

9 February, 2021

SALSA Statement Against Resolution #4 of FUNAI, Brazil's National Indian Foundation

The Society for the Anthropology of Lowland South America, an international scholarly organization composed of professors, students, and practitioners, speaks with one voice against [Resolution #4](#), adopted by FUNAI, Brazil's National Indian Foundation, on Jan 22., 2021. While this technical rule aims to “improve the protection of Indigenous Peoples and individuals,” in fact it represents an erosion of protections for the fundamental, human, and originary rights of Brazil's native peoples.

This resolution establishes new criteria for determining who is eligible for public policies directed at Indigenous Peoples in Brazil, including the rights to have territory demarcated, healthcare, and culturally-appropriate education. Rather than directly curtailing these rights, which are provided for in Brazil's 1988 Constitution and other legislation, Resolution #4 empowers FUNAI to decide who is and who is not Indigenous. As the Public Ministry (MPF) [has pointed out](#), such an arrogation by FUNAI runs contrary to the principle that Indigenous collectives are the sole arbiters of their group's identity, social structure, and cultural traditions. This principle, known legally as self-identification, is enshrined in Brazil's Constitution ([Articles 215, 216, 231, and 232](#)) and in the Indigenous and Tribal Peoples Convention of the International Labor Organization ([Conv. 169, Art 1, Sect. 2](#)), to which Brazil became a signatory in 2002. With this Resolution, FUNAI positions itself as the arbiter of which groups can call themselves Indigenous. We fear that the new FUNAI leadership, in pursuit of political objectives, actively seeks to reduce the number of people who can claim their Constitutionally-guaranteed rights as indigenous people.

Resolution #4 is just the latest in a string of egregious rollbacks of Indigenous rights in Brazil. Notably, Normative Instruction #9 (April 2020) sought to block the demarcation of any territories that Indigenous Peoples have been forced to flee due to colonization, thus incentivizing violent land-grabs throughout the country. Taken together, these policies represent a clear attempt to return to the “tutelary” era, during which the State assumed “guardianship” of Indigenous affairs, squashed any attempt at self-determination, and worked to assimilate Native Peoples into the national society. The 1988 Constitution and Brazil's commitment to international laws protecting Indigenous rights are now clearly in peril, as are the lives, collective security, and cultural patrimony of Brazil's Indigenous Peoples.

SALSA joins our sister organization, the [Brazilian Anthropological Association \(ABA\)](#), in strong condemnation of FUNAI's Resolution #4, and we call upon FUNAI and all other relevant agencies of the Brazilian government to fulfil their constitutionally-mandated tasks of protecting and defending Indigenous rights to territory and self-determination and in a broad and clear manner.