1. Establishment of Diplomatic Missions and Consular Posts

1.1 Establishment of Diplomatic Relations

The establishment of diplomatic relations is a matter of concurrence between two States. New Zealand adopts a pragmatic approach to defining diplomatic relations. Contacts over time with another state at ministerial, diplomatic, or senior officials' level are considered to constitute the conduct of diplomatic relations. These may occur in the context of bilateral meetings, or through multilateral diplomacy, for example at the United Nations.

Diplomatic relations may be taken a step further with a decision by each State to formally accredit a diplomatic representative to the other. Once agreement has been reached to take this step, the Foreign Ministers of both countries may make a public announcement.

1.2 Establishment of Diplomatic Mission Accredited to/in New Zealand

1.2.1 Seeking Approval

When a country wishes to establish diplomatic representation to New Zealand, e.g. open an Embassy/High Commission in Wellington or cross-accredit an Ambassador/High Commissioner from another country, a Third Person Note (Note Verbale) should be sent to the Protocol Division of the Ministry of Foreign Affairs and Trade (MFAT), setting out what is proposed, including the numbers of seconded staff and their titles/roles, proposed number of locally employed staff, and seeking the New Zealand Government's approval to the establishment of permanent representation in New Zealand. MFAT will then seek the appropriate New Zealand Government approvals and respond to the sending State by Third Person Note.

The sending State should then send a Third Person Note to MFAT Protocol Division nominating its proposed Head of Mission (attaching a copy of the nominee's curriculum vitae; see Section 2.1 for further details) and seeking the New Zealand Government's approval (*agrément*) to the nominee's appointment. Protocol Division will reply to the sending State by Third Person Note once agrément has been granted by the Governor-General on the recommendation of the Minister of Foreign Affairs. The process can take up to 12 weeks, so the nominee should not finalise arrival details until after agrément is granted, as there can be unexpected delays.

1.2.2 Opening a Resident Mission

If a resident mission is to be opened in New Zealand and staff are sent from the sending State to Wellington to establish and open the Embassy/High Commission, prior approval for diplomatic visas for diplomatic staff should be obtained from Protocol Division. Refer to Chapter 9. Diplomatic visas are not issued to 'advance' staff (usually visiting for a short period, to view and purchase or lease office space, establish relationships, etc.).

The following notes may assist in the task of opening a new resident mission in New Zealand:

1.2.3 Initial Calls

It is recommended that the following calls be made by advance staff after arrival in New Zealand:

- A call on the Chief of Protocol must be arranged first, to establish formal contact with the New Zealand Government. Later calls can be made on other members of the Protocol Division for a briefing on issues such as

motor vehicles, drivers' licences, health provisions, Accident Compensation provisions, taxation including Goods and Services Tax (GST), Private Domestic Staff, domestic student status, and arrival procedures for all new staff.

- A call on the Divisional Manager of the relevant regional division of MFAT should also be made at an early stage to discuss substantive policy issues relating to the management of the relationship between the two countries, the plans for opening a mission, and any public announcements that may need to be made associated with this.

- A call on the Dean of the Diplomatic Corps should be made. It is customary to make this call prior to calling on other members of the diplomatic corps.

1.2.4 Locating Premises

Subject to the normal regulations governing property ownership/rental in New Zealand, missions are free to locate and acquire property of their choice. It is up to missions to identify suitable premises for a chancery, official residence and other staff accommodation. Local real estate companies are able to provide guidance on the purchase or lease of property. Missions should consult a reputable legal firm to advise on current regulations and to assist with the transfer of ownership or in matters pertaining to leasing of property. Refer to Chapter 21.

Once a property has been obtained, formal advice should be sent to the Protocol Division with full address and contact details of the mission. These details are required for, among other things, publication in the Diplomatic and Consular List.

Missions are strongly urged to have appropriate insurance cover for all significant property they own. Regarding mission security, the missions should seek advice from the Dignitary Protection Service of the New Zealand Police. Refer Chapter 23 for more information on security and protection.

For information on taxes and rates on properties, refer to Chapter 22.

1.2.5 Representation Outside the Capital

In conformity with international practice, the New Zealand Government does not permit a branch of a diplomatic mission to be located outside Wellington. Any office subsidiary to the capital-based mission, and located outside the capital, must be officially designated as a Consulate-General, Consulate or Consular Agency, and permission for its establishment should be sought through Protocol Division as set out at 1.4 below.

1.3 Disestablishment of Diplomatic Missions

If it is decided to disestablish a mission in New Zealand, the following points should be considered:

1.3.1 Formal Notification

When a decision has been taken to close a resident mission, the New Zealand Government should be notified through the normal diplomatic channels. Appropriate steps need to be taken to complete the closing down process and make arrangements for continuing representation by some other means, if that is what is desired. Steps to be taken may include:

- a call on the Chief of Protocol to advise formally of the closure decision and the likely timing of the closure;

- formal indication if it is proposed to arrange cross-accreditation from somewhere else and, if so, from where; and
- submission of a formal request for agrément for the succeeding Head of Mission if it is proposed to continue representation from elsewhere.

1.3.2 Departure Procedures

The normal procedures that apply to departing diplomatic staff apply in this circumstance also. Refer to Chapter 10. However, there are a number of additional measures that will need to be taken to ensure the proper closure of premises and disposal of properties. These include:

- **property** – if missions have property to sell, this can be arranged through local real estate companies and a lawyer. Protocol Division should be notified once premises are no longer in the possession of the mission;

- **rates** – Protocol Division can arrange for a refund on rates on premises that are sold, provided the eligible mission produces evidence that the rates have been paid and details of a bank account. If an owned property is going to be retained but leased to another occupant, it can no longer be exempt from rates unless it is to be used for diplomatic purposes. Diplomatic ownership alone does not entitle a mission to rates refunds;

- **motor vehicles** – any duty owing on motor vehicles must be paid before a vehicle is sold. Missions should check with Protocol Division, which will follow up with Customs. Diplomatic plates must be returned to the Automobile Association (AA) or Vehicle Testing New Zealand (VTNZ) office of issue. After motor vehicles have been issued with standard plates they may be sold on the open New Zealand market. (For further information refer to Chapter 12.)

1.4 Establishment of Consular Posts

The steps outlined above for establishment of a Diplomatic Mission will also be necessary in regard to Consular Posts. The following information relates to issues that are specific to Consular Posts.

1.4.1 Formal Requirements

The establishment of a Consular Post in New Zealand - whether staffed by career or honorary consular officers - requires the New Zealand Government's written approval. (For the appointment of honorary consular officers please refer to Chapter 8.) The New Zealand Government approves the classification, place of residence and consular district of a new post, in accordance with the VCCR Articles 4 and 68. Proposals for new Consular Posts should be submitted in a Third Person Note to MFAT's Protocol Division and should include the classification of the post, proposed consular district, and detailed justification for establishing the post, i.e. the demand for the provision of consular services and other relevant details. The numbers of seconded staff, their proposed titles/roles, and numbers of locally employed staff, should also be outlined in the Third Person Note.

MFAT's prior approval is required for any changes to these particulars (e.g. the consular district or the classification of a consular post).

The New Zealand Government only recognises Consular Posts (covered by the provisions of the VCCR), as those classified and designated as Consulate-General, Consulate or Consular Agency.

Missions and posts wishing to open additional offices focusing on trade, tourism, cultural and educational activities should seek the New Zealand Government's approval via MFAT's Protocol Division. Please refer to Chapter 3.

1.5 Disestablishment of Consular Posts

The procedures set out above for disestablishment of a Diplomatic Mission will normally also be appropriate in the case of disestablishment of a Consular Post.