

15 May 2026

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Joshua Riley

OIA 30927

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Tēnā koe Joshua Riley

Thank you for your email of 8 May 2026, in which you request the following under the Official Information Act 1982 (OIA):

"1. Any briefing, memorandum, advice, or correspondence to the Minister of Trade, the Prime Minister, or Cabinet that addresses whether the New Zealand–India Free Trade Agreement can be renegotiated, varied, or amended after signing.

- *2. Any legal advice provided to the Minister or to MFAT on the legal mechanisms (under the Vienna Convention on the Law of Treaties, the agreement's own provisions, or any other framework) by which the agreement could be amended, varied, or renegotiated.*
- *3. Any communications between MFAT and Indian counterparts regarding the possibility of renegotiation, variation, or amendment of the agreement, including communications about whether India would or would not consent to renegotiation.*
- *4. Any internal MFAT or Ministerial communications, talking points, or briefing notes stating or describing the basis on which the Minister of Trade has publicly stated the agreement "cannot be renegotiated."*
- *5. A list of any provisions within the agreement itself that would prevent renegotiation, variation, or amendment by mutual consent of the parties."*

Background

As you have requested urgent processing under section 12(2) of the OIA, the Ministry of Foreign Affairs and Trade (the Ministry) can provide some of the information you have requested by your deadline. The remaining information will be provided within statutory timeframes.

Response to your request

1. *Any briefing, memorandum, advice, or correspondence to the Minister of Trade, the Prime Minister, or Cabinet that addresses whether the New Zealand–India Free Trade Agreement can be renegotiated, varied, or amended after signing.*

The following information is in scope of this part of your request:

- Submission – India-New Zealand FTA negotiation update, 24 October 2025;
- Submission – India-New Zealand FTA negotiation update, 29 November 2025;
- Note for Cabinet, New Zealand – India FTA: Key Outcomes, 17 December 2025;
- Cabinet Paper, New Zealand-India FTA: Approval of Final Outcomes and Approval to Sign.

This information will be released as part of the Ministry's proactive release relating to the India-New Zealand Free Trade Agreement (FTA), and will be published on the Ministry's website in late-June 2026: www.mfat.govt.nz/en/media-and-resources.

The National Interest Analysis (NIA) for the FTA also falls within scope of this part of your request and is publicly available on the Ministry website: www.mfat.govt.nz/assets/Trade-agreements/NZ-India-FTA/NZ-India-FTA-National-Interest-Analysis-NIA.pdf. You may wish to refer, for example, to sections 5.20 and 10 of the NIA.

Accordingly, part one of your request is refused under section 18(d) of the OIA, as the information is, or will soon be, publicly available.

2. Any legal advice provided to the Minister or to MFAT on the legal mechanisms (under the Vienna Convention on the Law of Treaties, the agreement's own provisions, or any other framework) by which the agreement could be amended, varied, or renegotiated.

The part of your request relating to legal advice provided to the Minister for Trade and Investment on the legal mechanisms by which the agreement could be amended, varied, or renegotiated is refused under 18(e) of the OIA, as the information requested does not exist.

In relation to your request for advice provided to the Ministry, due to the urgency of your request, the Ministry requires additional time to make a decision on this part of your request. You can expect a response within statutory timeframes.

3. Any communications between MFAT and Indian counterparts regarding the possibility of renegotiation, variation, or amendment of the agreement, including communications about whether India would or would not consent to renegotiation.

Due to the urgency of your OIA request, the Ministry requires additional time to make a decision on this part of your request. You can expect a response from the Ministry within statutory timeframes.

4. Any internal MFAT or Ministerial communications, talking points, or briefing notes stating or describing the basis on which the Minister of Trade has publicly stated the agreement "cannot be renegotiated."

Due to the urgency of your OIA request, the Ministry requires additional time to make a decision on this part of your request. You can expect a response from the Ministry within statutory timeframes.

5. A list of any provisions within the agreement itself that would prevent renegotiation, variation, or amendment by mutual consent of the parties."

This part of your request is refused under section 18(d) of the OIA, as the information requested is publicly available on the Ministry's website:

www.mfat.govt.nz/assets/Trade-agreements/NZ-India-FTA/Free-Trade-Agreement-between-the-Government-of-New-Zealand-and-the-Government-of-the-Republic-of-India.pdf.

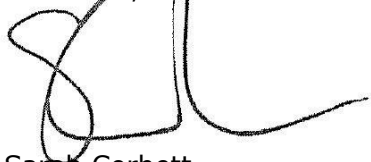
By way of example, see Article 20.2 (Amendments) and Article 20.4 (General Review). Article 20.2 allows for New Zealand and India to agree, in writing, to amend the FTA after the date of the entry into force of the FTA (not before). Article 20.4 allows for the Parties to undertake a general review of the FTA within one year of the date of the entry into force of the FTA and thereafter every two years, or at such times as may be agreed by the Parties. The obligation to review the FTA commences after the date of the entry into force of the FTA (not before).

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 'Sarah Corbett', written over a faint circular stamp.

Sarah Corbett
for Secretary of Foreign Affairs and Trade