

CABINET OFFICE CIRCULAR

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All Ministers
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Procedures for Including Non-Official Representatives On Official Delegations to International Meetings

Key Points

- Cabinet has agreed to standardise procedures for including non-official representatives on official New Zealand delegations to international meetings.
- Decisions about including non-official representatives in official delegations should be made in accordance with the guidelines attached to this circular and must be cleared in writing with the Minister of Foreign Affairs and Trade.
- Ministers should seek approval from Cabinet to include Members of Parliament in official delegations and should advise Cabinet about the inclusion of any non-official representatives in official delegations at the same time as recommendations on Ministerial and official participation are put to Cabinet.

Introduction

- 1 From time to time the government receives requests to include non-official representatives in official New Zealand delegations to international meetings, or invites non-official representatives (e.g. scientific or business experts) to join delegations because of the special expertise they can offer. Among non-official representatives who have joined New Zealand delegations in the past have been Members of Parliament, members of Crown entities and state-owned enterprises, representatives of non-governmental organisations (NGOs), industry groups, and representatives of Maori interests.

- 2 The inclusion of non-official representatives in official delegations contributes breadth and specialist knowledge to the delegation, and can generate a better understanding of the government's objectives in the parent organisations of non-official representatives. Departments should consider the value that can be added to a New Zealand delegation by the inclusion of appropriate non-official representatives.
- 3 Cabinet has agreed to a standard set of guidelines and procedures for including non-official representatives in official New Zealand delegations to international meetings. This circular sets out those guidelines and outlines how departments should implement them.

Guidelines Governing Inclusion of Non-Official Representatives in Official Delegations

- 4 The guidelines have been developed from existing practice and guidelines in relation to the inclusion of NGO officials in official delegations. Cabinet has amended these guidelines and agreed to extend them to all non-official representatives being considered for inclusion in official delegations. A copy of the guidelines is attached as Annex I.
- 5 A key to ensuring the effective operation of official delegations is to examine the balance of the delegation in determining whether, or what proportion of, non-official representatives should be included. To avoid claims of official bias when there are competing requests for representation from similar NGOs, and where the size of the delegation is limited, the bodies may be asked to agree on one or more representative acceptable to them all.
- 6 It is generally expected that travel and accommodation costs of non-official members of official delegations will be met by the members or their sponsoring organisations. Where their inclusion is at the request of the government because of the special expertise they may bring to the delegation, however, the government may consider meeting costs officially.
- 7 Non-official representatives included in official New Zealand delegations to international meetings must be either New Zealand permanent residents or New Zealand citizens.

Conditions Applying to Participation

- 8 For non-official representatives to be effective, it is desirable that they be able to participate fully in the delegation's activities and be treated as full members of the team. All members of official delegations are bound by conditions of confidentiality and take their instructions from the head of the delegation, and these conditions must apply equally to non-official representatives.
- 9 Representatives of NGOs, other non-official bodies, and civil society groups are required to sign a standard undertaking governing members of official delegations. A copy of the undertaking is attached as Annex II. A different procedure applies to Members of Parliament (see paragraphs 15-16 below).

Procedures

- 10 Proposals to include non-official representatives in official delegations to international meetings must be cleared in advance in writing by the Minister of Foreign Affairs and Trade.
- 11 The lead agency managing New Zealand's participation in an international meeting should seek approval for the inclusion of non-official representatives under the terms of the agreed guidelines. The lead agency is also responsible for ensuring that non-official representatives sign the required undertaking in respect of conditions for participation in official delegations.
- 12 Where an agency other than the Ministry of Foreign Affairs and Trade has the lead, that approval should be sought in a submission to the Minister concerned, which should be referred to the Minister of Foreign Affairs and Trade for agreement.
- 13 In cases where there is a well established and agreed practice of including non-official representatives in delegations to regular meetings, such as for example the annual ILO Conference, it is not necessary to seek approval on every occasion.
- 14 Cabinet should be advised of any non-official representatives in official delegations at the same time as recommendations are made to Cabinet on Ministerial and official participation.

Participation by Members of Parliament

- 15 The Minister of Foreign Affairs and Trade will generally formalise the inclusion of any Members of Parliament joining official delegations through the signature of a credentials document. It is not appropriate to request Members of Parliament to sign the same undertaking as other non-official representatives. Instead the Minister of Foreign Affairs and Trade or, where appropriate, the Minister leading the delegation, will write to Members of Parliament prior to the meeting drawing their attention to the conditions governing members of official delegations.
- 16 The Minister leading the delegation and the Minister of Foreign Affairs and Trade, in consultation with the Prime Minister and other interested Ministers, should seek approval from Cabinet to include Members of Parliament in official delegations. This should, if appropriate, occur at the same time as recommendations are made to Cabinet on Ministerial and official participation.

Further Information

- 17 Further information is available from the United Nations and Commonwealth Division of the Ministry of Foreign Affairs and Trade, telephone 494 8324.

Marie Shroff
Secretary of the Cabinet

Guidelines Governing Inclusion Of Non-Official Representatives On Official Delegations

Decisions about the inclusion of non-official representatives on official delegations should be taken by the Ministers concerned, who should be provided, where possible, with information on the following points:

- Whether the representative can obtain observer status at the conference in his or her own right, through their parent body or through an NGO association. If this is possible, that should be the preferred option.
- The general objectives of the representative and their sponsoring organisation and their particular objectives for the conference under consideration.
- Points of similarity and difference between the government's policy and objectives and those of the representative and their sponsoring organisation.
- Advantages to the government in including the representative on the delegation, for example because of specialised knowledge and expertise.
- The general balance of the delegation, taking into account its overall size. The smaller the delegation, the less appropriate it is to include non-official representation.
- Whether the meeting is one where non-official representatives are perceived as acceptable to other governments, especially the host government.
- Assurance that the particular person nominated has the support of the sponsoring organisation in question, is a New Zealand citizen or permanent resident and - on the basis of known information - is a person acceptable to the government.

Should a selection have to be made amongst more than one qualified non-official representative, the organisations concerned should reach agreement on one nomination for the government to consider.

Participation by non-official representatives will be subject to acceptance in writing by the person nominated of the conditions as set out in Annex II.

In principle, non-official representatives on official delegations should meet their own costs. However, financial assistance may be considered when non-official attendance directly advances the government's objectives.

Requests for assistance with travel costs for other than participation in official delegations should be considered on a case by case basis. Such assistance will only be recommended if it directly advances the government's objectives.

Conditions Applying To Participants In New Zealand Delegations To International Meetings

Participation on official New Zealand delegations will be subject to the following conditions:

- The participant will at all times be under the authority of the leader of the delegation or, in his/her absence, that of the deputy leader, and will comply with their instructions or with any instructions received from the New Zealand authorities.
- As a participant in an official delegation the participant will act consistently with the government's interests as identified in the brief or by the delegation leader. If required he/she will also assist in compilation of the delegation report.
- The confidentiality of information received through participation in the official delegation is to be maintained. This information includes government documents, restricted conference documents, delegation discussions and such international negotiations as are conducted in camera.
- This confidentiality shall particularly apply to any communications with the press.
- The participant may brief sponsoring organisations on developments and results in the negotiation but only on the basis that any information of a sensitive nature provided to sponsoring organisations will not be revealed publicly by them.
- Any articles written by the participant about the negotiations are subject to the clearance of the leader of the delegation or the appropriate government authorities.
- It is understood that inclusion in the delegation does not imply any obligation on behalf of the New Zealand government to meet costs of non-governmental participants.

I agree to abide by the above conditions in respect of my inclusion on the New Zealand delegation to the

Signature:

Name:

Date: