



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



New Zealand Ministry of
Foreign Affairs and Trade
Manatū Aotearoa

1 May 2018

Christian Riffel

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Dear Christian Riffel

I refer to your email of 7 April 2018 in which you request the following under the Official Information Act 1982 (OIA):

"(1) What are your education initiatives to make civil servants aware of New Zealand's international obligations?"

(2) In particular, has MFAT made any efforts, on a national or subnational basis, to ensure that officials are familiar with the state's investment obligations?"

(3) If yes, are those efforts ongoing to take into account the potential for government actors to change over time?"

New Zealand takes its international obligations seriously. Chapter 9 of the Legislation Guidelines of the Legislation Design and Advisory Committee (<http://www.ldac.org.nz/guidelines/legislation-guidelines-2018-edition/>) provides detailed guidance on how international obligations should be taken into account in the legislative process. As noted in the Legislation Guidelines, the Cabinet Manual (at 7.65(d)) requires that compliance with international obligations is addressed in Cabinet papers proposing legislative change. This has the effect of requiring that the Ministry of Foreign Affairs and Trade (MFAT) be consulted on legislation relevant to international obligations. In practice, MFAT provides direct advice and engagement in interagency processes.

The Treaty Officer within MFAT's Legal Division also plays a significant role in informing public servants of their international treaty obligations. As well as providing ongoing advice to agencies that engage with international treaties, the Legal Division organises an annual Treaty Making Seminar that is attended by staff from across the New Zealand Government. The seminar outlines the role of MFAT's Legal Division in supporting other departments when they are involved in treaty negotiations or seeking to become party to an international instrument. This provides an opportunity to engage with civil servants who work with international treaties and highlight the nature and importance of New Zealand's treaty obligations. The Legal Division also has oversight of New Zealand Treaties Online which acts as an up to date register of New Zealand's treaty obligations that is freely available online. (<http://www.treaties.mfat.govt.nz/>) Finally, MFAT's Legal Division publishes the

International Treaty Making Guide which outlines the process for developing or entering into a treaty and is also available on MFAT's website.

In addition to the New Zealand Treaties Online, further information for agencies is available on the MFAT website, particularly the Free Trade Agreement section (<https://www.mfat.govt.nz/en/trade/free-trade-agreements/>). We also undertake targeted training, for instance we recently organised a training programme on the Law of the Sea.

Answering your second point, on investment obligations, MFAT engages directly with relevant agencies, for instance with the Treasury which administers the Overseas Investment Act 2005. MFAT's Trade Negotiation Division organise seminars with agencies on services and investment aspects of free trade agreements. Moreover, officials from other agencies are involved in the negotiation of international agreements, including free trade agreements with investment obligations, which means that they have direct knowledge of New Zealand's obligations as relevant to their agencies.

Addressing your third question, these efforts are ongoing in order to take into account the potential for government actors to change over time. For instance, our Treaty Seminar is held annually, and MFAT officials engage with new staff in relevant agencies.

We would be more than happy to answer further questions. These can be directed to the Treaty Officer in the Ministry's Legal Division in the first instance.

You also have the right under section 28(3) of the OIA to seek a review of this response by the Ombudsman.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Wendy Adams', written in a cursive style.

Wendy Adams
for Secretary of Foreign Affairs and Trade