UNITED NATIONS DISPUTE T

Introduction

1.   ! a""#$%a&$o' f$#ed o' ( )*#! 2015+ &,e A""#$%a'& %o'&es&s-

   a.   T,e a*&,or$sa&$o' .! &,e U'der/0e%re&ar!/Ge'era# for &,e Off$%e of 1'&er'a# O2ers$g,& 0er2$%es (3U0G/O1O04) of a' $'2es&$ga&$o' $'&o a##ega&$o's of "oss$.#e 5$s%o'd*%& aga$'s& &,e A""#$%a'&6

   ..   T,e $5 "#$ed ref*sa# &o s*s"e'd sa$d $'2es&$ga&$o' "e'd$'g &,e o*&%o5e of &,e assess5e'& of a' $'de"e'de'& "a'e# a""o$'&ed .! &,e 0e%re&ar!/ Ge'era# &o re2$e7 &,e Orga'$8a&$o'9s res"o'se &o &,e a##ega&$o's of se:*a# a.*se a'd e:"#o$&a&$o' of 5$'ors .! fore$g' 5$#$&ar! for%es de"#o!ed $' &,e Ce'&ra# Afr$%a ;e"*.#$% (3CA;4).

2.   1' &,e %o'&e:& of &,ese "ro%eed$'gs+ &,e A""#$%a'& a#so f$#ed o' ( )*#! 2015+ a 5o&$o' re<*es&$'g &,e s*s"e's$o' of &,e %o'&es&ed de%$s$o's "e'd$'g &,e

Receivability

a.　T,e de%so' &o a*&,or$8e &,e $'2es&$ga&$o' 5ee&s &,e %r$&er$a &o .e %o's$dered as a re2$e7 a.#e ad5$'$s&ra&$2e de%so'6 $' "ar&$%*#ar+ $& %rea&es d$re%& #ega# %o'se<*e'%es for &,e A""#$%a'&. 0&aff r*#e 1.2(%) re<*$res s&aff 5e5 .ers &o %oo"era&e 7$&, 3d*#! a*&,or$8ed4 a*d$&s a'd $'2es&$ga&$o's. T,e refere'%e &o 3d*#! a*&,or$8ed4 $'2es&$ga&$o's s*gge

"erso'a##! a*&,or$8ed+ a'd s,e d$d so 7$&,o*& re%e$2$'g &,e *s*a#
re%o5 5 e'da&$o's6

2$.   As regards &,e ref*sa# &o "os&"o'e &,e $'2es&$ga&$o'+ $& 5 a=es 'o
se'se &o $'2es&$gate &,e A""#$%a'& .efore &,e Pa'e# rea%,es $&s
%o'%#*s$o's. T,e Pa'e#9s Ter5s of ;efere'%e $'%#*de &,e <*es&$o' of

o"era&o's D *'#\$=e &,ose of o&,er e'&\$&\$es D 5 *s& .e 'arro7#! &a\$#ored a'd res&r\$%&ed d*e &o &,e *'\$<*e a'd \$'de"e'de'& s&a&*s of O1O0. T,e Tr\$. *'a# \$s &,erefore 'o& %o5 "e&e'& &o re2\$e7 5 a&&ers %o'%er'\$'g &,e o"era&o'a# %o's\$dera&o's of O1O06

d. T,e "*r"ose of a' \$'&er\$5 5 eas*re \$s 'o& &o gra'& a re#\$ef 7,\$%, 7o*#d %o's&\$&*&e a f\$'a# reso#*&\$o'+ .*& o'#! &e5 "orar! re#\$ef "e'd\$'g &,e o*&%o5e of s*.s&a'&\$2e "ro%eed\$'gs. T,e A""#\$%a'& re<*es&s &,e e:a%& sa5e re#\$ef \$' .o&, ,\$s a""#\$%a&\$o' o' &,e 5er\$&s a'd ,\$s 5o&\$o' for \$'&er\$5 5 eas*res (Faye Order No. 115 (N I /2015))6

Prima facie unlawfulness

e. U'der Ge'era# Asse5.#! ;eso#*&\$o' 4(/21(a'd 0T/0G /2A3 (Gs&a.#\$s,5 e'& of &,e Off\$%e of 1'&er'a# O2ers\$g,& Off\$%e)+ &,e U0G/O1O0 \$s *#&\$5 a&e#! res"o's\$.#e for &,e ad5\$'\$s&ra&\$o' a'd a%&\$2\$&\$es of &,e Off\$%e. Ne\$&,er &,e O1O0 1'2es&\$ga&\$o' @a'*a# 'or &,e O1O0 1'2es&\$ga&\$o's D\$2\$s\$o' Pro%ed*re o' 1'2es&\$ga&\$o' 1'&a=e or o&,er \$'&er'a# g*\$de#\$'es re5o2e &,e U0G/O1O0 &,e a*&,or\$&! &o \$'\$&\$a&e a' \$'2es&\$ga&\$o'. As e:"ress#! s"e%\$f\$ed \$' &,e a.o2e/5e'&\$o'ed @a'*a!+ \$& does 'o& %o'fer+ \$5 "ose or \$5 "#! a'! 'e7 r\$g,&s or o.#\$ga&\$o's6

f. T,e U0G/O1O0 5 ade a de&er5\$'a&\$o' &,a&+ g\$2e' &,e se's\$&\$2e "o#\$&\$%a# 'a&*re of &,e %ase+ added &o &,e 5ed\$a a&&e'&\$o' e#\$%\$&ed .! \$&+ \$& 7as "r*de'& for ,er &o 5a=e a de%\$s\$o' %o'%er'\$'g &,e \$'\$&\$a&\$o' of a' \$'2es&\$ga&\$o'. A'! \$'s\$'*a&\$o' of .\$as \$s s"e%*#a&\$2e a'd 'o s\$5\$#ar \$'fere'%e %a' .e 5ade fro5 &,e 0e%re&ar!/Ge'era#9s a""o'&5 e'& of &,e Pa'e#6

g. T,e de%\$s\$o' 'o& &o "os&"o'e &,e \$'&er2\$e7 7as "ro"er#! 5o&\$2a&ed. T,e Pa'e#9s re2\$e7 a'd &,e O1O0 \$'2es&\$ga&\$o' ,a2e d\$ffere'& o.Be%& a'd "*r"ose+ &,e #a&&er .e\$'g #\$5 \$&ed &o a##eged 5\$s%o'd*%& .! &,e A""#\$%a'&. T,e! 5a! %o'&\$'*e &o r*' \$' "ara##e#+ as &,ere \$s 'o #ega# "ro2\$s\$o' 7,\$%, .ars O1O0 fro5 "ro%eed\$'g 7\$&, a' \$'2es&\$ga&\$o' 7,\$#e a'o&,er 7,o##! se"ara&e .od! %o'd*%&s a' assess5 e'& of a re#a&ed 5a&&er. T,e A""#\$%a'&9s asser&\$o' &,a& ,\$s \$'&er2\$e7 5a! res*#& \$' a' *'#a7f*# %o##e%&\$o' of se#f/

31.   1'deed₊ &,§s "assage 5a! .e read as $5 "#!$'g₊ a contrario₊ &,a& &r$.*'a#s 5$g,& .e e'&$&#ed &o $'&erfere 7$&, $'&er'a# "ro%esses of &,e Ad5$'$s&ra&$o' 7,$%, are 'o& #a7f*#.

32.   >o7e2er₊ e2e' ass*5$'g &,a& &,ere §s roo5 for e:%e"&$o's &o &,e A""ea#s Tr$.*'a#9s e:"#%$& f$'d$'g &,a& &,e $'&$&a&$o' of $'2es&$ga&$o's does 'o& a5o*'& &o a re2$e7a.#e de%$ss$o'₊ &,e A""#$%a'& does 'o& de5o's&ra&e₊ %o'%re&e#!₊ &,a& ,$s %ase fa##s 7$&,$' a' a%%e"&a.#e e:%e"&$o' &o &,a& "r$'%$"#e.

33.   A& a'! ra&e₊ &,e re#e2a'& %ase/#a7 $'d$%a&es &,a& s*%, a' e:%e"&$o' 5a! o'#! .e e'2$saged $' &,e "rese'%e of a de%$ss$o' &a$'&ed .! a f#a7 of a' o.2$o*s a'd $-10.7446( )-639.4684(o74.37 ')$5

44. Kas&#!⸱ &,e A""#$%a'& s*.5&s⸱ $' &,e a#&er'a&$2e⸱ &,a&⸱ e2e' $f &,e a*&,or$8a&$o' of &,e #&$g$o*s $'2es&$ga&$o' 7as 'o& &o .e dee5ed a' a""ea#a.#e ad5$'$s&ra&$2e de%$s$o'⸱ &,e $'s&a'& a""#$%a&$o' %,a##e'ges as 7e## &,e ref*sa# &o "*& o' s&a! &,e O1O0 $'2es&$ga&$o' 7,&#e a7a&&$'g for &,e res*#&s of &,e Pa'e#9s re2$e7.

45. T,$s s*.5$ss$o' ,as 'o 5er&&. 0*s"e'd$'g a "re2$o*s de%$s$o'⸱ $s 'o&,$'g e#se &,a' a &e5 "orar! 'e*&ra#$8a&$o' of &,$s or$g$'