

INFO: HRC
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INWARD CABLEGRAM

O.GE85446 s 22 1(a)(ii)
TOR 02.14 10.08.88

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TO.
PP CANBERRA/7122

FM. GENEVA /FA / REF O.GE 84885

~~RESTRICTED~~

HUMAN RIGHTS: INDIGENOUS POPULATIONS: REVISION OF ILO CONVENTION 10

s 22 1(a)(ii)

START OF SUMMARY

THE SECRETARY TO THE COMMITTEE REVISING ILO CONVENTION 107 ON INDIGENOUS AND TRIBAL POPULATIONS HAS REITERATED THE IMPORTANCE TO A SUCCESSFUL OUTCOME OF THE EXERCISE IN 1989 OF GOVERNMENTS SUCH AS AUSTRALIA PREPARING, AFTER CONSULTATIONS WITH INDIGENOUS ORGANISATIONS, COMPROMISE PROPOSALS ON DIFFICULT ISSUES SUCH AS LAND RIGHTS.

END OF SUMMARY

ON 28 JULY s 22 1(a)(ii) AND s 22 1(a)(ii) (DFAT) CALLED ON s 33 (a)(iii) THE SECRETARY TO THE ILO'S REVISION EXERCISE ON CONVENTION 107

THE FOCUS OF DISCUSSION WAS THE PREPARATION FOR THE FINAL PHASE OF THE EXERCISE AT NEXT YEAR'S PLENARY SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

- A DRAFT REVISED CONVENTION, BASED ON THE CONCLUSIONS ADOPTED BY THE COMMITTEE IN JUNE OF THIS YEAR, WILL BE AVAILABLE FOR COMMENT NEXT MONTH.

2. s 33 (a)(iii) EXPRESSED GENERAL SATISFACTION AT THE OUTCOME OF THE JUNE MEETING, NOTING IN PARTICULAR THE ACCOMMODATION BY ALL THREE GROUPS (GOVERNMENTS, WORKERS AND EMPLOYEES) OF CONSTRUCTIVE NGO PARTICIPATION

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4. MORE COMPLEX WOULD BE CONSIDERATION OF THE "LAND PROVISIONS" WHICH HAD BEEN DEFERRED BY THIS YEAR'S COMMITTEE

IT WAS CRUCIAL TO A SUCCESSFUL OUTCOME, THAT GOVERNMENTS SUCH AS AUSTRALIA ASSUME A LEAD ROLE BY BEING PREPARED TO PRESENT SUITABLE COMPROMISE LANGUAGE ON THE LAND RELATED ISSUES

- WIDE CONSULTATIONS WERE ESSENTIAL, PARTICULARLY WITH INDIGENOUS REPRESENTATIVES

s 33 (a)(iii) DOES NOT SUPPORT THE IDEA OF ATTEMPTING TO "GENERALISE" THE LAND PROVISIONS TO AVOID THE EXERCISE BEING BOGGED DOWN BY A PLETHORA OF SPECIFIC AMENDMENTS (SEE PARA 18 OF REFTEL)

- THE ELEMENTS OF THE VARIOUS LAND PROVISIONS REFLECTED ESSENTIAL PRINCIPLES AND PROCEDURES AND COULD NOT BE REDUCED WITHOUT STRIPPING THE TEXT OF ITS BASIC PROTECTIONS

HE NOTED THAT THE DRAFT CONVENTION WILL INCLUDE REFERENCE TO BOTH "LAND" AND "TERRITORIES"

- THE ORIGINAL INSTRUMENT HAD VERY CONSCIOUSLY USED BOTH TERMS, "LAND" BEING REFERRED TO IN THE CONTEXT OF "OWNERSHIP, POSSESSION, USE" AND "TERRITORIES" COVERING THE RANGE OF "PROPERTIES" RELEVANT TO

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INDIGENOUS PEOPLES E.G. LAND, INLAND LAKES, SEA-ICE.

5. s 33 (a)(iii) NOTED THAT THE NORDIC GOVERNMENTS HAVE ARRANGED CONSULTATIONS TO PREPARE FOR NEXT YEAR'S MEETING, WHICH WILL BE ATTENDED BY AN ILO REPRESENTATIVE

HE SUGGESTED THAT AUSTRALIA MIGHT CONSIDER ARRANGING SIMILAR "REGIONAL" CONSULTATIONS

- WITH THE ILO WILLING TO OFFER ASSISTANCE AND ADVICE IF CONSIDERED HELPFUL.

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7. WE ARE FAXING THE ILO'S SUBMISSION TO THE SIXTH SESSION OF THE UN'S WORKING GROUP ON INDIGENOUS POPULATIONS

THE REVISION OF CONVENTION 107, WHILE ATTRACTING INTEREST, WAS NOT WIDELY CRITICISED BY PARTICIPANTS.

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ACTION: DEP FOREIGN + TRADE