

ENGLISH

# Letter to Latin American governments: no more digital trade negotiations!

## December 2023

We are facing a historic moment marked by technology. These are stormy times where we have seen how digitization has accelerated our integration, our communications, provided regional opportunities and fostered capabilities in the various sectors of our economies. But it has also brought negative consequences: fake news, tax evasion, monopolization of markets and indirect privatization of public services are just some of the many negative consequences we have seen in recent years. Latin America is at a crossroads in digital matters: how do we do as a region to enhance those positive things and mitigate the negative impacts of modern technologies whose future is uncertain and difficult to imagine?

Meanwhile, the debate on the regulation of artificial intelligence and the protection of personal data is growing in the world. These are urgent and necessary debates in a region that is still heterogeneously and disparately at very early stages in these debates: some countries in the region do not even have minimum privacy protections for citizens and consumers, while others, being major technology producers, are moving forward in non-binding ethical frameworks, taking steps in the right direction, but still insufficient.

In the middle, free trade negotiations on digital matters are advancing behind the backs of the people and to the detriment of sovereignty to regulate digital markets locally and regionally. There are negotiations in the World Trade Organization and other bilateral and sub-regional agreements that attempt to place limitations on the auditing of algorithms, the sovereign treatment of data, the collection of customs duties on digitally traded goods, and the control of companies operating in digital markets, among other issues.

In this regard, news **recently broke that the US government withdrew the draft presented some time ago to negotiate a plurilateral e-commerce agreement at the WTO.**

Many of our governments opposed a multilateral negotiating mandate in 2017 at the Buenos Aires Ministerial Meeting. Now it seems they were prescient in doing so. Some of our governments (such as Bolivia, Cuba, Ecuador, Venezuela and the Caricom members) have stayed out of this negotiation (known as JSI in their jargon in English). This move by the United States proves that they were right. Those who have stayed out should reinforce their decision to stay out. Those who have joined (Argentina, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay) should take a moment to reconsider, as the main proponent has now realized that these provisions close the policy space for essential regulation. Similarly, Latin Americans should reject these provisions in any bilateral or regional agreements such as the EU-Mercosur or EU-Chile, the Trans-Pacific Partnership, the Australia-Peru agreement, and the Mercosur e-commerce agreement, among many others. Some are already in force, others are still under negotiation.

Times have changed; the dangers are more evident; governments should react accordingly to the new information.

It is clear that the region faces great challenges in digital matters: we want a region capable of creating diverse technologies designed for and by Latin Americans. But not only that: the problems that afflict us are not only digital colonialism understood in terms of importing foreign technologies to the region. Indeed, the regulation of artificial intelligence is being debated in the world, focusing on the difference between access, transfer, auditing and the opening of source codes as a regulatory priority depending on the case, in pursuit of the defense of sovereign technologies, fundamental rights and principles of non-discrimination, framing the discussion within the necessary ethical frameworks for a technology that has the capacity to transform society. These two objectives will not be possible if we continue to expand free trade agreements and the negotiation of the JSI on electronic commerce at the WTO.

On the other hand, the digital divide in terms of connectivity, literacy and access to devices continues to be a problem that needs to be solved through public policy and investment incentives. In this sense, state resources are needed to invest in infrastructure and connectivity that transcends our borders and allows for greater regional integration. For this reason, we urge governments not to renew the moratorium on electronic transmissions that will expire in March of next year at the request of the WTO, so that we can have one more element of financing and sovereign control of our digital markets.

The free trade program in digital matters must stop until we mature the regional debate

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regarding the regulation of our digital markets and our technological development of systems based on artificial intelligence, materializing in regulations that enhance the positive effects of digitality and mitigate those impacts that have negatively affected our peoples.

Now is the time to do so. Other states have already realized the deleterious effect that these negotiations have. We want a future that is human-centered, inclusive, sovereign and sustainable. The digital free trade agenda does not seem to be the right way forward.

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## SIGNATORY GROUPS

### Regional:

1. Public Service International- Américas
2. Red Feminista de Investigación en Inteligencia Artificial, nodo de América Latina y el Caribe
3. @segudigital
4. IPANDETEC
5. Red de Pensamiento Latinoamericano en Ciencia, Tecnología y Sociedad (Red PLACTS)
6. Derechos Digitales
7. Observatorio de Plataformas Digitales
8. DataGénero - Observatorio de Datos con Perspectiva de Género
9. Humai
10. Cooperativa Tierra Común
11. Confederación Latinoamericana y del Caribe de Trabajadores Estatales (CLATE)
12. Instituto Equit - Género, Economía e Ciudadanía Global
13. Red de Género y Comercio
14. América Latina y el Caribe Mejor Sin TLC
15. Confederación Sindical de trabajadores y trabajadoras de las Américas (CSA)
16. Marcha Mundial de las mujeres Región Américas
17. Amigos de la Tierra América Latina y el Caribe (ATALC)

### Local

18. ATTAC Argentina - Argentina
19. Asamblea Argentina mejor sin TLC - Argentina
20. gcoop - Cooperativa de Software Libre - Argentina
21. DHyTecno - Argentina
22. OISIA UNTREF - Argentina
23. Centro de Estudios Humanistas de Córdoba - Argentina
24. UNICEN - Argentina
25. Instituto del Mundo del Trabajo - Argentina
26. Fundación multipolar - Argentina
27. Fundación Vía Libre - Argentina
28. Coordinadora Argentina de la ISP - Argentina
29. Fundación InternetBolivia.org - Bolivia
30. Núcleo de Tecnologia do MTST - Brasil
31. REBRIP - Rede Brasileira pela Integração dos Povos - Brasil

32. SINDSEP - Brasil
33. Rede Transfeminista de Cuidados Digitais - Brasil
34. Data Privacy Brasil - Brasil
35. Escuela de Técnica y Cultura Hacker <hacktivista.org> - Chile
36. Datos Protegidos - Chile
37. Fundación Constituyente XXI - Chile
38. Fundación Datos Protegidos - Chile
39. Fundación Karisma - Colombia
40. ISUR - Centro de Internet y Sociedad de la Universidad del Rosario - Colombia
41. Fundación Visonte - Colombia
42. Emisora VCA - Colombia
43. ISP-Costa Rica - Costa Rica
44. Comisión Nacional de Enlace - Costa Rica
45. Sindicato de Trabajadoras y Trabajadores de la Universidad Nacional - Costa Rica
46. Conexión Educativa - Ecuador
47. FEDAEPS - Ecuador
48. Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM) - Ecuador
49. CESTA Amigos de la Tierra - El Salvador
50. Sursiendo, Comunicación y Cultura Digital - México
51. Red Mexicana de Acción frente al Libre Comercio (RMALC) - México
52. Iniciativas para el Desarrollo de la Mujer Oaxaqueña (IDEMO) - México
53. Casa Tecmilco - México
54. Bia`lii, Asesoría e Investigación, A.C. - México
55. Centro de Promoción y Educación Profesional "Vasco de Quiroga" - México
56. FENASEP - Panamá
57. Facultad de Economía de la Universidad de Panamá - Panamá
58. Grupo por una Agricultura Alternativa y Soberanía Alimentaria (GASA) - Panamá
59. TEDIC - Paraguay
60. Ser Valiente en Red - Perú
61. Hiperderecho - Perú
62. Federación Nacional de Trabajadores del Agua Potable y Alcantarillado - FENTAP - Perú
63. Central Unitaria de Trabajadores del Perú (CUT PERÚ) - Perú
64. Fundación Étnica Integral - República Dominicana

Global:

65. London School of Economics and Political Science

66. Transnational Institute

67. Agencia Internacional de Noticias Pressenza

68. Grupo ETC

69. Red de Intelectuales y Artistas en Defensa de la Humanidad-EC