

Indians Participate in the Making of Brazil's New
Constitution

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Lobbying in Brasilia

Representatives of several indigenous groups, on behalf of all Brazilian Indians, presented a proposed constitutional text on indigenous rights to be included in Brazil's New Constitution. More than 60 Indians from the Xavante, Kraho, Txucarramae, Karaja, Canoeiro, and Terena nations participated in a series of formal events on April 22 and 23 which made up their constitutional lobby. The indigenous delegation was coordinated and organized by the Union of Indigenous Nations (UNI).

In the presence of the entire delegation, the proposal was submitted by indigenous leaders Idjarruri (Karaja), Raoni (Txucarramae), Mario Juruna (Xavante), and Marcos Terena to those who will be writing that portion of the Constitution dealing with indigenous affairs: The Sub-commission for Blacks, Indigenous Populations, the Handicapped and Minorities. The proposal was also given to the leader of the Constitutional Assembly's majority party, Senator Mario Covas (PMDB), accompanied by moving speeches from Kraho and Xavante leaders. The Indians also met with other National Party Leaders including Senator Luis Inacio da Silva (Lula) of the Workers' Party.

Late in the afternoon of April 22 after a series of speeches from Ailton Krenak (UNI) and members of the sub-commission, Raoni led an animated, singing group of Txucarramae into the office of Ulysses Guimaraes (PMDB), President of the Constitutional Assembly. Amid the singing, clapping of hands, and jostling press, the Indians crowned Guimaraes with a Txucarramae feather headdress. At sunset the Indians moved outside to the platform of the National Congress. There, between the two semicircular domes of the Senate and the House, the Txucarramae sang and danced while four Shamans blew smoke over the President of the Sub-commission on Minorities, Senator Ivo Lech (PMDB-RS), thereby removing any unfavorable influences which might affect the future of their proposal.

The other indigenous representatives maintained their resolve not to sing, dance and celebrate until their rights have been guaranteed in the new Constitution. The Xavante asserted that "this is not the time for festivities. When we have something to be happy for, we will celebrate."

Indeed, the festivities caught the attention Brazilian Press at the expense of much coverage regarding the Indians' objectives or the proposal itself. Headlines shouted "Indians invade the Constitutional Assembly" (Correio Braziliense, O Globo 4/23/87) and "Indian's Lobby is Shamanism" (Estado de S. Paulo 4/23/87).

The submitted text is proposed as a Chapter to be included in the new Constitution. Under the previous Constitution a single article considers the rights of indigenous

populations. The proposal was formulated in a collaborative effort between various indigenous support groups (ABA, CEDI, CIMI, CPI, CTI, INESC, UNI 1, among others). It was endorsed and presented to the Sub-commission by its constituent member Senator Jose Carlos Saboia (PMDB-MA).

Proposed Constitutional Chapter

The proposed Chapter consists of five articles and eleven supporting paragraphs. Also submitted are justification of indigenous rights and an explanation of the constitutional relevance of the proposed articles.

Articles:

1- The Indians original rights to the lands they occupy, social organization, customs, language and traditions are recognized.

The Union will guarantee protection of these lands, the institutions, persons, goods, health, and education of the Indians.

2- The lands occupied by indigenous populations are inalienable and destined to be their permanent possession. Their rights to the exclusive use of all natural riches, of the surface, subsurface and water resources, and all uses which pertain to them, are recognized.

3- The Indians, indigenous communities and their organizations, the National Congress, and Public Ministry are the legal entities to defend the Indians' interests.

4- The rights and guarantees recognized in this Chapter are directly applicable to and the responsibility of all public offices.

5- It is the responsibility of the Federal Government assisted by the State Governments to pass legislation guaranteeing the rights stated herein.

Phases in Writing the Constitution

Chapters and Articles written for the New Constitution will pass through several phases prior to assuming their final form in the Constitution. The actual writing of the Constitution's various sections is the responsibility of eight commissions and 24 sub-commissions. Special interest groups wishing to make proposals for the Constitution may submit them to the appropriate sub-commissions until May 6. After that date the various sub-commissions will shut their doors to the public and begin the process of reviewing proposals and writing articles for the Constitution. Indigenous support groups are submitting proposals regarding minority education to the appropriate sub-commission.²

On May 25 the sub-Commissions will submit formulated Constitutional Chapters to the commissions. Amendments may be made at this point, undoubtedly responding to more lobbying which will take place at that time. The Indian representatives who were present for the first phase hope to return to Brasilia to lobby further when their position is to be reviewed by the the Commission for Social Order.

On June 15, following any changes made by the commissions, the newly formulated Constitutional drafts move to a "Systemization Commission". Here the drafts of the different commissions will be checked against each other to avoid conflicting propositions. For instance, it will be the job of this systemization commission to insure that there is no conflict between Articles dealing with indigenous land rights and rights to mineral extraction elsewhere in the Constitution.

The Constitution will assume its final form in a plenary session. At this point, in theory, only minor changes will be made. The Constitutional Assembly hopes to have this entire process completed and the New Constitution in its final form by December 1987.

Indians Formulate Position Regarding the New Constitution

In late March the Xavante themselves organized a reunion of several indigenous groups from Mato Grosso to discuss and formulate their position regarding changes in the indigenous articles of the new constitution. This meeting took place in the Xavante village of São Marcos. Indians from four indigenous groups participated: Xavante, Bakairi, Bororo, & Canoeiro.

The Xavante also invited several non-Indians. Two FUNAI representatives as well as a FUNAI attorney attended the meetings. The President of FUNAI was invited but did not attend. Salesian Missionaries from São Marcos and Meruri (Bororo) were also present.

The Indians principle objective was to formulate their position regarding indigenous rights in the New Constitution. In addition to the political discussion there was an exchange of cultural forms. The different groups sang and danced for each other. The Xavante held a wa'i wrestling match and a log race.

The participants formulated a document which they intended to present in person to Ulysses Guimaraes, President of the Constitutional Assembly (PMDB). However, it was turned over to FUNAI and has not yet been submitted to the appropriate Sub-commission 3. A copy of the final document has not yet been made available.

This is the only meeting of its sort organized by Indians themselves. A similar meeting was called by a support organization, "Casa Latino-Americano", together with UNI in Curitiba. This meeting brought together leaders from various indigenous groups from the south of Brazil.

1 Brazilian Anthropological Association, Ecumenical Center for Documentation and Information, indigenous Missionary Counsel, Pro-Indian Commission, Center for Indigenous Work, Institute for Socio-Economical Studies, Union of Indigenous Nations.

2 The proposal for minority education was prepared in collaboration by the ABA, CIMI, ABERLING (Association of Brazilian Linguists), CII, the various CPis, OPAN (Operacao Anchieta).

A preliminary proposal for indigenous health care was outlined at the Conference on Indigenous Health which took place in Brasilia, November 1986. No formal proposition was prepared or presented to the Constitutional Assembly.

3 April 28, 1987.