



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

No. 2024/64

1 October 2024

### *Right to Strike under ILO Convention No. 87*

#### (Request for Advisory Opinion)

#### Filing of written comments

THE HAGUE, 1 October 2024. Fifteen written comments have been filed in the Registry of the International Court of Justice in the advisory proceedings on the question of the *Right to Strike under ILO Convention No. 87*.

It is recalled that, by an [Order dated 16 November 2023](#), the Court, pursuant to Article 66, paragraph 4 of its [Statute](#), had fixed 16 September 2024 as the time-limit within which States and organizations having presented written statements in these proceedings might submit written comments on other written statements. Fifteen written comments were filed within this time-limit in the Registry by (in order of receipt): International Trade Union Confederation; Japan; Mexico; International Cooperative Alliance; Tunisia; Organisation of African, Caribbean and Pacific States; South Africa; Switzerland; United States of America; International Organization of Employers; Business Africa; Australia; Bangladesh; the Netherlands; and Vanuatu.

Any decision of the Court regarding the subsequent procedure will be announced in due course.

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### **Procedure of the Court and history of the proceedings**

The Registry has published an [explanatory note](#) on the Court's website concerning the procedure followed by the ICJ with regard to requests for advisory opinions.

On 10 November 2023, the Governing Body of the International Labour Organization (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 a letter dated 13 November 2023.

On 16 November 2023, the Court made an [Order organizing the proceedings](#), in which it fixed 16 May 2024 as the time-limit for the presentation of written statements and 16 September 2024 as the time-limit for the submission of written comments on those statements. In total, 31 written statements were filed in the Registry.

Earlier [press releases](#) relating to this case are available on the Court’s website.

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

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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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