



THE IMPACT OF THE NEW TENDENCES OF THE COMMERCIAL AGREEMENTS IN THE INTERNATIONAL COLOMBIAN COMMERCE

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Gratefulness

This research work is dedicated principally to our parents because of them and their effort for give us a better future we can to be in this amazing institution that contribute us positive things in our formation and for that we can contribute to the society the knowledge that we obtain in the institution.

We appreciate to our teachers that taught us to value the opportunity of learn and study, influencing and contributing with a piece of knowledge and the positive way in every step of the process.

We are sure that our goals will give their fruits and for that we must strive every day for been better without forgetting the values taught for our parents and familiars.

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Abstract

The present research project has as an objective to identify new trends in trade agreements at the level of Latin America and the Caribbean, in turn focuses on the needs and requirements of Colombia to belong to such agreements and what positive impact has had on the development of the country's economy.

Colombia has, over time, had the need to evolve as world trade is doing the change, but often the development capacity of the country is not enough to respond to this trend of change, that is why the country unites with countries of the same level and forms blocks with which it seeks to publicize its products and its way of production.

The project describes the current agreements, subscribed and ongoing negotiations that Colombia currently has; the regional agreements existing at the Latin American and Caribbean level and a brief description of each are also described.

To finalize the research project, it is analyzed that the laws of each country are different, so their application and management is applied according to the law; this is why it is explained in what Colombian laws there was the need to make changes so that the country can adapt to the trends of world trade change.

Keywords:

Regional agreements, international trade, international trade facilitation, international relations, free trade agreements, commercial block.

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Abbreviations List

| | |
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| TLC: | Free Trade Agreement |
| BBC: | British Broadcasting Corporation |
| OMC: | World Trade Organization |
| CARICOM: | Caribbean Community |
| FARC: | Colombian Revolutionary Armed Forces. |
| CFTA: | Continental African Free Trade Area |
| TTIP: | Transatlantic Agreement |
| TPP: | Transpacific Agreement |
| CACM: | Central American Common Market |
| CAN: | Andean Community |
| MERCOSUR: | Southern Common Market |
| AAE: | Economic Association Partnership Agreement |
| IED: | Foreign Direct Investment |
| OCDE: | Organization for Economic Cooperation and Development. |
| PIB: | Gross Domestic Product. |
| LAIM: | Latin American Integrated Market |

Introduction

The history of the commerce in the humanity begin when the human being start the society relation and at the same time establishes a familiar group and generate the communities; as these communities start their growing begin to appear the needs of amenities of the human being and since that moment it generate an economic growth in the world in pro of satisfice primary needs and then the amenities.

The commerce actually is necessary for developing of a country; it can be as an internal way (national) or an external way (international); the transactions are measured through of the money of each country.

With time the commerce evolution has been developed in such a way that actually the nations make commercial union that satisfice goods or services needs, these commercial unions are denominated trade agreements and appear with the objective to guarantee the process and economic growth of a country and to prepare the economic in the mundial globalization process.

In the present research work is performed an investigation of the new tendencies in the trade agreements. These tendencies are importance because the way of commercialization has been changing as the world is immersed in globalization tendencies; the nations now featured in block, these are nation in develop that link their commercial strengths for being in the same level of the developed nations.

At the end find the changes that Colombia has had to make to belong of this agreements and which are the advances that has have in the economic, social and cultural ambit.

Following the guidelines given for the development of this research work has been structured in its generic part proposing a general objective and other specific, to be fulfilled with the development of the same. At the same time, a main objective emerges from which a main conclusion must be emerged which, by way of synthesis, corroborates or denies it. It has been divided into four chapters in response to its variables, each chapter should not be seen as an isolated fact, its reading must be integral in that it gathers chronological elements, positions and analyzes that deserve their joint understanding forming a whole in front of the proposed topic.

1. Project Formulation

1.1 Background

According to an article written by Gustavo Londoño Ossa, 2015, is presented as antecedent to the present research work the evolution of the International Relations in Latin America; it is evident that the International Relations in Latin America are marked for the economic needs, to a large degree, by the reaction before the changes in the international economies own of each decade. Being the Latin region in a low level than the others and with little capacity of auto determination in international matters.

This article goes back his argument since the colonial time and has as base that the Latin American economy has been holding his United States dependency, even in the passing of the XX century, what some manifest against of these relations, well be for autonomic thoughts, of socialist court or by rebel acts of Latin American countries. However, the autonomic thought in these regions of the world is applicate since 70's until passing XX century.

The Art Report

After of a complete bibliographic revision, in the objective of the report art elaboration, was achieved detect a considerable academic production in a study object that have relation with the present research work.

“Potential Economic Sectors of the Pacific Alliance for Global Value Chains”, Gubbay, Marín, & Suarez, 2016, they argue that the Pacific Alliance is a regional integration, that seeks to push the competitive and development between the integrands of this agreement. In the development of the research work was identify the economic sector with the most potentially and that they can be apply in the global value chains. The main competitive advantages are mentioned of the Pacific Alliance, like the facility to realize business, free circulation of good and services, productive chains and the agreements or commercial trades and in the comparative advantages is analyze the geostrategic and the biodiversity of the Pacific Alliance countries.

"Benefits of the free trade agreement between Colombia and Canada in health tourism" (Rodríguez, Sierra, Saldarriaga, & Manuel, 2012) has as thesis argument to foreground the benefits of health tourism with the free trade agreement between Canada and Colombia, the central objective is to make known this new item of the national economy that increases day by day and that for Colombia is potentially good and principally with Canada, because through the agreement the general topic of services has been foreground a lot and the concentration of the health tourism is fundamental, for be relatively new and a little explored, additionally get into with tariff preference that help for the cost of the health tourism offered for Colombia and get it into with competitive prices, besides of the benefices for it can get into with this new service to an important and developed country in the world.

"Colombia and its diplomatic and trade relations with the international MIST block (Mexico, Indonesia, South Korea and Turkey)" (Álzate, Ortiz, & Gómez, 2016), they analyze the bilateral relations; which focused on economic policy, international cooperation, economic development, diplomatic relations, trade relations are also observed; with emphasis on exports, imports, the trade balance and the Free Trade Agreements, followed by the migration flow and the policies of

the migration system in Colombia and the flow of Foreign Investment, where it was emphasized in the policies of the FDI in Colombia and its development in recent times. All these topics were analyzed through the relations of the states belonging to the international MIST block with Colombia, since 2011 to 2015.

With the previous bibliography we can understand the scope that has the different trade agreements and the type of projects that can develop with base on the law marks; the project that follows will have as antecedent for previous investigations the impact that generate in the economy of a nation the implementation of commercial blocks between some regions and what kind of benefits entails taking advantage of these new economic tendencies.

1.2 Problem Statement

The trade agreements appear with the objective of guarantee the economic progress and growth of the country and with the objective of prepare the economy of the country for his development in the mundial globalization process. Colombia ingress to stablish this type of relations at the end of the decade of 60's of XX century trough of the Andean pact creation. However, actually exist new tendencies in the agreements that can incise in the commerce of each country and allow to pose the next problem question: What impact do the new trends of regional agreements have on Colombian international trade?

1.3 Justification

Teoric Justification

This research work have a propose to contribute to the knowledge and to the academy the transformation that the trade agreements have had to a regional and international level, the results that this research work give can be systematized and apply in the national exterior commerce process and in the academic ambit, serving as a basis for understanding the functioning of the agreements.

Social Justification

Through this research work, the intention is to prove the positive impact that will have the new tendencies in trade agreements, the change that was made in the stablished laws for the exterior commerce process, so much in the commercial and operatives areas as in the development of the country economy, its progress in policy matter, strategy relations and commercial alliances.

Personal Justification

The research work that is developed have as objective obtain the title of International Negotiators; therefore it must be understood how is the commercialization process that the country is actually adopting; for this is chose the regional agreements topic because Colombia is part of commercial blocks that are in the new tendencies that are mentioned in the development of this research work, this information is of vital importance for the chosen profession, to be aware of the important events in national and international trade.

Given the actual economic acceleration due to globalization, these type of agreements can influent of a positive way in the Colombian economy.

1.4 Objectives

General Objective

Stablish the impact that the new tendencies of the regional agreements has in the Colombian international commerce.

Specific Objectives

- Determine which are the new tendencies of the regional agreements
- Describe the current situation of the regional agreements in the Latin American and the Caribbean countries.
- Analyze under which framework of international relations and international deals is moving the Colombian international commerce now.
- Establish the impact that the new tendencies of the regional agreements have in the Colombian international commerce.

1.5 Methodological Framework

Method

In this research work is development an analysis of the determining factors in the new tendencies of the trade agreements in the Colombian international commerce, by means of three methods of investigation: exploratory, deductive and explicative.

Methodology

The research work has required of a wide recompilation of history, teoric and normative information, in order to stablish if the principal objective is fulfilled.

For that, was required information about the evolution of the trade agreements in Latin America and the Caribbean have been presented. In the same way, was due required, classified, analyze topics, academic articles and published normativity in virtue of the current trade agreements actually to determinate in this order of ideas which is the impact that cause in the development of the Colombian economy.

In the process of development of the project, the research work will be exploratory because by means of bibliography is pretend identify and recollect information that is related of a direct or indirect form with the investigation problem, of this mode the support will be in news, reports and performed studies which will be the principal source of analyze that the project will have.

The information is will recollect of public internet files and bibliography references chosen of relevant sources, which generates a confidence and certainty grade that is veridical information and thus have a more specific vision about the study object, about of development of the new trade agreements and their impact in the economy and development of the country.

In that order of ideas, is used the deductive method, based of general accepted data to get a conclusion; but it also implies which is assumed a type of superficial or descriptive knowledge, in order to understand and analyze the benefits that will bring this type of trade agreements to the Colombian economy, agreements that will influent in the urban and economy development of the country; thanks to the investigative methods previously mentioned is will have more clarity what requirements needs Colombian territory to belong to these agreements and his capacity to respond to the exigencies that these agreements involve.

The methodology is culminates with the exposition of a synthesis that allows conclude with some reflections that resolve the problematic question, for which is necessary the application of an explicative method agree to the thrown results for the investigation.

1.6 Reaches

The present research work have as objective understand the new tendencies in the commercial agreements and their impact in the Colombian international commerce and analyze and understand the adequacy in the Colombian laws implemented for the development of the international commerce.

2. Project Execution

2.1 THE NEW TENDENCIES OF THE REGIONAL AGREEMENTS

2.1.1 The regional agreements.

The regional agreements are commercial agreements between two or more countries, their principal objective is expand the goods and services merchant; one of the principal components is the elimination of tariffs of partial or totally way (Inter-American Development Bank 2017, w.d.).

Then, in the 1.1 table is exposed the comparative chart of the differences between the Latin American and Europe agreements existing, in this chart is reflecting the principal integration process, juridical and institutional aspects of the agreements, economic dimension, politics aspects, among others.

Table 1.1. Europe and Latin American comparative integration

| Main Aspects | America | Europe |
|-----------------------------------|--|--|
| | Multiplicity | Uniqueness |
| Main Integration Processes | There are several groups or blocks of integration among which stand out: MERCOSUR, CAN, G3, CARICOM. | Although not yet all European countries, it is structured as a single block. EU |
| | In the specific case of Mercosur, integration has essentially fulfilled two stages: Scheme of mutual cooperation and trade liberalization (1984-1991). Inclusive Liberalization and Cooperation Scheme and introduce specific deadlines for the completion of the common | The European Union was born and established as a commitment to cooperation and integration within a multiple structure (European Coal and Steel Community, European Economic Community, Euratom), following a process of integration step by step until the beginning of A new stage of integration (Free Trade Area), Customs Union, Common Market, etc.) It means the conclusion of the previous phases. |

| | | |
|--|---|--|
| | market (1991-1995) | |
| Legal and Institutional Aspects | Multiplicity of international bilateral conventions brought as a law by the legislature of each state party. Example: FTA | While the European Union also concludes agreements with other countries, it does so as a whole, a single block in relation to the other party that is a single state. |
| | Creation of customs unions based on free trade agreements | Creation of customs union enshrined in the Original Treaty as a principle of free practice, then approval of a common customs code |
| | The creation of norms that take the governing bodies of the MERCOSUR must be ratified by the member states, therefore no autonomous creation of right | European Parliament's power to create Community-wide laws |
| | FTAs are agreements essentially similar to free trade zones, that is trade agreements that free trade reciprocal that do not create a new identity or subject of Public International Law. The members of an FTA remain sovereign leaders of their trade relations with third countries. | Entry of a country to the EU, result of an agreement between the country and each of the member countries of the European bloc. The agreement requires ratification in the legislature of each EU country |
| | In MERCOSUR, the decision-making bodies or the institutional common structure are gradually carried out according to the needs revealed by the progress of the integration process | The main decision-making bodies are created based on the founding treaties and their reforms signed between member countries. |
| | The comprehensive structure of MERCOSUR is of an intergovernmental nature. The Common Market Council (the highest decision-making body) and the Common Market Group (executive body) is constituted from officials of the individual states, it represented at the international level the sovereignty of the same The CAN seeks to be more than a Free Trade Zone, seeks to consolidate a Customs Union, but does have control bodies to ensure compliance with agreements. An example of this is the Cartagena Agreement Board, which monitors compliance with the commitments and if any of the | Its institutional structure results from a combination of intergovernmental bodies on the one hand (Council of the EU and Council of Ministers) and supranational bodies (European Commission, body with a legislative function) |

| | | |
|---------------------------|--|--|
| | <p>members consider that one of the partners has applied any type of restriction, a claim can be filed with the agency, which has the power to issue judgment on whether or not there is a violation of the agreement. On the other hand, in the Andean Parliament, the Andean Parliament has been created, which is in the process of development, but which seeks to begin to fulfill legislative roles complementary to those that the parliaments of each of the member countries fulfill.</p> | |
| Economic Dimension | Trade agreements as a further source of cooperation | Integration Process Combining Trade with Economic Cooperation |
| | Association of processes of economic effects with processes of opening trade and foreign investment with respect to third countries | Economic Union (Stage of the integration process where all the policies inherent to economic ties are unified: Unification of the capital market, exchange rate control, single currency, elimination of subsidies to production and exports and unification of The tax regimes) |
| | Commercial Triangulation: participation of a country in more than one integration process at the same time | |
| | Latin American integration phase derived from an import substitution economic model | Equal opportunities for all Community companies in participating in public tenders in any of the EU countries |
| | Commitments to remove barriers to reciprocal trade | Unification of the banking, insurance and transport services market |
| Political Aspects | Integration from bilateral negotiations | Creation of public goods (Structures and systems that are of benefit to all members of the integration process) |
| | Commitments to remove barriers to reciprocal trade | Total elimination of customs restrictions and immigration controls |
| | | The free movement of capital, with application of the regime of national treatment, both in tax and administrative matters, for intraregional investments The elimination of differences in tax systems, unifying the levels of tax rates (Taxes) |
| | FTAs are agreements essentially similar to free trade zones, that is trade agreements that free trade reciprocal that do not create a new identity or subject of Public International Law. The members of an FTA remain sovereign leaders of their trade relations with third countries. | Consolidation of a pan-European foreign policy through the unification of international policy criteria |

| | | |
|-------------------------------|---|--|
| | Common Market of the South, appears through a phase of internal political deterioration of the states with the need to achieve stability and welfare in society | Integration emerged as a means of guaranteeing and consolidating continental peace after the Second World War as a common commitment to collaborate with the general welfare of the continent and achieve a balance of power between European states |
| Other Relevant Aspects | | Promotion to the regional agricultural sector |
| | | Creation of funds for community projects |
| | | Collective infrastructure policies (Geographic expansion dynamics) |
| | In Mercosur, the resident of an integral or associated country can legally work in the countries of the group. | The free movement of both salaried and independent labor |
| | Mercosur has a very privileged migratory regime for its members and for the associated countries like Chile or Colombia, for example the right to process my residence. | Total elimination of customs restrictions and immigration controls |
| | | Relevant theme of cooperation with environmental policies, science and technology |

Source: Self Made. Data: tlc.gov.co, OLMOS, MARIA Belén Giupponi. European Union - Evolution and Perspectives.

Is important to note that originally the integration is framed strictly inside an economic character, basically through of the figures of the economic integration agreements and since there that have been of sub regional character because the process started of the liberation of the bilateral commerce and for this, the advantage lay in the geographic closeness.

However, some exceptions to this advantage as the Council for Mutual Economic Assistance – CAME – that affiliated to the socialist countries of the soviet orbit, were checking a new course and today the geographic factor of closeness is not neither the unique element and from there that will talk of open regionalism, becoming in a process that has opened increasingly the economic integration to inter regional negotiations.

Another important characteristic of the agreements in their origins, was the relative uniformity in the socio economic development levels of the signatories countries of the different pacts, as the of the Europe Union, multi state institution that which covers only to the developed countries of Occidental Europe and those countries that have joined with posteriority to 1970 have had to realize some economics adjusts of intern character, with the final purpose of guarantee the stability of the block.

However, the open regionalism that is consolidate since 1990 decade, has opened the door too to the firm of agreements of integration between several countries of different levels of development. The integration of United States with Latin American countries and the free trade agreements between the Union Europe and other nations shows the heterogeneity as a new change in the dynamic of the process of bilateral commerce.

This is explained well by Alfredo Guerra-Borges (Regionalism and Multilateralism in his labyrinth): The result of the above was paradoxical. To all lights was contradictory the rise of the integration agreements (restrictive option of the multilateralism) and the massive ingress to the OMC (multilateralism option). Then appear the open regionalism.

Since the second middle of the 50`s decade, the trade agreements began to emerge, thanks to the conformation of Union Europe, with which was gradually increasing through the years. In 1994 with the firm of the North American Trade (TLCAN) is begin a commercial process the which continue exercising function in the Latin economy with the rest of the countries.

These trade agreements are important not only for the Colombian economy if not immersed in them is possible to secure points as the customs union, is establish a common market where they are integrated different economies to regional level, and finally is consolidate an economy union between countries that are found inside of the commercial agreements.

The increase of the exports and the investment are other type of aspects that they bring with them these type of agreements, these come in turn with a protocol the which limit to the governments that are take in to this agreements include commercial laws of arbitrary form, which is a plus point as they generate credibility and reliability at moment of their application and entry into force.

The regional trade agreements are a learning platform of negotiation for the countries that are included in them, this because through this agreements the countries learn to negotiate internationally and can learn to implement rules and implementing the obtained learning the country stayed with good references before other countries at the hour to firm others commercial agreements (Inter-American Development Bank 2017, w.d.).

As defined by the World Trade Organization (WTO, 2017) in their web page a tariff is the custom rights applies to the wares. These customs tariff provide to the wares that are produced in the interior of the country an advantage in prices with respect to similar import wares and also that is a source of income for the government since it to be a tax; taking this definition in an account these tariffs are the benefits that have to belong to a commercial agreement, free trade agreement, regional agreement, among other; because to belong to this type of agreements the tariffs is reduce to a maximum or a little bit paying as 0%, 5%, 10% or more of custom duty, this depend of the product that are importing.

The regional agreements bring with them a series of restrictive laws, in this case is will mentioned two of the most common in these agreements such as quotas and origin rules; the quotas are that allow identify how much of products can ingress to a country this in order of avoid that the intern human capital of these products decreased due to the entry of foreign products and on the other hand you have the rules of origin are those that stipulate which country is importing the product, this in order to control that a product imported by a country outside the preferences of the agreement is exported again with preference.

In conclusion, the regional trade agreements may have a much high complexity, but with a good administration and applying the laws correctly in this type of agreements can do that Colombia will have an advantage position in front of the neighbor countries and in front of the world the country will give an important step to the famous globalization of that everybody wants actually belong, attracting foreign investment and generating new strategic alliances for the development of the nation.

2.1.2 Tendencies in the Regional Agreements

These new tendencies in commercial agreements consist in to generate alliances between some countries of the sector or of the continent where it are ubicated and of this form they conform a commercial, social and political block in pro of the community and the economy of the country as such, of these type of blocks are usually integrated the countries that in their economy and commercial structure is solid and stable. "The commercial blocks are intergovernmental agreements, that has as propose to provide economic benefits to their members by reducing barriers to trade" (World Bank, 2015).

In this section of the project is mention one of the commercial agreements that is being hosted to these new tendencies, agreement that started to implement in the South American continent and in which four countries are participating.

The Pacific Alliance is an initiative of regional integration created in 2012, and their integrands are Chile, Colombia, México and Peru, with this alliance or agreement expected to reach the free circulation of goods, services, capitals and people. “Besides of establish a connection in topics as innovation, education, mining, working market, tourism, diplomatic and commercial joint missions, and the much relevant way, guide their efforts too for move along to financial integration that complement the commercial” (BID, 2017).

According to an article of BBC this regional agreement between Colombia, México, Peru and Chile are having success compared with other agreements of the region; the article argument that since the creation of the agreement in 2011 has helped to promote the commerce and has facilitated the free transit of people between the countries members of the agreement. To belong to this agreement and demonstrating the positives advance that has had between their countries members are establishing new negotiations with South Asia, the Pacific Basin and Canada. This alliance or regional agreement has fomented the free commerce and the foreign inversion, between them and with third countries situating these four nations in the fourth first places in Latin America of the *Doing Business* of Mundial Bank, index that estimate the facility that these countries has to do business (BBC World, 2016).

Even though, The Pacific Alliance is conformed for four countries, and they are part of 49 states that are called observers; these countries play their role of observers as stipulated the Minister Council and the countries members take the decision of accept them and communicate to the solicitant; the observer countries can be invited to reunions and only will have voice power (Pacific Alliance, 2017). For an observer country can ingress to a commercial agreement, must have at leave a commercial agreement with two countries that conform the economic block; for this the WTO conform thematic areas in pro of the countries that not apply to the characteristics to adhere to block group; this means that the plurilateral country that accepts the agreement will not be a member as such but will be able to benefit from advantages that the agreement as such brings with it.

The development of the Pacific Alliance seeks to transcend the commercial ambit with a view to strengthening joint coordinated action among the members countries of the agreement; has as responsibility promoting the development of innovation and competitiveness of the Pymes, between the agenda is support the investigation in climate change topic, the increase of student and academic mobility and migration. In a participatory and consensual manner, the agreement will build an area of integration in which seeks to progress gradually towards a free circulation of goods, capital, services and people; seeks to promote growth and development in overcoming socioeconomic inequality and the social inclusion of their inhabitants.

The Pacific Alliance also has as the differentiating characteristics of the others trade agreements facilitate the commerce between the countries included in the agreement and with based on tariff reduction, reduction of barriers in the commerce, agility in import and export operations and facilitation in the services commerce; this is defined on base in that the four countries that make up the commercial block has a solid democratic structure, with representatives elected periodically, dynamic and globalized markets and the conditions of the four countries are favorable which represents a striking objective for investment. This agreement provides student scholarships for students residing in the four

countries with the objective of strengthen the human capital, and thanks to this block the tourism, business and flow of people has increased due to the elimination of visas.

In the economic ambit according to the Doing Business 2016, the member countries of the Pacific Alliance occupy the first places in the ranking of facility to do business, Mexico the first place, Chile the second, Peru the third and Colombia the fourth. The Gross Domestic Product (GDP) of these four nations make up the 39% of the Latin American GDP; 50% of foreign trade in Latin America is made up for the four member countries.

Below are exposed the most significant achievements of this commercial block since their entry into force and with which it is distinguished from the others trade agreements that Colombia has had:

- Additional Protocol to the Frame Agreement: Signed on February 10, 2014 and their objective is to deepen about the bilateral trade agreements between the member countries of the block; with this seeks to increase the opportunities of the Pymes to participate in a broader market and thus generate value chains for competitiveness and thus to project it to international negotiations mainly the Asia Pacific.

- Latin American Integrated Market (MILA): It is a platform that is used between the member countries of the commercial block and this market has as objective to promote financial integration between the stock exchanges of the member countries.

- Academic and Student Mobility Platform: A program that seeks to grant scholarships to the students of The Pacific Alliance member countries who wish to study in the four countries, until January of this year the commercial block has delivered 1268 scholarships.

- Makes an inscription in topic of the climate change in Latin America in the Agreement for the Establishment of the Cooperation Fund and the Network for Scientific Research in the Field of Climate Change.

- Since 2012, the agreement has been developing more than 80 activities that promote the commercial and investment promotion, between which are business macro-forums, tourism mini-forums, business forums and forums for innovation and entrepreneurship.

- A letter of intent is signed between the Pacific Alliance and the OECD with which it is intended to support the Pymes in their development and the process of accession of the global commerce chains.

- Facilitation of the flow of people through the elimination of visas.

- This block creates a program to promote cultural exchange between young people called the Holiday and Work Program (Pacific Alliance, w.d.).

Is clear then the tendencies that are having the commercial agreements, the union of economies in growth in those regions make move the economy of a continent and demonstrating that the union goes in pro of the economic and social development of a country; in the eyes of the great powers these advances reflect confidence and security for investment and more commercial unions and productive alliances for development, and a sample of this is the Pacific Alliance.

2.2 ACTUAL SITUATION OF THE REGIONAL AGREEMENTS IN LATIN AMERICAN AND CARIBBEAN COUNTRIES

2.2.1 Regional agreements in Latin America and the Caribbean.

The development of these agreements consists of executing processes of mutual benefit in which will be involucrate two or more countries. These type of agreements are generally favorable if we talk of Latin America and the Caribbean, since the companies that are born and are strengthened in these continents tend to be involved in economies slightly less developed than the rest of the world and this is why such agreements serve as a mechanism to access of an easier and safe way to the external markets, besides to taking into account the development of innovation projects that are oriented to the improvement of commercial tools, about the changes that have had and the evolution of the economies and their markets through of the years it have generated more opportunities of exploitation of the commerce in several places of the world.

In these regions in developing is generate commercial blocks of which are spoken of previously, blocks in which a country with less commercial development is pushed for other with more development and inside of these block both move the gear generating commerce, development and more.

The world is find in a process of open commerce, commerce that benefits to the exporters that in a form wants to offer, promote and sell the generated products in a majority in emerging economies in which start little factories to generate economy to the country and in other side these same factories and little factories are beneficiate of the import of goods in minimum and global prices. This begin since the middle of the 50's decade, is establish the European Community giving begin to these type of agreements and commercial blocks.

In 1994 with the firm of the free trade agreement of North of the America (TLCAN) begin a new process in the global commerce, in which until today continue benefiting and linking big economies with little economies or generating unions to commercialize with bigger economies.

Exist economies with a good financial, politic and social structure, these economies are in some way are pioneers to realize commercial agreements and generate commercial blocks; their infrastructure, process and companies has the capacity of competitiveness at the time of making these unions; every day the complexity grade to belong to these blocks traverse some stages since the free commerce between the same members of the blocks, following with the custom union, common market, policy, monetary and economic union.

Latin America and the Caribbean knows the complexity of make these types of agreements and the question is why these countries in development are interested in belong to these commercial communities; this is due to the benefits that they has at the time to access to the markets, such as the increase of the exports and investment; these regionals agreements count with a framework of laws that generate credibility, namely, does not allow that the governments to dictate their commercial politics in an irresponsible and arbitrary form (Inter-American Development Bank 2017, w.d.).

The existing regional agreements in Latin America and the Caribbean are:

- Central American Common Market (CACM)
- Andean Community (CAN)
- Southern Common Market (MERCOSUR)
- Caribbean Community (CARICOM)
- North Triangle

The most relevant of each regional agreement will be outlined below:

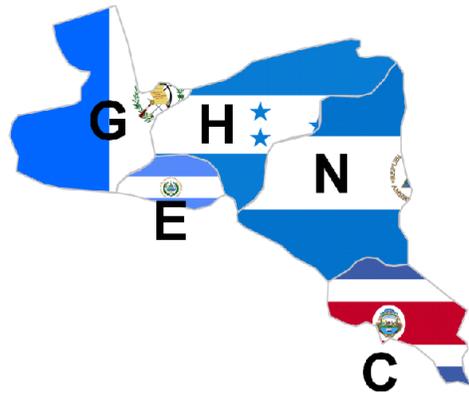
CENTRO AMERICAN COMMON MARKET (CACM):

The Centro American Common Market works as a global market, the countries that conform it are: Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica.

This agreement has facilitated the integration of the market of these countries, generating a complement between them of the free goods and free circulation, which has had a positive impact to the economies because is more possible their growth and are develop of a solid form.

Actually this Centro American agreement has been materializing, in terms of elimination of tariff taxes remaining only to three products which should be canceled tariff tribute.

Figure 2.1 Centro American Common Market (CACM)



Source: <http://www.tlc.gov.co>, 2017.

ANDEAN COMMUNITY OF NATIONS (ACN):

The Andean Community of Nations (CAN) is understood as a development of the integration of several countries that share objectives in relation to develop and the prosperity of their countries, which are Bolivia, Colombia, Ecuador and Peru.

In this agreement are development of an integral way the processes, namely, has an order of functioning which gives confidence and security in the development of the commercial activities in the different markets.

The Andean Community is has as a principally results of their application an institutional supraregional efficient framework, wide market, rights of citizens, social development, development in health, education and culture (ANDINA, w.d.).

Figure 2.2 Andean Community of Nations (ACN)



Source: <http://www.tlc.gov.co>, 2017.

SOUTHERN COMMON MARKET (MERCOSUR):

The MERCOSUR agreement is a regional integration agreement that initially it was established with the countries of Argentina, Brazil, Paraguay and Uruguay and then in this agreement were linked Venezuela and Bolivia. This is considered as a fair and dynamic process in which was generated an equal space to propitiate commercial objectives and of investment through a competitive group of the national economies to external market

This agreement has been a big impulse to the countries that conform it in relation to their economic, commercial and of market activities, which has permitted that exist a support between them and are generate more mutual benefits.

Actually MERCOSUR agreement participate in a new integrations in relation to the known to global level as the protectionism of the president Donald Trump, this situation with the objective of strengthen the development and the evolution of the intraregional commerce, through this action is intended to link the commercial blocks and orient them to the growth of joint form, generating actions that offset the negatives effects of the actions of the president of the United States (internacional.elpais.com, 2017).

Figure 2.3 Southern Common Market (MERCOSUR)

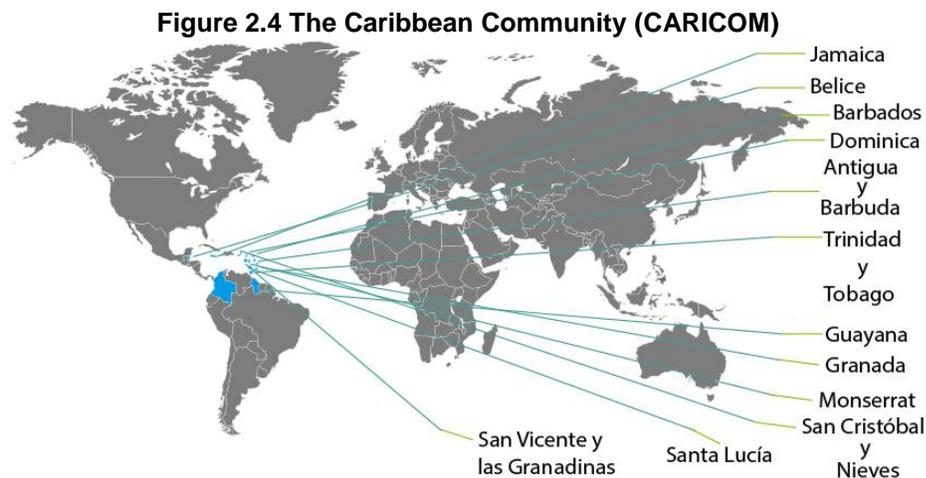


Source: <http://www.tlc.gov.co>, 2017.

THE CARIBBEAN COMMUNITY (CARICOM):

The CARICOM agreement is a regional agreement of partial reach about economic commerce and cooperation and technique between the Colombian Republic and the Caribbean Community, this agreement is initially pretend to change the life level of the habitants of the countries that conform the agreement, besides of improve the job opportunities, focus their actions to obtaining of an economy very much solid and especially to generate stable relationships and of mutual benefits between the other countries.

Currently the agreement develop plans that aim to combat the effects of the climate changes this with the objective of maintain a contribution that facilitate or promote of a better way the integration between the countries, taking advantage the factors as the climate changes; situations foreign affairs to the social and economic development generate a significant contribution to the actual problems (informador.mx, 2017).

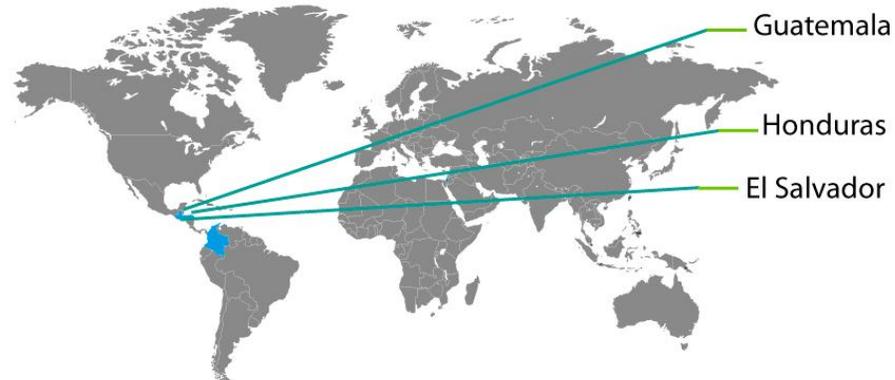


Source: <http://www.tlc.gov.co>, 2017.

NORTH TRIANGLE:

This agreement is integrated for three countries which are: Guatemala, Honduras and El Salvador, this agreement works as a protection between the three countries, like this was has seen with the pass of the years, which is indispensable support for each one in relation commercial and economic topics with the other countries, for their politics and negotiation forms.

Figure 2.5 North Triangle



Source: <http://www.tlc.gov.co>, 2017.

2.2.2 The current status of agreements in Latin America

It is important to comprise that to generate new strategies and alliances for the cooperation and participation of the economies and the commerce influence several aspects that will be related of a direct or indirect form with these facts and is here where it should mention that currently between the world trade organization and the free commerce agreements generated for the different countries are generate different discussions that in their majority has to do with the scope of these agreements and the benefits and achievements that should establish, every day have been negotiated more agreements it means that every time are more countries involved in these processes.

Currently the World Trade Organization (WTO) consider that the regional agreements in Latin America are found stagnant, this due to lack of commitment between the countries to complete the negotiations and this topic becomes even more complicated when are found in negotiation several agreements called mega-regional agreements, multiples agreements between some countries; as an example the Transatlantic Agreement, Transpacific Agreement or the *Continental African Free Trade Area*. Of this way the WTO will have a reality that does not know how to try on yet (Nuñez, 2013).

However the negotiation of the commercial agreements in Latin America goes in the same process with the rest of the world and bring with them an access to a broader global market, this translates in opportunities for the investment and the economic development of the regions; is an initiative of the commerce in every country of the continent to increment the exports of goods and services; the agenda of negotiations search to realize new alliances between the countries of the region and of this way to negotiate between them and conform commercial blocks good structured that allows the free and continuous flow of the products and services without barriers.

The commercial agreements in the Latin American region are a way to the growth of the integrate countries to these blocks, is for this that create a framework laws and clear rules that establish benefits to both parts; the Latin region in the present is showing a joint develop thanks to these alliances, the productive system of the countries of the region are very similar; however the nations are link to search new agreements and alliances to continue linking to the economies through strategies of cooperation and mutual help and of this mode all the blocks united to walk to the development.

Currently, in the region are attached commercial agreements in group as are the Andean Community of the Nations (CAN), the Caribbean Community (CARICOM), MERCOSUR, Centro American Common Market, North Triangle and finally the Pacific Alliance; all these agreements in the current bring benefits to the

development and growth of the economy as much as to the country as of the Latin region, social support and cultural distinction; to clarify that some systems can generate more progress and develop than others but all demonstrate growth in the continent and is for this that the foreign investment and futures negotiations are carried out in the region.

2.3 FRAMEWORK OF INTERNATIONAL RELATIONS AND INTERNATIONAL AGREEMENTS IN WHICH IS MOVE THE INTERNATIONAL COLOMBIAN COMMERCE

2.3.1 Colombia and the international relations

The International Relations are a discipline of the Social Sciences which is responsible of study the international society, as well as their actors and the relations between them, which are of politic, economic, social and cultural nature, namely, is a multidisciplinary career (Autonomous Popular University of the State of Puebla, 2017).

The international relations are a relatively new tendency, everything starts after the second world war, and is when happened the Spain transition about the 80`s, after they moved away from dictating laws and changed the mentality and began an integration progress at the end of the 80`s. This for Latin America constitutes a progress to the integration and since endings of the XX century and begin of the XXI century is begin the process of international relations to Latin American level with the entry into a force of organizations of economic and social character as CARICOM, MERCOSUR, UNASUR, The Pacific Alliance, among other organizations (Administrative Sciences Faculty, 2015).

Now Colombia has a busy agenda in terms of their international relations, always be in search of continuous improvement and of positive alliances in pro of the economy and development of the country.

United States for example is a member and ally of Colombia, the country is present as an emergent and successful ally. This is affirmed by country`s power in

the world which sets their objectives and projections to Colombia, country with which share the possibility of combat the criminality. United States alludes the progress; motivation and leadership of Colombia on its way to be immersed in the new globalized society of the XXI century.

Continuing with the exploration of the relations with the neighbor country Ecuador, country that has demonstrated before the world an advance in infrastructure magnificent for its development in the commerce and international relations; it is worth mentioning that the good relations that have sustained both countries the last years have made that their problems stand aside, thus eliminating demands from the Ecuadorian government to the Colombian government before the Haya Court for the fumigations in the border of both countries and the demand presented before the Inter American Commission on Human Rights for the death of Ecuadorians in a bombing realized to the FARC in Ecuadorian floor. Despite these setbacks between both nations now together advance 165 projects among which are highlighted the extension of the Rumichaca Bridge, the electric interconnection and of the pipelines, the binational plan of frontier development and other projects in pro of the development of both countries.

Is examined briefly the situation with Venezuela and was not easy to clarify the situation between both countries, Juan Manuel Santos, in quality of Colombia President, talked with Nicolas Maduro about the confrontations and enmities that had with both nations in recent times; really Venezuela needed import foods to control a little the internal shortage and Colombia needed restart the exportations to that country and like that to control a little the agrarian crisis that the country had in that time.

No all the international relations of Colombia are positive, is the Nicaragua case. Historically, there are few agreements and mechanisms of cooperation and dialogue between these nations, especially for the long process of claim of sovereignty in the Caribbean waters by the Centro American nation. Nevertheless,

from the judgment of the Haya, in 2012, near of 50.000 square kilometers of the San Andres Sea became part of the Nicaraguan State, the relations Colombo Nicaraguan deteriorate further. This begin under the government of the ex-president Alvaro Uribe; when the government Santos began in this case he focused all his efforts in announce resources to the islands, contract lawyers and declared inapplicable the judgment of the Haya but his efforts was unreachable because the territory belongs actually to the Nicaraguan government (Socorro Ramirez, 2013).

Of the above is deduced the variety of external relations that Colombia have, not all are positive, not all are negative, but the country try to control the situations that occur over time; some contribute positivism to the country economy, to social development and the increase of the government; others point to politic and territorial.

2.3.2 Free trade agreements subscribed by Colombia

At the end of the sixties, the Colombian government, with the aim to guarantee the economic growth of the country, the wellness of their habitants and to prepare the national economy for its development in an globalize world, began a series of meetings and approaches with their geographic neighbors and their most important commercial members, searching to reach to agreements that allow decrease or eliminate the restrictions to the existing commerce between the others countries and Colombia (Republic Bank, 2017).

Coming up next, are presented and described the commercial agreements most important to Colombia; classifying them as agreements in force, agreements signed and the negotiations that in course:

Agreements in force

Coming up next, is realize a review and interest data of some commercial agreements in force signed by Colombia:

- FTA Colombia – México: This agreement is signed the June 13th of 1994 and entry in force the January 1st of 1995. First began with the name of FTA G-3 which was conformed for Mexico, Venezuela and Colombia; this agreement included an important opening markets for the goods and services between countries, was established laws in matters of commerce and investment. In May 22nd of 2006 Venezuela present a complaint to the agreement and present its retreated, for the year 2009 Colombia and Mexico finalize the works of adequacy of FTA and since then these countries conform the agreement. Take advantage of the retreat of Venezuela to start an actualization and extension process of the agreement, which finalized in 2010.

Figure 3.1 FTA Colombia - México



Source: <http://www.tlc.gov.co>, 2017.

- FTA Colombia – Canada: The agreement comes into force the August 15th of 2011 and the agreement search the harmonious development and the expansion of the global and regional commerce between both countries.

Figure 3.2 FTA Colombia - Canada



Source: <http://www.tlc.gov.co>, 2017

- FTA Colombia – Korea: Comes into force in July of 2016, one of the advantages of this commercial agreement is the direct exportation of 96% of the Colombian products without to pay tariff duties. This agreement brings with it the stabilization of prices in those products that require it, between their plans of development is the elimination of export subsidies implanted for the WTO for this agreement and the elimination of tariff measures for the majority of the marketed products under this agreement.

Figure 3.3 FTA Colombia - Korea



Source: <http://ocecolombia.co>, 2017.

- FTA Colombia – United States: In November 22th of 2006 was subscribed the agreement, to belong to this commercial agreement a change was made in the Colombian legislation through the law approbation 1143 of 2007 for the Colombian Congress. The agreement comes into a force the May 15th of 2012.

Figure 3.4 FTA Colombia – United States.



Source: <http://www.tlc.gov.co>, 2017.

Agreements Signed

Coming up next, is realize an interesting review and data of the commercial agreements subscribed for Colombia:

- FTA Colombia – Israel: The negotiations with this country started in March 22th of 2012, is the first Colombian negotiation with a country of the Middle East; with this agreement both countries search increase the commercial flow and of investment, foment the diplomatic relations and the removal of tariff barriers.

Figure 3.5 FTA Colombia – Israel



Source: <http://www.procolombia.co>, 2017.

- FTA Colombia – Panama: In March of 2010 started the negotiations with the neighbor country, with this agreement Colombia search strengthen their business links.

Figure 3.6 FTA Colombia - Panama



Source: <http://www.tlc.gov.co>, 2017.

Ongoing Negotiations

Coming up next, are exposed two of the commercial agreements that Colombia intends to carry out:

- **FTA Colombia – Turkey:** The negotiations between both countries began at the end of May of 2011; agree with the negotiations agency approved for the superior council of Exterior Commerce in 2009, this country is one of the priority to Colombia because this negotiation consolidate a step to a new bilateral relations and the begin of new commercial opportunities and of investment.

- **Economic Association Agreement (EAA) Colombia – Japan:** The conversations of negotiation began in December of 2012; reason why both countries advanced a study about the possibility to advance this process; with this negotiation the country is near to the strategy of approach to Asia and is a big commercial opportunity for Colombia.

All the information about the agreements previously exposed was subtracted of the Mincomercio page – FTA (tlc.gov.co, w.d.)

2.3.3 Advantages for the international Colombian commerce with the firm of free trade agreements

Colombia in the present has big variety in commercial agreements with diverse global economies as Canada, Korea, United States and with countries of the Latin region, these agreements wants to strengthen the internal economy and the social development; these commercial agreements not only provide economic

advantages they bring with them preferences to the society as the traffic less restrictive of people and the services circulation.

Coming up next, is mentioned the most important benefits of to belong to the commercial agreements.

To belong to a commercial agreement, Colombia open their door to the global market obtaining and providing big quantity of goods and services; with this type of agreements social investment and the foreign investment is promoted in turn, before the definitive firm of the agreements multiples studies are elaborate in which is demonstrated the positive impacts in the economic growth, the increase of the exportations and the generation of qualify employment and not qualify.

A framework of laws is generated in which is established the rules in which the linked countries are based at the time to apply the commercial agreements; of this form there will be a control in the handling of the agreement and not will generate irregularities inside the same.

2.4 IMPACTS THAT GENERATE THE NEW TENDENCIES OF THE REGIONAL AGREEMENTS IN THE INTERNATIONAL COLOMBIAN COMMERCE

2.4.1 Politics of the exterior Colombian commerce (MINCOMERCIO, CONPES, PROCOLOMBIA)

In Colombia the developments of all the process of exterior commerce are regulated by the competent entities, this with the firm intention of established some parameters inside which can exist a free competence in the different economies and markets.

In relation to politics of exterior commerce about Mincomercio is analyze since the aspects of the superior council of exterior commerce and the customs tariff committee and exterior commerce, the politics of exterior commerce tend to change and generate adaptability about the evolution of the commercial and economic process of each country. Is necessary to realize a modernization and adaptation of the custom regulation to all that have relation with the best international practices to facilitate the exterior commerce and that there is a compliance of the commitments of each country inside of a trend acquired.

In currently of the regional agreements was known the latent need to give a change to the custom regulation as far as international conventions are concerned, because in the established norms is observed that can exist an harmonization of the functioning methods; is necessary to realize this process of what is intended is to have an adequate process in the development of each agreement is necessary to generate new adaptations in the economic politics, also in the coordination of the plans of development and in the external common tariffs.

Hither it takes place the KYOTO covenant which comes into force in the Colombian laws the 7th of May of 1998 and in which inside their objectives is found the elimination of the divergences between the regimes and the customs practices of the contracting parts that can reach to put obstacles in the free development of the international commerce and the interchanges that in this they are given.

The national government demonstrated that was necessary to have an advance in the customs procedures, this purpose is supported en the use of the technology all these sustained in a system that give support to the processes and be much more agile.

The Organization for Economic Co-operation and Development of which they are part 34 countries and which maintains a clear objective in relation to foment the politics that improve the economic and social situation of the countries, purpose as contribution to the adequacy of the normativity according to the present of regional agreements that the countries members consider the adequacy of the international standards so that the improvement of the development are in equal proportion for all the countries.

2.4.2 How Colombian regulations are adapted to these new tendencies (LAW 1609 OF 2013, DECREE 390 OF 2016, DECREE FREE TRADE ZONE)

The world is in constantly changes and improvement economic processes, commercial, politic and cultural, starting from these changes is develop a latent opportunity for the exporters and importers of thousands of products, this too bring the intention of the countries to be more connected every time, making alliances that allow to have a progress, for this every more time growth the international relations.

The normative and legal procedures in all the countries are handled in very different ways and to do part of the social and economic changes in which the world is currently there must be change in the laws and procedures for all the participants of commerce find the same guidelines for the development of the processes.

To start in this process of adaptation to the new tendencies of global commerce, the 2nd of January of 2013, was published the new law 1609 of 2013, the Framework Law of Customs, this requires that the government should be governed by this law to realize modifications of the tariffs, rates and else dispositions that has relation to the customs regime, coming up next, is cited of this new law the Article 1, this explain in a summarized way the previous information.

Article 1°. Subjection to he law. The National Government, by amending tariffs, rates and else dispositions concerned to the tariffs regime, cannot exceed the established terms in the present law, without entry to regular aspects or subjects that correspond privately to Republic Congress, and don't make normative developments that are own of the Executive.

Of the same way the Republic Congress to exercising the legislative faculty in these aspects, must take into account the social responsibility in order to maintain the national juridical stabilization, without assuming competences, that in front these subjects, correspond to National Government (LAW 1609 – 2ND Jan 2013, 2013).

In the Colombian legislation never have had the need to update the law, which was valid 20 years before of the 1991 Constitution, many of the regular organisms of the customs law had ceased to exist long ago.

Now the change is not only in the Customs Law, a new decree has been issued that is the 390 Decree of 2016 which bring with him the new custom regulation, which carried 7 years of concertation between the public and private sector for the modernization of the custom regulation of the country; this new regulation promises be a true instrument for the execution, develop and promotion of the exterior commerce.

With this change of normativity is pretend modernize the operations of exterior commerce, harmonize the regimes and the language with the international normative; the computer system will avoid the presentation of physical documents and facilitate the logistic operation (ANALDEX, w.d.)

This decree is composed by recitals which contain the punctual changes to the custom regime and their application to exterior commerce, is prudent to quote them as it the decree for can will be discerned from the roots.

That needs to be harmonizing the customs regulation with the international covenants, particularly with the norms of the Andean Community and the International Convention for the Simplification and Harmonization of Customs Procedures - Revised Kyoto Convention of the World Customs Organization.

That as a result of the revision of commercial politic of the country before the Organization for Economic Co-operation and Development (OECD) is recommended the promulgation and implementation of a new customs regulation.

That is required compile, modernize, simplify and adequate the customs regulation to the best international practices, to facilitate the exterior commerce and the fulfillment of the acquired commitments for the country inside of the commercial agreements.

That the Decision 618 of 2005 of the Andean Community dispose to the countries members the need to adequate their customs normative to the beginning, norms and recommendations established in the General Annex to the Protocol of Amendment to the International Convention and Harmonization of Customs Procedures - Revised Kyoto Convention.

That is purpose of the National Government in the systematization of the customs procedures.

That is require strengthen the criteria of conduct of risk in the exercise of customs control, in order to neutralize the conducts of smuggling and money laundering, prevent the environmental risk and the violation of the intellectual property rights, defend the health, guarantee the borders security and, in general, the security of the logistic chain.

That is necessary to adequate the control procedures to the reality of the country and to the modern tendencies of the Law.

That the Committee on Customs, Tariff and Foreign Trade Affairs, in session 253 of 19th of February of 2013, recommended the expedition of that regulation.

That, likewise, the Superior Council of Exterior Commerce, in session of 1st of April of 2013, considered the proposal of modification of the customs regulation, as a strategy more in the fight against the smuggling and in session of 31st of March of 2014 recommended their expedition.

That in compliance of the arranged in the numeral 8 of the article 8 of the Law 1437 of 2011, the project was published in the web site of the National Tax and Customs Office in diverse opportunities during the years 2012, 2013, 2014 and 2015 (DECREE 390 OF 2016, 2016).

3. Conclusions

Was achieved identify that for an agreement will be positive between developed and not developed countries should exist an international mechanism that act as a mediator and assure that no manipulation is established for the developed economy and that on the contrary the agreement stimulate to both parts.

Was determined that the commercial agreements are of importance not only for the Colombian economy, immersed in them is establish common markets in which are integrate different economies to regional level.

Was raised the idea of that these agreements currently bring benefits for the development and growth of the economy so much of every country as to the Latin region, social sustenance and cultural distinction.

Was conclude that, through the implementation of the regional agreements, the commerce between the different countries of the world has taken greater strength and stability, due to the facility and truth that provide these agreements for there is a constantly improvement in the economic and commercial aspects of the countries members.

It is understood that through the accelerate growth of the regional agreements has been generated a more deep interest in to develop actions and strategies that allow to have a wide knowledge about these agreements and thus to develop the commerce activities in a full form in each region.

It is understood that the world is constantly changing, the tendencies are progressing more towards improving the economic development of the countries, the markets need to be more integrated and for this is totally necessary strengthen

these agreements that bring with them big benefits to the regions, that are involved in the national and international markets.

It is determinate as a final conclusion of this research work, so that there can be a correct functioning of the regional agreements should be implement adjustments in the normativity of the involved countries, this will allow that the processes flow without obstacles and that each time the markets are more integrated in each region.

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