
Economic and Social Commission for Asia and the Pacific
Working Group on the Asian Highway

8th meeting

Bangkok, 18 and 19 September 2019

Item 3 of the provisional agenda*

Status of the Intergovernmental Agreement on the Asian Highway Network

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Note by the secretariat

Summary

The present document contains information on the current status of the Intergovernmental Agreement on the Asian Highway Network. Specifically, the Working Group on the Asian Highway Network will take note of (1) the current number of parties and signatories to the Agreement; (2) information regarding amendment proposals considered and adopted at the previous meeting of the Working Group in December 2017; (3) depositary notifications issued by the Secretary-General following the previous meeting of the Working Group; (4) the entry into force of amendments to annexes I and II since its most recent meeting; and (5) the status of acceptances received by the depositary towards the entry into force of annex II bis, entitled "Asian Highway Design Standards for Road Safety".

The parties to the Agreement may wish to inform the Working Group about the status of progress towards depositing an instrument of acceptance of the amendments introducing annex II bis. Member States may also wish to update the Working Group with regard to national, bilateral or subregional plans, activities and developments relevant to the implementation of the Agreement.

I. Introduction

1. The Intergovernmental Agreement on the Asian Highway Network entered into force on 4 July 2005.¹ The parties to the Agreement endeavour, per article 3 and without prejudice to article 15, to bring the routes of the Asian Highway network, as described in annex I to the Agreement, into conformity with the classification and design standards described in annex II to the Agreement. Since its entry into force, the Agreement has served as a coordinated plan for the development of highway routes of international importance within Asia and between Asia and neighbouring regions, with a view to promoting and developing international road transport in the region.

* ESCAP/AHWG/2019/L.1.

¹ United Nations, *Treaty Series*, vol. 2323, No. 41607.

2. The Working Group on the Asian Highway, as the decision-making body for the Agreement, over the course of seven meetings has considered and adopted a series of amendments to annex I to the Agreement. These amendments, that have since entered into force,² consist of the following:

- (a) Amending the alignment of 17 existing Asian Highway routes;
- (b) Introducing two new Asian Highway routes.

3. Since the entry into force of the Agreement, there has been one amendment to annex II, adopted at the 7th meeting of the Working Group. At that meeting, the Working Group also adopted amendments to the main text of the Agreement that have not, as yet, entered into force. The present document contains information on changes to the Agreement since the 7th meeting of the Working Group (13–15 December 2017).

II. Status of parties to the Agreement

4. There have been no changes to the number of parties to the Agreement since the 7th meeting of the Working Group. Currently, 30 member States are parties to the Agreement, namely Afghanistan, Armenia, Azerbaijan, Bangladesh, Bhutan, Cambodia, China, the Democratic People's Republic of Korea, Georgia, India, Indonesia, the Islamic Republic of Iran, Japan, Kazakhstan, Kyrgyzstan, the Lao People's Democratic Republic, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, the Republic of Korea, the Russian Federation, Sri Lanka, Tajikistan, Thailand, Turkey, Turkmenistan, Uzbekistan and Viet Nam.

5. Signatory States wishing to become parties to the Agreement should deposit their instrument of ratification, acceptance or approval of the Agreement after completing the related national procedures.

6. Member States that have not signed the Agreement can become a party to the Agreement by depositing an instrument of accession, which is a one-step action.

7. Member States wishing to deposit their instruments as referred to in paragraphs 5 and 6 above should contact the Treaty Section of the Office of Legal Affairs at United Nations Headquarters (telephone: 1 212 963 5047, fax: 1 212 963 3693, email: treaty@un.org) to make the necessary arrangements. The Transport Division of the Economic and Social Commission for Asia and the Pacific (ESCAP) (telephone: 66 2 288 1371, fax: 66 2 288 3050, email: escap-td@un.org) stands ready to assist member States in this process by receiving the said instruments and liaising with the Office of Legal Affairs.

8. Reservations may not be made with respect to any of the provisions of the Agreement, except as provided for in article 14, paragraph 5 of the Agreement, whereby any State may, at the time of definitive signature or of depositing its instrument of ratification, acceptance, approval or accession, deposit a reservation stating that it does not consider itself bound by the provisions of article 14 relating to the procedure for the settlement of disputes (conciliation).

² The authentic text of the Agreement as adopted and all subsequent amendments thereto can be found in the United Nations Treaty Collection. Available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XI-B-34&chapter=11&clang=_en.

III. Status of proposals for amendments considered at the 7th meeting of the Working Group

9. At its 7th meeting, the Working Group considered five proposals for amendments, as follows:

(a) Amendments to articles 10 and 17 of the main text of the Agreement, to introduce a new annex, numbered II bis, to the Agreement, entitled “Asian Highway Design Standards for Road Safety”, proposed by the Government of the Republic of Korea;

(b) Amendments to route AH43 in annex I to the Agreement, proposed by the Government of Sri Lanka;

(c) Amendments to introduce a new route, AH35, in annex I to the Agreement, proposed by the Government of Mongolia;

(d) An amendment to delete paragraph 10 of annex II to the Agreement, proposed by the Government of the Republic of Korea;

(e) An amendment to introduce a new paragraph 11 in annex II to the Agreement, proposed by the Government of Bangladesh.

10. After deliberations, the Working Group adopted the amendments outlined in subparagraphs 9 (a–d). As regards the proposed amendment outlined in subparagraph 9 (e), the Working Group requested the secretariat to conduct a further study on co-deployment and, drawing on this study, would consider the matter again within one year. Before the Working Group considered the matter again, after completion of the study, the secretariat would organize a joint meeting of the Working Groups on the Asian Highway Network and the Trans-Asian Railway Network and the Asia-Pacific Information Superhighway Steering Group.³

11. Acting on this request, the secretariat conducted the study *Co-deployment of Fibre Optic Cables along Transport Infrastructure for SDGs Including Cross Border*, the findings of which were presented at a regional workshop on cross-border co-deployment of fibre-optic infrastructure along road and rail networks, which was held in Bangkok on 22 November 2018.

A. Amendments to the main text: introduction of annex II bis, entitled “Asian Highway Design Standards for Road Safety”

12. In accordance with article 8, paragraph 4 of the Agreement, the secretariat transmitted the text of the amendments to articles 10 and 17, as adopted, to the Secretary-General for circulation to all parties. The Secretary-General, acting in his capacity as depositary, issued depositary notification C.N.53.2018.TREATIES-XI.B.34.a of 26 January 2018, informing the parties of the adoption of these amendments.⁴

13. According to article 8, paragraph 5 of the Agreement these amendments shall enter into force 12 months after they have been accepted by two thirds of the parties. Based on the current number of parties, the number of acceptances required is 20. The acceptance is a unilateral and sovereign act, reflected in an instrument of acceptance deposited with the Secretary-General. For

³ E/ESCAP/AHWG(7)/5, para. 8.

⁴ See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XI-B-34-a&chapter=11&clang=_en.

information, ease of reference and further action, a model instrument of acceptance can be found in the annex to the present document.

14. Article 8, paragraph 5 further specifies that an amendment shall enter into force with respect to all parties except those which, before it enters into force, declare that they do not accept the amendment.

15. The number of acceptances required for the entry into force of the annex II bis has not yet been reached. As a result, annex II bis is not yet part of the Agreement and produces no legal effects for the parties.

16. Parties to the Agreement wishing to accept the amendment should contact the Treaty Section of the Office of Legal Affairs at United Nations Headquarters (see paragraph 7 above) to make the necessary arrangements. The Transport Division of ESCAP stands ready to assist member States in this process by receiving said instruments and liaising with the Office of Legal Affairs.

B. Entry into force of amendments to annexes I and II to the Agreement adopted at the 7th meeting of the Working Group

17. The amendments adopted by the Working Group at its 7th meeting (13–15 December 2017) to annexes I and II to the Agreement entered into force on 26 October 2018.

18. In accordance with paragraph 4 of article 9 and paragraph 4 of article 10 of the Agreement, the secretariat transmitted the texts of the amendments, as adopted, on 15 December 2017, to the Secretary-General for circulation to all parties.

19. With regard to the amendments to annex I, the Secretary-General, acting in his capacity as depositary, issued the following depositary notifications:

(a) C.N.54.2018.TREATIES-XI.B.34 of 26 January 2018 informing all parties of the adoption of amendments to annex I to the Agreement;

(b) C.N.375.2018.TREATIES-XI.B.34 of 6 August 2018, notifying all parties of the entry into force on 26 October 2018 of those amendments to annex I.

20. With regard to the amendment to annex II, the Secretary-General, acting in his capacity as depositary, issued the following depositary notifications:

(a) C.N.55.2018.TREATIES-XI.B.34 of 26 January 2018, informing all parties of the adoption of the amendment to annex II to the Agreement;

(b) C.N.376.2018.TREATIES-XI.B.34 of 6 August 2018, notifying all parties of the entry into force on 26 October 2018 of the amendment to annex II.

21. Parties to the Agreement may wish to recall that with the entry into force of the above amendment to annex II to the Agreement, paragraph 10 of annex II has been deleted.

22. The ESCAP secretariat periodically publishes consolidated versions of the text of the Agreement and its annexes on its website.⁵ However, it should be noted that the consolidated text is prepared by the secretariat for information and ease of reference for member States and does not constitute a certified true copy of the Agreement. Only the Secretary-General, or the Office of Legal Affairs, on his behalf, can establish and issue certified true copies of an Agreement deposited with him. The authoritative text and amendments thereto, as well as information on depositary notifications, can be found on the United Nations Treaty Collection website.

IV. Issues for consideration by the Working Group

23. In light of the information contained in the present document, the parties to the Agreement may wish to inform the Working Group of the status of progress towards depositing their instruments of acceptance of the amendments introducing the annex II bis, adopted at its 7th meeting.

24. Individual members of the Working Group may also wish to update the Working Group on national, bilateral or subregional plans, activities and developments regarding efforts and progress with regard to bringing the routes of the Asian Highway network, as contained in annex I to the Agreement, into conformity with the classification and design standards described in annex II to the Agreement.

25. Members of the Working Group may also wish to provide the secretariat with further guidance on how the secretariat can assist its member States in implementing the legal obligations under the Agreement.

⁵ See www.unescap.org/sites/default/files/AH%20Agreement%20with%20Amended%20Annex%20I-%202018_En.pdf.

Annex

Model instrument of acceptance of amendment

(to be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

WHEREAS the Intergovernmental Agreement on the Asian Highway Network was adopted at Bangkok on 18 November 2003, and **[ratified, accepted, approved, definitively signed or acceded to]** by **[State]** on **[date of deposit of its instrument of ratification, acceptance, etc.]**,

WHEREAS the Working Group on Asian Highways at its seventh meeting, held in Bangkok from 13 to 15 December 2017, adopted the following amendments in accordance with article 8 of the Agreement:

Article 10, title: *after annexes II add II bis*

Article 10, paragraph 1: *after annexes II add II bis*

Article 17: *after annexes I, II add II bis*

WHEREAS these amendments, resulting in the introduction of a new annex II bis entitled “Asian Highway Design Standards for Road Safety”, were communicated by the Secretary-General to all parties by depositary notification C.N.53.2018.TREATIES-XI.B.34.a on 26 January 2018,

NOW THEREFORE I, **[name and title of Head of State, Head of Government or Minister for Foreign Affairs]**, declare that the Government of **[State]**, having considered the above-mentioned amendments, accepts the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of acceptance at **[place]** on **[date]**.

[Signature]
