*This is an instructional Cabinet paper template prepared by the Cabinet Office.*

[Security classification – minimum of In Confidence required]

Office of the Minister for

[name of Cabinet committee]

## Examples Agreement with Example Country: Approval for Signature

*[Use the full title of the treaty and note the approvals being sought. Summarise the title of the treaty if it is over two lines in length.]*

### Proposal

1. One or two sentences explaining what is proposed.

### Executive summary [required if the paper is more than four pages long]

1. Briefly state what is proposed in the paper. Note the nature of the instrument proposed and provide a summary of its provisions. Note the key costs and benefits of adopting the instrument.

### Background

1. Note any relevant background to the treaty, such as the process of negotiations.
2. Note any previous Cabinet or Cabinet committee consideration of the issue, e.g. if a mandate for negotiations has been approved, and provide references for those decisions (e.g. ERS-18-MIN-0012).

### Comment

1. This section should provide the detail required by Ministers to understand the proposal and the decisions that they are being asked to make. It should note:
	1. the exact nature of the instrument (e.g. is it a treaty-status agreement or a non-binding arrangement?);
	2. what stage of the process is being considered (e.g. non-binding signature or binding treaty action?);
	3. an outline of the provisions of the instrument and their effect (the full text of the proposed instrument must be attached). If amendments to an international treaty are proposed, it may be useful to attach a tracked-changes version of the treaty itself;
	4. costs and benefits of the instrument;
	5. if the instrument is a treaty, a statement about the parliamentary treaty examination process. If the treaty is a bilateral treaty, the paper should indicate the Minister of Foreign Affairs' view as to whether the treaty should be presented to the House for parliamentary treaty examination or not (depending on whether it is a major bilateral treaty of particular significance);
	6. advice as to whether the [National Interest Analysis](https://dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual/7-executive-legislation-10) (NIA) required to initiate the parliamentary treaty examination process is attached for approval or whether it will be submitted for Cabinet's approval later;
	7. whether domestic legislation will be required to incorporate the treaty into New Zealand law, and the proposed process and timing for managing that;
	8. when it is proposed to bring the treaty into force and whether approval is required for that now (subject, perhaps, to the satisfactory completion of the parliamentary treaty examination process and/or the enactment of legislation);
	9. any timing issues;
	10. any other matters that Ministers should be aware of when considering the proposed instrument.

### Financial implications

1. Note any financial implications of the proposed action.

### Impact analysis

1. An "extended" NIA must be prepared for treaties with regulatory impacts, containing all of the requirements otherwise considered in an [impact](http://cabguide.cabinetoffice.govt.nz/procedures/regulatory-impact-analysis#ris) statement. In such cases, a separate, standalone [impact](http://cabguide.cabinetoffice.govt.nz/procedures/regulatory-impact-analysis#ris) statement is not required.
2. The [impact analysis section](http://cabguide.cabinetoffice.govt.nz/procedures/regulatory-impact-analysis#ria-papers) should:
	1. indicate whether or not the impact analysis requirements apply and whether an extended NIA has been prepared and is attached to the Cabinet paper and, if not, the reasons why (if the NIA is not attached, the paper should indicate that it will be submitted for Cabinet’s consideration at a later date);
	2. provide an agency opinion on the quality of the impact analysis, which is a statement on whether the reviewer considers that the relevant [impact](http://cabguide.cabinetoffice.govt.nz/procedures/regulatory-impact-analysis#ris) statement information and analysis summarised in the NIA meets/does not meet/partially meets the quality assurance criteria;
	3. comment on any issues that have been identified in relation to any of the dimensions of quality set out in the quality assurance guidance.

### Publicity

1. Briefly set out what steps, if any, are to be taken to publicise the treaty action.

### Proactive Release

1. This section should include a statement on whether the Minister proposes to release the paper proactively in whole or in part, or to delay the release beyond 30 business days. Proactive release is subject to redaction as appropriate under the Official Information Act 1982. Refer to the [CabGuide page on proactive release](https://www.dpmc.govt.nz/publications/proactive-release-cabinet-material) for more information. Note that there is no need to include a recommendation noting or seeking agreement to release a paper.

### Consultation

1. Briefly set out the consultation that has taken place in the course of developing the paper. Papers on treaty actions must comply with the standard consultation requirements for all submissions to Cabinet and Cabinet committees.
2. [The Minister of Foreign Affairs must either be a signatory to the paper, or be consulted on it](http://cabguide.cabinetoffice.govt.nz/procedures/international-treaty-making/international-treaty-paper-requirements#ministerforeignaffairs). The Ministry of Foreign Affairs and Trade (Treaty Officer) must also be consulted.

### Recommendations

1. Depending on the approvals sought, a range of recommendations is appropriate. The particular circumstances of each treaty action will determine which recommendations should be used.
2. Recommendations would normally note the process that has led to the conclusion of an agreed text, for example:
	1. note that in August 2021, the Cabinet External Relations and Security Committee agreed that officials should negotiate [the text of the Agreement]
	[ERS-21-MIN-0012];
	2. note that the negotiations have now been completed;
3. The text of the proposed instrument should be attached, for example:
	1. approve the text of [the Agreement], which is attached to the paper;
4. The actions that will bring the treaty into force should be authorised, for example:
	1. note that [the Agreement] will enter into force on the date of signature;
	2. agree that New Zealand sign [the Agreement];

or

* 1. note that [the Agreement] will be brought into effect by the deposit of an instrument of ratification, following notification that the necessary procedures to give effect to [the Agreement] have been fulfilled;
	2. agree to ratify [the Agreement], subject to the satisfactory completion of the parliamentary treaty examination process;

or

* 1. note that [the Agreement] will enter into force on the date of the conclusion of [the proposed exchange of letters];
	2. authorise the conclusion of [the exchange of letters];
1. If approval to sign an instrument is sought, for example at an international conference, it may be worthwhile to include provision for any minor technical amendments that might be needed, giving authority to a suitable person to agree these, to avoid having to go through the Cabinet process again should minor changes to the text be required, for example:
	1. authorise the New Zealand delegation to agree to minor editorial amendments to [the Agreement] before its signature;

or

* 1. authorise the [Minister of Foreign Affairs] to approve any necessary minor or technical amendments to [the Agreement];
1. If parliamentary treaty examination is required, approval for this should be sought, for example:
	1. approve the content of the National Interest Analysis (NIA), which is attached to the paper;
	2. agree to present [the Agreement] and the NIA to the House of Representatives for the purposes of the parliamentary treaty examination process, under Standing Order XX;
2. Alternatively, the Minister of Foreign Affairs' confirmation that the parliamentary treaty examination is not required should be noted, for example:
	1. note that the Minister of Foreign Affairs has determined that [the Agreement] is not a major bilateral treaty of particular significance and, therefore, is not subject to the parliamentary treaty examination process;
3. It may also be appropriate at this stage to authorise the drafting of any legislation or regulations necessary to bring domestic law into compliance with the treaty. The legislation will not be enacted until select committee consideration (if required) is complete, but beginning the drafting at this stage avoids unnecessary delays later on, for example:
	1. invite the Minister of XX to issue drafting instructions to the Parliamentary Counsel Office to give effect to [the Agreement].

Authorised for lodgement

Hon John Jones
Minister for x