

**Agreement on Commercial Navigation on
Lancang-Mekong River among
the Governments of the People's Republic of China,
the Lao People's Democratic Republic,
the Union of Myanmar and the Kingdom of Thailand**

The Governments of the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand (hereinafter referred to as "the Contracting Parties"),

Aiming at developing on the Lancang-Mekong river the international passenger and cargo transportation among the Contracting Parties, and

Desiring to promote and facilitate trade and tourism, and to strengthen cooperation in commercial navigation on the basis of respect for sovereignty, equality, and mutual-benefit,

Have agreed as follows:

Article 1

For the purpose of this Agreement,

1. The term "vessel" shall mean any commercial vessel flying the national flag of one Contracting Party and registered in the Contracting Party's territory;
2. The term "crew member" shall mean any person who is actually employed on board a vessel and holding the identity document as provided for in Article 11 of this Agreement and whose name is included in the crew list of the vessel;
3. The term "passenger" shall mean any person carried in a vessel

of any Contracting Party who is neither employed nor engaged in any capacity on board that vessel and whose name is included in the passenger list of the vessel;

4. The term "cargo" shall mean any goods or merchandise carried for reward in the vessel of any Contracting Party in accordance with international practice;

5. The term "earnings" shall mean the amounts yielded by the undertakings of the shipping enterprises and, in particular, though not exclusively, shall include profits, interest, capital gains, dividends, royalties or fees;

6. The term "freely convertible currencies" shall mean currencies that the International Monetary Fund determines, from time to time, as freely usable currencies in accordance with the Articles of Agreement of the International Monetary Fund and amendments thereafter.

Article 2

The Contracting Parties agree that the Lancang-Mekong river shall be opened for commercial navigation among the four Contracting Parties one year after the signing of this Agreement. Vessels of any Contracting Party are entitled to sail freely between Simao in the People's Republic of China and Luangprabang in Lao People's Democratic Republic in conformity with the provisions of this Agreement and their relevant rules and regulations jointly adopted by the Contracting Parties.

No charges shall be levied upon vessels of a Contracting Party by reason only of their passage through the territory of the other Contracting Party except only as payment for specific services rendered to the vessel.

Article 3

Vessels of each Contracting Party shall be insured with insurance companies authorized by competent authorities of that Contracting Party. The terms and conditions of the insurance policies for this purpose shall be mutually agreed upon by the Contracting Parties.

Article 4

Each Contracting Party shall open its ports to vessels of the other three Contracting Parties for commercial navigation on the Lancang-Mekong River, as follows:

For China: Simao, Jinghong, Menghan and Guanlei;

For Laos: Ban Sai, Xiengkok, Muongmom, Ban Khouane, Houaysai and Luangprabang;

For Myanmar: Wan Seng and Wan Pong;

For Thailand: Chiangsaen and Chiangkhong.

If any Contracting Party desires to withdraw or designate additional port or ports for commercial navigation, it shall notify other Contracting Parties in advance for making necessary arrangements.

Article 5

The Contracting Parties shall mutually grant to each other's vessels the most-favoured-nation treatment with regard to formalities relating to vessel entry and departure, customs clearance and other formalities, utilization of berths for loading and discharging of cargo, utilization of docks and warehouses and other port facilities, material supplies and levying of port charges.

Article 6

Vessels of any Contracting Party at the ports of another Contracting Party are only entitled to engage in the carriage of the inbound and outbound cargo and the passengers between the two countries. One Contracting Party may, with the permission of a second Contracting Party, undertake the carriage of the cargoes and passengers between ports of the second Contracting Party and ports of a third Contracting Party.

Article 7

This Agreement shall not apply to cabotage, which means vessels of any Contracting Party shall not engage in the transportation of cargoes and passengers between the domestic ports of the other Contracting Parties.

Should vessels of one Contracting Party sail between ports of another Contracting Party to discharge inbound cargoes and/or disembark passengers from abroad, or to load outbound cargoes and/or embark passengers sailing abroad, it shall not be regarded as cabotage.

Article 8

Vessels and their crew members and passengers of one Contracting Party, during their stay and passage through the territory of another Contracting Party, shall respect the common navigation rules and the laws and regulations of the country of that Contracting Party, in particular, customs and immigrations, environment protection and ecology balance and other laws and regulations concerning public order and national security.

The Contracting Parties shall give due publicity to all such laws and regulations.

Article 9

None of the Contracting parties shall interfere in the internal affairs of vessels of the other Contracting Parties during their stay within or passage through its territory and ports, except:

1. When the vessel, the crew or the passenger's actions affect its national security, public order or the rights of its nationals;
2. Upon the request for assistance from the Master of the vessel, or from the diplomatic or consular officials of the country of which the vessel flies the flag;
3. Such measures required to suppress and prevent smuggling, illicit dealing in drugs and restricted and prohibited goods as well as illegal entry of aliens;

The Contracting Parties shall designate authorities concerned which will jointly coordinate to establish measures for the prevention of possible differences or disputes which might arise from implementation of this Article.

Article 10

Vessels of one Contracting Party, sailing in the territory of another Contracting Party, shall be exempted from local pilotage requirement under normal conditions. However, should the Master or owner of a vessel ask for pilotage assistance, it will be provided by the Contracting Party concerned subject to the request having been made in advance.

Article 11

One Contracting Party shall recognize crew members' identity documents issued by the competent authorities of the other Contracting Parties.

These identity documents shall be:

For crew members of Chinese vessels: Seafarer's Passport of the People's Republic of China;

For crew members of Lao vessels: Seaman's Book of the Lao People's Democratic Republic;

For crew members of Myanmar vessels: Seaman's Book of the Union of Myanmar;

For crew members of Thai vessels: Seaman's Book of the Kingdom of Thailand.

Article 12

Holders of crew members' identity documents of one Contracting Party specified in Article 11 hereof shall be permitted a temporary stay ashore in the city or town where the port is located during their vessel's stay in the port of another Contracting Party.

The crew members of the vessels of one Contracting Party requiring medical treatment in the territory of another Contracting Party shall be allowed by the competent authorities of this Contracting Party to remain in its territory for the period of time necessary for such treatment.

Article 13

Holders of crew members' identity documents of one Contracting Party specified in Article 11 hereof shall be permitted without a visa, as passengers by any means of transport, to enter the territory of another Contracting Party or to pass through its territory in transit when joining vessels or being repatriated or moving from one vessel to another.

Article 14

Each Contracting Party reserves the right to deny the entry into its territory of any crew member or any passenger it considers undesirable under its laws.

Article 15

Each Contracting Party shall recognize the nationality of vessels of the other Contracting Parties on the ground of the certificate of registry duly issued by the competent authorities of the other Contracting Parties.

Each Contracting Party shall accept the vessels' tonnage certificate duly issued or recognized by the other Contracting Parties without the necessity of remeasuring the vessels concerned. All port dues and charges shall be calculated on the basis thereof or of the tonnage certificates of a third country to which one Contracting Party has no objection and which are accepted by the other Contracting Party.

Article 16

Where vessels of one Contracting Party cannot perform normal navigation in the territorial waters of another Contracting Party because of *inter alia* running aground, colliding with rocks or encountering rapids, the Contracting Party concerned shall allow the crew members and passengers on board to go ashore and travel through the reaches where normal navigation cannot be performed. The competent authorities of the Contracting Party into whose territory the crew members and passengers enter shall be notified as soon as possible.

Article 17

For the safety of life, health and the protection of the environment

the carriage under this Agreement of hazardous materials such as toxic chemicals, explosives and radioactive material shall be prohibited. However, the carriage of some other types and categories of dangerous goods and the safety measures thereof may be agreed upon by consultation among the Contracting Parties.

Article 18

Should a vessel of one Contracting Party be involved in navigational casualties or any other accident in the territory of another Contracting Party, the competent authorities of this Contracting Party shall immediately initiate search and rescue operations and extend every possible help and care to the vessel, crew members, passengers and the cargoes, and shall immediately notify the competent authorities of the Contracting Party involved.

Where the cargoes salvaged from the vessel which suffered such accidents need to be temporarily stored in the territory of the other Contracting Party, such cargo shall be exempted from all taxes, unless they are used for consumption or for sale in its territory.

The crew members and passengers in distress shall respect the laws and regulations of another Contracting Party as they are staying ashore in the territory of this Contracting Party. The competent authorities thereof shall, in accordance with the international practice, take measures needed for facilitating the distressed crew members and passengers to go to their destination.

Article 19

All earnings by the shipping enterprises of one Contracting Party in the territory of any other Contracting Party shall be effected in freely convertible currencies in accordance with foreign exchange laws and regulations in force in that Contracting Party. Such earnings can be used for making payments in the territory of another Contracting Party or be remitted freely from this country.

Article 20

Should shipping enterprises of one Contracting Party wish to establish representative offices in the territory of another Contracting Party, they shall be permitted upon application in accordance with the latter's laws and regulations.

Article 21

With a view to promoting the objectives of this Agreement and to resolving problems which may arise from its implementation, representatives of the Contracting Parties shall hold meetings at least once a year alternately in the country of the Contracting Parties or whenever necessary upon request by any Contracting Party to consult and to promote cooperation in the following matters, inter alia:

- (a) the maintenance and improvement of the navigability of the river;
- (b) measure to increase safety for navigation and protection of environment;
- (c) exchange of information on navigation channels, obstacles and obstructions relating to navigation safety;
- (d) improvement and expansion of port facilities;
- (e) cooperation and coordination in the customs, immigration and other related matters;
- (f) for the purpose of safe and smooth navigation, especially in dry season, to cooperate to a possible extent in the provision of water flow and the relevant data;

- (g) cooperation in improvement of telecommunication network for the foregoing purposes;
- (h) formulation and improvement of relevant common rules and regulations for the effective implementation of this Agreement;
- (i) other matters arising from the interpretation and application of this Agreement.

Article 22

For the purposes of this Agreement, the coordinating agency of each Contracting Party is as follows:

For the People's Republic of China: the Ministry of Communications;

For the Lao People's Democratic Republic: the Ministry of Communication, Transport, Post and Construction;

For the Union of Myanmar: the Ministry of Transport;

For the Kingdom of Thailand: the Ministry of Transport and Communications.

Article 23

This Agreement shall enter into force for five years from the date of its signature. Thereafter, it shall be automatically renewed for successive periods of three years unless a Contracting Party gives notice in writing to terminate this Agreement three months before the expiry of its validity.

Article 24

Any modification or amendment to this Agreement has to be notified in writing to the other Contracting Parties at least three months in advance for consultations among all Contracting Parties. Any such modification and amendment shall be effected by consent of all the Contracting Parties.

Article 25

Any differences or disputes that may arise out of or in connection with the implementation or the interpretation of this Agreement shall be settled amicably through consultation by the parties concerned. IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

Done in four originals in English at Tachileik, Myanmar on 20th, April. 2000.

(signature)

For the Government of the People's Republic of China

(signature)

For the Government of the Lao People's Democratic Republic

(signature)

For the Government of the Union of Myanmar

(signature)

For the Government of the Kingdom of Thailand

**Memorandum of Understanding
among
the Ministry of Communications of
the People's Republic of China,
the Ministry of Communication, Transport, Post and
Construction of the Lao People's Democratic Republic,
the Ministry of Transport of the Union of Myanmar
and
the Ministry of Transport and Communications of
the Kingdom of Thailand
Concerning
the Implementation of the Quadripartite Agreement
on Commercial Navigation on the Lancang-Mekong River**

The Ministry of Communications of the People's Republic of China, the Ministry of Communication, Transport, Post and Construction of the Lao People's Democratic Republic, the Ministry of Transport of the Union of Myanmar and the Ministry of Transport and Communications of the Kingdom of Thailand (hereinafter referred to as "the Parties"),

Referring to the Quadripartite Agreement on Commercial Navigation on the Lancang-Mekong River (hereinafter referred to as the "Agreement") signed in Tachileik, Myanmar on April 20, 2000 by the respective government representatives of the four countries,

Being the coordinating agencies of the Contracting Parties to the Agreement as specified in Article 22 of the Agreement,

Having convened a Senior Officials Meeting on the Implementation of the Agreement in Beijing, China from March 14 to 15, 2001,

Have reached the following understanding:

Article 1 Common Rules

In accordance with Article 2 of the Agreement, the Parties adopt 6 Rules, Regulations and Guidelines Attached as annexes to this Memorandum of Understanding (hereinafter referred to as "the MOU"), the 6 Rules, Regulations and Guidelines which form integral part of the MOU are as follows:

Annex I —Regulations on Safe Navigation of Vessels on the Lancang- Mekong River.

Annex II —Rules on Water Transport Administration on the Lancang- Mekong River.

Annex III —Guidelines on the Maintenance and Improvement of the Navigability of the Lancang-Mekong River.

Annex IV —Regulations on the Investigation and Handling of waterborne Traffic Accidents on the Lancang-Mekong River.

Annex V —Regulations on Management of Search & Rescue, Salvage and Wreck Removal on the Lancang-Mekong River.

Annex VI —Technical Regulations on Surveys of Commercial Ships on the Lancang-Mekong River.

Article 2 Coordinating Mechanism

2.1 With a view to effectively and efficiently implementing the Agreement in general and Articles 9, 21 and 22 of the Agreement in particular, the Parties agree to establish a coordinating mechanism — the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (hereinafter referred to as "the JCCCN")

2.2 The Parties agree that the JCCCN be composed of 8 members from each of the Parties (one chief member, one deputy chief member and 6 other members). The chief member shall be a Director-General who also acts as the chair of the JCCCN on a two-year rotation basis among the Parties. Each Party shall establish its own permanent coordinating agency.

2.3 The JCCCN shall hold meetings at least once a year in the chairing country or whenever necessary upon request by any Contracting Party to coordinate and deal with the matters specified in Articles 9 and 21 as well as other relevant articles of the Agreement. In accordance with the alphabetical order, China will chair the JCCCN for a 2-year term from its establishment.

2.4 The Parties agree that the JCCCN should adopt its own Rules of Procedures.

Article 3 Improvement of Navigation Channels

3.1 The Parties agree that the improvement of navigation channels in the Upper Mekong River is an important prerequisite for safe and smooth navigation of vessels of the four countries.

3.2 The Parties endorse in principle the conclusions and recommendations contained in the Joint Survey Report on the Feasibility of the Waterway Improvement Project on the Upper Mekong River from China-Myanmar Boundary Marker 243 to Ban Houayxai of Laos prepared by the Quadripartite Joint Survey Group in November 2000.

3.3 The Parties agree that, based on these conclusions and recommendations, the environmental impact assessment (EIA) and the detailed survey will be carried out as soon as possible jointly by the Parties with the Chinese side as the coordinator.

3.4 The Parties agree that the EIA include assessment on the effects of waterway improvement on ecology, vegetation of forestry, humanities and landscapes, geology and landforms, cultural relics and historic sites, tourism resources, water and air quality, agriculture, fisheries, etc.

3.5 The Parties agree that, as the Lancang-Mekong River is a border river, it is necessary to consult with the countries concerned whenever the improvement of the navigability is made in the boundary sections of the River.

3.6 The Parties agree that the impact on environment by the navigation channel improvement be assessed against China's national criteria on EIA under the framework of ESCAP guidelines.

3.7 The Parties agree that the EIA Report be submitted to the respective governments for approval and to the Meeting of the JCCCN for final endorsement.

3.8 The Parties agree that uniform standards for aids to navigation on the Upper Mekong River are of paramount importance to ensure safe navigation of vessels on the River. The Parties agree in principle that China's standards be adopted for the aids to navigation to be installed along the Upper Mekong River.

Article 4 Official Inauguration Ceremony

The Parties agree that the Official Inauguration Ceremony for Commercial Navigation on the Lancang-Mekong River will be held in Jinghong, China in late June 2001.

Article 5 Entry into Force

The MOU shall enter into force from the date of its signature.

Done in Beijing on March 15, 2001 in four originals in English.

(Ju Chengzhi)
For
the Ministry of Communications of the People's Republic of China

(Lattanamariy Khounrtyvong)
For
the Ministry of Communication, Transport, Post and Construction of
the Lao People' s Democratic Republic

(Chit Khin)
For
the Ministry of Transport of the Union of Myanmar

(Tawalyarat Onsira)
For
the Ministry of Transport and Communications of the Kingdom of
Thailand

Annex I

Regulations on Safe Navigation of Vessels on the Lancang-Mekong River

Part I General Provisions

Article 1 Purpose

These regulations are formulated with a view to jointly strengthening the traffic control on the Lancang-Mekong River, maintaining the order of waterborne traffic and ensuring the safety of vessels in accordance with *the Agreement on Commercial Navigation on the Lancang-Mekong River concluded among the Governments of the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand*.

Article 2 Application

These Regulations are applicable to all vessels sailing, berthing or conducting operations on the section of the Lancang-Mekong River between Simao in P. R. China and Luangprabang in Lao P. D. R.

Article 3 Vessel's Name and Nationality

A vessel shall fly the flag of her Flag State and shall be marked with the vessel's name and port of registry in both native and English languages and registration number.

Article 4 Vessel and Crew

A vessel's technical conditions and her manning standard shall be in compliance with the regulations of her Flag State.

Article 5 General Definitions

For the purpose of these Regulations, except where the context otherwise requires;

- a. The word "vessel" includes all kinds of vessels, mobile platforms, seaplanes and other waterborne transportation tools;
- b. The term "head-on situation "means that an upward vessel is meeting with a downward vessel, including meeting on reciprocal or nearly reciprocal course, meeting from, starboard side or port side and meeting in a bending fairway, but not including meeting of two crossing vessels;
- c. The word "crossing" means that a vessel moves from one side of the river to the other at a right angle or nearly right angle to the main stream of the river;
- d. The term "fast vessel" means a vessel whose service speed equals to or exceeds 35 kilometers per hour in calm water;
- e. The word "fairway" means the water area of the river navigable for vessels;
- f. The term "restricted visibility" means any condition in which visibility is restricted by fog, mist, heavy rainstorms or any other similar causes;
- g. The term "upward vessel" means a vessel moving to the upper reaches of the river;
- h. The term "downward vessel" means a vessel whose course is opposite to that of an upward vessel;
- i. The word "underway" means that a vessel is not at anchor, or made fast to the shore, or aground;

j. The term "engineering vessel" means a vessel which is engaged in exploration, survey, construction, dredging, explosion, rescue, scientific experiments and other surface and underwater works.

Part □ Sailing and Avoiding

Section 1 General Conducts of Vessels

Article 6 Look-out

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means and pay close attention to the prevailing circumstances and movements of approaching vessels so as to make a full appraisal of the situation and/or the risk of collision.

Article 7 Safe Speed

Every vessel shall at all times proceed at a safe speed so that they can take proper and effective action to avoid collision.

In determining a safe speed, a vessel shall take into account such factors as visibility, traffic density, vessel's maneuverability, wind, wave, current, fairway conditions and other prevailing circumstances, and where a radar is used, the characteristics, efficiency and limitations of the radar equipment as well.

When passing by a vessel or through an area where the reduced speed is required, every vessel shall control her speed in ample time and pass as far away from the vessel or the area as possible to avoid wave damage.

The vessel in the area requiring speed reduction can not be relieved

of its responsibility because of its insufficient anti-wave ability and/or measures.

Article 8 Principles of Sailing

An upward vessel shall proceed along the slow stream or one side of the fairway, whereas a downward vessel shall proceed along the main stream or in the middle of the fairway.

Article 9 Principles of Avoiding

Every vessel shall navigate with caution. Any action to avoid collision shall be clear, effective and be taken in ample time, and with good seamanship until the other vessel is finally past and clear.

The give-way vessel shall actively keep out of the way of the given-way vessel; the given-way vessel shall pay attention to the action taken by the give-way vessel, and take action to assist the avoiding under the prevailing circumstances.

When two vessels are meeting, their avoiding actions shall not be changed once their avoiding intentions have been confirmed by their sounding signals.

Section 2 Conducts of Vessels in Sight of One Another

Article 10 Head-on Situation

Except otherwise specified in this Part, when two vessels are meeting on reciprocal or nearly reciprocal course;

- a. The upward vessel shall give way to the downward vessel;
- b. When approaching the rapids and shoals, the bending fairways or narrow channels where vessels can not pass each other, a vessel

shall give sound signals as required to draw attention of other vessels, and when meeting an approaching vessel, shall take avoiding actions under paragraph (a) of this Article. Additionally, the upward vessel shall wait for the passing of the downward vessel at the lower reaches to the rapids and shoals, bending fairways or narrow channels where vessels can not pass each other;

c. A vessel not provided with the equipment for sound signal, if not being the downward vessel described in paragraph (a) of this Article, shall give way to the vessels having given signals for passing as required. Two vessels, neither of which is provided with equipment for sound signals shall, when meeting, take avoiding actions according to the Articles of this Section.

Article 11 Overtaking

A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam so as to involve risk of collision, and shall comply with the following provisions:

a. Overtaking or proceeding side by side with another vessel is prohibited in narrow or bending channels, shoals, bridge areas and leading channels of lock;

b. In a fairway where overtaking is permitted, the overtaking vessel shall give sound signals as required and obtain agreement from the vessel to be overtaken before starting to overtake;

c. During overtaking, the overtaking vessel shall give way to and keep clear of the vessel to be overtaken. The overtaking vessel shall not block the way of the overtaken vessel;

d. The vessel to be overtaken shall, on hearing the sound signals for overtaking from the overtaking vessel, respond by sound signals as required to indicate whether she agrees to be overtaken. If the

fairway conditions and circumstances of the case admit, the vessel should agree to be overtaken and as far as practicable take such actions as to give a part of fairway or reduce speed to assist in avoiding collision.

Article 12 Crossing

Before crossing, a vessel shall take into account the fairway conditions and prevailing circumstances and make sure that the crossing does not impede navigation of the vessel, and sound signals have been given as required.

Except otherwise specified in this part, the crossing vessel shall, when meeting with upward or downward vessels, keep out of the way and pass astern of the upward or downward vessels.

Article 13 Following

When vessels are in a following about situation, the following vessel shall keep a safe distance away from the forward vessel so that she can take actions in ample time to avoid collision in case of emergency.

Article 14 Turning Round

A vessel shall, before turning round, take into account the fairway conditions and prevailing circumstances and make sure that sound signals have been given as required.

Article 15 Fast Vessel

A fast vessel underway shall keep well clear of all other vessels. Two fast vessels in meeting situation shall take avoiding actions in accordance with the requirements set out in the Article of this Section. Fast vessels are prohibited from navigating at night.

Article 16 Vessel Meeting with Engineering Vessels Working Underway

Notwithstanding anything contained in this Section, a vessel shall while meeting with an engineering vessel working underway, give way to the engineering vessel.

Article 17 Berthing Alongside, Casting off and Anchoring

Before berthing alongside or casting off, a vessel shall take into account the fairway conditions and prevailing circumstances, and make sure that such conducts do not impede navigation of other vessels and that sound signals have been given as required.

Vessels are prohibited from anchoring or mooring in narrow or bending channels or other water areas where such conducts may impede navigation of other vessels.

Section 3 Conducts of Vessels in Restricted Visibility and Other Matters

Article 18 Conducts of Vessels in Restricted Visibility

A vessel in restricted visibility shall choose in ample time a safe place for anchoring and shall not continue her voyage at risk.

Article 19 Navigation at Night

Navigation of vessels at night shall only be permitted in those sections of the fairway which are navigable at night.

A vessel not provided with lights and equipment for sound signals or

unable to indicate her intention or movement, is prohibited from navigating at night.

Part III Lights and Shapes

Article 20 General Provisions

The articles concerning lights shall be complied with in all weathers from sunset to sunrise. The relevant lights may also be exhibited in restricted visibility in the day time. During the period when the lights are exhibited, no other lights which may be mistaken for the lights specified or impair their exhibiting character shall be exhibited.

The articles concerning shapes shall be complied with in the day time.

Lights and shapes shall be exhibited where they can be seen easily and in compliance with the technical requirements set out in Appendix 1 of these Regulations. Except otherwise specified in these Regulations, several lights or shapes, when forming a group, shall be exhibited in a vertical line.

Article 21 Single Vessel Underway

Except otherwise specified in this Part, a single vessel, when underway shall exhibit a white masthead light, a red and a green sidelight and a white sternlight.

A fast vessel when underway shall, in addition to exhibiting the lights prescribed in the above paragraph, exhibit a yellow flashing light in the day time.

In the day time, a fast vessel without cabin arrangement, when underway is exempted from exhibiting the lights prescribed in the

previous paragraphs, but shall hoist an orange flag at the masthead.

A vessel not provided with a mast, when underway shall hoist one white flag in the daytime, at a height of not less than 3 meters.

Article 22 Engineering Vessel

An engineering vessel on the work site shall exhibit the following lights and shapes;

- a. An engineering vessel with a fixed working location shall exhibit three all-round lights at night. The connecting lines of the three lights form an equilateral triangle with one angle pointing upward. The all-round light on the top of the triangle shall be red, while at the two ends of the bottom line of the triangle the light on the navigable side shall be white and that on the non-navigable side red. While in the day time, a shape shall be exhibited at each end of the mast yard, i.e. a ball on the navigable side and a cross on the non-navigable side;
- b. An engineering vessel driven by its own propulsion power, when working underway, shall, in addition to exhibiting masthead light, sidelight as prescribed in Article 21, exhibit:
 - i Two all-round red lights at night, two balls in a vertical line in the day time to indicate the side on which the obstruction exists;
 - ii Two all-round green lights at night, two diamonds in a vertical line in day time to indicate the side on which another vessel may pass.
- c. An engineering vessel with extended mud pipes shall exhibit at night all-round white lights at either end of the pipe and at every fifty meters.

Article 23 Turning Round

Vessels of more than 30 meters in length shall, 5 minutes prior to turning round, exhibit two all-round lights in a vertical line at night, the upper being red and the lower white, and a shape consisting of a ball and an answer flag underneath in the day time. After having turned round, the vessel shall turn off the two lights or lower the shape.

Article 24 Anchoring

Vessels at anchor shall exhibit an all-round white light at night and a ball in the day time.

Article 25 Carriage of Dangerous Goods

During berthing, loading and unloading or navigating, a vessel carrying dangerous goods shall, in addition to exhibiting signals as generally prescribed, exhibit an all-round red light at the mast yard at night and the International Code Flag "B" in the day time.

Article 26 Vessel Not Under Command

A vessel not under command shall choose in ample time a safe place for anchoring. Before anchoring, the vessel shall, in addition to exhibiting the sidelights and sternlight, exhibit two all-round red lights at night, and two balls in the day time

Article 27 Requiring Reduction of Speed

A vessel or an area which requires the other vessels to reduce speed shall, at the mast yard of the vessel or the upward and downward ends of the area, exhibit an all-round green light and an all-round red light at night, and the International Code Flag "RY" in the day time. Vessels not provided with lights and shapes may wave up and down

in the air a white light lamp or a white light torch at night, and a white code flag in the day time.

Part IV Sound Signals

Article 28 Equipment for Sound Signals

A vessel shall be provided with a whistle and a bell. If the conditions do not permit, a vessel must be provided with a bell or one other effective sounding device.

Whistles and bells shall comply with the technical requirements set out in Appendix 2 of these Regulations.

Article 29 Meanings of Sound Signals

A vessel shall use the whistle to give the following sound signals under the provisions of these Regulations in order to indicate her intentions and actions and to draw attentions of other vessels;

- a. One short blast to mean "I am altering my course to starboard"; when meeting with another vessel on reciprocal or nearly reciprocal course, "Pass on my port side";
- b. Two short blasts to mean "I am altering my course to port"; when meeting with another vessel on reciprocal or nearly reciprocal course, "Pass on my starboard side";
- c. Three short blasts to mean "I am operating astern propulsion or intending to do so";
- d. Four short blasts to mean "I do not agree to your request";
- e. A prolonged blast to mean "I am casting off", "I am crossing"

and requesting the attention of approaching vessels or vessels in the vicinity;

- f. Two prolonged blasts to mean "I am berthing alongside";
- g. Three prolonged blasts to mean "man overboard";
- h. One prolonged blast followed by one short blast to mean "I am turning to starboard";
- i. One prolonged blast followed by two short blasts to mean "I am turning to port";
- j. Two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";
- k. Two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side";
- l. One prolonged, one short, one prolonged and one short blasts to mean "I agree to your request";
- m. One short, one prolonged, one short and one prolonged blasts to mean "I request you to reduce your speed or stop your engine";
- n. One short blast followed by one prolonged blast to mean "I have reduced my speed or stopped my engine".

The term "short blast" in the above paragraphs means a blast of about one second's duration. The term "prolonged blast" means a blast of from four to six second's duration. The intervals between blasts in one group are about one second, and that between groups is about six seconds.

Article 30 Use of Sound Signals by Vessels in Head-on Situation

When in head-on situation, vessels shall use the sound signals in accordance with the following provisions;

- a. When two vessels are meeting on reciprocal or nearly reciprocal course, the downward vessel shall, at a distance of more than 1 , 000 meters away from the upward vessel, have due regard to the fairway conditions and prevailing circumstances and give in ample time sound signals for passing. On hearing the sound signals, the upward vessel shall, if conditions permit, promptly respond with appropriate sound signals. No change shall be made to the sound signals once they have been agreed upon;
- b. When meeting an engineering vessel working underway on reciprocal or nearly reciprocal course, a vessel shall, at a distance of more than 1,000 meters away from the engineering vessel, give one prolonged blast, and may, on hearing the sound signals given by the engineering vessel, respond with appropriate sound signals and pass the engineering vessel with caution.

Article 31 Sound Signals in Restricted Visibility

Vessels underway or at anchor in restricted visibility shall give sound signals in accordance with the following provisions:

- a. A vessel underway shall give one prolonged blast at intervals of about one minute. A vessel not provided with sound signal equipment shall, when underway, ring in a rapid manner the bell or other effective sound devices for five seconds at intervals of about one minute;
- b. A vessel at anchor shall, on hearing the sound signals from an approaching vessel, ring the bell or other effective sound devices uninterruptedly and in a rapid manner until it is determined that the

approaching vessel will not pose any danger to herself.

Article 32 VHF Radio Telephone

Vessel of 50 gross tonnage or more shall be provided with VHF radio telephone and keep watch on the specified channel. The language used for VHF communication shall be brief and clear.

When approaching the bending or narrow parts of fairway or navigating in restricted visibility, a vessel shall use VHF radio telephone to announce her position and movement at regular intervals.

Article 33 Distress Signals

A vessel in distress and in need of assistance shall use or exhibit either together or separately the sound signals as prescribed in Appendix 3.

Part V Exemption

Article 34 Exemption

Vessels of less than 50 gross tonnage may be exempted from installing on board the lights as specified in Part □.

Part VI Other Provisions

Article 35 Appendix

The attached appendices form the integral parts of these Regulations.

The term "more than" used in these Regulations include the number

itself, whereas the term "less than" does not include the number itself.

Appendix 1
Technical Requirements for Lights and Shapes

a. Lights:

- i "Masthead light" means a white light placed over the mast of a vessel on the fore and aft center line of the vessel showing an unbroken light over an arc of horizon of 225 degrees and so fixed as to show the light from light ahead in 22.5 degrees abaft the beam on either side of the vessel;
- ii "Sidelights" means a red light on the port side and a green light on the starboard side placed on the left and right sides of the highest deck of a vessel, each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side.

The inboard screens for sidelights shall be painted matt black, the height of which at least equals to that of the lights;

- iii "Sternlight" means a white light placed at stern center showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right abaft on each side of the vessel. The height of the sternlight shall be such that the sternlight is as far as possible at the same horizontal level as the sidelights, but shall not be higher than the sidelights;
- iv "All-round light" means a light showing an unbroken light over an arc of the horizon of 360 degrees;
- v "Yellow flashing light" means an all-round yellow flashing light placed over the mast of a fast vessel, whose flashing frequency is not less than 70 per minute;

- vi "Range of visibility" means the luminous range of the prescribed lights to be seen by normal eyesight at night when the atmospheric transmissivity is 0.8;
 - vii For technical requirements of the lights, see Table 1.
- b. Shapes and Code Flags:
- i Except otherwise specified, the shapes shall be black:
 - ii The vertical distance between shapes shall be not less than 1.5 meters. However, such distance between shapes can be reduced as appropriate for vessel, of less than 30 meters in length;
 - iii The red white code flag shall be 0.6 meter wide and 0.4 meter high;
 - iv The code flags in these Regulations shall be in compliance with the International Code of Signal, 1969;
 - v For technical requirements of the shapes, see Table 2.

Table 1

Length of vessel	Distance between mast-head lights or lights in a group	Length of screen for sidelights	Range of visibility (kilometer)				
			Mast-head light	Side-light	Stern-light	All-round light	Flashing light
More than 50 Meters	1.5 meters (the lowest light shall be not less than 4.5 meters above the highest deck)	0.91 meter	6	4	4	4	4
30 meters to less than 50 meters	1 meter (the lowest light shall be not less than 3 meters above the highest deck)	0.91 meter	5	3	3	3	3
Less than 30 meters	0.6 meter (the lowest light shall be not less than 1.0 meter above the highest deck)	0.6 meter	3	2	2	2	2

Table 2

Unit: meter

Length of vessel	Ball	Cross		Cylinder		Cone		Diamond Comprising of two cones with a common base
	Diameter	Length	Width	Diameter	Height	Diameter of the bottom ring	Height	
More than 30 Meters	0.6	0.6	0.6	0.6	1.2	0.6	0.6	
Less than 30 Meters	0.3	0.3	0.3			0.6	0.6	

Appendix 2

Technical Requirements for the Equipment for Sound Signals

- a. Whistle shall be able to give sound signals as required by these Regulations. The range of audibility of whistles fitted on board vessels of more than 30 meters in length shall be not less than 2,000 meters; and for vessels of less than 30 meters in length, the range shall be not less than 1,000 meters;
- b. A whistle shall be placed as high as practicable on board the vessel, in order to reduce interception of the emitted sound by obstructions especially in the direction straight ahead or particularly prescribed;
- c. The sound pressure level of bells or other devices with the similar sound characteristics shall be not less than 110 db at a distance of 1 meter;
- d. A bell shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell fitted on board vessels of more than 30 meters in length shall be not less than 300mm, and for vessels of less than 30 meters in length shall be not less than 200mm. The mass of the striker shall be not less than 3 percent of that of the bell.

Appendix 3

Distress Signals

- a. A vessel in distress and in need of assistance shall use the following signals either together or separately:
- i continuous and rapid short blasts given by whistles, bells or any other effective devices;
 - ii a signal made by radiotelegraphy or by any other signaling method consisting of the group $\cdot \cdot \cdot - - - \cdot \cdot \cdot$ (SOS) in the Morse Code;
 - iii a signal sent by radiotelephone consisting of the spoken word "Mayday";
 - iv flames made on board the vessels;
 - v for sailing vessels and man-powered vessels in distress, waving red code flags in the day time and red light torch at night.
- b. Any vessel finding another vessel in distress may send the above described distress signals instead, but shall indicate the name and position of the vessel in distress.
- c. Unless a vessel is in distress and in need of assistance, the use of any other signals which may be confused with the above signals is prohibited.

Annex II

Rules on Water Transport Administration on the Lancang-Mekong River

The Rules are formulated with a view to enhancing the water transport administration, maintaining water transport order and improving water transport efficiency on the Lancang-Mekong river in accordance with *the Agreement on Commercial Navigation on the Lancang-Mekong River among the Governments of the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand* (hereinafter referred to as "the Quadripartite Agreement").

Article 1

The Rules shall apply to international water transport business among the ports as specified in the Quadripartite Agreement and the relevant water transport service business as well.

Article 2

The competent authorities of transport or their authorized agencies of each Contracting Party (hereinafter referred to as "the competent authorities") are responsible for the implementation of the Rules.

The common issues arising from the implementation of the Rules shall be coordinated through the coordinating mechanism of the Contracting Parties.

Article 3

The following requirements shall be satisfied for engaging in the water transport business as provided for in Article 1 of the Rules

(hereinafter referred to as "engaging in the water transport business"):

- a. There shall be established legal entities;
- b. There shall be transport vessels that correspond to the scope of business;
- c. The vessels shall comply with relevant technical requirements and hold valid vessel technical certificates;
- d. Deck and engine officers of vessels shall hold valid competence certificates;
- e. There must be at least one staff at the top management level with shipping management experience of more than one year;
- f. While engaging in passenger transport business, the carrier liability insurance shall be arranged, or appropriate guarantee shall be provided.

Article 4

The following requirements shall be satisfied for engaging in the water transport service business as provided for in Article 1 of the Rules (hereinafter referred to as "engaging in the water transport service business"):

- a. There shall be established legal entities;
- b. There must be at least one staff at the top management level with shipping management experience of more than one year.

Article 5

When applying for engaging in the water transport business, the

application letter/form together with the following certificates or proofs shall be submitted to the competent authorities:

- a. proofs of the establishment of legal entities;
- b. proofs of the ownership or leasing of the vessel;
- c. technical certificates of the vessel;
- d. competence certificates of deck and engine officers;
- e. proofs of competence of the top management staff;
- f. proofs of related insurance or guarantee.

Article 6

When applying for engaging in the water transport service business, the application letter form together with proofs of the establishment of legal entities and proof of qualification of the staff at the top management level shall be submitted to the competent authorities.

Article 7

When requirements specified in Articles 3 and 4 of the Rules are satisfied, Water Transport License, Vessel's License and Water Transport Service License shall be issued as appropriate by the competent authorities.

The Water Transport License and the Water Transport Service license shall indicate the name of the operator, address of the major operation premises, name of the legal representative of the legal entity, the scope of business, duration of operation and its commencing and expiring dates. The Vessel's License shall indicate the name of the ship owner, name of the operator, the scope of business, the vessel's name, nationality, registration number, major dimensions, loading capacity and/or number of passengers and power of the main engine.

The Vessel's License as specified in this Article shall be carried onboard at all times.

Article 8

The competent authorities of one Contracting Party shall notify those of the other Contracting Parties of the operators of its own country engaging in water transport and water transport service businesses and their vessels.

Article 9

Operators engaging in liner services shall publicize in advance the sailing schedule, shipping routes and the sequence of ports of call, and shall run their services in accordance with such publicized information. If the sailing schedule, shipping routes and the sequence of ports of call need to be changed, such changes shall be publicized 15 days in advance.

Article 10

While engaging in passenger transport business, there shall be safe service facilities as needed for berthing of the vessel as well as embarking and disembarking of passengers so as to ensure the safety of passengers.

Article 11

In participating in the water transport and water transport service businesses, it shall be prohibited to monopolize cargo sources, to collectively and unreasonably raise freight rates or apply predatory freight rates, to have compulsory agency activities, to practice discriminatory pricing, and to abuse the advantageous positions.

Article 12

Contracts shall be concluded in conducting water transport or water transport service businesses.

Contracts may be concluded in written, oral or other forms subject to laws and regulations of each Contracting Party.

Article 13

Transport documents such as waybills or bills of lading shall be used in the cargo transport business. Whenever cargoes are delivered during the transport process, the receiver of cargoes shall issue cargo receipts. In case of damage to or loss or delay of cargoes, both parties of the delivery shall formulate a Record of Cargo Transport.

Passenger tickets shall be used in passenger transport business. Passengers shall hold valid tickets for embarkation.

Article 14

Without prejudice to the dispute settlement procedures under each Contracting Party ' s laws and regulations, when disputes over contracts arise from operation activities, the parties concerned may refer to the competent authorities or the coordinating mechanism of the Contracting Parties for mediation.

Article 15

Commercial ports as stipulated in the Quadripartite Agreement shall be open on an equal basis to vessels of each Contracting Party, and no discriminations shall be practised. Illegal inspections on vessels and related persons shall be prohibited.

No charges shall be levied upon vessels in transit except the payment for services specially rendered thereto.

Article 16

For the safety of life, health and the protection of environment, the carriage of dangerous goods such as explosives, poisonous and infectious substances, radioactive materials shall be prohibited.

Article 17

The protection requirements for each packaging group and each type of package as required in the carriage of dangerous goods shall be in compliance with the provisions for packaging type, packing method, specifications and performance tests in IMDG Code.

The proper shipping name of the goods shall be displayed on the package of dangerous goods and the name used shall be in compliance with the individual schedules of dangerous goods in IMDG Code. Labels and marks as required by the provisions of IMDG Code shall be adhered on the evident place of the package either by pasting, printing or fastening.

The UN number of the dangerous goods contained shall also be displayed on their packages.

The documents used for the transport of dangerous goods shall meet the requirements stipulated in IMDG Code.

Article 18

Vessels carrying dangerous goods shall comply with relevant technical requirements for the carriage of dangerous goods.

When carrying dangerous goods on board vessels, precautions shall be made to ensure the normal use of the safety facilities and unimpeded pass of the passways.

Article 19

Passenger vessels, cargo and passenger vessels and vessels other than steel construction shall not be allowed to carry dangerous goods.

Article 20

The loading and carriage of ruptured and leaked packages and contaminated dangerous goods shall be prohibited

Guidelines on the Maintenance and Improvement of the Navigability of the Lancang-Mekong River

The Guidelines are formulated with a view to jointly maintaining and improving the navigability of waterways, ensuring safe and smooth navigation of vessels, increasing the tonnage of navigating vessels and reducing transport costs in accordance with *the Agreement on Commercial Navigation on the Lancang-Mekong River among the Governments of the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand* (hereinafter referred to as the Quadripartite Agreement).

Article 1 General Provisions

1.1 The Guidelines are applicable to the navigable waterways between Simao of the People's Republic of China and Luangprabang of the Lao People's Democratic Republic.

1.2 Subject to Article 21 of the Quadripartite Agreement, the four Contracting Parties should take all necessary measures to remove obstacles and hazardous obstruction on the waterways affecting navigation, maintain and improve the navigability of the River so as to ensure safe and smooth navigation of vessels.

1.3 As regards the improvement of navigability of the Lancang-Mekong River, it is understood that such undertaking shall not affect the natural state of the River's thalweg, water level in downstream area and boundary between the countries concerned and that the environmental impact assessment to that effect has been approved.

1.4 It is not allowed to dump stones, sand, earth, mud and wastes into the River except for the maintenance and improvement

purposes.

1.5 It is not allowed to have any actions, such as digging sand, gravel and earth, setting up fishing-nets, and drifting bamboo, and/or lumber in bulk on the waterways, which are directly or indirectly harmful to the navigability of waterways.

1.6 It is not allowed to set up on the waterways any facilities resulting in permanent inconveniences for navigation.

Article 2 Standards for Navigation Channels

2.1 It is envisaged that, at least as from January 2002, vessels of 100 tonnage (DWT) can navigate on the navigation channels. It is envisaged that, at least as from January, 2007, vessels of 300 tonnage (DWT) can navigate on the navigation channels. It is also envisaged that the dimensions of permanent river-crossing buildings, dammed structures and underwater structures should be designed to allow the passing of vessels of up to 500 tonnage (DWT).

2.2 The specifications of navigation channels are envisaged as follows:

(1) By the first phase, the minimum width of navigation channel is 30 meters, the minimum water depth 1.5 meters and the minimum curvature radius 260 meters;

(2) By the second phase, the minimum width of navigation channel is 40 meters, the minimum water depth 2 meters and the minimum curvature radius 300 meters.

2.3 The maximum water level of navigation channels should be designed on the basis of the probability that the flood happens once every 10 years. The minimum water level should be designed to ensure the navigation for at least 95% of the time in a year.

2.4 The clear height from the lowest point of any permanent river-crossing buildings (e.g. bridges, aqueducts, pipes, hydropower facilities and cables, etc.) on the section of waterways to the designed highest navigation water level should not be less than 8 meters. The clear width should be determined to meet the natural conditions of the sections of the River where the river-crossing structures locate and to allow the passing of vessels of up to 500 tonnage (DWT).

2.5 The burial depth of river-crossing underwater facilities such as cables, ducts, pipes and tunnels should be deeper than 2 meters from the designed riverbed level.

2.6 When hydropower stations are constructed on waterways, the construction of vessel-passing facilities should be completed synchronously with that of dam and power station buildings. Their dimensions should be designed to allow the passing of vessels of up to 500 tonnage (DWT) .

Article 3 Harnessment of Navigation Channels

3.1 The harnessment of navigation channels and the improvement of their navigability are important prerequisites for safe and smooth navigation. The relevant Contracting Parties should harness the sections of waterways in their territories. The boundary sections of waterways should be harnessment after consultation between the two Contracting Parties concerned.

3.2 The harnessment of the internal waterways of one Contracting Party may be carried out jointly by the four Contracting Parties or by a Contracting Party that is recommended after consultations among the Contracting Parties concerned. The harnessment of boundary sections of waterways may be also carried out in the similar manner.

Article 4 Navigation-Aiding Facilities

4.1 Facilities such as aids to navigation, marks for place names and milestones should be installed along the River by the Contracting Parties concerned.

4.2 Capstans should be set up in the area of rapids where upstream navigation is impossible for the vessels.

4.3 Marks for place names and milestones should be labeled in English and a national language.

4.4 The aids to navigation should comply with the harmonized standards to be developed among the four Contracting Parties as soon as possible.

4.5 The installation of the above-mentioned facilities should be carried out in accordance with the principles set out in Article 3.

4.6 It is not allowed to unreasonably destroy or remove the navigation-aiding facilities.

Article 5 Maintenance and Management of Navigation Channels

5.1 Each Contracting Party should be responsible for maintaining and managing the section of navigation channels within its own territory. Alternatively, such maintenance and management may be carried out jointly by the four Contracting Parties or by a Contracting Party that is recommended after consultations among the Contracting Parties concerned.

5.2 The maintenance and management of the boundary sections of navigation channels should be jointly carried out by the two Contracting Parties concerned after consultation. Alternatively, such maintenance and management may be carried out jointly by the four

Contracting Parties or by a Contracting Party that is recommended after consultations among the Contracting Parties concerned.

5.3 All Contracting Parties should enhance the work on management and maintenance of the sections of waterways within their respective territories, maintain the established channel dimensions and keep the waterways and their facilities in good technical conditions so as to ensure sound navigability of the navigation channels.

5.4 Public notices concerning physical changes of waterways, movement of aids to navigation, waterway dimensions, situation of water and ongoing waterway engineering works should be released by competent authorities of each Contracting Party on a regular basis.

Article 6 Maintenance and Management of Navigation-Aiding Facilities

6.1 Each Contracting Party should be responsible for the maintenance and management of navigation-aiding facilities in the section of waterways in its own territory. Alternatively, such maintenance and management may be carried out jointly by the four Contracting Parties or by a Contracting Party that is recommended after consultations among the Contracting Parties concerned.

6.2 The maintenance and management of the navigation-aiding facilities within the boundary sections of waterways should be carried out jointly by the two Contracting Parties concerned after consultation. Alternatively, such maintenance and management may be carried out jointly by the four Contracting Parties or by a Contracting Party that is recommended after consultations among the Contracting Parties concerned.

6.3 Marks should be set up in time in the area of sunken vessels, facilities or objects hindering navigation in the waterways.

Article 7 Drawing up and Revision of Navigation Charts

7.1 The navigation charts for navigation channels are envisaged to be drawn up in English by the end of 2001 so as to enable the vessels to navigate in the correct passage. The navigation charts may be revised every 2 years according to the changes of the navigation channels.

7.2 The drawing up and revision of navigation charts will be conducted jointly by the four Contracting Parties or by a Contracting Party that is recommended after consultations among the Contracting Parties concerned. All Contracting Parties are obliged to provide detailed materials, such as topographic charts of waterways and rapids, photos and information on obstructions in waterways and average accidents, in respect of the sections of waterways in their respective territories and also their boundary sections of waterways.

7.3 The scale of the navigation charts should be 1:10,000. Enlarged navigation charts and photos with the scale of 1:5000—1:1000 will be supplemented for some individual rapids.

**Regulations on the Investigation and
Handling of Waterborne Traffic Accidents
on the Lancang-Mekong River**

Chapter I General Provisions

Article 1

These Regulations are formulated with a view to enhancing the management of traffic safety on the Lancang-Mekong River and timely investigating and handling traffic accidents thereof in accordance with *the Agreement on Commercial Navigation on the Lancang-Mekong River among the Governments of the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand*.

Article 2

These Regulations shall apply to the waterborne traffic accidents (hereinafter referred to as "accidents") happening to the vessels defined in *the Regulations on Safe Navigation of Vessels on the Lancang-Mekong River* in the waterways between Simao of P. R. China and Luangprabang of the Lao P. D. R.

These Regulations shall not apply to the accidents happening between fishing vessels, military vessels and government vessels for noncommercial purposes of the same Contracting Party.

These Regulations do not affect the application of the national laws and regulations of each Contracting Party to the accidents happening between its own vessels in the waters under its jurisdiction.

Article 3

The competent authorities of the Contracting Parties for implementing these Regulations are as follows;

For China: China Maritime Safety Administration;

For Laos: Ministry of Communication, Transport, Post and Construction;

For Myanmar: Ministry of Transport;

For Thailand: Harbour Department.

Article 4

The accidents referred to in these Regulations mean the following occurrences to vessels:

- a. collision, allision or damage by waves;
- b. hitting hidden rocks or grounding;
- c. fire or explosion;
- d. windstorm;
- e. pollution;
- f. capsizing or listing;
- g. sinking; and
- h. other accidents happening due to causes other than the above.

Chapter II Jurisdiction

Article 5

The competent authorities with jurisdiction are responsible for the investigation and handling of accidents happening in their territorial waters. If an accident happens in the boundary waters of two Contracting Parties or in the controversial waters over jurisdiction, it

may be settled through consultations among the Parties concerned.

Article 6

The competent authorities with jurisdiction may entrust the competent authorities of other Parties with the task of investigating and handling the accidents.

The competent authorities of the Flag State of the vessel shall, at the request of the competent authorities of the country where the accident happens, give assistance in the investigation.

Chapter III Report

Article 7

If an accident happens to vessels, in addition to reporting in accordance with the relevant regulations, the master of the vessel shall submit the Report Concerning Accidents and evidences to the competent authorities with jurisdiction within 48 hours (24 hours if in harbour area) after the occurrence of an accident. The report should cover the following information;

- a. names, nationalities, call signs, ports of registry and ports of departure and destination of the vessels;
- b. dimensions of vessels, loaded draught and types of vessels;
- c. owners, operators and managers of the vessels;
- d. when and where the accident happened and brief situation of the accident;
- e. the extent of damage and status;

- f. cargoes and passengers carried;
- g. casualties; and
- h. other necessary information.

The report must be truthful and there must not be any concealment or falsification.

Article 9

The nearest competent authorities of the Contracting Parties shall notify the competent authorities with jurisdiction of the relevant information and assist them in the investigation and evidence collection.

Chapter IV Investigation

Article 9

Upon receiving an accident report, the competent authorities with jurisdiction shall promptly carry out investigation in an objective and all-round manner.

Article 10

Upon receiving an accident report, the nearest competent authorities shall:

- a. take notes in detail;
- b. collect necessary on-site evidences and take necessary measures;
and
- c. assist the parties involved in reporting to the competent authorities with jurisdiction and briefing them relevant

information and transferring relevant materials.

Article 11

The competent authorities have the rights to:

- a. survey the accident scene and collect relevant material evidence;
- b. question the persons concerned;
- c. ask the persons under investigation to provide written materials and testimonials;
- d. ask the parties involved to provide logbooks, engine room logs, wheel-bell records, relevant proofs, certificates or documents;
- e. examine the damage to the vessels and cargoes and ascertain casualties of personnel; and
- f. verify the riverworthiness of the vessels, technical conditions of their equipment, manning and competence of crew members before the accident happened.

Article 12

During the investigation, the competent authorities may use recording, photographing and video equipment or other means allowed by their national laws.

Article 13

During the investigation, the competent authorities shall, according to specific situations, prepare the spot investigation report and the questioning records and take investigation minutes.

Article 14

In conducting investigations, the investigators shall produce their valid credentials to the persons being investigated.

Article 15

The persons being investigated must subject themselves to the investigation, honestly state the relevant circumstances of the accident and provide relevant evidences.

Employers of the persons being investigated shall be cooperative in the investigation. The competent authorities of the Contracting Parties to which the persons being investigated belong shall give necessary assistance.

Article 16

For the purposes of surveying the scene of the accident and collecting evidences, the competent authorities are entitled to forbid the vessels involved in the accident to leave the port or to order them to stop sailing or operation or to go to a designated location. The relevant vessels are obliged to give assistance in the investigation.

Article 17

As for the vessel damaged due to an accident, the competent authorities may directly make appraisal on the damage or authorize relevant experts or organizations to do so. The expenses arising from the appraisal will be paid by the parties involved.

Chapter V Handling of Accidents

Article 18

The competent authorities shall, according to the investigations of accidents, analyze the accident causes, define the responsibilities of the parties concerned, make recommendations for enhancing safety management and preventing accidents and work out the Report on Findings Concerning Accidents. The Report on Findings Concerning Accidents shall include the following items:

- a. basic conditions of the vessels and the main data;
- b. names; addresses and post codes of the owners, operators or managers of the vessels;
- c. general information on the accident (when and where the accident happened, the course of the accident, weather conditions at the time, seriousness of the damage, conditions of navigation channels at the time, and the course of rescue, etc.);
- d. causes of the accident;
- e. conclusion on the accident; and
- f. recommendations on enhancing safety management and preventing accidents.

The accident investigation report shall be submitted to the competent authorities of the Flag States of the parties involved, the parties involved and their relevant organizations.

Article 19

The competent authorities may make the following appropriate punishments on the persons or vessels directly responsible for an

accident according to its relevant national laws, regulations and rules:

- a. making warning or fining against the national crew members, pilots or other relevant personnel or detaining or revoking their competence certificates;
- b. making warning or fining against the non-national crew members or other relevant personnel or informing the competent authorities of the Flag States and the competent authorities issuing the relevant certificates of the responsibilities and faults of these persons.

Article 20

The competent authorities may, according to the investigation findings, make recommendations on enhancing safety management and preventing accidents to the owners, operators or managers of the vessels and notify the competent authorities of the Flag States accordingly.

Article 21

If the persons or vessels involved refuse to admit the punishment by the competent authorities, they are entitled to apply for reconsideration by the higher authorities.

Chapter VI Settlement of Civil Disputes

Article 22

As for the civil disputes caused by traffic accident of vessels, the parties involved shall have the right to apply for mediation or arbitration or bring lawsuit to court.

Article 23

As for the civil disputes caused by traffic accidents for which a lawsuit has been lodged or an arbitration has been applied, the parties involved shall not apply for any mediation to be conducted by the authorities concerned.

Article 24

Mediation applications shall be submitted by the parties involved in written form to the authorities concerned acceptable to each party involved within 30 days after the accident occurs.

In case a financial guarantee is required by the authorities concerned, the persons involved shall provide such a financial guarantee.

Article 25

If an agreement is reached through mediation, the authorities concerned shall make out a mediation report, which shall be signed by each party involved and approved by the authorities concerned.

Article 26

The authorities concerned may announce the failure of the mediation if it has been 3 months since the mediation application was received and no consensus reached among the parties concerned.

Article 27

As for civil disputes for which mediation has been applied, the parties involved should apply for the cancellation of mediation in written form if they are unwilling to be mediated. If one party involved breaks its commitments in the agreement reached through

mediation or fails to fulfill its obligations thereof during the designated period, the other party involved shall report these to the authorities concerned for such failure.

When the mediation fails, the parties involved may apply for arbitration in the arbitration organizations acceptable to each party involved or directly bring a lawsuit to the court where the business of the defendant locates.

Article 28

As for cases applied for the mediation by authorities concerned, the parties involved shall pay the mediation expenses equal to actual expenses for mediation.

When an agreement is reached through mediation, unless the parties involved agree otherwise, the mediation expenses will be shared by the parties involved according to their responsibility sharing ratio or the appointed amount. When the mediation fails, the charge shall be shared equally among the parties involved. However, when the mediation fails due to the application for canceling mediation, the charge shall be borne by the applicant.

**Regulations on Management of Search & Rescue, Salvage
and Wreck Removal on the Lancang-Mekong River**

Chapter I General Provisions

Article 1

These Regulations are formulated with a view to jointly strengthening management of navigation safety on the Lancang-Mekong River, safeguarding lives, vessels and properties, coordinating, organizing and commanding search & rescue and salvage operations in a unified way, extending timely rescue and salvage to persons and vessels in distress for avoiding or reducing loss, protecting environment and preventing pollution and enhancing management on wreck removal in accordance with *the Agreement on Commercial Navigation on Lancang-Mekong River among the Governments of the People's Republic of China , the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand.*

Article 2

These Regulations apply to persons and vessels in distress and sunken vessels, including the hull, vessel articles and cargoes within the navigable waters of the River.

Article 3

The competent authorities of the Contracting Parties are responsible for implementing these Regulations in respect of coordinating, organizing and commanding search & rescue and salvage of persons and vessels in distress as well as management operations on wreck removal.

Chapter II Search & Rescue and Salvage

Article 4

Persons and vessels in distress shall take any possible effective measures and means to conduct self-rescue and report promptly to the nearest competent authorities and the vessel's owners and operators on the time, location, loss, preliminary causes of accidents as well as their requests for rescue and salvage.

Article 5

The vessels involved in the accident shall, without endangering itself, make every effort to rescue the persons in distress and not leave the site presumptuously, and notify in time the nearest competent authorities of the rescue progress and result thereof.

Article 6

The vessels in the vicinity of the accident site shall, without endangering itself, make every effort to rescue the persons in distress, and notify in time the nearest competent authorities of the rescue progress and result thereof.

Article 7

Upon receiving distress alerts, the nearest competent authorities shall verify the information on the distress and take immediately effective actions to organize rescue operation and, at the same time, notify the competent authorities of the distressed vessel's Flag State of the information on the accident.

Article 8

All vessels participating in the rescue and salvage shall be subject to the unified command of the competent authorities.

Article 9

The Contracting Parties shall enhance their cooperation in search & rescue and salvage, and notify each other of the relevant information.

Chapter III Wreck Removal

Article 10

The competent authorities shall enhance the management on wreck removal for the purposes of maintaining safety of operation spots, protecting navigational conditions and preventing pollution from vessels.

Article 11

Sunken vessels shall be removed if they:

- a. are hindering navigation of vessels or regulation of waterways;
- b. have caused or will probably cause pollution;
- c. are threatening the security of the riparian countries; or
- d. are considered by the competent authorities necessary to be removed.

Article 12

The competent authorities with jurisdiction should notify the owners of sunken vessels to remove the wrecks within specified time if they hinder navigation of vessels and regulation of waterways or threaten the security of the riparian countries.

Article 13

As for the sunken vessels seriously hindering navigation safety and having caused the pollution in the water areas, the competent authorities with jurisdiction have the right to ask the owners of the sunken vessels or their authorized agents to execute a compulsory wreck removal in due course.

Article 14

The owners of sunken vessels or their authorized agents shall set up marks in the area of the sunken vessels hindering navigation safety in accordance with the requirements of the competent authorities, and issue the navigation warning through the competent authorities.

The owners of sunken vessels or their authorized agents should submit the wreck removal application to the competent authorities together with the wreck removal plan. Having been approved by the competent authorities, the owners or their authorized agents should complete the wreck removal and clean-up within the specified time.

Article 15

As for the sunken vessels which have not been removed and cleaned-up by their owners or their authorized agents within the specified time, the competent authorities have the right to execute a compulsory wreck removal, with all the expenses arising therefrom being borne by the owners or their authorized agents.

Article 16

If the competent authorities can not find the owner of a sunken vessel, they may sell off or auction off the removed derelict wrecks to pay the expenses for the removal and clean-up.

Article 17

Without the approval of the competent authorities, no one shall presumptuously remove or clean up the wrecks.

Annex VI

Technical Regulations on Surveys of Commercial Ships on the Lancang-Mekong River

Chapter I General Provisions

Article 1

These Technical Regulations are formulated with a view to safeguarding the safety of commercial ships, people's life and properties on the Lancang-Mekong River and preventing the water from being polluted in accordance with *the Agreement on Commercial Navigation on the Lancang-Mekong River among the Governments of the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand* and relevant international common practices.

Article 2

These Regulations shall apply to all commercial ships, which navigate, moor, anchor and operate in the water of the Lancang-Mekong River between Simao of P. R. China and Luangprabang of Lao P. D. R.

Article 3

The ship survey organizations authorized or recognized by the competent authorities of the Contracting Parties are responsible for the surveys of their national ships according to the rules and regulations promulgated or recognized by the competent authorities of the Contracting Parties, which must satisfy the technical requirements of these Regulations.

Article 4

One Contracting Party should accept relevant vessel certificates or documents duly issued or recognized by the competent authorities of any other Contracting Parties in compliance with the technical requirements of these Regulations. These certificates include the Tonnage Certificate, Load Line Certificate, Passenger Certificate, Oil-Pollution Prevention Certificate and the relevant technical documents.

Chapter II Classification of Navigating Zones

Article 5

On the basis of the hydrological and meteorological conditions, the Lancang-Mekong River can be classified into Grade A, B and C. According to the current velocity, some water areas are classified as torrent section, i.e. Grade J section.

Article 6

The division of service area is determined according to the following specifications:

- a. The wave dimension for calculation and the scope of natural wave height of each service area are specified in Table 6 - 1

Table 6-1

Service area Grade	Wave height (m) × wave length (m)	Scope of wave height (m)
Grade A	2.5 × 30.0	1.5 to 2.5
Grade B	1.5 × 5.0	0.5 to 1.5
Grade C	0.5 × 5.0	0.5 or less

- b. In gorges of the River, where the current velocity on the shoal of a

section is greater than 3.5m/s, the section is determined as torrent section. The torrent section is classified into two sub-grades, i.e. Grade J1 and J2, according to the current velocity on the shoal.

1. For Grade J1 section, the current velocity on the shoal is more than 5m/s but no more than 6.5m/s.
2. For Grade J2 section, the current velocity on the shoal is between 3.5m/s and 5.0m/s.

Article 7

The service area of the Lancang-Mekong River between Simao of P. R. China and Luangprabang of Lao P. D. R. is classified as follows:

- a. From the Simao Port to the mouth of the Nanla River, Grade C area J2 section;
- b. From the mouth of the Nanla River to Pha Thi Rapids (197km downward from the river mouth) , Grade C area J1 section;
- c. From Pha Thi Rapids to Luangprabang, Grade C area.

Chapter III Ship Construction

Article 8

The ship construction should be in conformity with the technical regulations or standard issued or recognized by the competent authorities of the Contracting Parties. The ships should be constructed according to the design plan and technical documents approved by the competent authorities or its authorized agencies. In the process of construction, the competent authorities or the ship survey organizations should carry out new building survey so as to ensure the ship quality.

Article 9

Ships shall be built with sufficient structural strength. No matter what type of framing is adopted, the longitudinal members shall keep fine structural continuity. The framing of deck, side and bottom shall be connected effectively to form rigid integral. The arrangement and scantling of hull structure members should be checked and calculated according to the relevant regulations of the Contracting Parties.

Article 10

The main and the auxiliary engine, shafting and machinery equipment relating to the safety of ships shall be designed, type selected and arranged to ensure the normal operation when list is up to 10° and trim up to 5°.

The main propulsion machinery shall be capable of producing sufficient astern power to ensure proper control of the ship in all normal conditions. Passenger ships intended to navigate in the torrent section shall be provided with two main engines.

Article 11

The engine room shall have doorway for entry, exit, inner aisle, ventilation, lighting and other protective facilities to prevent persons from being hurt. Appropriate means of communication shall be provided to any positions from which engine may be controlled. Emergency communication devices should also be fitted for the ships in accordance with the relevant regulations of the Contracting Parties.

Article 12

Pumping and piping system shall be of a design and construction adequate for the service. Pipes, valves and fittings shall be made of steel, cast iron, copper, copper alloy, or other approved materials suitable for the intended service. Materials sensitive to heat, such as aluminum, aluminum alloy, and plastics, etc., shall not be used in systems essential to the safe operation of the ship.

Article 13

The boilers, boiler components, mountings and fittings, and pressure vessels shall withstand hydraulic tests and conform to the safety requirements. Boilers shall be adequately insulated. The insulation shall have a metallic sheathing.

Article 14

Main engines shall be capable of running for an hour the power of 110% of its rated output and producing sufficient astern power to ensure proper control of the ship in all normal conditions.

The time required for reversing main engines and main propulsion machinery shall not exceed 15 seconds.

A safety interlocking device shall be fitted between the turning gear and the starting arrangements of the main engine. Devices for quickly cutting off fuel oil supply or other effective arrangements for emergency stopping shall be provided near the main engine control station.

Article 15

For reversible gearing, the speed at free clutching and declutching shall not be less than 60% of the rated speed of main engines and the

time required for reversal shall not be more than 15 seconds.

The structural strength and model of the gearing selected should meet the relevant regulations of the Contracting Parties.

Article 16

The materials, structural dimensions, surface quality of the shaft and its parts and propeller shall meet the relevant regulations of the Contracting Parties. Where the couplings are separate, provision shall be made for couplings to resist the astern pull so that no axial displacements of the couplings relative to the shafts may occur.

The temperature of sliding bearing in main propulsion shafting and their transmission gearing shall not exceed 65°C, and not exceed 80°C if roller bearing is fitted.

Article 17

The basic performance and arrangement of the steering gear should conform to the relevant regulations of the Contracting Parties and to the following requirements;

a. Where the power steering gear is installed, the gear shall be capable of driving the rudder over from 35° port to 30° starboard or vice versa with the ship at its full loaded draft and running ahead at maximum designed speed. The time required for doing this shall not be more than 12 seconds for ships intended for navigating in torrent, but it may be not more than 15 seconds for ships of less than 30m in length and not more than 20 seconds for ships intended for navigating in the area other than in torrent.

Where an electric or electro-hydraulic steering gear is installed, two sets of electric motors or two sets of electro-hydraulic pump groups shall be provided respectively so that they can be operated alternately. The alternation shall be rapid and reliable and the time

required for the alternation shall not exceed 10 seconds.

b. Where the main steering gear is driven by manual mechanism or manual hydraulic pressure, another stand-by steering gear is not required unless the gear is capable of driving the rudder over from 35° port to 30° starboard or vice versa with the ship at its full loaded draft and running ahead at maximum designed speed according to the requirements in Table 17-1.

Table 17-1

	Ships navigating in torrent	Ships navigating in area other than torrent
Force by one person on steering gear operating wheel(N)	>147	>147
Time required for driving rudder over(S)	>15	>20

Article 18

Windlasses shall be driven by independent prime movers or motors. For hydraulic windlasses, the hydraulic pipes may be connected with the pipes for other deck machinery, provided that there is no interference to the normal operation of windlasses.

Manual-operated windlasses may be accepted for ships having anchors, with each not exceeding the weight of 400kgs. Provision shall be made to manual-operated windlasses to avoid personal injuries by handles.

All power-operated windlasses shall be reversible.

v

Article 19

The electrical equipment shall be capable of being safely operated and the passengers, crew and ship shall be ensured from electrical hazards.

The design, manufacture and installation of electrical equipment shall conform to the relevant regulations of the Contracting Parties.

Article 20

Ships fitted with electrical or electro-hydraulic steering gears, when navigating in torrent sections, shall be equipped with emergency power source in addition to main power source. The main power source of ships shall be sufficient to ensure the supply of all electrical services necessary for normal operation and habitability from main switchboard. The emergency power source shall be sufficient to ensure the supply of the emergency electrical devices necessary for the emergency conditions from emergency switchboard.

Chapter IV Tonnage Measurement, Load Line and Stability

Article 21

The tonnage measurement is to determine the ship's gross tonnage and net tonnage through measurement and calculation. The ship survey organizations authorized by the competent authorities of the Contracting Parties are responsible for the tonnage measurement. All the Contracting Parties shall accept the Ship's Tonnage Certificate duly issued or recognized by the ship survey organizations without the necessity of re-measuring the ships concerned.

Article 22

Minimum freeboard shall be determined and load line shall be marked for all commercial ships other than hydrogliders, hydrofoil crafts, aircushion crafts and floating docks. The determination of the ship minimum freeboard, the load line mark and mark methods shall be carried out according to the relevant regulations of the Contracting Parties.

Article 23

The ship's stability calculation documents shall be checked and approved by the ship survey organizations authorized or recognized by the competent authorities of the Contracting Parties.

Article 24

Where a ship needs to pass through an area or section of higher grade, it shall comply with the requirements of stability for such an area or section. If it is impracticable to do so and the ship does intend to pass through such an area or section, the restrictions to weather or loading conditions shall be laid down properly on the ship, on condition that necessary measures have been taken and safety of navigation is assured, with consent of the competent authorities of the Port States.

Article 25

The ship shall have a table of summarizing stability to enable operators to well know the stability of the ship under all loading conditions. The table of summarizing stability of ships should be prepared according to stability calculation after building. The methods of stability calculation and the tables shall be approved by the competent authorities of the Contracting Parties,

Chapter V Fire Fighting and Life-saving

Article 26

Fire protection measures shall be taken into consideration for the design, construction and installation of ships. The principal materials, equipment and installations used for fire protection shall conform to the relevant regulations of the Contracting Parties.

Article 27

Fire extinguishing system and appliances shall ensure that any part of the ship can be under control effectively in case of fire. The fire extinguishing system and appliances shall be kept in good order and available for immediate use at any time.

Article 28

Life-saving appliances shall be provided sufficiently onboard for passengers and crew. Materials, specifications and performances of life-saving appliances shall conform to the relevant regulations of the Contracting Parties.

Article 29

The number of lifejackets and life buoys should meet the following requirements:

Lifejackets;

The lifejackets used for crew and passengers shall be provided not less than 110% of them. In addition, 5% of the lifejackets based upon the number of the passengers onboard shall also be provided for the children.

Life buoys:

Life buoys Ship length	Type of ship	Cargo ship (for each deck at least)	Passenger ship (for each deck at least)
	L < 10m		1
10 ≤ L < 30m		2	4
30 ≤ L < 60m		3	6

Article 30

Lifejackets shall be so placed as to be readily accessible for passengers and crew members and the lifebuoys shall be rationally placed onboard where persons can reach readily.

Chapter VI Equipment for Navigation, Signal and Radio Communication

Article 31

Navigational equipment onboard shall be provided respectively depending on the areas (sections) of navigation, number of passengers, gross tonnage and total rated power of the ship in accordance with the requirements of Table 31-1.

Table 31-1

No	Name of navigation equipment	Area (Section) of navigation	Minimum amount required							
			Passenger ship (number of passengers)			Cargo ship (GT)			Pusher (Tugs) (KW)	
			≥150	≥50~ <150	<50	≥150	≥50~ <150	<50	≥368	<368
1	Searchlight	C	2	1	1	2	1	1	2	1
		J Section	3	2	1	3	2	1	3	2
2	mounding pole	C	4	3	2	2	2	1	2	2
3	Sounding lead	C	2	1		2	1		2	1
4	Binoculars	C	2	1	1	2	1	1	2	1
5	Inclinometer	C	2	1		2	1		2	1
6	Ship's clock	C	3	2	1	3	2	1	2	1
7	Thermometer	C	2	1	1	2	1	1	2	1
8	Aneroid Barometer	C	1	1		1	1		1	1
9	Stopwatch	C	2	I		2	1		2	1

Article 32

Lights, shapes, flags and sound signal appliances shall be provided in accordance with the requirements of *the Regulations on Safe Navigation of Vessels on the Lancang-Mekong River* in respect of the type, amount, specifications, performance and installation.

Article 33

The minimum amount required for lights, shapes, flags and sound signal appliances shall be provided in compliance with Tables 33-1,33-2,33-3,and 33-4.

Amount Required for Lights

Table 33-1

Amount required	Type of light	white mast head light	Green mast- head light	Red side light	Green side light	Bow light	White stern- light	All- round white light ^①	All- round red Light ^②	All- round green light	Flash ing yellow light
Type of ship											
	Power-driven vessel	1 ^③		1	1		1	1	2	1	
	Ferry	1		1	1		1	1	2	3 ^④	
	Tug	3 ^⑤	1 ^⑥	1	1		2	1	2	1	
	Barge			1	1	1	1	1	2	1	
	Engineering ship	1		1	1		1	1	2	2	
	Fast ship	1		1	1		1	1	2		1
	Buoy tender	1		1	1		1	1		2	
	Pontoon							1	2	1	
	Sailing vessel							1			

Note: ① Except pontoon ship and sailing vessel, two all-round white lights provided for a ship of 50m and above in length are regarded as fore and aft anchor lights and the fore anchor light shall be higher than aft anchor light.

② The ship intended for carrying dangerous goods shall be provided with an additional all-round red light.

③ Power-driven vessel of 50m and above in length shall be provided with an additional white masthead light at aft mast.

④ Two of the all-round green lights shall be located on yard of mast.

⑤ Pushers and tugs shall be provided with three white masthead lights. Tugs for towing raft or towing raft and pushing shall be provided with two white masthead lights.

⑥ To apply to tug for towing raft.

Amount Required for Shapes

Table 33-2

Type of ship Name of shape	Engineering ship	Ferry across river	Others
Ball	3	3	3
Cross	1	1	
Diamond	2		1
Double Arrowheads		1	

Amount Required for Flags

Table 33-3

Length of ship (m)	50>L≥30	L<30	Fast ship	Wooden vessel L<20
Quantity				
Name of flag				
National Flag	To be provided according to relevant regulations of the flag states.			
International Code Flag 4#	1 set	1 set	1 set	1 set
500mm×350mm Orange Flag			1 flag	
500mm×350mm White Flag		1 flag		1 flag
350mm×350mm Hand Flag	1 pair			

Amount Required for Sound Signal

Table 33-4

Length of ship (m)	50>L≥30	L<30	Fast ship	Wooden vessel L<20
Quantity	0			
Name of flag				
Whistle	1	1	1	one audible appliance capable of making effective audible signals
Bell	1	1	1	
Gong	1		1	

Article 34

Radio communication facilities shall be provided for the ship of 50 gross tonnage and above, and fast ship (service speed \geq 35km/h) carrying 12 passengers or more. The design, manufacture and installation of ship radio communication facilities shall conform to the relevant requirements of the Contracting Parties.

Article 35

Amount required for radio communication facilities is as follows:

VHF radiotelephone (156.0 - 174MHz)	1
Portable VHF radiotelephone apparatus	1
Outward broadcast apparatus	1
MF/HF radio installation (1605 - 27500kHz), if necessary	1
Radio	1

Chapter □ Ship Pollution Prevention

Article 36

The construction and equipment for the prevention of pollution from ships shall conform to the relevant requirements of the Contracting Parties. The construction and equipment shall be designed, constructed and tested in accordance with the requirements approved by the competent authorities of the Contracting Parties.

Article 37

In order to prevent the oily water from polluting the Lancang-Mekong River, ships shall be equipped with oily water separators or slop tanks or any other means.

Article 38

In order to prevent the sewage pollution, the competent authorities

shall encourage the installation of sewage treatment units on board passenger ships.

Article 39

The container shall be installed on ship for the storage of garbage. It is forbidden to discharge garbage into the water area.

Chapter □ Number of Passengers and Accommodation Equipment

Article 40

Passenger ship or passenger-cargo ship means ships carrying 12 passengers or more. Passenger ship and passenger-cargo ship shall have the relevant certificates issued by ship survey organizations authorized or recognized by the competent authorities of the Contracting Parties.

Article 41

Passenger ships and passenger-cargo ships shall meet the following requirements:

- a. Passenger cabins of various classes shall be equipped with sleeping berths or seats. Specifications and conditions of sleeping berths and seats shall conform to the relevant regulations of the Contracting Parties;
- b. Passenger cabins shall have passageways and means of access which are convenient for passengers to enter and exit;
- c. Food and service facilities shall be provided for passengers on long -distance passenger ships;
- d. Lavatories and communal bathrooms (if necessary) shall be

provided sufficiently for passengers on the passenger ship;

- e. Passenger cabins shall be provided with a medical kit for passengers;
- f. Fire fighting, ventilation, illumination and air conditioning, etc. shall conform to the relevant regulations of the Contracting Parties.

Annex □

**Rules on Dues and Fees for Commercial Vessels
Navigating on the Lancang-Mekong River
among
the ministry of Transport of
the People’s Republic of China,
the Ministry of Public Works and Transport of
the Lao People’s Democratic Republic,
the Ministry of Transport of the Union of Myanmar
and
the Ministry of Transport of the Kingdom of Thailand**

The Ministry of Transport of the People’s Republic of China, the Ministry of Public Works and Transport of the Lao People’s Democratic Republic, the Ministry of Transport of the Union of Myanmar and the Ministry of Transport of the Kingdom of Thailand (hereinafter referred to as “the Contracting Parties”)

Pursuant to the Agreement on Commercial Navigation on the Lancang-Mekong River among the governments of the People’s Republic of China, the Lao People’s Democratic Republic, the Union of Myanmar and the Kingdom of Thailand (hereinafter referred to as “the Quadripartite Agreement”)

Desiring to facilitating the water transport and promoting the healthy development and security of the commercial navigation on the Lancang-Mekong River.

Have reached the following agreement:

Chapter □ Scope of Application

Article 1

These Rules are applicable to all vessels engaged in international commercial navigation on the section of the Lancang-Mekong River between Simao in the People's Republic of China and Luang Prabang in the Lao People's Democratic Republic.

Article 2

The competent authorities of the Contracting Parties responsible for the implementation of these Rules are as follows:

For China: Ministry of Transport
Ministry of Public Security
General Administration of Customs
General Administration of Quality Supervision,
Inspection and Quarantine

For Laos: Ministry of Public Works and Transport
Ministry of Finance
Ministry of Public Security
Ministry of Public Health
Ministry of Agriculture & Forestry
Water Resources and Environment Administration

For Myanmar: Ministry of Transport
Ministry of Finance
Ministry of Immigration and Population
Ministry of Commerce
Ministry of Health
Ministry of Foreign Affairs

For Thailand: Ministry of Transport

Ministry of Finance
Office of the Prime Minister
Ministry of Agriculture and Cooperatives
Ministry of Public Health

Chapter □ Principles for Levying Dues and Fees

Article 3

The Contracting Parties shall mutually grant to each other's vessels the most-favored-nation treatment with regard to formalities relating to vessel's entry and exit, customs clearance and other formalities, utilization of berths for loading and unloading of cargoes, utilization of terminals and warehouses and other port facilities, material supplies and levying of port dues.

The port dues and inspection fees shall be levied according to ports of transit and ports of loading/unloading cargoes or embarking/disembarking passengers.

Illegal inspections and dues and fees on vessels and related shall be prohibited.

Article 4

The most-favored-nation treatment means the preferential treatment granted by one Contracting Party to another Contracting Party's vessels, with regards to formalities relating to vessel's entry and exit, customs clearance and other formalities, utilization of berths for the loading and unloading of cargoes, utilization of terminals and warehouse and other port facilities, material supplies and levying of port dues, shall not be less favourable than that accorded to any other vessels of their country. The "port dues" means official port fees and official berthing fees. The "inspecting fees" means inspection fees at the open ports for frontier defense or immigration inspection, customs, and inspection fees for vessel quarantine excluding fees for

quarantine treatment.

Article 5

The port dues and inspection fees shall be levied based on the US dollar. The currencies for dues and inspection fees levied in accordance with these Rules shall be the local currencies of, or the currencies accepted by the Contracting Parties, whose port vessels call at for inspection.

Chapter □ Port Dues and Inspection Fees at Transit Ports

Article 6

For the purpose of security of the transit countries, a vessel of one Contracting Party, when passing through territorial water of another Contracting Party at the portside, shall be inspected once, according to the requirement of the Contracting Party, at one designated open port of another Contracting Party, and shall pay for port dues and inspecting fees stipulated in these Rules. If twice inspections are requested by another Contracting Party at certain designates open ports of another Contracting Party, port dues and inspection fees of these rules shall be levied only once. The dues and fees shall be levied in accordance with the sizes and types of vessels which are classified into two categories; one is that of those vessels with a capacity of one hundred DWTs or more; the other is that of those vessels with a capacity of less than one hundred DWTs, and passenger vessels and empty vessels. The rates of maximum port dues and inspection fees are fixed in the schedules attached to those Rules. No additional dues and fees shall be levied upon vessels of a Contracting Party by reason only of the passage through the territory of the other Contracting Party, except the payment for the specific services rendered to the vessels, the fees for inspection and safety guard incurred by the vessel calling at ports not open to foreign vessels at the request of the captain or maritime court.

The designated open ports of the Contracting Parties for vessels to call at the subject to inspection are as follows:

For China: Guanlei
For Laos: Xieng Kok, Muongmom
For Myanmar: Suploi, Wan Pong
For Thailand: Chiang Saen, Chiang Khong

Chapter □ Port Dues and Inspection Fees at Port of Loading or Unloading

Article 7

For the purpose of security and public health, the competent authorities of one Contracting Party shall inspect the vessels of another Contracting Party calling at its port of loading or unloading for loading/unloading cargoes or embarking/disembarking passengers, and levy the maximum port dues and inspection fees stipulated in these Rules. The port dues and inspection fees shall be levied in accordance with the sizes and types of vessels which are classified into two categories; one is that of those vessels with a capacity of one hundred DWTs or more, the other is that of those vessels with a capacity of less than one hundred DWTs, and passenger vessels and empty vessels. The rates of maximum port dues and inspection fees are fixed in the schedules attached to these Rules.

Article 8

Vessels for handling water-born traffic accidents and engineering vessels for improvement and maintenance of the navigation channel shall be exempted from the port dues and inspection fees stipulated in these Rules.

Article 9

These Rules from the integral part of the Memorandum of the Understanding among the Ministry of Transport of the People's Republic of China, the Ministry of Public Works and Transport of the Lao People's Democratic Republic, the Ministry of Transport of the Union of Myanmar and the Ministry of Transport of the Kingdom of Thailand concerning the implementation of Quadripartite Agreement on Commercial Navigation on the Lancang-Mekong River signed in Beijing on March 15, 2001.

Article 10

Any change to the schedules of the port dues and inspection fees shall be subject to the unanimous approval of the Contracting Parties.

Article 11

These Rules shall enter into force from the date of its signature. Done in Hanoi, Viet Nam on December 11, 2009 in four originals in English.

(signature)
For
Ministry of Transport of
the People's Republic of China

(signature)
For
Ministry of Public Works and
Transport of the Lao People's
Democratic Republic

(signature)
For
Ministry of Transport of
the Union of Myanmar

(signature)
For
Ministry of Transport of
the Kingdom of Thailand

**The Schedules of the Port Dues and Inspection Fees for
Port of Transit**

Type/size of vessel (maximum capacity, DWTs)	Maximum Dues/fee
Vessel of 100 DWTs or more	\$50
Vessel of less than 100 DWTs Empty vessels/Passenger vessels	\$40

**The Schedules of the Port Dues and Inspection Fees for
Port of Loading or Unloading**

Type/size of vessel (maximum capacity, DWTs)	Maximum Dues/fee
Vessel of 100 DWTs or more	\$50
Vessel of less than 100 DWTs Empty vessels/Passenger vessels	\$40

Remark: Maximum capacity means maximum loading capacity that registered in the license of a ship.

Annex VIII

**Emergency Plan to Handle and Coordinate the
Navigation-related Unexpected Accidents on the
Lancang-Mekong River
among China, Laos, Myanmar and Thailand**

The Ministry of Transport of the People's Republic of China, the Ministry of Public Works and Transport of the Lao People's Democratic Republic, the Ministry of Transport of the Union of Myanmar and the Ministry of Transport of the Kingdom of Thailand (hereinafter referred to as "the Parties"), as the competent authorities of the Contracting Parties who signed the Agreement on Commercial Navigation on the Lancang-Mekong River (hereinafter referred to as "the Quadripartite Agreement") on April 20, 2000,

Desiring to handle and coordinate navigation-related unexpected accident on the Lancang-Mekong River,

Have reached the following understanding:

Chapter One General Principle

Article 1 Purpose

In order to deal with any navigation-related unexpected accident, improve the emergency disposal and coordination response of each party, maximally control the damage caused by unexpected accidents and safeguard the people's lives and property of the four countries within the navigation channel stipulated in the Agreement on Commercial Navigation on the Lancang-Mekong River among the People's Republic of China, the People's Democratic Republic of Laos, the Union of Myanmar and the Kingdom of Thailand (hereinafter called the Quadripartite Agreement in brief), the emergency plan has been made hereby.

Article 2 Basis

The emergency plan is made in accordance with the Quadripartite Agreement and the Memorandum of Understanding of the Ministry of Transport of the People's Republic of China, the Ministry of Public works and Transport of the People's Democratic Republic of Laos, the Ministry of Transport of the Union of Myanmar and the Ministry of and Transport of the Kingdom of Thailand on the Implementation of the Agreement on Commercial Navigation on the Lancang-Mekong River as well as its 6 rules and regulations.

Article 3 Scope

The emergency plan is applicable to any navigation-related unexpected accident within the navigation channel stipulated in the Quadripartite Agreement with two or more contracting parties involved.

Article 4 Definition and Classification of Navigation-related Unexpected Accidents on the Lancang-Mekong River

The navigation-related unexpected accident refers to any emergency accident that suddenly happens within the navigation section stipulated in the Quadripartite Agreement, that involves two or more contracting parties, that is related to navigation, that causes or may cause any personnel casualty, property damage, ecological environment destruction, serious social disruption, that threatens the economic and social stability along the river and that jeopardizes public security. Unexpected accidents are classified into four types:

1. Natural disaster. It mainly includes geological disaster, meteorological disaster, seismic disaster, etc. that affect the navigation.
2. Accidental disaster. It mainly includes various waterborne traffic accidents like ship capsizing and colliding, striking reefs and

getting stranded, fire, port safety accident, oil tanker spilling, dangerous chemical leaking, etc. that threaten people's lives and property safety or any accidents or accident that pollutes environment and destroys ecology in terms of international shipping.

3. Public health accident. It mainly includes serious infectious epidemic situation, group unidentified diseases and epidemic situation of animals and plants that happen on the navigation section or on the transport ship along the river stipulated in the Quadripartite Agreement, including other accidents that seriously affect public health and life safety.

4. Public security accident. It mainly includes the navigation-related terrorist attack accidents (e.g., kidnap, shooting, hijacking, etc.), economic safety accidents, foreign affairs accidents, etc.

Article 5 Classification of Unexpected Accidents

Based on the degree and effect of personnel casualty, property damage and ecological destruction caused by unexpected accidents, they are classified into two grades namely ordinary grade and serious grade:

Grade	Situation of danger
Ordinary accident	<ol style="list-style-type: none"> 1. An unexpected accident that has not caused personnel death or missing; 2. An unexpected accident that has caused an economic loss below \$100,000; 3. An unexpected accident that has not caused an ecological environment destruction and has not affected the normal production and life of the people along the river; 4. An unexpected accident that has not affected social stability.
Serious accident	<ol style="list-style-type: none"> 1. An unexpected accident that has caused personnel death or missing; 2. An unexpected accident that has caused an economic loss above \$100,000; 3. An unexpected accident that has caused an ecological environment destruction and affected the normal production and life of the people along the river; 4. An unexpected accident that has posed a threat to social stability.

Note: Among the four-item judgment standard between ordinary accident and serious accident, only one item is enough to be decided to put it into that grade.

Article 6 Emergency Handling Principle

Each party shall follow the principal norms of mutual respect of sovereignty, equality and friendship in dealing with unexpected accidents and keep to the following basic principles in work:

1. Put people first and reduce damage. Take it as the primary task to guarantee the public health and life safety of each party and maximally reduce the personnel casualty caused by unexpected accidents.

2. Quick response and effective handling. Think of danger in times of peace, make preparation, intensify management, ascertain responsibilities, standardize the response and handling work, perfect emergency teams and facilities construction, and gradually increase emergency dealing capacity to make sure that any unexpected accident can be timely and effectively dealt with.

3. Strengthen coordination and cooperation. Each party shall give full play of the coordination and liaison of the Joint Commission on Coordination for Commercial Navigation on the Lancang-Mekong River (hereafter called the JCCCN in brief) and each department of the contracting parties shall also strengthen their cooperation and standardize the emergency handling and coordination procedures.

Chapter II Emergency Coordination and Organization System

Article 7 Leading Organization

The competent transport authorities of the four countries are the administrative organization to take charge of directing the work in dealing with any navigation-related unexpected accident on the Lancang-Mekong River. The local governments along the river are responsible for the specific unexpected accident emergency handling work.

Article 8 Emergency Response and Handling Organization

The local provincial government or local working organization dispatched by the central government of each country shall determine the grade of response, start up emergency measures and specifically implement emergency handling work for any unexpected accident according to the accident's nature, seriousness, controllability, effective range, etc.

Article 9 Coordination and Liaison Organization

The offices of the JCCCN of each contracting party are the coordination and liaison organization to mutually deal with any unexpected accident.

Chapter III Operating Mechanism

Article 10 Information Report

1. Upon finding the above unexpected public accidents, the crew members of the ship sailing within the navigation channel stipulated in the Quadripartite Agreement, the people and the governmental public servants along the river shall report it within the minimum time to the jurisdictional government or the port administration near the navigation channel of the accident.

2. Upon finding or receiving the accident information report, the port administration or the government along the river shall immediately report it to the provincial navigation or maritime authorities after initially checking and take definitive measures in advance to contain the development of the accident.

3. Upon finding the unexpected accident, the ship crew member may report it to the ship owner through the wireless communication device or other effective means on board. After receiving the report, the ship owner shall immediately report it to the navigation or maritime administration in the ship registration place. After receiving the report, the maritime or navigation administration shall verify the accident, take emergency measures in advance and immediately report it to the jurisdictional provincial navigation or maritime authorities.

Article 11 Emergency Handling and Coordination

1. After receiving the report, the provincial navigation or maritime authorities in the place of accident or ship registration shall immediately mobilize all the forces available, take further emergency measures, judge the accident's nature and effect and determine the grade of seriousness.

2. Ordinary accident

The provincial navigation or maritime authorities in the place of accident or ship registration shall be responsible for the emergency handling and mutual coordination, require the other parties and local government to give support if necessary and report the situation of the accident and the handling measures to the JCCCN of that country within 24 hours after receiving the accident report; summary report shall be formulated and reported to the JCCCN that country after the accident has been handled.

3. Serious accident

(1) The provincial navigation or maritime authorities in the place of accident or ship registration shall report it to the office of the JCCCN and the provincial government of that country within 2 hours after receiving the accident report.

(2) The office of the JCCCN in the place of accident or ship registration shall report it to the transport authorities of that country within 2 hours after receiving the accident report and at the same time, notify the office of the JCCCN involved within 4 hours and require the assistance from other party involved if necessary.

(3) The competent transport authorities of the contracting party shall direct the emergency handling and coordination work.

(4) After receiving the accident report, the provincial government shall instruct the emergency response handling organization to start

up the emergency response procedures within 2 hours.

(5) After the emergency response procedures are started up, the office of the JCCCN in the place of accident must track the handling process and development of the unexpected accident and circulate a notice to the relevant offices of the JCCCN every 24 hours until the end of the emergency work.

(6) After confirming that the relevant dangerous factors have been eliminated or the emergency work has come to an end, the emergency procedure starting unit shall report it to the instructing unit and the office of the JCCCN of that country as soon as possible, and then the office of the JCCCN shall formulate its summary report, reporting to the competent transport authorities of that country and circulating a notice to the relevant offices of the JCCCN.

Article 12 News Release

Each party shall inform the other offices of JCCCN involved before issuing information to the public to ensure consistency.

Article 13 Contents of the Information

The contents in the accident information circulation or report given by each organization of the contracting party shall include the accident's time, place, cause, nature, process, consequence, development tendency, effective range, site emergency handling measures, suggestions for the next step, name and reporter of the circulating or reporting organization, way of liaison, etc.

Article 14 Method of Information Circulation

The unexpected accident coordination or handling organization shall notify each other among the contracting parties in English by fax, email or telephone.

Chapter VI Final Provisions

Article 15 Interpretation

Any divergence or dispute possibly arising from the implementation or interpretation of the emergency plan shall be solved through friendly consultation among offices of the JCCCN of the Contracting Parties.

Article 16 Revision

If any contracting party needs to make any amendment to the emergency plan, it shall notify in writing to the other parties three months in advance and such amendment shall not come into effect without the acceptance of the JCCCN meeting.

Article 17 Execution and Valid Period

The Memorandum of Understanding shall enter into force on the date of its signature.

Attached diagram:

1. Sketch map of the main working procedures to handle and coordinate the navigation-related unexpected accidents on the Lancang-Mekong River among China, Laos, Myanmar and Thailand
2. Sketch Map of Navigation on the Lancang-Mekong River

Appendix:

Liaison unit, contact person and liaison way to handle and coordinate the navigation-related unexpected accidents on the Lancang-Mekong River among China, Laos, Myanmar and Thailand

IN WITNESS WHEREOF, the undersigned, duly authorized thereto

have signed this emergence plan.

Done in Brunei on November 12, 2010 four originals in English.
Each text being equally authentic.

(H.E. Mr. Feng Zhenglin)
Vice Minister
Ministry of Transport
The People's Republic of China

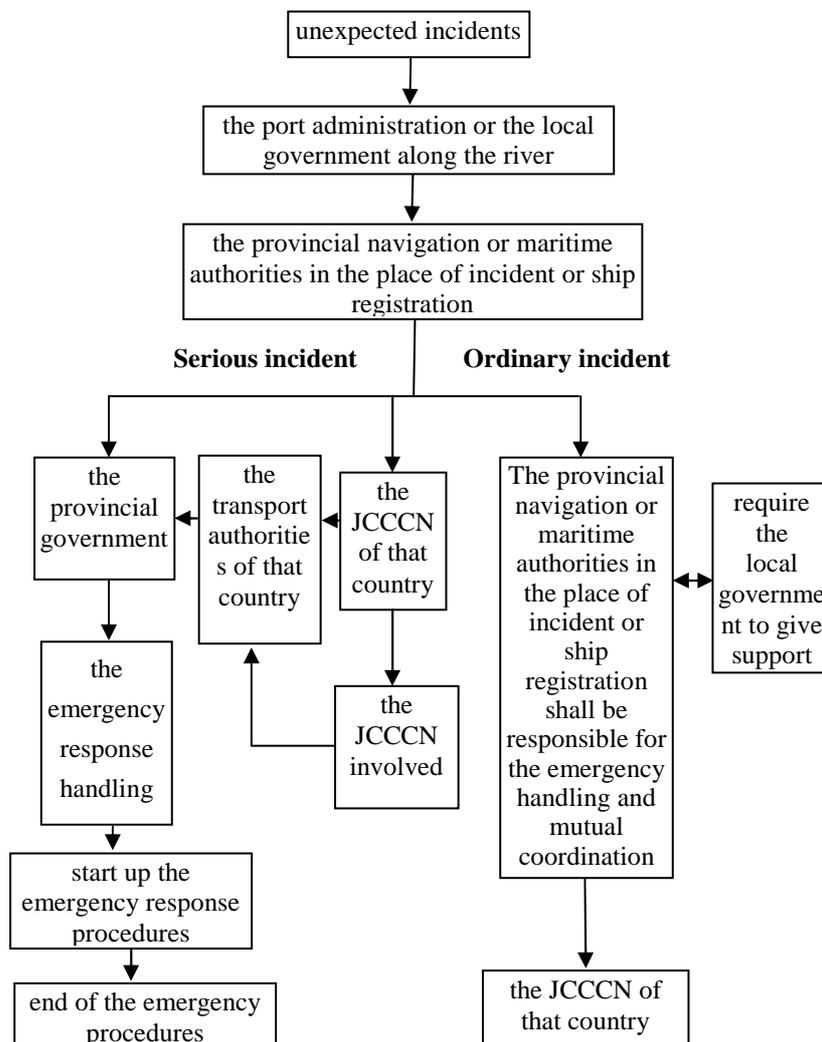
(H.E. Mr. Sommad Pholsena)
Minister
Ministry of Public Works and Transport
The Lao People's Democratic Republic

(H.E. U Thein Swe)
Minister
Ministry of Transport
The Union of Myanmar

(H.E. Mr. Silpachai Jarukasemratana)
Deputy Permanent Secretary
Ministry of Transport
the Kingdom of Thailand

Attached diagram

Sketch map of the main working procedures to handle and coordinate the navigation-related unexpected incidents on the Lancang-Mekong River among China, Laos, Myanmar and Thailand



**Liaison unit, contact person and liaison way to handle and
coordinate the navigation-related unexpected incidents
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand**

China:

1. Unit: Chinese Office of JCCCN/Transport
Department of Yunnan Province, PRC
Contact person: Ms. Peng Zhihui
Position: Director of International Cooperation Division
Tel of Office: +86 871 5305720
Mobile Tel: +86 13708873185
Fax: +86 871 5305642
E-mail: ruthpeng73@yahoo.com
dohcheery@126.com

2. Unit: Yunnan Provincial Navigation Administration
Bureau
Contact person: Nei Guoxiang
Position: Chief of Safety Supervision Section
Tel of Office: +86 871 5121718
Mobile Tel: +86 13888043453
Fax: +86 871 5125486
E-mail: neiguoxiang@vip.sina.com

3. Unit: Simao Branch of Marine Safety Administration,
PRC (Simao Port)
Contact person: Mr. Yang Chunhui
Position: Chief of Safety Supervision Section
Tel of Office: +86 879 8888892
Mobile Tel: +86 13908792968
Fax: +86 879-8888897
E-mail: cyych@126.com

4. Unit: Xishuangbanna Branch of Marine Safety Administration, PRC (Jinghong Port)
Contact person: Mr. Lei Jun'an
Position: Chief of Safety Supervision Section
Tel of Office: +86 691-2210389
Mobile Tel: +86 18988110277
Fax: +86 691-2211332
E-mail: lja816@163.com
VHF: 156.300--156.900MHz
SSB: 3--29.9 MHz
5. Unit: Guanlei Office of Marine Affairs, Xishuangbanna Branch of Marine Safety Administration, PRC (Guanlei Port)
Contact person: Mr. Xi Yongqing
Position: Head of Guanlei Office of Marine Affairs
Tel of Office: +86 691 8786038
Mobile Tel: +86 13308810107
Fax: +86 6918786038
E-mail: xiyongqin@bnmsa.gov.cn

Laos

1. Unit: the Lao Office of JCCCN
Contact person: Mr. Saykhong LADDAVONG
Position: Deputy Director of IWT Division
Tel of Office: + 856 21 451902
Mobile Tel: + 856 20 2412991
Fax: + 856 21 416430
E-mail: saykhong05@yahoo.com
2. Unit: Department of Public Works and Transport, Louangnamhatra Province
Contact person: Mr. Vongsack homasone
Position: Director of Transport Sector

Tel of Office: + 856 086 211284
Mobile Tel: + 856 20 3932798
Fax:
E-mail: khouthvongsack@yahoo.com

3. Unit: Department of Public Works and Transport
,Bokeo Province

Contact person: Khamphay Phongthachak
Position: Director of Transport Sector
Tel of Office: + 856 084 211489
Mobile Tel: + 856 20 55484919
Fax: + 856 084 211489
E-mail: k_ptg@yahoo.com

4. Unit: Department of Public Works and Transport,
Oudomxay Province

Contact person: Mr. Khamphay Phengphachan
Position: Head of Unit Waterway
Tel of Office: + 856 081 312037
Mobile Tel: + 856 20 5587-9339
Fax: + 856 081 312037
E-mail:

Myanmar

1. Unit: Myanmar Office of JCCCN Directorate of
Water Resources and Improvement of River
System

Contact Person: U Hla Myint Thein
Position: Acting Director General
Tel of the office: + 951 292961, 067 411030, 067 411428
Fax: + 951 290230, 067 411030, 067 411429
E-mail: dwir@myanmar.com.mm

2. Unit: Department of Marine Administration, Ministry

of Transport
Contact Person: U Htay Win
Position: Director (Nautical Division)
Tel of the office: + 951 556041, 951 558909
Fax: + 951 397641
E-mail: myanmarine@mptmail.net.mm
htaynamma@gmail.com

3. Unit: Wan Pong Port Administration Working Group,
Tharchileik Directorate of Water Resources and
Improvement of River System

Contact Person: U Aye Cho
Position: Deputy Director
Tel of the office: + 958 451888

4. Unit: Township Authority

Contact person:
Position: Chairman of Tachileik Township Peace and
Development Council

Tel of Office: +958 451003
Mobile Tel: + 959 2151327
F a x: + 958 451750

5. Unit: District Authority

Contact person:
Position: Chairman of Tachileik District Peace and
Development Council

Tel of Office: + 958 451500
Mobile Tel: + 959 5241517
F a x: + 958 451504

Thailand

1. Unit: Thai Office of JCCCN, Marine Department,
Ministry of Transport

Contact person: Mrs. Kamolwan Kularbwong
Position: Director of International Affairs Division
Tel of Office: + 66 2639 4769
Mobile Tel: + 66 81 9889053
Fax: + 66 2639 4769
E-mail: kamolwan_nant@hotmail.com
international@md.go.th
hm@md.go.th

2. Unit: Marine Office 1, Chiang Rai Branch, Marine Department

Contact person: POL. Atirut Chamroon
Position: Chief of Marine Office, Chiang Rai Branch
Tel of Office: + 66 5377 7460
Mobile Tel: + 66 89 7550456,
+ 66 81 1684997
(Mr. Suranat Sirichote, Harbour Master)
Fax: + 66 5377 7461
E-mail: chiangrai@md.go.th
sirichote24@hotmail.com
VHF: 156.050MHz
SSB: 2182KHz

3. Unit: Chiangsean Marine Police, Royal Thai Marine Police

Contact person: POL.LT.COL. Sulak Sa-ngiamlak
Position: Inspector of Chiangsean Marine Police
Tel of Office: + 66 5377 7003
Mobile Tel: + 66 81 6270201
Fax: + 66 5377 7003
E-mail: s_police34@hotmail.com

4. Unit: Chiangsean Riverine Unit Station, Royal Thai Navy

Contact person: LT.Prakasit Suttiwongkul
Position: Head of Chiangsean Station

Tel of Office: + 66 5365 0755
Mobile Tel: + 66 870450434
Fax: + 66 5365 0755
E-mail: priaow@hotmail.com
thainavy@thainavynorth.com

5. Unit: Chiangrai Prachanukroh Hospital, Ministry of
Public Health
Contact person: Director of Chiangrai Prachanukroh Hospital
Tel of Office: + 66 53 711300-4, +66 53 711009
Fax: + 66 53 713044

**Summary Record of the First Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
24 June 2001, Jinghong, China**

The First Meeting of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) among China, Laos, Myanmar and Thailand was held in Jinghong, China on 24 June 2001. The List of the JCCCN Members is attached as Annex I.

The Chinese Delegation was headed by Mr. Wu Weiping, Deputy Director-General of Communications Department of Yunnan Province and also Deputy Chief Member of JCCCN China Committee. The Laotian Delegation was headed by Mr. Lattanamany Khounnyvong, Director-General, Department of Transport, Ministry of Communication, Transport, Post and Construction and also Chief Member of JCCCN Laos Committee. The Myanmar Delegation was headed by Capt. Chit Khin, Director-General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport and also Chief Member of JCCCN Myanmar Committee. The Thai Delegation was headed by Mr. Tawalyarat Onsira, Deputy Director-General, Harbour Department, Ministry of Transport and Communications and also Deputy Chief Member of JCCCN Thailand Committee. The List of the four delegations of this Meeting appear as Annex II.

The Meeting was conducted in a cordial and amicable atmosphere and chaired by Mr. Li Guangling, Assistant to Director-General of Yunnan Provincial Department of Communications. The proceedings of the Meeting are summarized as follows:

□. **Statements at the Opening Ceremony**

Mr. Wu Weiping delivered an opening and welcoming statement on behalf of the Ministry of Communications of P. R. China and Yunnan Provincial Government, the host of the Meeting. The Heads of the other three delegations also made statements respectively.

□. **Adoption of Agenda**

The Agenda was unanimously adopted, which appears as Annex □.

□. **Consideration and Adoption of the Draft Rules of Procedures of the JCCCN**

According to the Agreed Minutes of the Third Meeting of the Technical Working Group on the Implementation of the Quadripartite Agreement on Commercial Navigation on the Lancang-Mekong River (TWG) and the Memorandum of Understanding on the Implementation of the Quadripartite Agreement (MOU) signed by the senior officials of the four countries, the Chinese side had prepared and submitted to the other three sides for pre-consideration the Draft Rules of Procedures for the JCCCN one month before the Meeting. The Meeting had discussions on and made some amendments to the Draft Rules of Procedures for the JCCCN, which was adopted and attached as Annex IV.

IV. Review of the Quadripartite Cooperation in Commercial Navigation on the Lancang-Mekong River, and Exchange of Views on Further Strengthening of the Quadripartite Cooperation

The Meeting noted that the Governments of China, Laos, Myanmar and Thailand jointly initiated the quadripartite cooperation in the waterway transportation development of the Lancang-Mekong River as early as in 1992. The four countries organized a 83-day joint

investigation of waterway transportation on the Lancang-Mekong River from February to May 1993 with the following conclusions, inter alia: a) under the natural conditions, the waterway is navigable for passenger and cargo vessels of 60 Dead Weight Tonnage (DWT); b) after a certain regulation, the waterway can be navigable for vessels of 100-150 DWT for at least 95% of the time in a year.

In order to provide a legal guarantee for commercial navigation on the Lancang-Mekong River among China, Laos, Myanmar and Thailand, after having six meetings at working levels in seven years starting from 1994, the Transportation Ministers of the four countries officially signed Agreement on Commercial Navigation on Lancang-Mekong River among the Governments of the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand in Tachileik, Myanmar on 20 April 2000.

The Meeting also noted that, in order to implement the Quadripartite Agreement smoothly and effectively, the TWG was set up thereafter, with Chinese side being the Coordinator. As requested by the TWG; the Chinese side prepared six draft rules, regulations and guidelines concerning the implementation of the Quadripartite Agreement, i.e. a) Regulations on Safe Navigation of Vessels on the Lancang-Mekong River; b) Rules on Water Transport Administration on the Lancang-Mekong River; c) Guidelines on the Maintenance and Improvement of the Navigability of the Lancang-Mekong River; d) Regulations on the Investigation and Handling of Waterborne Traffic Accidents on the Lancang-Mekong River; e) Regulations on Management of Search & Rescue, Salvage and Wreck Removal on the Lancang-Mekong River; f) Technical Regulations on Surveys of Commercial Ships on the Lancang-Mekong River. The TWG had held 3 meetings in Jinghong in May and in Kunming in September 2000, and in Beijing, China in March 2001 respectively, having considered and adopted those six common rules, regulations and guidelines.

The Meeting further noted that the Senior Officials Meeting of the four countries was also held in Beijing, China in March 2001. The MOU signed by the senior officials specifically stipulates the date of entry into force of the six rules, regulations and guidelines, the establishment and composition of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River, the improvement of navigation channels, and the timing and venue of the official inauguration ceremony for the commercial navigation on the Lancang-Mekong River among the four countries.

After discussion, the four delegations agreed that the quadripartite cooperation should be further strengthened in developing the water transportation on the Lancang-Mekong River, especially in dealing with the issues on the implementation of the Quadripartite Agreement and the relevant common rules, regulations and guidelines after the official opening to commercial navigation among the four countries.

V. Progress Report on the Work of Joint EIA and Detailed Survey Teams for the Waterways Improvement of the Lancang-Mekong River

The Meeting noted that the Third TWG Meeting and the associated Senior Officials Meeting held in Beijing, China from 12 to 15 March 2001 agreed that the improvement of navigation channels in the Upper Mekong River is an important prerequisite for safe and smooth navigation of vessels of the four countries, and endorsed the conclusions and recommendations contained in the Joint Survey Report on the Feasibility of the Waterway Improvement Project on the Upper Mekong River from China-Myanmar Boundary Marker 243 to Ban Houayxai of Laos prepared by the Quadripartite Joint Survey Group in November 2000. The project should get started with EIA process followed by the detailed survey prior to the construction.

The Chinese Delegation reported orally to the Meeting that, right

after the two Meetings, three joint workforces (i.e. Data-Collecting Team, EIA Team and Detailed Survey Team) were set up and went to the sites on the Upper Mekong River to do the relevant work from 25 March to 3 April, from 29 April to 15 May and from 20 April to 30 May 2001 respectively. The EIA Team and the Detailed Survey Team are now preparing the Draft EIA Report and the Survey & Design Report based on the data and information collected, and will submit the Draft Reports to the Governments of the four countries for their approval before 10 September 2001 respectively.

The Meeting highly commended the work done by the joint workforces, and the Laotian, Myanmar and Thai delegations expressed their deep appreciation to the Chinese side for financing and organizing the three joint workforces.

□. **Brief Introduction to the Programme of the Official Inauguration Ceremony for Commercial Navigation on the Lancang-Mekong River**

The Chinese Delegation gave a brief introduction to the Tentative Programme of the Official Inauguration Ceremony for Commercial Navigation on the Lancang-Mekong River among China, Laos, Myanmar and Thailand.

The Meeting noted that, in addition to the official delegations from the four countries, ESCAP, ADB, ASEAN, MRCS and UNDP Resident Mission in China as well as Viet Nam and Cambodia were also invited to attend the Official Inauguration Ceremony.

All participants of this JCCCN Meeting were kindly invited to attend the Ceremony.

□. **Other Businesses**

Delegates also discussed the future arrangements and possible inclusions (e.g. port charges, customs and immigration matters) for

the 2nd Meeting of JCCCN. The timing, venue and agenda for the next Meeting will be determined through the exchange of correspondence among the four Parties.

The Laotian, Myanmar and Thai delegations expressed their deep appreciation to the Government of the People's Republic of China, particularly the Communications Department of Yunnan Province, for the arrangements made for hosting this Meeting as well as for the warm hospitality extended to the delegations.

Done in four originals in English in Jinghong, China on 24 June 2001.

(Wu Weiping)
Head of the Delegation of the
People's Republic of China

(Lattanamany Khounnyvong)
Head of the Delegation of the Lao
People's Democratic Republic

(Chit Kb in)
Head of the Delegation of the
Union of Myanmar

(Tawalyarat Onsira) Head of the
Delegation of the Kingdom of
Thailand

Annex I

**List of Members of the Joint Committee on Coordination
of Commercial Navigation on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand**

CHINA

Chief Member

Mr. Li Yuguang
Director-General
Communications Department of Yunnan Province

Deputy Chief Member

Mr. Wu Weiping
Deputy Director-General
Communications Department of Yunnan Province

Members

Mr. Zhao Songyu
Director-General
Office of the Steering Group of Subregional Economic Cooperation
of Yunnan Province

Mr. Xia Mian
Deputy Director-General
Kunming Customs

Mr. Guo Tianming
Deputy Director-General
Frontier Defense Bureau of Yunnan Public Security

Mr. Liu Deqiang
Deputy Director-General,

People's Government of Xishuangbanna Prefecture
Yunnan Province

Mr. Qiao Xinmin
Director
Navigational Affairs Bureau of Yunnan Province

Mr. Wang Yunxiang
Deputy Director & Chief Engineer
Navigational Affairs Bureau of Yunnan Province

Contact Person:

Mr. Zhang Yongwen
Official
Department of Communications of Yunnan Province
Tel: (86 871)5345154
Fax: (86 871)5345154
Email: zhangyongwen@china.com

LAOS

Chief Member

Mr. Lattanamany KHOUNNYVONG
Director-General
Department of Transport
Ministry of Communication, Transport, Post and Construction

Deputy Chief Member

Mr. Khamphone Phetsakhone
Deputy Director-General
Department of Immigration
Ministry of Interior

Members

Mr. Say Vixaysongdeth
Director
Waterways Administration Division
Department of Roads
Ministry of Communication, Transport, Post and Construction

Mr. Bounta Kounlavong
Director
Planning and Financing Division
Department of Transport
Ministry of Communication, Transport, Post and Construction

Mr. Bounpheng SAYKANYA
Acting Director
Division of Legal Affairs
Department of Treaties and Legal Affairs
Ministry of Foreign Affairs

Mr. Khampoun INPENGLASABOUT
Director
International Relations Division
Customs Department
Ministry of Finance

Mr. Sourasay PHOUMAVONG
Director
Water Resources Department Division
Lao National Mekong Committee Secretariat
Prime Minister's Office

Mr. Vanthong SOMPHAVATH
Director
Inland Water Transport Division
Department of Transport
Ministry of Communication, Transport, Post and Construction

Contact Person

Mr. Bounta Kounlavong
Director
Planning and Financing Division
Department of Transport
Ministry of Communication, Transport, Post and Construction
Tel: (856 21) 414252
Fax: (856 21) 415563, 412250
Email: dgtransp@laotel.com

MYANMAR

Chief Member

Capt. Chit Khin (Navy)
Director General
Directorate of Water Resources and Improvement of River Systems
Ministry of Transport

Deputy Chief Member

Mr. Khin Mg Kyi
Director
Customs Department.

Members

Capt. Htay Win
Deputy Director
Department of Maritime Administration

Mr. Kyi Lin
Deputy Director
Immigration Department

Daw San Yi
Deputy Director
Department of Border Trade

Representative from Inland Water Transport (to be informed later)

Representative from DWIR (to be informed later)

Representative from DWIR (to be informed later)

Contact Person:

Capt. Chit Khin (Navy)
Director General
Directorate of Water Resources and Improvement of River Systems
Ministry of Transport
Tel: (95 1) 290230 (O), 662261(R)
Fax: (95 1)292961

THAILAND

Chief Member

Director-General
Harbour Department

Deputy Chief Member

Deputy Director-General
Harbour Department

Members

Representative from Ministry of Foreign Affairs

Representative from Ministry of Interior

Representative from the Customs Department

Representative from Immigration Bureau

Representative from the Ministry of Transport and Communications

Representative from the Harbor Department

Contact Person:

Sub. Lt Preecha Phetwong

Director

Waterway Transport Inspection Division

Harbor Department

Tel: (66 2) 2333780,2341070

Fax:(66 2)2382309

Email: hml@thaimail.com

Annex IV

**Rules of Procedures of the Joint Committee on
Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand**

Article 1 General Provisions

1. In accordance with the Memorandum of Understanding among the Ministry of Communications of the People's Republic of China, the Ministry of Communication, Transport, Post and Construction of the Lao People's Democratic Republic, the Ministry of Transport of the Union of Myanmar and the Ministry of Transport and Communications of the Kingdom of Thailand concerning the implementation of the Quadripartite Agreement on Commercial Navigation on the Lancang-Mekong River (hereinafter referred to as "the MOU"), a Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River has been established among China, Laos, Myanmar and Thailand (hereinafter referred to as "JCCCN").

2. The JCCCN shall function in according with the MOU and the Agreement on Commercial Navigation on Lancang-Mekong River among the Governments of China, Laos, Myanmar and Thailand (herein after referred to as "the Agreement").

Article 2 Terms of Reference

According to paragraph 2.3 of Article 2 of the MOU, the JCCCN shall coordinate and deal with the following matters relating to commercial navigation on the Lancang-Mekong River, inter alia:

- (a) maintenance and improvement of the navigability of the Lancang-Mekong River;
- (b) cooperation in enhancement of navigation safety and

environment protection, and handling of matters relating to pollution caused by vessels on the River;

(c) maintenance of the order of the waterborne traffic, coordination of the relevant work among the waterborne traffic safety agencies of the Contracting Parties, assistance in settling disputes of waterborne traffic accidents, and coordination of the relevant work of search & rescue, salvage and wreck removal on the River;

(d) exchange the information on navigation channels, obstacles and obstructions relating to navigation safety;

(e) improvement and expansion of the port facilities;

(f) cooperation and coordination of the customs, immigration and other related matters;

(g) cooperation to a possible extent in the provision of water flow and relevant data for the purpose of safe and smooth navigation, especially in dry season;

(h) establishment and improvement of telecommunication network for the foregoing purposes;

(i) formulation and improvement of relevant common rules and regulations for the effective implementation of the Agreement and the MOU;

(j) harmonization of the categories and rates of charges for shipping, and handling of matters relating to the arbitrary charges which may occur;

(k) establishment of training network for crewmembers, and harmonization of the training standard and courses;

(l) other matters arising from the interpretation and application of the Agreement.

Article 3 JCCCN's Composition

1. The JCCCN shall be composed of eight members from each of the Contracting Parties (one chief member, one deputy chief member and six other members).

2. The competent authorities of the Contracting Parties shall inform each other of the composition of their chief member, deputy chief member and other members as well as of the alteration if any, and establish its own permanent coordinating agency.

Article 4 Working Procedures

1. The chairing Party of the JCCCN shall be arranged in accordance with the alphabetical order of the Contracting Parties. The chief members of the Contracting Parties shall serve as the chairman of the JCCCN on a two-year rotation basis.

2. The JCCCN shall hold meetings at least once a year or whenever necessary upon the request by any Contracting Party.

3. The chairing Party shall provide other three Parties with the provisional agenda and relevant documents of the meeting at least two months before the opening date of the meeting and resume secretariat functions for the JCCCN.

4. The JCCCN shall conduct its proceedings on the principle of consensus through consultations, and formulate the summary record at each meeting, which will be signed by the leaders of the four delegations.

5. The JCCCN should, at each meeting, consider the date, venue and preliminary agenda of the next meeting.

6. The chief member of each contracting Party shall designate an executive secretary for the national permanent coordinating agency, who serves as focal point and responsible for preparing relevant documents for JCCCN meetings.

Article 5 Working Language

1. The working language for JCCCN meetings is English. The Contracting Parties shall, if necessary, provide its interpreter at its own expenses.
2. The summary record of the JCCCN meetings and the relevant documents shall be prepared in English.

Article 6 Expenses of Meetings

1. The expenses on organizing and holding the JCCCN meetings shall be borne by the chairing Party.
2. The participants' expenses on international travel, food and accommodations during the period of meetings shall be borne by the sending Party.

Article 7 Amendment

The JCCCN may amend its Rules of Procedures through consultations.

**Summary Record of the Second Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
3-6 February 2002, Kunming, China**

The Second Meeting of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) among China, Laos, Myanmar and Thailand was held in Kunming, China on 3-6 February 2002.

The Chinese Delegation was headed by Mr. Li Yuguang, Director-General of the Department of Communications of Yunnan Province and also Chief Member of the JCCCN Chinese Committee. The Laotian Delegation was headed by Mr. Lattanamong Khoumnyong, Director-General, Department of Transport, Ministry of Communication, Transport, Post and Construction and also Chief Member of the JCCCN Lao Committee. The Myanmar Delegation was headed by Capt. Chit Khin, Director-General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport and also Chief Member of the JCCCN Myanmar Committee. The Thai Delegation was headed by Mr. Wanchai Sarathulthath, Director-General, Harbour Department, Ministry of Transport and Communications and also Chief Member of the JCCCN Thai Committee. The list of the four delegations of this Meeting appears as Annex I.

Mr. Li Yuguang delivered an opening and welcoming statement on behalf of the JCCCN Chinese Committee. The Heads of the other three delegations also made statements and remarks accordingly.

The Meeting was chaired by Mr. Li Guangling, Director of Division for Bilateral and Regional Affairs, Department of International Cooperation, Ministry of Communications of P. R. China. The

Agenda of the Meeting is attached as Annex II. The Meeting was conducted in a cordial and amicable atmosphere. The proceedings of the Meeting are summarized as follows:

I. Establishment of National JCCCN Committees

The four delegations informed each other of the establishment of their respective national JCCCN committees as well as the permanent working bodies in accordance with the MOU. It was stressed that they constitute effective coordinating mechanism for the implementation of the Agreement and the MOU.

II. Review of the Preparation for Navigation Channel Improvement Project

The Meeting reviewed the main activities concerning the preparatory work for the navigation channel improvement project of the Lancang-Mekong River done by the relevant experts of the four countries.

The Meeting highly commended the quadripartite cooperation in this respect and the work and great efforts made by the Joint Experts Group in particular, and agreed that the quadripartite cooperation should be further strengthened in the field of shipping development on the Lancang-Mekong River, especially in the improvement of navigation channel of the Lancang-Mekong River so as to ensure the vessels' safe navigation thereon.

III. Endorsement of the Environmental Impact Assessment (EIA) Report

The JCCCN noted with satisfaction that the experts group, in line with the relevant international conventions and declarations, the relevant laws and regulations of the four countries as well as the Quadripartite Agreement and relevant technical rules, had prepared the EIA Report of the Project. The experts believed that the Project is

acceptable according to the environmental protection laws and regulations of China, Laos, Myanmar and Thailand. The Lancang-Mekong River Channel Improvement Project is feasible from the viewpoint of environmental protection.

The JCCCN also noted that the Chinese, Myanmar and Thai Governments had approved the EIA Report respectively on December 31, 2001, January 22, 2002 and January 29, 2002.

The JCCCN was informed that, for the Laotian side, the EIA Report is still in the process of going through approval procedure. The Laotian Delegation expressed that the excellent presentations made by the Chinese experts on the EIA Report to the different Laotian Ministries last week in Vientiane would be very useful to such process of approval. It was agreed that the Laotian side of the JCCCN should notify the other three sides by correspondence once the Laotian Government approves the EIA Report. With such procedure accomplished, the EIA Report will be deemed finally endorsed and then the project will commence. The Meeting agreed that the Laotian Government is kindly requested to approve the EIA Report as soon as possible.

The JCCCN also agreed that the follow-up monitoring on the environmental impact shall be carried out after the completion of the Project.

IV. Standards on Aids to Navigation in the Upper Mekong River

The Meeting noted that, in December 2001, the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) officially recommended to the riparian countries its newly developed standard system for aids to navigation along the Upper Mekong River. The JCCCN shared the view that the standards recommended by the UNESCAP were in conformity with the actual natural conditions of the Upper Mekong River, making the aids to navigation easily recognized. As they are not costly but easy to be

installed and maintained, it was agreed that, as part of the navigation channel improvement project, the installation of aids to navigation along the Upper Mekong River should be carried out in accordance with the standards recommended by UNESCAP.

V. Working Plan for the Implementation of the Navigation Channel Improvement Project

The JCCCN had discussions on the working plan for the implementation of the navigation channel improvement project proposed by the Chinese Delegation. With some amendments made, the adopted working plan is attached as Annex III.

□. Coordination in the Course of Implementation of the Navigation Channel Improvement Project

The JCCCN had in-depth discussions on the Chinese proposal for the specific matters requiring coordination among the four countries in the course of implementation of the navigation channel improvement project. The commitments made by the four delegations at the Meeting are specified in Annex IV.

□. Outstanding Issues to be Addressed in Compliance with the Quadripartite Agreement

The JCCCN noted that some outstanding issues exist or are emerging in the process of the implementation of the Agreement and the MOU. In addition to the navigation channel improvement project, the issues on the facilitation and simplification of inspection procedures at the ports and issues on harmonization of the relevant fees and charge rates need to be addressed through enhanced coordination and concerted efforts by the four countries. The JCCCN shall function in resolving these issues in accordance with the Agreement and the six common rules, regulations and guidelines.

The JCCCN agreed in principle that, in compliance with the

Agreement, a vessel of one Contracting Party without loading/unloading cargoes or embarking/disembarking passengers may be inspected at a port of another Contracting Party only once, either during downstream voyage or during upstream voyage. The detailed arrangements in this respect shall be discussed at next JCCCN Meeting.

It was agreed that each party shall make an in-depth investigation into the practices of charges prevailing at their ports and in their navigation channels. Based on such work completed, the relevant data together with the proposed options on the categories and rates of the charges shall be submitted to the JCCCN Chinese Office before the end of April 2002. The Chinese side will, as the Coordinator, prepare draft Rules for Port Charges and Inspection Fees for consideration and adoption at the next JCCCN meeting.

The JCCCN also agreed that infrastructure facilities like wharfs at the ports along the Lancang-Mekong River should be improved so as to meet the increasing demand for trade among the four countries.

□. **Working Programme for Surveying and Drawing up of Navigation Charts**

The JCCCN also had discussions on the working programme for surveying and drawing up of navigation charts proposed by the Chinese Delegation. With some amendments made, the agreed working programme is attached as Annex V.

IX. Other Business

The Chinese Delegation requested the other three sides to provide further materials, if any, for the compilation of the relevant national laws, rules and regulations. Upon completion of the compilation, the JCCCN Chinese Office will circulate copies to the other three sides.

During the Meeting, the Chinese side of the JCCCN circulated to the

other three sides samples of Seafarer's Passport of the Chinese crewmembers. The Meeting noted that the Chinese crewmembers shall hold seafarer's passports instead of Sino-Laotian Border passes and Sino-Myanmar Border passes as from 1 May 2002.

The JCCCN also discussed the future arrangements and possible inclusions (e.g. port charges, customs and immigration matters) for the Third Meeting of JCCCN. The timing, venue and agenda for the next Meeting will be determined through the exchange of correspondence among the four Parties.

In order to enhance the cooperation in the field of transportation in the Greater Mekong Subregion, the JCCCN agreed that the JCCCN Chinese Committee would, as the rotating chairing party, inform in an appropriate manner the downstream countries, namely, Cambodia and Viet Nam, of the latest progress of the cooperation on commercial navigation among the upstream four countries.

The Laotian, Myanmar and Thai delegations expressed their deep appreciation to the Government of the People's Republic of China, particularly the Communications Department of Yunnan Province, for the arrangements made for hosting this Meeting as well as for the warm hospitality extended to the delegations.

Done in four originals in English in Kunming, China on 6 February 2002.

(Li Yuguang)	(Lattanamany Khounnyvong)
Head of the Delegation of the People's Republic of China	Head of the Delegation of the Lao People's Democratic Republic

(Chit Khin)	(Wanchai Sarathulthat)
Head of the Delegation of the Union of Myanmar	Head of the Delegation of the Kingdom of Thailand

**Summary Record of the Third Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
23-25 December 2003, Kunming, China**

The Third Meeting of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) among China, Laos, Myanmar and Thailand was held in Kunming, China on 23-25 December 2003.

The Chinese Delegation was headed by Mr. Yang Guangcheng, Director-General of the Department of Communications of Yunnan Province and also Chief Member of the JCCCN Chinese Committee. The Laotian Delegation was headed by Mr. Lattanamong Khounnyong, Director-General, Department of Transport, Ministry of Communication, Transport, Post and Construction and also Chief Member of the JCCCN Lao Committee. The Myanmar Delegation was headed by Capt. Chit Khin, Director-General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport and also Chief Member of the JCCCN Myanmar Committee. The Thai Delegation was headed by Mr. Wanchai Sarathulthath, Director-General, Marine Department, Ministry of Transport and also Chief Member of the JCCCN Thai Committee. The list of the four delegations of this Meeting appears as Annex I.

Mr. Wu Zirun delivered an opening and welcoming statement on behalf of the JCCCN Chinese Committee. The Heads of the other three delegations also made statements and remarks accordingly.

The Meeting was chaired by Mr. Li Guangling, Deputy Director-General of the Department of International Cooperation, Ministry of Communications of P. R. China. The Agenda of the Meeting appears as Annex II. The Meeting was conducted in a

cordial and amicable atmosphere. The proceedings of the Meeting are summarized as follows:

I. Opening Statements

At the opening session, the four delegations stated their respective positions in drafting the Rules on Port Charges and Inspection Fees on the Lancang-Mekong River. The Chinese delegation expressed the view that the principles of harmonizing the charges and fees, simplifying the relevant procedures, reducing the cost of shippers and ship-owners and promoting the commercial navigation on the Lancang-Mekong River should be reflected in the Rules. Considering the rapid growth of the traffic in the river since its inauguration for commercial navigation two years ago and its potential growth in the future, the Chinese delegation stressed the importance of producing the rules on the harmonization of charges and fees at the meeting. To this end, the Chinese delegation proposed that the charges and fees should be limited to three categories: a) Port charges; b) Inspection fees for immigration/frontier defense; c) Inspection fees for quarantine, and the both the rates and checking points be minimized to the lowest possible level.

In responding, the Laotian delegation stated its full agreement to discuss the issue on port charges and inspection fees at the meeting. It further expressed the view that the charges and fees for goods and passengers should be harmonized reasonably so as to cut down transport cost and facilitate navigation and the checking points be minimized as appropriate. However, for the purpose of national security and also taking into account the requirement of national legislation, the Laotian delegation pointed out that inspections at the entry and exit of the vessels into or from the territorial waters of Laos should be performed. The Myanmar delegation expressed its sincere hope that all the matters concerning the port charges and inspection fees should be discussed with utmost perseverance and an agreement be achieved at an early date. The Myanmar delegation also pointed out that the Lancang-Mekong River is an international river, that the

Mekong basin inside Myanmar is not very much developed resulting in no heavy trading with other countries in this region. In this regard, Myanmar, for the national security reason, has to take care of the issues such as drug trafficking and illegal trading and will exercise inspection on vessels at least once on their voyage of the Mekong River without the intention of disturbances. The Thai delegation concurred with the view that charges and fees on vessels navigating on the Lancang-Mekong should be harmonized and the commercial navigation on the River should be practiced in the international manner. It also suggested the meeting should have an accurate definition of port charges and inspection fees first prior to its actual drafting of the Rules on Port Charges and Inspection Fees and therefore proposed that two categories of charges or fees should be dealt with in the Rules, one is port charges, covering port dues and berthing fees; the other is inspection fees, covering fees for frontier defense/immigration, customs and quarantine (ICQ).

II. Discussion of Draft Rules on Port Charges and Inspection Fees on the Lancang-Mekong River

Having views shared and exhaustive discussion conducted among the four delegations, the Meeting drafted and considered the Rules on Port Charges and Inspection Fees based on the discussion paper prepared by the Chinese delegation and reached consensus on the following issues:

1. Definition of Port Charges and Inspection Fees. The Meeting agreed that two categories of charges/fees are covered in the Draft Rules. The port charges means port dues and berthing fees; inspection fees means fees for frontier defense/immigration, customs and quarantine.
2. Application of Port Charges and Inspection Fees. Port charges and inspection fees shall be applied to transit port and port of loading/unloading and be levied upon separately according to transit port and port of loading/unloading. Port charges and inspection fees

at either transit port or port of loading/unloading shall be calculated in lump sum.

However, the Meeting noted that different views still exist among the delegations on how many inspections need to be exercised when a vessel of one Contracting Party passing through the territorial waters of another Contracting Party. The Chinese delegation proposed that given the commercial navigation on the Lancang-Mekong River is still at its initial stage, no inspection should be performed at the transit ports. The delegations of Laos and Myanmar pointed out, however, that for the national security reason, inspection has to be exercised on vessels at transit ports. As a compromise, the Chinese delegation further proposed that the starboard approach should be applied in terms of inspection, that is, a vessel of one Contracting Party, when passing through the territorial waters of another Contracting Party, may be inspected only once at one designated open port of that Contracting Party at the starboard side. The proposal was supported by the delegations of Thailand and Myanmar. The Laotian delegation insisted that for the sake of national security, two inspections should be performed. It also informed the Meeting that if Laos exercises joint inspection with Myanmar at Myanmar port in the future, inspections might be reduced to one in Lao P.D.R. In light of the divergence, the Meeting drafted two pending provisions governing the number of inspections at transit ports to accommodate the two different views but are kept in square brackets for further consideration at the next JCCCN meeting.

The Meeting also noted that two different views are held for how much amount of money should be fixed in the lump sum of port charges and inspection fees at transit port and port dues and inspection fees at port of loading/unloading. The delegation of China, Thailand and Myanmar agreed to the payment of maximum USD 40 respectively at transit port and port of loading/unloading, while the Laotian delegation proposed to fix the figure at maximum USD 60 respectively at transit port and port of loading/unloading. Likewise,

the figures were also kept in square brackets for further discussion at the next JCCCN meeting. The Draft Rules on Charges and Fees for Commercial Vessels Navigating on the Lancang-Mekong River appears as Annex III.

III. Construction Plan in the Third Dry Season for the Navigation Channel Improvement Project on the Lancang-Mekong River

Mr. Qiao Xinmin, Director for Navigational Affairs Bureau of Yunnan Province, also in the capacity of Director in Command for the proposed project, briefed the Meeting the scheme for regulating works of Kon Pi Long Shoal and Khrai (Moss) Shoal, the installation of 81 aids to navigation on the Upper Mekong River and the mapping of the navigation chart of the Upper Mekong River. The Meeting noted with satisfaction that the construction plan is well underway for implementation and all the work programs thereto were agreed to be executed as planned except the improvement on Shoals of Kon Pi Long and Khrai that still awaits approval from the Governments of Laos and Thailand. The delegations of Laos and Thailand, however, agreed to confirm with China once the approval is ready and will render any assistance and convenience, as done in the previous two construction seasons, to the construction team in carrying out the regulating works.

Clarifications were also sought by the delegations on issues such as the necessity of EIA and the potential impact on the flow pattern for further improvement on the Shoal of Khrai, the risk of accidents for vessels by reducing the locations for navigation marks from 101 to 81, and the possibility of indicating speed limit on some of the navigation marks. All the questions were satisfactorily answered and concerns dispelled by the explanations and assurances from the experts present at the meeting. The Construction Plan in the Third Dry Season for the Navigation Channel Improvement Project on the Upper Mekong River appears as Annex IV.

IV. Discussion of the Transportation of Liquefied Petroleum Gas (LPG) and Petroleum Product

Mr. Qiao Xinmin, Director for Navigational Affairs Bureau of Yunnan Province, briefed to the Meeting the plan to transport liquefied petroleum gas and petroleum product on the Lancang-Mekong River. Technical explanations were also presented by the expert on LPG. Being categorized as dangerous goods according to IMDG Code, the delegations of Laos and Myanmar expressed their deep concerns for the potential risks it might incur as a result of collision of vessels and leakage of gas or oil from the tanker. As the Mekong River is the mother river of the people of Laos and Myanmar on which they make their living, the delegations of Laos and Myanmar suggested that more detailed information on this proposed project should be provided and more precautions should be exercised prior further consideration and action.

V. Shift of the Rotating Chairing Party

At the closing session, Mr. Yang Guangcheng, Director-General of the Department of Communications of Yunnan Province and also Chief Member of the JCCCN Chinese Committee, recalled with much pleasure the many activities the Governments of China, Laos, Myanmar and Thailand had undertaken and the satisfying results achieved in implementing the Quadripartite Agreement and the MOU, in which the JCCCN plays the catalyst for the dynamic development of the commercial navigation on the Lancang-Mekong River. He reaffirmed that China felt so honored to be the first chairing party for the JCCCN and therefore exerted its utmost efforts during the chairmanship to promoting the cooperation on the Lancang-Mekong River. Without the full commitments and strong support from the other three countries, he emphasized, it would be very difficult to imagine what might have been achieved. In extending his deep appreciation to his counterparts, Mr. Yang Guangcheng declared the shift of chairmanship of JCCCN to Laos. He expressed his commitment to accord full support to his successor

and was also confident that under the strong leadership of the new chairman, even greater achievements will be scored in the cooperation of the commercial navigation on the Lancang-Mekong River.

Mr. Lattanamany Khounny vong, Director-General, Department of Transport, Ministry of Communication, Transport, Post and Construction and also Chief Member of the JCCCN Lao Committee, in the name of new chairman of JCCCN, responded with appreciation to his predecessor, and also committed himself to the duty of the Chairman by sparing no efforts in promoting the smooth and safe navigation on the Lancang-Mekong River. The delegations of Myanmar and Thailand also expressed their full support, as they did to the outgoing chairman in the past, to the new chairman of Laos.

VI. Other Business

The Chinese Delegation informed the Meeting that the compilation of the relevant national laws, rules and regulations of the four countries was completed and 50 sets of documents will be offered to the other three sides.

The Laotian delegation informed the Meeting that the venue for the next JCCCN meeting will be tentatively in Luangprabang and the date of the meeting will be determined upon internal consultation and will be advised by correspondence.

The Laotian delegation also informed the Meeting that there are still vessels which are not following navigating rules such as navigating in the night time, not stopping at the checking point, navigating with high speed bypassing small boats, flying many flags of the Contracting Parties, no plate number and without name in English.

The delegation of Myanmar informed the Meeting that before the Draft Rules on Port Charges and Inspection Fees enter into force, the

Contracting Parties should advise the ship-owners to call at Wan Pon Port for inspection at least once during their downstream voyage.

The Meeting agreed as follows:

1. A meeting by the insurance companies of the four countries to study the issue of the third party liability is to be convened during the time period from now on before the next JCCCN meeting, possibly a Laotian insurance company will organize the meeting.
2. The checking points and inspections currently practiced in each Contracting Party should be minimized or at least be maintained as they are until the Draft Rules on Charges and Fees are implemented.
3. Communication system for vessels needs to be established among the four countries.
4. Local focal points need to be established for immediate reaction to ship accidents and facilitation of smooth navigation.
5. The Draft Rules on Charges and Fees for the Vessels Navigation on the Lancang-Mekong River should be finalized and enter into force as early as possible since there is no common rules on charges and fees to follow.

The Thai delegation informed the Meeting of its regulation on Marine Department's Regulation on the Navigation Control in the Mekong River, Chiang Saen District, Chiang Rai Province B.E. 2546 (2003) and distributed the document to the Meeting and also requested all the Contracting Parties to advise the relevant transport operators to comply with this regulation.

The Laotian, Myanmar and Thai delegations expressed their deep appreciation to the Government of the People's Republic of China, particularly the Communications Department of Yunnan Province, for the arrangements made for hosting this Meeting as well as for the warm hospitality extended to the delegations.

Done in four originals in English in Kunming, China on 25
December, 2003.

(Yang Guangcheng)
Head of the Delegation of
the People's Republic of China

(Lattanamany Khounnyvong)
Head of the Delegation of
the Lao People's Democratic
Republic

(Chit Khin)
Head of the Delegation of
the Union of Myanmar

(Wanchai Sarathulthat)
Head of the Delegation of
the Kingdom of Thailand

**Summary Record of the Fourth Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
9-10 December 2004, Luang Prabang, Laos**

1. The Fourth Meeting of the Joint Committee on Coordination of Commercial Navigation (JCCCN) on the Lancang-Mekong River among China, Laos, Myanmar and Thailand was held in Luang Prabang, Laos from 9 to 10 December 2004.
2. The Meeting was attended by the Delegations of the four contracting Parties namely Laos, China, Myanmar and Thailand. The list of participants appears in Annex A.
3. The Lao Delegation was headed by Mr. Lattanamany KHOUNNYVONG, Director General of the Transport Department, Ministry of Communication, Transport, Post and Construction and also Chief Member of the Lao JCCCN Committee. The Chinese Delegation was headed by Mr. Wu Zirun, Deputy Director General of the Department of Communications of Yunnan Province and also Deputy Chief Member of the JCCCN Chinese Committee. The Myanmar Delegation was headed by Mr. Soe MYINT, Deputy Director General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport, and also Member of the Myanmar JCCCN Committee. The Thai Delegation was headed by Sut. Lt. Preecha PHETWONG, Director of Marine Safety and Environment Bureau, Acting Deputy Director General of Marine Department, Ministry of Transport, and also Deputy Chief Member of the Thai JCCCN Committee.
4. H.E. Mr. Boun Heuang DOUANGPHACHANH, Governor of Luang Prabang Province delivered an opening and welcoming Remarks on behalf of the Lao Government and Ministry of

Communications, Transport, Post and Construction as well. In his remarks, he noted that the implementation of the Agreement had made some significant progress, however, many activities needed to be further carried out in order to fully implement the Agreement especially the navigation from Simao to Luang Prabang (as appears in Annex B). He also stressed that navigational sustainable must be taken into account and consideration in order to protect environment, natural resources and biodiversities preservation. The heads of four Delegations also made statements. They expressed their concerns on port charges and inspection fees as well as oil transportation on the Lancang-Mekong River left unfinished during the third meeting (as appears in Annex C).

5. The meeting was chaired by Mr. Lattanamong KHONGNYVONG, Director General of Transport Department, Ministry of Communication, Transport, Post and Construction, Laos. The Agenda of the meeting appears in Annex D. The Meeting was well conducted in a cordial and amicable atmosphere. The proceedings of the Meeting are summarized as follows:

I. The Progress of Navigational Improvement Project and Report on Survey and Compiling of Navigation Chart on the Upper Mekong River

6. Chinese Delegation reported to the meeting on the progress of both the navigation improvement project and the survey and compiling of navigation chart on the Lancang-Mekong River (as appears in Annex E).

The meeting noted that the Navigation Improvement Project had finished on May 2004. While the survey and compiling of navigation chart on the upper Mekong River was also progressing smoothly.

Regarding the Khon Phi Luang Rapid, Laos and Thai Delegations proposed that the construction be suspended until the boundary demarcation be completed. The meeting was informed by Thai

Delegation that a new EIA had been made with a favorable result. However, this EIA has yet to be reported to the Cabinet. The construction could be started after Lao and Thai Governments approved the construction plan. The Chinese side recommended that the Lao and Thai Governments accelerate the process of the approval.

7. Regarding other shoals and rapids namely Lower Tang Pang, Mong Pa Liao and Golden Triangle, the Lao and Thai Delegations proposed to the Chinese Delegation to provide detailed design which would include the navigation chart so that they could submit it to the government for approval.

II. Discussion of the Draft Rules on Port Charges and Inspection Fees on the Lancang-Mekong River

8. The Meeting went through the Draft Rules on Charges and Fees for Commercial Navigation on the Lancang-Mekong River article by article, the Meeting spent a lot of time deliberating on article 5, 7 and 8 which related to port charges and inspection fees. In article 5 of the Rules, a minor change was made to the definition of the port charges. The word “official” was added to clarify the port dues and berthing fees. The revised Draft Rules appears in Annex F.

9. After extensive discussion and in the spirit of mutual benefits and cooperation, the Meeting agreed that the port charges and inspection fees can be levied according to the types and sizes of the vessels. For large vessels of 100 DWTs or more, the charges and fees shall be levied at a maximum rate of 50 USD per vessel for a single journey when passing through the territorial waters of the Contracting Party and for smaller cargo vessels of less than 100 DWTs, and passenger and empty vessels shall be levied at a maximum rate of 40 USD per vessel for a single journey. These rates would be applied temporarily after the approval and subsequent signing of the Rules. The Meeting agreed on the proposal made by the Thai Delegation that the rates should be put in attached schedule

to the Rules.

And they could possibly be adjusted from time to time according to the consent of all Contracting Parties.

10. The meeting welcomed the proposal made by Laos and Myanmar that a joint inspection shall be conducted so as to reduce checkpoints and inspection times.

11. The meeting agreed to work towards the free commercial navigation on the Lancang-Mekong River as stated in the main Agreement.

III. Discussion on the Transport of Liquefied Petroleum Gas (LPG) and Petroleum Product

12. Chinese Delegation briefed the meeting all information papers relating on Product Oil Transportation Plan on the Lancang-Mekong River, Emergency Scheme for Oil Spill at wharf, Contingency Plan for Oil Transportation on the Lancang-Mekong River and Wharf Area Accidents Preventive Scheme (as appears in Annex G).

13. Chinese Delegation also briefed the Meeting on the experience in product oil transport on the Yangtze and Pearl River and proposed to carry out product oil transportation on the Lancang-Mekong River.

14. The meeting welcomed China's proposal on product oil transportation on Lancang-Mekong River and highly commended on the informative documents prepared by the Chinese side. The other three Delegations also expressed their concern on environmental pollution caused by oil spill and leakage if accident occurs. The Chinese Delegation responded with the briefing on Contingency Plan for Product Oil Transportation to ensure the safe environmental friendly transportation.

15. For the trial transportation of product oil proposed by the

Chinese Delegation, Thailand, Laos and Myanmar expressed their support to the proposal provided that only gasoline and diesel at one hundred fifty tons per trip are transported by certified and insured vessels navigating in the day time. Myanmar and Thailand stated that additional operational requirements should be fulfilled. In addition, the vessel must be insured and also cover the general liabilities and environmental damages. Myanmar emphasized the safety and environment protection requirements of operational procedures, for instance, Oil Record Book, also have to be fulfilled.

16. The meeting agreed with the proposal made by the Chinese side that the JCCCN will organize a field trip composed of experts from Laos, Myanmar, Thailand, Vietnam and Cambodia to visit Yangtze River (or Pearl River) for investigation on the transportation of product oil. And for the same purpose, the Chinese Delegation invited all delegates for a site visit to a modern-equipped oil tanker berthing in Luang Prabang during the meeting.

17. The meeting agreed that the name list of the certified vessels for transportation of product oil shall be circulated by the Contracting Party of the owner of the vessels to the other Contracting Parties.

18. In this regard, the meeting expressed full support on the Transport of Liquefied Petroleum Gas (LPG) and Petroleum Product on the Lancang-Mekong River.

IV. Discussion on Maintenance and Aids to Navigation

19. The Chinese Delegation gave brief introduction to the Meeting on the proposal for the maintenance of the navigation channel and aids to navigation on the Lancang-Mekong River after the completion of the existing improvement project. The Chinese Delegation also said that the maintenance funds should be shared by the Contracting Parties. Each Contracting Party shall be responsible for the section within its own territorial waters, as stated in the Guidelines on the Maintenance and Improvement of the Navigability

of the Lancang-Mekong River.

20. The Meeting agreed that maintenance of the navigation channels and aids to navigation was very crucial for the safety of navigation. It also agreed that the scope of maintenance should be limited to the regulated rapids and shoals.

21. The Lao Delegation expressed its difficulties in providing fund for the maintenance and proposed to the Chinese side for possible assistance. In response, the Chinese Delegation stated that within its responsibilities, it is difficult to provide fund for maintenance works outside its territorial waters. However, the Chinese side also expressed the possibility of providing a bigger share fund and some equipment for the maintenance purpose.

22. Myanmar Delegation also expressed the difficulties in getting funds for the maintenance.

23. The meeting agreed to seek possible assistance from international financial institutions like ADB for the maintenance and further improvement of the navigational channel.

V. Other Matters

24. The meeting was informed by Thai Delegation that Mr. Wanchai Sarathulthat, former Director General of Marine Department had been promoted to be the Permanent Secretary of the Ministry of Transport. The new head of Thai JCCCN is Mr. Tawalyarat Onsira, Director General of Marine Department. The contact address remains the same.

25. Myanmar Delegation requested all Contracting Parties to inform their respective ship owners to berth in Wan Pong port for inspection purpose.

26. The meeting was informed by the Chinese Delegation that

Chinese vessels were attacked by gunfire and caused some damages to the ship owners and requested each Contracting Parties to provide safe navigation environment along the river.

27. The Chinese Delegation indicated the need for further improvement of navigation channels from Simao to Luang Prabang so as to realize commercial navigation on the whole section as stated in the Agreement and requested the JCCCN to consider the possibility of extending navigation to Vientiane when conditions are ready.

28. The meeting was informed by the Lao Delegation that many Chinese vessels did not call at the Lao ports that violated laws of Laos and requested all vessels strictly observe the relevant laws. The Lao Delegation also pointed out that there have been some vessels navigating at night. In this regard, Laos emphasized that navigating at night was not safe for the vessels themselves.

29. The meeting agreed that the venue for the 5th JCCCN Meeting would be in Vientiane, Laos and the date will be informed later.

30. The Chinese, Myanmar and Thai Delegations expressed their deep appreciation to the Government of the Lao People's Democratic Republic, particularly the Ministry of Communications, Transport, Post and Construction, for the excellent arrangements made for hosting this Meeting as well as for the warm hospitality extended to the Delegations.

Done in four originals in English in Luang Prabang, Laos on 10 December, 2004.

(Wu zirun) (Lattantmany KHOUNNYVNG)
Head of the Delegation of Head of the Delegation of
the People's Republic of China the Lao People's Democratic
Republic

(Soe MYINT) Sub. Lt
Head of the Delegation of (Preecha PHETWONG)
the Union of Myanmar Head of the Delegation of
the Kingdom of Thailand

**Summary Record of the Fifth Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
6-8 March 2006, Champasak, Laos**

1. The 5th Meeting of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) among China, Laos, Myanmar and Thailand was held in Champasak Province, Laos on 6-8 March 2006.
2. The Meeting was attended by the Delegations of the four contracting Parties namely Laos, China, Myanmar and Thailand. The list of delegates appears in Annex A.
3. The Chinese delegation was headed by Mr. Hu Xing Deputy Director General of the Department of Communications of Yunnan Province and also Deputy Chief Member of the JCCCN Chinese Committee. The Lao Delegation was headed by Mr. Lattanamany KHOUNNYVONG, Director General of Transport Department, Ministry of Communication, Transport, Post and Construction and also Chief Member of the Lao JCCCN Committee. The Myanmar Delegation was headed by Mr. Soe MYINT, Director General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport, and also Chief Member of the Myanmar JCCCN Committee. The Thai Delegation was headed by Sub. Lt. Preecha PHETWONG, Deputy Director General of Marine Department, Ministry of Transport, and also Chief Member of the Thai JCCCN Committee.
4. H.E. Mr. Sonexay SIPHANDONE, Vice Governor of Champasak province delivered an opening and welcoming Remarks on behalf of the Lao Government and Ministry of Communication, Transport, Post and Construction. In his remarks, he noted the

implementation of Quadripartite Agreement on JCCCN has now been much progressed. However, some issues are still pending and need to be quickly solved. He strongly does hope that this meeting would have a good success in deliberating and discussing all pending issues as proposed in the Agenda in order to expedite for full implementation of the Agreement (See Annex B).

5. As chairman of the 5th JCCCN Meeting, Mr. Lattanamany KHOUNNYVONG made his welcoming statement. He notified that Lao Government has approved to sign the Draft rule on Port Charges and Inspection Fees, for Navigation Channel Improvement in Khon Phi Luang Rapid, Lao Government has also approved to improve it because boundary demarcation based on the Siam-French Treaty and map scale of 1/25,000 had been agreed in principle and the navigational channel improvement area is in the territory water of Laos and it does not concern with boundary demarcation but before starting the construction, data collection and photography in that area must be taken to serve as a proof in case of dispute occurs. Lao Government has also agreed in principle to allow transport of Liquefied Petroleum Gas and Petroleum Products in Lancang-Mekong River, but it must be fulfilled the required conditions. (See Annex C)

6. The Agenda of the meeting appears as Annex D. The Meeting was well conducted in a cordial and amicable atmosphere. The proceedings of the Meeting are summarized as follows:

I. The Progress of Navigational Improvement Project and Report on Compiling of Navigation Chart on the Upper Mekong River

7. China briefed the meeting on the progress of the mapping of navigation chart which is underway with completed survey of all rapids. The navigation chart was expected to be completed and ready for dissemination to Contracting Parties by the end of June 2006. The meeting requested China to forward the completed navigation chart to Contracting Parties at its opportune time for the chart would

be used as the basis for implementing the maintenance project of each country.

8. In response to the meeting proposal, Chinese side informed that the follow-up monitoring system of the environmental impact assessment of the Navigation Channel Improvement Project on the Upper Mekong River has been conducted, and the result shows no negative impacts. The meeting called for China to report the result of the assessment to each member in an appropriate time.

9. Laos informed the meeting that the Lao Government had approved the improvement of Khon Phi Luang Rapid since the area for improvement was in Lao territorial water. The meeting also noted that the working group meeting of Lao-Thai Joint Boundary Commission (JBC) on demarcation was held in concurrent with the 5th JCCCN in Vientiane with a view to considering the terms of reference of the demarcation. The meeting agreed to adhere to the outcome of the JBC meeting before commencing the improvement work. Laos proposed to jointly undertake data collection and photography in the area with Thailand as this would serve as a proof in case dispute occurs. The meeting noted that technical preparations had been made by China for the Improvement work.

10. The meeting was of the view that, in order to improve other shoals and rapids namely the Lower Wan Seng, Lower Tang Pan, Moong Pa Liao and Golden Triangle, the navigation chart and resurveying are needed. In response to the meeting proposal the Chinese side expressed its willingness to undertake the preliminary technical work with Thailand and try to apply for funding for conducting preliminary technical work with Thailand. Thailand will bring this matter back for domestic consultations and possible funding for the joint preliminary technical work.

□. **Discussion of the Draft Rules on Port Charges and Inspection Fees on the Lancang-Mekong River**

11. The Meeting considered and agreed with the Amending Draft Rules on Port Charges and Inspection Fees for Commercial Navigation on the Lancang-Mekong River proposed by China except Article 5. The meeting agreed that contracting parties will further study and communicate through the JCCCN mechanism by fax letter, e-mail, etc. to achieve the common agreement before the 6th JCCCN Meeting. Amending Draft Rules on Port Charges and Inspection Fees for Commercial Navigation on the Lancang-Mekong River proposed by China appears in Annex F.

12. China informed that there is increase of port charges and inspection fees collected by Thai ports which China received complaint by their ship owners. China provided the report on the said charges and fees to Thailand. Thailand responded that it would forward the complaint to the relevant authorities for consideration. In this regard, China reminded the meeting the Summary Record of the 3rd JCCCN Meeting stated that the checking points and inspections currently practiced in each Contracting Party should be minimized or at least be maintained as they are until the Draft Rules on Charges and Fees are implemented.

□. **Discussion on the Trial Transport of Liquefied Petroleum Gas (LPG) and Petroleum Product (PP)**

13. China informed the meeting that it planned to start the trial transportation of LPG and petroleum products of 150 tons or less during May - December 2006 with the frequency of not more than eight trips per month. Contracting Parties were invited to nominate two officials respectively to take part in the first trial transportation, the report on experience after trial transportation will be prepared and circulated to Contracting Parties. The meeting discussed and suggested that possible measures should be set to ensure safe navigation and to prevent environmental impact of the trial transportation. The commencement of the trial transportation will be conducted after confirmation by all contracting parties.

14. China was requested to revise the proposed safety measures submitted during the 4th JCCCN to reflect the specific conditions of the Lancang-Mekong River. Lao informed the meeting that Lao's government approved the Trial Transportation of Liquefied Petroleum Gas (LPG) and Petroleum Products, but it must be fulfilled the following conditions: it must be the light petroleum gas such as gasoline, and diesel but not oil; it must have protection system from oil spill and leakage if accident occurs; management method, safe and environmental measures must have technical standards as those applying in Yangtze River, and loading and unloading of Petroleum Products must have a specific port. In addition to these, before carrying out the transport of Petroleum products, rescue team must be established in order to make immediate rescue when accident occurs and bank protection and soil erosion must also be taken into account by creating investigation project using revenue from transportation of Petroleum Products. Since Laos has limited personnel and lack of equipment, there is needed an assistance from China on these issues.

15. Thailand informed the meeting that since the environmental issue is of great concern to several interested parties, therefore, domestic consultations are needed prior to its participation in this trial transportation. Thailand welcomed China's proposal that the Rescue Team of China and Thailand will be established for emergency responses. The technical consultation on this issue will be conducted.

16. The meeting agreed that the river bank erosion (collapse) is not only caused by navigation but there are other factors to be considered. In response to Laos proposal on the river bank protection, China informed the meeting that so far there is no fund available for such project.

IV. Discussion on Maintenance and Aids to Navigation

17 The Meeting agreed that the maintenance of navigation channel

and aids to navigation are very crucial for the safety of navigation. Each Contracting party should be responsible for maintenance and management of navigation-aiding facilities in the section of waterways in its territory. Since Laos and Myanmar expressed their difficulties in getting funds for the maintenance and proposed to China and Thailand for assistance. The meeting agreed with the proposal for seeking the possible source of funding by China and Thailand to establish the maintenance fund with possible support and cooperation from Laos and Myanmar. In this regard, China will propose estimated budget for the maintenance fund for the consideration of Thailand and other Contracting parties.

18. The meeting expressed their appreciation for the Chinese contribution to facilitate the navigation by installing more tidal gauges for ensuring safe navigation.

V. Join Inspection between Laos and Myanmar

19. Laos informed the meeting that they are now ready for the Joint Inspection between Lao PDR and Myanmar and now waiting for further responses from Myanmar.

VI. Other Matters

20. China informed the Meeting that the Chinese-Myanmar boundary rapid improvement project has been included in the EIA report for the Navigation Channel Improvement Project on the Upper Mekong River and its implementation will be bilaterally discussed between China and Myanmar, in accordance with the navigability improvement regulation stated in the Agreement on Commercial Navigation on the Lancang-Mekong River among the four countries. The improvement project will be commenced from the second half of March to the second half of May 2006.

21. China also informed the meeting that seafarer's passports in accordance with Article 11 of the main Agreement would be used in

replacing the Sino-Myanmar and Sino-Laos Border Pass starting from the first of August 2006. During the transitional period of six months from the first of August either documents can be used. The contracting parties should inform the authorities concerned accordingly. The sample of new seafarer's passport was shown during this meeting.

22. The Chinese side specially stated at the meeting that two incidents of attack by gunshots to its vessels when navigating through Myanmar and Lao territorial water respectively, and showed great concern on the safety of the Chinese vessels and the life of crewmembers. The Chinese side also stressed the protection of the Chinese vessels and the life of the crewmembers are of great importance, and believed that such incidents shouldn't happen again. Laos expressed regrets to the incident and informed the meeting that the incident in Lao territorial water was only the catapult shot. Laos also requested that Chinese vessels when passing Lao villages should reduce speed so as not to bother villagers. Myanmar also expressed regret the incident in Myanmar and will inform the local authorities to avoid such incident.

23. Laos informed the meeting that some Chinese vessels still not call at the Lao designated ports that violated navigation regulation and requested that all vessels shall strictly adhere to the navigation regulation. Laos also pointed out that some Chinese vessels still navigate at night which is not safe. Laos requested China to inform the seafarers to comply with the navigation regulation. Myanmar also requested China to advise all Chinese vessels to call Wan Pong port for inspection purposes at least one time during their voyages.

24. Myanmar and Laos informed the Meeting of their designated open ports at Wan Pong Port for Myanmar side and Muangmom and Xieng Kok for the Lao side.

25. The Chinese, Myanmar and Thai Delegations expressed their deep appreciation to the Government of Laos, particularly the

Ministry of Communication, Transport, Post and Construction for the excellent arrangements made for hosting this meeting as well as for the warm hospitality extended to the Delegations.

VII. Date and Venue of the Next Meeting

26. The Meeting agreed that the venue and the date for the 6th JCCCN Meeting would be in Myanmar in March 2007.

Done in four originals in English in Champasak Province, Laos on 7 March, 2006.

(Hu xing)	(Lattanamany KHOUNNYVONG)
Head of the Delegation of the People's Republic of China	Head of the Delegation of the Lao People's Democratic Republic

(Soe MYINT)	(Sub.Lt. Preecha PHETWONG)
Head of the Delegation of the Union of Myanmar	Head of the Delegation of the Kingdom of Thailand

**Summary Record of the Sixth Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
9-10 April 2007, Yangon, Myanmar**

1. The 6th Meeting of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) among China, Lao PDR, Myanmar and Thailand was held in Yangon, Myanmar on 9-10 April 2007.
2. The Meeting was attended by the Delegations of the four contracting parties namely China, Lao PDR, Myanmar and Thailand. The list of delegates appears in Annex A.
3. The Chinese Delegation was headed by Mr. Zhang Cheng'an, Deputy Director General of the Department of Communications of Yunnan Province. The Laos Delegation was headed by Mr. Bouaphet SAYASANE, Deputy Director General of Transport Department, Ministry of Communication, Transport, Post and Construction. The Myanmar Delegation was headed by U Soe Myint, Director General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport, and also Chief Member of the Myanmar JCCCN Committee. The Thai Delegation was headed by Sub. Lt. Preecha PHETWONG, Deputy Director General of Marine Department, Ministry of Transport, and also Deputy Chief Member of the Thai JCCCN Committee.
4. H.E. Major General Thein Swe, Minister for Transport delivered an opening and welcoming address on behalf of the Myanmar Government. In his address he recollected the mile stones of JCCCN and pointed the needs for more input in water transport construction work. Minister also wish and hope that this meeting will have a great success in deliberation and discussion on all issues

proposed in the Agenda and come up with conclusion and finalization on all pending issues and able to overcome the impediments. (See Annex B)

5. As Chairman of the 6th JCCCN Meeting, U Soe Myint made his welcoming statement. He stressed on the importance of concrete effort, which was required to secure the financial support for materialization of some JCCCN projects and programmes for the implementation. He also emphasized that JCCCN to move forward accordingly in the view that all member countries should consider the more appropriate strategy to coordinate and cooperate among JCCCN. (See Annex C)

6. Mr. Zhang Cheng'an, Head of the Chinese Delegation delivered a statement. He expressed his appreciation to all the delegates of meeting constant efforts to promote the international cooperation on the Lancang-Mekong River, for the purpose of economic and social development of the riparian countries. He also revealed the success of previous JCCCN Meetings. He emphasized that the international transport of the Lancang-Mekong River is the important integral part of economic cooperation of the GMS. (See Annex D)

7. As Head of the Lao delegation, Mr. Bouaphet SAYASANE, delivered a statement. He recalled the progress of JCCCN during the period 2004-2006 under the Chairmanship of Laos PDR. He also expressed his further deliberation to solve the pending issues and new emerging issues during the 6th JCCCN meeting. (See Annex E)

8. Sub. Lt. Preecha PHETWONG, Head of the Thai Delegation delivered a statement. He recalled the achievements of JCCCN and suggested the view of way forward for present and future work under JCCCN framework by adopting certain measures to upgrade current cross-border trade to full international shipping with the cooperation between JCCCN and MRC. He also wished to see the progress of coordinated efforts and strengthened cooperation of the JCCCN members of the Agreement which in turn will result in

economic development and prosperity of our sub region as a whole.
(See Annex F)

9. The Agenda of the meeting appears as Annex G. U Htay Win, Myanmar JCCCN member was elected as Vice-Chairman for the meeting. The Meeting was well conducted in a cordial and amicable atmosphere. The proceedings of the Meeting are summarized as follows:

□. **Navigation Channel Improvement as well as Maintenance and Administration of the Navigation Channel and Navigation Aids**

(Agenda 5.1: The navigation channel improvement at Khon Phi Luang Shoal)

10. The Chinese side informed the Meeting that it had completed the preparation for the improvement at Kon Pi Luang Rapid already included in the navigation channel improvement project on the Lancang-Mekong River and approved by the four countries. So long as the boundary line between Lao PDR and Thailand could be fixed, the construction of the project could be conducted. The Chinese side also informed the Meeting the construction should be conducted in dry season with a period of 60 days, and Laos, Myanmar and Thailand were kindly requested to provide relevant assistance and coordination for the entry of the construction teams and the construction work within their territories respectively. Referring to the 8th Joint Boundary Committee held in March 2007 in Luang Prabang, Lao PDR, Thailand reported that Thailand and Lao PDR had started undertakings on data collection and topographic surveys on the Mekong River since 15 March 2007 before the boundary line between the two countries could be fixed properly.

11. Myanmar, Lao PDR and Thailand should provide relevant assistance for the improvement in timely contributing data and information exchange for the long term completion. Lao PDR agreed to jointly undertake the data collection and photography in

the Khon Phi Luang Area before making improvement in order to serve as proof in case dispute occurs.

(Agenda 5.2: The installation of the Water Gauges)

12. The meeting agreed that in accordance with the Summary Record of the 5th JCCCN Meeting, the water gauges needed to be installed for safe navigation. The location for the installation will be at shoals of Mong Pa Liao (Myanmar bank), Golden Triangle (Lao's bank), Wan Seng (Lao's bank) and Khrai (Myanmar bank). The installation period is expected to be one month. The Chinese side will provide the name list of the construction personnel to the JCCCN of Lao PDR, Myanmar and Thailand for the necessary assistance when going through the procedure of applying passport. Lao side had no objection and fully supported for it. Myanmar delegation supported PRC to implement the gauge installation as early as possible.

13. The Thai delegation informed the meeting that similar activities had been carried out from the lower Mekong River up to the Golden Triangle by MRC and proposed that JCCCN should closely cooperate with MRCJC on this matter to secure joint data collection for the benefit of navigation on the Lancang-Mekong River. However, the process should be clarified as how to collect, keep record and send such data to other members.

14. Myanmar delegation said Myanmar has always supported for the safety and data collection for water level because these facts are very important which can lead ships to be capsized and grounded.

(Agenda 5.3: The navigation channel improvement at the shoals and rapids of the Lower Wan Seng, Lower Tang Pan, Mong Pa Liao and Golden Triangle)

15. The Thai side informed the meeting that it has capability to carry out the improvement and maintenance work at the Golden

Triangle and nearby areas, however, such undertakings must obtain approval from the cabinet since those areas are not in the Thai territory.

16. The Meeting noted that the Chinese side has officially proposed to ADB for including the further improvement and maintenance work on upper Mekong River into the GMS cooperation framework. The Chinese side also suggested that each contracting party apply to ADB from their respective channel for the above purpose, so that the further improvement and maintenance work could be conducted as soon as possible.

(Agenda 5.4: Navigation Charts)

17. The Chinese side has informed the Meeting it had completed the compilation of the navigation chart. The Chinese side would provide the JCCCN of each side 50 volumes respectively, and at the meeting, 5 volumes were firstly delivered to other three sides, and the rest would be sent to all parties by post. The further suggestion and comments are welcomed from each side for further revision.

II. Consideration and Adoption of Draft Rules on Port Charges and Inspection Fees

18. The Chinese side submitted a revised draft rules on port charges and inspection fees and suggested it could be finalized at this meeting and be signed at ASEAN-China 10+1 Transport Ministers Meeting to be held in Singapore in November 2007. The Meeting agreed in principle the revised draft rules provided by China and also agreed to bring back to capital for further internal consultation and report it to their respective governments for approval. The Thai delegation expressed its view that, as the Agreement was signed at the ministerial level, the subsequent rules or regulations issued under the Agreement should be signed by the lower authorities like the previous six rules attached to the MOU.

19. The Thai delegation said that, since the contents of the Draft Rules is almost the same as the revised draft discussed at the 5th JCCCN Meeting, it had no objection to the Chinese proposal. However, as the level of the undersigned of the Draft Rules was proposed to change to higher level, Thailand had to resubmit the matter to the cabinet for approval.

III. Discussion of Transportation of Petroleum Products (PP)

20. The Chinese side stated at the Meeting that lots of work had been done for the transportation of the oil products, and hoped the approval procedure could be gone through by each contracting party based on the principle of mutual equality and benefit.

21. Laos Delegation reiterated the meeting that Lao Government had approved of it only on 4 conditions: (□) it must be the light petroleum products such as gasoline and diesel but not oil, (□) it must have protection system from oil spills and leakage, (□) loading and unloading should have a specific port, (□) management method, safe and environmental measures must have technical standards as those applied in Yangtze River, and (□) Before carrying out the Transport of Petroleum Products, Rescue team must be established at respective designated ports. Lao PDR requested China to provide the contingency plan for Lancang-Mekong River and management method, safe and environmental protection applying in Yangtze River in English version. The Thai delegation informed the meeting that the matter is still in the process of getting approval from the cabinet, which would be limited only to the transportation of light petroleum products based on the report of the trial transportation of petroleum products on the Lancang-Mekong River held in December 2006. Thailand also emphasized that the transportation of petroleum products should conform to its proposed preventive measures such as the use of double-hull tankers, environmental protection equipment, manning of qualified ship personnel, etc. The Meeting stressed that only after the confirmation was made by the four governments, should the trial transport of LPG and PP be

conducted by each Contracting Party.

IV. The Administration of the International Navigation

22. The Chinese side informed the Meeting that it was willing to cooperate with other sides to strengthen the navigation administration based on the Quadripartite Agreement, and lots of work had been done for such purpose. The Meeting welcomed the measures taken by the Chinese side to require the Chinese vessels to call at Wan Pong port for inspection, prohibit night navigation as well as decrease speed when passing through villages.

23. In response to the Chinese statement that the higher inspection fees still existed both in some contracting parties, the Meeting stressed once again the checking points and inspections currently practiced in each Contracting Party should be minimized or at least maintained as they are before the implementation of the Draft Rules.

24. The Chinese also side stated at the Meeting that although the transit period had been already past, the Chinese seafarers' passport was still not accepted in practice as it should have as a legal document at checking points of contracting parties, and expected the other Contracting Parties to solve the problem at the earliest stage. In this regard, the Chinese side also proposed that the transition period be postponed for another one year since lots of coordination works needed to be done in each contracting party, accept Chinese Seafarers' Passport.

25. Lao PDR informed the Meeting that its seaman's passport is in the process of printing and will circulate to each Contracting Parties. Lao PDR also informed the meeting that the Chinese seafarer's passport and seamen book of Thailand had been submitted to all parties concerned and all designated ports.

26. The Thai delegation informed the Meeting that, after receiving the letter from the Chinese JCCCN, it had communicated to the

Immigration Bureau and had been informed that the use of Chinese seafarer's passport has accepted by the Thai authority in accordance with the Agreement. However, according to the Thai immigration rule, the seafarer's passport holder wishes to go outside the area, the deposit for guarantee of 20,000 baht is required. The problem may arise from lack of Chinese representatives to deal with this matter in Chiang Saen.

V. Joint Inspection between Laos and Myanmar

27. The Chairman invited the Contracting Parties to discuss on the procedure relating to joint inspection between Lao PDR and Myanmar. The Lao PDR sought the clarification from the Meeting whether port charges and inspection fees have to be paid twice by vessel's owner when carried out the joint inspection. The Chairman clarified that the joint inspection means inspection of the vessels. Not to collect any inspection fees.

28. Thailand emphasized that, according to Article 6 of the Draft Rules on Port Charges and Inspection Fees, the inspection should be in principle carried out only once in each member country, or at the port on the starboard side.]

VI. Other Matters

29. Lao delegation requested China to notify the list of ships and companies engaging in the international traffic on Lancang-Mekong River. In order to ease communication among crew members and port personnel and suggested that Chinese crew should speak English or Laotian language to this end.

30. Thai delegation stated that they had problems regarding Chinese ship's documents which are written only in Chinese. As to the agreement it should be written in bilingual in Chinese and English for facilitation and Chinese delegation said they would fulfill it as soon as possible. Thai delegation requested to render a

soft copy of the navigation chart for computerization on the Lancang-Mekong River for further reference and utilization.

In response, the Chinese side replied that they would try to prepare the ship's documents both in Chinese and English for facilitating communication and would submit to the Contracting Parties the soft copy of the navigation charts. The Thai delegation raised an issue on vessels flying Thai flags operating between Chiang Khong and Luang Prabang could not enter the Laotian territory. Laos delegate said they will check up and reply back to Thai side at the earliest possible. Myanmar delegation advice to China and Laos to control the vessels flying Laotian and China flag as the same time which led to confusion. The Chinese side replied that such the detailed cases needed to be sent to the China JCCCN for taking further administration measures.

31. The Thai delegation proposed the Meeting that the JCCCN and Mekong River Commission (MRC) should further cooperate to harmonize navigation rules and regulation, improvement of navigation channel, maintenance of navigation aids and data collection.

32. The Chinese, Laos and Thai Delegations expressed their deep appreciation to the Government of the Union of Myanmar particularly the Ministry of Transport and Directorate of Water Resources and Improvement of River Systems for hosting this meeting as well as for the warm hospitality extended to the Delegations.

VII. Date and Venue of the Next Meeting

33. The Chairman announced that he will confirm the venue and date of 7th JCCCN meeting in due course.

Done in four originals in English in Yangon, Myanmar on 10 April, 2007

(Zhang Cheng'an)
Head of the Delegation of the
People's Republic of China

(Bouaphet SAYASANE)
Head of the Delegation of the
Laos People's Democratic Republic

(Soe Myint)
Head of the Delegation of the
Union of Myanmar

(Sub. Lt. Preecha PHETWONG)
Head of the Delegation of the
Kingdom of Thailand

**Summary Record of the Seventh Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
8-9 October 2008, Nay Pyi Taw, Myanmar**

Introduction

1. The 7th Meeting of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) among China, Laos, Myanmar and Thailand was held in Nay Pyi Taw, Myanmar on 8-9 October 2008. The Meeting was attended by the Delegations of the four contracting parties namely China, Laos, Myanmar and Thailand. The list of delegates appears in Annex A.

2. The Chinese Delegation was headed by Mr. Zhang Cheng'an, Deputy Director General of the Department of Communications of Yunnan Province, and also Deputy Chief Member of the JCCCN Chinese side. The Lao Delegation was headed by Mr. HOUNGLA SENG MUANG, Director General of Inland waterways Transport, Ministry of Public Works and Transport and also Chief Member of the Lao JCCCN. The Myanmar Delegation was headed by U Soe Myint, Director General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport, Chief Member of the Myanmar JCCCN. The Thai Delegation was headed by Sub. Lt. Preecha Phetwong RTN, Deputy Director General of Marine Department, Ministry of Transport, and also Deputy Chief Member of the Thai JCCCN.

Agenda Item 1: Welcoming and Opening Remarks

3. H.E. Major General Thein Swe, Minister for Transport delivered an opening and welcoming address on behalf of the Myanmar Government. In his address, Minister Major General Thein Swe, mentioned the importance of Mekong River and its basin.

He also stressed that JCCCN is one of the important cooperation frameworks among the Upper Mekong Countries with the active performance and momentum. Minister was positive that the outcomes from this meeting would help improve commercial navigation on the Lancang-Mekong River. Furthermore, Minister pointed out the need for balancing the fleet optimization and Waterways infrastructure improvement for the development of riverine transport along the upper Mekong River. He wished all delegates pleasant stay in Nay Pyi Taw and this meeting fruitful and successful. (See Annex B)

4. As the Chairman of the 6th JCCCN Meeting, U Soe Myint made his welcoming statement. He recollected the situation of efforts made to follow the Summary Record of the 6th JCCCN Meeting. He expressed his wish and hope the great success of the meeting. (See Annex C)

5. Mr. Zhang Cheng'an, Head of the Chinese Delegation delivered a statement. He recalled the hard-won achievements on the international navigation. He also stated that under the leadership of the rotating chairing party and with the concerted efforts of each Contracting Party, the international navigation on the Lancang-Mekong River will be able to contribute more to the economic and social development of the riparian countries. (See Annex D)

6. As Head of the Delegation of Laos, Mr. HOUNGLA SENG MUANG, delivered a statement. He stated the progress among the Contracting Parties after the official opening of the commercial navigation on the Lancang-Mekong River. The progress of cooperation in this field from previous until recent year was smooth and satisfied. He acknowledged and appreciated fruitful contribution to this success. He recalled the positive implementation of Quadripartite Agreement on commercial navigation on the Lancang-Mekong River. In addition he pointed out that some pending issues needed to be addressed. (See Annex E)

7. Sub. Lt. Preecha Phetwong, Head of the Thai Delegation delivered a statement. He expressed sincere appreciation to Myanmar JCCCN for hosting the 7th JCCCN Meeting and for their hospitality accorded to the Thai delegation. After the last JCCCN Meeting, Thailand has seen much progress in its designated port under the Quadripartite Agreement, in particular the new Chiang Saen Port Development Project which has been approved by the Cabinet and the Environmental Impact Assessment. The construction is expected to commence early next year and will be completed by the year 2011. Despite the fact that the JCCCN Meeting is organized only once a year, with our joint efforts, we can overcome the obstacles that prevent us from realizing full development of international passenger and cargo transportation on the Lancang-Mekong River. (See Annex F)

Agenda Item 2: Adoption of Agenda

8. The meeting considered and adopted the Agenda, which appears as Annex G.

Agenda Item 3: Business Arrangement

9. The meeting was convened in plenary.

Agenda Item 4: Head of Myanmar Delegation Assumes Chairmanship of Seventh JCCCN Meeting. Meeting Elects Vice-Chairman for Meeting

10. The Head of the Myanmar Delegation assumed the Chairperson of the 7th JCCCN Meeting. U Htay Win, Myanmar JCCCN member was elected as Vice-Chairperson for the meeting. The Meeting was well conducted in a cordial and amicable atmosphere.

Agenda Item 5: Navigation Channel Improvement as well as Maintenance and administration of Navigation

Channel and Navigation Aids

5.1 Navigation Channel Improvement at Khon Phi Luang Shoal

11. Regarding the Khon Phi Luang shoal, the meeting recalled the improvement of Khon Phi Luang shoal was already included in the navigation channel improvement project on the upper Mekong River which was approved by the four countries, and could be conducted as soon as the completion of the boundary demarcation between Laos and Thailand. Thailand informed the meeting to take note that Thailand kindly requested cooperation from the Lao government to facilitate and cooperate Thai hydrological survey boats traveling along the Mekong River from Nong Khai Province through the upper part of the Mekong River to Chiang Rai Province in accordance with the agreement reached at the 8th Thai-Lao PDR Joint Boundary Commission Meeting. Therefore, Laos and Thailand will inform the working schedule through diplomatic channel.

5.2 Installation of Water Gauges

12. The Chinese side informed the meeting that they have received approval for the installation work of the water gauges from the other Contracting Parties, and agreed that the installation work would be jointly implemented among the four Contracting Parties as soon as the fund is available.

5.3 Navigation Channel Improvement at Shoals and Rapids of Lower Wan Seng, Lower Tang Pang, Mong Pa Lio and Golden Triangle as well as the Maintenance and Administration of Navigation Channel and Aids.

13. The meeting recalled that each Contracting Party had already reached the common understanding on the necessity and importance of navigation improvement at shoals and rapids of Lower Wan Seng,

Lower Tang Pang, Mong Pa Liew and Golden Triangle as well as the maintenance and administration of navigation channel and aids to navigation. The meeting supported the Chinese side proposal that each Contracting Party should apply for financial assistance from ADB under the GMS framework for the improvement and maintenance of the navigation channel and aids in the Lancang-Mekong River.

Agenda Item 6: Discussion of Transportation of Petroleum Products (PP)

14. The Chinese delegation responded to the meeting that the further trial transportation of the oil product had been stopped, since it was stated at the 6th JCCCN Meeting that only after the confirmation was made by the four governments, should the trial transport be conducted by each Contracting Party. The Chinese government attaches great importance and made a site investigation on navigation channel, loading and unloading facilities and port management etc. on the Lancang-Mekong River in September 2008 for the oil product transportation and now the Ministry of Transport, PRC is organizing experts to make the final assessment. The Thai side informed the Meeting that the New Chiang Saen Port Development Project, expected to be finished in the year 2011, would be equipped with all safety facilities for handling petroleum products. Thailand has also strictly implemented the safety measures at all oil terminals in Thailand including Chiang Saen Port to ensure safety and minimize environmental impact. Moreover, the use of English language is suggested by the Thai side to enhance the communication for assistance and safety as well as environmental impact.

Agenda Item 7: Site Investigation of Lancang-Mekong River

15. The Chinese delegation expressed their appreciation for the support provided by the JCCCN of Laos, Myanmar and Thailand during the site investigation made by the Chinese JCCCN along the

Lancang-Mekong River in November 2007. In accordance with the requirement of the 6th JCCCN meeting, the Chinese side provided 5 volumes of navigation chart to Laos, Myanmar and Thailand respectively, and the other 45 volumes and the soft copies were provided to the navigation departments at the Muongmom Port, Wan Pong Port and Chiang Saen port during the investigation.

16. The Chinese delegation stressed the Chinese crew member's identity document was Seafarer's Passport of the People's Republic of China, and hoped all the Contracting Parties to accept and check the seafarer's passport.

17. Thailand clarified that the seafarer's passport would be recognized as an official identification document and further informed that the seafarer's passport or seaman book was different from passport and did not to be stamped. The holders of the seafarer's passport or seaman book are allowed to stay within the port area and shall deposit a certain amount of guarantee money for going outside of the port area.

18. The meeting recalled accidents such as ship wreckage continuously happened on the Upper Mekong River. Therefore, the meeting suggested that each Contracting Party establish emergency system on safe navigation in each authorized water territory. Strengthening the cooperation in such the system is a must to arrange the timely first aid or salvage for addressing the urgent issues, thus minimizing the losses of property and lives. In this regard, the meeting appreciated the preparation of the detailed scheme of establishing the system made by the Chinese side for consideration at the next JCCCN meeting.

Agenda Item 8: Consideration and Adoption of Draft Rules on Port Dues and Inspection Fees

19. The meeting considered proposals of Laos and Thailand with respect to the amendment of above-mentioned rules. After extensive

discussion and in the spirit of mutual benefits and cooperation, the Meeting agreed to accept the amended Draft Rules on Port Dues and Inspection Fees and Regulations as shown in Annex H. This Rule should be signed among the four Contracting Parties after the completion of the national approval by each Contracting Party.

Agenda Item 9: Other Matters

9.1 Data Collection on Water Levels and Transportation on Lancang-Mekong River

20. The Thai informed the meeting that Data Collection on Water Level and Transportation in dry season is very important for public concerns and safe navigation. The Chinese side responded that its government provided the hydrological data to MRC based on the agreement between China and MRC, and suggested that additional requirements be continuously consulted through the existing channel in accordance with the Agreement.

9.2 Other Matters

21. The Meeting requested that Laos, according to the regulations on the Guidelines on the Maintenance and Improvement of the Navigation of the Lancang-Mekong River of the Quadripartite Agreement, well coordinate the relation between hydropower station construction and navigation development, and navigation should be ensured during the construction of hydropower stations. Laos responded that although a number of MOUs had been signed for construction of hydropower stations, and the approval for the construction was not made by the government, and the Laos would inform the Contracting Parties of the progress.

22. For facilitating communication as proposed by the Thai side, the Chinese side informed the meeting that the Maritime Safety Administration of the Ministry of Transport issued 3 kinds of ship's nationality certificates, one of which was applicable to international

navigation was with languages both in Chinese and English. Now the Chinese side is requesting all vessels to change new ship's nationality certificate. This work is expected to be completed by the next year.

23. The Chinese side reported the meeting that it had provided the list of ships engaging in the international transport on the Lancang-Mekong River as requested at the 6th JCCCN meeting, and also received the list of ships from Myanmar side. Laos and Thailand are also kindly requested to provide the list of the ships for strengthening management.

24. The Thai side urged the vessels of contracting parties which entering into the area with warning sign and/or in the community area to reduce the speed to avoid the damage of the vessels alongside the river banks and the river bank erosion.

25. The Meeting took note by the suggestion from Thailand that in the future, there should be port clearance documents for the declaration of the concerned authority for the sailing of the vessels between ports.

9.3 Date and Venue of Next Meeting

26. The Chinese, Laos and Thai Delegations expressed their heartfelt appreciation to the Government of the Union of Myanmar particularly to the Ministry of Transport and DWIR for the excellent arrangements made for hosting this meeting as well as for the warm hospitality extended to the Delegations. According to the JCCCN principle, the 8th JCCCN Meeting will be hosted by Thailand as the rotating chairmanship for the next two years. The date and venue will be informed to the Member Countries in due course.

Done in four originals in English in Nay Pyi Taw, Myanmar on 9th October, 2008.

(Zhang Cheng'an)
Head of the Delegation of the
People's Republic of China

(Houngla Sengmuang)
Head of the Delegation of the
Lao People's Democratic Republic

(Soe Myint)
Head of the Delegation of the
Union of Myanmar

(Sub. Lt. Preecha Phetwong)
Head of the Delegation of the
Kingdom of Thailand

**Summary Record of the Eighth Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
1-3 September 2009, Chiang Rai, Thailand**

Introduction

1. The 8th Meeting of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) among China, Lao PDR, Myanmar and Thailand was held on 1–3 September 2009 in Chiang Rai, Thailand. The Meeting was attended by the delegations of the four Contracting Parties, namely, China, Lao PDR, Myanmar and Thailand. The list of delegates appears in Annex A.

2. The Chinese Delegation was headed by Mr. Zhang Cheng'an, Deputy Director General, Transport Department of Yunnan Province, PRC, and also Deputy Chief Member of the Chinese JCCCN. The Lao Delegation was headed by Mr. Vanthong Somphavath, Deputy Director General, Department of Waterways, Ministry of Public Works and Transport. The Myanmar Delegation was headed by Mr. Hla Myint Thien, Deputy Director General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport. The Thai Delegation was headed by Sub. Lt. Preecha Phetwong, Deputy Director General, Marine Department, Ministry of Transport, and also Deputy Chief Member of the Thai JCCCN.

Agenda Item 1: Welcoming and Opening Remarks

3. H.E. Sumate Sangnimnuan, Governor of Chiang Rai Province, Thailand delivered a welcoming and opening address on behalf of the Government of Thailand. In his address, Mr. Sumate Sangnimnuan mentioned that the suitable location of Chiang Rai

Province adjoining Myanmar and Laos in the north with Mekong River serving as the natural boundary has made Chiang Rai a perfect gateway to the Greater Mekong Subregion (GMS). He stressed the role of Chiang Rai as the northern economic and transport hub with its two designated ports, Chiang Saen and Chinag Khong, included in the Quadripartite Agreement. He wished to see the outcomes of the Meeting that would help remove obstacles and constraints in trade and transportation on the Lancang-Mekong River and eventually lead to sustainable economic growth in this subregion. (See Annex B)

4. As the incoming Chairman of the 8th JCCCN Meeting, Sub. Lt. Preecha Phetwong made his welcoming statement. He recollected the work and efforts made so far under the Quadripartite Agreement and urged the Meeting to put all existing mechanisms, including the implementing MOU and the rules, regulations and guidelines, into practice and move forward the implementation of the Agreement for the mutual benefit of all Contracting Parties. (See Annex C)

5. Mr. Zhang Cheng'an, Head of Chinese Delegation delivered a statement. He pointed that, affected by the world economy crisis and safety condition of the River, the international navigation development has slowed down with cargo transport decreased and only 1/3 passenger transport compared to the same period before. The severe safety and economy environment requires the four Contracting Parties to exert every effort to cooperate and deal with the challenges together, and facilitate the development of the River, thus benefiting the riparian peoples. (See Annex D)

6. As the Head of the Lao Delegation, Mr. Vanthong Somphavath, Head of Lao Delegation delivered a statement. He recalled the progress of JCCCN work under the capable chairmanship of Myanmar, particularly, the Draft Rules on Port Charges and Inspection Fees and look forward to having it signed soon. He also stated some pending issues which needed to be urgently solved, particularly the channel improvement at Khon Phi Luang Shoal, the

installation of navigation aids in some dangerous areas and the maintenance of the existing ones and other facilities for the safety and security of ships and crews on board. (See Annex E)

7. Mr. Hla Myint Thien, Head of the Myanmar Delegation, delivered a statement. He underlined the role of commercial navigation on the Lancang-Mekong River in not only providing smooth and safe cargo and passenger transportation along the four countries, but also strengthening and promoting the improvement of the economy, trade and tourism in the region. He acknowledged with appreciation the progress made on the cooperation and stated the intention of Myanmar to sign the Rules on Port Dues and Inspection Fees. He also expressed the condolences of Myanmar JCCCN for the loss of Chinese crew member during the gun shot incident in February this year. (See Annex F)

Agenda Item 2: Election of Chairman and Vice-Chairman

8. The Head of Thai Delegation assumed the Chairmanship of the Eight JCCCN Meeting and the Meeting elected Mr. Sukhin Ratanasathien, Thai JCCCN Member, as the Vice-Chairman for the Meeting.

Agenda Item 3: Adoption of Agenda

9. The Meeting considered and adopted the Agenda, which appears as Annex G.

Agenda Item 4: Business Arrangement

10. The Meeting was convened in plenary.

Agenda Item 5: Navigation Channel Improvement, Maintenance and Administration of Navigation Channel and Navigation Aids

5.1 Navigation channel improvement at Khon Phi Luang Shoal.

11. Thailand provided updates to the Meeting on the progress of the channel survey in Mekong River between Thai and Lao borders by the Thai Hydrological Survey Department that, due to the request made by the Ministry of Foreign Affairs of Lao PDR, the channel survey on the lower Mekong River from Muang District of Nakorn Phanom Province to Chiang Khan District of Loei Province for about 300km in length had to be temporarily suspended during July–September 2009. The matter will be discussed at the 9th Joint Boundary Committee (JBC) Meeting between Thailand and Lao PDR to be held in October 2009 in Thailand.

12. Lao PDR informed the Meeting that the improvement of Khon Phi Luang Rapid had been approved by the Lao Government. The boundary demarcation is based on 1926 Siam-French Treaty and the map scale of 1/ 25,000 which had been agreed upon in principle. Since the navigation channel in this area is in Lao territorial water, Lao PDR has little concern on the boundary demarcation. However, before starting the channel improvement, it is recommended that the baseline, data collection and photography should be taken.

13. According to the Quadripartite Agreement, the Maintenance of the navigation aids should be carried out by each Contracting Party within their respective territorial water. However, due to lack of funding for maintenance, Lao PDR proposed a survey on the aids to navigation and markers in Lancang-Mekong River and subsequent maintenance/ reinstallation if they are disappeared or damaged to be conducted by China and/or Thailand.

14. The Meeting noted that the Chinese side has well prepared for the improvement of Khon Phi Luang Shoal and the improvement project could be carried out once Laos and Thailand confirm to commence the project.

5.2 Construction of breakwater at Don Sao, opposite to Chiang Saen District of Thailand

15. Thailand informed the Meeting that a riprap structure of 400 meters in length was found in Mekong River extending from the river bank to Don Sao Island and from Don Sao Island towards the Thai side. It is likely that this type of structure will obviously block the water flow of the river at the high water. The reduced river cross-section by this structure will cause severe impact to the navigation, topography and environment of the river. In raising this issue, Thailand referred to Articles 1.4 and 1.6 of the Guidelines on Maintenance and Improvement of the Navigability of the Lancang-Mekong River, dump of stones, sand, earth, mud and wastes into the river is not allowed except for the maintenance and improvement purposes, and it is not allowed to set up on the waterways any facilities resulting in permanent inconvenience for navigation.

16. Lao PDR explained that such riprap structure was constructed under the river bank protection project since there has been serious erosion on Lao river bank in this area. As far as the river bank protection is concerned, Lao PDR proposed that the matter be submitted to the Joint Technical Sub-Committee for Management on Mekong River and Heung River (JTMH) for consideration.

17. In order to find out the purpose/impact on navigation of such structure, Thailand proposed to use the diplomatic channel and, if necessary, determine a joint conduct of survey between Thai and Lao experts, the results of which should be submitted to both JCCCN and JTMH for consideration.

18. The Meeting shared some concern of safety of navigation that such above-mentioned structure may create a possible obstacle to the navigation on the Lancang-Mekong River to some extent. In this regard, the navigation-related aspect should remain under the purview of JCCCN. The Meeting also noted that Lao PDR would

take the matter back to the capital for domestic consultation and inform JCCCN the outcome of her consideration at the next Meeting.

5.3 Installation of Water Gauges

19. The Chinese side suggested the installation be carried out during the next dry season hopefully in December this year. The other three parties are kindly requested to send invitation letters to the Chinese side before September 15 for going through exit and entry formality of the personnel for the installation. The name list of the coordinative officials from the other three parties for the joint installation work also needed to be provided to the Chinese side before September 15. The international transport fare and accommodation of the coordinative officials will be borne by the Chinese side.

Agenda Item 6: Transportation of Petroleum Products on Upper Mekong River

20. The Meeting noted China's updates on the progress made on site investigation. The Chinese side attached great importance to the potential risk of safety and pollution of the trial transport of oil product on the Upper Mekong River, and will further organize relevant experts to conduct assessment. The Ministry of Transport, PRC will organize relevant experts to conduct a site investigate on the Lancang-Mekong River in this year. The Chinese side reiterates that oil product trial transport could be conducted only after the confirmation of the four governments.

Agenda Item 7: Cooperation between JCCCN and MRC

7.1 Collection and exchange of data on water levels of the Lancang-Mekong River

21. Thailand informed the Meeting that the statistics collected by MRC from the water gauges at Chiang Saen Port last year has shown

the fluctuation of water levels during the dry season which affected the navigation on the Lancang-Mekong River and the operation at the pontoons of Chiang Saen Port. To be well prepared for the situation, Thailand requested China to provide 3 types of water discharge from China's dams, i.e. normal, minimum and maximum discharges and to send early notification concerning water discharge to the other Contracting Parties.

22. The Meeting noted the exchange of data on water levels under the Agreement between MRC and the Ministry of Water Resources of China, which will be renewed every five years. Since the current Agreement requires only data collected during the wet season, Thailand and Lao PDR agreed to request MRC to consider amending the current Agreement with China so that data collected during both wet and dry seasons can be shared between both sides.

23. According to the agreement between China and MRC, the Chinese side informed the Meeting that the Chinese government had already provided relevant hydrological information to the MRC, so it is suggested the issue be discussed and consulted by the original channel. The Chinese side will install water gauges which will help get information of the water levels.

Agenda Item 8: Adoption of Draft Rules on Port Dues and Inspection Fees on Lancang-Mekong River

8.1 Completion of national approval for signing Draft Rules

24. The Meeting recalled that the 7th JCCCN Meeting agreed to accept the amended draft Rule on Port Dues and Inspection Fees which should be signed among the four Contracting Parties after the completion of national approval by each Contracting Party.

25. Lao PDR informed the Meeting that she had obtained approval from the cabinet to sign the Draft Rules and agreed that the Draft

Rules be signed during the ASEAN–China Transport Ministerial Meeting.

26. The Chinese side informed the Meeting that a fax from Lao PDR indicating the readiness to sign the Draft Rules had been received and also suggested the Draft Rules be submitted to the ASEAN plus China (10+1) Transport Ministerial Meeting to be held in Viet Nam in December of this year for signing by the Ministers of the four countries.

27. Myanmar informed the Meeting that, due to the amended Draft Rules, she is now in the process of seeking approval from the cabinet and hope that she would be able to sign the Draft Rules at the ASEAN–China Transport Ministerial Meeting.

28. Thailand informed the Meeting that the Draft Rules was previously approved by the cabinet in 2006. However, Thailand has to submit the amended Draft Rules to the cabinet for approval again. The Ministry of Transport of Thailand is now in the process of seeking approval from the cabinet and look forward to signing the Draft Rules at the ASEAN–China Transport Ministerial Meeting in December this year.

8.2 Unscheduled inspection of vessels calling at Wang Pong Port

29. Myanmar informed the Meeting on the proposed implementation of unscheduled inspection of vessels calling at Wang Pong Port on both upstream and downstream voyage for the purpose of national security with no additional port dues and inspection fees. The reason behind this came from the gun shot incident resulting in smuggling of arms and weapons at this very moment.

30. The Chinese side expressed her concern on the unscheduled inspection proposed by Myanmar as this would obviously increase

time spent in each ship voyage and might not conform to the objective of the Quadripartite Agreement. The Chinese side further emphasized that the inspection shall be minimized for facilitating the international navigation, and such a temporarily unscheduled inspection shall be ended at the soonest time once the situation gets better.

31. The Meeting noted that the unscheduled inspection is just temporary and requested Myanmar to specify how long such temporary period would last and to notify the other Contracting Parties when the unscheduled inspection is abolished. Lao PDR and Myanmar were also requested to find out other time-saving alternatives of joint inspection with no additional charge.

Agenda Item 9: Establishment of Safe Emergency System on Upper Mekong River

32. The Meeting agreed it is urgent to establish safety emergency system to ensure safety navigation. Based on the proposal of the last JCCCN meeting, the Chinese side has submitted the emergency plan to the meeting for consideration by the four sides, and any suggestions and comments shall be sent back to the Chinese side before December. After completion, the emergency plan shall be signed by the four transport ministers. One of the appendixes concerning contacting departments and officers need to be provided by each side.

33. The Meeting proposed the Chinese side to establish an emergency search and rescue center for international transport on the Lancang-Mekong River and, at the same time, this center be used as a training center for training navigation personnel for China, Lao PDR, Myanmar and Thailand through the framework such as the GMS and ASEAN plus China.

34. For effective implementing the emergency plan, the Meeting suggested four parties establish an emergency center respectively,

and inform the next JCCCN meeting of the progress.

35. The Meeting agreed the proposed Emergency Plan should be incorporated in the MOU Concerning the Implementation of the Quadripartite Agreement, either as part of Annex V or as a separate Annex under Article 1 (Common Rules), so that it would fit in the existing document. JCCCN may consider amending the Implementation MOU to allow the addition of rules, regulations and guidelines in the future.

Agenda Item 10: Other Matters

10.1 Need for standardized formalities and language, insurance scheme and shipping agents

36. Thailand informed the Meeting that, since commercial navigation in the Lancang-Mekong River is international transportation by nature, it would inevitably confront the following challenges:

- Need for standardized formalities and language, including use of existing forms with English translation
- Need for insurance scheme for ships and cargo transported by ships
- Need for shipping agents to deal with formalities and language at loading and discharging ports

37. China provided the following responses:

- Bilingual certificates have already been in use.
- To develop an insurance scheme, China proposed to organize a meeting/seminar among insurance companies, shipowners and cargo owners in order to

discuss and come up with some principles for an insurance scheme.

- Shipping agents may be burdensome and costly for shipowners at the moment. It is proposed that the port should provide this service in order to simplify the formalities and avoid causing additional burdensome to shipowners.

10.2 Complaints on high speed ships and night time navigation

38. Thailand informed the Meeting that she had received complaints on Chinese ships rushing to Chiang Saen Port in high speed after 6.00 p.m. which affected small boats sailing in Lancang-Mekong River and people living along the river.

39. Lao PDR also reported that some Chinese ships were found cruising on the Lancang-Mekong River at night where night time navigation is prohibited.

40. The Chinese side asked other Contracting Parties to inform her the details, time and location of any Chinese ships not complying with the Agreement.

10.3 Construction of hydropower station on the Upper Mekong River

41. China expressed her concern on the construction of hydropower station on the Upper Mekong River and emphasized that, according to the Guidelines on the Maintenance and Improvement of the Navigation of the Lancang-Mekong River of the Quadripartite Agreement, the vessel-passing facilities (navigation locks) should be built synchronously with power station construction. Their dimensions should be designed to allow the passing of vessels in accordance with the Guidelines under this Agreement, and space

should be kept for further development of international navigation. The Meeting also requested Lao PDR to well coordinate the relation between hydropower station construction and navigation development, and ensure navigation during the construction period.

42. MRC informed the Meeting that the MRC Navigation Programme has been carrying out two projects, namely, project on condition survey of dangerous areas for installation of aids to navigation between Huaysai and Luang Prabang (80% completed), and project on guidelines for planning, design, construction and operation of navigation locks in relation with the development of hydropower projects on the Lower Mekong Mainstream. Phase I of the latter project (Review of international navigation lock dimensions) is completed with the proposed dimension of navigation lock of 120 x 12 x 4 meters while Phase II (Standard specifications for construction and operation of navigation locks) is in the process of recruiting consultant expected to finish this work in March 2010.

43. Since the navigation channel from Huaysai to Luang Prabang belongs to the navigation scope of both JCCCN and MRC, the Meeting requested MRC to provide the details of the MRC project along this channel for consideration.

Agenda Item 11: Date and Venue of the next meeting

44. Thailand informed the Meeting that the next JCCCN Meeting would be held in Thailand. The exact date and venue will be informed in due course.

Agenda Item 12: Adoption of the Summary Record and closing session

45. The Meeting considered and adopted the summary record of the 8th JCCCN Meeting held on 1-3 September 2009 in Chiang Rai, Thailand.

46. The Chinese, Lao and Myanmar Delegations expressed their heartfelt appreciation to the Government of the Kingdom of Thailand, particularly to the Marine Department and the Port Authority of Thailand for the excellent arrangements made for hosting this meeting as well as for the warm hospitality extended to the Delegations.

This document serves as a record of discussion of the JCCCN Contracting Parties.

Done in four originals in English in Chiang Rai, Thailand on 2 September, 2009.

(Zhang Cheng'an)
Head of the Delegation of the
People's Republic of China

(Vanthong Somphavat)
Head of the Delegation of the
Lao People's Democratic Republic

(Mr. Hla Myint Thien)
Head of the Delegation of the
Union of Myanmar

(Sub.Lt. Preecha Phetwong)
Head of the Delegation of the
Kingdom of Thailand

**Summary Record of the Ninth Meeting of the Joint
Committee on Coordination of Commercial Navigation
on the Lancang-Mekong River
among China, Laos, Myanmar and Thailand
10-11 August 2010, Pattaya, Thailand**

Introduction

1. The 9th Meeting of the Joint Committee on Coordination of Commercial Navigation on the Lancang-Mekong River (JCCCN) among China, Lao PDR, Myanmar and Thailand was held on 10-11 August 2010 in Pattaya, Chon Buri Province, Thailand. The Meeting was attended by the delegations of the four Contracting Parties, namely, China, Lao PDR, Myanmar and Thailand. The representative of Mekong River Commission Secretariat was also in attendance as an observer. The list of delegates appears in Annex A.

2. The Chinese Delegation was headed by Mr. Zhang Cheng'an, Deputy Director General, Transport Department of Yunnan Province, PRC, and also Deputy Chief Member of the Chinese JCCCN. The Lao Delegation was headed by Mr. Hounгла Sengmuang, Director General, Department of Waterways, Ministry of Public Works and Transport, and also Chief Member of the Lao JCCCN. The Myanmar Delegation was headed by Mr. Hla Myint Thien, Acting Director General, Directorate of Water Resources and Improvement of River Systems, Ministry of Transport, and also Chief Member of the Myanmar JCCCN. The Thai Delegation was headed by Sub. Lt. Preecha Phetwong, Deputy Director General, Marine Department Ministry of Transport, and also Deputy Chief Member of the Thai JCCCN.

Agenda Item 1: Welcoming and Opening Remarks

3. H.E. Seni Chittakasem, Governor of Chon Buri Province,

Thailand, delivered a welcoming and opening address on behalf of the Government of Thailand. In his address, which appears as Annex B, he introduced Chon Buri, a province located on the eastern coast of Thailand, to the Meeting. With a long history, Chon Buri is well connected with Bangkok and its vicinity by highly developed highways and rail link. Thanks to its geographical advantage, Chon Buri is the place for Laem Chabang Port, the largest public port in Thailand and gateway to Indo-China, industrialized zone of the Eastern Seaboard Development Project, famous tourist attractions and transportation center. Chon Buri also plays a supporting role in the upper Mekong cooperation since it accommodates part of cargo flow from the commercial navigation on Lancang-Mekong River.

4. As the Chairman of the 9th JCCCN Meeting, Sub. Lt. Preecha Phetwong made his welcoming statement. He noted the convening of the 8th MRC Navigation Advisory Body (NAB) Meeting back to back with the 9th JCCCN Meeting which indicated a good sign of closer link between the upper and lower Mekong cooperation initiatives and wished to see the two fora work closely in a coordinated and supportive way. He also recollected the progress of work under JCCCN and urged the Meeting to find the appropriate way out for the unresolved cases as well as to finalize the pending matter. He pointed out the necessity of following the progress and keeping up with the development of the relevant fora to make sure that all Mekong cooperation initiatives are moving towards the same direction. Lastly, he observed the increasing participation of ASEAN dialogue partners in some Mekong initiatives. The full text of his Statement appears as Annex C.

5. Mr. Zhang Cheng'an, Head of the Chinese Delegation, delivered his statement, which appears as Annex D. He appreciated the efforts of the four Contracting Parties for promoting the international navigation cooperation as well as economic and social development of the riparian countries. He especially thanked all Contracting Parties for well implementing many agenda items discussed in the previous meeting. This included the signing of the

Draft Rules on Port Dues and Inspection Fees for Commercial Vessels Navigating on the Lancang-Mekong River, the completion of water gauges installation project with financial support provided by the Chinese side and the Emergency Plan which was agreed upon in principle by all party members. He emphasized the importance of the establishment of emergency rescue center which was commenced with an investment of about 4,970,588 USD for a port construction in China.

6. Mr. Houlga Sengmuang, Head of the Lao Delegation, delivered his statement. In his Statement, which appears as Annex E, he congratulated the signing of the Draft Rules on Port Dues and Inspection Fees during the 15th ATM in Viet Nam last year. For the transport of liquefied petroleum gas and petroleum products, he pointed out the need to set up a rescue team to take care when incidents occur, which should be considered as soon as possible. He hoped that this Meeting would find the utmost solutions for both pending and new emerging issues which would expedite efficient and effective implementation of the Commercial Navigation Agreement among the four countries.

7. Mr. Hla Myint Thien, Head of the Myanmar Delegation, delivered his Statement. He recollected the main matters discussed during the 8th JCCCN Meeting and was delighted to see successful signing of the Rules on Port Dues and Inspection Fees in December 2009 in Viet Nam. He emphasized that concrete efforts and collective responsibility were needed in response to current challenges. He also observed that JCCCN was one of the outstanding collective responses to such challenges. In the end, he placed importance to the climate change issues and urged the Meeting to keep up with negative impact that might exist in the navigation of the Lancang-Mekong River as priority issues. His Statement appears as Annex F.

Agenda Item 2: Adoption of Agenda

8. The Meeting considered and adopted the Agenda which appears as Annex G.

Agenda Item 3: Business Arrangement

9. The Meeting was convened in plenary.

Agenda Item 4: Navigation Channel Improvement, Maintenance and Administration of Navigation Channel and Navigation Aids

4.1 Navigation Channel Improvement

4.1.1. Navigation Channel Improvement at Khon Phi Luang Shoal

10. The Meeting noted that the improvement of Khon Phi Luang Shoal was included in the navigation channel improvement project on the Upper Mekong River which was approved by the four countries and could be conducted as soon as the boundary demarcation between Laos and Thailand is completed.

4.1.2 Navigation Channel Improvement and Maintenance Work

11. The Meeting recalled that the 6th JCCCN Meeting agreed to the proposal of the Chinese side to incorporate the navigation channel improvement and maintenance project in the GMS transport cooperation programme in order to obtain funding from ADB. However, after this proposal was submitted at the subsequent GMS Sub-regional Transport Forum, it was not clear whether the proposed project has obtained financial support so far.

12. The Meeting recognized the necessity of implementing Annex III the Quadripartite Agreement – Guidelines on the Maintenance and Improvement of the Navigability of the Lancang-Mekong River

since it was long time ago since the channel improvement was carried out during the first phase of the implementation of the Agreement. In addition, certain parts of the river channel have become shallower, causing several vessels to run aground. In view of this, the Meeting discussed and came up with the following alternatives:

(1) Organize an expert team consisting 2 experts from each Contracting Party to conduct a survey on the need for improvement and maintenance of Lancang-Mekong River before formulating an integrated improvement/ maintenance plan which each Contracting Party will submit to its government for approval and implementing individually, provided that each Contracting Party will bear the cost of their own experts and share the cost of survey.

(2) If the fund is not available to some Contracting Parties, the Chinese side was requested to conduct the survey to prepare the integrated improvement/ maintenance plan before circulating to the three Contracting Parties for approval and implementing individually.

13. The Meeting requested Contracting Parties to submit the proposed alternatives to their government for consideration and inform the outcomes at the next JCCCN Meeting.

4.2 Installation of Water Gauges

14. The Chinese side informed the Meeting that the 5th JCCCN Meeting agreed to the proposal of installing water gauges on the Upper Mekong River with a view to maintaining navigation safety. Due to the funding procedures and the influence of drought in early 2009, the implementation of the project was delayed. In May 2010, a working team, consisting of experts of China, Lao PDR, Myanmar and Thailand, was established for installation of water gauges. Starting the installation work from 22 May 2010, the working team completed the installation of water gauges at Moss (Khrai) Rapids,

Chiang Rap Rapids, Mong Pa Liao Shoal, and Golden Triangle Shoal respectively. Each installation was jointly checked and accepted on-site by the experts of the four parties.

15. The Meeting expressed sincere appreciation to the Chinese side for full financing of the project and had a common view that the successful installation of water gauges would be useful for vessels navigating through the shallow water or risky areas full of shoals and reefs of the Lancang-Mekong River.

4.3 Illegal gold excavation along the river

16. The Chinese side informed the Meeting that in February 2010, about 20 illegal gold-excavation boats were found along the Lancang-Mekong River at the boundary between Lao PDR and Myanmar. The photographs of those illegal boats were taken as evidence. Illegal gold excavation caused a threat to the navigation safety and would jeopardize the stability and smoothness of the navigation channel. In addition, such undertaking apparently violated the relevant regulations of the Quadripartite Agreement and the Guidelines on Maintenance and Improvement of the Navigability of the Lancang-Mekong River. In view of this, the Chinese side requested the rest parties of JCCCN to strengthen supervision in their respective territorial waters in order to promote the smooth navigation. The Lao side informed the Meeting that the authority of Luang Nam Tha Province and the Myanmar authority had a discussion on illegal gold excavation on the Upper Mekong River and both sides agreed that they would not allow any gold excavation activities in the Mekong River again.

17. The Myanmar side informed the Meeting that the local authorities of Kgaing Lat Sub Township reported the inspection of illegal gold excavation in Wan Kong, Wan Seng and Xieng Kok on 25 February 2010 that no Myanmar nationals involved in the gold excavation and the gold-excavation boats were not found.

18. The Meeting requested the Contracting Parties to take appropriate measures to prevent the illegal gold excavation along the Upper Mekong River in their respective territorial waters.

Agenda Item 5: Transportation of Petroleum Products on the Upper Mekong River

19. The Chinese side provided updates to the Meeting on the transportation of petroleum products on the Upper Mekong River that, after conducting assessment in August 2008 and at the end of 2009, the PRC Ministry of Transport agreed in principle upon the trial transport of oil products which would start after receiving confirmation from the Ministry of Transport of the work related to safety and management implemented by the Chinese relevant ports, ships and companies.

20. The Thai side informed the Meeting that the loading petroleum facilities at Chiang Saen Port were currently provided by IRPC, a private oil company, located nearby. The company strictly takes safety measures to prevent possible accidents which is monitored by the local Chiang Saen Municipality and the Marine Regional Office. However, the proper petroleum terminal has not been set up yet due to the difficulty in finding an appropriate location and high investment required to build such facility. If the transportation of petroleum products has been confirmed to take place by the Chinese side, the Thai side will invite the private sector to invest in the oil terminal and transportation of petroleum products at the new Chiang Saen Port.

Agenda Item 6: Implementation of the Rules on Port Dues and Inspection Fees on the Lancang-Mekong River

21. The Meeting noted with appreciation the successful signing of the Rules on Port Dues and Inspection Fees on the Lancang-Mekong River on 11 December 2009 during the 15th ATM in Viet Nam. As part of the Quadripartite Agreement, the

Rules became Annex VII of the Implementation MOU.

22. The Meeting requested the Contracting Parties to urge their relevant authorities to implement the Rules on Port Dues and Inspection Fees strictly and effectively as this would facilitate international trade on the Mekong River and help reducing delay of vessels. The Thai side expressed its concern that the late arrival of vessels after sunset at Chiang Saen Port should be avoided otherwise it would be subject to unscheduled inspection without any additional fee for security reason.

Agenda Item 7: Establishment of Safe Emergency System on the Upper Mekong River

23. The Meeting recalled the cases of vessels going aground in the Mekong River during the drought period early this year and recognized that it was necessary and urgent for the Contracting Parties to strengthen coordination to cope with the emergency. In this regard, the Emergency Plan to Handle and Coordinate the Navigation-related Unexpected Accidents on the Lancang-Mekong River among China, Laos, Myanmar and Thailand was drafted by China and submitted to the rest Contracting Parties for consideration. At this stage, the draft emergency plan has been agreed upon in principle by the four Contracting Parties. For effectively implementing the emergency plan, the 8th JCCCN suggested that the four Contracting Parties establish an emergency center on the Mekong River in their respective countries.

24. The Chinese side provided updates on the establishment of her emergency center that the design work had been completed and the wharf construction had commenced with an investment of approximately 4.9 million USD.

25. The Lao side proposed that, apart from the emergency plan, a rescue team should be established to cope with possible incidents. The Meeting recalled that China and Thailand were proposed to set up a rescue team which would provide training for the rest

Contracting Parties at the 6th JCCCN Meeting. The Meeting had a view that this could be done in the future when the emergency centers were established in the respective Contracting Parties.

26. Since the draft emergency plan has been approved in principle by the four Contracting Parties, the Meeting requested the Parties to provide comments/inputs and appoint contact points at their designated ports with proper contact details (radio frequency, mobile telephone, fax, etc) to China for consolidation and final revision by the end of September 2010. The Contracting Parties agreed to sign the emergency plan at the upcoming 16th ATM to be held in November 2010 in Brunei Darussalam, if possible. The emergency plan shall become Annex VIII of the Implementation MOU of the Quadripartite Agreement. The full text of the draft implementation MOU and emergency plan appears as Annex H.

27. The Thai side indicated the need to assign some appropriate radio frequency which are common and dedicated using for transmission/receiving and watchkeeping of the distress alert and emergency communication. The Thai side also requested the Chinese side to provide the information of radio frequency used on Chinese vessels so that the radio frequency at shore stations would be set up accordingly.

Agenda Item 8: Cooperation between JCCCN and MRC

8.1 Collection and exchange of data on water levels of the Lancang-Mekong River

28. The Chinese side informed the Meeting that she had actively participated in the international cooperation in sharing data of water levels of the Lancang-Mekong River. Since the Agreement between China and MRC concerning the exchange of data on water levels was signed in 2002, China had provided relevant hydrological information accordingly. The Chinese side suggested that the exchange of data should be discussed through the original channel in

accordance with the Agreement between China and MRC.

29. The Meeting noted the information presented by the representative of MRC on possible areas of cooperation between JCCCN and MRC as follows:

(1) Risk Analysis of Mekong Navigation Activities and Operation including Strategy for Prevention, Management, Control and Response of Navigation Emergencies.

(2) Start up of the navigation Ship Lock Phase II – Guideline for operations and management of navigation ship lock (how to mitigate the impact of dam construction on navigation on the mainstream of Mekong River).

(3) Installation of aids to navigation along the dangerous areas of the Mekong River between Luang Prabang and Huay Xai in Lao PDR and Thailand.

(4) Start-up plan for the legal study to provide recommendation for establishing cross-border navigation downstream of Luang Prabang.

30. The Chinese side requested the proposed projects should be submitted through diplomatic channel to the Chinese government for approval as China is only an observer of MRC.

Agenda Item 9: Other Matters

9.1 Unscheduled Inspection at Wang Pong Port

31. The Myanmar side informed the Meeting that, before and after the signing of the Rules on Port Dues and Inspection Fees on the Lancang-Mekong River, the Myanmar JCCCN followed the inspection practice in accordance with the Rules and Wang Pong port could operate its routine functions smoothly. However, the Myanmar side faced some problems between Myanmar local

security troops and insurgency occasionally. As a result, the unscheduled inspection on vessels calling at Wang Pong Port was temporarily needed to search for weapon smuggling and illicit drugs without extra fees. The Myanmar side requested Contracting Parties to apply the same measure and would inform the relevant authority (flag state of the inspected vessels) if the unscheduled inspection would be carried out.

32. The Chinese side informed the Meeting that some Chinese vessels were charged for additional fees at Wang Pong Port. Although the Chinese side understood the purpose of such unscheduled inspection for security reason, the Myanmar side was requested to stop such temporary inspection at the soonest time when the situation gets better. The Myanmar side assured that the officials in charge would be strictly supervised in order not to allow this situation to occur again.

9.2 Navigation Data Exchange

33. The Thai side requested the Chinese side to provide information on the navigation data to the rest Contracting Parties as this would help parties concerned (importers, exporters, shippers, cargo owners, ship operators) to plan for the transportation of goods on the Mekong River in advance. This would be deemed necessary, particularly in case of the transportation of perishable goods or transportation during the dry season.

34. The Chinese side responded that the use of water gauges could also provide good reference for the navigation on the Lancang-Mekong River. The Chinese side is kindly requested to provide the information of navigation warning to the Contracting Parties during the dry season if the Chinese side issues the navigation prohibition order to domestic vessels.

9.3 Construction of Hydropower Station on the Lancang-Mekong River

35. The Myanmar side informed the Meeting that her authority had received the notification of hydropower station construction by Lao PDR through the Ministry of Foreign Affairs. The Myanmar relevant authority responded to follow the Guideline on the maintenance and improvement of the navigability of the Lancang-Mekong River.

9.4 Construction of Groin at Don Sao, opposite to Chiang Saen District of Thailand

36. The Meeting noted that the 8th JCCCN Meeting agreed to submit the matter to the Joint Technical Sub-Committee on the Cooperation of Mekong – Heung Rivers (JTMH) for consideration. The Meeting also noted that Lao PDR and Thailand were now awaiting the outcomes of JTMH on this matter.

Agenda Item 10: Date and Venue of the next meeting

37. The Chinese side informed the Meeting that the 10th JCCCN Meeting will be held in 2011 in Yunnan Province, PRC. The exact date and venue of the meeting will be notified in due course.

Agenda Item 11: Adoption of the Summary Record and closing session

38. The Meeting considered and adopted the summary record of the 9th JCCCN Meeting held on 10-11 August 2010 in Pattaya, Chon Buri Province, Thailand.

39. The Chinese, Lao and Myanmar Delegations expressed their heartfelt appreciation to the Government of the Kingdom of Thailand, particularly to the Marine Department and the Port Authority of Thailand for their excellent arrangements made for convening this meeting as well as for the warm hospitality extended

to the delegations.

Done in four originals in English in Pattaya, Chon Buri, Thailand, on
11 August 2010.

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Head of the Delegation of the
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(Houngla Sengmuang)
Head of the Delegation of the
Lao People's Democratic Republic

(Hla Myint Thien)
Head of the Delegation of the
Union of Myanmar

(Sub. Lt. Preecha Phetwong)
Head of the Delegation of the
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