

15 June 2022

§ 9(2)(a)

By email § 9(2)(a)
Ref H202206701

Tēnā koe § 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act), which was transferred from the Office of Hon Andrew Little, Minister of Health, to the Ministry of Health (the Ministry) on 20 May 2022 for:

“A copy of joint advice from the Ministry of Health and Ministry of Foreign Affairs to the Minister of Health, Hon Andrew Little, and Minister of Foreign Affairs, Hon Nanaia Mahuta, about proposed reforms to the global health architecture for pandemic prevention, preparedness and response. Please include any ministerial briefings between June 2021 and today.

It is understood that work on these reforms is well progress yet to date there has been no public consultation or any public mandate to undertake a process such as this which may severely affected NZ sovereignty and the fundamental rights and freedoms of New Zealanders. Please provide any information to show and actual or proposed consultation with any or all stakeholders and also any information about the proposed timeframes for signing and ratifying this agreement”

Member States of the World Health Organization (WHO), 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. This information can be found on the following link: www.theindependentpanel.org/about-the-independent-panel/.

Member States drive this treaty-making process and it is up to governments to jointly determine what actions will be required to better prevent, prepare and respond to a future pandemic. The negotiations are being taken through an Intergovernmental Negotiating Body or INB, open to all Member States, including New Zealand. If you are interested in learning more about the work of the INB, you can access further information at: www.who.int/newsroom/events/detail/2021/11/29/default-calendar/second-special-session-of-the-world-healthassembly.

Please be assured that consultation opportunities will be available on the Ministry’s website in due course and will remain available as negotiations progress. In the meantime, you may be interested accessing 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-TreatyMaking-Guide-2021.pdf.

I note your request for a timeframe. Negotiations remain at an early stage and the exact form of the instrument is yet to be decided. Governments will be working towards an outcome by the 77th World Health Assembly in 2024: www.who.int/about/governance/world-health-assembly. If Member States agree to proceed with a legally binding instrument (for example, a treaty), standard New Zealand treaty-making processes, including a Cabinet mandate and parliamentary treaty examination, will be required.

Please note 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. As such, your request for documents regarding the WHO global pandemic treaty received by the Minister of Health and Minister of Foreign Affairs from June 2021 to 20 May 2022 (the date of your request) is refused under section 18(d) of the Act, as the information requested will soon be made publicly available. This information will be published at: www.health.govt.nz/about-ministry/information-releases/general-information-releases.

I trust this information 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/responses-official-information-act-requests.

Nāku noa, nā



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