

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



YEAR 2026

4 August 2026

**CASE CONCERNING AN INQUIRY
BY THE INTERNATIONAL SEABED AUTHORITY**

(TONGA OFFSHORE MINING LTD. v. INTERNATIONAL SEABED AUTHORITY)

ORDER

The President of the Seabed Disputes Chamber (hereinafter “the Chamber”) of the International Tribunal for the Law of the Sea (hereinafter “the Tribunal”),

Having regard to articles 27 and 40, paragraph 1, of the Statute of the Tribunal,

Having regard to article 118, paragraphs 2 and 3, of the Rules of the Tribunal (hereinafter “the Rules”),

Having regard to the Application of Tonga Offshore Mining Ltd. (hereinafter “TOML”), filed with the Registry on 5 June 2026 (hereinafter “the Application”), instituting proceedings against the International Seabed Authority (hereinafter “the Authority”),

Having regard to the Order of the Chamber of 18 July 2026,

Makes the following Order:

1. Whereas the Application was transmitted by the Registrar of the Tribunal to the Secretary-General of the Authority on 5 June 2026;

2. Whereas, pursuant to article 118, paragraph 2, of the Rules, the Authority is required to lodge its Defence within two months after service of the Application;

3. Whereas, by a letter dated 30 July 2026, the Agent of the Authority requested an extension of the time-limit to file its Defence until 30 March 2027;

4. Whereas, in that letter, the Agent of the Authority informed the Chamber that, in paragraph 15 of the decision of the Council of the Authority of 24 July 2026 (ISBA/31/C34), the Legal and Technical Commission of the Authority (hereinafter “the Commission”) had been requested,

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;

5. Whereas, in the same letter, the Agent of the Authority indicated that the first part of the thirty-second session of the Commission would take place from 22 February to 5 March 2027, that “[a]s matters currently stand, the Authority is not in a position to formulate its Defence to the Applicants’ claims on the merits ... before the end of part I of [the Commission’s] next session”, and that “the Authority cannot, at this stage, anticipate precisely how or by what means the Commission will give effect to the due process rights the Applicants assert in their claims”;

6. Whereas, by a communication dated 3 August 2026, the Agent of TOML indicated that TOML did not object to the request of the Authority;

7. Being satisfied, in view of the above, that there is adequate justification for the request for an extension of the time-limit,

THE PRESIDENT OF THE CHAMBER

Taking into account the agreement of the Parties,

Extends the time-limit for the submission of the Defence of the Authority to 30 March 2027;

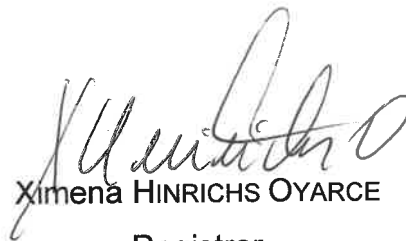
Reserves the subsequent procedure for further decision.

Done in English and in French, both texts being equally authoritative, in the Free and Hanseatic City of Hamburg, this fourth day of August, two thousand and twenty-six, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to TOML and the Authority, respectively.



David Joseph ATTARD

President of the Seabed Disputes Chamber



Ximena HINRICHS OYARCE

Registrar
