



INTERNATIONAL SEABED AUTHORITY

JOINT APPEALS BOARD

ISBA/JAB/APPEAL/HALL/2025

Jonathan Hall (the “Appellant”)

v.

**Secretary-General of the International Seabed Authority
(the “Respondent”)**

Judgment of the Board relating to the appeal submitted by the Appellant

Appeal Concerning the Withdrawal of the Letter of Appointment

Introduction

1. The Joint Appeals Board (“JAB/Board”) of the International Seabed Authority (“ISA/Authority”) is seized of an appeal filed by Jonathan Hall (“the Appellant”) on 6 March 2025 against the decision of the Secretary-General of the ISA (“the Respondent”), dated 2 January 2025, to withdraw a Letter of Appointment (LoA) issued to him on 17 December 2024 by the former Secretary-General (the contested decision).

2. The contested decision, communicated to the Appellant on 3 January 2025, withdrew the LoA for a Fixed-Term Appointment (FTA) as Partnership Coordinator at the P-3 level in the Executive Office of the Secretary-General (EOSG), effective 1 January 2025 and expiring 31 December 2026, on the grounds that the recruitment process under which the appointment had been made did not conform to the Authority’s established staff selection system, rules, and practices.

3. The Appellant, who was selected pursuant to a Temporary Job Opening (TJO) for the same position advertised for a six-month period, contends that his FTA was lawfully concluded upon his acceptance and signature of the LoA on 18 December 2024. He asserts that the



Respondent's subsequent withdrawal of that appointment was unlawful, arbitrary, and procedurally defective, and constituted potential abuse of authority.

4. The Appellant seeks, *inter alia*, rescission of the impugned decision, recognition of the validity of his appointment, and compensation for pecuniary and moral damages allegedly suffered as a result.

Procedural Background

5. On 2 August 2024, the ISA Assembly elected a new Secretary-General "for a four-year term commencing on 1 January 2025 to 31 December 2028."

6. Between 9 and 22 August 2024, the ISA issued a TJO for the position of Partnership Coordinator (P-3) in EOSG under Job Opening No. 24-PGM-ISA-240730-J-KINGSTON (X).

7. On 11 August 2024, the Secretary-General-elect (the Respondent) recommended a temporary suspension of recruitment and termination decisions until her assumption of office, emphasizing the importance of continuity and good administrative practice. She further suggested extending contracts approaching expiry for six months to facilitate preparations for meetings planned for March 2025.

8. By letter dated 24 September 2024, the Director of the Office of Administrative Services ("D/OAS") offered the Appellant an initial appointment of less than one year (for six months and home-based) as a Partnership Coordinator at the P-3 level in the EOSG. The Appellant was informed that the appointment was limited to the duration indicated and carried no expectation of extension.

9. On the same date, by email, a Travel and Human Resources Assistant notified the Appellant that he had been selected for the post of Partnership Coordinator at the P-3 level in the EOSG, attaching a Letter of Offer and requesting that he indicate his earliest reporting date.

10. The Appellant signed the Letter of Offer on 22 October 2024, and on 28 October 2024, he was medically cleared for employment as a Partnership Coordinator at the P-3 level for a duration of less than one year. His reference checks were completed on 22 November 2024.

11. On 19 November 2024, the Respondent wrote to the former Secretary-General requesting that "all ongoing recruitment processes for the positions listed above be paused



immediately,” citing the need to ensure that recruitment decisions align with the Authority’s strategic direction and financial and procedural standards.

12. By a Joint Interoffice Memorandum (IoM) dated 13 December 2024, the D/OAS, the Budget and Oversight Officer, the Finance Officer, and the Human Resources Officer expressed concerns over ongoing expediated recruitments and unanimously recommended to the former Secretary-General that all pending and ongoing recruitment processes be held in abeyance effective that date.

13. On 16 December 2024, the D/OAS transmitted a Biennial Budget Performance Report to the former Secretary-General noting that the budgetary overrun for the biennium rendered additional expenses, including new recruitments, financially unfeasible.

14. By email of 17 December 2024, the former Secretary-General instructed the Chief of Staff and Head of the Strategic Planning Unit that “all letters of appointment for selected staff” were to be finalized that day, including one for “[the Appellant], who is [extrabudgetary].”

15. On the same date, on 17 December 2024, the D/OAS reiterated the concerns raised in the IoM of 13 December 2024 and “firmly and unanimously recommended” that the Secretary-General hold, effective from that date, all pending and outgoing recruitments.

16. Notwithstanding these recommendations, on 17 December 2024, the former Secretary-General signed an LoA offering to the Appellant an FTA as Partnership Coordinator at the P-3 level, effective 1 January 2025 and expiring 31 December 2026.

17. On 18 December 2024, the Appellant accepted and signed the LoA.

18. On 2 January 2025, the newly appointed Secretary-General wrote to the Appellant notifying him that “the letter of appointment previously issued (...) by the former Secretary-General is hereby withdrawn”. The letter indicated that “it has come to our attention that the selection process for this position did not adhere to the established staff selection system and practices. Furthermore, in alignment with our ongoing commitment to fiscal responsibility and efficiency, as well as ISA’s human resource objectives for 2025.” The letter further notified the Appellant that the Administration was “unable to proceed with the completion of the onboarding procedures for this position. As such, the letter of appointment previously issued to you by the former Secretary-General is hereby withdrawn.”



19. On 6 January 2025, the Appellant requested administrative review of the contested decision.

Procedural History

20. On 6 March 2025, the Appellant submitted an appeal before the JAB of the ISA pursuant to Staff Rule 11.2 of the ISA Staff Rules, challenging the decision of the Secretary-General dated 2 January 2025 to withdraw his LOA.

21. By email dated 7 March 2025, the JAB Secretariat informed the Appellant that the Rules of Procedure (RoP) of the JAB had been revised as of 4 March 2025, and that he could, if he so wished, resubmit his appeal in accordance with the revised RoP, with a final deadline set for 7 April 2025.

22. On 12 March 2025, the Appellant resubmitted his statement of appeal and the JAB Secretariat acknowledged receipt of the submission on the same date.

23. On 14 March 2025, the Chair invited the Parties to consider conciliation as a means of resolving the appeal submitted by the Appellant under Rule 9 of the revised RoP.

24. By letter dated 21 March 2025, the Appellant responded to an invitation to engage in conciliation. While expressing reservations regarding the Respondent's good faith, he agreed in principle to participate, subject to certain conditions, including the suspension of the ongoing recruitment for the Partnership Coordinator position, the appointment of a neutral conciliator jointly selected by both parties, and the establishment of defined timelines to ensure expedition and procedural fairness. He further emphasized that any conciliation should be conducted without prejudice to his pending appeal and strict confidentiality.

25. On the same date, on 21 March 2025, the Respondent declined conciliation.

26. On 24 March 2025, the JAB Secretariat notified the Respondent of the appeal and invited submission of a reply by 24 April 2025.

27. By letter dated 25 March 2025, the Appellant raised a concern regarding the decision to grant the Respondent until 24 April 2025 to file her reply. He argued that, under Staff Rule 11.2(g), the one-month period for reply should have commenced on 7 March 2025, the date on which the Respondent first received access to his appeal.



28. On 28 March 2025, the JAB Secretariat notified the Appellant that his appeal would be heard by the full Board, as it is substantively similar in context and compensation sought to other pending appeals. To ensure consistency and avoid conflicting outcomes, the Chair, pursuant to Rule 28 of the revised JAB RoP and established international tribunal practices, decided to review them together.

29. By letter dated 2 April 2025, the Appellant raised objections to the handling of his appeal by the full Board, contesting the application of the revised RoP and the composition of the Board. He questioned the Board's impartiality, alleged conflicts of interest, and proposed that, pursuant to Staff Rule 11.3(ii) and the 2010 Special Agreement with the United Nations, the matter be submitted directly to the United Nations Appeals Tribunal (UNAT). The Appellant also invited the Respondent to express her views on the proposal with a deadline of 5 April 2025.

30. By letter dated 15 April 2025, the Appellant noted that the Respondent had failed to submit her reply by the deadline he believed to be the correct one, thereby defaulting under the revised RoP. He reiterated his objections to the involvement of the "full Board" instead of "a properly constituted three-member Panel". The Appellant requested the Board to proceed with upholding his unopposed appeal, grant the relief requested, and process the appeal on the basis that his objections regarding the Board's composition remain uncontested.

31. On 24 April 2025, the Respondent submitted a reply which was transmitted to the Appellant on 25 April 2025, inviting comments by 26 May 2025.

32. On 26 May 2025, The Appellant submitted his comments on the Respondent's reply which was transmitted to the Respondent on 27 May 2025, inviting any further comments by 25 June 2025.

33. The Respondent submitted additional comments on the due date of 25 June 2025.

34. On 21 July 2025, the Appellant submitted a letter raising objections of conflict of interest, specifically requesting the recusal of a Member of the Board, and the disqualification of one of the Respondent's representatives. The Appellant alleged that statements made by the Board Member during the ISA Council's deliberations on 17 July 2025 demonstrated support for the Respondent in matters relevant to his appeal, creating an appearance of bias.



35. On 1 August 2025, the Appellant submitted a further application for the immediate disqualification of the same Board Member. In an internal correspondence, the Board Member clarified that the remarks were made in their capacity as Head of Delegation of their country, addressing the Finance Committee Report of the ISA in the July 2025 session, and did not concern the Appellant's appeal or related appointments. The Board Member emphasized that expressions of support for institutional work are standard in diplomatic proceedings.

36. By Order No. 14 (2025), dated 19 August 2025, the Chair of the Board rejected the Appellant's requests for disqualification of the Board Member and the Respondent's representative, concluding that no objectively verifiable conflict of interest or bias existed. The Chair further confirmed that the Board retained jurisdiction to hear and decide the Appellant's appeal with its current composition. The Appellant's remaining submissions, including those raised in his letter of 2 April 2025, were to be addressed in the final judgment.

37. The full text of the Order is as follows:

Order No. 14 (2025)

Order on Request for Disqualification of a Board Member

Procedural background

1. On 5 March 2025, the Appellant submitted a Statement of Appeal before the Joint Appeals Board (the "JAB/Board") in accordance with Staff Rule 11.2 of the Staff Rules of the International Seabed Authority (the "ISA/Authority").
2. On 28 March 2025, the JAB Secretariat informed the Appellant that his appeals would be heard by the full Joint Appeals Board.
3. On 2 April 2025, the Appellant addressed a letter to the Chair of the JAB contesting the referral of his appeal to the "full Board" and questioned the impartiality of members appointed thereafter.
4. On 21 July 2025, the Appellant submitted a letter to the Board and the Respondent raising objections of conflict of interest. In particular, he requested the recusal of a member of the Board, as well as the disqualification of one of the Respondent's representatives.
5. The Appellant contended that [the Board member's] continued participation gave rise to a conflict of interest, alleging that [their] prior statements during the Council's deliberations demonstrated support for the Respondent in matters directly related to



his appeal. He therefore requested [their] recusal from the Board's consideration of his case and expressed similar concerns regarding the Respondent's representative.

6. On 1 August 2025, the Appellant submitted an application for the immediate disqualification of [the Board Member] further to his letter of 21 July 2025. The Application alleges that [the Board Member] during the Council meeting's discussion of the Finance Committee Report on 17 July 2025, expressed "full support" for the Secretary-General of the ISA in a context involving human resources matters relevant to the Appellant's appeal. The Appellant submits that such remarks create an appearance of bias and impair her ability to act impartially.

7. The Appellant notes that [the Board Member] has not responded to his letter of 21 July 2025, and that neither [the Board Member] nor the Respondent has contested the factual substance of the statement as alleged.

8. In addition, the Appellant highlighted that the procedures under Staff Rule 11.2(e) and the Rules of Procedures (RoP) of the JAB were not directly designed for a "full Board" hearing. Nonetheless, he maintained that, under Rule 34 of the RoP and the Board's inherent authority, the Board has the competence and duty to disqualify any member whose impartiality may reasonably be questioned. He further submitted that allowing [the Board Member] to continue participating despite these circumstances could render any adverse decision susceptible to annulment.

9. The Appellant requested that the Board resolve this disqualification application as a matter of priority, before proceeding further with deliberations on the appeal, emphasizing that the composition of the adjudicating body is fundamental to the fairness and integrity of the proceedings.

10. In response to the Board, [the Board Member] clarified that [their] intervention was delivered in [their] capacity as Head of Delegation of [their country], was part of a broader statement supporting the Chair of the Finance Committee, thanking them for the report, and addressing the report's contents. She stated that she did not focus on appointments or matters related to the appeal and that expressions of support for institutional work are standard in diplomatic proceedings.

11. Pursuant to Rule 26.1 of the Revised RoP, the decision on recusal requests rests with the Chair of the Board. Consistent with jurisprudence, including para. 32 of *Aysha Al-Rifai 2022-UNAT-1240*, such decisions are to be rendered separately and prior to any ruling on the merits.

Applicable Legal Framework

12. Rule 26(4) of the revised RoP defines conflict of interest as "any factor that may impair or reasonably give the appearance of impairing the ability to decide



independently and impartially on an appeal.” A member with a conflict shall recuse themselves, failing which the Chair may decide on disqualification. This requirement of impartiality is in accordance with the UNAT rulings to preclude bias and retain the principle of impartiality (See *Al-Rifai* 2022-UNAT-1240, para. 28).

13. It is a well-established principle that adjudicators must withdraw from a matter where impartiality may reasonably be questioned (*Varnet v. UNESCO*, ILOAT Judgment No. 179; *Finnis* 2014-UNAT-397, para. 22; *Savadogo* 2016-UNAT-642, para. 48). The test is whether “a fair-minded and informed observer, having considered the facts, would conclude that there is a real possibility of bias” (*Masri* 2016-UNAT-626, para. 21).

Analysis

14. The core issue is whether [the Board Member’s] expression of “full support” to the Secretary-General, in the context of a Council meeting, would lead a reasonable and informed observer to conclude that there is a real possibility of bias in adjudicating the Appellant’s appeal.

15. It is undisputed that the statement in question was made while [the Board Member] was acting as [their country’s] Head of Delegation, speaking on behalf of [their] government during formal Council deliberations. Such interventions are part of the diplomatic function of national representatives.

16. There is nothing in the applicable framework that prohibits an active diplomat from being appointed in their personal capacity, from serving as a JAB member, provided they can act independently and impartially. The decision to appoint such individuals is a policy matter beyond the JAB’s mandate to review.

17. The Appellant’s allegation of bias is based solely on the cited generic phrase of “full support” and does not point to any conduct by [the Board Member] in [their] role as a JAB member that would indicate personal prejudice or predisposition in this case.

18. In an overturned case, involving a judge who “has erred previously” even in the same case, the UNAT ruled that it was “not alone a ground to disqualify that same judge from deciding other issues in or the remainder of the case” (See *Nigam* 2024-UNAT-1446, para. 19).

19. Furthermore, [the Board Member] who has served as a Board Member elected by the staff before the recomposition of the Board in 2025, explained that [their] remarks were part of a longer statement covering procedural and substantive points unrelated to the Appellant’s case and did not address personnel appointments at issue in the appeal.



20. The impartiality of all JAB members is presumed unless proven otherwise. On the evidence before the Chair, there is no objective basis to conclude that [the Board Member's] ability to decide the appeal independently and impartially is impaired, or that there is a reasonable appearance of such impairment.

21. Having considered the Appellant's submissions, [the Board member's] clarification, and the applicable legal standards, the Chair finds that the circumstances do not meet the threshold for disqualification under Rule 26(4). The JAB retains its jurisdiction to hear and decide the Appellant's appeal with its current composition.

22. The Appellant further submits that the transition of a former Secretary of the JAB to the position of representative for the Secretary-General gives rise to a conflict of interest and thereby undermines the integrity of the present proceedings.

23. The Chair recalls, however, that there is no provision prohibiting a former staff member of the JAB Secretariat from subsequently serving in other functions within the Organization, including as representative of the Secretary-General, provided that the duty of confidentiality with respect to matters dealt with in their previous role is strictly maintained.

24. It must also be underscored that the Secretary of the JAB acts solely in an administrative capacity, facilitating the Board's work. The Secretary does not participate in deliberations in a voting capacity, nor do they hold decision-making authority with respect to appeals. Both procedural and substantive determinations fall exclusively within the competence of the adjudicating members of the Board.

25. Furthermore, following the reconstitution of the JAB, the former Secretary no longer holds any role in its work. The Board is assisted exclusively by its current Secretary - the sole member of the JAB Secretariat - who was already in post at the time the present appeal was filed on 4 March 2025. This continuity preserves the integrity of the Secretariat's functions and safeguards the independence of the Board in the present proceedings.

ORDER

26. For the aforementioned reasons,

- (a) the Appellant's request for disqualification of a Board member is **REJECTED**; and
- (b) the Appellant's request for an order directing the Secretary-General to disinstruct a staff member as her party representative is **DISMISSED**.

27. The Appellant's remaining submissions, including his letter of 2 April 2025, will be addressed in the final judgment in the case of *Jonathan Hall v. Secretary-General of the ISA*.

Order dated 19th day of August 2025



38. On 29 August 2025, the Appellant submitted a request for disclosure of communications from the contested Member to the Board, asserting that access to these communications was necessary to exercise his right to be heard and potentially seek reconsideration of Order No. 14 (2025). The JAB Secretariat transmitted the submission to the Respondent, who opposed the request, emphasizing the confidentiality of internal Board communications and the conclusiveness of Order No. 14 (2025).

39. By Order No. 19 (2025), dated 30 September 2025, the Chair of the Board rejected the Appellant's request for disclosure, reaffirmed that Order No. 14 (2025) had conclusively disposed of the matter of disqualification, and cautioned the Appellant against submitting further motions on issues already adjudicated, noting that repetitive or unsubstantiated submissions may constitute a potential abuse of process.

40. The full text of Order No. 19 is as follows:

Order No. 19 (2025)

Order on Request for Disclosure of Communications

Procedural background

1. On 5 March 2025, the Appellant submitted a Statement of Appeal before the Joint Appeals Board (the "JAB/Board") in accordance with Staff Rule 11.2 of the Staff Rules of the International Seabed Authority (the "ISA/Authority").
2. By letters dated 21 July and 1 August 2025, the Appellant requested the disqualification of a member of the Board, elected by the Staff of the ISA, alleging an appearance of bias arising from remarks made during Council deliberations on 17 July 2025.
3. By Order No. 14 (2025), dated 19 August 2025, the Chair rejected those disqualification requests.
4. The present Order concerns the Appellant's submission of 29 August 2025, by which he requested disclosure of communications from the contested Board Member to the Board, as referenced in paragraphs 10 and 19 of Order No. 14 (2025).
5. The JAB Secretariat transmitted this submission to the Respondent and invited written comments by 18 September 2025. The Respondent filed observations opposing the requests within the prescribed time.



Submissions of the Parties

6. The Appellant contends that the undisclosed communications undermine his right to be heard and requests disclosure so that he may interrogate their contents and, if necessary, seek reconsideration of Order No. 14 (2025). He further contends that the continued participation of the contested Board member gives rise, in itself, to ground for annulment.

7. The Respondent submits that the Appellant's requests are baseless, non-receivable and abusive. The Respondent emphasizes that Order No. 14 (2025) conclusively resolved the disqualification issue, that internal communications among Board members are confidential, and that repetitive unsolicited submissions jeopardize the integrity of the proceedings.

Considerations

8. Rule 26 of the JAB Rules of Procedure vests the Chair with authority to decide requests for disqualification. The Rules do not provide for disclosure of internal communications between members of the Board to the parties. Such communications form part of the confidential deliberative process and litigants have no entitlement to compel their production.

9. Order No. 14 (2025) has already determined the Appellant's disqualification requests. The Appellant has not produced any new evidence or decisive facts that would justify revisiting that determination.

10. Attempts to reopen issues conclusively decided or to re-litigate previously rejected arguments without new grounds, have been deemed abusive by UNAT (see *Nouinou*, Order 348 (2019)). Submissions impugning the honesty and integrity of a Board member without substantiation have likewise been characterized as "derogatory, baseless and abusive" (*Nouinou*, Order 353 (2019)).

11. UNAT has found manifest abuse of proceedings in various circumstances (see *Ishak* 2011-UNAT-152, para. 30; *Mezoui* 2012-UNAT-220, para. 49; *Balogun* 2012-UNAT-220, paras. 33-34; *Gehr* 2013-UNAT-328, para. 25; *Chaaban* 2016-UNAT-611, paras. 24-26; *Faye* 2016-UNAT-657, paras. 44-45). The filing of repetitive motions that waste resources has likewise been deemed abusive (*Terragnolo* 2015-UNAT-566).

12. Moreover, under the practice of international tribunals, where a party has manifestly abused the proceedings, costs may be awarded, particularly after fair warning (*Auda* 2017-UNAT-740, para. 28; *Mbok* 2018-UNAT-824, para. 47; *Mohammad* 2024-UNAT-1421, para. 62; *Zaqqout* 2022-UNAT-2019, para. 59).



13. The right to access justice, while fundamental, must be exercised reasonably and in good faith. The Appellant is hereby cautioned against the filing of repetitive or unsubstantiated submissions, as such conduct has the effect of delaying the adjudication of his case and imposing an undue burden on the Board. Should this practice persist, it may properly be characterized as an abuse of process, engendering all the consequences therefor.

14. The present request for disclosure of communication is therefore dismissed.

Order

15. For the foregoing reasons, the Chair of the Joint Appeals Board:

- (a) **REJECTS** the Appellant's request for disclosure of communications by a Board Member;
- (b) **RECALLS** that Order No. 14 (2025) has conclusively disposed of the matter of disqualification.
- (c) **DIRECTS** that the Appellant shall refrain from submitting further motions on issues already adjudicated, or from filing unsolicited submissions, without prior leave of the Board, in order to prevent abuse of process and to safeguard the integrity of proceedings.

Order dated this 30th day of September 2025

Summary of the Appeal

41. The Appellant challenges the administrative decision dated 2 January 2025 to withdraw his LoA issued on 17 December 2024. He submits that this contested decision constitutes abuse of authority in violation of the ISA Staff Regulations and Rules and with direct adverse consequences for his terms and conditions of employment.

42. The Appellant maintains that his FTA was granted following a competitive selection process in which he had successfully participated.

43. He claims that issuance of an appointment letter creates a lawful employment contract and that an appointment gives rise to entitlements upon the signing and acceptance by the staff member of his appointment letter. He outlines that his LoA contained all the essential terms and conditions of the contract, and he unconditionally accepted it.

44. According to the Applicant, the provision of the LoA followed a rigorous recruitment process lasting several months. In the context of that recruitment process, the Appellant



submitted a detailed application for the publicly advertised post and subsequently participated in both a written test and a competency-based interview by a panel. The Appellant's successful selection for the role was officially confirmed on 24 September 2024 by Human Resources, further indicating that onboarding would follow.

45. In compliance with the terms of his contract, the Appellant alleges that he started work on 1 January 2025.

46. Finally, the Appellant submits that the contested decision constitutes an unlawful termination of his appointment, contrary to ISA Staff Regulations and Rules, as well as basic principles of international administrative law.

Relief Requested

47. The Appellant seeks the following relief:

- (a) The annulment of the contested decision, or in the alternative, compensation for the loss of net income.
- (b) Payment of ISA's contributions to UNJSPF or in the alternative, compensation for loss of retirement benefits.
- (c) To be placed on a roster in Inspira.
- (d) Compensation for legal costs and moral damages.

Summary of the Respondent's Reply

48. The Respondent submits that the appeal is not receivable as a matter of law, as it does not arise from a reviewable administrative decision within the meaning of Staff rule 11.2.

49. She asserts that the Appellant's LoA was unlawfully issued to the Appellant in violation of ISA's Staff Regulations and Rules and Administrative Issuances and that the LoA contradicts the original job listing, which indicated the role as a TJO.

50. The Respondent claims that the LoA was issued ultra vires and she "was legally obligated to correct ...unlawful actions".

51. Finally, the Respondent outlines that by issuing withdrawal letters, she "discontinued the recruitment process for several positions, including the purported recruitment process



related to the Appellant, noting that there were serious irregularities in the implementation of the recruitment procedures.”

Appellant’s Comments on the Respondent’s Reply

52. In his comments on the Respondent’s reply dated 26 May 2025, the Appellant reiterates that “it runs contrary to international law, and more specifically to relevant UNAT practice, for an international organization to rely on alleged internal irregularities.” He reiterates that the Respondent’s “failure to submit her Reply within the time-limits mandated by the Staff Rules amounts to the Respondent’s default in these proceedings. The Reply is not admissible.”

53. The Appellant claims that the Respondent’s “policy or strategy-based objections to recruitments in 2024 do not render those recruitments irregular”.

54. Finally, the Appellant outlines that his LoA issued on 17 December 2024 was confirmed by an HR Officer and by his supervisor, noting that remaining onboarding would continue upon the return to office of the HR Officer.

Respondent’s Further Comments

55. The Respondent reiterated that the appeal must be rejected based on lack of standing and that the Appellant was wrongfully issued an LOA. He was selected for a position in violation of the Staff Regulations and Rules, including Administrative Issuances, for a fixed-term appointment of two years, rather than a temporary appointment as advertised for the TJO. This decision directly contradicts the original job listing, which clearly indicated that the role was intended to be a temporary appointment as per the guidelines for the TJO.

56. Finally, the Respondent asserts that the Chief Administrative Officer of ISA rightfully exercised her authority to rectify an unlawful act by rescinding the contested LoA to the Appellant. The Respondent maintains that the appeal should be dismissed.

Considerations of JAB

Preliminary Matter: Composition of the Full Board and Requests for Disqualification

57. By communication dated 28 March 2025, the JAB Secretariat informed the Appellant that his appeal would be reviewed by the full Board. The Chair of the Board determined, pursuant to Rule 28 of the revised RoP, that a full bench was appropriate in light of the overlap



between the present appeal and other matters pending before the Board, to ensure consistency of jurisprudence and avoid conflicting determinations.

58. On 2 April 2025, the Appellant submitted objections to the constitution of the Board. He argued that Staff Rule 11.2(e) envisages the resolution of appeals by a three-member panel and that consideration by the full Board therefore constituted a procedural irregularity. He also questioned the impartiality of members appointed following the administrative restructuring of January 2025 and suggested that, in view of these alleged irregularities, the appeal could be referred directly to the UNAT pursuant to Staff Rule 11.3(ii).

59. The Board recalls that Staff Rule 11.1(e) authorizes it to adopt Rules of Procedure for the conduct of its work. Rule 28 of the revised RoP, adopted pursuant to that authority, expressly provides that the Chair or any two members of a constituted panel may refer a matter to the full Board where the nature, complexity, or implications of an appeal so warrant. The Staff Rules do not preclude the hearing of an appeal by the full Board. The decision to refer the present case to the full Board was therefore made within the Chair's competence and in conformity with the governing legal framework.

60. With respect to the Appellant's allegations of bias arising from the January 2025 changes in Board composition, the Board notes that, apart from the one request for disqualification already resolved by Order No. 14 (2025), the Appellant did not file a formal, individualized request for the disqualification of any other specific member, nor did he identify any circumstance demonstrating actual or apparent bias within the meaning of the revised RoP. Concerns related to the organizational sequence of appointments, without more, do not constitute grounds for disqualification.

61. The Board further considers that the Chair's prior enquiry about whether the parties would be amenable to conciliation derives from a prerogative enshrined in Staff Rule 11.2(b) and Rule 9 of the revised RoP and does not hinder participation in the proceedings in an impartial manner.

62. Accordingly, the Board finds no basis to conclude that its present composition gives rise to objectively justifiable doubts as to impartiality. The Appellant's request for disqualification of the full Board, raised in his communication of 2 April 2025, is therefore rejected.



Preliminary Matter: Full Board Composition Justification

63. The Board recalls that, in the present case, the judgment was deliberated upon and adopted by the full composition of the Joint Appeals Board. This approach reflects both the significance of the issues under review and the Board's concern for ensuring collective responsibility in its determinations.

64. In the present circumstances, the pending appeals share significant similarities, both in their factual context and in the nature of the remedies sought. Referring these cases to the full Board avoids the risk of divergent conclusions by different Panels and promotes consistency, coherence, and procedural efficiency. Moreover, the practice of referring complex or precedent-setting cases to a full bench is well established in other international administrative tribunals, reinforcing the legitimacy of this approach. Accordingly, the referral of the Appellant's case to the full Board was justified and fully in line with the applicable Staff Rules and the revised RoP.

Preliminary Matter: Deadline for the Respondent's Reply

65. By letter of 25 March 2025, the Appellant objected to the Chair's decision to grant the Respondent until 24 April 2025 to file her reply. He argued that pursuant to Staff Rule 11.2(g), the one-month period should have commenced on 7 March 2025, the date on which the Respondent first received access to his earlier submission via a shared folder. On this basis, he contended that the Respondent had already defaulted, and that the reply of 24 April 2025 should be deemed inadmissible.

66. The Board notes that the Appellant submitted his initial appeal on 6 March 2025. However, on 7 March 2025 the JAB Secretariat formally informed him that the Rules of Procedure had been revised as of 4 March 2025 and expressly afforded him the opportunity to resubmit his appeal in accordance with the revised RoP, with a deadline of 7 April 2025 for such resubmission. The Appellant resubmitted his appeal on 12 March 2025. This resubmitted appeal superseded the earlier version and constituted the operative filing for procedural purposes.

67. Upon receipt of the resubmitted appeal, the proceedings commenced without delay, in accordance with Staff Rule 11.2(b) and Rule 9 of the revised RoP. On 14 March 2025, the Chair invited the parties to consider conciliation, thereby formally initiating the procedural steps



under the revised RoP. The parties were given five working days until 21 March 2025, a Friday, to respond. The Appellant expressed conditional willingness to participate; the Respondent declined.

68. On the next working day, 24 March 2025, following the closure of the conciliation window, the JAB Secretariat formally notified the Respondent of the appeal and invited submission of a reply within one month, consistent with Staff Rule 11.2(g). The resulting deadline of 24 April 2025 was therefore properly calculated and procedurally sound.

69. The Board recalls that informal access to documents, including visibility in a shared folder, does not constitute formal notification for purposes of triggering statutory time limits. As the proceedings were promptly initiated following the operative resubmission, and the Respondent was formally notified only on 24 March 2025, the reply filed on 24 April 2025 was timely. The objection raised by the Appellant is therefore rejected.

Issues for Determination

70. The Board is called upon to determine the following issues:

- (a) The receivability of the appeal.
- (b) The validity of the appointment and lawfulness of the withdrawal of the LoA;
- (c) Whether the contested decision respected the Appellant's rights to due process and legitimate expectation; and
- (d) Whether the Appellant is entitled to any of the remedies sought, including rescission, reinstatement, or compensation for material and moral damages.

Scope of the Board's Mandate and Inherent Power to Award Compensation

71. Before turning to the main issues under consideration, the Board recalls that its consideration of appeals is undertaken pursuant to Staff Rule 11.1(e) and the revised RoP of the JAB, effective March 2025. Under this framework, the Board plays a key role in ensuring the fair and consistent application of the Staff Regulations and Rules of the Authority and in providing an impartial mechanism for the settlement of employment-related disputes.

72. Rule 32 of the revised RoP provides that the Board "shall consider and decide the appeal." The use of the term "decide" reflects the Board's full authority to determine matters



before it and, where appropriate, to pronounce upon remedies in accordance with applicable rules.

73. Accordingly, in the exercise of its adjudicative functions, the JAB retains an inherent power to award compensation where necessary to achieve justice and give full effect to its determinations. This authority flows naturally from the Board's mandate to ensure effective redress, protect legitimate expectations, and uphold the principles of good administration, even where such powers are not explicitly enumerated in the revised RoP.

74. However, the Board notes that, as the Staff Rules and the revised RoP do not expressly confer the power to award monetary compensation, such authority must be exercised with limitations and in accordance with the standards developed by international administrative tribunals. In line with UNAT and UNDT jurisprudence, any award of compensation must be justified by a proven breach of the staff member's rights. The Board therefore does not exercise unlimited power, but acts within the limits of reasonableness, proportionality, and established legal standards.

75. In exercising its remedial power, the Board is guided by the principle that any compensation granted corresponds to the extent of harm established, while also reflecting the overall financial and organizational context of the Authority. In the present case, the Board has taken note of the Authority's transitional staffing and budgetary circumstances, as evidenced in the joint IoM of 13 December 2024 and the Biennial Budget Performance Report of 16 December 2024 (Respondent's reply, Annex VIII), when assessing the appropriate quantum of compensation.

76. The Board will now proceed to apply this framework to the issues raised by the parties, including receivability, legality, due process, legitimate expectation, and remedy.

Receivability of appeal

77. In determining the receivability of the appeal, the Board must be satisfied that the Appellant has standing to bring the matter before it (*Fakhouri* 2025-UNAT-1577, para. 465). Under Staff Rule 11.2(a), only staff members may initiate an appeal.

78. The full text of the contested decision refers to "procedural irregularities" in the recruitment, "fiscal responsibility" and "efficiency" as the reasons for withdrawing the LoA that had been issued and accepted. It is as follows:



Dear [Appellant],

I am writing to you regarding the letter of appointment with effective date of 1 January 2025 for the position of Partnership Coordinator P3, which was issued to you by the former Secretary-General.

Upon a thorough review of our recruitment processes, it has come to our attention that the selection process for this position did not adhere to the established staff selection system and practices. Furthermore, in alignment with our ongoing commitment to fiscal responsibility and efficiency, as well as ISA's human resource objectives for 2025.

In light of these considerations, I regret to inform you that we are unable to proceed with the completion of the onboarding procedures for this position. As such, the letter of appointment previously issued to you by the former Secretary-General is hereby withdrawn.

Please rest assured that this decision is based solely on organizational and financial considerations and in no way reflects upon your qualifications or suitability for the role. Additionally, should the position be re-advertised in the future, you will automatically be shortlisted without the need to reapply.

We sincerely appreciate your interest in the ISA and encourage you to consider applying for other opportunities with us.

Should you have any comments or concerns, please do not hesitate to contact our Human Resources Office within 10 calendar days.

I sincerely regret any inconvenience this decision may cause and greatly appreciate your understanding.

Yours sincerely,

(signed)

Secretary-General

INTERNATIONAL SEABED AUTHORITY

79. The Respondent argues that the appeal is not receivable (*ratione personae*) because the LoA issued to the Appellant by the former Secretary-General was null and void *ab initio*, meaning the Appellant never acquired staff member status or standing to appeal.

80. However, consistent with established jurisprudence of the UNAT, this right extends to individuals whose contractual or administrative relationship with the Organization gives rise



to direct legal interest in the contested decision. In *di Giacomo* 2012-UNAT-249, para. 20, the UNAT “has recognized that access to the new system of administration of justice could be extended to a person who is not formally a staff member but who could legitimately be entitled to rights similar to those of a staff member.” (See also *Gabaldon* 2011-UNAT-120, para 29-30). In this same judgment, the UNAT held that an individual who has accepted a duly signed offer of appointment possesses sufficient legal interest to challenge its subsequent withdrawal (See *Gabaldon* 2011-UNAT-120, para.28).

81. Applying those principles, the Board finds that the Appellant’s acceptance of the Letter of Appointment on 18 December 2024 placed him in a concrete factual and administrative situation *vis-à-vis* the Authority, capable of giving rise to a direct legal interest in the withdrawal decision. While this did not confer staff member status or establish a lawful contract of employment, it suffices to constitute a legally cognizable relationship for the limited purpose of access to the internal justice system. In order to determine whether the Letter of Appointment was lawfully issued and withdrawn, the Board must therefore address the merits of the appeal.

82. Accordingly, the Board concludes that the appeal is receivable *ratione personae* and *ratione materiae*.

Merits of the Appeal

Framework for Assessing the Appointment and Withdrawal of the LoA

A. *Central Issue*

83. The core issue before the Board is whether the LoA issued to the Appellant on 17 December 2024 was validly issued in accordance with the Authority’s Staff Regulations, Staff Rules and established recruitment procedures. The Respondent maintains that the LoA was issued *ultra vires*, in breach of fundamental recruitment safeguards and against the documented advice of the Authority’s senior administrative, financial and human resources officials. Accordingly, the Respondent submits that the LoA was null and void *ab initio*, and that the Respondent’s withdrawal of the LoA on 2 January 2025 was a lawful administrative correction.

B. *Applicable Legal Principles*

84. It is well established in international administrative law that while the executive authority of an Executive Head is broad, it remains circumscribed by the Organization’s Staff



Regulations and Rules. The requirement to secure the “highest standards of efficiency, competence, and integrity,” analogous to Article 101(3) of the United Nations Charter, underpins all recruitment actions. A competitive selection process is the primary mechanism for meeting this obligation.

85. UNAT jurisprudence is consistent in holding that an appointment made in clear breach of fundamental procedural safeguards designed to protect the integrity of the recruitment process is null and void *ab initio* and cannot be subsequently ratified, even where the appointee acted in good faith. See *Kauf* 2019-UNAT-934, para. 27 where “The Administration was legally precluded from issuing a letter of appointment to the Applicant and had to put an end to an illegal situation.” (See also *Cranfield* 2013-UNAT-367, para. 36). Actions taken *ultra vires* by a former executive head are not binding on the Organization or a successor, as authority is limited by the written rules.

86. When an illegal administrative act is identified, the Administration is obliged to correct it. See *Das* 2014-UNAT-421, para. 15. See also, *Cranfield* 2013-UNAT-367, para. 36; *Husseini* 2016-UNAT-701, paras. 22-23; *Kule Kongba* 2018-UNAT-849, para. 30; *Kauf* 2019-UNAT-934, para. 22; *Colati* 2020-UNAT-980, para. 41.

C. Contract Mismatch and Failure to Follow the Recruitment Process

87. The Appellant was competitively selected pursuant to a TJO for a six-month P-3 Partnership Coordinator post. Nevertheless, the LoA offered a two-year FTA (effective 1 January 2025 and expiring 31 December 2026) with materially different tenure and conditions. Moreover, there is no evidence that the FTA offered to the Appellant had undergone the required classification review or that budgetary availability had been certified.

88. These actions, taken in the closing weeks of the former Secretary-General’s term, during a period of financial concern (including a projected USD460,000 deficit according to the Biennial Budget Performance Report) and occurring amid an administrative transition, were characterized by the Respondent as having been intended to constrain the incoming administration. The Board makes no finding on this point, as its mandate is limited to assessing legality.



D. *Contextual Background to the Contractual Mismatch*

89. The considerations set out below describe the administrative context in which the fundamental defect identified above—the mismatch between the competitive process and the appointment purportedly granted—occurred and help explain how that defect materialized.

90. The Appellant submits that he had begun assuming responsibilities following an email of 30 December 2024 inviting him to participate in a handover meeting and to prepare to assume duties as of 1 January 2025. The Board notes, however, that the administrative record shows that the recruitment process had not progressed beyond the pre-appointment stage. While the selection process relating to the Appellant’s TJO had been completed on 22 November 2024, no entry-on-duty date had been determined, and the Appellant had not entered on duty when the LoA was issued.

91. In particular, the Appellant had not entered official travel status, relocated to the duty station, or completed mandatory onboarding steps such as confirmation of entry on duty, issuance of travel authorization, activation of payroll or systems, or final administrative and security clearances.

92. The LoA indicated an effective date of 1 January 2025, which coincided with a public holiday on which the Authority was closed. The withdrawal decision was adopted on 2 January 2025 and communicated on 3 January 2025, the first business day thereafter. No duties were performed prior to the withdrawal.

93. These circumstances underscore that the appointment process remained incomplete at the time the defect in the LoA was identified and corrected.

94. The record further shows that the issuance of the LoA occurred against a background of serious internal concern. A Joint IoM of 13 December 2024, unanimously signed by senior officials of the Office for Administrative Services, expressly recommended the suspension of all ongoing and pending recruitments, citing procedural deficiencies, financial risks, and the impending transition to a new Secretary-General. (See also (the interim aide-memoire for the transition period of the incoming Secretary-General of the International Seabed Authority).

95. Notwithstanding this clear and documented internal advice, the former Secretary-General proceeded to issue and sign Letters of Appointment, including that of the Appellant, departing from the established practice whereby such letters are ordinarily cleared and signed



through the Director of OAS. This deviation from standard administrative safeguards formed part of the factual matrix in which the mismatch between the advertised position and the appointment offered arose.

96. The Board emphasizes that these contextual elements, namely the incomplete pre-appointment process, the timing of the issuance, and the departure from ordinary clearance and financial practices, do not themselves determine the legal outcome in the present case. They are relevant insofar as they illuminate how an appointment was issued that exceeded the scope, duration, and conditions of the competitive process on which it purportedly rested.

97. What is clear, however, is a fundamental procedural requirement: a staff member cannot be appointed to a grade, post, or duration that was not subject to a corresponding competitive process. The divergence between the competition process and the appointment offered constitutes a significant procedural irregularity, reinforcing the conclusion that the LoA was not validly issued.

Conclusion on Validity of the LoA

98. The Appellant never entered on duty, did not complete the required administrative clearances, did not assume official travel status, and did not commence service. The signing of the LoA also did not follow established practice, as it was issued outside the established administrative recruitment process.

99. Regulation 4.2 of the Staff Regulation provides that,

“Upon appointment, each staff member, including staff seconded from government service, shall receive a letter of appointment stating the date on which service with the Authority is to commence, the duration of the appointment, the notice required to terminate it, the salary rate and any special conditions that may be applicable.”

100. Rule 4.2 of the Staff Rule establishes that:

“The effective date of appointment shall be the date on which the staff member enters into official travel status to assume their duties or, if no official travel is involved, the date on which they report for duty.”

101. In view of the procedural deficiencies identified, namely, the failure to complete the mandatory pre-appointment formalities, the absence of confirmation of budgetary availability



as required by the Authority's established administrative practices, and the issuance of an appointment departing from the position and duration advertised through the TJO, the Board finds that the LoA dated 17 December 2024 was issued in contravention of the applicable Staff Regulations and Rules governing recruitment and appointment. As such, the LoA was invalidly issued and is null and void *ab initio*.

102. Accordingly, the withdrawal of the LoA on 2 January 2025 constituted a lawful and necessary corrective measure, consistent with established UNAT jurisprudence requiring the Administration to rectify illegal commitments.

Consequences of Nullity and Compensation

A. Expectation Damages (Loss of Income/Retirement Benefit)

103. Because the LoA was null and void *ab initio*, no lawful contract of employment ever came into existence. Under settled UNAT jurisprudence, when an appointment is void from the outset, the Organization is not liable for remuneration or benefits that would have accrued under the defective instrument. (See *Cranfield* 2013-UNAT-367, para. 36; *Kauf* 2019-UNAT-934, para. 27.)

104. The Appellant's claim for projected net income (USD230,491) and retirement benefits (USD248,906) are premised on the two-year fixed-term appointment reflected in the withdrawn LoA. However, the Appellant was competitively selected for a six-month TJO P-3 position, and therefore had no legal entitlement to the grade, duration, or conditions stated in the LoA.

105. This finding is in keeping with UNAT jurisprudence, which consistently holds that expectation damages including projected salary or pension contributions are not recoverable where the underlying appointment is void *ab initio* or where no lawful contract was formed (see *Colati* 2020-UNAT-980, para. 41; *Husseini* 2016-UNAT-701, paras. 22–23).

106. Accordingly, the Appellant's claims for lost income and retirement benefits are without merit and must be rejected.

B. Moral Damages

107. The Board recognizes that the contested events caused the Appellant distress. He submitted documentation from a community mental-health service (Appeal, Annex 51),



confirming symptoms of psychological distress and engagement with mental-health services after the withdrawal of the LoA. This constitutes sufficiently specific evidence of non-pecuniary harm under UNAT jurisprudence. Under UNAT jurisprudence, moral damages may be awarded where specific harm and a causal link are established (*Delaunay* 2019-UNAT-864, para. 28; *Langué* 2018-UNAT-858, paras. 14-20). “Accordingly, compensation may only be awarded for harm, supported by evidence. The mere fact of administrative wrongdoing will not necessarily lead to an award of compensation under Article 10(5)(b) of the UNDT Statute. The party alleging moral injury (or any harm for that matter) carries the burden to adduce sufficient evidence proving beyond a balance of probabilities the existence of factors causing harm to the victim’s personality rights or dignity, comprised of psychological, emotional, spiritual, reputational and analogous intangible or non-patrimonial incidents of personality.” (*Kalon* 2017-UNAT-742, para. 60.)

108. The issuance of an appointment in clear disregard of internal warnings constituted serious administrative fault, and the Board accepts that this contributed to the Appellant’s documented suffering. Taking into account mitigating factors, namely the incomplete pre-appointment process and the mismatch between the advertised and issued position, the Board finds that an award of two months net base salary at the P-3 level is appropriate and proportionate.

C. Legal Costs

109. Under UNAT jurisprudence, costs are awarded when there is a manifest abuse or process. In the present case, the Board finds no evidence to support such a finding. Moreover, the Appellant represented himself throughout the proceedings. In light of this, the Board finds no justification to an award of legal costs.

JUDGMENT

110. The Joint Appeals Board **DECIDES** that:

- a. The Appeal is receivable and granted in part.
- b. The Respondent shall pay the Appellant compensation equivalent to two months net base salary at the P-3 level, as compensation of the withdrawal of the LoA.



c. Payment shall be made within 60 days of notification of this decision, failing which interest shall accrue at the United Nation's applicable rate until payment is effected.

111. All other claims are rejected.

Dated 13 January 2026

Judge Martha Halfeld Furtado de Mendonça Schmidt

Chair, Joint Appeals Board

Georgina Guillén Grillo

Member, Joint Appeals Board

Jiefang Huang

Member, Joint Appeals Board

Johnny Ibrahim

Member, Joint Appeals Board



Abena Kwakye-Berko

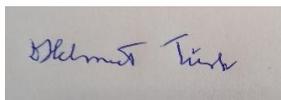
Abena Kwakye-Berko

Member, Joint Appeals Board



Courtney Maxwell

Member, Joint Appeals Board



Helmut Tuerk

Member, Joint Appeals Board