



Photo SAIC

# A CONSTITUTION FOR A MULTICULTURAL COUNTRY

## INDIGENOUS PEOPLES IN COLOMBIA HELP DRAFT THE CONSTITUTION

The following information was given to SAIC by Alfonso Palmas, President of the National Organization of Indigenous Peoples of Colombia (ONIC), while visiting in February 1992.

At the demand of students, activists and the general population, the Colombian government was obliged to call for elections to a National Constitutional Assembly (NCA) on Dec. 9, 1991. Aside from a few minor reforms introduced by Colombia's two political parties, the liberals and the conservatives, the Colombian Constitution had not been modified since 1886. Indigenous people had never participated in constitutional reforms, but this time the indigenous movement introduced two candidates, Francisco Rojas Birry of ONIC and Lorenzo Muelas of the Indigenous Authority of Colombia (AICO). The indigenous candidates were elected despite lack of experience and funds and the fact that a large portion of the indigenous population was not registered to vote and did not even have the official identification required to register. The indigenous movement was concerned with natural resources and regional development, and wanted to change the constitution to declare Colombia a multicultural country. But they also stressed the more general issues of democratic participation, human rights and resolution of regional conflicts, and the candidates were elected with a large percentage of non-

Indian votes.

Once in the assembly they had to broaden their proposals to benefit not only indigenous peoples but also the general population of Colombia, especially those who like the indigenous peoples, live under oppression, discrimination, exploitation and misery and who struggle to build a better society.

The indigenous movement achieved the following points in the new constitution:

I. Right to Culture: Colombia is recognized as a multi-ethnic and pluri-cultural country. The great diversity and coexistence of cultural identities made up of values, customs, community practices, rites, religions and languages which differentiate one group from another are recognized.

II. The languages of indigenous peoples will be official languages in their respective territories; and education will be bilingual and bi-cultural in those territories.

III. Dual nationality is recognized for the indigenous groups who live on the borders with other countries, such as Brazil, Venezuela, Panama, and Ecuador.

IV. Indigenous reservations are recognized as territories of collective ownership which cannot be sold, rented, or owned by other peoples because they are the communal property of indigenous communities. These territories will be administrated together with the state. Indigenous Councils will be formed and a governor will be named for each department according to the practices and traditions of the indigenous communities. These councils can develop and design plans and programs for economic and social development; in addition they will watch over the conservation of natural resources, promote public investment and coordinate programs together with the community.

V. Jurisdiction: In the indigenous communities there exists customary law which dictates how the members of the community act and how they are punished. This law is recognized but it varies greatly between communities and will be coordinated with the judicial system of the country. Nevertheless it will be indigenous peoples' authorities themselves who will judge and sanction penalties in indigenous communities, in accordance with their practices and traditions.

VI. Permanent participation of two indigenous peoples in the Senate of the Republic, which is formed by 100 members, is guaranteed.

Despite these gains the new constitution was a mixed victory. There was no change in the structure of the armed forces which have committed many human rights abuses against Indians. The constitution mentions indigenous communities and reservations but does not give Indians rights to their traditional territories. The government also retains subsoil rights.

In December 1991 three indigenous people were elected to the Senate: Gabriel Muyay of ONIC, Anatolio Quira of the Indigenous Social Alliance (ASI), and Floro A Tuñu Gala of AICO. They face a great challenge because the Senate is dominated by the traditional parties, and groups working for change have less influence than they



did in the NCA. The indigenous movement will have to mobilize the communities and get them involved in the law making process. They will also have to look for national and international solidarity to support their proposals in the Senate and they will have to fight to make sure the new laws protecting indigenous rights are enforced.

It is clear to us that laws alone will not solve our problems. In fact we recognize that we need organization, autonomy, decision making power, permanent community work and active participation. In addition we acknowledge the need for changes within the political, economic, cultural, territorial structure of the Colombian state, changes which correspond to who we are as true Colombians and not to models which do not fit our needs. In conclusion, there were already laws in Colombia which protected indigenous peoples, but they were neither enforced nor respected. Even though the killings, massacres and persecution of our leaders continue, we will continue struggling to strengthen our unity, to attain autonomy, to preserve our culture and to promote and protect our right to work for change so that we can live in a just society with opportunity and dignity for all.

