] has observed, there is an “organized policy” of the executive branch to obstruct the territories that are at some stage of systematic demarcation. The frequent changes of the employees and working groups responsible for the demarcation studies and the requests for reanalysis of the cases made by various federal agencies, without plausible justification, have proved to be an effective strategy for frustrating approvals of Indians Lands.⁶ The blockage of the demarcations, however, is not unprecedented in this indigenist policy. Even the more leftist governments of the Workers Party gave little priority to Indigenous rights to their territories, particularly during the administration of President Dilma Rousseff, which in 6 years approved only 21 Indigenous Lands. With its “embargo of Indigenous Lands” a term that describes a freezing of demarcations until land conflicts were resolved on a negotiating table (Assirati, Moreira, 2019), the Dilma government was behind only that of her vice president Michel Temer, who as president demarcated only one Indigenous Land.

Under the Bolsonaro government, however, there was a resolute freezing of administrative acts needed to demarcate each of the 237 pending Indigenous Lands⁷, and setbacks were imposed on already concluded steps. The “myth” would enter the history of post-dictatorship governments for an absolute absence of approvals of Indigenous Lands. Indeed, he sought to reconsider many of the already existing demarcations, as he affirmed

6 Federal attorney Yuri Corrêa da Luz, in an interview with the newspaper *El País*, in 04/02/2020, explained the situation: “To step back is not necessarily illegal, but the weak and unfounded justifications for reanalysis requested by both Funai and by the Ministry of Justice are alarming. We can deduce that it is an organized policy and not something linked to possible irregularities in two or three cases”. And more serious than the paralyzation of the process, according to the prosecutor, is the fact that they are now moving in reverse.

7 According to data from the Instituto Socioambiental, consulted on 02/06/2021, there are 73 Indigenous Lands already declared by the Ministry of Justice, awaiting only approval by the president. Another 44 Lands are identified and thus the identification study report has already been approved by the presidency of Funai. There are 120 Lands in the identification phase. The data can be found at <https://terrasindigenas.org.br/>.

at times when he tried to associate demarcation processes to fraud. “My decision is to not demarcate any more land for Indians. Those that were demarcated irregularly, if we have something concrete in this sense, is to seek the review of the lands”.⁸ The notion that the demarcation covers suspicious interests and is based on fraudulent research and administrative acts is another theme that accompanies the phrase “lots of land for few Indians”. The reserve General Augusto Heleno, chief minister of the Office of Institutional Security of the Presidency of the Republic, and an important advisor to the president on Indigenous affairs made the following affirmation in an interview in 2016. (Haswani, 2016: 32):

The reformulation of a failed, chaotic, indigenous policy impregnated with alien ideology, led by irresponsible actions of FUNAI and the Indigenist Missionary Council cannot be put off. Demarcations of Indigenous Lands are based on forged anthropological reports. The Indians continue to be abandoned and serve as pawns in the shadowy interests of foreign NGOs. To demarcate, against historic criteria, Indigenous Lands and areas of environmental conservation along the borders, coinciding with vast reserves of valuable minerals, is a serious risk to national sovereignty.

If it were not for the correct use of Portuguese and the clarity of the argument, this declaration could be confused with one by the President himself. Two years after this statement, the country began the “undelayable reformulation” of the indigenist policy to which the general referred. The government’s strategy to stop the demarcations was also validated by the thesis of the “temporal mark”, which has been a fetish of the congressional agricultural caucus since 2009, when the Federal Supreme Court used it to confirm the Terra Indígena Raposa Serra do Sol, one of the demarcations that most stirred national public opinion since the creation of the Yanomami Territory in 2005 and also located in the state of Roraima.⁹ Although the concept was suggested for exclusive use in that particular situation, together with 19 conditions, it was institutionalized in the administrative procedures of the demarcation of the Temer government, supported by a report from the Advocacia Geral da União [the Office of the Attorney for the Federal State] in 2017. And although the Federal Supreme Court¹⁰, in a ruling by Edson Fachin, suspended the effects of the report in an injunction, the “temporal mark” has supported the action of the Ministry of Justice of the Bolsonaro government since its early days, when the Minister was Sérgio Moro. In a manner quite suitable to government interests, and the agricultural congressional caucus that supports it, this mistaken reading of the constitutional text invalidates the demands of many Indigenous groups that had been expelled from their lands at some time prior to the fictitious and arbitrary deadline of 5 October 1988. It also creates an even more grave situation for isolated peoples, who are coerced to move from one place to another.

Among the various actions that seek to guarantee the policy of “not one more centimeter” of land to the Indigenous, it is necessary to cite the government’s tenacious efforts to limit the attributions of the National Indian Foundation, dividing its responsibilities among other executive agencies, which shifts the demarcation process from the realm of Indigenous rights to the field of economic interests of agriculture, mining, energy and transportation, thus mischaracterizing the determinations of the Constitution for official indigenist policy. Similar to the efforts to obstruct demarcations, this strategy of reducing the responsibilities of the National Indian Foundation is also not an unprecedented fact exclusive to this government. We saw the same stampede being driven in the shadows, towards a gate that began to be opened in the Dilma government, which in addition to revealing itself favorable to the thesis of a “temporal mark” on various occasions, also requested a

⁸ Interview with the press 30/08/2019.

⁹ The thesis of the temporal mark affirms that Indian Lands can only be demarcated on territories effectively occupied by the Indigenous, or which were under proven physical or judicial dispute, by the date of the enactment of the Constitution, 05/10/1988.

¹⁰ For a criticism of the Supreme Court decisions about the issue, see Dan and Assis, 2020.

reduction in Funai's powers and for the participation of other state agencies in the demarcation process.¹¹ But on its first day of office the Bolsonaro administration boasted an unprecedented zeal to dismount the official indigenist agency. On 1 January 2019, the new president signed Provisory Measure nº 870/2019, implementing a broad reorganization of the agencies of the Presidency of the Republic. The National Indian Foundation was removed from the Ministry of Justice and placed under the Ministry of State of Women, Family and Human Rights, led by Damares Alves. Its attributions in relation to demarcation were, in turn, transferred to the Ministry of Agriculture, Husbandry and Supply (MAPA). Changes of this scope on the first day of the new government indicated the coming avalanche. The effort to transfer Funai from the domain of the Ministry of Justice to a ministry in which human rights and family are in the title, and which is led by a conservative evangelical pastor who wants to put an end to the Indigenous, who she sees as "that being, there in the middle of the woods, with a feather in their head, protected"¹², is revealing.

To give the Ministry of Agriculture responsibility for conducting the demarcation process is to leave the lambs under the care of a salivating wolf, which is more than a metaphoric figure here. In a declaration to Funai employees, at the time of his departure from the presidency of the agency, General Frankglinberg Ribeiro de Freitas affirmed that the special secretary for Land Issues of the Ministry of Agriculture "salivates hate towards the Indigenous". He was referring to Nabhan Garcia, but could have been evaluating the entire Ministry, including Minister Tereza Cristina, who had been a leader of the congressional agricultural caucus.¹³ The reference to this unbridled hate of the Indigenous in the ministry responsible for their lands would be impressive if made by an Indigenous activist, anthropologist or missionary of Indigenist Missionary Council. To hear it from a reserve Army General, who was trusted with the direction of Funai by the Bolsonaro government is even more surprising. Indigenous leaders, support organizations, militants and Indigenous researchers lament this reform.¹⁴ To remove the demarcation process from Funai and Funai itself from the Ministry of Justice is a way to obstruct indigenist policy and weaken the administrative procedures needed for the minimal protection of Indigenous rights. As Manuela Carneiro da Cunha affirmed about the need for Funai to remain in the Ministry of Justice, "even if it is not perfect, it is a Ministry suitable to human rights. Indigenous peoples have special rights guaranteed by the Constitution and are in the framework of human rights."¹⁵ The government was defeated in this attempted restructuring, because Congress removed it before the provisory measure was enacted as a law. This was a deception for Bolsonaro, the agricultural caucus, evangelical leaders and for Minister of Justice Sérgio Moro, who did not want Funai under his responsibility.

11 When they were in office, Gleisi Hoffmann, chief minister of the President's Office, and José Eduardo Cardoso, Minister of Justice, to which Funai is subordinated, expressed this position at times. Kátia Abreu, an emblematic leader of the congressional agricultural caucus, and former president of the Confederation of Agriculture and Husbandry of Brazil (CAN) and who as Minister of Agriculture came to issue opinions on demarcations, was another active voice in the Dilma government who defended the new procedures that would remove the demarcation process from the Indigenist agency. Another fact that attests to the disdain of the Dilma administration was the 24 months in which the presidency of the agency was left in the hands of temporary appointees, without the government taking the effort to nominate someone. This was the longest period in the history of Funai without a formal president.

12 In the same video in which she made this declaration, published on her Twitter account, Damares Alves affirmed that drug and alcohol abuse among the Indigenous occur because they "want to escape their pain, their fear, their anxieties", refraining perhaps from saying that they wanted to escape their cultures and paganism.

13 Among the reasons that made her a heroine of Bolsonarism is her spectacular work in the approval of a bill by Senator Blairo Maggi which made flexible the use and sale of herbicides and pesticides, which practically invalidates the principle of precaution. Bill PL nº 6.299/2002 became known as the "poison package" and was criticized by various scientific associations and health and environmental agencies in Brazil and abroad. In addition to her notorious defense of the involvement of Indigenous with agribusiness, the family of Agricultural Minister Teresa Cristina has had a long land conflict with the Terena people in Mato Grosso do Sul.

14 This reform was the central theme of the Acampamento Terra Livre [Free Land Encampment], the largest annual mobilization of Indigenous leaders in the country, held in April 2019, in Brasília.

15 In an interview to the *Jornal da USP*, 11/07/2019.

The government's failure in this battle did not end its plans to transform indigenist policies. Prevented from removing the administrative procedures for demarcation from Funai's jurisdiction, and Funai's removal from the auspices of the Ministry of Justice, the government adopted the common strategy of weakening the agency by reducing its budget and staff. While it had difficulty turning Funai into the apparatus that Bolsonaroist indigenist policy desired, the government saw it as imperative to make Funai inoperable, reducing it, as in science fiction, to a miniature within a giant machine. The asphyxiation of the indigenist agency has been a practical and effective method, requiring little bureaucracy, for paralyzing the state actions and its constitutional obligations to demarcation. The stroke of a pen, or the failure to use this power, allowed the federal government to not provide the funding needed for Funai to meet its budget or hire authorized employees. On many occasions President Bolsonaro made a point of reaffirming this power. "I have the pen" became his obtuse version of Louis XIV's "L'état, c'est moi"¹⁶. This politics of inaction, as we have affirmed, is more of a common strategy than a techno-political innovation of the "urgent reform" that General Augusto Heleno desired for this government. In the two preceding administrations, the weakening of the official indigenist policy took place mostly through the abandonment of Funai.¹⁷ In this sense, things are not different: Indigenist Missionary Council reported record low execution of the already limited Funai budget for the first semester of 2020, particularly for protection and regularization of land rights (Santana and Miotto, 2020). Data obtained by the Brazilian news service Public Agency points to cuts of up to 90% of the agency budget at the beginning of the government, leading to the deactivation of posts and coordination of Indigenous areas (Barros, 2019).

In addition to the expressive budget cuts, it is important to note the demobilization of Funai by the failure to hire new employees, which prevents the necessary repositioning of its technical staff. While it had already been operating with only one-third of the needed employees for nearly a decade, the situation became more grave with the canceling of technical cooperation agreements with social organizations. The lack of employees especially affects the indigenist agency's work with Indigenous communities, where we see the paralyzation of decentralized structures, such as the Local Technical Commissions and the Ethno-environmental Protection Fronts. Areas marked by important land conflicts and with a strong Indigenous presence have been accompanied by only one employee, overwhelmed by tasks and functions.¹⁸ The Federal Budget Court (TCU) had already questioned the Dilma government for the low frequency of public bids for Funai projects, pointing to the problems that this would have for the performance of its role. In the Bolsonaro government this has been aggravated by limited hiring, leaving Funai offices understaffed in Brasília, Cuiabá, Rio de Janeiro and cities close to other state capitals (Barros, 2019). As shown by Assirati and Moreira (2019: 11), the non-renovation of older employees contributed to the paralyzation of indigenist policy, by depleting the institutional memory at the main official indigenist agency and threatening the perpetuation of vast and complex knowledge accumulated over the years. These authors noted that the problem is compounded because the training of professionals who work daily with Indigenous peoples does not occur overnight.

In addition to ending demarcations, the government solidified its anti-indigenism by ignoring anyone outside of demarked territories from the scope of official indigenist policy. In a meeting with leaders of the Association of Indigenous Peoples of Brazil, General Heleno clearly affirmed that the government will consider simply as farmers Indigenous people not on demarcated lands.¹⁹ In a clearly illegal manner, the government

¹⁶ While historians say that the statement attributed to the French monarch is apocryphal, Bolsonaro's is not, as it was widely reported in the press.

¹⁷ As demonstrated by Assirati and Moreira (2019: 13), "FUNAI faces unprecedented cutbacks since redemocratization. The general budget, which rose sharply from 2006 to 2013 – from R\$ 475.981.373 to R\$ 819.092.988, respectively – began to drop in 2014, reaching R\$ 553.031.192 in 2016. The budget cuts brought enormous difficulties to the execution of indigenist policy. The level of spending reached a level lower than ten years ago."

¹⁸ The Indigenistas Associados (INA), an association of Funai employees, has been denouncing this situation since its creation in 2017. At the beginning of the Bolsonaro government, it created the campaign "A whole Funai and not a half" against the official indigenist policies. For information about the campaign, see <https://indigenistasassociados.org.br/publicacoes/funai-inteira/>.

¹⁹ This declaration was made at a meeting of the crisis office created to deal with the grave pandemic situation among isolated groups, by order of Supreme Court Minister Luís Roberto Barroso. The general, who coordinated the meeting treated the Indigenous leaders of the Association of Indigenous Peoples

used an arbitrary criteria to distinguish between Indigenous and non-Indigenous, disrespecting the Federal Constitution and Convention 169 of the International Labor Organization, to which Brazil is a signatory. This maneuver removes an extraordinary contingent of people from the framework of indigenous policy, because as the national Census of 2010 revealed, 4 of 10 Indigenous people do not live on demarcated Indigenous lands. Indigenous peoples in contemporary Brazil are not limited to the Amazon groups or to those on demarcated territories throughout the country, but include many in urban areas and in the peripheries of large cities. This reality imposes (or should impose) new and large challenges to official indigenist policy (Varga, 2003).

A surprising fact that was not previously observed in Funai's operations is its declaration of "disinterest" in all actions to defend the permanence of Indigenous peoples on their lands that are still not approved, but objects of court injunctions. The Indigenous agency's failure to proceed with its usual actions in these cases has subjected these Indigenous to threats of eviction.²⁰ It could be expected that situations like this would arise as a result of the budget cuts and lack of employees, which impede the agency from performing its common tasks. However, the deliberate failure to act in cases where it has legal responsibility violates Funai's institutional mission and its by-laws, the second article of which expresses that the official indigenist agency should act in the name of the republic of Brazil to defend and promote indigenous rights. It seems that this is a case of prevarication by the agency, and of administrative improbity by its president.

The end of the "poor Indian on rich land"

We see that the federal government is committed to a land policy that combines abandonment of its constitutional obligations with diligent anti-Indigenous positions, and rejection of instruments established to protect and defend the Indigenous. Its role in disfiguring determinations of the Constitution of 1988 is not limited to obstruction of the demarcation of new Indigenous Lands, but strives to open these territories, whether approved or not, to a variety of economic activities that strongly threaten their integrity. Mining, gold prospecting, lumbering, monocrop agriculture, the conversion of forests into pasture, the construction of hydroelectric dams and tourism are among the activities that Bolsonarist indigenism supports as a panacea for many problems.

We saw previously that General Augusto Heleno indicated the grave threat to national security raised by the location of Indigenous Lands over "vast reserves of valuable minerals". To unlock the subsoil of these territories would be like opening a large treasure chest with riches that could be immediately used, like metals and precious stones, or used in the future, such as strategic minerals²¹. The notion that the prohibition of mining on Indigenous Lands hides secret interests and threatens the sovereignty of the country has been

of Brazil in a humiliating manner, as denounced by the press and the Association, which reported the episode to Judge Barroso: "The experience they lived through was disastrous, humiliating and embarrassing treatment, a situation which no citizen should undergo, particularly before Brazilian government authorities. The Indigenous reported that the meeting was organized to attack them, including accusations and profanity aimed at them. They felt they were the target of efforts to intimidate them". *Revista Veja*, 20/07/2020.

²⁰ This took place with the Guarani Kaiowá, of the Terra Indígena Nande Ru Marangatu, in Mato Grosso do Sul. For years they have faced legal suits by farmers who sought to prevent the completion of demarcation. Funai is now supporting these suits. In November 2019 the Funai president requested the termination of a judicial order that would keep the Guarani Kaiowá on the land (Santana, 2019a). The same situation affected the Kaingang da Terra Indígena Palmas, in Paraná, who had succeeded in suspending a suit for reintegration of ownership filed by a farmer who questioned the Kaingang's rights based on the thesis of the temporal mark. Funai, which before the Bolsonaro government had guaranteed the legal defense of the Kaingang and was successful in annulling the farmer's suit, now requested the "legal approval of a desistance, independently from approval from the party affected, with the consequent termination of the suit" (Santana, 2019b).

²¹ The National Mining Plan 2030 (PNM 2030), prepared by the Minister of Mines and Energy in the first Dilma government describes three situations to qualify the "strategic minerals" for the country. Firstly, minerals that depend on imports, and for this reason harm the balance of trade, such as potassium, nitrogen and phosphorus. Then, minerals used in high technology industry and that should have increasing importance in the future, such as cobalt, lithium, tantalum and other rare earths. Finally, those that compose the menu of Brazilian exports, such as iron and niobium (MME, 2011).

widely propagated by anti-indigenous interests since the drafting of the current constitution.²² But it is in the government of the “myth” that this conspiracy narrative has taken on airs of official discourse, with the president himself affirming that he is a prophet of hidden truths:

There is no Indigenous Land where there are no minerals. Gold, tin and magnesium are in these lands, especially in the Amazon, the richest region in the world. I don't participate in this nonsense of defending land for Indians.²³

If I was the king of Roraima, with technology, in 20 years I would have an economy like that of Japan. Everything is found there. But 60% is inviable because of Indigenous reserves and other environmental issues.²⁴

The theme of national security commonly appears intertwined with the discussion of economic development; which are seen to be congenerous because they share the same alleged problem, the Indigenous Lands (as well as Unidades de Conservação da Natureza or nature conservation districts). Because of the Indigenous Lands and nature preserves many states have allegedly been denied a future of wealth and prosperity, condemning them to incomplete development and in some situations to dependence on federal resources. As can be noted, there is apprehension by the federal executive, which is clearly aligned to recurring statements by anti-Indigenous politicians, who come mainly from states that have large Indigenous Lands.

To face the “problem”, the government drafted bill PL 191/2020, which aims to allow the largest “stampede” against Indigenous rights ever seen in legislation. Although it is known as the “mining bill”, the government's initiative goes far beyond this sector because if approved it would allow all types of economic activity on Indigenous Lands, in addition to gold prospecting and research and exploration of minerals.²⁵ It would open a path for oil and gas exploration, the use of water resources for hydroelectric projects, tourism, infrastructure and could also allow research and cultivation of genetically modified organisms. It is a package of measures that surpasses the entire anti-Indigenous fury of more than 30 bills presented since passage of the Constitution.²⁶ The amalgam of authorizations and permits of different types in a single law is noteworthy, revealing the flagrant intention to pass more difficult concessions by linking them to easier ones. The metaphor of the stampede used by Minister Ricardo Salles, to which we alluded, cannot be more appropriate to describe the scope of a bill that includes such a broad range of issues. It is a clearly audacious initiative because it includes regulations yet to be drafted²⁷, but finally falls to earth in violations of Indigenous rights established by the Constitution.

22 A memorable disinformation campaign was conducted by the newspapers *O Estado de S. Paulo*, *O Globo*, *Correio Braziliense*, *Diário de Pernambuco* and *A Crítica* (from the city of Manaus) on the eve of the preparation of the chapter of the Indians in the Federal Constitution, which sought to associate organizations that support Indigenous peoples, in particular the Indigenist Missionary Council, to interests of foreign companies and countries that would benefit from the ban on mining on Indigenous Lands (Carneiro da Cunha, 2019). In first page articles *O Estadão* was the voice of the Congressional mining caucus, combining false information, forged documents and conspiracy theories to reveal a supposed “conspiracy against Brazil”, as one first page headline affirmed.

23 *Campo Grande News*, 22/04/2015.

24 *Notícias UOL*, 06/06/2019.

25 In relation to mining, this project affects nearly half of all the Indigenous Lands in the country (315 TIs of a total of 724), according to a survey made by the Program for Monitoring Protected Areas, of the Instituto Socioambiental (ISA, 2020b).

26 This bill was drafted by a working group established by the federal government in late 2019. The participants included Funai, the Casa Civil (GSI), the Ministry of Mines and Energy and the Program of Partnerships and Investment (PPI). Among the previous initiatives that sought to open Indigenous territories to mining, what most advanced was PL 1610/96, presented by Senator Romero Jucá (MDB/RR), which was approved in the Senate but remained stagnant for 16 years.

27 Research and mining of mineral resources on Indigenous Lands, according to the Constitution, can only be conducted in exceptional conditions with authorization of the National Congress and agreement by the Indigenous communities. In addition, complementary legislation must indicate the specific conditions in which mining can take place on these lands and on the border, as determined by paragraph 1º of article 176. It is this “opening” in the constitution that this bill and other past legislative efforts seek to exploit. One threat raised by the current onslaught of the executive branch is that it seeks to regulate through an ordinary law, which is easier to pass than a complementary law, as indicated by Deputy Joenia Wapichana in an interview with the *Pública* news agency in 10/02/2020.

In terms of the regulation of the specific conditions to be respected for mining on Indigenous Lands, the bill advanced little in relation to that presented in the Constitution. That is, the purpose of the bill, what should be its *raison d'être*, is eclipsed by a scope that transforms it into something else. It is novel for its attempt to distort the legal measures for preservation and protection of these territories, mischaracterizing the determinations and understandings established in the chapters of the Constitution related to Indigenous peoples. This begins with not recognizing the need for consent from the Indigenous for construction projects, interventions, and economic activities on their lands. Although the bill concerns hearings in Indigenous communities, there is no reference to their power to veto projects and much less to the realization of already established “free, prior and informed consent” which is a fundamental measure of Convention 169 of the International Labor Organization²⁸. We know that in previous moments, the state ignored the convention and executed high-impact infrastructure works on Indigenous Lands, such as the Belo Monte Hydroelectric Project, inaugurated in May 2016, for which construction began in June 2011. Bill PL 191/2020, however, would legalize the illegality and bury any possibility for the Indigenous peoples to decide what happens on their lands. Even the Federal Public Ministry, which is responsible for the legal defense of the Indigenous peoples, would have its range of action significantly reduced.

An especially shocking aspect of the bill is the wide range of decisions about issues, from the well-being of populations to the preservation of territories, granted to the federal government, which would be responsible for regulating more than a dozen points not specified in the measure. By means of presidential decree, the government would gain the power to establish administrative procedures, schedules and administration of remuneration and indemnifications that should be expressed in the law but that were purposely left out of the bill. This “blank check” given to the government is enormous, as indicated by a compilation conducted by the Instituto Socioambiental of the 13 federal concessions made by the bill (ISA, 2019). Among these concessions, we highlight that which concedes to the government the task of delimiting the choice of areas for research and mining, the definition of how the technical studies will be conducted to determine the viability of economic activities, the mounting of a schedule of interlocution between communities and companies, the determination of the timing and form of payment to the Indigenous for the projects, the sharing of resources among the communities, the calculation of amounts to be paid, whether for profits from the activity or in indemnifications and how the Indigenous would consent to prospecting on their land.

This leads to another aspect of extreme concern in the bill, the permission for prospecting on Indigenous Lands. The Constitution clearly prohibits this activity, because of its severe environmental, health and social impacts. Even so, Bolsonaro insists on his campaign promise and strives to convince the public that prospecting is positive for the Indigenous. In a visit to the north of the country, at the beginning of his government, the president declared: “In Roraima, there are trillions of *reals* [the Brazilian currency] under the ground. And the Indian has the right to exploit this in a rational way, obviously. The Indian cannot continue to be poor on top of rich earth”.²⁹ In this argument, to consent to prospecting goes far beyond promoting economic development of interest to the country but is presented a mechanism to free the Indigenous from poverty and dependency. It is an action to promote human rights according to Minister Damares Alves. And the bill poses even other threats. The proposal to open Indigenous Lands to gold prospecting refers not only to the Indigenous. The bill would allow prospecting by non-Indigenous third parties, which would spark a large migratory flow to the interior of these territories and a tragedy of multiple dimensions. In 2021 there was a shocking wave of intrusions in the Yanomami Indigenous Land, which were accompanied by generalized violence and aggravation of the

²⁸ Brazil is signatory of this convention and of other important measures through which it has recognized that Indigenous peoples have the right to veto actions that affect them, such as declarations on the Rights of Indigenous Peoples of the Organization of American States (OAS) and the United Nations.

²⁹ Agência Brasil, 17/04/2019.

health crisis during the global pandemic. If illegal prospecting has these effects, what can be expected from the legalization of prospecting by third parties? The bill adds another trap for the Indigenous communities related to prospecting by non-Indigenous. It is the only activity about which the Indigenous can make a decision, which transfers to them the burden of a decision that the Constitution does not allow in any circumstance, leaving them alone to face the violence and bribery of heavily armed criminal organizations with vast arsenals of vehicles, soldiers and resources.

For a government whose members never understood the traditional meanings and forms of land use of the Indigenous peoples, gold prospecting (and other economic activities foreseen in the bill) would be a form of improving and developing these territories. “Why reserve a space over land that you cannot do anything to? We want the Indian doing on their land exactly what the farmer does alongside. And they can even prospect gold”.³⁰ Land, for Bolsonaro and the congressional agricultural caucus is good for profiting from or for nothing at all. In his declarations there is a clear effort to disqualify the interpretation fixed in the Constitution, which determines that the lands of our native populations are essential to their cultural and physical reproduction. Article 216 recognizes their right to exist as different beings, as living and thriving alterity in a country whose socio-diversity is its patrimony. Yet the Bolsonaro government affirms that the earth must be “productive” and that the rights of populations, even of the original peoples, must respond to this criterion. Being productive is understood as that which “the farmer does alongside” and all kinds of intensive or large-scale economic activities, designed to supply markets and often of a predatory nature.

Bolsonaro’s indigenist policy is not content with transforming the Indigenous people into rural producers. The farmer “alongside” that he offers as a model is the intrepid user of GMOs. Bill PL 191/2020 authorizes research and cultivation of genetically modified organisms on Indigenous Lands, thus aiming for them to become important players in agricultural production. This component of the bill alone should be reason for concern throughout the country, and abroad, because in addition to placing the health of the Indigenous at risk, it also threatens Brazil’s biodiversity and the food safety of the entire planet. The reason is simple and science has already shown us why: the resistance to pests by a vegetable species depends, among other factors, on the genetic diversity available, something that is supported by the variety of seeds traditionally used by Indigenous groups. So-called crioulo seeds, and their genetic varieties, are also important for helping species to adapt to climatic and environmental changes that affect the surroundings. The important contribution of Indigenous Lands to the maintenance of biodiversity makes them important partners to the Nature Conservation Districts, and if these lands contribute to our biological wealth, this is related to the use of crioulo seeds.³¹ The planting of GMOs on Indigenous Lands is a grave threat to this diversity and studies that show the risk that they will become dominant and contaminate traditional seeds supported the law that prohibited their use (Law 11.460/2007). The policy that fights difference in the cultural realm, also fights it in the realm of nature. Under this bill, the only seed varieties permitted would be that provided by the techno-agricultural conglomerates, which in addition to having the patents and monopoly on the seeds, link them to other “goods” necessary to their cultivation, such as herbicides, and specific additives, which would make the Indigenous communities dependent on these companies. Nurit Bensusan, a specialist in biodiversity at the Instituto Socioambiental, calls attention to an issue that we cannot ignore in relation to GMOs on Indigenous Lands:

³⁰ Declaration of the president to the press on 27/11/2019, in the Zona Franca de Manaus.

³¹ William Balée (1993, 2008) clearly demonstrated that the Amazon Forest is anthropic and that its biodiversity owes much to the diligent actions of Indigenous groups that include the selection, cultivation and exchange of seeds among them. Other studies, increasingly numerous, show that the Indigenous territories have been crucial to the maintenance and strengthening of biodiversity. A compendium of pioneer research that reveals the importance of Indigenous Lands as important allies to the Conservation Units is the publication by ISA, *Terras Indígenas e Unidades de Conservação da Natureza: o desafio das sobreposições* (Ricardo, 2004).

Another less evident meaning is the attempt to homogenize practices and ways of life. If everyone eats the same thing and has the same crops, an important part of the culture is lost and this can lead to questionings of Indigenous territorial rights. This aspect should not be overlooked in the context of the strong offensive against Indigenous rights taking place in the country right now. (ISA, 2020a)

There is no doubt that Bolsonarian indigenism made use of this culinary homogenization to reaffirm its postulate of general and unlimited “equality” of all who live here, and as Bensunsan said, added it to the list of attacks on Indigenous Lands. Bill PL 191/2020 is eclectic and multivalent, and like a rotating machine gun (an analysis of a Bolsonaro’s policies cannot avoid a reference to weapons) fires in all possible directions to open Indigenous territories to economic developments.³²

Conclusion

Contrary to Bolsonaro’s promise of wealth, Indigenous communities freed from the “cages” of the Indigenous Lands or free from protection by the state will never find the Eldorado promised in his discourse, which sells abandonment but calls it emancipation. The Indigenous outside of their lands become invisible to the Indigenist policy that should protect them, and occupy needy communities in the peripheries of large cities. They are made equal to so many others who have been uprooted, equally invisible to public policies. The history of the departure of the Indigenous from their lands has always been accompanied by a wide variety of violence. Data compiled by the Indigenist Missionary Council (Cimi, 2020), shows that this violence has intensified and taken new forms in the Bolsonaro government, as in increased intrusions, armed attacks on communities and leaders, and criminal fires on Indigenous Lands that now take place under the protective cloak of the blind eye of the state.³³ The interdiction of the recognition of Indigenous territorial rights perpetuates this cycle of violence, privation and displacement, thus reviving the conditions that asphyxiate many other ways of being and living. Not even on Indigenous Lands that have been approved is difference protected. The resplendent future promised by the “new” indigenist policy for Indigenous Lands as producers of minerals, energy, cattle and transgenics is a chimera. Even the financial remuneration proposed by bill PL 191/2020 is derisive³⁴, particularly when considering the value of natural resources in the soil and subsoil of these lands and their flora and fauna. It is also important to recognize the high impact of these economic projects on Indigenous health, food safety and ways of life.

Until now, much of Bolsonarist indigenist policy has faced Herculean resistance from the organized Indigenous movement, from organizations that support the Indigenous and from parts of civil society. But it is above all the Federal Constitution that provides a strong beacon, a firm guide and support to the republican institutions responsible for checking the insanity of a government that has presented authoritarian, intolerant, and extremist practices towards Indigenous peoples and other minorities. It was necessary for this type of political project to gain power to dissipate any questions or uncertainty about the importance of the Constitution to the protection of Indigenous rights. The plane of discourse commonly asserts a supposed disparity between the real concrete and effective world and the letter of the law – which is seen as theoretical and immaterial. Yet if not for the Constitution, the Federal Public Ministry, the Federal Supreme Court and even the National

³² There are other issues in this bill that we will not examine here, such as tourism, infrastructure works or the use of water resources for energy generation, for reasons of space and because we understand they have been sufficiently addressed by our look at the general spirit of the bill.

³³ At the time this article was being concluded, the press reported a large wave of new intrusions on the Yanomami Indigenous Land and TV news showed Indigenous women running from gunfire by gold prospectors. We also saw the homes of an Indigenous Mundurucu leader and his mother in flames, from fires set by gold prospectors.

³⁴ The project indicates payments of 0.7% of the value of energy produced, between 0.5% and 1% for the production of natural gas or petroleum, and royalties in variable amounts for mining. These resources would not be directly managed by the Indigenous communities, but by boards of curators, while the rules for composing the boards would be defined by presidential decree.

Congress would not have been able to impose important setbacks to the government's anti-indigenous fury. By trying to transfer the demarcation process to the Ministry of Agriculture, the government heard a first and resounding "no" from Congress. Later, upon redrafting the proposal, a "no" from the Supreme Court. Then, once again Congress determined the return of Funai to the Ministry of Justice, removing it from the Ministry controlled by Pastor Damares Alves. In turn, the Federal Public Ministry filed suits against the federal executive in various situations, like those that sought to require Funai to properly continue the systematic steps of demarcation in various parts of the country, others that question the state's inertia in protection of communities in the Covid-19 pandemic, those that challenge government interference in the structure and operation of the indigenist agency³⁵, and those that denounce Funai's new posture towards isolated peoples.³⁶ Bolsonaro and his minions may have thought it would be easier to dismantle the Indigenous policy constructed over the past three decades. Many believed that the wall of legal guarantees of Indigenous rights would cede rapidly to the avalanche of attacks against it. The struggles by the Indigenous movement and its friends during this period, however, left a solid legacy in the Constitution, which is now undergoing its greatest historic test.³⁷

A fight against difference and exaltation of the equal. These characteristics represent the greatest metamorphosis in the Indigenist policy of the Brazilian state since the proclamation of the Republic. This transformation is unprecedented in a country that three decades ago took a giant step towards the recognition of Indigenous rights and those of other minorities. This includes the right to territory, but above all the right to difference. We recall that difference is not presented as a trivial fact in our Constitution. The forms of expression and the "modes of creating, doing and living" of the different groups and peoples of the country are, as article 216 peremptorily states, a heritage that the state is responsible for protecting. But the Bolsonaro government's indigenist policy aspires to a radical transformation in the way that the state, and thus the country, is positioned towards alterity. The country envisioned by this policy is the country of "Brazilians" as equal people.

Nevertheless, we must ask: what equality are we speaking of if even "Brazilians" are not equal to each other? The president's discourse refers to an "imagined political community" (Anderson, 1991) in which the mutual affinity of its members is represented in the flag, the national anthem, and the moral values of a Christianity of an Evangelical and Pentecostal hue. But this vision hides the multiple forms of "being Brazilian", which the Indigenous freed from tutelage, from the "zoos" of the Indigenous Lands and from the manipulative action of NGOs and anthropologists, as the president affirms, would face. We are many and diverse Brazilians, with or without wealth, with or without rights, with or without access. In an unequal social structure,

35 It was the Federal Public Ministry that filed suit to have the Federal Appeals Court for the 1st Region (TRF 1) invalidate Funai's attempt to name, in violation of its own bylaws, someone from outside its technical staff as the General Coordinator for Isolated Indians of Recent Contact (CGIIRC). This may be the sector that requires the most technical and specialized knowledge in the agency. The missionary Ricardo Lopes Dias, of the Missões Novas Tribos, which is now called Etnos360, had been appointed head of the CGIIRC in February 2020, under protests of the Matsés, indigenists, anthropologists and other indigenous organizations. The Federal Superior Court (STJ) overturned the decision of the TRF-1 regional appeals court, but pressure against the missionary continued and the Ministry of Justice was required to exonerate him in November 2020..

36 Artionka Capiberibe, in an article in the *Folha de S. Paulo*, mapped some of the actions of flagrant disrespect for the government towards these peoples. In addition to the already cited nomination of an evangelical missionary to work with isolated peoples, she recalled a course offered by the Federal Police, with supposedly scientific and technical content, but that was prepared by the missionary Ricardo Lopes Dias and taught by fundamentalist religious missionaries. The most serious action, however, was an attempt to permit the entrance of non-authorized persons on the lands of these isolated peoples, primarily by a failed attempt to alter decree *Portaria* 419 that established measures against the propagation of Covid-19 among Indigenous peoples, but later, by its reinsertion in law 14.021/2020, which also sought to confront the pandemic among the Indigenous. As Capiberibe reported, Bolsonaro issued 22 vetoes to the law, but not to the article that would open these territories to entrance by third-parties including missionaries: "the president preferred to veto the universal access to potable water to the indigenous" (Capiberibe, 2020).

37 François-Michel Le Tourneau (2019), in an analysis of the Bolsonaro government's attacks against Indigenous rights, foresees three possible situations of results, ranging from the least to the greatest impact on these rights. It appears that the resistance of the institutions, of the Indigenous movement and of the sectors of support to the Indigenous cause have been able to prevent the most feared situations. Although we remain at the least damaging level, we are still distant from situation 3, the massive revocation of rights, but we would advance to the second level were bill PL 191/2020 to be approved.

it cannot be expected that communities ignored by public policies or uprooted within their own country would enter a new building from the top floor. Bolsonaro's Indigenous policy is anti-Indigenous because it attacks, in the order of indigenist, the same difference that it attacks in other orders, whether in sexual orientation, religious belonging, ways of thinking or even in that which is planted and eaten.

Received on: June 05, 2021

Accepted on: April 07, 2022

Translated by Jeffrey Hoff

Bibliography

- ANDERSON, Benedict. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London/ New York: Verso.
- ASSIRATI, Maria Augusta; MOREIRA, Luís Gustavo Guerreiro. 2019. "O Estado anti-indígena: da colônia ao novo golpe". *Tensões mundiais*, 15(29): 97-118.
- BALÉE, William. 1993. "Biodiversidade e os índios amazônicos". In: Manuela Carneiro da Cunha; Eduardo Viveiros de Castro (orgs.), *Amazônia, etnologia e história indígena*. São Paulo: NHII/USP/Fapesp. p. 385-393.
- BALÉE, William. 2008. "Sobre a indigeneidade das paisagens". *Revista de arqueologia*, 21(2): p. 9-23.
- BARROS, Ciro. 2019. "Operando com 10% do orçamento, Funai abandona postos e coordenações em áreas indígenas". *Pública - Agência de Jornalismo Investigativo*. 25/03/2019. Available at: <https://apublica.org/2019/03/operando-com-10-do-orcamento-funai-abandona-postos-e-coordenacoes-em-areas-indigenas/> Accessed on: 17/05/2021.
- CAPIBERIBE, Artionka. 2020. "O avanço sobre povos indígenas isolados". *Folha de S. Paulo*, São Paulo, 03/09/2020. Available at: <https://www1.folha.uol.com.br/opiniaio/2020/09/o-avanco-sobre-povos-indigenas-isolados.shtml> Accessed on: 27/05/2021.
- CARNEIRO DA CUNHA, Manuela. 2018. "Índios na Constituição". *Novos Estudos Cebrap*, 37(03): 429-443.
- CARNEIRO DA CUNHA, Manuela. 2019. "A contribuição da pesquisa sobre povos indígenas". *Campos*, 20(2): 26-36.
- CIMI - Conselho Indigenista Missionário. 2020. *Relatório - violência contra os povos indígenas no Brasil - dados de 2019*. Brasília: Cimi.
- DAN, Vivian Lara Caceres; ASSIS, Flavia Benedita Sousa. 2020. "A tese do marco temporal nas decisões do Supremo Tribunal Federal e a controvérsia possessória acerca dos direitos territoriais indígenas". *Teoria jurídica contemporânea*, 5(2): 263-285.
- DAVIS, Shelton. 1978. *Vítimas do milagre: o desenvolvimento e os índios do Brasil*. Rio de Janeiro: Zahar.
- HASWANI, Mariângela. 2016. "General Heleno: do Comando da Amazônia à comunicação do COB". *Revista Alterjor*, 1(13): 26-33.
- HOORNAERT, Eduardo (org.). 1992. *História da igreja na Amazônia*. Petrópolis: Vozes.

- ISA - Instituto Socioambiental. 2019. “PL da devastação” dá cheque em branco ao governo. *Blog do ISA*, 17/02/2019. São Paulo: Instituto Socioambiental. Available at: <https://neomondo.org.br/2020/02/18/pl-da-devastacao-da-cheque-em-branco-ao-governo/> Accessed on: 25/05/2021.
- ISA - Instituto Socioambiental. 2020a. “PL da devastação” ameaça alimentação dos índios ao liberar transgênicos em Terras Indígenas. *Blog do ISA*, 21/02/2020, São Paulo: Instituto Socioambiental. Available at: shorturl.at/bjyQT Accessed on: 26/05/2021.
- ISA - Instituto Socioambiental. 2020b. “PL da devastação” pode ser um “liberou geral” para mineração em 315 Terras Indígenas. *Blog do ISA*, 19/03/2020, São Paulo: Instituto Socioambiental. Available at: shorturl.at/cfqHT Accessed on: 23/05/2021
- LE TOURNEAU, François-Michel. 2019. “O governo Bolsonaro contra os povos indígenas: as garantias constitucionais postas à prova”. *Confins - Revue franco-brésilienne de géographie*, 501.
- MME - Ministério de Minas e Energia. 2011. *Plano Nacional de Mineração 2030*, Brasília: Ministério de Minas e Energia - Secretaria de Geologia, Mineração e Transformação Mineral.
- PACHECO DE OLIVEIRA, João. 1978. “Utopia e política indigenista”. In: *A sociologia do Brasil indígena*. Rio de Janeiro/Brasília: Tempo Brasileiro e Editora UnB. p. 60-64.
- PACHECO DE OLIVEIRA, João. 1985. “Contexto e horizonte ideológico: reflexões sobre o Estatuto do Índio”. In: Sílvia Coelho dos Santos et alii (orgs.), *Sociedades indígenas e o direito: uma questão de direitos humanos*. Florianópolis: UFSC/CNPq. p. 40-52.
- PACHECO DE OLIVEIRA, João. 2016. *O nascimento do Brasil e outros ensaios: “pacificação”, regime tutelar e formação de alteridades*. Rio de Janeiro: Contracapa.
- PIERUCCI, Antônio Flávio. 1990. “Ciladas da diferença”. *Tempo social*, 2(2): 7-33.
- RIBEIRO, Darcy. 1962. *A política indigenista brasileira*. Rio de Janeiro: Ministério de Agricultura/Serviço de Informação Agrícola.
- RICARDO, Fany (org.). 2004. *Terras Indígenas e Unidades de Conservação da Natureza: o desafio das sobreposições*. São Paulo: Instituto Socioambiental.
- SANTANA, Renato. 2019a “Alegando ‘desinteresse’, Funai desiste de processo no TRF-4 contra reintegração de posse da TI Palmas”. *Conselho Indigenista Missionário*, 06/11/2019, Brasília: Cimi. Available at: <https://cimi.org.br/2019/11/alegando-desinteresse-funai-desiste-de-processo-no-trf-4-contraintegracao-de-posse-da-ti-palmas/> Accessed on: 18/05/2021.
- SANTANA, Renato. 2019b. “Funai desiste de ação que mantém indígenas em Nãnde Ru Marangatu - GT sofre interferência e portarias isolam aldeias”. *Conselho Indigenista Missionário*, 02/12/2019, Brasília: Cimi. Available at: <https://cimi.org.br/2019/12/funai-desiste-de-acao-que-mantem-indigenas-em-nande-ru-marangatu-gt-sofre-interferencia-e-terras-declaradas-deixam-de-ser-atendidas/> Accessed on: 18/05/2021.
- SANTANA, Renato; MIOTTO, Tiago. 2020. “Com apenas 0,02% do orçamento da União, valor gasto pela Funai até junho é o mais baixo em dez anos”. *Porantim*, Conselho Indigenista Missionário, jun/jul 2020, Brasília: Cimi.
- SOUZA LIMA, Antonio Carlos de. 1995. *Um grande cerco de paz: poder tutelar, indianidade e formação de Estado no Brasil*. Petrópolis: Vozes.
- SOUZA LIMA, Antonio Carlos de. 2009. *As órbitas do sítio: subsídios para o estudo da política indigenista no Brasil, 1910-1967*, Rio de Janeiro: Contra Capa Livraria/LACED/Museu Nacional-UFRJ.
- SOUZA LIMA, Antonio Carlos de. 2015. “Sobre tutela e participação: povos indígenas e formas de governo no Brasil, século XX/XXI”. *Mana*, 21: 425-457.

- TRINIDAD, Carlos Benítez. 2016. “La Fundação Nacional do Índio al servicio de los intereses geoestratégicos e ideológicos de la dictadura brasileña (1967-1985)”. *Americanía - Revista de estudios latinoamericanos de la Universidad Pablo de Olavide de Sevilla*, 3: 243-277, enero-julio, Sevilla.
- VARGA, István van Deursen. 2003. “Dos medicamentos aos índios ‘genéricos’: os campos das políticas indigenista e de saúde para os povos indígenas, no Brasil, frente ao censo de 2000”. *Revista de direito sanitário*, 4(2): 32-45, São Paulo: Universidade de São Paulo.

Marcos Pereira Rufino

Federal University of São Paul, School of Philosophy, Letters and Human Sciences, Department of Social Sciences

<https://orcid.org/0000-0002-0364-5037>

E-mail: mrufino@unifesp.br