



MINISTRY OF MANPOWER OF THE REPUBLIC OF INDONESIA

SECRETARIAT GENERAL

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6 October 2023

Mr. Gilbert F. Houngho
ILO Director General

In reference to your letter and report dated August 31, 2023, on behalf of the Government of the Republic of Indonesia, I wish to convey Indonesia's full support for the ongoing discussions concerning the interpretation of the right to strike at the 349th bis Session of the ILO Governing Body.

Indonesia unequivocally recognizes the right to strike as a fundamental human right, enshrined in the Indonesian Constitution. Furthermore, we acknowledge the authority vested in the ILO Committee of Experts on the Application of Conventions and Recommendations to interpret International Labour Conventions.

However, we express deep concern regarding the prolonged and unresolved discord between the Employers' and Workers' Groups within the ILO, specifically pertaining to the interpretation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No 87), concerning the right to strike. This protracted disagreement not only threatens to undermine the vital aspect of legal certainty but also jeopardizes the credibility of the ILO's supervisory framework.

In light of these concerns, we earnestly urge the Governing Body to consider including this critical matter on the agenda for the 112th Session of the ILC in June 2024.

Indonesia firmly believes that the most prudent course of action is to seek a tripartite consensus as the primary approach. This approach would facilitate a comprehensive examination of the issue and the potential development of a framework or standard that delineates the boundaries and provisions of the right to strike within the context of ILO Convention No. 87.

We sincerely hope that this can be resolved through the tripartite consensus approach. Nonetheless, should achieving such tripartite consensus prove unattainable, there is a route to the referral of these legal questions to the International Court of Justice for an advisory opinion, as stipulated in Article 37(1) of the ILO Constitution.

Thank you for your attention to this matter. We look forward to continued cooperation with the ILO and its constituents.



Sincerely Yours,

Muhammad Arif Hidayat
Head of Cooperation Bureau

Cc:

1. Secretary General, MoM;
2. Secretary of Directorate General for Industrial Relations and Workers Social Security Development, MoM;
3. Director for Socio-Cultural Affairs and International Organisations of Developing Countries, MoFA;
4. Director for Legal Affairs and Socio-Cultural Treaties, MoFA.