

15 June 2022

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s 9(2)(a)

By email: s 9(2)(a)
Ref: H202206639

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 19 May 2022. You asked for information relating to New Zealand and Pandemic Preparedness Treaty with the World Health Organisation (WHO). Please find a response to each part of your request below.

Please name the New Zealand government delegation including public servants and ministers who are attending the W.H.O. 75th Health Assembly in Geneva from 22nd to 28th of May 2022 in Geneva?

The Minister of Health, Hon Andrew Little, led the New Zealand delegation at the 75th World Health Assembly, accompanied by his Ministerial Advisor. Officials from the New Zealand Ministry of Health were also a part of the delegation. Delegates included the Director-General of Health, Dr Ashley Bloomfield, Deputy Director-General, of Māori Health, John Whaanga, Director, of Pacific Health, Gerardine Clifford-Lidstone, and the Manager of the Ministry's Global Health team. The New Zealand Permanent Representative (Ambassador) to the WHO in Geneva, along with officials from the New Zealand Permanent Mission in Geneva also participated as part of the New Zealand delegation. Members of the Permanent Mission in Geneva are publicly available at: www.mfat.govt.nz/en/countries-and-regions/intergovernmental-organisations/united-nations-and-world-trade-organisation/permanent-mission-to-the-united-nations-and-conference-on-disarmament-geneva/

Please state if and when the Minister of Health has informed parliament of the Pandemic Preparedness Treaty that the W.H.O. is asking all member countries to sign during the assembly in May 2022.

Member States of the World Health Organization, including New Zealand, jointly agreed to begin negotiating a new treaty (or instrument) at a special session of the World Health Assembly in November 2021. A pandemic treaty or instrument was a key recommendation of the Independent Panel for Pandemic Preparedness and Response, to help improve the global community's ability to respond to future pandemics – see www.theindependentpanel.org/about-the-independent-panel/.

These negotiations are being taken forward via an [Intergovernmental Negotiating Body \(INB\)](http://www.who.int/about/governance/world-health-assembly). Governments are working to finalise a draft instrument for Member States' approval by the 77th World Health Assembly in 2024: www.who.int/about/governance/world-health-assembly. As negotiations within the INB are at an early stage, the exact form of the instrument is yet to be decided, therefore there is no such treaty in existence for the Minister of Health to inform Parliament on.

In New Zealand, approval of a legally binding instrument (for example, a treaty) requires a cabinet mandate and parliamentary treaty examination. You can access an overview of the international treaty making process in New Zealand available here:

www.mfat.govt.nz/assets/About-us-Corporate/Treaties-Model-instruments/International-Treaty-Making-Guide-2021.pdf.

Please state if the Minister of Health or other health official are going to or has signed the Pandemic Preparedness Treaty with the W.H.O. for the New Zealand government.

If the Pandemic Preparedness Treaty was signed, who instructed and authorised the signatories to do so in the name of the New Zealand government?

As noted above, the exact form of the instrument is yet to be decided and there is therefore no such treaty currently in existence that can be signed. If Member States agree to proceed with a legally binding instrument (for example, a treaty), standard New Zealand treaty-making process, including an appropriate Cabinet mandate and parliamentary treaty examination will be required before New Zealand can progress as a signatory.

Please provide all cabinet papers where the W.H.O. Pandemic Preparedness Treaty was discussed.

This part of your request is refused under section 18(e) of the Act, as the information requested does not exist. However, you may also be interested to know that the Ministry is proactively releasing joint advice produced with the Ministry of Foreign Affairs and Trade (MFAT) that relates to negotiations towards a new pandemic treaty or instrument in the coming weeks. This information will be published at: www.health.govt.nz/about-ministry/information-releases/general-information-releases.

Has any Minister or Ministerium involved/contracted any experts regarding consideration of the W.H.O. Pangamic (sic) Preparedness Treaty, if so who engaged what expert?

As noted above, the exact form of the instrument is yet to be decided and there is therefore no such treaty currently in existence that experts can become involved in or consult on. This part of your request is therefore refused under section 18(e) of the Act, as the information requested does not exist.

I trust this fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: www.health.govt.nz/about-ministry/information-releases.

Nāku noa, nā



Sarah Turner
Deputy Director-General
Office of the Director-General