UNITED NATIONS DISPUTE TRIBUNAL

. O& 5 /e)*#a*> 2020. '-e A88,+0a&' f+,e$ a 0o&so,+$a'e$ %o'+o& fo*

#acts

20. T-e A88,+0a&' ?o+&e$ UN6CR +& A#g#s' 1 0 a' '-e P52 ,e(e,. 6e -as se*(e$ o& (a*+o#s 8os+'+o&s $#*+&g -+s 30 >ea*s @+'- UN6CR. +&0,#$+&g a' '-e P55 a&$ D51 ,e(e,. 6e -o,$s a& +&$ef+&+'e a88o+&'%e&' @-+0- 0o&'a+&s a s8e0+a, 0o&$+'+o&a,

2E. /*o% 2! No(e%)e* 201A 'o 2! Se8'e%)e* 201E. '-e A88,+0a&' @as o& 0e*'+f+e$ s+07 ,ea(e.

2 . O& 21 "#&e 201E. '-e A88,+0a&' *e0e+(e$ a ,e''e* $a'e$ 12 "#&e 201E +&fo*%+&g -+% '-a' '-e *#,es go(e*&+&g SIBA s'a'#s -a$)ee& 0-a&ge$ s#0- '-a'. f*o% 1 "a&#a*> 201E s'aff %e%)e*s -o,$+&g a& +&$ef+&+'e a88o+&'%e&' @o#,$)e 8,a0e$ o& s8e0+a, ,ea(e @+'- f#,, 8a> 9:SL = /P;< fo* a %aF+%#% 0#%#,a'+(e 8e*+o$ of &+&e %o&'-s 91 5 @o*7+&g $a>s< a&$. '-e*eaf'e*. o& SL = OP.

30. T-e A88,+0a&' @as f#*'-e* +&fo*%e$ '-a' as of 1 "a&#a*> 201A -e -a$)ee& :a$%+&+s'*a'+(e,> 8,a0e$ o& SL = /P; 8e&$+&g -+s &eF' ass+g&%e&' 9#&$e* '-e o,$ 8o,+0>< a&$ '-a' +& (+e@ of '-e &e@ 8o,+0>. -+s SL = /P @o#,$ o&,> :0o&'+&#e fo* a %aF+%#% 0#%#,a'+(e 8e*+o$ of &+&e %o&'-s s'a*'+&g o& 1 "a&#a*> 201E;.

31. T-e A88,+0a&' @as $e0,a*e$ f+' 'o @o*7 +& Se8'e%)e* 201E.)#' -e @as g*a&'e$ a 2 e$+0a, Co&s'*a+&' o& 3 O0'o)e* 201E. s#0- '-a' -

3D. B> ,e''e* $a'e$ 2A 2 a> 201 . '-e A88,+0a&' @as *e%+&e '-a' -+s SL = OP @o#,$ 0o%%e&0e o& 11 "#&e 201 #&,ess -e @as 'o #&$e*'a7e a& ass+g&%e&'. %+ss+o& o* *eB#es' a&&#a, ,ea(e +& '-e %ea&'+%e. 6e @as f#*'-e* +&fo*%e$ '-a' a&> a88*o(e$ a&&#a, ,ea(e. s+07 ,ea(e o* s-o*'5'e*% ass+g&%e&' @o#,$ 'e%8o*a*+,> s#s8e&$ '-e &+&e5%o&'- 8e*+o$ fo* '-e $#*a'+o& of '-a' ,ea(e o* ass+g&%e&' a&$ '-a' a&> *eg#,a* ass+g&%e&' @+,, *ese' '-e &+&e %o&'-s 8e*+o$ 'o Ie*o.

35. O& 11 "#&e 201 . '-e A88,+0a&' @as 8,a0e$ o& SL = OP.

3!. O& 12 "#&e 201 . '-e A88,+0a&' *e0e+(e$ a %e%o* 2 1( ) 2 6.168(f) 2 .5788(o)-0.9651 2 .5039 0 T d

). 6e -as a *+g-' 'o)e g+(e& @o*7 'o $o +& o*$e* 'o ea*& -+s sa,a*>J

0. U&+,a'e*a, 8,a0e%e&' of s'aff %e%)e*s o& SL = OP +s o&,> 8oss+),e +& eF0e8'+o&a, 0ases as 8e* s'aff *#,e 5.39f<. 6o@e(e*. '-e 0o&'es'e$ $e0+s+o& @as &o' $+s0*e'+o&a*>. +' @as '-e a88,+0a'+o& of a 8*o%#,ga'e$ *#,e 9RAAI 8a*a. 13 < 'o '-e A88,+0a&'Cs 0+*0#%s'a&0esJ

D2. T-e Res8o&$e&'Cs 8*+&0+8a, 0o&'e&'+o&s a*e:

a. T-e 0o&'es'e$ $e0+s+o& +s ,a@f#,. T-e 8,a0e%e&' of a s'aff %e%)e* o& SL = OP +s a 8o@e* (es'e$ +& '-e Se0*e'a*>5Ge&e*a, a&$ a#'-o*+se$)> s'aff *#,e 5.39f<J

). T-e RAP a&$ '-e RAAI $ef+&e eF0e8'+o&a, 0+*0#%s'a&0es +& 'e*%s of s'aff *#,e 5.39f< as a88,+e$ +& '-e #&+B#e s+'#a'+o< &5(A 2 375(B8( )-6 6 6 40 2 6(R)-4.4 9918( )-5.80

?. Pa*ag*a8-s 133 a&$ 13D of '-e RAAI $o &o' o),+ge UN6CR 'o '*a&sfe* SIBAs s'aff %e%)e*s 'o a(a+,a),e 8os+'+o&s +**es8e0'+(e of @-e'-e* '-e> a*e f#,,> 0o%8e'e&' 'o 8e*fo*% '-e f#&0'+o&s a&$ +**es8e0'+(e of '-e *e,a'+(e 0o%8e'e&0e of a&> 0o%8e'+'o*sJ a&$

7.

O& se,e0'+o& a&$ ass+g&%e&'

5A. A*'+0,e 101.3 of '-e C-a*'e* of '-e U&+'e$ Na'+o&s 8*o(+$es '-a' :G'H-e 8a*a%o#&' 0o&s+$e*a'+o& +& '-e e%8,o>%e&' of '-e s'aff a&$ +& '-e $e'e*%+&a'+o& of '-e 0o&$+'+o&s of se*(+0e s-a,,)e '-e &e0ess+'> of se0#*+&g '-e -+g-es' s'a&$a*$s of eff+0+e&0>. 0o%8e'e&0e. a&$ +&'eg*+'>. D#e *ega*$ s

!A.

E2. T-e*efo*e. @-+,e 'e*%+&a'+o& +s &o' '-e 0o&'es'e$ $e0+s+o& +& '-e 8*ese&' 0ase. +' +s +&ee a 8oss+),e o#'0o%e +& '-e ,o&g 'e*% a&$ s-o#,$)e 'a7e& +&'o 0o&s+$e*a'+o& 'o $e'e*%+&e '-e o),+ga'+o&s of '-e O*ga&+Ia'+o& a&$ SIBA s'aff %e%)e*s 8,a0e$ o& SL = OP @-e& '-e+* 0o&'*a0' 0o&'a+&s '-e #&$e*'a7+&g 0,a#se.

E3. T-e A88ea,s T*+)#&a, +& " 201D73ea71V)

EE. T-e A88ea,s T*+)#&a, s'a'e$ +& " '-a' '-e :A$%+&+s'*a'+o& +s)o#&$ 'o $e%o&s'*a'e '-a' a,, *easo&a),e effo*'s -a(e)ee& %a$e 'o 0o&s+$e* '-e s'aff %e%)e* 0o&0e*&e$ fo* a(a+,a),e s#+'a),e 8os's; a&$ '-a' :G@H-e*e '-e*e +s $o#)' '-a' a s'aff %e%)e* -as)ee& affo*e *easo&a),e 0o&s+$e*a'+o&. +' +s +&0#%)e&' o& '-e A$%+&+s'*a'+o& 'o 8*o(e '-a' s#0- 0o&s+$e*a'+o& @as g+(e&;.

E . I& 8*a0'+0a, 'e*%s. as 8e* " . '-e A$%+&+s'*a'+o& s-o#,$ $e%o&s'*a'e '-a' +' -as %a$e goo$ fa+'- effo*'s 'o f+&$ a s#+'a),e 8os' fo* '-e affe0'e$ s'aff %e%)e*)>:

a. Co&s+$e*+&g '-e s'aff %e%)e* 0o&0e*&e$ fo* a(a+,a),e s#+'a),e 8os'sJ

). Ass+g&+&g '-e affe0'e$ s'aff %e%)e* -o,$+&g 0o&'+&#+&g o* +&$ef+&+'e

2. T-e*efo*e. as '-e A88ea,s T*+)#&a, s'a'e$. :+f '-e A$%+&+s'*a'+o& +&fo*%s '-e affe0'e$ s'aff %e%)e* '-a' '-e> a*e eF8e0'e$ 'o a88

E. O& '-e s+$e of '-e A$%+&+s'*a'+o&. '-e e(+$e&0e s-o@s '-a' '-e De8#'> D+*e0'o*. D6R 2 . UN6CR. offe*e$ s#88o*' a&$ a$(+0e 'o '-e A88,+0a&' 0o&0e*&+&g -+s a88,+0a'+o&s. 6e 8e*so&a,,> e&0o#*age$ -+% 'o a88,> 'o a,, s#+'a),e (a0a&0+es.

105. S+&0e O0'o)e* 2015. '-e A88,+0a&' -as 'a7e& a 'o'a, of 1 3 0e*'+f+e$ s+07 ,ea(e $a>s. 6e @as o& 0e*'+f+e$ s+07 ,ea(e f*o% 2! No(e%)e* 201A 'o 2! Se8'e%)e* 201E. = -+,e '-e T*+)#&a, +s %+&$f#, '-a' '-e 0e*'+f+e$ s+07 ,ea(e s-a,, &o' +%8a0' &ega'+(e,> o& '-e s'aff %e%)e*Cs e%8,o>%e&' s'a'#s. +' +s *easo&a),e 'o 0o&s+$e* '-a' '-+s 8e*+o$ of a)se&0e -as %a$e +' $+ff+0#,' fo* -+% a&$ '-e O*ga&+Ia'+o& 'o f+&$ a& a,'e*&a'+(e 8os+'+o&.

10!.

fa%+,+a*+'> @+'- '-e 8*o'e0'+o& e&(+*o&%e&' a&$ *+s7s 'o)e %+'+ga'e$;. A& eF'e*&a, 0a&$+$a'e @+'- '-e *eB#+*e$ 8*of+,e @as se,e0'e$.

11 . I& ,+g-' of '-e a)o(e. '-e T*+)#&a, f+&$s '-a' '-e A88,+0a&' @as &o' se,e0'e$ fo* '-e 'e%8o*a*> ass+g&%e&'s +& CoFCs BaIa* a&$ 4a)#,)e0a#se -e @as &o' fo#&$ s#+'a),e fo* '-ose ass+g&%e&'s. /#*'-e*%o*e. '-e T*+)#&a, 0o&s+$e*s '-a' '-e O*ga&+Ia'+o& f#,f+,,e$ +'s o),+ga'+o&)> 9+< 8*o8os+&g SIBA 0a&$+$a'es. +&0,#$+&g '-e A88,+0a&'. @+'- '-e *eB#es'+&g o8e*a'+o&s af'e* *e0e+(+&g '-e 'e%8o*a*> ass+g&%e&' *eB#es'sJ 9++< %a7+&g s#*e '-a' '-e s#+'a)+,+'> of '-e SIBA 0a&$+$a'es 8*o8ose$ @as assesse$ fo* '-e 'e%8o*a*> ass+g&%e&'sJ a&$ 9+++< e&s#*+&g '-a' eF'e*&a, 0a&$+$a'es @e*e o&,> 0o&s+$e*e$ af'e* '-e *es8e0'+(e %a&age*s -a$ $#,> *e(+e@e$ a,, '-e SIBA 0a&$+$a'es a&$ assesse$ '-e% as #&s#+'a),e.

12D. T-e T*+)#&a, 0o&s+$e*s '-a' '-e #se of '-e @o*$:%a>; +&$+0a'es '-a' ass+g&%e&' of s'aff +& SIBA s'a'#s *e%a+&s a 8oss+)+,+'> a' '-e $+s0*e'+o& of '-e O*ga&+Ia'+o&. As s#0-. +' 0a&&o')e +&'e*8*e'e$ as a 0o%8#,so*> a0'+o& +%8ose$ o& '-e D+*e0'o*. D6R 2 o* '-e 6+g- Co%%+ss+o&e*.

125.

131.

13A. T-e T*+)#&a, f+&$s '-a' +' @as &o' 8oss+),e 'o es'a),+s- a 0,ea* 0o&&e0'+o&)e'@ee& '-e A88,+0a&'Cs ,a07 of s#00ess +& -+s a88,+0a'+o&s a&$ '-e a,,ege$ #&$#e +&'e*fe*e&0e of -+s fo*%e* s#8e*(+so* +& -+s 0a*ee* 8*og*ess+o&.

(

13E. /o* '-e a)o(e5%e&'+o&e$ *easo&s. '-e T*+)#&a, f+&$s '-e $e0+s+o& 'o 8,a0e '-e A88,+0a&' o& SL = OP ,a@f#,.

13 . 6o@e(e*. '-e T*+)#&a, +s 0o&0e*&e$ @+'- '-e ,a07 of '+%e ,+%+' +& '-e UN6CR ,ega, f*a%e@o*7 fo* '-e 8,a0e%e&' of SIBA s'aff %e%)e*s o& SL = OP. O& '-+s

1D2. 6a(+&g fo#&$ '-a' '-e $e0+s+o& 'o 8,a0e '-e A88,+0a&' o& SL = OP +s ,a@f#,. '-e T*+)#&a, @+,, &o' assess '-e %e*+'s of -+s 0,a+% +& *e,a'+o& 'o *e%e$+es. I' o&,> &o'es '-a'.)> (+*'#e of '-e +&'e*+% o*$e*. '-e 0o&'es'e$ $e0+s+o& -as)ee& s#s8e&$e$ #&'+, '-e 0o%8,e'+o& of '-e 8*ese&' 8*o0ee$+&gs.

Conclusion

1D3. I& (+e@ of '-e fo*ego+&g. '-e T*+)#&a, $e0+$es)> %a?o*+'> @+'- "#$ge B#ffa $+sse&'+&g 'o *e?e0' '-e a88,+0a'+o&.

1DD. "#$ge B#ffa a88e&$s a $+sse&'+&g o8+&+o&.

9) <
"#$ge Te*esa B*a(o

9) <
"#$ge "oe,,e A$$a

Da'e$ '-+s !'- $a> of No(e%)e* 2020

E&'e*e$ +& '-e Reg+s'e* o& '-+s !'- $a> of No(e%)e* 2020

9) <
Re&1 2 . Va*gas 2 .. Reg+s'*a*. Ge&e(a

DI&&ENTING ' INI ' N)> "#$ge /*a&0es0o B#ffa

1. = -+,e I ag*ee @+'- '-e %a?o*+'> ?#$g%e&' 9:'-e ?#$g%e&';< @+'- *ega*$ 'o '-e *e,e(a&' fa0's. '-e a88,+0a),e ,ega, f*a%e@o*7. '-e s0o8e of '-e ?#$+0+a, *e(+e@ 9+& 8a*'+0#,a*. 8a*as. DE a&$ 50< a&$ '-e ,ega, B#es'+o&s 'o)e a$$*esse$ fo* '-e a$?#$+0a'+o& of '-e 0ase 9+& 8a*'+0#,a*. 8a*a. D5<. I $+sse&' o& '-e o#'0o%e of '-e 0ase fo* '-e fo,,o@+&g *easo&s.

2. As %> fe,,o@ 0o,,eag#es -a(e eF8*esse$ +& '-e ?#$g%e&'. '-e ,eg+'+%a0> of '-e 0o&'es'e$ $e0+s+o& +s 0o&&e0'e$ 'o '-e A$%+&+s'*a'+o& 8*o(+&g '-e o)?e0'+(e a)se&0e of a(a+,a),e s#+'a),e 8os+'+o&s a&$ 'e%8o*a*> ass+g&%e&'s '-a' 0o#,$ -a(e

eF0e8'+o&a,+'> +%8,+es '-a' '-e RAP %#s')e +&'e*8*e'e$ *es'*+0'+(e,> @-e&e(e* +'s 8*o(+s+o&s 0o#,$)e 0o&'*a*> 'o '-e effe0'+(e&ess of '-e @o*7+&g 8e*fo*%a&0e.

!. I& ,+g-' of '-e e(+$e&0e 0o,,e0'e$ a&$ '-e o)se*(a'+o&s of '-e a%+0#s 0#*+ae. I a% a,so a@a*e '-a' '-e 201A %o$+f+0a'+o& 'o '-e 8o,+0> @as a+%e$ 8*e0+se,> a' +&0*eas+&g '-e 8o@e*s of %a&age*s +& '-e ass+g&%e&' of a(a+,a),e 8os+'+o&s/ass+g&%e&'sJ '-e T*+)#&a, N of 0o#*se N 0a&&o

11. I ag*ee @+'- '-e %a?o*+'> '-a' s#+'a)+,+'> fo* a(a+,a),e 8os+'+o&s/ass+g&%e&'s +%8,+es as a 0o&seB#e&0e '-e *+g-' of '-e SIBA s'aff 'o)e 8*efe**e$ o#'s+$e of a 0o%8e'+'+(e 8*o0e$#*eJ '-+s %ea&s '-a' UN6CR©s %a&age*s.)efo*e *e0*#+'+&g o'-e* 0a&$+$a'es. -a(e 'o assess '-e SIBA s'aff %e%)e*s© s7+,,s a&$ 0o%8e'e&0+es. eF8e*+e&0e. ge&$e* a&$ &a'+o&a,+'>. so '-a' +f '-e *eB#+*e%e&'s a*e %e' 9so '-a' +' +s ass#*e$ '-a' '-e O*ga&+Ia'+o& %ee's '-e -+g-es' s'a&$a*$s of 0o%8e'e&0> a&$ eff+0+e&0> *eB#+*e$)> '-e UN C-a*'e*< 8*+o*+'> %#s')e g+(e& 'o a SIBA s'aff. +& $e'*+%e&' of o'-e*s @-ose ,+&7 @+'- '-e A$%+&+s'*a'+o& +s &o' of '-e sa%e &a'#*e.

21.

2!. I' fo,,o@s '-a' UN6CR -as &o' %e' +'s)#*$e& of 8*oof a&$ '-a' '-e ?#*+s8*#$e&'+a, 0o&$+'+o&s fo* 0o&s+$e*a'+o& of '-e A88,+0a&' o& a &o&50o%8e'+'+(e)as+s -a(e &o')ee& *es8e0'e$. Co&seB#e&',>. '-e &o&5se,e0'+o& of '-e A88,+0a&'. &o'@+'-s'a&$+&g '-e a(a+,a)+,+'> of 8os+'+o&s/ass+g&%e&'s s#+'a),e fo* -+%. s#88o*'s a f+&$+&g of #&,a@f#,&ess of '-e $e0+s+o& 'o 8,a0e -+% o& SL = OP.

2A. D+ffe*e&',> f*o% '-e o8+&+o& of '-e %a?o*+'> 9eF8*esse$ +& 8a*ag*a8- A of '-e ?#$g%e&'<. I 0o&s+$e* +' 0o%8,e'e,> +**e,e(a&'. o& '-e o&e -a&$. '-a' '-e o#'0o%e of '-e s8e0+f+0 *e0*#+'%e&' o* se,e0'+o& 8*o0e$#*es @as &o' 0o&'es'e$)> '-e A88,+0a&'.)e0a#se -e &e(e* 0,a+%e$ 'o)e '-e)es' o* '-a' '-e 8*o0e$#*es @e*e f,a@e$.)#' -e ?#s' 0o%8,a+&e$ a)o#' '-e &o&5ass+g&%e&' of '-e 8os's/TAs o& a &o&50o%8e'+'+(e)as+s.

2E.

&o' fo#&e a' a,,. as +& '-ese 8*o0e$#*es 9@-e*e TAs a*e &o' a$(e*'+se$< +' +s +&0#%)e&' o&,> o& UN6CR 'o offe* SIBA s'aff a&> a(a+,a),e TA.

31. /+&a,,>. I $o &o' f+&$ &e0essa*> 'o a&s@e* '-e B#es'+o& +f '-e a88,+0a&' @as 9o*