### CP – Consult ICJ (1:40)

#### Counterplan text – [Country] ought to enter a prior, binding, and genuine consultation with the ICJ to recognize a worker’s right to strike pursuant to ILO Convention 87 and clarify any exceptions.

#### It’s uncondo.

#### Only the ICJ can recognize a right to strike that’s functionally unconditional

Wisskerchen 5

[Alfred; 2005; “The standard-setting and monitoring activity of the ILO: Legal questions and practical experience,” International Labour Review, Vol. 144 (2005), No. 3, <https://sci-hub.se/https://onlinelibrary.wiley.com/doi/10.1111/j.1564-913X.2005.tb00569.x>] Justin -recut CAT

\* ICJ = International Court of Justice

\* ILO = International Labour Organization

To date there has been no further reaction from the experts in the old dispute over the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), with regard to the right to strike. The experts maintain that the right to strike is based on Article 3 of Convention No. 87, which states that “Workers’ and employers’ organizations shall have the right … to organize their administration and activities and to formulate their programmes”, taken with Article 10 of the same Convention, which defines “organization” within the meaning of the Convention as any organization “for furthering and defending the interests of workers or of employers”.85 In addition to these general findings, every year the experts look into numerous individual cases involving specific national provisions governing strikes in some way and thus limiting them to some extent. The Committee of Experts also considers a large number of real situations or actual events which regularly lead to de facto restrictions on strikes in certain circumstances. In approximately 90 to 98 per cent of all these cases the experts conclude that the restrictions on the right to strike, be they de facto or de jure, are not compatible with Convention No. 87. Thus they have formulated a comprehensive corpus of minutely detailed strike law which amounts to a far-reaching, unrestricted freedom to strike.86 The occasional, theoretical restrictions are regarded as being hardly ever applicable to the actual situations reviewed. The right to strike cannot, however, be adduced from Convention No. 87, especially if one adheres, even if only loosely, to the principles of interpretation of international law according to the Vienna Convention on the Law of Treaties, which is authoritative here.87 As the experts admit, the wording of Convention No. 87, the preamble of the ILO Constitution and the Declaration of Philadelphia do not refer to strikes. Neither wording, nor any other instrument within the meaning of Article 31, paragraphs 1 and 2, of the Vienna Convention on the Law of Treaties can be said to aim at such an understanding between the parties to Convention No. 87. Similarly, there is no subsequent practice in the application of that Convention which establishes the agreement of the contracting Parties to interpret its provisions as enshrining the right to strike (Article 31, paragraph 3, of the Vienna Convention on the Law of Treaties). For decades, the experts’ reports substantiated the argument that there is no such agreement among member States. Nevertheless questions connected with freedom of association do occupy an inordinate amount of the whole report, with strikes figuring prominently among these questions. The actual situations forming the basis of this part of the report clearly show that there is scarcely any other area of labour and social policy where a wider range of rules and practices is in evidence in member States than the law on industrial action.88 The ideal type fitting the experts’ detailed notions is probably not reflected in any of the rules on industrial action, or in practice. In these circumstances, we cannot assume that a customary right has developed for a particular concept of the right to strike. 89 Interpretation according to Article 31 of the Vienna Convention on the Law of Treaties therefore leads to the conclusion that strikes are not regulated in Convention No. 87. This conclusion is impressively confirmed if, in keeping with Article 32 of the Vienna Convention, we also look at the preparatory work of the treaty and the circumstances of its conclusion. The experts rightly point out in their most recent General Survey on this topic (mentioned above) that the right to strike was referred to several times in the preparatory work, but no explicit proposal on that subject was put forward during the debates in Conferences.90 The experts’ comments on the genesis of the Convention are, to put it mildly, incomplete, for the Office’s preparatory report on the planned Convention on freedom of association expressly excluded regulation of the right to strike after analysing governments’ answers. “Several Governments, while giving their approval to the formula, have nevertheless emphasised, justifiably it would appear, that the proposed Convention relates only to the freedom of association and not to the right to strike, a question which will be considered in connection with item VIII (conciliation and arbitration) on the agenda of the Conference. In these circumstances, it has appeared to the Office to be preferable not to include a provision on this point in the proposed Convention concerning freedom of association.”91 This was again confirmed during debates in the plenary. “The Chairman stated that the Convention was not intended to be a ‘code of regulations’ for the right to organise, but rather a concise statement of certain fundamental principles.”92 When the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), was adopted the following year, this subject was again examined expressis verbis. In the course of the subsequent discussions, two Workers’ delegates and one Government delegate vainly tabled proposals to have the right to strike guaranteed in the Convention. Both proposals were rejected. The record of proceedings noted: “The Chairman ruled that this amendment was not receivable, on the ground that the question of the right to strike was not covered by the proposed text, and that its consideration should therefore be deferred until the Conference took up item V of its agenda relating, inter alia, to the question of conciliation and arbitration.”93 As we know, paragraph 4 of the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), refers to strikes and lockouts in neutral language and does not attempt to regulate them. Lastly, the experts made a very vague allusion to the fact that strikes are mentioned in other international instruments.94 In this respect, the Universal Declaration of Human Rights of 1948 is not relevant, although it sets out many fundamental rights in general terms, but they are recommendations and compliance with them is not obligatory.95 Article 22, paragraph 1, of the International Covenant on Civil and Political Rights96 and Article 8, paragraph 1(d), of the International Covenant on Economic, Social and Cultural Rights97 are more apposite. For several years, the texts of the two Covenants formed the subject of negotiations aimed at drafting a single United Nations Human Rights Covenant. A motion to introduce a right to strike alongside freedom of association was rejected. After the text was split into the two above-mentioned Covenants, Article 8 was given the wording quoted in footnote 94. On the whole, these rules have less binding force and the monitoring machinery is weaker than those of ILO Conventions.98 The United Nations Human Rights Committee, in its decision of 18 July 1986,99 which expressly relied on the interpretation rules of the Vienna Convention on the Law of Treaties, concluded that the right of freedom of association embodied in Article 22 did not necessarily imply the right to strike and the authors of the Covenant did not have the intention of guaranteeing the right to strike. A comparative analysis of Article 8, paragraph 1(d), confirmed that the right to strike could not be regarded as an implicit element of the right to form and join trade unions. The right to strike under Article 8, paragraph 1, was clearly and expressly subordinated to the law of the country.100 In these proceedings before the United Nations Human Rights Committee, the complainants had asserted that ILO organs had arrived at the conclusion that, in the light of ILO Conventions, the right of freedom of association necessarily presupposed the right to strike. The United Nations Human Rights Committee replied that every international treaty had a life of its own and must be interpreted by the body entrusted with the monitoring of its provisions. In addition to these clearly accurate observations, the Committee stated that “it has no qualms about accepting as correct and just the interpretation of those treaties by the organs concerned”.101 Coming after the correct allusions of the United Nations Human Rights Committee to the separate lives of international treaties and to the fact that they must be interpreted by the competent body, this remark about ILO standards can only be described as an amiable diplomatic statement without any binding force. It was an obiter dictum of a committee which was, by its own avowal, not competent to deal with the matter.102 This is all the more true given that, according to article 37 of the ILO Constitution, the ICJ can alone give binding interpretations of ILO standards.

#### ICJ says yes and socializes acceptance of international law – the aff shreds that by acting unilaterally.

Brudney 21

[James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin \*\* Brackets in original -recut CAT

\* FOA = freedom of association

\* CIL = customary international law

C. FOA and the Right to Strike as Opinio Juris There is also considerable support for the proposition that the general practice of states on FOA and the right to strike stems from acceptance as a matter of legal obligation. Admittedly, while the existence of opinio juris may be inferred from a general practice, the International Court of Justice (ICJ) has at times noted the insufficiency or inconclusiveness of such practice, instead seeking confirmation that "[states'] conduct is 'evidence of a belief that this practice is rendered obligatory by the existence of a rule of law requiring it. ",149 Trade agreements, for instance, may represent treaty law and may qualify as evidence of general practice, but they are typically entered into by States that have specific economic or political objectives rather than from a desire to embrace obligations arising under international law.15° Further, it is possible that even with respect to ILO conventions, widespread ratification is in part a function of acculturation, insofar as endorsements across a region contribute to socialized acceptance of norms on FOA, reassuring peer countries that protecting rights to association including the right to strike will not place them in an inferior competitive position. 151 That said, the ICJ often does infer the existence of *opinio juris* from a general practice and/or from determinations by national or international tribunals.152 And there are ample reasons to draw such an inference here. To start, FOA is consciously accepted as an obligation by ILO member states not simply through ratification of Convention 87 (covering more than 80 percent of them) but by virtue of membership itself. The ILO Constitution expressly requires support for FOA principles, and these principles are further imbedded through a tripartite governance structure that allocates power-sharing roles to worker organizations alongside governments and employers. 153 Thus, ILO members understand there is an underlying obligation to respect FOA in law and practice.154 A second reason is that domestic law can provide relevant evidence regarding the presence of opinio juris among states. Commitments to FOA expressed in national constitutions, statutes, and court decisions are not necessarily evidence of a state's belief that the principle is international as opposed to domestic law. Nonetheless, the International Law Commission has made clear that evidence of acceptance as law (opinio juris) "may take a wide range of forms," including but not limited to "official publications; government legal opinions; [and] decisions of national courts." 155 In this regard, the CEACR in 2012 identified 92 countries where "the right to strike is explicitly recognized, including at the constitutional level"; the list includes six countries that have not ratified Convention 87.156 Recognition in domestic law of a right to strike alongside a conscious decision not to ratify Convention 87 could give rise to an inference that these six countries are rejecting the right as a principle of international law. However, as explained earlier, national courts for two of the six non-ratifying countries (Brazil and Kenya) expressly invoke ILO membership and/or principles as guidance in their domestic law decisions.157 In addition, Canada—a country not listed among the 92 endorsing the right to strike in the 2012 General Survey—has since recognized a constitutional right to strike under national law, relying in part on international law principles including CEACR and CFA determinations.158 The Canadian Supreme Court had previously been explicit in invoking Convention 87, ICESCR, and ICCPR as "documents [that] reflect not only international consensus but also principles that Canada has committed itself to uphold." 159 Further, a third country in the group of six—South Korea—has affirmed in its trade agreements with the United States and the EU its obligation to "adopt and maintain in its statutes and regulations, and practices" FOA in accordance with the ILO Declaration.16° And in various CFA complaints against South Korea for violating FOA principles, including the right to strike, the Government has disputed the facts of the complaints while at the same time recognizing that such rights are embedded in international law.161 Accordingly, a more relevant reference point in this setting may be that "when States act in conformity with a treaty provision by which they are not bound . . . this may evidence the existence of acceptance as law (opinio juris) in the absence of any explanation to the contrary.3 3162 Stepping back, domestic law on FOA and the right to strike, which for many countries developed after Convention 87 and its initial applications by the CEACR and CFA, may be viewed in part as a window into countries' sense of obligation in law and practice. A state may at times adopt labor provisions of a trade agreement for reasons of comity or relative competitive advantage. These reasons may play a more modest role with respect to adoption of certain human rights treaties or ILO conventions. 163 But evidence of practice and obligation in the domestic law sphere—especially when informed by regard for international instruments—seems almost by definition to be a function of acceptance as law rather than susceptibility to strategic motivations. In this regard, there are numerous instances in recent years where governments have expanded their legislative protections for the right to strike following a period of dialogue with the CEACR, and that committee has recognized and applauded the changes in law. 164 Of particular relevance to the U.S. setting, these expansions have included assuring the right to strike for public sector employees and prohibiting the hiring of replacements for strikers. 165 A third reason to infer opinio juris (in addition to the centrality of FOA principles within the ILO Constitution and the strong evidence of FOA and right-to-strike practice and obligation under domestic law) involves recent statements from high officials in the United Nations indicating that the right to strike is understood by its leaders as CIL. In his 2016 report to the U.N. General Assembly, the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and association explained, "The right to strike has been established in international law for decades, in global and regional instruments, and is also enshrined in the constitutions of at least 90 countries. The right to strike has, in fact, become customary international law.'5166 In 2018, responding to a press briefing on a strike by U.N. employees following announced pay cuts, the Deputy Spokesman for the U.N. Secretary-General reiterated the U.N. view that the right to strike is indeed CIL and did so in the context of the right being asserted by public employees not involved in the administration of the state: Question: Does the Secretary-General believe that U.N. staff have a right to take part in industrial action? Deputy Spokesman: We believe the right to strike is part of customary international law. 167 These statements did not simply materialize in recent times. Two major U.N. Human Rights treaties—the ICESCR and the ICCPR—have been interpreted by their relevant treaty bodies to include a right to strike; these bodies have reaffirmed their joint commitment to the right to strike as part of FOA, and they regularly monitor governments' record of compliance with this right. 168 And as noted earlier, the two treaties—each ratified by over 80 percent of U.N members—include a clause explicitly identifying respect for ILO Convention 87. In sum, the principles of FOA including the right to strike would appear to satisfy both prongs of the CIL test. The widely recognized general practice on strikes has sufficient shape and contours: a basic right, three substantive exceptions (public servants involved in administration of the state, essential services in the strict sense of the term, and acute national emergencies), a recognition that strikers retain their employment relationship during the strike itself, and certain procedural prerequisites or attached conditions.169 There are variations in national practice and also disagreements at the margins about what the right to strike protects, but these aspects are not different in kind from diversity and contests regarding international rights prohibiting child labor, or for that matter domestic constitutional rights involving freedom of expression or the right to bear arms. As for opinio juris, a broad range of sources combine to establish that the general practice stems from a sense of acceptance and obligation: ILO foundation and structure; two widely endorsed United Nations human rights treaties; national constitutions; government representations; domestic legislative and judicial decisions that expressly refer to or impliedly accept international standards and practices; and contemporary U.N. leadership.

#### Ruling on the right to strike secures the legitimacy of the ICJ as an international mediation body.

Hofmann and Schuster 16

[Claudia and Norbert; February 2016; Dr. Claudia Hofmann works as a research associate at the Chair for Public Law and Policy at the University of Regensburg. She specializes in public international law (in particular the field of socio-economic human rights and equality-oriented policies), social law, constitutional and administrative law. Norbert Schuster works as a lawyer in Berlin and teaches at the University of Bremen. He specialises in labour law; “It ain’t over ‘til it’s over: the right to strike and the mandate of the ILO Committee of Experts revisited,” <https://global-labour-university.org/fileadmin/GLU_Working_Papers/GLU_WP_No.40.pdf>] Justin -recut CAT

BASES FOR A POTENTIAL RULING BY THE INTERNATIONAL COURT OF JUSTICE The question of whether the Committee has left the area of interpretation and entered the sphere of standard-setting can only be answered on a case by case basis. As has been indicated before, the primary question for an advisory opinion of the ICJ is whether Convention No. 87 contains a right to strike (see Section IV). What follows is, therefore, a cursory glance at the legal bases for an ICJ opinion, so as to sketch the broad outlines of a possible decision. Under Art 37.1 of the ILO Constitution, taken together with Art 36 of the ICJ Statute, the International Court of Justice is responsible for questions or differences of opinion about the interpretation of the ILO Constitution and the ILO Conventions. This reflects the function of the ICJ as an international mediation body inasmuch as cases are to be referred to the ICJ when the parties to a treaty disagree about the interpretation of a norm within the treaty. Let us assume that such a disagreement exists here as to whether, in particular, Art 3 of ILO Convention No. 87 also accords trade unions a right to strike.85 The Committee of Experts and the Committee on Freedom of Association have expressed a legal opinion on this. In the current legal situation, i.e. in the absence of concrete rules explicitly granting the Committee of Experts a corresponding interpretative competence, the competence to decide on this issue rests with the ICJ. Upon what sources of law and which principles will the ICJ base its decision? Two provisions are particularly relevant here. One is Art 38 of the ICJ Statute and the other is Art 31 of the Vienna Convention on the Law of Treaties (VCLT).

#### ICJ legitimacy is key to global multilateralism and crisis stability – it’s declining now.

Korneliou 18

Kornelios Korneliou 18 [Permanent Representative of Cyprus and Vice-President of the 73rd Session of the UN General assembly, "Report of the International Court of Justice," United Nations, 10-25-2018 <https://www.un.org/pga/73/2018/10/25/report-of-the-international-court-of-justice/>] Recut Justin -recut CAT

In the face of the headwinds against the multilateral system and global institutions, including direct attacks on their legitimacy, the International Court of Justice stands as testament to the principles of peace and justice in a multilateral world. Today’s debate builds on fifty years of exchange between the Court and the General Assembly, allowing Member States the opportunity to debate the work of the Court. This historic exchange is particularly pertinent to the 73rd Session of the General Assembly, which aims to ‘make the UN relevant to all’. The court system serves as a bulwark against arbitrariness and provides the mechanism for peaceful settlement of disputes, guaranteeing the stability so necessary for international cooperation. For the peoples of the world, the court may be far away but its impact is real. Excellencies, I am encouraged by the continued and enhanced confidence in the International Court of Justice. Not only has the Court’s workload increased over the last 20-years but this trend has continued into the period under review, demonstrating unequivocally that there remains a need and desire for a multilateral mechanism to address legal challenges of international concern. The variety of cases addressed by the court, and the fact that these cases stem from four continents, is also testament to the universality of the Court. In fact, as of today a total of 73 Member States have accepted, as compulsory, the jurisdiction of the Court. In addition to the Court’s role in advancing multilateralism, its judgements and advisory opinion directly influence the development and strengthening of the rule of law in countries the world over. As stated by the report: “everything the court does is aimed at promoting and reinforcing the rule of law, through its judgement and advisory opinions, it contributes to developing and clarifying international law.” Finally, at a time when human rights abuses and conflict devastate the lives of millions, and when tensions simmer in regions throughout the world, the adjudication of disputes between states remains an essential role of the Court in preserving peace and security. We welcome the continued readiness by the Court to intervene when other diplomatic or political means have proven unsuccessful. For Member States, respect for the decisions, judgements, advice, and orders of the Court remains critical for the efficacy and longevity of the international Justice System. The General Assembly has thus called upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute. In closing, allow me to reiterate: if we are to preserve the international multilateral system, then adherence and respect for international law remains key.

#### [Mecklin] The multilateral system and i-law are K2 heading off interlocking catastrophic risks – that’s a threat multiplier.

Mecklin 21

John Mecklin, Bulletin of the Atomic Scientists, “This is your COVID wake-up call: It is 100 seconds to midnight.” 2021 Doomsday Clock Statement, January 27, 2021. *Founded in 1945 by Albert Einstein and University of Chicago scientists who helped develop the first atomic weapons in the Manhattan Project, the*Bulletin of the Atomic Scientists *created the Doomsday Clock two years later, using the imagery of apocalypse (midnight) and the contemporary idiom of nuclear explosion (countdown to zero) to convey threats to humanity and the planet. The Doomsday Clock is set every year by the Bulletin’s Science and Security Board in consultation with its Board of Sponsors, which includes 13 Nobel laureates. The Clock has become a universally recognized indicator of the world’s vulnerability to catastrophe from nuclear weapons, climate change, and disruptive technologies in other domains.* <https://thebulletin.org/doomsday-clock/current-time/> -CAT

Humanity continues to suffer as the COVID-19 pandemic spreads around the world. In 2020 alone, this novel disease killed 1.7 million people and sickened at least 70 million more. The pandemic revealed just how unprepared and unwilling countries and the international system are to handle global emergencies properly. In this time of genuine crisis, governments too often abdicated responsibility, ignored scientific advice, did not cooperate or communicate effectively, and consequently failed to protect the health and welfare of their citizens. As a result, many hundreds of thousands of human beings died needlessly. Though lethal on a massive scale, this particular pandemic is not an existential threat. Its consequences are grave and will be lasting. But COVID-19 will not obliterate civilization, and we expect the disease to recede eventually. Still, the pandemic serves as a historic wake-up call, a vivid illustration that national governments and international organizations are unprepared to manage nuclear weapons and climate change, which currently pose existential threats to humanity, or the other dangers—including more virulent pandemics and next-generation warfare—that could threaten civilization in the near future. Accelerating nuclear programs in multiple countries moved the world into less stable and manageable territory last year. Development of hypersonic glide vehicles, ballistic missile defenses, and weapons-delivery systems that can flexibly use conventional or nuclear warheads may raise the probability of miscalculation in times of tension. Events like the deadly assault earlier this month on the US Capitol renewed legitimate concerns about national leaders who have sole control of the use of nuclear weapons. Nuclear nations, however, have ignored or undermined practical and available diplomatic and security tools for managing nuclear risks. By our estimation, the potential for the world to stumble into nuclear war—an ever-present danger over the last 75 years—increased in 2020. An extremely dangerous global failure to address existential threats—what we called “the new abnormal” in 2019—tightened its grip in the nuclear realm in the past year, increasing the likelihood of catastrophe. Governments have also failed to sufficiently address climate change. A pandemic-related economic slowdown temporarily reduced the carbon dioxide emissions that cause global warming. But over the coming decade fossil fuel use needs to decline precipitously if the worst effects of climate change are to be avoided. Instead, fossil fuel development and production are projected to increase. Atmospheric greenhouse gas concentrations hit a record high in 2020, one of the two warmest years on record. The massive wildfires and catastrophic cyclones of 2020 are illustrations of the major devastation that will only increase if governments do not significantly and quickly amplify their efforts to bring greenhouse gas emissions essentially to zero. As we noted in our [last Doomsday Clock statement](https://thebulletin.org/doomsday-clock/current-time/), the existential threats of nuclear weapons and climate change have intensified in recent years because of a threat multiplier: the continuing corruption of the information ecosphere on which democracy and public decision-making depend. Here, again, the COVID-19 pandemic is a wake-up call. False and misleading information disseminated over the internet—including misrepresentation of COVID-19’s seriousness, promotion of false cures, and politicization of low-cost protective measures such as face masks—created social chaos in many countries and led to unnecessary death. This wanton disregard for science and the large-scale embrace of conspiratorial nonsense—often driven by political figures and partisan media—undermined the ability of responsible national and global leaders to protect the security of their citizens. False conspiracy theories about a “stolen” presidential election led to rioting that resulted in the death of five people and the first hostile occupation of the US Capitol since 1814. In 2020, online lying literally killed. Considered by themselves, these negative events in the nuclear, climate change, and disinformation arenas might justify moving the clock closer to midnight. But amid the gloom, we see some positive developments. The election of a US president who acknowledges climate change as a profound threat and supports international cooperation and science-based policy puts the world on a better footing to address global problems. For example, the United States has already announced it is rejoining the Paris Agreement on climate change and the Biden administration has offered to extend the New START arms control agreement with Russia for five years. In the context of a post-pandemic return to relative stability, more such demonstrations of renewed interest in and respect for science and multilateral cooperation could create the basis for a safer and saner world. Because these developments have not yet yielded substantive progress toward a safer world, they are not sufficient to move the Clock away from midnight. But they are positive and do weigh against the profound dangers of institutional decay, science denialism, aggressive nuclear postures, and disinformation campaigns discussed in our 2020 statement. The members of the Science and Security Board therefore set the Doomsday Clock at 100 seconds to midnight, the closest it has ever been to civilization-ending apocalypse and the same time we set in 2020. It is deeply unfortunate that the global response to the pandemic over the past year has explicitly validated many of the concerns we have voiced for decades. We continue to believe that human beings can manage the dangers posed by modern technology, even in times of crisis. But if humanity is to avoid an existential catastrophe—one that would dwarf anything it has yet seen—national leaders must do a far better job of countering disinformation, heeding science, and cooperating to diminish global risks. Citizens around the world can and should organize and demand—through public protests, at ballot boxes, and in other creative ways—that their governments reorder their priorities and cooperate domestically and internationally to reduce the risk of nuclear war, climate change, and other global disasters, including pandemic disease. We have experienced the consequences of inaction. It is time to respond.

### DA – Essential Workers

#### If the ICJ says yes, the right to strike excludes essential workers.

Brudney 21

James J. Brudney, Joseph Crowley Chair in Labor and Employment Law, Fordham Law School. Yale Journal of International Law, 2021. “The Right to Strike as Customary International Law” <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil> brett

The international right to strike is far from absolute. It may be restricted in exceptional circumstances, or even prohibited, pursuant to national regulation. For a start, Convention 87 provides that members of the armed forces and the police may be excluded from the scope of the Convention in general, including the right to strike.57 In addition, applications by the CFA and CEACR have concluded that three distinct forms of substantive restriction on the right to strike are compatible with Convention 87. 1. Substantive Limitations One important restriction applies to certain categories of public servants. The CEACR and CFA have made clear that public employees generally enjoy the same right to strike as their counterparts in the private sector; at the same time, in order to ensure continuity of functions in the three branches of government, this right may be restricted for public servants exercising authority in the name of the State.58 Examples include officials performing tasks that involve the administration of necessary executive branch functions or that relate to the administration of justice. Each country hasits own approach to classifying public servants exercising authority in the name of the State. When considering the international right under Convention 87, some public servant exceptions seem clearly applicable, such as officials auditing or collecting internal revenues, customs officers, or judges and their close judicial assistants. 59 Some public servant exceptions seem inapplicable, such as teachers, or public servants in State-owned commercial enterprises.60 Whether public servants are exercising authority in the name of the State can be a close question under particular national law, one on which the CEACR and CFA have offered encouragement and guidance,61 as has the Committee on Economic, Social and Cultural Rights (CESCR).62 A second equally important restriction on the right to strike involves essential services in the strict sense of the term. This is an area in which both the CEACR and CFA have developed a detailed set of applications and guidelines. 63 The two committees consider that essential services, for the purposes of restricting or prohibiting the right to strike, are only those “the interruption of which would endanger the life, personal safety or health of the whole or part of the population.”64 This definition of essential services “in the strict sense of the term” stems from the idea that “essential services” as a limitation on the right to strike would lose its meaning if statutes or judicial decisions defined those services in too broad a manner. 65 The interruption of services that cause or have the potential to cause economic hardships—even serious economic hardships—is not ordinarily sufficient to qualify the interrupted service as essential. Indeed, the very purpose of a strike is to interrupt services or production and thereby cause a degree of economic hardship. That is the leverage workers can exercise; it is what allows a strike to be effective in bringing the parties to the table and securing a negotiated settlement. The two ILO supervisory committees also have made clear that the essential services concept is not static in nature. Thus, a non-essential service may become essential if the strike exceeds a certain duration or extent, or as a function of the special characteristics of a country. 66 One example is that of an island State where at some point ferry transportation services become essential to bring food and medical supplies to the population.67 When examining concrete cases, the supervisory bodies have considered a range of services, both public and private, too broad to summarize here. As illustrative, the two bodies have determined that essential services in the strict sense of the term include air traffic control services, 68 telephone services, 69 prison services, firefighting services, and water and electricity services. 70 The CEACR and CFA also have identified a range of services that presumptively are deemed not to be essential in the strict sense of the term.71 In addition, in circumstances where a total prohibition on the right to strike is not appropriate, the magnitude of impact on the basic needs of consumers or the general public, or the need for safe operation of facilities, may justify introduction of a negotiated minimum service.72 Such a service, however, must truly be a minimum service, that is one limited to meeting the basic needs of the population or the minimum requirements of the service, while maintaining the effectiveness of the pressure brought to bear through the strike by a majority of workers.73 The third substantive restriction on the right to strike under Convention 87 relates to situations of acute national or local crisis, although only for a limited period and only to the extent necessary to meet the requirements of the situation.74 With respect to all three forms of substantive restriction, the CFA and CEACR have indicated that certain alternative options should be guaranteed for workers who are deprived of the right to strike. These options include impartial conciliation followed by arbitration procedures in which any awards are binding on both parties and are to be implemented in full and rapid terms.75

#### **Essential worker strikes cause food insecurity.**

Lopes et al 19

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Food security exists when people have, at all times, a guaranteed and adequate food supply. Food security involves access to sufficient, safe and nutritious food that meets individual dietary requirements and food preferences for a healthy life without restricting access to other fundamental needs( 1 ) and sovereignty( 2 ). Therefore, the risk of food insecurity is influenced by the availability, price, access and quality of the food supply to the consumer, especially in a crisis situation( 3 ). Studies that have explored the global food crisis and market instability indicate that there is an independent association between crisis situations and food security( 4 , 5 ). For example, a recent Brazilian study showed that there was a marked increase in the prevalence of food insecurity during the Brazilian economic crisis( 4 ). In Brazil, the Centrais de Abastecimento de Minas Gerais S.A. (CEASA-MINAS) distributes produce. The aims of the CEASA-MINAS are to: (i) improve the process of marketing and distribution of products; and (ii) connect producers and consumers in urban centres. The CEASA-MINAS is supported by mixed-capital (public and private) resources and operates under governmental supervision. Consequently, the CEASA-MINAS plays an important role in guaranteeing food security and the human right to food( 6 ). The state of Minas Gerais is the third-largest economy in Brazil and has one of the best transport networks in the country. The CEASA-MINAS has six units in this state and its headquarters is in the city of Contagem, in the metropolitan region of Belo Horizonte. The headquarters is the principal unit and is named CEASA-Minas Grande BH( 7 ). In 2018, the CEASA-Minas Grande BH traded about 2000 tonnes of food, which corresponded to 80 % of the total market in the state( 8 ). Therefore, this business unit is the subject of the present study. The supply of unprocessed or minimally processed foods\* in the CEASA-MINAS is self-supplied by the state of Minas Gerais. In spite of this, food is transported via long routes in the state due to its large territory (586 528 km2). The distribution network is more complex for fruit. The supply of fruit at the CEASA-Minas Grande BH has multiple origins and the fruits are carried by trucks over long distances. Some leafy vegetables are produced near the food supply centre( 10 ). In general, the food supply of the CEASA-Minas Grande BH covers a radius of 200 km, but there are items that originate from distances of up to 2000 km away( 11 ). The 1081 municipality suppliers of the CEASA-Minas Grande BH move, on average, 25 700 trucks per month via Brazilian roadways( 8 ). Consequently, a national general truck drivers’ strike may have important consequences for the economy and food supply chain of a country that is dependent on road networks. Such an event occurred on 21–30 May 2018. During this 10 d strike, Brazilians experienced an extreme event characterized by roadblocks and the unavailability of fuel, medicine, food, and the inputs for food production processes. The disruption of the supply of animal feed had a devastating impact: millions of chickens and pigs were slaughtered because producers had no food for them( 12 ). The drivers were on strike in order to make diesel oil tax-free and to obtain better working conditions( 13 ). Despite the drivers’ important claims, in a crisis situation, 200 km can be as long as 2000 km and the repercussions may result in negative impacts for food security. Given the importance of transport conditions for the food security of the Brazilian population, the present paper aimed to analyse the impact of the national general truck drivers’ strike on the availability, variety and price of unprocessed foods sold by a food supply centre in a Brazilian metropolis.

#### Food insecurity goes nuclear

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(Major General John Hartley AO (Retd), CEO and Institute, Director Future Directions International, Roundtable Chairman. Alyson Clarke, FDI Executive Officer Gary Kleyn, Manager, FDI Global Food and Water Crises Research Programme, “International Conflict Triggers and Potential Conflict Points Resulting from Food and Water Insecurity” 25 May 2012 http://futuredirections.org.au/wp-content/uploads/2012/05/Workshop\_Report\_-\_Intl\_Conflict\_Triggers\_-\_May\_25.pdf) brett -recut CAT

There is little dispute that conflict can lead to food and water crises. This paper will consider parts of the world, however, where food and water insecurity can be the cause of conflict and, at worst, result in war. While dealing predominately with food and water issues, the paper also recognises the nexus that exists between food and water and energy security. There is a growing appreciation that the conflicts in the next century will most likely be fought over a lack of resources. Yet, in a sense, this is not new. Researchers point to the French and Russian revolutions as conflicts induced by a lack of food. More recently, Germany’s World War Two efforts are said to have been inspired, at least in part, by its perceived need to gain access to more food. Yet the general sense among those that attended FDI’s recent workshops, was that the scale of the problem in the future could be significantly greater as a result of population pressures, changing weather, urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world. In his book, Small Farmers Secure Food, Lindsay Falvey, a participant in FDI’s March 2012 workshop on the issue of food and conflict, clearly expresses the problem and why countries across the globe are starting to take note. He writes (p.36), “…if people are hungry, especially in cities, the state is not stable – riots, violence, breakdown of law and order and migration result.” “Hunger feeds anarchy.” This view is also shared by Julian Cribb, who in his book, The Coming Famine, writes that if “large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, bloody wars are liable to follow.” He continues: “An increasingly credible scenario for World War 3 is not so much a confrontation of super powers and their allies, as a festering, self-perpetuating chain of resource conflicts.” He also says: “The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources.” As another workshop participant put it, people do not go to war to kill; they go to war over resources, either to protect or to gain the resources for themselves. Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict. Darfur, Rwanda, Eritrea and the Balkans experienced such wars. Governments, especially in developed countries, are increasingly aware of this phenomenon. The UK Ministry of Defence, the CIA, the US Center for Strategic and International Studies and the Oslo Peace Research Institute, all identify famine as a potential trigger for conflicts and possibly even nuclear war.

### Bostrom – Pluralism Hijack

#### In the face of multiple valid moral theories, that justifies extinction first.

Bostrom 12

[Nick Bostrom, Faculty of Philosophy & Oxford Martin School University of Oxford. “Existential Risk Prevention as Global Priority”. 2012. www.existential-risk.org/concept.html]

These reflections on moral uncertainty suggest an alternative, complementary way of looking at existential risk; they also suggest a new way of thinking about the ideal of sustainability. Let me elaborate. Our present understanding of axiology might well be confused. We may not now know — at least not in concrete detail — what outcomes would count as a big win for humanity; we might not even yet be able to imagine the best ends of our journey. If we are indeed profoundly uncertain about our ultimate aims, then we should recognize that there is a great option value in preserving — and ideally improving — our ability to recognize value and to steer the future accordingly. Ensuring that there will be a future version of humanity with great powers and a propensity to use them wisely is plausibly the best way available to us to increase the probability that the future will contain a lot of value. To do this, we must prevent any existential catastrophe.

#### 1AC Polzler and Wright proves.