



**Permanent Mission of Pakistan to the UN
Geneva**

Statement

349th (bis) Session of the Governing Body of ILO

Action to be taken on the request of the Workers' group and of 36 governments to urgently refer the dispute on the interpretation of Convention No 87 in relation to the right to strike to the International Court of Justice for decision in accordance with article 37(1) of the Constitution

**Statement delivered by Ambassador Zaman Mehdi Deputy Permanent Representative
(10 November 2023)**

We thank the office for the information in the background documents.

We have before us a matter that is of vital importance to the governance of the ILO. It also touches on delicate issues that require careful consideration.

The ILO Constitution recognizes the principle of freedom of association. We believe in the resilience of the Organization, the value of dialogue with tripartism and have full confidence in its ability to move forward.

The questions of rights and their status as an international legally binding norm, the ability of the supervisory mechanism to effectively function, and the wisdom to resort to constitutional measures- when and why!

Pakistan has ratified the Convention 87 in 1951. Our domestic laws are consistent with our international obligations and enshrine the principles of freedom of association and the ability to strike as per the law.

We also believe that the right to strike can be recognized as an international norm provided it is exercised in conformity with the law of the country. This is clearly stated as such in the International Covenant on Social, Economic, and Cultural Rights.

Does a norm existing in one international legal architecture still require fresh consideration in another legal system? The issue of supervising implementation of a specific in a legal architect is linked with recognition of that norm of that specific architecture, as binding.

The question therefore is as much of legality as it is for certainty.

From our national perspective, its existence as a human rights standard strengthens its status to be recognized as a labor standard.

The question, therefore, remains of implementation and supervision. The Treaty Bodies established by the Human Rights law have their mandates and limits clearly delineated.

The supervisory bodies guide implementation. However, their stipulations remain non-binding. They can neither create nor imagine new rights and obligations.

These guide actions of national authorities as stated by the Committee of Experts itself and endorsed by the Governing Body in 2014 and subsequently.

We believe that dialogue and exchange of view is necessary, and always helpful. We take this opportunity to remind ourselves of other issues such as democratization which are also pending for long.

We trust that today's discussions will be productive, and that we will be able to find a solution through negotiations and dialogue- which is at the heart of the ILO.

I thank you.
