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Good-morning,

The IAPA enthusiastically welcomes this discussion on the American Declaration on Rights and Principles in the Digital Environment under the leadership of Luis Almagro, Secretary General of the OAS.

We also thank Pablo Scotellaro, executive president of CERTAL, and Heber Martínez, director of the Leadership Training Center, for inviting us to join this discussion.

We are hopeful that this initiative will serve as a reference for countries and governments in the Americas. In particular, those that fear freedom of expression and legislate with their backs to human rights and inter-American jurisprudence.

The Declaration not only imposes conditions on governments but also demands responsibility from all participants in the digital ecosystem – citizens, civil society organizations, academia, digital intermediaries, and the media.

IAPA thanks you for inviting us here today and including us in this process on behalf of the media and professional journalism. We collaborated in 1994 with the Declaration of Chapultepec and in 2001 with the Declaration of Principles of Freedom of Expression of the Inter-American Commission on Human Rights, and acknowledge that both documents continue to be a beacon of light for our societies today.

They remain highly relevant and helpful in resolving conflicts and tensions when freedom of the press and expression are questioned.

We applaud OAS for seeking to supplement that vision in light of the challenges and complexities of the digital age. We did a similar process in 2018. After years of work and

consultation, we created the Salta Declaration on Principles of Freedom of Expression in the Digital Age. We believed it necessary to complement the principles of Chapultepec in the face of a world that nobody anticipated at the dawn of the internet.

Today, like never before, we can observe in some of our own countries the social consequences that are unleashed when freedom of the press and expression are attacked and atrophied by authoritarianism.

In addition to these political attacks, the media is suffering the consequences of a deep economic crisis fueled by the pandemic and digital ecosystem. As a result, journalism organizations have been steadily losing advertising revenue, once their main livelihood.

Much of the advertising in the world has migrated to digital platforms like Google and Meta. And the paradox of this imbalance is that the platforms use media content for free to attract audiences and generate more advertising revenue. The media, then, is not rewarded or benefits from their content creation.

The effects of this imbalance are serious. Many media outlets are shutting down, creating ever-widening news deserts – cities and communities without local journalism. And without local media, without watchdogs, corruption and human rights violations spread, while citizen participation in electoral processes and people's commitment to their community decreases. Without local journalism, democracies are in more danger than ever.

For this reason, we believe that this new Declaration must include a vital principle from the Salta Declaration that requests that "Actors in the digital ecosystem must achieve an adequate balance between freedom of expression and intellectual property rights and copyrights, as well as to any benefits that may be generated in that ecosystem. They must also avoid abusive practices that may impact competition, innovation, and the free flow of information."

We are proud to have put forward that idea, even before the 2019 European Commission directive on Copyright. And so, in 2021, together with a group of more than 20 national and supranational media associations and journalists, we called on rules "to defend the value of professional journalism in the digital ecosystem." We urge countries to prioritize enhancing news content on digital platforms, ensuring fair and reasonable compensation conditions.

We said there must be coherent approaches to enforce a right based on intellectual property and competition law. And we ask that abusive practices be avoided in the digital advertising market, where the platforms are arbitrators and prominent players.

We have seen in recent years legal efforts to address this imbalance. For example, in Australia and in some European countries, platforms and media must negotiate agreements for intellectual property rights. There are bills in the Canadian Congress, too, very similar to the law in Australia. And in the US, the media seeks to achieve that balance through the "Act on Competition and Preservation of Journalism."

Beyond the result of those efforts, at IAPA, we are having very frank conversations with platforms like Google. We appreciate their openness to reach agreements, help the media in its transformation, and the projection of paid licenses for news content that already exists in Brazil, Argentina, Colombia, Mexico, and soon in other countries.

Google knows we prefer private agreements with the media because legislation is not the most appropriate response in every country. And, it does not resolve the emergencies faced in the current economic crisis. However, we want the platforms to pay the media equivalent amounts to what they pay in those countries that have passed such a law.

We believe this is a fair, reasonable, and necessary balance that this new Declaration must strike. The media is not asking for handouts or subsidies but rather that content creation be respected, and payment is made for the benefits this content generates for digital intermediaries.

The independence of the media depends not only on the lack of political interference, but also on its economic sustainability. This equation is expressed by UNESCO's Windhoek + 30 Declaration, which calls for respect for independence and defines news content as a public good.

Lastly, we believe that this new OAS Declaration comes at an appropriate time as debates arise about content moderation on the platforms. The demand for moderation comes from an increase in misinformation during electoral campaigns, hate speech, invasion of privacy, and discussions such as those generated by Elon Musk on Twitter, among others.

More than ever, this Declaration is necessary to set a frame of reference and shed light and solidarity on the debate. As there are movements in the world that want to regulate content by law and others that insist on self-regulation and digital literacy.

It is uncertain which of the two movements will prevail because both have advantages and disadvantages. We at the IAPA, always protective of independence and limiting government interference in content, prefer self-regulation.

However, we believe any path must highlight the inter-American standards in which the guarantees of freedom of expression, respect for human rights, and the principles of legality, legitimacy, and proportionality prevail.

In March 2021, we were summoned by the IACHR Special Rapporteur for Freedom of Expression to express our position on content moderation. Now, for February 2023, we have been called by UNESCO for the same reason. There, we will continue to discuss the pros and cons of governments legislating for content moderation.

Knowing that not all governments are democratic or have a democratic vocation, this new Declaration reinforces our position that any action or discussion on the digital ecosystem must be guided by respect for human rights and freedom of expression.

Thank you very much