

No. 48418

**New Zealand
and
United States of America**

Agreement between the Government of New Zealand and the Government of the United States of America on science and technology cooperation contributing to domestic and external security capabilities (with annex). Washington, 8 January 2010

Entry into force: *9 September 2010 by notification, in accordance with article 20*

Authentic text: *English*

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**Nouvelle-Zélande
et
États-Unis d'Amérique**

Accord de coopération scientifique et technologique entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement des États-Unis d'Amérique contribuant aux capacités en matière de sécurité intérieure et extérieure (avec annexe). Washington, 8 janvier 2010

Entrée en vigueur : *9 septembre 2010 par notification, conformément à l'article 20*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Nouvelle-Zélande, 1^{er} mars 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE GOVERNMENT OF NEW ZEALAND
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
ON
SCIENCE AND TECHNOLOGY COOPERATION
CONTRIBUTING TO
DOMESTIC AND EXTERNAL SECURITY CAPABILITIES

THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA (hereinafter referred to as the “Parties”):

HAVING a mutual interest in research and development relating to domestic and external security matters;

SEEKING to make the best use of their respective research and technology development capacities, eliminate unnecessary duplication of work and obtain the most efficient and cost effective results through cooperative activities;

DESIRING to increase the exchanges of information and personnel in areas pertinent to the identification of all hazards affecting domestic and external security threats and countermeasures and the development of technical standards, operational procedures, and supporting methodologies that govern the use of relevant technologies;

STRESSING that physical and cyber-based critical infrastructure and key resources and other domestic and external security capabilities, both governmental and private, are essential to the operation and security of the Parties’ respective economies and governments;

NOTING that the Parties’ economies are increasingly interdependent, and that infrastructure protection and domestic and external security, including transport security, are of paramount concern to the Parties’ respective governments;

BEING AWARE of research, development, testing, evaluation, development of technical standards and operations in both countries in chemical, biological, radiological, nuclear and explosive countermeasures and in other areas that could enhance domestic and external security;

NOTING the important work accomplished under the Agreement between the Government of New Zealand and the Government of the United States of America for Scientific and Technological Cooperation, done at Washington on May 21, 1991;

RECOGNISING a common desire to:

- expand the domestic and external security technology capabilities of each Party;
- minimise unnecessary duplication of work;
- obtain more efficient and cost-effective results; and
- adapt more flexibly to the dynamic threat and all hazard environment

through cooperative activities that are mutually beneficial and that relate to the application of state-of-the-art and emerging security technologies, making best use of the Parties' respective research, development, and testing and evaluation capacities;

AFFIRMING a common interest in enhancing the longstanding collaborative efforts of the Parties' respective agencies, private sector and governmental organisations, and academic institutions in generating scientific and technological solutions to counter threats, reduce vulnerabilities, and respond to and recover from incidents and emergencies in those areas having the potential for causing significant security, economic, and social impacts; and

DESIRING to set forth a vehicle for the conduct of cooperative scientific and technological research, development, testing and evaluation in the field of domestic and external security;

HAVE AGREED as follows:

ARTICLE 1

Definitions

For purposes of this Agreement between the Government of New Zealand and the Government of the United States of America on Science and Technology Cooperation contributing to Domestic and External Security Capabilities (the "Agreement"), the Parties have adopted the following definitions:

Agreement Director	Has the meaning given to it in Article 5 (Management) of this Agreement.
Business Confidential Information	Has the meaning given to it in Section IV of Annex I (Intellectual Property Rights) to this Agreement.
Classified Contract	A Contract that requires, or will require, access to Classified Information by a Contractor or by its employees in the performance of a Contract.
Classified Information	Official information that requires protection for national security, law enforcement, domestic security, or other reasons and is so designated by the application of the appropriate security classification markings in accordance with the national laws, regulations, policies, or directives of either Party. It may be stored in any form or medium whatsoever, including, but not limited to, oral, visual, magnetic, electronic, or documentary form, or in the form of Equipment and Material or technology. Classified Information shall have the same meaning as that in the General Security of Information Agreement of 1952, as amended.
Contract	Any mutually binding legal relationship under the laws of either Party that obligates a Contractor to furnish supplies or services in relation to a Project Arrangement.
Contracting Agency	Any entity within the government organisation or any governmental entity of a Party that has authority to enter into, administer, and/or terminate contracts.
Contractor	Any entity awarded a Contract by, or entering into a Contract with, a Party in relation to a Project Arrangement.
Controlled Unclassified Information	Information that is not deemed to be Classified Information in the United States, but to which access or distribution limitations have been applied in accordance with national laws, regulations, policies, or directives of either Party. Whether the information is provided or generated under this Agreement, it will be marked to identify its sensitive character. This

definition includes, but is not limited to, information marked "Sensitive Homeland Security Information," "Sensitive Security Information," "For Official Use Only," "Law Enforcement Sensitive Information," "Protected Critical Infrastructure Information," "Restricted," "Trusted Information Sharing Network for Critical Infrastructure Protection (TISN) In Confidence," "In Confidence," and "Sensitive." Controlled Unclassified Information may include Business Confidential Information.

Cooperative Activity

Any form of activity described in Article 7 (Forms of Cooperative Activity) of this Agreement on which the Parties agree to cooperate to achieve the objectives of this Agreement. Such activity will normally take the form of a Project.

Critical Infrastructure and Key Resources

Governmental and/or private activities or sectors that are identified by each Party in its laws, executive orders, directives or policies as "Critical Infrastructure and Key Resources."

Designated Security Authority (DSA)

The government authority responsible for the development of policies and procedures governing security of Classified or Controlled Unclassified Information covered by this Agreement.

Domestic and External Security

Refer to a concerted national effort to prepare for, protect against, prevent, respond to, and recover from all hazards, including terrorism, through actions such as, but not limited to, border and transport security, law enforcement, protection of critical infrastructure and key resources and emergency management.

Equipment and Material

Material shall encompass everything regardless of its physical character or makeup including documents, writing, hardware, equipment, machinery, apparatus, devices, models, photographs, recordings, reproductions, notes, sketches, plans, prototypes, designs, configurations, maps and letters, as well as all other products, substances or material from which information can be derived.

General Security of Information Agreement

Security of Information Agreement between the New Zealand Minister of Defence and the United States Secretary of Defense of September 2 1952, as