31 August 2026

Dear Registrar,

The International Seabed Authority ("**the Authority**") hereby provides this initial report and information on compliance with the provisional measures prescribed by Seabed Disputes Chamber ("**the Chamber**") in its Orders dated 18 July 2026 ("**the Orders**") pursuant to Article 95(1) of the ITLOS Rules.

Part II of the Authority's 31st session was held in Kingston, Jamaica, from 29 June to 31 July 2026. The Authority's secretariat provided assistance and information to the Authority's Legal and Technical Commission ("**the Commission**"), Council and Assembly with respect to implementation of the Orders.

Following the issuance of the procedural direction by the Chamber's President on 29 June 2026 pursuant to Article 90(4) of the ITLOS Rules, the Commission decided that it was not in a position (during its session which ended on 10 July 2026) to continue with the inquiry process pending the Orders, or the withdrawal of the Chamber President's Article 90(4) direction. As submitted by the Authority at the hearing on 3 July 2026:

> "The Commission has suspended its consideration of matters related to the Applicants' claims and requests, including the preliminary stage of the inquiry process and NORI's application for extension. This suspension was necessary due to the broad scope of the Chamber's directive, which required us not to take actions that could hinder your decisions. Adhering to judicial instructions, the Authority has paused all activities within the Commission's purview of the Applicants' claims."[1]

The Commission's decision to suspend the inquiry process pending the Chamber's Orders, or withdrawal of the Chamber President's Article 90(4) direction, is recorded at paragraph 23 of the Report of the Chair of the Commission dated 10 July 2026.[2]

In accordance with the Authority's repeated assurances to the Chamber, and to the parties – Nauru Ocean Resources Inc ("**NORI**") and Tonga Offshore Mining Ltd (together "**the Applicants**") – the extension of NORI's exploration contract was duly processed fairly and lawfully pursuant to the Council's Procedures and Criteria for Extension, doc. ISBA/21/C/19. Accordingly, at its 366th meeting on 20 July 2026, the Council approved the extension of NORI's exploration contract and requested the Secretary-General to take the necessary steps to execute the extension.[3]

Ms Ximena Hinrichs Oyarce
Registrar of the International Tribunal
for the Law of the Sea
Am Internationalen Seegerichtshof 1
22609 Hamburg
Germany

[1] ITLOS/PV.26/C34-C35/4, p.12, lines 25-32.

[2] Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its thirty- first session, ISBA/31/C/4/Add.2, 10 July 2026, available at: https://isa.org.jm/wp-content/uploads/2026/07/2610246E.pdf (last accessed 26 July 2026).

[3] Decision of the Council of the International Seabed Authority relating to an application for extension of the contract for exploration for polymetallic nodules with Nauru Ocean Resources Inc., ISBA/31/C/36, 20 July 2026, available at: https://isa.org.jm/wp-content/uploads/2026/07/ISBA_31_C_36-Decision-of-the-Council-of-the-ISA-relating-to-an-application-for-extension-of-the-contract-for-exploration-for-PMN-with-NORI-fv-AUV.pdf (last accessed 26 July 2026).

At its 373rd meeting on 24 July 2026, the Council acknowledged that the workload of the Commission continues to increase significantly and emphasised the importance of the Commission's independence for fulfilling its technical and advisory functions as provided for under Article 165 of UNCLOS. The Council adopted a decision, by consensus, which notes the Orders, and further:

"12. Reaffirms the importance of the ongoing inquiry into potential contractor non-compliance with their contractual obligations, including contractual obligations to act in accordance with the multilateral legal framework established by the convention and the Agreement, while continuing to ensure due process, transparency and fairness at every stage as requested in Decision ISBA/31/C/18.

13. Requests the Secretariat in cooperation with the Commission to prepare the initial reports requested by the Seabed Disputes Chamber on the compliance with the provisional measures prescribed by the Orders, and requests the Secretary General to provide the Chamber with that report by 31st of August 2026.

14. Also requests, in the event the President of the Chamber requests further information from the Authority on the implementation of the provisional measures prescribed in the Orders, that the Secretariat, in cooperation with the Commission prepare such information and requests the Secretary General to provide the Chamber with this information in due course.

15. Requests the Commission, no later than at the end of the first part of its thirty-second session, to clarify or provide to the contractors under the inquiry on potential non-compliance, the relevant information concerning the procedures for the implementation of paragraphs 9 and 10 of the Council decision ISBA/30/C/19 and paragraph 4 of the Council decision ISBA/31/C/18 and the questions posed to such contractors so as to enable those contractors, engaging in a constructive manner with the Authority, to respond meaningfully to the questions posed by the Authority in the course of the inquiry, and within a reasonable period of time but no later than at the end of the second part of the thirty-second session, subject to any further decision made by the Council.

16. Notes that the Orders provide that the parties to the disputes shall cooperate and refrain from any action that might lead to aggravating the disputes.

17. Notes that the Commission in its first and second part considered, in order of receipt, nine applications for extension of contracts and recommended approval of each of those applications and affirms that its approval of applications for extension is made strictly without prejudice to the findings or recommendations that may arise from the inquiry with respect to contractors at risk of non-compliance with their contractual obligations, and does not limit, predetermine or constrain any future action by the Authority or its organs in relation to those findings."[4]

In light of the foregoing, the Authority, therefore, confirms that it has taken all necessary and appropriate steps to ensure prompt compliance with the provisional measures prescribed in the Orders. In particular:

(a) The Authority has acted, and will continue to act, in accordance with the relevant legal framework, including rules of due process, in the procedure for the inquiry mandated by the Council under paragraphs 9 and 10 of the Council Decision dated 21 July 2025 (doc. ISBA/30/C/19).

(b) The Council has tasked the Commission with giving effect to the Applicants' due process rights and with ensuring compliance with the Orders, including providing information concerning the procedures for the implementation of paragraphs 9 and 10 of the Council Decision dated 21 July 2025 (doc. ISBA/30/C/19) and the questions posed by the Applicants, so as to enable the Applicants, engaging in a constructive manner with the Authority, to respond meaningfully to the questions and within a reasonable period of time. The Commission has been directed to do so before the end of part I of its next session (the 32nd session), which is due to be held in Kingston, Jamaica, in February-March 2027.

(c) The Authority has, and will continue to, cooperate with the Chamber and the Applicants, and refrain from any action that might lead to aggravating the dispute.

The Authority remains at the Chamber's disposal should it require any further information.

Sincerely,

Steven Dietrich
Agent for the International Seabed Authority
Legal Counsel and Director
Office of Legal Affairs

[4] Decision of the Council relating to the reports of the Chair of the Legal and Technical Commission, ISBA/31/C/34, 24 July 2026, available at: https://isa.org.jm/wp-content/uploads/2026/07/ISBA_31_C_34-Decision-of-the-Council-relating-to-the-reports-of-the-Chair-of-the-Legal-and-Technical-Commission-fv-AUV.pdf (last accessed 26 July 2026).