

**THIRD ORDINARY MEETING OF THE CONFERENCE OF SOUTH AMERICAN
MINISTERS OF TRANSPORT, COMMUNICATIONS AND PUBLIC WORKS**

The third ordinary meeting of the Conference of South American Ministers of Transport, Communications and Public Works was held from 6 to 8 November 1996 in Montevideo, Uruguay. Representatives of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela took part. Representatives of the following organizations were present as observers: the Latin American and Caribbean Federation of National Associations of Cargo Agents, the Latin American Railways Association, the Latin American Association for Automated Highway Transport, the Inter-American Development Bank, the Economic Commission for Latin America and the Caribbean (ECLAC), the United Nations Conference on Trade and Development (UNCTAD), the International Road Federation/German Agency for Technical Cooperation (IRF/GTZ); and other representatives from both the private and public sectors.

The Conference adopted ten resolutions, as follows:

RESOLUTION 22(III): Highway infrastructure

Considering

- 1) That one of the purposes of this Conference is to promote the economic, social and cultural development of the peoples of South America through measures that tend to consolidate the integration of their countries;
- 2) That it is necessary to complete the establishment of inter-regional, intraregional and interoceanic transport corridors that will promote and assist the expansion of trade in goods and services in the region and enhance the competitiveness of the region's products in external markets;
- 3) That it is essential to promote the geographical and economic integration of the countries of South America through the inauguration and adequate maintenance of the South American Transport Network, with a view to ensuring its security and smooth operation, minimizing the operating costs of service provision and encouraging multimodal transport; and
- 4) That in this regard the Conference has deemed it important that the countries of the region should act and work together to determine those projects that are of priority interest for the physical integration of the continent and identify them as the most suitable means of establishing the South American Transport Network,

the Conference resolves:

To adopt the document on road transport infrastructure projects that are to be given priority in the South American integration programme;

To request the Chairman to make available to the international finance agencies the list of priority projects adopted by the Conference so that these projects can be taken into account in the member countries' applications for financing;

To encourage the above-mentioned institutions to acknowledge the valuable contribution these projects can make to the operation of the inter-regional trade corridors and the standardization of the infrastructure networks on which they are based;

To authorize the Chairman to include in his application a request for resources to be devoted specifically to the priority projects;

To determine future projects through a process of consultation when the countries have obtained financing for, or begun work on, the priority projects;

To recommend that the Chairman should advise the member countries of the results of his approaches to the international credit agencies;

To give priority to studies that make possible an early implementation of a satisfactory maintenance policy for the existing infrastructure within the South American Transport Network;

To promote PROVIAL seminars in those countries that have not yet held them, as a means of highlighting the importance of road maintenance in countries' economy in general;

To establish favourable conditions for private-sector participation in infrastructure construction and the provision of transport services;

To encourage sound and appropriate financing for transport projects, the identification of alternative means of financing, the exchange of experiences and professional evaluation of investment projects.

RESOLUTION 23(III): Multimodal transport

Considering

1) The process of physical integration that is under way in the countries of the region, within which interoceanic connections are being developed, expanded, refined and maintained, together with border and intrazonal links that favour the development of multimodal transport;

2) That multimodal transport is an effective means of optimizing the costs associated with the international goods distribution chain and as such can stimulate foreign trade among the countries of the region and with third countries; and

3) The need for a regional legal body that can integrate and harmonize current subregional legislation in order to

permit the different subregional groupings to carry out multimodal transport operations among themselves and with third countries,

the Conference resolves:

To adopt the Regional Agreement on Multimodal Transport,

To make the necessary approaches to the Governments in order to ensure that the Agreement is signed pursuant to the 1980 Montevideo Treaty,

To request the working group established by Chile's designated agency to continue with its work in order to analyse the feasibility of preparing and implementing a regulatory framework for the registration of multimodal transport operators in the region.

RESOLUTION 24 (III): Land transport

Considering

- 1) That one of the purposes of this Conference is to assist the economic and social development of all the countries of South America through the adoption of policies, instruments and mechanisms that will strengthen transport systems; to promote the standardization of policies and the coordination of national actions in the area of transport; and to draw up common positions and strategies in the area of transport and communications in order to deal with the challenges and problems presented by changing international scenarios;
- 2) That international road transport has an important part to play in the economic and social development of the countries of South America;
- 3) That the second ordinary meeting of the Conference adopted resolution 17 (II) on land transport, which requested Bolivia's designated agency to convene the working group established under resolution 12 (I) in order to draft a resolution allowing standardization of the Southern Cone and the Andean Group regulations; and
- 4) That the working group has carried out its mandate and drafted an instrument that will allow such standardization,

the Conference resolves:

To adopt the document on the standardization of the regulations currently in force under the Cartagena Agreement and those currently in force in the Southern Cone countries, under the Agreement on International Land Transport, the text of this document being annexed to this resolution;

To urge the countries members of each subregional grouping to apply the appropriate legal mechanisms in order to adopt as soon as possible the standardized regulations contained in the document;

To invite the countries that have still not done so to accede to the Agreement on International Land Transport in force in the Southern Cone countries;

To request the Permanent Technical Secretariat to send to the Ministers of Transport of the different countries the documents and layouts used in the Southern Cone and the Andean Group.

RESOLUTION 25 (III): Air transport

Considering

1) That air transport is one of the basic means of achieving the integration of South America within a common framework of interests,

the Conference resolves:

To urge the countries of South America to adhere to a common policy in respect of commercial air transport;

To request Venezuela's designated agency to convene without delay the working group established under Conference resolution 13 (I) in order to begin evaluating the proposal on commercial air transport policy in the light of common interests to be defined through consultations with the countries concerned.

RESOLUTION 26 (III): Maritime transport

Considering

1) The progress made and the agreements adopted at the second meeting of the Conference, which also adopted the proposals put forward by the working group established under resolution 14 (I);

2) That maritime transport has developed significantly at the global level; and

3) The need to continue with the joint studies that aim to draw up common guidelines and establish innovative mechanisms to enable the region's merchant marine to operate under similar conditions to the merchant marine in developed countries,

the Conference resolves:

To adopt the recommendation of the maritime transport working group indicating the following subject areas of major importance for the development of maritime transport, which has a significant volume of traffic in the region:

a) Analysis of subregional policies and of their relationship with regional policy:

- Freedom of access to maritime transport and alternatives to the current regime;

- Freedom of access to cargo transport.

b) Agreement on the definition and application of the principle of reciprocity.

c) Recommendations for joint action at the South American level in the next round of the Group of Negotiations on Maritime Transport Services under the General Agreement on Trade in Services (GATS).

d) Means of improving the linkages and competitiveness of the region's merchant marine in relation to international traffic and to promote the development of the merchant marine.

- Analysis of the current conditions governing registration of ships in the region, with a view to making recommendations to liberalize those conditions.

- Ship financing systems.

- Analysis of the Convention on Maritime Liens and Mortgages adopted in Geneva in 1993 and amendments to the 1952 International Convention relating to the Arrest of Seagoing Ships;

To request the designated agency of Uruguay, with the active participation of the other designated agencies, to continue to work on the harmonization of maritime transport policies with the aim of improving the efficiency and competitiveness of the region's merchant marine;

To request the Permanent Technical Secretariat and the cooperation and integration organizations in the region to lend their support to the designated agency of Uruguay in carrying out the studies relating to this resolution.

RESOLUTION 27 (III): Road safety in international transport

Considering

1) That vehicle safety features should be such that in normal driving conditions vehicles do not endanger or harm their users, other drivers or pedestrians;

2) That the introduction of periodic technical inspections has helped reduce the risk of traffic accidents due to technical defects in vehicles and has played an important preventive role for all users; and

3) That adequate checks of drivers' aptitude would increase the safety of transport services,

the Conference resolves:

That in order to carry out international freight or passenger transport services, vehicles shall be required to have a certificate proving that they comply with technical safety standards;

That technical vehicle inspections shall be carried out in accordance with basic principles adopted by this Conference;

To recommend that driving licences should be issued only after examination of drivers' psychological and physical aptitude have been carried out by competent bodies.

RESOLUTION 28(III): Road safety in international transport

Considering

- 1) Resolution 21 (II) on road safety in international transport adopted by the Conference of South American Ministers of Transport, Communications and Public Works in 1994;
- 2) The high incidence of traffic accidents and the loss of human life and material damage they cause, and the fact that such losses may increase as the number of automobiles rises;
- 3) The need to educate the community in order to promote a change in traffic culture, which is one of the ways accident figures can be reduced in the medium-term without resorting to the same efforts that the countries members of the Conference have expended separately,

the Conference resolves:

To allow official traffic safety campaigns developed by one member to be used by another member at no cost; That, to this end, the countries shall establish an official body to send copies of official campaigns and of all publicity to the other countries' official organizations.

RESOLUTION 29 (III): Road safety

Considering

- 1) Resolution 21 (II) on road safety and the need for preventive measures and publicity campaigns to be broadly based on the realities of life as it is in each country,

the Conference resolves:

To urge the Governments of the member countries to set up cross-disciplinary accident research teams in collaboration with appropriate organizations in order to identify the causes of traffic accidents and deal with these causes.

RESOLUTION 30 (III): Telecommunications

Considering

- 1) The position adopted by the Heads of State of the hemisphere at the Summit of the Americas in 1994, according to which an advanced telecommunications and information infrastructure is necessary in order to achieve sustainable development in the continent;
- 2) The Declaration of Principles and the Plan of Action adopted by the Meeting of High-level Authorities in Telecommunications in the Americas, held in Washington, D.C. on 25-26 September 1996 and prepared by the

Inter-American Telecommunications Conference, a body of the Organization of American States (OAS);

- 3) The importance of promoting greater economic integration among the members of the Conference by devising and implementing common policies and strategies for the development of telecommunications;
- 4) The need to adapt the telecommunications infrastructure to the demands of members' economic and social development by promoting the active participation of the private sector, and
- 5) The importance of coordinating joint actions in the area of telecommunications, in order to meet the challenges presented by the dynamic development of this sector,

the Conference resolves:

To agree to hold the second meeting of the telecommunications working group established by Conference resolution 20 (II) in March 1997 in Venezuela, before the meeting of the First Permanent Consultative Committee on public telecommunications services of the Inter-American Telecommunications Conference, in order to consider, in the framework of its work programme, matters of common interest to be decided through consultation with the member countries;

To urge the telecommunications authorities of the member countries of the Conference to take an active part in the next telecommunications working group meetings.

RESOLUTION 31 (III): Facilitation of transport and trade

Considering

- 1) That international trade is one of the main means of stimulating the economic and social development of our countries;
- 2) That in order to make trade more efficient it is necessary to eliminate all obstacles or difficulties that affect its normal operation;
- 3) That a large number of these difficulties are due to an excessive amount of administrative regulations, outdated commercial practices and a lack of coordination between regulating bodies and private actors in foreign trade, which affect the competitiveness of countries' goods and services in international markets;
- 4) That the secretariat of the United Nations Conference on Trade and Development (UNCTAD) and the general secretariat of the Latin American Integration Association (LAIA) have prepared a cooperation programme for joint implementation of a Plan of Action for the Facilitation of Transport and Trade in the countries of the region,

the Conference resolves:

To recommend that the Governments of the member countries should implement the Plan of Action for the

Facilitation of Transport and Trade with the cooperation of UNCTAD and LAIA;

That the countries with an interest in this plan of action should contact the Permanent Secretariat and appoint a corresponding national body. The UNCTAD and LAIA secretariats, jointly with the corresponding body, will draft a project in accordance with the needs and resources of each country in order to implement the Plan of Action.

RESOLUTION 32 (III): Transport statistics

Considering

- 1) That one of the objectives of this Conference is to promote the harmonization of policies and the coordination of national actions on transport;
- 2) That a better understanding of the regional transport situation requires instruments of analysis and projection of the present and future situation of the sector, which in turn requires reliable, standardized and up-to-date information on transport flows and operations; and
- 3) That LAIA possesses a statistical support, processing and dissemination system on its members' foreign trade and that ECLAC possesses a similar system covering all the countries of Latin America and the Caribbean,

the Conference resolves:

To request LAIA and ECLAC to prepare a project on the development of a transport statistics system for the countries members of this Conference. This project should include, along with a description of the database structure, proposals as to data-gathering methods and procedures, the human resources and materials that will be required, sources of finance and the expected output of the system;

To urge the countries members of the Conference to collaborate fully in the work envisaged in this resolution;

To request the Technical Secretariat of the Conference to submit, by 30 June 1997, a report on the project to develop a transport statistics system for South America and to send it to the designated agencies for consideration at the next ordinary meeting of the Conference.

TWENTIETH ORDINARY MEETING OF MINISTERS OF PUBLIC WORKS AND TRANSPORT OF THE SOUTHERN CONE COUNTRIES

The 20th meeting of Ministers of Public Works and Transport of the Southern Cone countries was held on 7 November 1996 in Montevideo, Uruguay. Representatives from Argentina, Bolivia, Brazil, Chile, Paraguay, Peru and Uruguay took part. Also present as observers were representatives of a number of regional and international organizations and of trade unions.

The following agreements were reached:

AGREEMENT 1.51 (XX): Operation of the committee established under article 16 of the Agreement on International Land Transport

Recalling

The proceedings of the fifth meeting of the committee established under article 16 of the Agreement, held in Montevideo on 6-7 November 1995;

Considering

The matters discussed and dealt with and the conclusions adopted at the above-mentioned meeting;

The Ministers agree:

To adopt the conclusions reached by the committee established under article 16 of the Agreement on International Land Transport at its meeting in Montevideo on 6-7 November 1995.

AGREEMENT 1.117 (XX): AGREEMENT ON THE CONTRACT OF TRANSPORT AND THE CIVIL LIABILITY OF THE CARRIER IN THE INTERNATIONAL LAND TRANSPORT OF GOODS

Recalling

Agreement 1.53 (XVIII), Agreement 1.114 (XIX) and the provisions set out in the proceedings of the Meeting of Experts to prepare for the twentieth meeting, held in Montevideo on 2-3 December 1993;

Considering

1) That the Ministers deemed it appropriate to define the civil liabilities associated with the fulfilment of a transport contract, according to the specific characteristics of each mode of land transport, and that they requested the Latin American Railways Association to draft a new agreement, to be applied exclusively to rail transport;

2) That the draft agreement was submitted to the Meeting of Experts to prepare for the twentieth meeting of Ministers and that the delegations agreed that it would be considered at the next meeting of Ministers and subsequently adopted as a partial scope agreement to be signed pursuant to the 1980 Montevideo Treaty of LAIA;

The Ministers agreed:

To adopt the definitive text of the Agreement on the Contract of Transport and the Civil Liability of the Carrier in the International Transport of Goods by Rail;

To express its gratitude to the Latin American Railways Association for its collaboration in the drafting of the text;

To submit the Agreement to the Latin American Integration Association (LAIA) and request its inclusion in the 1980 Montevideo Treaty as a partial scope agreement.

Other matters dealt with at the meeting:

Evaluation of the Partial Scope Agreement on International Land Transport

The delegations carried out an evaluation of the degree of compliance with and the implementation of the Partial Scope Agreement on International Land Transport adopted at the sixteenth meeting of Ministers, which is now binding in all the Southern Cone countries. Differences of interpretation had arisen, however, in the implementation of a number of the provisions of the Agreement, including those regarding the commercial leasing of vehicles, the concept and definition of "own transport", and the technical inspection of vehicles and equipment. Delegations agreed, therefore, to convene a meeting of the committee established under Article 16 of the Agreement in Montevideo during the second fortnight of March, 1997.

Evaluation of the Agreement on Common Basic Transport Regulations

The representative of LAIA informed the meeting that although the relevant protocol had been signed ... LAIA as a Partial Scope Agreement on 23 March 1993, to date it had entered into force only in Brazil and Bolivia. In order to have the force of law, the Agreement had to enter into force in four signatory countries. The representatives of Paraguay, Peru and Uruguay announced that the Agreement would enter into force very soon in their countries. The Chairman of the meeting urged the signatory countries to make every attempt to expedite the relevant procedures in order to enable the Agreement to enter into force without delay.

Agreement to Facilitate Transport on Inland Waterways

The meeting agreed to place on record its pleasure at the progress that continues to be made with the Paraguay-Paraná Waterway, since the establishment of the Inland Waterway Transport System that is to operate there constitutes one of the most important means of integrating the countries of the subregion. In this regard, the Ministers expressed their desire to expedite the measures to be taken in their fields of competence in order to implement without delay the regulations concerning the operations to be carried out under the Agreement to Facilitate Transport on Inland Waterways.