



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

Press Release

**TONGA OFFSHORE MINING LTD. INSTITUTES PROCEEDINGS AGAINST THE
INTERNATIONAL SEABED AUTHORITY CONCERNING AN INQUIRY
UNDERTAKEN BY THE AUTHORITY**

**TONGA OFFSHORE MINING LTD. ALSO REQUESTS THE PRESCRIPTION OF
PROVISIONAL MEASURES**

Tonga Offshore Mining Ltd. (“TOML”) has instituted proceedings before the Seabed Disputes Chamber of the Tribunal against the International Seabed Authority (“the Authority”). The dispute concerns an inquiry undertaken by the Authority.

The Applicant claims that it is in dispute with the Authority regarding the manner by which the Authority, acting through the Secretary-General and the Legal and Technical Commission, is conducting an inquiry into TOML as a contractor allegedly requiring “specific attention” for possible non-compliance with its contractual obligations arising out of direct or indirect actions related to activities in the Area.

The Applicant states that it is a company incorporated in the Kingdom of Tonga and that it operates as a contractor sponsored by Tonga. It further states that it entered into an exploration contract with the Authority, which is due to expire on 11 January 2027.

In its Application, the Applicant claims, *inter alia*, that its identification by the Authority as a contractor requiring “specific attention to possible non-compliance” was taken without lawful procedural basis and in breach of due process and of the Authority’s criteria and methodology for identifying contractors at risk of non-compliance. According to the Applicant, the Authority has also breached its obligation under the exploration contract to fulfil in good faith its powers and functions. The Applicant requests, *inter alia*, that the Authority be ordered to refrain from taking further steps in relation to the inquiry unless and until the procedural requirements of due process, transparency and fairness have been satisfied.

The Application is accompanied by a request for the prescription of provisional measures under article 290, paragraph 1, of the United Nations Convention on the Law of the Sea. In the request, the Seabed Disputes Chamber is requested to order the Authority, *inter alia*, to suspend its inquiry and to refrain from taking, authorizing or permitting any steps in connection with it.

The case has been entered in the List of cases of the International Tribunal for the Law of the Sea as Case No. 35. Pursuant to article 90, paragraph 2, and

article 115 of the Rules of the Tribunal, a hearing on the request for provisional measures will be fixed at the earliest possible date.

The Seabed Disputes Chamber is established in accordance with Part XI, section 5, of the Convention and article 14 of the Statute of the Tribunal. It is composed of 11 Judges: Judges Attard (President), Jesus, Kulyk, Kittichaisaree, Kolodkin, Lijnzaad, Duan, Brown, Caracciolo, Armas Pfirter and Joyini.

Note: The press releases of the Tribunal do not constitute official documents and are issued for information purposes only.

The press releases of the Tribunal, documents and other information are available on the Tribunal's website (<http://www.itlos.org> and <http://www.tidm.org>) and from the Registry of the Tribunal. Please contact Ms Julia Ritter at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: press@itlos.org