



**Permanent Mission of Brazil to the United Nations Office
and other international organizations in Geneva**

Chemin Camille-Vidart, 15, 1202 Geneva – Switzerland

Phone: (+41)(0) 22 3325000 /Fax: (+41) (0)229100751

E-mail: delbrasgen@itamaraty.gov.br

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The Permanent Mission of Brazil to the United Nations Office in Geneva presents its compliments to the International Labor Organization (ILO) and has the honor to convey herewith, in attachment, the content of a letter from the Minister of Labor and Employment, Luiz Marinho, addressed to Director-General Gilbert Houngbo, in support of the Workers' Group formal request to place an item on the agenda of the 349th session of the Governing Body concerning the referral of an interpretation dispute (right to strike in ILO Convention 87) to the International Court of Justice under article 37(1) of the ILO Constitution.

2. The Permanent Mission of Brazil avails itself of this opportunity to renew the assurances of its highest consideration.



Geneva, July 14th, 2023

International Labor Office
Cabinet of the Director General
Route des Morillons, 4, 1211, Geneva
cabinet@ilo.org ; reloff@ilo.org

ATTACHMENT

CONTENT OF THE LETTER FROM THE MINISTER OF LABOR AND EMPLOYMENT OF BRAZIL, LUIZ MARINHO

Request to place an item on the 349th session of the Governing Body concerning the referral of an interpretation dispute to the International Court of Justice under article 37(1) of the ILO Constitution.

Dear Director-General,

Brazil herewith requests that, as a matter of urgency, an item be placed on the agenda of the 349th Session of the Governing Body for debate and decision concerning the referral to the International Court of Justice (ICJ) of the long standing dispute relating to the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (Nº 87) as regards the right to strike.

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

Several attempts have been made by the tripartite constituents to overcome the longstanding dispute, including through social dialogue. Despite these efforts, a consensual outcome has not been achieved. Since disputes on legal interpretation continue, the Organization should avail itself of the constitutional procedure provided for in Article 37(1) of the ILO Constitution and put the matter before the International Court of Justice. Governments require legal certainty regarding all their obligations under Convention 87 and in terms of the supervision of its application by the Committee of Experts.

We understand that without legal certainty this dispute will continue to have a harmful impact on the supervisory system, the credibility of the ILO as a standard-setting agency in the UN system and beyond, as well as on the effective implementation of international labour standards.

Considering the institutional impact of this persistent interpretation dispute and the urgent need to resolve it, we also ask the Office to circulate this letter as soon as possible to all ILO constituents ahead of the Governing Body discussion.

We would appreciate receiving confirmation that necessary action has been undertaken in response to the present letter.

Brasília, June 13, 2023

LUIZ MARINHO
Minister of Labor and Employment of Brazil