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By Dr. Felipe Moraes

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The Indigenous Movement, during the National Constituent Assembly

Dr. Felipe Moraes

Summary- This article aims to identify the importance of the Indigenous Movement in Brazil, during the re-democratization of Brazil and during the process that originated the 1988 Constitution. It is the end of the indigenous assimilationism, from the formal point of view. Social movements linked to liberation theology influenced the political articulation necessary to defend the indigenous cause.

I. INTRODUCTION

This article is divided into seven topics. First, the Brazilian historical and political context of the 1988 Constitution and the National Constituent Assembly itself will be demonstrated. The National Constituent Assembly (1987-1988) was a unique moment in the country's recent history. The convening of an Assembly, responsible for a new constitutional text, proved to be indisputably fundamental for the construction of more democratic values, after 21 years of dictatorship¹.

The country was emerging from twenty-one years of a regime without elections. The last military government, presided over by General João Batista Figueiredo, faced chronic problems such as high public indebtedness, foreign debt, economic recession, the lack of political support abroad, also caused by complaints of violations of Human Rights, and it marked the end of the Brazilian military dictatorship, as will be seen in a separated topic².

José Sarney then became president of the republic on March 15, 1985. Elected indirectly, via the electoral college, Sarney was deputy on the ticket with Tancredo Neves, who ended up dying suddenly of acute diverticulitis. Something, to say the least, unusual and that changed the contours of recent Brazilian history³.

"Coração de Estudante", the song sung and composed by Milton Nascimento and Wagner Tiso, became an anthem echoed hundreds of thousands of times by all radios and mass communication vehicles. A

Author: e-mail: felipeoraes@hotmail.com

¹ Cf: Cardoso, Luisa Rita, and Hudson Campos Neves. "Ditadura e democracia: entre memórias e história. REIS FILHO, Daniel Aarão. Ditadura e democracia no Brasil: do golpe de 1964 à Constituição de 1988. Rio de Janeiro: Zahar, 2014." Revista Tempo e argumento 6, no. 11 (2014): 461-466.

² Nolasco, Igor Felix Pinheiro. "Análise política e econômica do governo Figueiredo e a agonia do fim da ditadura militar brasileira." (2017).

³ Cf: Guilherme, Cássio Augusto Samogin Almeida. 1989: história da primeira eleição presidencial pós-ditadura. Paco e Littera, 2019.

true funeral tribute to the one who would be the first civilian president of the 1980s, even if indirectly elected by the National Congress⁴.

The wake broadcast live on national television and ended up immortalizing the tears of part of the population. Had the hope of better and more civilized days been buried again? Would Sarney be able to continue the process of re-democratization in Brazil?

Would General João Baptista Figueiredo continue the discussions of a new Constitution? It is a question of what would have happened to Brazil or to Brazilian democracy if Tancredo had survived his health problems. An interesting reflection, but impassive of concrete answers.

Returning to the point of this research itself, a question must be asked here: did the assumption of José Sarney (the one who was, beyond president, poet and author of the book *Marimbondos de Fogo*) prevented the process of re-democratization of the country? In what way and why is the Brazilian Constitution so important for Brazilian indigenous policy?

In other words: why would it be correct to say that the National Constituent Assembly was a milestone for Brazilian democracy? What is the importance of this legal framework for Brazilian indigenous policy?

In this article, the end of indigenous acculturation as a State policy will be highlighted. The end of indigenous assimilationism is undoubtedly a historical novelty for Brazil. A recent novelty that still faces contemporary resistance⁵.

The movement for indigenous acculturation and incorporation into "national culture" is still present and persistent. Throughout this work, it will be identified, in some way, that, although there has been legislative progress for the indigenous cause, the authoritarianism of Brazilian indigenous policy remains a current reality⁶.

It can be said that respect for the traditions, cultures and beliefs of the original peoples became, in

⁴ Cf: Queiroz, Adolpho, and Rose Mara Vidal de Souza. "A propaganda política na construção do imaginário coletivo no cinema de resistência: estudo de caso do filme Jango de Silvio Tendler." Revista FAMECOS 18, no. 1 (2011): 23-40.

⁵ Cf: Kyrillos, Gabriela M. "A CONSTITUINTE E A DEMOCRATIZAÇÃO DO BRASIL: QUESTÃO INDÍGENA E SUPERAÇÃO FORMAL DO PARADIGMA ASSIMILACIONISTA."

⁶ Cunha, Manuela Carneiro da. "Índios na Constituição." *Novos estudos CEBRAP* 37 (2018): 429-443.

fact, a constitutional guarantee. Something, however, that did not prevent political forces, indisputably authoritarian, from also being present in the National Constituent Assembly⁷.

To this end, the relevant role of Brazilian social movements, trade unions, the Pastoral Land Commission, CIMI (linked to the CNBB) and civil society organizations such as the Brazilian Association of Anthropologists for the approval of a minimum program of indigenous rights⁸.

Then, the role of some political leaders more committed to the end of the assimilationism of indigenous people will be demonstrated. It will be presented as a proof that the academics working groups and other (religious) leaders were important for the end of assimilationism as an indigenous policy; among them, the importance of Manuela Carneiro da Cunha, then president of the Brazilian Association of Anthropology between 1986-1988. Manuela is the author of the book *Os direitos do índio: ensaios e documentos*.

Luciano Mendes de Almeida also deserves mention, as will be explained in the topic. The then president of the CNBB was very close to liberation theology. Marxist-inspired movement heavily persecuted by the military regime (1964-1985) and also during the National Constituent Assembly by the now extinct National Security Council.

Some parliamentarians would be in the subcommittee of Blacks, Indigenous Populations, Disabled and Minorities. Among them, the Indigenous Missionary Council, linked to the CNBB.

This reflection will be further developed throughout this work. Somehow, it will be better evidenced that some actors were fundamental for the end of indigenous acculturation.

1. The Federal Constitution and non-assimilation. What did the Constitution bring to the indigenous question?

The Constitution of the Federative Republic of Brazil of 1988 reserved to the indigenous, for the first time in the history of Brazil, an entire chapter. Specifically, Chapter VIII, "Of the Indians", and more precisely Article 231. The article says that: "Indians are recognized for their social organization, customs, languages, beliefs and traditions, and the original rights over the lands they traditionally occupy, it is incumbent upon the Union to demarcate them, protect and ensure respect for all their assets"; in addition to determining

that "The Indians, their communities and organizations are legitimate parties to file a lawsuit in defense of their rights and interests, with the Public Ministry intervening in all acts.

However, it has become a fairly recent reality. Brazilian legislation, throughout history, has always considered indigenous as a national obstacle.

The (pejorative) term forestry that had been used in the other constitutions was extinct. There is, therefore, a break with the past policy promoted by the state, "that of integrating them into the national community". This was the reality of all past legislation.

2. The 1988 Constitution and the Constituent Assembly

It can be said that the Indigenous Movement had a fundamental prominence for the constituent deputies, in some way, to listen to the demands of these peoples. And, despite resistance and opposition (the deputies most aligned with the concerns of the National Security Council, the large and large mining companies), they managed to typify an article 231 coherent with the indigenous cause.

Specifically, there was an intense and effective political articulation on the part of the Catholic Church, more committed to the indigenous cause.

3. The role of CIMI

The Catholic Church was undoubtedly important for the ongoing process of political articulation trying to guarantee the end of indigenous assimilationism in the new constitutional text.

a) *The theology of liberation*

From the perspective of Liberation Theology – whose practice calls Christians to "a concrete, immediate, historical task in this world: to fight for a more just society" and to carry out a "historical transformation of society"⁹ – a missionary and liberating Church emerged.; this was the new motto of what became an important instrument of civil society in the struggle for the oppressed and, in particular, for the rights of indigenous people¹⁰.

b) *The role of the Pastoral Land Commission (CPT)*

Under the leadership of indigenous and non-indigenous organizations, religious, anthropological and trade union institutions elaborated five points to be debated in the National Constituent Assembly. Five major themes related to the defense of the indigenous cause. This content was called "minimum program". The complexity of this content was widely debated by the constituents most sensitive to the indigenous cause.

⁷ Cf: Cunha, Manuela Carneiro da. "Índios na Constituição." *Novos estudos CEBRAP* 37 (2018): 429-443. e Fernandes, Pádua. "Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988." *InSURgência: revista de direitos e movimentos sociais* 1, no. 2 (2015): 142-175

⁸ Idem

⁹ Catao, Francisco. *O que é Teologia da Libertação?* Editora: Braziliense. 1985, p. 20-21.

¹⁰ dos Santos Bicalho, P. S. (2020). Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, 24(2), 296-308

The five points were:

1. RECOGNITION OF THE TERRITORIAL RIGHTS of indigenous peoples as the first inhabitants of Brazil (...) ;2. DEMARCATION AND GUARANTEE OF INDIGENOUS LAND. According to law nº 6001/73, the deadline for the demarcation of all indigenous lands ended on December 21, 1978 (...) 3. EXCLUSIVE ENJOYMENT, BY INDIGENOUS PEOPLES, of the natural wealth existing in the soil and subsoil of their Territories (...) 4. RESETTLEMENT IN Dignified and FAIR CONDITIONS OF THE Squatters, the poor who are on indigenous lands (...) 5. RECOGNITION AND RESPECT TO THE SOCIAL AND CULTURAL ORGANIZATIONS of indigenous peoples with their projects for the future, in addition to the guarantees of full citizenship.¹¹

A plan of intentions, implemented in a formal document, ended up duly signed by numerous organizations and associations related to the indigenous cause. Among them, the UNI (Union of Indigenous Nations, the CIMI (Indian Missionary Council), the CTI (Indigenous Work Center), the CEI (Indigenous Studies Center) and the ABA (Brazilian Association of Anthropologists), in addition to the three main Trade Union Centrals signed and participated in the program, as well, the Pastoral Land Commission.

Also fundamental were ANAÍ (National Association for the Support of Indigenous Peoples), OPAN (Operação Anchieta), the Pro-Indian Commission, the National Council of Christian Churches, the National Movement for the Defense of Human Rights, the CEDI (Ecumenical Center of Documentation and Information), the CONAGE (National Coordination of Geologists, of the National Association of Higher Education Teachers), the SBPC (Brazilian Society for the Progress of Science), the Institute of Socioeconomic Studies, the Brazilian Institute of Analysis and Economic Studies and the MST (Movimento dos Sem Terra), CUT, CGT and CONTAG.¹²

The Pastoral Land Commission, the ANAÍ (National Association of Support to the Indians), the OPAN (Operation Anchieta), the Pro-Indian Commission, the National Council of Christian Churches, the National Defense Movement, also signed and participated in the program. of Human Rights, CEDI (Ecumenical Center for Documentation and Information), CONAGE (National Coordination of Geologists, National Association of Higher Education Teachers, SBPC (Brazilian Society for the Progress of Science), the Institute of Socioeconomic Studies, the Brazilian Institute of Analysis and Economic Studies and the MST (Movimento dos Sem Terra).¹³

¹¹ Carneiro da Cunha, Manuela. *Os direitos do Índio*. 1ª Ed. São Paulo: Editora Brasiliense, 1987, p. 190.

¹² Carneiro da Cunha, Manuela. *Os direitos do Índio*. 1ª Ed. São Paulo: Editora Brasiliense, 1987, p. 1901.

¹³ PMDB decision - 26.08.1986 in: CARNEIRO DA CUNHA, loc cit, p. 171.

Regarding the third point of the aforementioned minimum program, it is worth noting that the PMDB (Party to the Brazilian Democratic Movement) had already approved “a decision at its first national congress, in August 1986, according to which (...) indigenous areas, should be exclusively for the indigenous peoples residing there and not only the use and exploitation of arable land (soil)”, but also its subsoil.¹⁴

The importance of these Organizations and Associations related to the indigenous issue, during the Constituent Assembly, evidence a fundamental counterpoint to the intense and very organized lobbying.

It is a movement that had as priority: a) to guarantee the possibility of “exploitation of the raw materials existing in indigenous areas” and b) to demonstrate that the mere existence of these indigenous areas would already represent “a threat to national security and the development of Brazil”¹⁵. These were the main grounds for the claim that the mere existence of Indigenous Territories would represent an obstacle to the settlement and, therefore, to the development of Brazil.¹⁶

The immense economic interest in mining in a large part of the indigenous areas ended up intensifying, even more, the discussion about the viability and access to raw materials from these places.¹⁷ The intense assimilationist lobby was duly represented by the then President of the Republic José Sarney, by mining companies, by the National Security Council and by FUNAI itself (as a State body). One of the most emblematic and controversial points of the Constituent Assembly itself (in general).¹⁸

This reality made the discussions in the Commissions and Subcommittees totally polarized. Among the aforementioned Commissions, the following stand out: the Constitutional Studies Commission (chaired by Afonso Arinos), the Systematization Commission (which would systematize all matters discussed in the Commissions) and the Subcommittee on Blacks, Indigenous, Disabled and Minorities (linked

¹⁴ Ibidem.

¹⁵ Kayser, Hartmut-Emanuel. *Os Direitos dos povos indígenas do Brasil. Desenvolvimento histórico e estágio atual*. 3 ed. Porto Alegre: Editora Safe, 2010, p 189.

¹⁶ Ibidem.

¹⁷ Twenty-five percent (25%) of Indigenous Territories are attractive to mining (Cf: CURI, Melissa Volpato. *Legal aspects of mining in indigenous lands*. *Revista de Estudos e Pesquisas, FUNAI, Brasília*, v.4, n. 2, p.221-252, Dec. 2007, p 224)

¹⁸ Cf: Santilli, Juliana. *Aspectos jurídicos da mineração e do garimpo em terras indígenas*. In: Santilli, Juliana (Coord.). *Os direitos indígenas e a Constituição*. Porto Alegre: Núcleo de Direitos Indígenas e Sérgio Antônio Fabris Editor, 1993. p. 145-160, p 145 e ss.

to the Commission of Social Affairs and chaired by José Carlos Sabóia of the PMDB).¹⁹

c) *Influential leaders in favor of the indigenous cause*

The participation of indigenous leaders from all over Brazil, during the aforementioned discussions that took place in the Commissions and Subcommittees, guaranteed the representation and legitimacy necessary for the debates. Among the existing leaders, the participation of the Caiapó, the Kaingang, the Krenak Indigenous and the chief Xavante Mario Juruna should be highlighted. The aforementioned Cacique Xavante and former federal deputy proved to be extremely skilled politically. Although he had already stopped being a member of the parliament during the constituent assembly, he knew very well how to move around the offices of Brasília²⁰. Always carrying a portable recorder and thus recording “everything the white man says”.²¹

“White men” such as federal deputy José Carlos Saboia (PMDB), representing the indigenous cause, and Senator Odacir Soares (PFL), representing the mining lobby, however, prove the constant contradiction of parliamentary interests during the Constituent Assembly, as already stressed.

Two sides in completely opposite directions. Sabóia, defending the existence of an indigenous “comprehensive project”²², which would include the understanding that “the exploitation of subsoil riches should be reserved exclusively for the indigenous populations of the respective territories”²³. And, Odacir Soares, leading “a massive intervention in favor of the interests of Brazilian mining companies and the unrestricted exploitation of natural resources, the changes, then demanded by the other side, ended up

not being duly included by the Social Order Commission.

Other names such as Aloízio Mercadante, Fabio Feldmann, Sidnei de Miguel, Nelson Jobim, José Carlos de Saboia Magalhães, Bernardo Cabral, in turn, would prove the effectiveness of political articulation of Social Movements and other related organizations, during the Constituent Assembly, even in the face of a “clash of multiple forces and interests [there] represented”.²⁴

The final text, approved in plenary on September 2, 1988, ended up reflecting a set of contradictions. Contradictions instrumentalized by the existence of semantically dubious constitutional articles. However, the consecration of Indigenous rights and the Indian as subjects of Law, in fact, became an undeniable reality, thanks to the mobilization of Social Movements, the Pastoral Land Commission and other relevant organizations.

In other words, the attempt of economic lobby to influence the exploitation of indigenous raw materials, even though it “exceeded the scope of what is legally permitted”²⁵, influencing the constitutional text, was not enough for the Right to Land and the cultural preservation of the origins peoples constituted as a guarantee and duty of the State in the Constitution.

d) *The leadership of Luciano Mendes de Almeida*

The inauguration of Dom Luciano Mendes de Almeida to the presidency of the CNBB in April 1987 was quite troubled. At the same time, it was decisive for the 1988 Constitution to have exactly the contemporary contours - non-assimilationist contours to indigenous peoples, specifically. Dom Luciano exercised the right of reply for the series of reports published in *Jornal Estado de São Paulo*.

Second entry by Mônica Komis:

In August 1987, the newspaper O Estado de S. Paulo published a series of reports about the participation of the Indigenous Missionary Council (Cimi), an organ linked to the CNBB, in an international movement in favor of recognizing the sovereignty of indigenous peoples, giving margin for the creation of a “pluriethnic state” in Brazil. The way in which the news was disseminated placed the episcopal conference as

¹⁹ Instituto de Estudos Socioeconômicos. Available in: <http://www.inesc.org.br/biblioteca/textos/idigenas>. Accessed in April 23, 2019.

²⁰ Fernandes, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*. Rio de Janeiro, v. 31, n° 63, p. 71-88, janeiro-abril 2018, p 76.

²¹ Castro, Eduardo Viveiros de. No Brasil, todo mundo é índio, exceto quem não é. *Povos indígenas no Brasil (2001/2005)*. 2006. p. 41-49 apud FERNANDES, Fernando Roque. *Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX*. *Estudos Históricos*. Rio de Janeiro, v. 31, n° 63, p. 71-88, janeiro-abril 2018, p 77.

²² Castro, Eduardo Viveiros de. No Brasil, todo mundo é índio, exceto quem não é. *Povos indígenas no Brasil (2001/2005)*. 2006. p. 41-49 apud FERNANDES, Fernando Roque. *Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX*. *Estudos Históricos*. Rio de Janeiro, v. 31, n° 63, p. 71-88, janeiro-abril 2018.

²³ Kayser, Hartmut-Emanuel. *Os Direitos dos povos indígenas do Brasil. Desenvolvimento histórico e estágio atual*. 3 ed. Porto Alegre: Editora Safe, 2010, p 191.

²⁴ 16 Of the 64 absent, 15 went to Europe. *Jornal do Brasil*, Rio de Janeiro, 2nd ed., Friday, year XCVIII, n.168, p. 2, 23 Sept. 1988. Brazilian Digital Newspaper Library, National Library Foundation. Available in: http://memoria.bn.br/DocReader/docreader.aspx?bib=030015_10&pasta=ano%20198&pesq=Dos%2064%20missing. Access on: 5 Dec. 2017 apud FERNANDES, Fernando Roque. *Citizenship and ethno genesis in Brazil: notes for a reflection on the political and social emergencies of indigenous peoples in the second half of the 20th century*. *Historical Studies*. Rio de Janeiro, v. 31, no. 63, p. 71-88, January-April 2018, p. 73.

²⁵ 17 Kayser, Hartmut-Emanuel. *Os Direitos dos povos indígenas do Brasil. Desenvolvimento histórico e estágio atual*. 3 ed. Porto Alegre: Editora Safe, 2010, p. 202.

part of an action contrary to Brazilian interests, at the time when it defended the prohibition of the exploitation of mineral wealth existing in the lands of indigenous communities. Due to these events, Dom Luciano Mendes de Almeida proposed the installation of a parliamentary commission of inquiry (CPI) to investigate the reasons that led to the publication of the article. Refuting the accusations that the CNBB defended the thesis of "restricted sovereignty" over indigenous lands, Dom Luciano stated that he was in favor of the Union's monopoly over these regions, which in his opinion should only be exploited by the State, at the time required by national interests, without the interference of economic groups that were pressing for their immediate release.²⁶

In other words, the CIMI would be part of "an international movement against the sovereignty of the Brazilian nation. The referred council defended the prohibition of exploitation of mineral wealth existing in the lands of indigenous communities".

The news report attributed the existence of a document. In this document, CIMI would defend the recognition of a "multiethnic State", whose sovereignty would be formed not only by the "majority society", but also by the various indigenous communities existing within it".

In response to the alleged document and the published report, Dom Luciano declares that the aforementioned content would be a fraud. What would be behind these allegations would be the interest of large mining industries in exploring large areas in Indigenous Territories.

4. Official visit of the CNBB to the USSR and the "CIMI case" report

Dom Luciano's visit to the USSR in September 1987 would not have been well interpreted by the still influential National Security Council. Returning to Brazil, the praise of the Soviet socialist system by the then president of the CNBB would have been decisive for a new counterattack by the National Security Council.

New documents appeared in news reports by Folha de São Paulo. A Parliamentary Commission of Inquiry (CPI) is installed in the Chamber of Deputies. "The report accused the progressive clergy of encouraging the use of violence in the fight for the claims they defended and affirmed that the CNBB entities were putting national sovereignty in check".

Undoubtedly, the CNBB entities covered movements of CIMI concerned with guaranteeing indigenous cultural preservation. CIMI, too, was concerned with these issues, almost an extra-state indigenist agency.

5. "For a new constitutional order" and the Constituent breakfast

Despite the resistance of the Vatican to the pastoral actions promoted by the CNBB (until then too progressive), the guidelines for these pastoral actions were well defined.

The CNBB, and consequently the CIMI were willing to defend the indigenous cause and fight the human rights violations that had taken place in the years prior to the country's re-democratization. And, fundamentally, willing to actively participate in the National Constituent Assembly.

The National Constituent Assembly was the epicenter of heated and important discussions related to the indigenous cause. The CNBB, like so many other organizations and institutions, has developed many policy demands. Among the many questions and demands, the importance of the document "for a new constitutional order" must be highlighted.

In this document, the need to "create instruments that allow popular participation, guaranteeing legitimacy to the legal system that would be delivered to the nation" became evident.

Under the coordination of Cândido Padim, appointed by the CNBB to monitor the progress of the constituent works, a radio program called "Constituent Breakfast" was produced. This program aims to expand the discussion about the Constituent Assembly and to guarantee popular participation in the matter.

It was a daily talk show with a constituent parliamentarian. The Bishop of Bauru de São Paulo led the program with 15-minute interviews that were then broadcast on the Medianeira radio. Among the themes, there were family, abortion, education, religious freedom, agrarian reform and indigenous issues.

According to Mônica Kornis and Sérgio Montalvão, authors of the entry on the CNBB, the interviews were sent via telex text to other parts of the country, reaching the mark of three hundred transmissions per day. Another publicity vehicle used by the CNBB was the inserts of its *Boletim de Notícias* ("newsletter") with 5,500 subscribers.

This strategy was fundamental, as it ended up catalyzing popular participation for popular amendments. The aforementioned popular amendments played a decisive role in guaranteeing the right to land and its preservation as a social organization for the Indian. A victory for social movements during the Constituent process.²⁷

²⁶ Souza, Luís Otávio de, CORREIA, Maria Letícia Correia e ALMEIDA, Bruno. Dom Luciano Mendes de Almeida. *Verbetes Dom Luciano Mendes Almeida*. Available in: <http://www.fgv.br/cpdoc/acervo/dicionarios/verbete-biografico/almeida-luciano-mendes-de>. Accessed: April 23, 2021.

KORMIS, Mônica Kornis e MONTALVÃO, Sérgio. *Verbetes Conferencia Nacional dos Bispos do Brasil*. Available in: <http://www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-cnbb>. Accessed: April 23, 2021

²⁶ Komis, Monica. National Conference of Bishops of Brazil. Available in: <http://www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-cnbb>. Accessed on January 23, 2021.

6. Indigenous Missionary Council (CIMI): origin and a new paradigm

CIMI emerged as a body linked to the National Conference of Bishops of Brazil (CNBB) in 1972, with the aim of building a differentiated relationship with indigenous populations.

The image of a Church that restricts freedom, ethnocentric and domineering – as the Barbados Declaration of 1971 pointed out – was overcome by a “new missionary presence among indigenous peoples” (Suess, 2002, p. 16). The challenges of the new evangelization were many, such as dealing with a missionary past full of discomforts and conquering a present of positive responses in the process of awareness and organization of the indigenous struggle in Brazil. It was in the 1970s that the most popular layers created an awareness of their own capacity for political articulation.

7. “Citizenization” of the less favored strata from 1970 onwards (hypothesis of this article)

Even in the face of so many clashes, tensions, divergent interpretations (involving article 231), the Federal Constitution guaranteed the recognition of the Indigenous as a subject of Rights - a guarantee, as a State duty-, a palpable result, thanks to the effectiveness and mobilization (nationally) of social movements and the Pastoral Land Commission (especially). The existence of the innovative article 231 of the Federal Constitution (at least the first part) is attributed to this struggle.

It is a normative framework that demonstrates, without a shadow of a doubt, the capacity of political articulation of Brazilian social movements of an ethnic character, even in an environment, mostly, assimilationist.

The recognition of indigenous peoples as subjects of Law(s), post-constituent, is unavoidably due to the effectiveness of the mobilization of social movements, trade union organizations, associations and other civil society organizations²⁸.

According to André Gunter Frank, from the social movements arises “a kind of awareness (...) aimed at a process of citizenship of the less favored strata in Brazilian society²⁹”, which specifically included indigenous peoples.

One of the causes that explain this protagonism refers to the capacity of mobilization and political articulation of the Brazilian Indigenous Movement (duly represented by the different types of social movements of an ethnic nature existing in the country)³⁰. A political force that was born in the 1970s³¹.

At this time, according to Fernando Roque Fernandes, an element called ethnogenesis appeared in the Brazilian Indigenous Movement. Indigenous communities from the most varied parts of the country and with the support of different sectors of civil society emerge as a political and social force never seen before.³² A reality that was confirmed and gained stature during the Constituent Assembly.

When the Brazilian State tried to emancipate, compulsorily, indigenous people from all over Brazil in the 1970s, the most varied pro-indigenous projects emerged in response to State action. For example, “the Pro-Indian Commissions, Anaís (National Association of Indigenist Action), the Indigenist Work Center (CTI) and the Indigenous Peoples Project in Brazil (PIB)³³”. It was precisely these movements and associations that assumed definitive visibility during the Constituent Assembly.

It is a reactive movement to the emancipatory proposals spearheaded by the Brazilian State (in the 1970s). At this moment, the referred to “ethnogenesis” appears. A response far removed from what was expected by the Brazilian State, the acculturation and assimilation of native peoples to the dominant model.

Indigenous assemblies across the country began to articulate regionally from the 1950s, then nationally from the 1970s onwards: movements that began to interconnect and establish themselves as a large network. An instrument that, without a shadow of a doubt, potentiated the dialogues and struggles related to the indigenous cause.

²⁹ Frank, André Gunter; FUENTES, Marta. Dez teses acerca dos movimentos sociais. Tradução de Suely Bastos. Lua Nova, São Paulo, n. 17, p. 28-48, jun. 1989 apud FERNANDES, Fernando Roque. *Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX*. Estudos Históricos. Rio de Janeiro, v. 31, n° 63, p. 71-88, janeiro- abril 2018, p 73.

²⁸ Cf: Bicalho, Poliene Soares dos Santos. *Protagonismo Indígena no Brasil: Movimento, Cidadania e Direitos (1970 – 2009)*. Tese UNB. Brasília, 2010, p 33 e ss.

³⁰ Cf: Bicalho, Poliene Soares dos Santos. *Protagonismo Indígena no Brasil: Movimento, Cidadania e Direitos (1970 – 2009)*. Tese UNB. Brasília, 2010, p 33 e ss.

³¹ Constituição Federal da República Federativa do Brasil. Available in: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed: October 19, 2019.

³² Fernandes, Fernando Roque. *Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX*. Estudos Históricos. Rio de Janeiro, v 31, n° 63, p. 71-88, janeiro-abril 2018, p 77.

³³ Ibidem.

The conformation of the new Constitutional content, consecrating the Right of "exclusive possession and usufruct of their Territories", in addition to "multiculturalism", as a constitutional principle is due, unavoidably, to the victorious and democratic force of the struggle for the indigenous cause, still in the struggles during the Constituent Assembly. A recognition of the Indian as a subject of Law(s) with all its specificities.

8. The multiplication of ethnic non-governmental organizations (theoretical reference of this article)

The book *Os Direitos do Índio* by Manuela Carneiro da Cunha³⁴ ends up being the theoretical framework of this thesis. Specifically, the book *Índios no Brasil História, Direitos e Cidadania*. An excerpt from this work should be transcribed here:

At the end of the 1970s, non-governmental organizations supporting the Indians multiplied and in the beginning of the 1980s, for the first time, an indigenous movement was organized on a national scale. This mobilization explains the great innovations obtained in the Federal Constitution, which abandoned the goals and assimilationist jargon and recognized the indigenous rights, their historical rights, to the possession of the land of which they were the first masters.³⁵

Manuela, in some way, highlights the origin of the national political mobilization of the Indigenous Movement. Such a reality would have influenced the great novelties obtained in the Federal Constitution. In other words, the end of assimilationism, the recognition of the indigenous rights and of the Indigenous as a subject of Law(s)³⁶.

The caput of article 231, as well as § 1 and § 2 of the Constitution, represent precisely this new constitutional turn. Something unprecedented from a normative point of view. Second, they prove the following fact. Even in a conservative political context and democratic transition, the Constituent Assembly managed to approve a progressive text for the indigenous cause as a whole.

The referred period explained by the author and chosen here as the Theoretical Reference coincides with what Fernando Roque defined as the "ethnogenesis of

the Indigenous Movement in Brazil"³⁷. A social process used to describe new ethnic groups, now recognized in the Federal Constitution.

II. CONCLUSION

Initially, this article contextualized, historically and politically, the period of the end of the Brazilian military dictatorship. The end of the "leaden years" represented the birth of what would be the new Federal Constitution, here explained as the National Constituent Assembly (1987-1988).

This article also highlights the importance of social movements in defense of the indigenous cause for the end of indigenous assimilation from a formal point of view. The creation and capacity for political articulation of the Indigenous Movement. It is a historic landmark of extreme importance for the history of Brazil.

Finally, it was demonstrated how much the leadership of Dom Luciano Mendes de Almeida ended up proving decisive for the chapter of the Federal Constitution to have, exactly, this contour, the indigenous multiculturalism (as a rule), despite attempts from the opposition arising and conservative sectors of Brazilian society, such as major communication vehicles like the Estado de São Paulo.

³⁴ The author and co-author of *Policies Culturais e Povos Indígenas, Negros Estrangeiros, Cultura com aspás, Savoir traditionnel, droits intellectuels et dialectique de la culture*, Brazilian slaves of the 19th century in the photograph of Christiano Jr, Rights of indigenous peoples in dispute in the STF among others is a reference in the field of anthropology. She was president of the Association of the Brazilian Association of Anthropology between 1986 and 1988 and Professor at the University of São Paulo (USP) (Available in Lattes Curriculum: <http://buscatextual.cnpq.br/buscatextual/visualizacv.do?id=K4781551J1> Accessed on June 7, 2020)

³⁵ Carneiro da Cunha, Manuela. *História dos índios no Brasil*, Companhia das Letras, 1992, p 22.

³⁶ *Ibidem*.

³⁷ Fernandes, Fernando Roque. *Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX*. *Estudos Históricos*. Rio de Janeiro, v 31, nº 63, p. 71-88, janeiro-abril 2018, p 77.