



Distr.: General
27 May 2011*

Original: English

Economic and Social Commission for Asia and the Pacific

Working Group on the Trans-Asian Railway Network

Second meeting

Busan, Republic of Korea

14-15 June 2011

Item 4 of the provisional agenda

Status of implementation of the Intergovernmental

Agreement on the Trans-Asian Railway 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 Trans-Asian Railway Network with regard to the number of signatories and Parties to the Agreement and the obligations of the Parties, as well as information on the current status of the network.

The Working Group may wish to consider the present document with a view to encouraging the participation of member States in the implementation of the Agreement in order to promote and develop efficient rail transport infrastructure and services within the ESCAP region, as well as with neighbouring regions.

I. Introduction

1. The Intergovernmental Agreement on the Trans-Asian Railway Network¹ is a treaty aimed at promoting and developing international rail transport in Asia and with neighbouring regions. The present document outlines

* The footnote required in accordance with paragraph 8, Section B, of resolution 53/208, by which the General Assembly decided “that when a report is submitted late to the conference services, the reason for this should be included in a footnote to the document”, was not included in the original submission.

¹ United Nations, *Treaty Series*, No. 46171.

the status of the Agreement in respect of its signatories and Parties and reviews the obligations of the Parties to the Agreement.

II. Status of implementation of the Agreement

A. Signatures and ratifications

2. The Agreement entered into force on 11 June 2009, that is, 90 days after the requisite number of States had deposited their instruments of ratification, acceptance, approval or accession with the Secretary-General of the United Nations in New York. As of 31 May 2011, 22 member States had signed the Agreement and, of that number, 15 are Parties to it. In addition, the Government of the Lao People's Democratic Republic deposited an instrument of ratification with the Secretary-General on 29 March 2011. That action will become effective on 27 June 2011 in accordance with article 5(2) of the Agreement, which reads: "For each State which deposits its instrument of ratification, acceptance, approval or accession after the date upon which the conditions for the entry into force of the Agreement have been met, the Agreement shall enter into force for that State ninety (90) days after the date of its deposit of the said instrument". Annex I contains a list of signatories and States that have deposited their instruments with the Secretary-General.

3. A ceremony to mark the entry into force of the Agreement was held in Bangkok on 11 June 2009 at which representatives of resident missions and the media were present. During the ceremony, dignitaries from the Parties stressed the importance of the Agreement.

4. In this regard, member States may wish to update the Working Group on the progress made towards the ratification, acceptance, approval and accession of the Agreement.

5. The Agreement was opened for signature in Busan, Republic of Korea, on 10 and 11 November 2006, and thereafter at United Nations Headquarters from 16 November 2006 to 31 December 2008. 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. A model instrument of ratification, acceptance or approval is given in annex II.

6. States that did not sign the Agreement during the above-mentioned period can become a Party to the Agreement by accession, which is a one-step action. A model instrument of accession is given in annex III.

7. Member States wishing to deposit their instruments in relation to paragraphs 5 or 6 should contact the Treaty Section of the Office of Legal Affairs at United Nations Headquarters in New York (telephone: +1 212 963 5047, facsimile: +1 212 963 3693, e-mail: treaty@un.org) to make the necessary arrangements. The Transport Division of the ESCAP secretariat stands ready to assist member States in this process by receiving the said instruments and liaising with the Office of Legal Affairs (telephone: +66 2 288 1371, facsimile: +66 2 288 3050, e-mail: escap-ttd@un.org).

8. Reservations may not be made with respect to any of the provisions of the Agreement, except as provided for in article 13, paragraph 5 of the Agreement, whereby any State may, at the time 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 13 relating to conciliation. A model instrument of reservation/declaration is given in annex IV.

B. Obligations of the Parties to the Agreement

9. The main obligations of the Parties to the Agreement are:

(a) To adopt the Trans-Asian Railway network as a coordinated plan for the development of railway lines of international importance, which they intend to undertake within the framework of their national programmes (article 2);

(b) To bring the Trans-Asian Railway routes into conformity with a set of guiding principles related to technical characteristics (article 3).

10. The guiding principles relating to technical characteristics of the Trans-Asian Railway network were agreed as a set of issues that member countries should heed when constructing new railway lines and upgrading or modernizing existing ones.

11. The underlying principle is that the Trans-Asian Railway network will only fulfil its true function of serving economic integration and facilitating international trade if basic common standards are applied in the design of infrastructure and the operation of individual networks in order to ensure the smooth flow of goods.

12. Based on the information received from member countries, the 114,200-km Trans-Asian Railway network already enables the transportation of containers most commonly used by maritime shipping. Enhancing the efficiency of the network requires that attention be focused in the future on areas such as line capacity, compatibility of rolling stock and the design of intermodal interfaces.

III. Issues for consideration by the Working Group

13. The Working Group may wish to consider the present document with a view to encouraging the participation of member States in the implementation of the Agreement in order to promote and develop efficient rail transport within the ESCAP region as well as neighbouring regions through, among other things, the establishment of intermodal facilities at key locations along the routes of the network.

Annex I

Intergovernmental Agreement on the Trans-Asian Railway Network:

Signatories/Parties

To date, 22 member States have signed the Intergovernmental Agreement on the Trans-Asian Railway Network and 16 have deposited their instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.^a The Agreement entered into force on 11 June 2009.

Member States	Date of signature	Date of ratification, acceptance, approval or accession
Armenia	10 November 2006	
Azerbaijan	10 November 2006	
Bangladesh	9 November 2007	25 August 2010
Cambodia	10 November 2006	27 April 2007 (acceptance)
China	10 November 2006	13 March 2009 (approval)
Georgia	18 December 2007	13 May 2009 (approval)
India	29 June 2007	13 September 2007
Indonesia	10 November 2006	
Iran (Islamic Republic of)	10 November 2006	3 November 2009
Kazakhstan	10 November 2006	
Lao People's Democratic Republic	10 November 2006	29 March 2011
Mongolia	10 November 2006	4 September 2008
Nepal	10 November 2006	
Pakistan	28 January 2008	18 November 2009
Republic of Korea	10 November 2006	5 February 2008
Russian Federation	10 November 2006	4 January 2008 (acceptance)
Sri Lanka	10 November 2006	16 February 2010
Tajikistan	10 November 2006	19 February 2008 (approval)
Thailand	10 November 2006	4 February 2008
Turkey	10 November 2006	
Uzbekistan	10 November 2006	28 July 2009
Viet Nam	10 November 2006	30 September 2009

^a In accordance with article 5 of the Agreement, for each State which deposits its instrument of ratification, acceptance, approval or accession after the date upon which the conditions for the entry into force of the Agreement have been met, the Agreement shall enter into force for that State ninety (90) days after the date of its deposit of the said instrument.

Annex II

**Model instrument of ratification, acceptance or approval
(To be signed by Head of State, Head of Government or Minister for
Foreign Affairs)**

WHEREAS the Intergovernmental Agreement on the Trans-Asian Railway Network was adopted on 12 April 2006 in Jakarta and opened for signature in Busan, Republic of Korea, on 10 and 11 November 2006, and thereafter at United Nations Headquarters in New York from 16 November 2006 to 31 December 2008,

AND WHEREAS the said Intergovernmental Agreement on the Trans-Asian Railway Network has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE, I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned Intergovernmental Agreement on the Trans-Asian Railway Network, [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, or approval] in [place] on [date].

[Signature]

Annex III

Model instrument of accession

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

WHEREAS the Intergovernmental Agreement on the Trans-Asian Railway Network was adopted on 12 April 2006 in Jakarta and opened for signature in Busan, Republic of Korea, on 10 and 11 November 2006, and thereafter at United Nations Headquarters in New York from 16 November 2006 to 31 December 2008,

NOW THEREFORE, I, **[name and title of the Head of State, Head of Government or Minister of Foreign Affairs]** declare that the Government of **[name of State]**, having considered the above-mentioned Intergovernmental Agreement on the Trans-Asian Railway Network, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession in **[place]** on **[date]**.

[Signature]

Annex IV

Model instrument of reservation/declaration
(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

I, **[name and title of the Head of State, Head of Government or Minister for Foreign Affairs]**,

HEREBY DECLARE that the Government of **[name of State]** makes the following **[reservation/declaration]** in relation to article 13(5) of the Intergovernmental Agreement on the Trans-Asian Railway Network adopted on 12 April 2006 in Jakarta:

[Substance of reservation/declaration]

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Done at **[place]** on **[date]**
[Signature and title]
