



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



New Zealand Ministry of
Foreign Affairs and Trade
Manatū Aotearoa

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Dear Joshua Grainger

Thank you for your email of 28 July 2014 in which you requested, under the Official Information Act:

"How New Zealand appoints Honorary Consuls to foreign countries including any procedures or policies that outline who can be selected as a Honorary Consul, and any procedures or policies that outline how any complaints about Honorary Counsels are to be dealt with including if there have been any complaints made about Honorary Consuls made in the last 5 years, and if there have been, a breakdown of the date, outcome, and a brief description of the nature of the complaint."

In response to your request for all documents relating to a recent appointment of a New Zealand Honorary Consul, I enclose a copy of the business case, formal appointment documents and the letter of appointment for the New Zealand Honorary Consul in Calgary, Canada. Some parts of these papers have been redacted under the following sections of the Official Information Act:

- 6(a), to avoid prejudicing the international relations of the New Zealand Government,
- 9(2)(a), to protect the privacy of individuals,
- 9(2)(ba), to protect the supply of confidential information by a third party,
- 9(2)(f)(i), to protect the confidentiality of communications by or with the Sovereign,
- 9(2)(g)(i), to protect the free and frank expression of opinions by departments,
- 9(2)(g)(ii) to protect officers and employees from improper pressure or harassment.

New Zealand Honorary Consuls are appointed in response to a clear need for the establishment of a consulate. The regional division of the Ministry of Foreign Affairs and Trade, in consultation with the relevant Embassy/High Commission (post) and Protocol Division, present a business case to the Minister of Foreign Affairs for the establishment of a new consulate and for the nomination of a new honorary consul.

Honorary Consuls are assessed and selected in accordance with the attached criteria for selection, including core characteristics required, and the skill sets relevant to New Zealand's strategic priorities in the country or region. The relevant post undertakes a selection process, in consultation with NZ Inc partners. This process would take into

account the generic criteria applicable to all New Zealand honorary consuls as well as criteria relevant to the specific location and New Zealand's priorities in the region.

If more than one candidate is identified, a short list is sent to the regional division which may identify a preferred candidate but which provides details on each person. If only one suitable candidate is identified, a case is submitted to the regional division for this person as preferred candidate.

A business case is submitted to the Minister seeking his recommendation to the Governor-General for the appointment and signature on the formal approval documents. Once approved by the New Zealand Government, the embassy will seek the formal approval of the receiving state for the appointment of the nominee and request the receiving state issue an Exequatur, which is the legal authorisation of the receiving State for the Honorary Consul to operate within a prescribed consular jurisdiction in that country. The Ministry issues a Letter of Appointment signed by the Chief Executive and this is signed by the nominee when they accept the appointment.

The operational management and supervision of honorary consuls is the primary responsibility of posts. If a complaint is received about an honorary consul, the supervising post would manage this. Over the past five years, we are aware of five complaints received about Honorary Consuls. The timing, nature and outcome of these complaints are provided below.

Under section 28(3) of the Official Information Act you have the right to ask the Ombudsman to investigate and review these decisions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Caroline Bilkey', with a large, sweeping flourish underneath.

Caroline Bilkey
for Secretary of Foreign Affairs and Trade

CRITERIA FOR ESTABLISHING A NEW CONSULATE

Consulates are established only in response to a clear need. The responsibility for recommending the establishment of a consulate rests with the relevant regional division of the Ministry, the relevant Embassy or High Commission and the NZ Inc partners with an interest in the particular region.

In proving a clear need for the establishment of a consulate to be headed by an honorary consul the submission should cover:

- the intensity, extent and potential of New Zealand interests in the country or region that would be the consulate's jurisdiction;
- the demand for consular assistance or services by visiting or resident New Zealanders;
- constraints preventing the nearest post from meeting this demand, or, if appropriate, from using the local British, Australian or other foreign mission;
- the demand for services particularly trade and business related services, tourism, immigration etc;
- an assessment as to whether a greatly increased demand for services is likely to result from establishing a consulate;
- an assessment of the appropriateness of appointing an honorary consul as opposed to other forms of representation, for instance more regular visits by seconded staff of the nearest diplomatic mission;
- the availability of suitable candidates

NEW ZEALAND HONORARY CONSULS CRITERIA FOR SELECTION

Representation

- Demonstrate an association with, or willingness to associate with New Zealand
- Demonstrate a sound general knowledge of New Zealand geographically, culturally, economically and socially.
- Demonstrate a sound understanding of the NZ government's strategic priorities.
- Demonstrate the capability to respond to a wide range of inquiries, to communicate effectively and the ability to make an impact.
- Be persons of good standing in the local community.
- Be able to engage in representational, ceremonial and public affairs activities where appropriate or as instructed by the supervising head of mission
- Have the time and willingness to undertake the role.

Contacts

- Demonstrate knowledge of and access to a range of contacts in the host country that are, and can be of value to New Zealand including government and private sector leaders.
- Demonstrate a willingness to facilitate contacts between New Zealand government ministers and officials and the host country and to generally promote friendly relations between the two countries.

Consular

- Demonstrate a sound knowledge of the relevant parts of the Vienna Convention on Consular Relations.
- Demonstrate a sound knowledge of legal and notarial services and how to provide them.
- Demonstrate a willingness to be the first point of contact to New Zealanders in distress or detention and to liaise with the supervising mission in such circumstances.

Information dissemination

- Have the knowledge and means to be able to provide information and advice to the supervising mission on local political, economic, trade and social developments.
- Assist in the distribution of material about NZ agencies such as immigration, passports, border controls, and investment in NZ.

Trade promotion

- Demonstrate the knowledge to be able to answer trade and investment enquiries and refer such inquiries on where appropriate.
- Keep a watching brief, through the media and contacts, on the trade related legislation and other developments that might impede the export of New Zealand goods and services to the host country.

Qualifications, skills and experience (specific points added by posts/NZ Inc agencies depending on regional priorities eg relevant background experience)

- Ability to build, maintain and leverage relationships with key internal and external contacts.
- Ability to establish credibility with senior leaders in host country government and private sector.
- Ability to maintain a calm and professional attitude in all situations.
- Excellent written and verbal skills in local language and English.
- Experience managing high level visits.
- Excellent networking skills.
- Preferably financial management skills.

NEW ZEALAND HONORARY CONSULS APPOINTMENT PROCEDURE

Related documents:

- roles and responsibilities of NZ Honorary Consuls;
- criteria for selection;
- templates for letter of appointment and business case for extension;
- Guidelines for NZ Honorary Consuls.

Establishment of a Consulate

- Before an honorary consul can be identified there must first be a political decision to establish a Consulate in a particular location to be headed by an Honorary Consul.
- This decision will be made where there is a strategic business case that it will further New Zealand's objectives in a location where New Zealand has no resident representation.

Informal approval for establishing a Consulate

- The Regional division in consultation with the responsible Post (depending on the location) should send a submission to the Minister outlining a case for establishing a consulate.
- Once the Minister has agreed in principle, the formal appointment procedure follows as outlined below.

Nomination of candidate

- Using the 'related documents' listed above, the responsible Post undertakes a selection process in consultation with NZ Inc partners, in particular NZTE.
- This process should take into account the generic criteria applicable to all New Zealand honorary consuls as well as criteria relevant to the specific location and New Zealand's priorities in the region.
- Post submits a business case to the regional division using the business case template, recommending one candidate. If the regional division supports the nomination, the CEO's approval is sought.

Formal/legal approval

- Once the CEO approves the Post's business case for a preferred candidate. **Protocol Division** will then action the formal appointment process as follows:
 - a submission to the Minister seeking his recommendation to the Governor-General for the establishment of a NZ consulate and/or appointment of a NZ honorary consul (depending on whether it's a new consulate or just a new honorary consul;
 - letter from the Minister to the Governor-General
 - a legal 'advice sheet' which is signed by both
 - a Consular Commission of Appointment which is signed by both.
 - a copy of the nominee's CV attached to the submission and the letter to the Governor-General.

(The Consular Commission of Appointment formally authorises the appointment and confirms the legal authority of the NZ Government to the honorary consul-designate carrying out consular responsibilities in the particular location in a specified jurisdiction or consular district.)

Receiving State's formal approval

- The regional division advises the post to seek the formal approval of the receiving state for the establishment of the Consulate and/or appointment of the nominee as Honorary Consul, via a TPN from the post to the Foreign Ministry, attaching a copy of the Consular Commission of Appointment.
- Exequatur: the post forwards the request above to the foreign Ministry to requesting an Exequatur which is the legal authorisation of the receiving State for the Honorary Consul to operate within a prescribed consular jurisdiction in that country.

Letter of Appointment

- The regional division prepares the Letter of Appointment to be signed by the CEO of MFAT using the template provided. Two originals should be prepared and signed by MFAT CEO.
- The regional division sends the signed Letter of Appointment copies to the relevant post with a request to seek formal acceptance from the nominee.
- The nominee signs both copies, retains 1 signed original and sends the 2nd signed original to the post for their retention. Post should send copies of the signed letter to the regional division and PRD.

NZ Diplomatic and Consular List

- The post is responsible for:
 - Including the new Honorary Consul on the NZ Diplomatic and Consular List or sending the details to CMD website officers. The full name and relevant contact details should be included.
 - Full details should also be sent to the regional division honorary consul coordinator for inclusion in the NZ Honorary Consul spreadsheet, including date on which the contract was co-signed by the Honorary Consul.

Funding

- Post bids for funds at the time of the BOCS including:
 - Honorarium of NZ 5,000 in half-yearly instalments NZ\$5,000.
 - expenses up to NZ\$7,500 on production of receipts
 - if agreed by regional division, one return trip to Wellington plus 3 working days accommodation and per diems for briefing/consular training.

Stationery, stamp, flags, publications, presentation items

- Post or regional division orders from AMD a Coat of Arms plaque, stationery, business cards, rubber seal stamp, flags etc for the new Honorary Consul. Post or regional division orders standard publications and presentation items as relevant.

COMPLAINTS
Honorary Consul (HonCon)

Date	Nature of complaint	Outcome
May 2014	That a function to mark HonCon's appointment should not have been held in a restaurant they owned.	Ambassador confirmed that the Embassy had suggested the venue and that HonCon was in no way promoting their business as part of the event.
March 2012	A visitor claimed they were not able to see Honorary Consul and had difficulty obtaining a NZ visa for partner of NZ citizen.	Case looked into. Confirmed appropriate action had been taken by the HonCon in this case.
From July 2013	Alleged that events separate to the HonCon's role as Consul demonstrated that the person was not of fit character.	Determined that the HonCon's commercial activities were separate from his role as HonCon.
December 2013	Local citizen asserted that HonCon had terminated the employment of a staff member without good cause in a business operated by the HonCon separate to the consulate.	Determined that the HonCon's commercial activities were separate from his role as HonCon.
January 2013	Employment dispute relating to a business in which the HonCon had an interest, separate to the consulate.	Determined that the HonCon's commercial activities were separate from his role as HonCon.