



Approval to consult on draft Cabinet paper proposing New Zealand withdraw from the Open Government Partnership

Date:	8 April 2024		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Approval to consult	Due Date	9 April 2024
Report No:	2024-0104		
Contact:	Thor Gudjonsson, Deputy Commissioner, Integrity, Ethics and Standards (acting)		
Contact No:	9(2)(a) privacy		
Encl:	Draft Cabinet paper	Priority:	High
Security Level:	BUDGET-SENSITIVE		

Purpose of report

1. This paper seeks your approval to consult with a limited number of agencies, and with Ministerial colleagues and Coalition partners, on the enclosed draft Cabinet paper, proposing that New Zealand withdraw from the Open Government Partnership (OGP).

Recommended Action

We recommend that you:

- a **agree** that a proposal to withdraw from the Open Government Partnership be made to Cabinet at their meeting on 22 April 2024
- b **agree** that Te Kawa Mataaho Public Service Commission (the Commission) consult with the Department for the Prime Minister and Cabinet (DPMC), Ministry of Foreign Affairs and Trade (MFAT), Treasury and Department of Internal Affairs (DIA) on the enclosed draft Cabinet paper *in parallel* with your office consulting with Ministerial colleagues and Coalition partners

Agree/disagree

- c **agree** to proactively release this briefing once final decisions on OGP membership have been made.

Agree/disagree

Hon Nicola Willis
Minister for the Public Service

Approval to consult on draft Cabinet paper proposing that New Zealand withdraw from OGP

Background

2. On 19 March 2024, we recommended that you progress the option to withdraw from OGP by incorporating a decision to disestablish the OGP appropriation and funding into the 29 April Budget 2024 Cabinet paper (2024-0089 refers). On 3 April 2024, you asked us to draft a Cabinet paper for consideration on 22 April 2024. The draft paper is enclosed for your consideration.
3. As we have previously advised and discussed (2023-0321 and 2024-0040 refer), we recommend that New Zealand withdraw from OGP due to limited evidence of programme effectiveness, high transaction costs for the Public Service and Ministers, ongoing dissatisfaction of civil society stakeholders, and the uncertainty that further investment would improve its effectiveness or resolve these issues.

Consultation

4. As noted in our previous advice, we propose consulting a limited range of agencies: DPMC, MFAT, Treasury, and DIA **6(a) prejudice security or defence**
5. We do not propose to consult on the draft Cabinet paper with other stakeholders. Our review of OGP effectiveness and opportunities for improvement engaged with a wide range of agency, civil society and international stakeholders and has informed our advice (BR2023-0321 refers). This included agencies leading commitments in the current national action plan.
6. Due to the limited timeframe for consultation, we recommend that agency, Ministerial and Coalition partner consultation take place in parallel, for a five-day period starting no later than 10 April 2024:

Action	When
Minister approves draft Cabinet paper for parallel consultation	9 April 2024
Agency consultation (DPMC, MFAT, Treasury and DIA) led by Commission	10 – 16 April 2024
Ministerial and Coalition partner consultation led by Minister's Office	
Commission finalises feedback and delivers final Cabinet paper for lodging, accompanied by Aide Memoire with talking points	17 April 2024
Minister's Office lodges Cabinet paper	18 April 2024
Cabinet considers proposal	22 April 2024

Risks of consultation

7. In addition to risks posed by a tight consultation timeline, we anticipate that potential reputational and political risks may be highlighted by consultation:
 - a. **6(a) prejudice security or defence**
 - b. Coalition partners may note their responses to a survey by civil society stakeholders prior to the 2023 general election, in which they responded yes to three questions on continuing membership, showing leadership and appropriately resourcing OGP. The Commission's review of effectiveness, which explored strategic and operational challenges of OGP more deeply, had not been completed at the time.

8. As you have previously noted (2024-0040 refers), MFAT has advised that while there may be bilateral risks associated with withdrawal, as with an exit from any grouping, these can be appropriately managed.
9. The primary risk of withdrawal is domestic and international criticism from OGP, civil society stakeholders and the media. This is likely to focus on a perceived weakening of New Zealand's commitment to open government rather than OGP's lack of effectiveness. Much of New Zealand's success and reputation as an open democracy has stemmed from work initiated prior to or outside OGP, and that would continue.

Next steps

10. The proposed timeline for consultation and next steps is outlined in the table in paragraph 6.
11. We are available to discuss the draft Cabinet paper and timeline for consultation with you and your office. We will provide talking points prior to Cabinet meeting.