

20 December 2024

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OIA 29818

Tēnā koe

Thank you for your letter of 11 November 2024 in which you request the following under the Official Information Act 1982 (OIA):

- 1. Any reports, emails or documents since 1 October 2022 with regards to the Cook Islands proposed passport or identity document.*
- 2. •This also includes the potential implications/concerns for the Cook Islands/NZ constitutional relationship.*
- 3. •This includes any queries, demands or proposals from the Cook Islands Ministry of Foreign Affairs and Immigration and the Cook Islands Prime Minister and his office on this issue.*
- 4. This also includes advice or information to and from MFAT to the NZ Foreign Minister's and NZ Prime Minister's offices.*

We have numbered your request for administrative convenience.

On 9 December 2024, the timeframes for responding to your request were extended by an additional 20 working days because responding to your request necessitated the review of a large quantity of information, and due to the consultations necessary to make a decision on your request (section 15A(1)(a) and (b) of the OIA refers). The Ministry of Foreign Affairs and Trade (the Ministry) uses Formal Messages as a reporting mechanism. There are eleven Formal Messages in scope of your request. They are listed in the document schedule included as **Annex A**.

Two Formal Messages dated 16 August 2024 and 17 October 2024 have been withheld in full, including their titles, under sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government; and
- 7(b)(i) and 7(b)(ii): to avoid prejudicing relations between the Governments of New Zealand and the self-governing State of the Cook Islands:

Three Formal Messages have been provided to you as excerpts (section 16(e) of the OIA refers). They are in **Annex B** as excerpts one, two and three.

The remaining six Formal Messages in scope of this part of your request are attached. Some information is withheld under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government; and
- 7(b)(i) and 7(b)(ii): to avoid prejudicing relations between any of the Governments of New Zealand and the self-governing State of the Cook Islands.

In relation to your request for emails regarding *the Cook Islands proposed passport or identity document*. An initial search for emails potentially in scope of this part of your request captured over 180 emails in two email inboxes. Collating and reviewing each of these emails to assess if they are potentially in scope of your request would require a significant amount of resource. Accordingly, this part of your request is refused under section 18(f) of the OIA, as the information you requested cannot be made available without substantial collation and research.

There are nine documents in scope of your request. They are listed in the document schedule is included as **Annex C**.

Four documents have been provided to you as excerpts (section 16(e) of the OIA refers). These are in **Annex D**. Some information has been withheld under sections 7(b)(i) and 7(b)(ii) of the OIA, to avoid prejudicing relations between the Governments of New Zealand and the self-governing State of the Cook Islands.

The document titled 'Informal Note — Cook Islands Joint Declaration: testing comfort with approach and next steps' has been withheld in full under sections 7(b)(i) and 7(b)(ii) of the OIA, to avoid prejudicing relations between the Governments of New Zealand and the self-governing State of the Cook Islands.

The remaining five documents are attached. Some information is withheld under the following sections of the OIA:

- 7(b)(i) and 7(b)(ii): to avoid prejudicing relations between any of the Governments of New Zealand and the self-governing State of the Cook Islands; and
- 9(2)(a): to protect individuals' privacy.

Some information has been withheld under sections 7(b)(i) and 7(b)(ii) of the OIA, to avoid prejudicing relations between the Governments of New Zealand and the self-governing State of the Cook Islands.

In addition, we have supplied you with a further two documents which did not exist at the time your OIA was submitted. These documents provide more current information and aid understanding of the topic. These documents are:

1. Meeting Brief: Hon Mark Brown, Prime Minister, Cook Islands, [no date]
2. FORMAL MESSAGE: COOK ISLANDS: PM BROWN MEETINGS AT THE BEEHIVE: PASSPORTS [out of scope], [dated 27 November 2024]

Some information is withheld under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;

- 7(b)(i) and 7(b)(ii): to avoid prejudicing relations between any of the Governments of New Zealand and the self-governing State of the Cook Islands; and
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website:

www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

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

A handwritten signature in black ink, appearing to be 'Owen Thornber', with a long horizontal stroke extending to the right.

Owen Thornber (Acting)
for Secretary of Foreign Affairs and Trade

Annex A: Document Schedule – Reports (Formal Messages)

Document Schedule – Reports (Formal Messages)		
Date	Title	Redaction codes
24 Jul 2024	FORMAL MESSAGE: JAPAN: PALM 10 [out of scope]	7(b)(i); 7(b)(ii); out of scope (Released as excerpt 1)
7 Aug 2024	FORMAL MESSAGE: THE COOK ISLANDS: A NATIONAL PASSPORT?	6(a); 7(b)(i); 7(b)(ii)
13 Aug 2024	FORMAL MESSAGE: COOK ISLANDS: PM LUXON AND PM BROWN BILATERAL	6(a); 7(b)(i); 7(b)(ii); out of scope
16 Aug 2024	FORMAL MESSAGE: [7(b)(i); 7(b)(ii)]	6(a); 7(b)(i); 7(b)(ii); out of scope [Withheld in full]
24 Sep 2024	FORMAL MESSAGE: HOM INTRODUCTORY MEETINGS WITH MINISTER OF FOREIGN AFFAIRS AND SECRETARY OF FOREIGN AFFAIRS AND IMMIGRATION	6(a); 7(b)(i); 7(b)(ii); out of scope
1 Oct 2024	FORMAL MESSAGE: [6(a)] COOK ISLANDS PASSPORTS - MINISTER OF FOREIGNAFFAIRS LETTER TO PRIME MINISTER BROWN	6(a); 7(b)(i); 7(b)(ii); out of scope (Released as excerpt 2)
17 Oct 2024	FORMAL MESSAGE: [7(b)(i); 7(b)(ii)]	7(b)(i); 7(b)(ii) [Withheld in full]
19 Oct 2024	FORMAL MESSAGE: [6(a)] COOK ISLANDS PASSPORTS - MEETING WITH COOK ISLANDS HIGH COMMISSIONER TO NZ	6(a); 7(b)(i); 7(b)(ii)
7 Nov 2024	FORMAL MESSAGE: SEEKING A RESPONSE TO MINISTER PETERS' LETTER OF 27 SEPTEMBER	6(a); 7(b)(i); 7(b)(ii); 7(b)(i); 7(b)(ii); out of scope (Released as excerpt 3)
8 Nov 2024	FORMAL MESSAGE: MINISTER PETERS' LETTER [6(a)]	6(a); 7(b)(i); 7(b)(ii)
12 Nov 2024	FORMAL MESSAGE: RESPONSE TO MINISTER PETERS' LETTER OF 27 SEPTEMBER	6(a); 7(b)(i); 7(b)(ii)

Annex B: Formal Message Excerpts

Excerpt One

FORMAL MESSAGE: JAPAN: PALM 10 [out of scope]
Wednesday, 24 July 2024 7:38:57 pm

18 Cook Islands PM Brown held a brief pull-aside with the Minister of Foreign Affairs to discuss plans for commemorations for the 60th anniversary of the Cook Islands' self-government in 2025. PM Brown had two proposals:

- [7(b)(i); 7(b)(ii)]
- Second, that the Cook Islands begin issuing its own passports, [7(b)(i); 7(b)(ii)]

All other parts of this Formal Message are out of scope.

Excerpt Two

FORMAL MESSAGE: [6(a)] COOK ISLANDS PASSPORTS - MINISTER OF FOREIGNAFFAIRS LETTER TO PRIME MINISTER BROWN
Tuesday, October 1, 2024 1:55pm

Thank you for conveying the attached letter from the Ministry of Foreign Affairs to Prime Minister Brown over the weekend.

All other parts of this Formal Message are withheld under sections 6(a); 7(b)(i) and 7(b)(ii) of the OIA or are out of scope.

Excerpt Three

FORMAL MESSAGE: SEEKING A RESPONSE TO MINISTER PETERS' LETTER OF 27 SEPTEMBER
Thursday, 7 November 2024 7:16:07 pm

Pūrongo – Tuatua 'Akakite – Report

Following Minister Peters' letter to Prime Minister Brown dated 27 September, we have been seeking clarity from the Cook Islands system on when we might receive a response.

All other parts of this Formal Message are withheld under sections 6(a); 7(b)(i) and 7(b)(ii) of the OIA or are out of scope.

Annex C: Document Schedule

Document Schedule		
Date	Title	Redaction codes
[No date]	Media lines: NZ's views on Cook Islands passports, [out of scope]	7(b)(i); 7(b)(ii); out of scope
[No date]	[Title withheld 7(b)(i); 7(b)(ii)]	7(b)(i); 7(b)(ii); out of scope (Released as excerpt 4)
[25 July 2024]	PACPF working lunch with the Cook Islands High Commission	7(b)(i); 7(b)(ii); out of scope
[12] Aug 2024	Briefing for meeting with Hon Mark Brown, Prime Minister Cook Islands, Monday 12 August 2024, 5.30pm – 6.00pm	7(b)(i); 7(b)(ii); out of scope (Released as excerpt 5)
[19 Aug 2024]	Weekly report extract	7(b)(i); 7(b)(ii); out of scope (Released as excerpt 6)
[10 Sep 2024]	HOM Introductory calls 10 September 2024	7(b)(i); 7(b)(ii); out of scope
8 Oct 2024	Talking points meeting with Cook Islands High Commissioner Samuela and Divisional Manager Jane Coombs	7(b)(i); 7(b)(ii); out of scope
1 Nov 2024	Informal Note: Cook Islands Relationship – [7(b)(i); 7(b)(ii)]	7(b)(i); 7(b)(ii); out of scope (Released as excerpt 7)
[12] Nov 2024	Briefing for call with Tapaeru Herrmann, Secretary of Foreign Affairs, Cook Islands, Tuesday 12 November, 3pm	9(2)(a); 7(b)(i); 7(b)(ii); out of scope

Released under the Official Information Act

Annex D: Document Excerpts

Excerpt Four

[Title withheld 7(b)(i); 7(b)(ii)]
[no date]

Cook Islands proposal to create a Cook Islands passports as part of next year's 60th Anniversary

- O As reported in RNZ this week (here), PM Brown is planning a range of initiatives for the 60th Anniversary including a proposed Cook Islands passport
- O This is an initiative that MFAT has been engaging with the Cook Islands on for a few months and seeking more information on.
- O The proposal for a new passport [7(b)(i); 7(b)(ii)] raises significant constitutional questions. These concerns have been formally conveyed to the Cook Islands via a letter by DPM Peters.

All other parts of this document are out of scope.

Released under the Official Information Act

Excerpt Five

Briefing for meeting with Hon Mark Brown, Prime Minister Cook Islands, Monday 12 August 2024, 5.30pm – 6.00pm

Biography



Hon. Mark Brown was appointed Prime Minister in 2020. He is the Leader of the Cook Islands Party, which was re-elected in 2022 for a four-year term. Prime Minister Brown is the current Chair of the Pacific Islands Forum (PIF), which will be passed on to Tonga at the upcoming Leaders Meeting in Tonga, 26 – 30 August 2024. He holds the Ministerial responsibilities for Finance and Economic Management, Attorney General, Public Service Commission, Police, Seabed Minerals Authority, Tourism, Energy and Renewable Energy Outer Island Special Projects and Telecommunications.

Out of scope

Page 2 of 6

- Acknowledge that Prime Minister Brown has raised with Deputy Prime Minister Peters in Tokyo, some proposals for the Cook Islands 60th Anniversary celebrations next year, that would have serious implications for the nature of our bilateral relationship:
 - Note that these proposals include a Cook Islands passport, Out of scope
 - Emphasise that some of these proposals would raise fundamental questions for our constitutional relationship and shared citizenship, and therefore require due consideration by New Zealand. We would ask that the Cook Islands put the proposals in writing so we can properly consider them, and respond accordingly.

Out of scope

All other parts of this document are out of scope.

Released under the Official Information Act

Excerpt Six

Weekly report to Minister of Foreign Affairs and Trade

Week of 19 August 2024

- **New Zealand concerns well registered regarding Cook Islands 'national identity passport' proposal**

Cook Islands Prime Minister Mark Brown raised the 'national identity passport' proposal with Prime Minister Christopher Luxon at their 12 August meeting, pitching it as an announceable for the Cook Islands' 60th Anniversary of self-government in August 2025. Prime Minister Luxon sought written information and explained the proposal raises serious questions for the constitutional relationship. [7(b)(i); 7(b)]

All other parts of this document are out of scope.

Excerpt Seven

Informal Note: Cook Islands Relationship [7(b)(i); 7(b)(ii)]
[dated 1 November 2024]

Cook Islands Passports

The Cook Islands would like to establish its own passport. [7(b)(i); 7(b)(ii)] Such proposals raise fundamental questions and risk misrepresenting our constitutional relationship.

- [7(b)(i); 7(b)(ii)]
- **New Zealand position:** The creation of a Cook Islands passport would raise fundamental questions for our constitutional relationship and shared citizenship. [7(b)(i); 7(b)(ii)] New Zealand passports are linked to New Zealand citizenship, issued by the New Zealand Government, in accordance with New Zealand law. If Cook Islanders hold only New Zealand citizenship, they should hold New Zealand passports.
- [7(b)(i); 7(b)(ii)] New Zealand would have a duty to ensure that Cook Islanders who are New Zealand citizens have an opportunity to express a view on the full implications of such a development (e.g., via a referendum).

Pacific Polynesia and French Pacific Division
Legal Division
Ministry of Foreign Affairs and Trade
1 November 2024

All other parts of this document are out of scope.