



**SOMALI FEDERAL REPUBLIC**  
**Ministry of Labor and Social Affairs**  
**Office of the Minister**

**Ref: MoLSA/OM/ 206 /2024**

**Date : 13/05/2024**

**The Registrar**

International Court of Justice  
Peace Palace  
Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

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**SUBJECT: ILO Supervisory Mechanism and the Interpretation of the Right to Strike**

Dear Honourable Justices,

The Ministry of Labour and Social Affairs of the Federal Republic of Somalia hereby expresses its full support for the International Labour Organization's (ILO) decision to refer the significant issue of the right to strike under the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to the International Court of Justice (ICJ). This referral is crucial for ensuring legal clarity regarding the longstanding guidance provided by the ILO supervisory system on this fundamental matter.

We wish to categorically assert that the right to strike is a fundamental constitutional right in Somalia, expressly enshrined in Article 24 (Labour Relations) of the Constitution, Clause 3, which states: "*Every worker has the right to strike.*"

Our stance aligns with the position upheld by the International Labour Organization (ILO)—that the right to strike is indeed an essential corollary of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Confirmation of this principle by the International Court of Justice (ICJ) will provide the necessary legal certainty and coherence, harmonizing with our country's understanding and practice regarding the scope of Convention 87 in protecting the right to strike.

Following our ratification of ILO Convention No. 87 in 2014, Somalia has utilized the ILO supervisory mechanism and ILO technical expertise to revise the Labour Code (Law No. 65), which has been in force since 1972, to ensure its compatibility with the provisions of ILO labour standards and the comments by the ILO supervisory bodies.

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Accordingly, Article 212 of the new draft Labour Code explicitly states in paragraph 2: "*The right to strike is a fundamental right and is, under this Code, enjoyed by workers and their organizations, whether trade unions or federations of trade unions.*" The draft has been approved by the Council of Ministers of the Federal Government of Somalia in 2023 and is currently being debated in both Houses of the Federal Parliament.

Our government is engaged in ongoing dialogue with the ILO and its supervisory bodies regarding legislative reform. We fully recognize the role of the ILO's Committee of Experts in providing guidance on the scope, content, and meaning of ILO standards. Our support has been demonstrated through the incorporation of the Committee's recommendations into our national legislation and practices. We intend to continue reporting to the ILO on the measures taken to give effect to the provisions of ILO Convention No. 87 and other ILO standards.

We re-affirm that the right to strike for workers and their organizations is explicitly protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

It is imperative to emphasise the importance of maintaining a stable and predictable operation of the ILO's system of standards and its supervision, which has functioned effectively for the past seventy years, particularly concerning the interpretation of Convention 87 and the right to strike.

We look forward to contributing constructively to this critical discussion at the ICJ and reaffirming our commitment to the principles upheld by the ILO.

Thank you for your attention to this matter.

Yours sincerely,



Dr. Mohamed Elmi Ibrahim



**H.E. Dr. Mohamed Elmi Ibrahim**  
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