JURISDICTIONAL CHALLENGES AND APPROACHES

Promoting Policy Coherence

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Governance
OF/ON the Internet

Incomplete Governance Ecosystem

Tensions
Cross-border Internet – Nat. Jurisdictions

Legal Uncertainty

How national laws apply

Who sets the norms
Who implements
Who enforces

Cybersecurity
Cybercrime
Cyberspace

What Digital Society do we want to build?
VERY CONCRETE ISSUES

Digital Evidence
Incitement to violence, hate speech
Phishing, Botnets, Malware

Defamation
Medicines online
Terrorism

Non-consensual pornography
Right to be de-indexed
Disinformation
Bullying, Harrassment
THREE CLUSTERS

CRIMINAL INVESTIGATIONS
(all sorts of crimes with data held across borders)

OBJECTIONABLE CONTENT
(child sexual abuse, hate speech, incitement of violence, harassment, ... )

DNS-RELATED ABUSES
(infrastructure abuse, abusive content)

ACCESS TO USER DATA
How to reconcile transnational data flows and privacy with lawful access requirements to address crime?

CONTENT RESTRICTIONS
How to manage globally available content in light of the diversity of applicable local laws and norms?

DOMAIN SUSPENSIONS
How can the neutrality of internet’s technical layer be preserved when national laws are applied to the DNS?
CHALLENGES

- Patching under Pressure of Urgency
- Lack of Cooperation Frameworks
- Extraterritoriality
- Data Localisation
- Legal Arms Race
- Scalability/Universality
- Uncoordinated actions
- Unintended Consequences
- Prisoner’s Dilemma
- Detrimental Generalization
- Lack of Cooperation Frameworks
TENSIONS
between the cross-border internet and territorial national jurisdictions

UNCERTAINTY
about applicable law(s) and norms in cyberspace, and their enforceability

LEGAL ARMS RACE
uncoordinated actions producing negative unintended consequences

HIGH COSTS
for the digital economy, cyber-security and human rights
THREE COMPETING OBJECTIVES

• FIGHT ABUSES AND CRIME
• PROTECT / PROMOTE HUMAN RIGHTS AND RESPECT DUE PROCESS
• ENABLE THE DIGITAL / CLOUD ECONOMY

Reconciling them is a major challenge ... but necessary
THE I&J POLICY NETWORK

Engaging **200+ entities** from around the world:

- **STATES**
- **INTERNET PLATFORMS**
- **INTERNATIONAL ORGANIZATIONS**
- **ACADEMIA**
- **CIVIL SOCIETY**

Three dedicated **Programs**

- **DATA & JURISDICTION**
- **CONTENT & JURISDICTION**
- **DOMAINS & JURISDICTION**

**Global Conferences**

- **Paris 2016**
- **Ottawa 2018**
- **Berlin 2019**

**Partners**

- Canada
- Federal Ministry for Economic Affairs and Energy

**Institutional support**

internetjurisdiction.net | @ljurisdiction
Framing Papers including Areas of Cooperation identified in Paris

Policy Options Documents from three Contact Groups: Input for Ottawa
ENGAGING

RETROSPECT
Newsletter and Database

OTTAWA
Summary and Roadmap

OUTREACH in partnership with regional organizations
More information:

www.internetjurisdiction.net
https://conference.internetjurisdiction.net

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