

8 June 2022

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I refer to your email of 6 May 2022, which was partially transferred to the Ministry of Foreign Affairs and Trade (MFAT) from the Department of the Prime Minister and Cabinet on 17 May 2022, in which you request the following under the Official Information Act 1982 (OIA):

2) With the global pandemic treaty being proposed by the WHO - do the citizens of NZ have any say in regards to this?

4) What benefits are there for the citizens of NZ for being strong supporters of the International Criminal Court? How enforceable are their decisions?

Please find the responses to your queries below:

2) With the global pandemic treaty being proposed by the WHO - do the citizens of NZ have any say in regards to this?

In December 2021, a Special Session of the World Health Assembly (WHA) established an Intergovernmental Negotiating Body (INB) to draft and negotiate a World Health Organisation (WHO) convention, agreement, or other international instrument on pandemic prevention, preparedness, and response (PPPR).

MFAT will soon engage in a period of domestic, public consultation to inform New Zealand's negotiating position in the INB process. This consultation opportunity will be available on MFAT's website once it is launched (see [Home | New Zealand Ministry of Foreign Affairs and Trade \(mfat.govt.nz\)](https://www.mfat.govt.nz)) and it will be promoted on the Minister of Foreign Affairs' social media channels. Further public consultation is envisaged as the negotiation process evolves.

Additionally, should the INB recommend a legally binding instrument such as a treaty, this would require a process of Cabinet and Parliamentary scrutiny, including a Select Committee process, which provides an opportunity for the public to make submissions on the treaty.

The WHO also began its own stakeholder consultation process for the INB through a webcast on 12-13 April 2022, seeking public input on the substantive elements of a new potential international instrument on pandemic preparedness and response. A second round of hearings is planned for June 16-17 2022. This series of public hearings is in line with standard WHO practice, and will take place through a videoconference format (allowing verbal submissions) and a written component (through a dedicated web portal). More information can be found on the WHO website [here](https://www.who.int).

4) What benefits are there for the citizens of NZ for being strong supporters of the International Criminal Court? How enforceable are their decisions?

As a small country, New Zealand's interests lie in supporting international solutions to global problems, including individual criminal accountability for international war crimes which, in addition to being directed at the victims of these crimes, threaten the peace, security and well-being of the international community, of which New Zealand is a part. For more information on why New Zealanders benefit from effective multilateral institutions working on global solutions see: [MFAT Multilateralism History \(Working File\)](#).

Decisions of the International Criminal Court (ICC) are binding on all state parties to the Rome Statute. However, enforceability depends in part on the cooperation and support of States Parties, the United Nations, and Member States to enable the ICC to fulfil its mandate.

Please note that we may publish this letter (with your personal details redacted) on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Julie-Anne Lee
for Secretary of Foreign Affairs and Trade