



# MINISTRY OF FOREIGN AFFAIRS AND IMMIGRATION

Te Kauono Tutara e te Mana Tiaki

Government of the Cook Islands

Treaty Guidelines

Guidance on procedures for concluding international treaties and arrangements.

2025

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## **COOK ISLANDS TREATY GUIDELINES**

The following guidelines are intended for entities that represent the Cook Islands in official capacities, typically through Crown Agencies or designated authorities ("Ministries/Agencies") on:

- i. the nature and significance of international treaties and other arrangements;
- ii. the normal procedure for obtaining policy approval prior to entering into negotiations of international agreements with other States or group of States;
- iii. the normal procedure for obtaining policy approval prior to entering into negotiations of international agreements with other States;
- iv. the procedure through which instruments intended to be binding under public international law are concluded between the Cook Islands and another State or an international organisation, or among several States within a multilateral context;
- v. the process for obtaining the legal authority required to sign and ratify agreements;
- vi. the steps involved in bringing the agreements into force, registration with the Secretary General of the United Nations and with other depositaries, and publication of the agreements.

These guidelines should be used by all entities involved in the negotiation of and participation in treaties and other arrangements.

### **1. Effective Date**

These Guidelines are effective at the date of their approval by the Secretary of Foreign Affairs and Immigration.

### **2. Objective of Guidelines**

These Guidelines have two objectives:

- 1) To inform and improve understanding within Government of the practices and procedures to be followed in relation to treaties and international arrangements; and
- 2) To ensure that the Cook Islands' essential interests are protected with respect to obligations assumed by and rights conferred upon the Cook Islands under international agreements.

### **3. Application**

These Guidelines apply to all entities that represent the Cook Islands in official capacities, typically through Ministries, Crown Agencies or designated authorities.

## I INTRODUCTION

International treaties and arrangements of less-than-treaty-status play a critical role in fostering cooperation, addressing global challenges, and advancing national interests. Each carries distinct procedural, legal, and constitutional implications, making proper understanding and management essential. Engaging in international treaties and arrangements enables the Cook Islands to exercise its sovereign capacity, influence global decision-making, and protect its national interests while addressing challenges such as climate change, resource management, and sustainable development, ensuring its voice is heard on issues critical to its future.

Poor engagement in this international process can lead to legal disputes, compromised sovereignty, reputational damage, economic risks, and missed opportunities to advance national interests, highlighting the importance of careful negotiation and adherence to obligations.

These Guidelines, prepared by the Ministry of Foreign Affairs and Immigration (MFAI), are designed to enhance awareness of the Cook Islands' treaty-making practices and ensure alignment with international obligations.

All proposals for treaties or arrangements must involve early and consistent consultation with the Treaties, Multilateral, and Oceans Division (TMOD) of MFAI. Commitments, including timelines or document preparations, should not be made without prior consultation from TMOD. While arrangements may not carry legal bindingness like treaties, they still require precision and care in drafting, reflecting the Cook Islands' respect for international commitments.

For guidance on the treaty-making process or specific agreements, the TMOD team is available to assist and ensure adherence to best practices and legal requirements by email on [secfa@mfa.gov.ck](mailto:secfa@mfa.gov.ck) or by phone : +682 29347.

## II TREATIES AND INTERNATIONAL ARRANGEMENTS

### a) Treaties

Treaties are legally binding under international law. Treaties can be between two or more states or other international entities (including, for example, bodies such as the United Nations and its various specialised agencies) and are governed by international law.

The Cook Islands recognizes the 1969 Vienna Convention on the Law of Treaties as largely codifying the public international law on treaties. The Convention defines 'treaty' as:

*"an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument, or in two or more related instruments and whatever its particular designation."*

Note that what is commonly referred to as a 'treaty' can have many names, for example:

- Treaty (e.g., South Pacific Nuclear Free Zone Treaty);
- Convention (e.g., United Nations Convention on the Law of the Sea - UNCLOS);
- Agreement (e.g., Pacific Island Countries Trade Agreement);
- Protocol (e.g., Kyoto Protocol);
- Exchange of Letters (e.g., An Exchange of Letters between the Government of the Cook Islands and the Government of New Zealand Constituting an Agreement on Arrangements for Visits by Elements of the New Zealand Armed Forces);

For the purpose of these Guidelines, '**treaty**' is used in the general sense used in the 1969 Vienna Convention.

Treaties can be **bilateral**, **plurilateral** or **multilateral** in nature:

- **Bilateral** treaties are those between two countries.
- **Plurilateral** treaties are generally entered into between only a few countries
- **Multilateral** treaties are those negotiated between three or more countries, typically developed and negotiated through international organizations.

The Cook Islands is currently a party to over 180 international treaties. To consult a non-exhaustive database, contact the TMOD team.

### **Approval to sign**

Treaties are usually signed on behalf of a country by a **head of state** (such as a president or monarch), the **head of government** (such as a prime minister), or a **designated minister** (such as the foreign minister). In some cases, senior diplomats or ambassadors may also be authorized to sign treaties. However, the signature typically requires **ratification** by the appropriate government body, such as the legislature or parliament, to be legally binding.

A cabinet submission, reviewed and/or submitted by MFAI, is required to secure cabinet approval prior to the signature.

### **b) Arrangements**

States also frequently enter into arrangements of less-than-treaty-status which are written international instruments that are non-binding but carry political and moral weight or are intended to deal with administrative arrangements between those involved.

International arrangements may be called by different terms, such as:

- Memorandum of Understanding;
- Joint Commitment;
- Joint Declaration;
- Heads of Agreement;
- Joint communiques;
- Exchanges of notes;
- Records of discussions.

Despite arrangements not being legally binding, the formal commitments entered into by the Cook Islands and embodied in the arrangements mean that negotiation and conclusion of arrangements need to be carefully considered.

Arrangements are often expressed as being concluded between a Cook Islands Government department and either a foreign government department or another government body or a foreign national Government or even private institution (e.g.,

research centre or university). The fact that an arrangement is concluded by a Government department and not the 'Government of the Cook Islands' does not change its status or importance as it still creates commitments for the Cook Islands at the international level.

To avoid disputes over the status of the instrument, the intention not to create legally binding rights and obligations needs to be borne out by the **actual wording** used in the instrument. The drafting of arrangements, therefore, requires the same close scrutiny as the drafting of treaties. As the words used are evidence of the intention of whether the two (or more) countries are concluding legally binding rights and obligations or not, special care must be taken to observe drafting conventions which distinguish arrangements from treaties. Thus, in arrangements:

- There should be a reference to the fact that the arrangement embodies the understandings of the participants;
- The word 'agree' and its derivatives should be avoided wherever possible (including in press statements and any emails, speeches or other communications). Instead, governments are said 'to enter into the following arrangements' or to 'have reached the following understanding';
- Arrangements should avoid formal preambles, although informally phrased opening recitals may be appropriate; and
- Sub-divisions of the instrument should not be referred to as articles but rather as paragraphs.

However, the above drafting rules are not universally followed. The status of the document should therefore, be clarified with the other participants to the negotiation during the negotiations themselves. This means that there is a need to discuss with the other side(s) involved in the discussions/negotiations whether the parties intend to conclude an 'agreement', which of its own force imposes rights and obligations under international law (i.e. a treaty), or not (i.e. an arrangement). It is imperative that the record of the negotiation of these instruments should be just as clear about the intention of the participants.

The terms of the arrangement should be cast as expressions of intent in order to avoid it being classed as an international treaty. The particular words used in the arrangement will be context-dependent and will vary from case to case. The following are examples of words that should not be used, with some suggested alternatives:

<b>DO NOT USE</b>	<b>USE</b>
'article'	'paragraph'
'agree'	'mutually decide', 'mutually arrange', 'mutually consent',
'agreements' or 'undertakings'	'arrangements' or 'understandings'
'authoritative' or 'authentic'	'having equal validity'
'be entitled to'	'enjoy'
'bound to/by'	'covered by'
'clause'	'paragraph'
'commitments'	'arrangements'
'constitute an obligation'	'continue to apply to'
'continue in force'	'continue to have effect'
'Crown'	'Governments' or 'Participants'
'disagreement' or 'dispute'	'difference'
'done'	'signed'
'enter into force'	'come into operation', 'come into effect'
'mutually agree'	'jointly decide'
'obligations'	'conditions', 'terms' or 'expectations'
'Parties'	'Governments'/'Participants'
'rights'	'benefits'
'shall', 'undertake to', 'agree to' or 'undertake to'	'will' or 'decide to'
'undertake'	'carry out'
'undertakings' or 'agreements'	'understandings' or 'arrangements'

### **Approval to sign**

International arrangements are usually signed by a Minister or an Ambassador, although senior officials may also do so under the right circumstances. The rank of

the officials signing the arrangement often depends on the nature of the arrangement. It is also important that the two signatories are of equal or similar level within each system.

A cabinet submission, reviewed and/or submitted by MFAI, is required to secure cabinet approval prior to the signature. However, depending on the nature of the agreement, a ministerial memo might suffice after MFAI's analysis.

### III OVERVIEW OF THE TREATY-MAKING PROCESS

A general overview of the treaty-making process involves the following steps:

- 1. Identification of the need or benefits** of solving a problem or addressing a situation through a treaty (this might be done by individual countries, through the work of international organizations, or in discussions with other major international players and national stakeholders etc.);
- 2. Initiating the negotiating process** through a formal decision which is the result of proposals originating from individual countries, international organizations or non-governmental organizations and which takes into account the need for the treaty, what matters should be covered by the treaty, the likely timeline, the likely treaty parties, the chances of success, and the costs and benefits of the treaty action;
- 3. Treaty negotiations** take place which may involve (some or all of the following or in the following order) the conduct of technical studies, consultations with Government leaders and stakeholders as the negotiations proceed, the establishment and operation of expert negotiating groups, the preparation of 'heads of agreement' (indications of the principal issues and how it is proposed to resolve them), an initial draft text, consideration of possible reservations to the treaty (where reservations may be permitted), etc.;
- 4. Treaty adoption** takes place by way of a decision on the part of those negotiating the text (either in a special meeting or as part of the deliberations of an intergovernmental organisation) that the process of treaty negotiation is complete or has gone at least as far as possible at that stage;
- 5. Treaty entry into force arrangements** depend on the provisions of the treaty itself. Some treaties, especially bilateral treaties, provide that entry into force takes place either upon signature or when each party informs the other when it has completed the necessary national formalities, including passing of implementing legislation (see below). Other treaties may provide that they will enter into force when a specified number of States either ratify or accede to the treaty (see below).

Depending on the specific terms of the treaty, there are two main ways individual countries may consent to be bound by a treaty:

1. **Signature** within a period usually specified in the treaty, followed by **ratification** at a later date.
  - Signature: One of the functions of a signature is to authenticate the text. Where the signature is subject to ratification, signature does not signify consent to be bound. Signature qualifies the signatory to ratify the treaty at a later date and creates an obligation of good faith not to take actions against the objectives of the treaty.
  - Ratification: This is the step taken by a State to bring the treaty into force for that State by deposit of a formal Instrument of Ratification. Ratification may sometimes take place years after signature of the treaty, depending, upon other things, on implementing legislation to give effect to the treaty provisions in that State.
2. **Accession** occurs when a State which did not sign a treaty that is already signed by other States accepts its provisions through deposit of a formal Instrument of Accession with the depositary.

## **IV INTERNAL PROCESS**

### **a) Responsibility of Ministries and Agencies**

All Ministries and Agencies must:

- inform MFAI before beginning any negotiations with another State or organisation so that MFAI can provide advice and support as appropriate;
- ensure that this policy is followed fully within their own Ministry or Agency;
- ensure that proper Government authority is obtained before the Cook Islands signs the treaty or expresses its consent to be bound by it or participates in an international arrangement; and
- ensure at all times that adequate time is allowed for indispensable standard checks, e.g. legal, linguistic, policy etc.

### **b) Nature and significance of the instrument**

Each Ministry or Agency, before beginning treaty negotiations or considering participation in an instrument, should understand what is or will be the nature of the document to be negotiated or in which the Cook Islands would participate. Each treaty creates legal obligations for the Cook Islands that must be performed. While not legally binding, arrangements also contain rights and obligations that must be respected by Government.

Each Ministry or Agency must consult MFAI before beginning treaty negotiations or the process of participation in an international treaty or arrangement. MFAI must be involved in every step of the treaty process. Where a Ministry or Agency considers that participation may not be necessary or feasible, this view should also be discussed with MFAI at the earliest opportunity for advice and endorsement of decision.

In the course of negotiations, negotiators have the responsibility of ensuring that any negotiated obligations fall within the mandate authorized by Cabinet, and that the Cook Islands would, in fact, be able to meet such obligations, either through existing or new legislation.

**c) Participating in an existing treaty**

It is frequently the case that a treaty in which the Cook Islands may have an interest has already been negotiated and may even be in force. In such cases, Government should still carefully consider the advantages and disadvantages of participation, consult stakeholders as appropriate, assess possible reservations (where permitted), and determine whether implementing legislation is required. All necessary steps to indicate consent must be carried out in consultation with MFAI.

Where a Ministry or Agency considers that participation may not be necessary or feasible, this view should be discussed with MFAI at the earliest opportunity to ensure consistency and coherence in the country's international engagements.

**d) Procedures for policy approval to negotiate or participate in a treaty**

The significance of assuming international rights and obligations on behalf of the Cook Islands should not be underestimated. Before entering into a treaty negotiation or participating in a treaty, therefore, the initiating Ministry or Agency should ensure that it has a policy mandate to begin negotiations or to take steps to formalize the Cook Islands' participation in the treaty.

The Ministry or Agency will submit a Memorandum to Cabinet (Cabinet Submission) to obtain this negotiating mandate. The following are some of the reasons why Cabinet endorsement must be sought prior to the commencement of negotiations or participation in a treaty already concluded, namely that a treaty often:

- requires changes to domestic legislation;
- relates to the mandate of more than one Minister;
- creates significant new rights or obligations for the Cook Islands;
- is extremely complex;
- is likely to represent a significant change in domestic foreign policy;
- will have a major impact on domestic policy; or
- will have significant financial implications for Government.

### e) Cabinet Submission

In seeking consent from Cabinet for international treaty action or an international agreement as above, it is recommended that the Cabinet Submission provide Cabinet with sufficient details regarding the content and implications of negotiating or participating in the treaty or agreement to enable Cabinet to make an informed decision.

The purpose of the Cabinet Submission is to explain:

- i. Why becoming a party to the treaty would be in the Cook Islands' national interest;
- ii. The advantages and disadvantages for the Cook Islands of becoming a party;
- iii. Any rights and obligations that would be assumed by Government from becoming a party to the agreement, including entry into force provisions and legislative changes that may be required;
- iv. The likely economic, social, cultural, environmental and legal effects and impacts of taking the treaty action proposed; and
- v. The costs of compliance.

The Cabinet Submission will need to cover the following points:

- *Subject Matter*: This section should provide a general introduction and a description of the treaty.
- *National Interest Summary*: This section should describe why the Cook Islands should participate in the negotiation of the treaty, eventually become a party to the treaty and why the treaty is in the national interest.

The section should include the following:

- A brief, high-level summary of key features of the current situation, including, if applicable: a summary of the nature and magnitude of the problem that the treaty seeks to address (including its apparent root cause); how the proposed treaty will address the problem and why the proposed treaty is the preferred option (as opposed to the Cook Islands not implementing the treaty, or taking an alternative action).

- The policy objective(s) the Government wishes to achieve by implementing the treaty.
  - Major and like-minded parties to the treaty (i.e. states that have already signed and/or ratified the treaty).
  - Setting out the advantages and disadvantages for the Cook Islands of becoming a party to the agreement. Reference should be made to how any disadvantages will be managed or overcome, and whether they are a justifiable trade-off in light of the advantages.
- *Main Rights and Obligations*: a description of the main rights that will be gained by the Cook Islands and obligations that will be imposed by the treaty, should it be brought into force.
    - This section should identify all the substantive obligations that will be imposed on the Cook Islands as a result of the proposed treaty. An obligation is, in essence, something that the Cook Islands will be required by the treaty to do or to refrain from doing.
    - This section must:
      - Include a description of substantive obligations in the treaty. This must be in plain English to allow readers to understand the nature and scope of the obligations. It is, however, not necessary to describe all obligations article-by article. It may be more appropriate to group noteworthy obligations by type (e.g. financial, government, private sector).
      - If applicable, identify the substantive variations to template text. If the treaty action is based on a model-type text or 'template' treaty (e.g. double tax, social security or air services), identify any substantive variations to the template or text.
      - Include a reservation statement, specifying whether the treaty allows Parties to make a reservation upon ratification. If so, specify whether the Cook Islands will use this mechanism in respect of any of the obligations.

- Include a dispute resolution statement, specifying whether the treaty contains a dispute resolution mechanism. If so, include an explanation of the resolution process.
  - If applicable, include a statement as to any continuing obligations from the head treaty.
- *Ministerial Responsibility*: the Ministers whose spheres of responsibility are or will be affected by the contents of the treaty should be listed.
- *Policy Considerations*: an analysis as to how the obligations contained in the treaty, and their implementation by Government Ministries and agencies, are or will be consistent with the Government's policies.
- *Financial implications*: This may include, but is not limited to, contributions to international organizations provided for in the treaty action, costs of establishing or administering any new domestic agency as a direct result of implementing the treaty, or any other financial implications for the Government, business or industry. This section must:
  - Identify the incidence and scope of the costs, risks and benefits (i.e. whether the costs, risks and benefits are or would be short-term, transitional or long-term), including any likely long-term environmental costs or benefits associated with the treaty.
  - Note whether any compliance costs will be imposed or reduced for businesses in the Cook Islands as a result of compliance with the treaty. In doing so, address as appropriate: sources of compliance costs; the firms affected, by sector and size; estimates of the compliance costs identified indicating on whom they impact and the impact on different sized firms; and steps taken (if any) to minimise compliance costs.
  - Identify any hidden administrative costs on Government Ministries or Agencies in the implementation of the treaty (e.g. additional health and safety requirements, data recording or information sharing requirements).
- *Economic, social, cultural and environmental costs and effects of the treaty*: This section should provide a balanced assessment of the effects and costs associated with the treaty. It is not intended to provide an opportunity to advocate for the proposed treaty. If the

treaty is expected to have a large impact on society, officials should ensure that someone with the appropriate expertise carries out a cost-benefit analysis. This section must:

- Specify the economic, social, cultural and environmental costs and effects of the proposed treaty.
  - Identify the incidence and scope of the effects (i.e. are they short term, transitional or long term?).
  - State whether the treaty is expected to have a large impact on the economy (e.g. will it impact on the labour market, international trade, technology, inflation and/or economic growth?).
  - Identify any particular groups or sectors likely to be affected directly or indirectly by the treaty, and the impact of the treaty. Note whether the treaty will have a disproportionate effect on a particular ethnic or cultural group in Cook Islands society. Identify the social consequences if the treaty has an effect on a particular industry or geographic location.
- *Time considerations*: details of any upcoming dates or events that make the ratification a matter of priority;
  - *Implementation*: a brief description of how the treaty will be implemented in Cook Islands law, including a description of the legislative or other authority under which it will fall, including how the obligations in the treaty are met by existing legislation or what new legislation would be required. Consultation with Crown Law office is highly recommended for this part.
    - This section should describe succinctly what will be done to implement the obligations that will be imposed on the Cook Islands by the treaty, including whether there are any legislative implications.
    - If no new measures are required to implement the obligations resulting from the treaty, this section must identify how the obligations in the treaty are met by existing legislation/rules.
    - If measures are required, this section must:

1. Provide a summary of the range of options available for implementing the treaty.
  2. Include a description of why each option is preferred/not preferred, including the benefits and costs (including risks) of alternative options.
- *Associated Instruments*: information on any international instruments of any kind that are related to this treaty (e.g., if the instrument is actually a Protocol to a larger treaty).
  - *Reservations or Declarations*: a description of any reservations or declarations to be made in the process of becoming bound to the treaty.
  - *Subsequent protocols and/or amendments to the treaty and their likely effects*. This section must:
    - Describe the amendment procedures set out in the treaty. If the proposed treaty action (such as an amendment or annex) is made under an existing treaty, refer also to the amendment provisions in the existing treaty.
    - Identify whether amendments enter into force automatically for the Parties, or whether they require separate approval. Include details on the likely type and frequency of any automatic amendments, and the process and timeframes set out in the treaty.
    - Identify whether the treaty provides for the negotiation of future related legally binding instruments, such as protocols, annexes, rules or standards. If possible, indicate what areas these future instruments are likely to address and the possible effects of this. Describe how such future instruments are to be made binding on the parties (e.g. would approval be automatic/by provision of the treaty/by executive action/require legislative approval?). Explain if such future instruments could expand or contract our obligations under the treaty, whether they would have domestic implications and whether/how future instruments would be subject to the Cook Islands treaty process.

- *Withdrawal or Denunciation*: This section should indicate whether the treaty provides for withdrawal or denunciation and, if so, what procedures apply and under what conditions. Where known, include the reason behind the length of the notice period specified in the treaty. Include any provisions/obligations which would continue after withdrawal or denunciation. This section must:
  - Identify how the Cook Islands may withdraw from or denounce its obligations under the treaty.
  - Identify any provisions/obligations that continue after withdrawal or denunciation and the period for which they will apply to the Cook Islands.
  - If there is no express withdrawal or denunciation provision, indicate that withdrawal is possible only with the consent of all/both the parties (Article 54, Vienna Convention on the Law of Treaties).
  - If the proposed treaty action (such as an amendment or annex) is made under an existing treaty, set out any withdrawal or denunciation provisions in the treaty.
- *Entry into force provisions*: a description of how the agreement will enter into force. For some bilateral agreements, entry into force is completed once the necessary domestic arrangements are in place and confirmation of these arrangements is conveyed to the other party.
- *Consultation*: a description of the consultations undertaken with other government Ministries and agencies, non-governmental organisations and other stakeholders prior to the conclusion of the treaty, as appropriate. The lead Government Agency is responsible for ensuring appropriate consultation is undertaken with other government agencies, specifically MFAI, and third parties who may have an interest in the treaty.
- *Identify official to sign*: If it is a multilateral agreement, any official apart from the Head of State, Head of Government or the Foreign Minister will require approval to sign the agreement through an Instrument of Full Powers. The Instrument will be prepared and

facilitated by MFAI. Where signature of the treaty is not possible and another course is available such as accession, MFAI will facilitate this through the relevant instruments.

**f) Implementing legislation**

Assuming rights or obligations under an international agreement does not require any new legislation or amendments to existing legislation unless the treaty in question affects private rights or liabilities, results in a charge on public funds or requires changes to the common law or statute for its enforcement in the courts. This will necessitate close consultation between the Ministry or Agency involved, MFAI and the Crown Law Office (CLO).

When a treaty does not require implementing legislation, approval to become bound to that treaty may be obtained through a decision of Cabinet based on a Memorandum for Cabinet (see Section (f) of these Guidelines, above).

For a treaty that requires implementing legislation to give effect to the provisions of the treaty in the Cook Islands, that legislation must be enacted and enter into force before the Government becomes bound to the treaty through depositing Instruments of Ratification or Accession.

Ministries and Agencies should seek confirmation from the CLO on timelines for the drafting and eventual enactment of implementing legislation. Should external drafting assistance be made available, please also inform CLO.

**g) Entry into force**

Typically, the provisions of a multilateral treaty determine the date upon which the treaty enters into force. Where a treaty does not specify a date or provides another method for its entry into force, the treaty is presumed to be intended to come into force as soon as all negotiating States have consented to be bound by the treaty. It is important for officials to be clear about the requirements for these provisions as well as the requirements. For example, a treaty may

require legislative or administrative changes before the agreement enters into force in the Cook Islands.

Multilateral treaties, in general, may enter into force:

- Upon a certain number of States depositing instruments of ratification or accession with the depositary;
- Upon a certain percentage, proportion or category of States depositing instruments of ratification or accession with the depositary;
- A specific time after a certain number of States have deposited instruments of ratification or accession with the depositary; or
- On a specific date.

#### **h) Policy approval for an international arrangement**

As with treaties, international arrangements (i.e., non-legally binding instruments) also require policy approval because they result in the Cook Islands assuming obligations with respect to other governments and bodies.

In some circumstances, such approval should come from Cabinet. A non-legally binding instrument that would result in a major shift in Cook Islands policy, or that will have implications for agencies other than the one seeking to enter into an arrangement, will require a mandate from Cabinet.

In most cases, the necessary policy controls regarding such instruments will rest within the mandate of the Minister of Foreign Affairs and, as appropriate, the other Minister(s) concerned. Ministries and Agencies should consult with MFAI as to whether such approval is required in the particular case.

#### **i) Accountability**

The Minister of Foreign Affairs is primarily responsible for the submission of proposals for specific treaty action to Cabinet, unless the Minister of the Ministry or Agency responsible for implementing or managing the implementation of the agreement in the Cook Islands assumes that responsibility with prior consultation with MFAI.

Ministries and Agencies are accountable for ensuring that:

- The treaty is implemented in their own Ministry or Agency, in conjunction with other Ministries or Agencies of Government as appropriate;
- Personnel of the Ministry or Agency engaged in negotiations are familiar with these Guidelines and fully cooperate with MFAI and the CLO as appropriate.

**j) Delegation Participation in the treaty process**

The Ministry of Foreign Affairs is primarily responsible for leading national delegations to treaty negotiations. Composition of delegation, level of representation and funding considerations should be discussed with MFAI.

Meetings for other agreements can be led by the Ministry or Agency as appropriate and depending on protocol levels.

**k) Monitoring**

TMOD will monitor the effectiveness of these Guidelines by periodically reviewing its own internal procedures and will liaise with other Ministries and Agencies on how to increase the effectiveness of these Guidelines.

All Ministries and Agencies will monitor the effectiveness of these Guidelines within their own Ministries and Agencies.



Tepaeru Herrmann  
Secretary

## **V APPENDIX**

### **MFAI website**

The MFAI website (<https://mfai.gov.ck>) provides basic information on the treaty-making process.

### **Other relevant websites**

#### *United Nations*

United Nations Treaty Handbook:

<http://treaties.un.org/doc/source/publications/THB/English.pdf>

United Nations Treaty Series: <https://treaties.un.org/>

#### *New Zealand*

MFAT website ([www.mfat.govt.nz](http://www.mfat.govt.nz))

Select Committee Reports:

<http://www.parliament.nz/en-NZ/PB/SC/>

Cabinet Office: [www.dpmc.govt.nz](http://www.dpmc.govt.nz)