BRIEF 2

INNOVATIONS OF THE 1988 CONSTITUTION

Brazil's new Constitution retains the federal system and the presidential system of government, modeled after the United States, that Brazil has had since 1891. During the drafting process the two most fundamental political reforms proposed -establishing single member constituencies and the office of a Prime Minister accountable to Congress - were rejected by substantial majorities. The result is a document that reverses the authoritarian provisions of the two preceeding military constitutions, without proposing a major break from Brazil's republican traditions. Many of the constitution's economic, social and human rights provisions already exist in Brazilian law; the new document simply gives them constitutional protection. Nevertheless, the new constitution breaks new ground in many areas. The following is our list of its most important innovations and the attached briefs in which they are described.

Brief 3: Elimination of the President's power to issue laws by decree.

Brief 3: Full Congressional powers to review and amend the budget.

Brief 3: Congressional powers to review major sources of presidential patronage, including appointments to major offices, awards of radio and television licenses and transfers of public lands.

Brief 3: Senate powers of review over all foreign debt operations.

Brief 3: Congressional power to over-ride a Presidential veto, through a simple majority vote.

Brief 3: Separation of the offices of the Advocate-General, who represents the federal government, and the Attorney-General, who represents society's interests against the state.

Brief 4: A phased increase in tax transfers from 21% to 47% of the federal government's take from income and industrial product taxes, to state and municipal governments.

Brief 4: The creation of three new states.

Brief 5: A five year mandate for the President.

Brief 5: A two round run-off electoral system for the President, state governors and the mayors of major cities.

Brief 5: Extending the franchise to 16 year olds and illiterates.