

2024-UNAT-1468, Louis Savadogo

UNAT Held or UNDT Pronouncements

The UNAT considered the central tenet of the staff member's case, which was that he held the necessary academic qualifications for the role, but that the selected candidate did not. The UNAT concluded that the educational specifications in the job vacancy announcement were a minimum threshold, but not the determining factor in the selection. The UNAT held that both the staff member and the selected candidate met the threshold academic qualifications, even though they obtained them by different means. The UNAT rejected the claim that the ITLOS should not have taken into account that the selected candidate passed a language proficiency exam in two languages, rather than just one language as the staff member had.

The UNAT also considered whether the staff member had been adequately compensated for the due process breaches identified by the ITLOS JAB, and concluded that the errors were not so grave, and even without them, it was probable that the ITLOS would have made the same appointment decision. The UNAT also held that the ITLOS JAB did not err in finding that the staff member had failed to substantiate his assertions of unfairness and bias by the Registrar of the ITLOS. The UNAT also rejected several of the staff member's other claims, including that his length of service at the ITLOS was not weighed appropriately.

The UNAT denied the staff member's requests for increased compensation and costs.

The UNAT affirmed the decision of the ITLOS JAB and dismissed the appeal.

Decision Contested or Judgment/Order Appealed

ITLOS JAB Decision:

In Decision No. ITLOS/JAB/2022/9, the Joint Appeals Board (JAB) of the International Tribunal for the Law of the Sea (ITLOS) dismissed a former staff member's application in which he had challenged his non-selection for the position of Head of Legal Office/Senior Legal Officer (grade P-5). The ITLOS JAB concluded that the former staff member had been given full and fair consideration during the selection process, but nonetheless awarded him USD 2,000 for a breach of his due process rights.

The former staff member appealed.

Legal Principle(s)

An appeal is a review to ascertain whether the first instance tribunal's decision was erroneous rather than being a general/de novo reconsideration of the case.

A staff member having a fractious relationship with his manager is not the same thing as establishing bias in the selection process run by that manager.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Louis Savadogo

Entity

ITLOS

Case Number(s)

2023-1855

Tribunal

UNAT

Registry

New York

Date of Judgement

7 Aug 2024

President Judge

Judge Colgan

Judge Gao

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Oral hearings

Full and fair consideration

Procedure (first instance and UNAT)

Staff selection (non-selection/non-promotion)

Applicable Law

Laws of other entities (rules, regulations etc.)

- ITLOS Administrative Instructions

UNAT RoP

- Article 18

UNAT Statute

- Article 8.3

Related Judgments and Orders

2023-UNAT-1337

2022-UNAT-1189

2021-UNAT-1123