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**New Zealand
and
Republic of Korea**

Agreement between the Government of New Zealand and the Government of the Republic of Korea on the protection of classified military information. Wellington, 29 November 2012

Entry into force: *26 March 2013 by notification, in accordance with article 14*

Authentic texts: *English and Korean*

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**Nouvelle-Zélande
et
République de Corée**

Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de la République de Corée relatif à la protection des informations militaires classifiées. Wellington, 29 novembre 2012

Entrée en vigueur : *26 mars 2013 par notification, conformément à l'article 14*

Textes authentiques : *anglais et coréen*

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[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement between
the Government of New Zealand
and
the Government of the Republic of Korea
on the Protection
of Classified Military Information

The Government of New Zealand and the Government of the Republic of Korea (herein after referred to as "the Parties");

Having an interest in the protection of Classified Military Information;

Desiring to cooperate in the field of defence;

Recognising the desirability of promoting the exchange of information, including Classified Military Information, to further that cooperation; and

Desiring to establish the conditions for the protection of Classified Military Information exchanged between the Parties, pursuant to the respective national laws and regulations of the Parties;

Have agreed as follows:

ARTICLE 1

DEFINITIONS

For the purposes of this Agreement:

a. **"Classified Military Information"** means military information that is generated by or for the Government of the Republic of Korea or the Government of New Zealand, or that is under the jurisdiction or control of one of them, and which requires protection in the interests of the national security of that government and that is so designated by the assignment of a security classification by that government. The information may be in oral, visual, electronic, or documentary form, or in the form of material including equipment or technology;

b. **"Competent Security Authority"** means the authority identified for each Party in Article 3 of this Agreement that are authorised or designated

under the national laws of each Party responsible for the implementation of the provisions of this Agreement and the transmission of Classified Military Information to the other Party;

c. **"Classified Contract"** means a legal agreement which creates enforceable rights and obligations between one or both of the Parties and a private individual or legal entity which requires or may generate access to Classified Military Information;

d. **"Contractor"** means a private individual or legal entity that requires access to Classified Military Information transmitted or produced under this Agreement, for the provision of a contractual service or product;

e. **"Need-to-Know"** refers to the need for access to Classified Military Information as part of a recognised official function for a specific authorised purpose;

f. **"Originating Party"** means the Party that creates, produces, or transmits Classified Military Information to the Receiving Party;

g. **"Receiving Party"** means the Party that is the recipient of Classified Military Information which is transmitted by the Originating Party;

h. **"Personnel Security Clearance"** means a document issued in accordance with the Parties' respective national security laws and regulations, certifying that a person may be allowed access to Classified Military Information;

i. **"Secure Facility"** refers to a location that produces, stores, and/or manages Classified Military Information, where access is limited to persons with the appropriate Personnel Security Clearance;

j. **"Security Practices and Regulations"** means any security policy, standard, regulation or legislative provision concerning the control and

protection of Classified Military Information;

k. **"Third Party"** means any person, institution, national or international organisation, public or private entity or State other than the Parties to this Agreement. This includes any third country government, any national of a third country or any Contractor whether or not owned, controlled or influenced by either Party to this Agreement; and

l. **"Transmitted Classified Military Information"** means Classified Military Information Transmitted by an Originating Party to a Receiving Party.

ARTICLE 2

SCOPE

This Agreement regulates the exchange of all Classified Military Information between the Parties, or between public or private bodies subject to the Parties' respective national laws and regulations.

ARTICLE 3

COMPETENT SECURITY AUTHORITIES

1. The Competent Security Authorities responsible for the implementation of this Agreement are:

a. for the Government of the Republic of Korea:

Director, Defence Intelligence Agency, Ministry of National Defence; and