

Mr. Philippe Gautier
Registrar
International Court of Justice
Peace Palace
Carnegieplein 2
2517 KJ The Hague
The Netherlands

Global Office:

International Cooperative
Alliance – AISBL
Avenue Milcamps 105
1030 Brussels
Belgium
VAT: BE 0535 539 869
RPM Brussels
T: +32.2.743.10.30
ica@ica.coop
www.ica.coop

13 September 2024.

Ref.: Request by the International Labor Organization for an advisory opinion concerning the right to strike under ILO Convention No. 87. International Court of Justice 2023, General List No. 191

Regional Offices:

Africa
Nairobi – Kenya
www.icaafrica.coop

Americas
San José – Costa Rica
www.aciamericas.coop

Asia and Pacific
New Delhi – India
www.icaap.coop

Europe
Brussels – Belgium
www.coopseurope.coop

**Sectoral
Organisations:**

Agriculture (ICAO)
www.icaocoop

Banking (ICBA)
www.icbacoop

Consumers (CCW)
www.ccw.coop

Fisheries (ICFO)
www.icfo.coop

Health (IHCO)
www.ihco.coop

Housing (CHI)
www.housinginternational.coop

Insurance (ICMIF)
www.icmif.org

Industry and Services
(CICOPA)
www.cicopa.coop

2ND WRITTEN CONTRIBUTION BY THE INTERNATIONAL COOPERATIVE ALLIANCE

1. Further to having submitted a written contribution on May 14, 2024, the International Cooperative Alliance (ICA) is grateful for the opportunity to comment briefly on the contributions by other stakeholders.
2. The ICA notes that none of the submitted contributions denies the right to strike as such and that only a small number opines that the right to strike is not protected by the ILO Convention No. 87.
3. The ICA would like to point out that one of its main arguments (see in particular Para. 3 of the 1st ICA contribution) finds support in submissions by at least two other stakeholders, the OACPS and the Republic of Vanuatu (Vanuatu). The argument is the following: an interpretation that would deny the protection of the right to strike by the ILO Convention No. 87 would have an adverse effect on sustainable development. While the ICA limited its argument to the social aspect of “sustainable development”, the OACPS and Vanuatu emphasize the environmental aspect of a “fair transition”. For the purpose of this submission, the ICA holds these two terms as synonymous. More pronouncedly than the ICA and rightly so, the OACPS and Vanuatu widen the scope and see the ILO standard setting, guiding, monitoring and supervising system as an integral part of an interlocking framework of institutions that strive for a law-based international order, having as one of its key goals international cooperation for development and the realization of economic, social and cultural rights (OACPS, 40). These goals are enshrined in the Charter of the United Nations (in particular Articles 55 and 56) and in the ICESCR. The OACPS and Vanuatu both emphasize the important role of the right to strike in ensuring a just transition “that leave no one behind”.

./...

If the protection of the right to strike by the ILO Convention No. 87 is removed, this will reduce the means that regenerate social justice and, as argued by the ICA, create a correlative, increased burden for cooperatives to cater for social justice. At the same time, it will reduce the effectiveness of international instruments (including the Paris Agreement and the ICECSR) designed to mitigate the impact of climate change and to facilitate a just transition for all. Obviously, this will negatively affect the effectiveness of the men.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, positioned above the name and title.

Jeroen DOUGLAS
Director General