

20 September 2021

Andrew Ecclestone  
fyi-request-16389-0fd374b6@requests.fyi.org.nz

195 Lambton Quay  
Private Bag 18-901  
Wellington 6160  
New Zealand

T +64 4 439 8000  
F +64 4 472 9596

OIA 27643

Tēnā koe Andrew Ecclestone

I refer to your email of 12 August 2021 in which you request the following under the Official Information Act 1982 (OIA):

*This is a request under the Official Information Act 1982. Please provide me with the following information:*

- 1. Copies of any and all assessments MFAT has undertaken on whether NZ should become a party to the Aarhus Convention (the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters) from 2013 to present.*
- 2. All information and/or advice, including meeting notes, that MFAT has provided to (i) officials internally and (ii) the government in the last 4 years (including any Minister in the current or previous governments and the staff of any ministerial office) on the Aarhus Convention from 2013 to present.*
- 3. Any and all assessments, estimates, or advice MFAT holds about any activities NZ would have to undertake in order to fulfil its obligations as a party to the Convention.*
- 4. Whether MFAT consulted with any other government department or agency or officer of parliament in undertaking any activities of the kind referred to in (1), (2) and (3) above.*
- 5. All information held by MFAT that was generated or received by it in the course of any consultations with third parties about any matter related to acceding to or being a party to the Aarhus Convention from 2013 to present.*
- 6. Whether MFAT or its Ministers have been asked by any current or former Ministers to undertake an assessment of the issues involved in becoming a party to the Aarhus Convention, and if so, copies of the correspondence from 2013 to present.*

*If MFAT refuses any part of this request, or withholds any information from disclosure, I separately request under section 19(a)(ii) of the OIA that MFAT specify in its response to me the grounds in support of its reasons for withholding the relevant information.*

Information that makes reference to the Aarhus Convention provided by third parties to MFAT through consultation processes that were not related to acceding to or being party to the Aarhus Convention has been deemed out of scope according to our interpretation of point five.

The information relevant to your request is attached. We have withheld some information under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments; and
- 9(2)(h): to maintain legal professional privilege.

Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would override the reasons for withholding it.

Please note that we may publish this letter (with your personal details redacted) and enclosed documents on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: [DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz). You have the right to seek an investigation and review by the Ombudsman of this decision by contacting [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā



Julie-Anne Lee  
for Secretary of Foreign Affairs and Trade