

Indo-Pacific Economic Framework
Treatment of Documents Related to Negotiations

The United States and New Zealand have agreed on the following approach for the protection and handling of information exchanged in the context of negotiations on a potential trade pillar of the Indo-Pacific Economic Framework:

- Proposals of each participant, accompanying explanatory material, emails, and other substantive information exchanged in the context of the negotiations or regarding implementation of the agreement are provided, and will be held, in confidence unless otherwise jointly decided. Such information may be provided only to (1) government officials or (2) persons outside government who participate in the government's domestic consultation process and who have a need to review or be advised of certain information.¹ Anyone given access to this information will be informed that they cannot share the information with people who are not authorized to see the information. The documents and information will be held in confidence for five years after any instrument enters into force, or five years after the close of negotiations related to such instrument. These restrictions will not apply to a participants' own information, which the participant may disclose, provided that any reference to positions of the other participant or to agreed text is not included in the disclosure.
- While documents and information associated with the above referenced discussions are confidential, this information may be mailed, emailed, faxed, or discussed over unsecured lines with any of the individuals identified in the preceding paragraphs (*i.e.*, government officials and persons outside government who participate in a domestic consultation process). Documents and information may be stored in a locked file cabinet or within a secured building; that is, this information does not need to be stored in safes. This information can be created and stored on unclassified computer systems and password-protected websites.
- Documents created pursuant to, or as a result of, the above referenced discussions will be marked in a manner that makes clear that the documents, regardless of their physical form or characteristics, and the information contained in those documents, will be held in confidence. To that end, the United States will mark documents as "Indo-Pacific Economic Framework CONFIDENTIAL, Modified Handling Authorized (C/FGI-MOD)" and New Zealand will mark documents in accordance with its policy and practice. Documents that are shared will contain both markings.
- The policy underlying this approach is to maintain the confidentiality of documents and the information, while at the same time allowing the participants to develop their positions and communicate internally with each other, and engage with their public, and in New Zealand's case, with Maori, as they consider appropriate in developing and communicating their own positions.

s9(2)(a)

For the United States of America

Dawn Shackelford

Date

13 April 2022

For New Zealand

WILLIAM MARK SINCLAIR

Date

13 April 2022

¹ This Agreement explicitly recognizes the confidentiality arrangements that exist between the New Zealand Government and Maori. The above provisions take account of those arrangements.

Dear Madam,

11 August 2022

I am pleased to acknowledge your letter of ~~[Date]~~, which reads as follows:

I have the honor to propose that the "Indo-Pacific Economic Framework Treatment of Documents Related to Negotiations" agreement of April 13, 2022 be amended by striking "on a potential trade pillar" from the first sentence and inserting in its place "on the trade; supply chains; clean energy, decarbonization, and infrastructure; and tax and anti-corruption pillars".

I have the honor to propose that this amendment shall enter into force on the date of signature of your letter confirming this understanding.

I have the further honor to confirm that my Government agrees that your letter and this letter in reply shall constitute an agreement between our two Governments that shall enter into force on the date of signature of this letter.

Sincerely,
s9(2)(a)

Mark Sinclair
Deputy Secretary Americas and Asia Group
Ministry of Foreign Affairs and Trade

11 August 2022
Date

Dear Sir/Madam,

I have the honor to propose that the "Indo-Pacific Economic Framework Treatment of Documents Related to Negotiations" agreement of April 13, 2022 be amended by striking "on a potential trade pillar" from the first sentence and inserting in its place "on the trade; supply chains; clean energy, decarbonization, and infrastructure; and tax and anti-corruption pillars".

I have the honor to propose that this amendment shall enter into force on the date of signature of your letter confirming this understanding.

Sincerely,

s9(2)(a)

Sarah Ellerman
Acting Assistant U.S. Trade Representative
Office of Southeast Asia and the Pacific

11 August 2022

Date

Released under the Official Information Act