

No. 30562

**UNITED STATES OF AMERICA
and
PAKISTAN**

Exchange of notes constituting an agreement on general security of military information (with annex). Islamabad, 6 April, 21 and 24 June 1982

Authentic text: English.

Registered by the United States of America on 2 December 1993.

**ÉTATS-UNIS D'AMÉRIQUE
et
PAKISTAN**

Échange de notes constituant un accord sur la sécurité générale des informations militaires (avec annexe). Islamabad, 6 avril, 21 et 24 juin 1982

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 2 décembre 1993.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PAKISTAN ON GENERAL SECURITY OF MILITARY INFORMATION

I

*The American Embassy
to the Pakistani Ministry of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 381

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the proposed text of a General Security of Military Information Agreement attached to this Note.

Our request to negotiate a General Security of Military Information Agreement with Pakistan at this time reflects our desire to harmonize the military relationship between our two countries. It is also required under the agreements recently signed by our two governments for the provision of highly sophisticated military equipment and classified information, and would be required in the event of the acquisition of additional equipment of a similar nature. We view the proposed agreement as complementary to the U.S.-Pakistan 1954 Mutual Defense Assistance Agreement.²

The purpose of the General Security of Military Information Agreement is to establish the intent of the Government of the United States of America

¹ Came into force on 24 June 1982, the date of the notes in reply, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 202, p. 301.

and the Government of Pakistan to protect the other country's classified military information. If the proposed text is agreeable to the Government of Pakistan, the Government of the United States of America proposes that this Note and your reply to that effect shall constitute a General Security of Military Information Agreement between our two countries effective the date of your reply.

The Embassy avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Embassy of the United States of America
Islamabad, April 6, 1982

GENERAL SECURITY OF MILITARY INFORMATION AGREEMENT

PROPOSED TEXT

1. All classified military information communicated directly or indirectly between our two governments shall be protected in accordance with the following principles:
 - A. The recipient government will not release the information to a third government or any other party without the approval of the releasing government;
 - B. The recipient government will afford the information a degree of protection equivalent to that afforded it by the releasing government;
 - C. The recipient government will not use the information for other than the purpose for which it was given; and
 - D. The recipient will respect private rights, such as patents, copyrights, or trade secrets which are involved in the information.
2. Classified military information and material shall be transferred only on a government-to-government basis and only to persons who have appropriate security clearance for access to it.
3. For the purpose of this agreement classified military information is that official military information or material which, in the interests of national security of the releasing government, and in accordance with applicable national laws and regulations, requires protection against unauthorized disclosure and which has been designated as classified by appropriate security authority. This includes any classified information, in any form, including written, oral, or visual. Material may be any document, product, or substance on, or in which, information may be recorded or embodied. Material shall encompass everything regardless of its physical character or makeup including but not limited to documents, writing, hardware, equipment, machinery, apparatus, devices, models, photographs, recordings, reproductions, notes, sketches, plans, prototypes, designs, configurations, maps, and letters, as well as other products, substances, or items from which information can be derived.
4. Information classified by either of our two governments and furnished by either government to the other through government channels will be assigned a classification by appropriate authorities of the receiving government which will assure a degree of protection equivalent to that required by the government furnishing the information.
5. This agreement shall apply to all exchanges of classified military information between all agencies and authorized officials of our two governments. However, this agreement shall not apply to classified information for which separate security agreements and arrangements already have been concluded. Details regarding channels of communication and the application of the foregoing principles shall be the subject of such technical arrangements (including an industrial security arrangement) as may be necessary between appropriate agencies of our respective governments.

6. Each government will permit security experts of the other government to make periodic visits to its territory, when it is mutually convenient to discuss with its security authorities its procedures and facilities for the protection of classified military information furnished to it by the other government. Each government will assist such experts in determining whether such information provided to it by the other government is being adequately protected.

7. The recipient government will investigate all cases in which it is known or there are grounds for suspecting that classified military information from the originating government has been lost or disclosed to unauthorized persons. The recipient government shall also promptly and fully inform the originating government of the details of any such occurrences, and of the final results of the investigation and corrective action taken to preclude recurrences.

8. A. In the event that either government or its contractors award a contract involving classified military information for performance within the territory of the other government, then the government of the country in which performance under the contract is taking place will assume responsibility for administering security measures within its own territory for the protection of such classified information in accordance with its own standards and requirements.

B. Prior to the release to a contractor or prospective contractor of any classified military information required from the other government, the recipient government will:

- (1) insure that such contractor or prospective contractor and his facility have the capability to protect the information adequately;
- (2) grant to the facility an appropriate security clearance to this effect;
- (3) grant appropriate security clearance for all personnel whose duties require access to the information;
- (4) insure that all persons having access to the information are informed of their responsibilities to protect the information in accordance with applicable laws;
- (5) carry out periodic security inspections of cleared facilities;
- (6) assure that access to the military information is limited to those persons who have a need to know for official purposes. A request for authorization to visit a facility when access to the classified military information is involved will be submitted to the appropriate Department or agency of the government of the country where the facility is located by an agency designated for this purpose by the other government; this request will include a statement of the security clearance, the official status of the visitor and the reason for the visit. Blanket authorizations for visits over extended periods may be arranged. The government to which the request is submitted will

be responsible for advising the contractor of the proposed visit and for authorizing the visit to be made.

9. Costs incurred in conducting security investigations or inspections required hereunder will not be subjected to reimbursement.

II

*The Pakistani Ministry of Foreign Affairs
to the American Embassy*

MINISTRY OF FOREIGN AFFAIRS
ISLAMABAD

21 June 1982

No. SS(P)/34/82

1. The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America in Islamabad and has the honour to refer to the Note Verbale of the Embassy No.381, dated April 6, 1982, in regard to the proposed text of a General Security of Military Information Agreement between Pakistan and the United States of America.

2. The Government of Pakistan have carefully studied the text of the proposed agreement and would like to convey to the Government of the United States of America that the text is acceptable, subject to the following modifications:

i) Article 6 should read as follows:

"Each Government will permit security experts of the other Government to visit its territory, when mutually convenient, to discuss with its security authorities its procedures and facilities for the protection of classified military information furnished to it by the other Government. Each Government will assist such experts in determining whether such information provided to it by the other Government is being adequately protected."

ii) The following sentence should be deleted from Article 8-B(6):

"Blanket authorization for visits over extended period may be arranged."

3. The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Embassy of the United States of America
Islamabad

III

*The American Embassy
to the Pakistani Ministry of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 761

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to inform the Ministry that the modifications suggested in the Ministry's Note No. SS (P)/34/82 dated June 21, 1982 to the text of the General Security of Military Information Agreement contained in the Embassy's Note No. 381 dated April 6, 1982 are acceptable to the Government of the United States of America.

The Embassy of the United States of America herewith confirms that our Note No. 381 dated April 6, 1982 and the Ministry of Foreign Affairs' Note No. SS (P)/34/82 dated June 21, 1982 constitute a General Security of Military Information Agreement between our two countries and that this Agreement entered into effect on June 24, 1982.

The Embassy avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Embassy of the United States of America

Islamabad, June 24, 1982
