

Government of Colombia

Permanent Mission of Colombia to the
United Nations in Geneva

DCHONU No. 458/23

The Permanent Mission of the Republic of Colombia to the International Organizations in Geneva presents its compliments to the International Labour Office and, in relation to the request made by the Workers' group concerning the referral to the International Court of Justice of a question on the scope and content of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), has the pleasure to transmit the enclosed note from the Minister of Labour of the Republic of Colombia, Ms Gloria Ines Ramirez Ríos, addressed to the Director-General of the ILO, Mr Gilbert HOUNGBO.

The Permanent Mission of the Republic of Colombia to the International Organizations in Geneva avails itself of this opportunity to renew to the International Labour Office the assurances of its highest consideration.

Geneva, 10 August 2023

To the Honourable Director-General
of the International Labour Office
Mr Gilbert HOUNGBO

Bogotá, D.C.

GILBERT HOUNGBO,
Director-General
International Labour Office
Route des Morillons, 4
CH - 1211 Geneva, Switzerland

Re: Request to place an item on the agenda of the 349th Session of the Governing Body on the referral of an interpretation dispute to the International Court of Justice under article 37(1) of the ILO Constitution

Dear Director-General,

We have been informed that the Worker Vice-Chairperson of the Governing Body has submitted a letter containing requests on behalf of the Workers' group, following the formal announcement made at the 347th Session of the Governing Body in March.

We would like to indicate that the Government of Colombia fully supports the rationale and objective of the Workers' group's request that, as a matter of urgency, an item be placed on the agenda of the 349th Session of the Governing Body for discussion and decision on the referral to the International Court of Justice (ICJ) of the longstanding dispute over the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87),

in relation to the right to strike.

To facilitate the discussion and decision-making of the Governing Body, we also request that the Office prepare a comprehensive report containing all the necessary elements to be considered for a referral to the Court, including the questions to be put to the ICJ.

The tripartite constituents have made various attempts to resolve the prolonged discussion, including through social dialogue. Despite these efforts, no consensus-based outcome has been achieved. In the event that the dispute over the legal interpretation persists, the Organization should have recourse to the constitutional procedure set out in article 37, paragraph 1, of the ILO Constitution and refer the matter to the International Court of Justice. Governments need legal certainty in relation to all of their obligations under Convention No. 87 and to the supervision of its application by the Committee of Experts. Without legal certainty, this discussion will continue to have a detrimental effect on the supervisory system, on the credibility of the ILO as a standard-setting body within and outside the United Nations system, and on the effective application of international labour standards.

Taking into account the institutional impact of this persistent interpretation dispute and the urgent need to resolve it, we also request that the Office transmit this letter as soon as possible to all ILO constituents before the Governing Body's discussion.

We would be grateful to receive confirmation that the necessary action has been taken in response to this letter.

Yours sincerely,

(Signed)

GLORIA INES RAMIREZ RIOS

Minister of Labour