



INTERNATIONAL SEABED AUTHORITY
JOINT APPEALS BOARD
ISBA/JAB/CARTER/2023/R

Sheldon Heron Carter (the "Appellant")

v.

Secretary General of the International Seabed Authority
(the "Respondent")

Order No. 21 (2026)

ORDER ON THE CONDUCT OF THE CONCILIATION PROCESS

1. The present appeal arises from a judgment of the United Nations Appeals Tribunal remanding the case to the Joint Appeals Board ("JAB" or "Board") for review on the merits. By subsequent communications, both the Appellant and the Respondent have confirmed their agreement to pursue conciliation.
2. Pursuant to Staff Rule 11.2(b) of the Staff Rules of the International Seabed Authority and Rule 9 of the Revised Rules of Procedure of the Board, conciliation may be undertaken at any stage of the proceedings with the consent of the Parties, and the proceedings before the Board are suspended for the duration of the conciliation process.
3. With a view to facilitating an efficient and orderly conciliation process, and prior to considering whether the convening of a conciliation hearing would be useful, it is appropriate to invite the Parties to submit written settlement proposals.
4. Each Party is therefore invited to submit a written settlement proposal on a without prejudice basis, addressing the matters in dispute in the present appeal.
5. The settlement proposals need not reflect final positions and may include monetary and or non monetary elements. The Parties are encouraged to frame their proposals with due regard to flexibility, proportionality, and realism, so as to enable the other Party to meaningfully assess the prospects of settlement.



6. The Parties shall submit their settlement proposals simultaneously to the JAB Secretariat no later than 6 February 2026.
7. At the same time, the Parties are invited to indicate, in their respective submissions, whether they would wish a conciliation hearing to be convened, and whether, in their view, such a hearing would be conducive to advancing the conciliation process.
8. The Parties may also, should they so wish, engage in direct discussions with one another on a without prejudice basis in parallel with the present conciliation process.
9. For the purposes of the conciliation process, the Chair of the Board may act as Conciliator and, should the conciliation not result in a settlement, continue to serve as Chair of the Panel already constituted, provided that both Parties expressly consent to this dual role. In the absence of such consent, the Chair shall designate one of the members of the Board to act as Conciliator.
10. Upon receipt of the Parties' written proposals, their indications regarding a possible conciliation hearing, and their positions concerning the designation of the Conciliator, the Chair will determine the appropriate next steps in the conciliation process. These may include inviting the Parties to clarify or refine their proposals, engaging in exchanges with each Party, or convening a conciliation hearing, should this be considered useful.
11. Any information obtained, exchanged, or disclosed in the course of the conciliation process shall remain strictly confidential and shall not be relied upon, disclosed, or otherwise used for the purposes of adjudication, should the conciliation not result in a settlement.
12. The proceedings before the JAB shall remain suspended for the duration of the conciliation process. In the event that conciliation does not lead to a settlement, further procedural directions will be issued for the continuation of the proceedings.

Order dated this 21st day of January 2026

Judge Martha Halfeld Furtado de Mendonça Schmidt

Chair of the Joint Appeals Board