

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

2016

Part Two. Legal activities of the United Nations and related intergovernmental organizations

Chapter IV. Treaties concerning international law concluded under the auspices of  
the United Nations and related intergovernmental organizations



Copyright (c) United Nations

	<i>Page</i>
(b) Dispute settlement . . . . .	284
(c) Acceptances of the protocols . . . . .	285
14. International Criminal Court . . . . .	286
(a) Situations under preliminary examinations . . . . .	286
(b) Situations and Cases before the Court . . . . .	289
(c) Victims' participation in the proceedings: recent developments . .	292
(d) Developments concerning the relationship between the ICC and the United Nations . . . . .	293
CHAPTER IV. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS	
A. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS . . . . .	295
B. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. Universal Postal Union . . . . .	295
2. International Criminal Court . . . . .	296
CHAPTER V. DECISIONS OF THE ADMINISTRATIVE TRIBUNALS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS	
A. UNITED NATIONS DISPUTE TRIBUNAL . . . . .	297
1. <i>Judgment No. UNDT/2016/020 (14 March 2016): Nyasulu v. Secretary-             General of the United Nations</i> Non-reassignment of the applicant to new post created from his old post—No review of the suitability of the applicant for reassign- ment—Lack of transparency and credibility—Reinstatement or monetary compensation—Compensation for the substantive and procedural irregularities. . . . .	297
2. <i>Judgment No. UNDT/2016/030 (14 April 2016): Rodriguez-Viquez v.             Secretary-General of the United Nations</i> Legality of the Promotions Policy—Fair, transparent and non-dis- criminatory application of the Promotions Policy—Criterion extra- neous to the Promotions Policy—Unsubstantiated and irrelevant information led to bias and nepotism—Flawed ranking methodol- ogy—Procedural errors concretely impacted the results—No retroac- tive promotion—Compensation for the lost chance of promotion . . .	299
3. <i>Judgment No. UNDT/2016/094 (30 June 2016): Dalgamouni v. Secretary-             General of the United Nations</i> Non-renewal of appointment on the ground of unsatisfactory per- formance—Hostile work environment—Improper use of a posi- tion of influence, power or authority—Breach of the fundamental rights of the employee—Monetary compensation for health dam- age—Referral of the Chief to Secretary-General for accountability	301

## Chapter IV

### TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

#### A. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS

In 2016, the following instruments were concluded under the auspices of the United Nations:

- Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific, Bangkok, 19 May 2016.<sup>1</sup>
- Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali, 15 October 2016.<sup>2</sup>

#### B. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

##### 1. Universal Postal Union

From 20 September to 7 October 2016, the Universal Postal Union (UPU) held its 26th Universal Postal Congress in Istanbul, Turkey. On 6 October 2016, the Congress adopted the following Acts of the Union:<sup>3</sup>

- Constitution of the Universal Postal Union (9th Additional Protocol);
- General Regulations of the Universal Postal Union (1st Additional Protocol);
- Universal Postal Convention and Final Protocol;
- Postal Payment Services Agreement and Final Protocol (optional agreement).

The Acts shall come into force on 1 January 2018.

---

<sup>1</sup> Not reproduced herein. For the text of the Agreement, see *Multilateral Treaties Deposited with the Secretary-General*, chapter X.20.

<sup>2</sup> Not reproduced herein. For the text of the Agreement, see *Multilateral Treaties Deposited with the Secretary-General*, chapter XXVII.2.f.

<sup>3</sup> Not reproduced herein. For the texts of the Acts, see <https://www.upu.int/en/Universal-Postal-Union/About-UPU/Acts>.

## 2. International Criminal Court

A Memorandum of Understanding was concluded between the International Criminal Court (ICC) and the Inter-American Court of Human Rights on 15 February of 2016,<sup>4</sup> with a view to defining the terms of cooperation between the two courts and affording each other assistance by exchanging information and expertise inherent to the conduct of their respective mandates, subject to their respective applicable legal regimes.

On 6 August 2016 the ICC and the Kingdom of Norway concluded an Agreement on the Enforcement of Sentences of the ICC,<sup>5</sup> with a view to regulating matters arising from execution of sentences imposed by the Court in detention facilities made available by the Kingdom of Norway.

---

<sup>4</sup> Memorandum of Understanding between the International Criminal Court and the Intern-American Court of Human Rights, 15 February 2016, ICC-PRES/17-01-16, available at [https://www.icc-cpi.int/Pages/item.aspx?name=mou\\_ICC\\_IACHR](https://www.icc-cpi.int/Pages/item.aspx?name=mou_ICC_IACHR).

<sup>5</sup> Agreement between the Kingdom of Norway and the International Criminal Court on the enforcement of sentences of the International Criminal Court, 6 August 2016, ICC-PRES/18-02-16, available at [https://www.icc-cpi.int/iccdocs/oj/Agreement\\_on\\_the\\_enforecement\\_of\\_sentences\\_with\\_NorwayEng.pdf](https://www.icc-cpi.int/iccdocs/oj/Agreement_on_the_enforecement_of_sentences_with_NorwayEng.pdf).