

Statement by Mr Te-ara Henderson on behalf of the Cook Islands  
Kingston, Jamaica  
10 November 2022  
ISA Council plenary

Good morning Mr President, Excellencies and colleagues,

Thank you for giving me the floor.

The Cook Islands, like most delegations here, agrees on the need for a strong regulatory framework to be put in place, based on robust scientific evidence, that ensures the effective protection of the marine environment before any exploitation of seabed minerals can occur, in line with the precautionary principle.

The Cook Islands, like most delegations in attendance, is here to progress, in good faith, the ISA's draft exploitation regulations and associated work for the benefit of humankind as a whole.

The Cook Islands is therefore disappointed by the position now being taken by France, as we understand it, to seek a total ban on seabed minerals exploitation.

As a State party to the Convention on the Law of the Sea, and more particularly as a Small Island Developing State, we place a very high value on the principles and rights enshrined in the Convention. Rights that we acknowledge were hard fought and the result of decades of difficult negotiations and compromise between States. These rights extend to the common heritage of humankind, these rights extend to all voices working together, all equal.

Mr President, while we are still seeking to better understand the new position of France, it is our initial view that this new position undermines basic principles of international law, and is therefore untenable and irreconcilable with multilateralism, cooperation and good faith in the implementation of our collective UNCLOS treaty obligations. It undermines the mandate and purpose of this august body, the International Seabed Authority - a mandate explicitly provided for under UNCLOS. Indeed, it calls into question the very reason we are all here in Jamaica - which is to progress the work of the ISA in establishing a sound environmental and regulatory management framework for the Area and for the common benefit of humankind. It also creates uncertainty, and pre-supposes that the work of the Council and delegates here will be insufficient to protect the environment from serious harm.

Mr President, the Cook Islands, like other delegations, seeks to better understand the implications of France's new position on continuing to advance, in good faith, the work of the ISA. In this respect, we seek further clarification from France on its continued role in the ISA - as a Council member, as a Sponsoring State and as a Contractor in the Area. Will France renounce its seat in Group B of the Council? Will France rescind its two exploration contracts which, otherwise, would constitute an illegitimate appropriation of our common heritage of humankind and prevent other States Parties, including developing States, to access opportunities available to them under UNCLOS?

In light of these serious concerns and the implications attached to such a position on the foundations of the rule of law in the Ocean, we hope that France will reconsider its position, so as to continue its support of the multilateral approach we have all committed ourselves to since the establishment of the ISA, and in adherence with the accepted international rules based order.

The Cook Islands remains committed to working collectively and constructively on finalising the draft exploitation regulations with robust environmental standards, in line with a firm and responsible precautionary approach.

Thank you