



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2024/29

10 April 2024

Right to Strike under ILO Convention No. 87

(Request for Advisory Opinion)

The Court authorizes the United States of America to participate in the proceedings

THE HAGUE, 10 April 2024. The International Court of Justice has authorized the United States of America, at its request, to participate in the advisory proceedings concerning the *Right to Strike under ILO Convention No. 87*.

The United States is not a party to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (ILO Convention No. 87). It therefore based its request to participate in the proceedings on Article 66, paragraph 3, of the [Statute](#) of the Court. The Court has decided that, as a member of the International Labour Organization (ILO), the United States is likely to be able to furnish information on the question put to the Court by the ILO's Governing Body. The United States may therefore submit a written statement to the Court, and written comments on the written statements made by other authorized organizations or by States parties to ILO Convention No. 87, within the respective time-limits of 16 May and 16 September 2024, as fixed by the Court in its [Order](#) of 16 November 2023.

History of the proceedings

On 10 November 2023, the Governing Body of the ILO, at its 349th *bis* (special) session, adopted a resolution on the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) with respect to the right to strike, requesting an advisory opinion from the Court.

In its resolution, the Governing Body states that it is “[c]onscious that there is serious and persistent disagreement” among the Organization’s tripartite constituents on the interpretation of the Convention, and decides, in accordance with Article 37, paragraph 1, of the ILO Constitution,

“[t]o request the International Court of Justice to render urgently an advisory opinion under Article 65, paragraph 1, of the Statute of the Court, and under Article 103 of the Rules of Court, on the following question:

Is the right to strike of workers and their organizations protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)?”

The request for an advisory opinion was transmitted to the Court by the Director-General of the ILO by letter dated 13 November 2023.

On 16 November 2023, the Court made an Order organizing the proceedings, in which it fixed the time-limits for the presentation of written statements and for written comments on those statements.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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