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Ref: Ref. MLSP/ILO/LAB/140

6th October, 2023

Director General
International Labour Organization
Office of the Director-General
Route des Morillons 4
CH-1211 Geneva 22

**FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT
TO ORGANISE CONVENTION, 1948 (NO.87): REFERS TO THE
INTERNATIONAL COURT OF JUSTICE - RIGHT TO STRIKE**

We acknowledge receipt of your letter dated 4th September 2023 on the long outstanding disagreement amongst the tripartite constituents regarding interpretation on Convention No. 87 in relation to the right of strike.

We take note of the diverse views in this matter within the membership of the International Labour Organization(ILO). One proposition is to have the matter resolved through social dialogue and engagement of internal organs of the ILO, while the other preference is to refer the matter for interpretation at the International Court of Justice (ICJ) by invoking the provisions of Article 37 of the ILO Constitution.

Although Kenya is yet to ratify ILO Convention No. 87, we recognize and promote the enjoyment of freedom of association and the right to strike, which is a substantive right enshrined in Article 41 on Labour Relations in the Constitution of Kenya. The procedural rights are articulated in the Labour Relations Act 2007.

We anticipate that through shared experience, discussions and deliberations during the 349th Session of the Governing Body, this matter can be brought to an amicable resolution.

**Ms. Hellen Apiyo
FOR: PRINCIPAL SECRETARY**

Copy to: His Excellency the Ambassador
Permanent Mission of the Republic of Kenya
to the United Nations and Other International Organizations
All'ee David –Morse 6, 1202 Geneva.