



Item 2A

of the Agenda: Competitiveness

**IMPACT OF CROSS-BORDER AGREEMENTS ON COMPETITIVENESS – REGIONS:
NORTH AMERICA, CENTRAL AMERICA, THE CARIBBEAN, AND SOUTH AMERICA
WITHOUT BORDERS**

Working Paper presented by Colombia, "*The Country of Beauty*"

SUMMARY

This study note presents a proposal to promote and strengthen air transport and regional integration in border areas, aiming to foster the comprehensive development of territories adjacent to national boundaries. The initiative seeks to enhance air connectivity, improve the quality of life of border communities, and generate mutual benefits by leveraging each country's strengths and strategic advantages. Additionally, it encourages the exchange of cultural and tourism experiences, among other key benefits.

References:

- Agreement between Colombia and Ecuador on the Transit of People, Vehicles, River and Maritime Vessels, and Aircraft (1990)
- Ley 944 de 2005 approving the "*Acuerdo sobre transporte aéreo transfronterizo entre el Gobierno de la República de Colombia y el Gobierno de la República del Perú*", signed in Lima on June 11, 2003.
- Decisión 582 Air transport in the Comunidad Andina – Comité Andino de Autoridades Aeronáuticas (CAAA).
- Agreement on Subregional Air Services, signed in Fortaleza (1996).

**ICAO
Strategic
Objectives:
All**

- Every flight is safe (Safety and Security).
- Aviation is environmentally sustainable.
- Aviation provides smooth, accessible, and reliable mobility for all.
- No country is left behind.
- The International Civil Aviation Convention and other Treaties, Laws, and Regulations address all challenges.
- The economic development of air transport ensures economic prosperity and social well-being for all.

1. Introduction

1.1 Cross-border air transport refers to operations between the airports or airfields of cities in the Border Region that the Parties designate for this purpose¹.

1.2 Cross-border transit occurs when travel takes place from any point within one Party's border integration zone to another point within the border integration zone of the other Party².

1.3 Framework international treaties or agreements are international instruments that primarily oblige the States Parties to promote cooperation in a specific area and to establish general guidelines according to which specific cooperation projects or programs should be proposed, agreed upon, and implemented³.

1.4 Colombia has signed Cross-border Agreements with Ecuador and Peru.

2. Discussion

2.1 In April 1990, a Cross-border Agreement was signed between Colombia and Ecuador, establishing the framework for border integration between the two countries, including the regulation of cross-border air operations. This Agreement designated the following locations for Colombia: Tumaco, Puerto Asís, Cali, Pasto, and Ipiales, and for Ecuador: Esmeraldas, Tulcán, Ibarra, and Nueva Loja (Lago Agrio), with the possibility for the Parties to include other airports or airfields.

2.2 Later, in August 1993, the Aeronautical Authorities of Colombia and Ecuador signed the "Colombo-Ecuadorian" Cross-border Air Traffic Regulation, which states that passenger and cargo air transport fares, ticket prices, and airport fees for cross-border flights will be treated as domestic flights. The airport fees and charges for cross-border flights will be the same as those for domestic flights, and nationals from both Parties are exempt from the exit tax.

2.3 The Agreement signed in Esmeraldas in 1990 and the Regulation from 1993 are still in force, along with the exchange of notes from December 16 and 19, 2011, in which Ecuador replaced Ibarra with Tena. In this context, Aerocivil, as part of the National Development Plan, is working on updating this Agreement, proposing the inclusion of airports located 100 nautical miles or less from the border line of the two countries, provided they meet the required minimum facilities and services, in accordance with the provisions of the Chicago Convention.

2.4 On the other hand, in June 2003, the Cross-border Agreement between the Governments of Colombia and Peru was signed and approved through Law 944 of 2005, aimed at implementing measures that support the integration process between the countries, especially on the Leticia-Iquitos route, which is crucial for the inhabitants of both regions. The Agreement includes the following locations: Leticia, Iquitos, Pucallpa, and El Estrecho in Peru. The Agreement promotes economic, commercial, and cultural development in these regions.

2.5 The Agreement stipulates that air transport fares for passengers, cargo, and mail will be regulated by the national legislation of each Party. Similarly, airport charges, air navigation services,

¹ Ley 944 de 2005 approving the "*Acuerdo sobre transporte aéreo transfronterizo entre el Gobierno de la República de Colombia y el Gobierno de la República del Perú*", firmado en Lima el 11 de junio de 2003.

² Agreement between Colombia and Ecuador on the Transit of People, Vehicles, River and Maritime Vessels, and Aircraft (1990).

³ Concepto 10 de 2013 Ministerio de Relaciones Exteriores.

landing and take-off rights (or aerodrome rights), and parking for cross-border air transport will be the same as domestic rates.

2.6 Regarding Multilateral Treaties, within the framework of the Andean Community (CAN), the framework includes Decision 582 (air transport policy); Decision 619 (harmonization of rights and duties of companies and users); Decision 650 (statistical data collection); Decision 1271 (transmission of statistical data); and Decision 1381 (compliance with service based on the rights and duties of users and companies), all signed in Lima in 2004.

2.7 This Decision applies to nine (9) countries: Bolivia, Colombia, Ecuador, Peru, Chile, Argentina, Brazil, Paraguay, and Uruguay, regarding international air transport, both regular and non-regular, for passengers, cargo, and mail, either separately or combined, between these countries and third parties. The goal of this Decision was to unify the regulations on commercial air policy within the Andean Community, consolidating the different provisions of the signing countries into a single framework.

2.8 The Fortaleza Agreement, signed in 1996, aimed to promote the development of new subregional air services, strengthen connectivity and integration between cities, open up new markets, and properly meet user demand. The signatories of the Fortaleza Agreement are Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay.

2.9 Cross-border Agreements or Conventions have a positive impact on the connectivity and competitiveness of the countries because: i) they are highly useful due to the simplification of procedures and documents for border crossings; ii) they treat the border integration zone of both countries as a single economic, social, cultural, and other unit; iii) the cross-border air transport service strengthens the region; iv) it promotes the development of new air transport services by national companies designated by the Parties; and v) it enhances tourism, trade, and integration in the border areas of both nations, among other benefits.

3. **Suggested Action**

The Meeting is invited to:

3.1.1 Consider the proposal to strengthen Cross-border Agreements or Conventions in the region as part of the strategy for the transformation of civil aviation in the SAM region.

3.1.2 Identify passenger and cargo statistics related to cross-border air transport points and determine the different connectivity alternatives to expand the coverage of origins and destinations covered by cross-border agreements.

3.1.3 Leverage cooperation and collaboration between the States in the SAM region to establish criteria and principles for creating a harmonized legal framework on the subject.

3.1.4 Develop a model clause to incorporate into the region's Air Services Agreements (ASA) that facilitates integration in border areas.

3.1.5 Communicate this intention from the SAM region to the Comunidad Andina, CLAC, and other regional organizations.