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Sent: 13 September 2023 11:00
To: JUR, OFFICE
Cc: Güven Begeç; Oğuz TUNCAY; Arzu Erçelik; Çağatay Halat; Ali Rıza Öney; Serdar Ekinci; Fatih Acar
Subject: Comments of Turkish Government on the Referral to the International Court of Justice Regarding the Interpretation of Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

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Subject: *Comments of Turkish Government on the Referral to the International Court of Justice Regarding the Interpretation of Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*

Dear Sir/Madam,

We would like to express our appreciation for providing us with the background document related to the urgent request for the referral of the dispute regarding the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) to the International Court of Justice, in accordance with Article 37(1) of the International Labour Organization (ILO) Constitution.

We have carefully reviewed the document, which outlines the concerns raised by the Workers' group and 34 governments, as well as the historical context surrounding the interpretation of Convention No. 87 and its relationship with the right to strike. In light of the information presented, we wish to share our perspective on this matter.

While we recognize the importance of safeguarding the right to strike as an integral element of labour rights and principles, we maintain certain reservations regarding its specific delineation within the framework of ILO Convention No. 87. These reservations have been previously articulated during our constructive deliberations within the Committee on the Application of Standards. We would like to reiterate that the right to strike, albeit part of fundamental principles and rights at work of the ILO, is not an absolute right. The scope and conditions of this right should be regulated at the national level.

Furthermore, we suggest that the ILO's effective tripartite consultation mechanism, which has proven successful in resolving labour-related issues through social dialogue for over a century, should be utilized to address this longstanding dispute about the interpretation of Convention No. 87. We firmly believe that a constructive and collaborative approach within the ILO framework can lead to more practical solutions and a better understanding of the diverse perspectives among its constituents.

In conclusion, we firmly endorse the pursuit of a resolution within the existing structures of the ILO, fostering active engagement and open dialogue. This approach, we believe, holds the promise of yielding a balanced, globally acceptable outcome.

Sincerely,

Serdar Özkan
First Counsellor

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