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Chanting keeps spirits high.
Amazonia

BRAZIL Brazilian Indians Win Victory in Constitution

Brazil's indigenous people, turning back several strong challenges from the country's National Security Council, won a significant victory on June 1st with the passing of the chapter of Brazil's new Constitution dealing with Indian lands and rights. According to Ailton Krenak, national coordinator of the Union of Indigenous Nations (UNI), "the participation of the Indian movement in the Constitutional assembly was a success not because of what is written in the law, but because Indians invaded a political space normally held by the elite, fought with the government, and showed what they are thinking, in a country where the voices of Native people normally aren't heard."

In the weeks before the final voting, more than 200 Indians, including the Kayapó and other tribes from the Amazon region, came to Brasilia and "lobbied" legislators for a favorable text. Many wore brightly colored feather headdresses and traditional body painting of *genipapo* and *urucum*, and held daily assemblies in the capital to debate proposals, chant, and conduct spiritual ceremonies to favorably influence the politicians. On the day of the final negotiations, Prepori, a Kayabi *paje* from Mato Grosso, circulated about the chambers in his sloth-skin hat, chanting prayers and blowing sacred smoke in the direction of all present.

Among the guarantees approved in the new constitution:

"original rights" for recognition of traditional land rights that pre-date the national state;

"exclusive use of riches of the soil and waters" for Natives, as well as their right to permanently remain on their traditional lands;



Chief Raoni and other Indian leaders follow the debate on Brasil's new constitution.

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Indians cannot be removed from their land, unless a catastrophe or epidemic occurs, in which case they must be allowed to return to their land as soon as possible;

that any hydroelectric or mining project that affects Indian lands can only proceed with authorization of Congress, in consultation with the impacted communities, and that a share of the benefits go to Indian people; and

the right to bilingual education in a Native language.

UNI and pro-Indian lawyers defeated a last-minute attempt to insert language that would differentiate between the rights of "acculturated" and "non-acculturated" Indians. This could have opened the doors to a series of laws terminating the land rights of those who wear clothes, speak Portuguese, or use manufactured items. Now, UNI hopes to challenge a government policy of demarcating Indian lands as *colônias*, where mining and agricultural development projects would be encouraged.



Indian leaders also view as significant the fact that FUNAI, the Brazilian government's Indian agency, is nowhere mentioned in the text of the Constitution. This may lead to a rediscussion of FUNAI's role as an adversary of the Indian movement, and a push to establish an organ of the government to deal with Indian affairs that is less developmentalist and authoritarian in nature, and which admits a broader participation of Indian people in determining their own future.

In July, the constitutional draft was revised by *relator* Bernardo Cabral, who edits the text for presentation to Congress. Several measures were subtly changed; omitted were the rights of Indians to "permanently remain" on their lands. Pro-Indian legal advisors have taken steps to ensure that this article and others are corrected in the draft that will be voted on.

