



2 October 2023

Mr. Gilbert Hougbo

Director-General

International Labour Organization (ILO)

4, route des Morillons

CH-1211 Geneva 22

Switzerland

Subject: Request for Referral of the Right to Strike Dispute to the International Court of Justice (ICJ)

Dear Director General,

On behalf of the Federation of Somali Trade Unions (FESTU), I am writing to express our profound gratitude for your recent communication addressed to all ILO Member States on August 31. We highly appreciate your acknowledgment of receipt for the request made by the ILO Workers' group on July 12, 2023, which seeks the urgent referral of a dispute to the International Court of Justice (ICJ) regarding the interpretation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No 87) (C.87), specifically focusing on the right to strike.

FESTU, as the representative of Somalia's working people, vehemently supports this request and emphasizes its profound implications for labour rights and global labour relations. The right to strike holds crucial importance in safeguarding the interests and well-being of workers, not only in Somalia but worldwide. Urgently referring this dispute to the ICJ can pave the way for a just and equitable resolution that upholds the principles enshrined in Convention 87. This, in turn, will foster a more harmonious and fair labour landscape, benefiting workers and promoting sustainable economic development.

We commend your Office for preparing a comprehensive background report to aid decision-making during the upcoming Special Meeting of the Governing Body on November 10, 2023. We also express our deep gratitude for your inclusive approach in inviting all concerned governments, employers' organizations, and workers' organizations to provide their comments.

As an organization dedicated to advocating for workers' rights, FESTU fully recognizes the paramount importance of the right to strike in Somalia. The absence of ILO supervision in this area has had a profound impact on labour relations within our country and beyond. Therefore, it is absolutely imperative to emphasize the robust and vital connection between Convention 87 and the right to strike. Somalia has already ratified Convention 87, demonstrating our unwavering dedication to upholding its fundamental principles.

In Somalia, the right to strike, which is constitutionally guaranteed, holds paramount importance as an essential mechanism for workers to exercise their freedom of association and protect their labour rights. This right serves as a powerful tool for workers to negotiate fair wages, improved working conditions, and secure their overall well-being.

Given the significant implications this dispute holds for labour rights and relations globally, the urgent referral to the International Court of Justice (ICJ) becomes even more critical. Acquiring an advisory opinion from the ICJ will foster legal certainty, protect the rights of workers, and further strengthen the implementation of Convention 87.

In light of these considerations, we urgently implore the Governing Body to prioritize the resolution of this matter. By promptly making the decision to refer this dispute to the ICJ, the ILO can effectively safeguard the rights of workers and ensure an equitable resolution that adheres to the principles outlined in Convention 87.

We firmly believe that upholding the right to strike globally will contribute to fair and just labour practices, fostering a harmonious working environment and a more equitable world as a whole.

Yours sincerely,



Omar Faruk Osman
GENERAL SECRETARY

