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The Opinion of the International Court of Justice (The Hague) on the Right to Strike: ITUC-Africa Hails the Opinion and Affirms its Resolve to Continue to Defend and Advance the benefits of this Right in the Protection, Defence and Promotion of Workers' Freedom

The African Regional Organisation of the International Trade Union Confederation (ITUC-Africa, www.itoc-africa.org) reaffirms its unwavering conviction that the right to strike remains an indispensable pillar of freedom, democracy, social justice, and workers' dignity across the world of work.

ITUC-Africa welcomes the International Court of Justice's advisory opinion affirming the right to strike under ILO Convention No. 87 of 1948. It considers the opinion legally sound and grounded in strong moral, historical, and democratic principles. In doing so, the Court has reinforced the legitimacy of the right to strike as a fundamental protection that cannot be denied, weakened, or detached from workers' lived realities.

We reaffirm that the labour movement was not built through charity. It was built through struggle, sweat, blood and deaths of countless martyrs. Every major social and economic gain workers enjoy today — fair wages, regulated working hours, occupational safety, maternity protection, pensions, social protection, collective bargaining, and democratic freedoms — was won because workers organised collectively and retained the power to withdraw their labour in the face of injustice and exploitation.

Further, we maintain that the rights enshrined in ILO Convention No. 87 are inseparable from the practical and democratic legitimacy of strike action. Freedom of association without workers' ability to act collectively ceases to have meaning in practice. A union that cannot organise industrial action when dialogue fails is reduced to symbolism without power. For us, therefore, the right to strike is not secondary, optional, or negotiable. It is inherent in the very existence of trade unionism. We are glad the ICJ agrees with these reasons.

Let it be clear that workers do not withdraw labour because they desire instability or to sabotage society. They do so because all too often they are confronted by exploitation, wage suppression, unsafe workplaces, union repression, inequality, austerity, unemployment, and systems that concentrate wealth while impoverishing those who produce it.

At a time when workers across Africa continue to bear the burden of deepening inequality, rising costs of living, shrinking civic space, precarious employment, and economic systems that prioritise profit over human dignity, the defence of the right to strike and its utilisation become even more imperative.

No society can claim to uphold democracy while denying workers the ability to organise, protest, and collectively withdraw their labour. In fact, modern democracies are consolidated

and enriched through workers' unhindered opportunities and abilities to organise, collectively bargain and strike to ensure accountability in industrial relations and public governance. Therefore, the right to strike must be protected not only in law but in practice.

The African trade union movement will continue to defend this right firmly, consistently, and without apology.

Issued in Lomé, Togo, on 21 May 2026 on behalf of the ITUC-Africa by Akhator Joel Odigie, General Secretary.