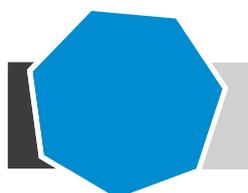


# PROGRESS REPORT

2018/2019



INTERNET &  
JURISDICTION  
POLICY NETWORK

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Managing the way that a large number of separate legal frameworks apply to the internet is one of **the biggest policy challenges of our time** – more complex than building the internet itself.

**VINT CERF**

Co-inventor of the Internet and Vice President and Chief Internet Evangelist, Google, writing in the Financial Times about the Internet & Jurisdiction Policy Network



The Internet & Jurisdiction Policy Network delivers **concrete, operational outcomes** and this is exactly what has to be done if we want to tackle global challenges around the internet.

**STEFAN SCHNORR**

Director General, Digital and Innovation Policy, Ministry for Economic Affairs and Energy, Germany



“We think [the Internet & Jurisdiction Policy Network] serves as a strong example for how **constructive multistakeholder engagement can lead to viable operational solutions** to difficult internet policy problems.

**BRIAN HUSEMAN**

Vice President of Public Policy, Amazon



A gathering of the **brightest minds in judiciary, technology and policy processes**. The Internet & Jurisdiction Policy Network is the place to be.

**MARY UDUMA**

Chair, Nigeria Internet Governance Forum (NIGF)

## F O R E W O R D

# FOSTERING LEGAL INTEROPERABILITY IN CYBERSPACE

**We need a better institutional framework to collaboratively address the transnational challenges of a digital 21<sup>st</sup> century marked by interdependency.**

This was the strong message sent by stakeholders surveyed for the first Internet & Jurisdiction Global Status Report, released in November 2019. The dangerous spiral of uncoordinated policy initiatives, adopted under the pressure of urgency, could have long-term damaging consequences.

Participants at the 2<sup>nd</sup> and 3<sup>rd</sup> Global Conferences of the Internet & Jurisdiction Policy Network in Ottawa (2018) and Berlin (2019) identified legal interoperability as a key approach to avoid a legal arms race and reconcile the competing requirements of the digital economy, human rights and security, as we strive to protect the benefits of the cross-border internet.

Entering the new decade, the I&JPN has grown to engage stakeholders from over 300 key entities in more than 50 countries. They are governments, international organizations, the world's largest internet companies, important technical operators, major civil society groups and leading academics. The I&JPN continues to provide a neutral and safe space to inform decision-making, connect stakeholders and advance solutions, so that a critical mass of key actors can collaboratively address the cross-border legal challenges they have in common.

This Progress Report documents recent activities and the outcome-oriented methodology developed over the years at the service of the I&JPN's Members. This is a testimony to what can be achieved when stakeholders earnestly work together. The growing recognition of this work by major international actors, processes and media is a tribute to the dedicated stakeholders engaged in the I&JPN.

Intense and structured interactions over the last two years among over 140 Members of the three I&J Programs (Data, Content and Domains) have produced for the first time concrete proposals for operational Norms, Criteria and Mechanisms regarding specific challenges that are now on the top of the international agenda: cross-border access to electronic evidence, content moderation and restrictions, and DNS-level action to address abuses.

A continued willingness by key stakeholders to share information, coordinate, and cooperate is necessary to develop the innovative frameworks for policy-making that humanity needs.

As the I&JPN grows, matures and progresses, we are energized and encouraged by the measurable progress of the past two years, enabled by the strong support of our institutional and financial supporters. The I&J Secretariat is more committed than ever to serve this unique community of decision makers and thought leaders, and looks forward to the concrete outcomes they can achieve, ahead of the 4th Global Conference of the Internet & Jurisdiction Policy Network (2021).



**BERTRAND DE LA CHAPELLE**  
Executive Director & Co-Founder



**PAUL FEHLINGER**  
Deputy Executive Director & Co-Founder

# ENABLING ACTORS TO COLLABORATIVELY ADDRESS KEY TRANSNATIONAL POLICY CHALLENGES



The Internet & Jurisdiction Policy Network is a **unique organization** working to reconcile human rights and fighting abuses as well as enabling the digital economy.

**HENRI VERDIER**

Ambassador for Digital Affairs,  
Ministry of Foreign Affairs, France

Photo: Stakeholders at the 3<sup>rd</sup> Global Conference of the Internet & Jurisdiction Policy Network in Berlin, Germany

# A free, open and secure digital society cannot develop without innovative governance mechanisms to organize it and address the dangers that threaten it.

Since 2012, the Internet & Jurisdiction Policy Network facilitates a multistakeholder process addressing the transnational policy challenges of the digital 21<sup>st</sup> century.

## HIGHLIGHTS 2018/2019



**Launch of the Internet & Jurisdiction Global Status Report 2019** at the United Nations Internet Governance Forum (November 2019)



**3<sup>rd</sup> Global Conference of the Internet & Jurisdiction Policy Network in Berlin** (June 2019)



The Secretariat of the Internet & Jurisdiction Policy Network **grew to nine members from nine countries** (September 2019)



The Policy Network **was showcased at the Paris Peace Forum** (September 2018)




**A five year MoU was signed with the United Nations Economic Commission for Latin America and the Caribbean** (2018)

The **Operational Approaches documents** were released including 34 Norms, 31 Criteria and 3 Mechanisms to provide a common frame of reference for public and private decision-makers when developing policy standards (April 2019)

**G7 Ise-Shima Cyber Group** officially referenced the work of the Internet & Jurisdiction Policy Network in its Chair's Report, which was welcomed in the G7 Foreign Ministers' communique (April 2018)




**2<sup>nd</sup> Global Conference of the Internet & Jurisdiction Policy Network in Ottawa** (February 2018)

# PROVIDING THE CONNECTIVE TISSUE FOR INTERNET GOVERNANCE



The Internet & Jurisdiction Policy Network is a **positive example** of making sure that multistakeholder is really fully multistakeholder.

**SHARON BRADFORD FRANKLIN**

Policy Director, New America, Open Technology Institute  
and Co-Director, New America Cybersecurity Initiative

Photo: Alan Kessel, Assistant Deputy Minister, Department of Global Affairs Canada;  
Thomas Fitschen, Ambassador, Special Representative for Cyber Foreign Policy and Cybersecurity,  
Federal Foreign Office, Germany; Mary Uduma, Chair, Nigeria Internet Governance Forum (NIGF),  
3<sup>rd</sup> Global Conference of the Internet & Jurisdiction Policy Network in Berlin, Germany

# Connecting policy initiatives, processes and actors in the internet governance ecosystem and beyond.

Cooperation is important in a digital environment that is increasingly polarized, and where actors function in **policy silos**, with insufficient factual information. The Internet & Jurisdiction Policy Network serves as the connective tissue between stakeholder groups, regions, and policy sectors, as well as by bridging gaps within governments or organizations.

## THE COMMUNITY

6

STAKEHOLDER GROUPS



STATES



TECHNICAL OPERATORS



ACADEMIA

50+

COUNTRIES



INTERNET COMPANIES



CIVIL SOCIETY



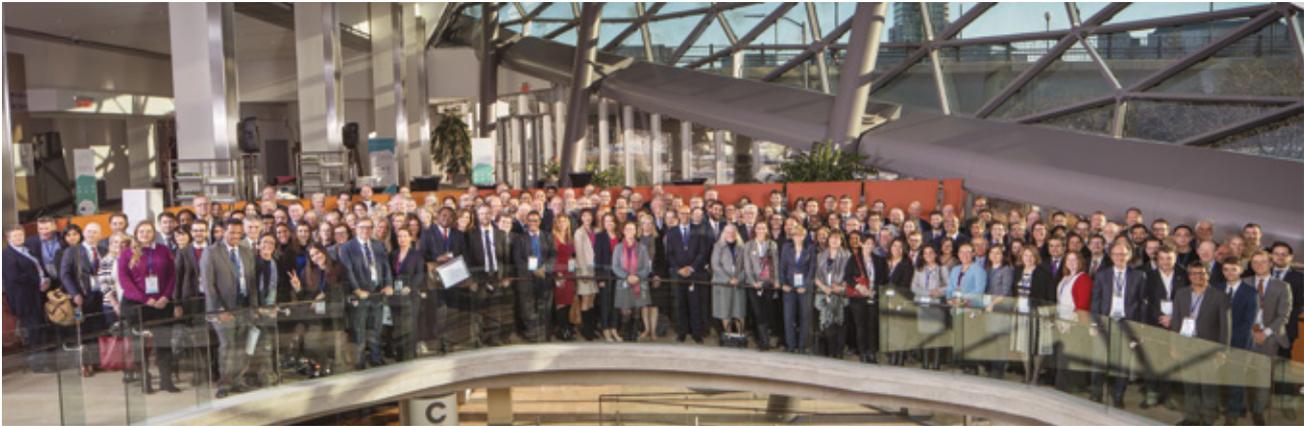
INTERNATIONAL ORGANIZATIONS

300+

ENTITIES

### Fostering

- > **Mutual respect** and understanding
- > **Responsible behavior**
- > **Willingness to explore** innovative policy approaches



2<sup>nd</sup> Global Conference of the Internet & Jurisdiction Policy Network, Ottawa, Canada

# ESTABLISHING COHERENCE AND COORDINATION

BETWEEN PUBLIC AND PRIVATE  
ACTORS TO GUARANTEE DUE  
PROCESS ACROSS BORDERS



A cornerstone of your work is **communication, coordination and cooperation**. These are essential.

**LEE TUTHILL**

Counsellor, Division of Trade in Services  
and Investment, World Trade Organization

Photo: Moutar Yedaly, Head, Information Society Division, African Union Commission;  
Vint Cerf, Vice President and Chief Internet Evangelist, Google; Lynn St Amour, Chair, Internet  
Governance Forum. 2nd Global Conference, Internet & Jurisdiction Policy Network, Ottawa, Canada

# The multistakeholder organization addressing the tension between the cross-border internet and national jurisdictions.

The Network strives to develop shared cooperation frameworks and policy standards that are as transnational as the internet itself. The Network promotes legal interoperability and the establishment of due process across borders. The Secretariat facilitates a neutral dialogue and policy process to build trust among the different actors and help them develop the operational solutions necessary for the coexistence of billions of people on the cross-border internet.

## MISSION



**INFORM**  
**The debates**  
to enable  
evidence-based  
policy innovation



**CONNECT**  
**Stakeholders**  
to build trust  
and coordination



**ADVANCE**  
**Solutions**  
to move towards  
legal interoperability

## Members of the High-Level Advisory Group of the Global Conference of the Internet & Jurisdiction Policy Network 2019

**FIONA ALEXANDER**, Associate Administrator, NTIA, Department of Commerce, USA; **PABLO BELLO**, Executive Director, Inter-American Association of Telecommunications Companies (ASIT); **VINT CERF** Vice President and Chief Internet Evangelist, Google; **MOEZ CHAKCHOUK** Assistant Director-General for Communication and Information, UNESCO; **MARIO CIMOLI**, Deputy Executive Secretary, UN Economic Commission for Latin America and the Caribbean (ECLAC); **ANRIETTE ESTERHUYSEN**, Senior Advisor on Internet Governance, Advocacy and Strategy, Association for Progressive Communications (APC); **KATHERINE GETAO**, ICT Secretary, Ministry of Information, Communications and Technology, Kenya; **HARTMUT GLASER**, Executive Secretary, Brazilian Internet Steering Committee (CGI.br); **BYRON HOLLAND**, President and CEO, Canadian Internet Registry Authority (CIRA);

**JANE HORVATH**, Senior Director, Global Privacy, Apple; **HECTOR HUICI**, Secretary of Information and Communications Technologies, Ministry of Modernization, Argentina; **BRIAN HUSEMAN**, Vice President, Public Policy, Amazon; **PAT KANE**, Senior Vice President, Naming and Directory Services, Verisign; **DAVID KAYE**, Special Rapporteur on Freedom of Expression, United Nations; **JAN KLEIJSSSEN**, Director of Information Society and Action against Crime, Council of Europe; **CASPER KLYNGE**, Tech-Ambassador, Ministry of Foreign Affairs, Denmark; **DAVID MCGOVERN**, Associate Deputy Minister, Department of Innovation, Science and Economic Development, Canada; **CORYNNE MCSHERRY**, Legal Director, Electronic Frontier Foundation (EFF); **PEARSE O'DONOHUE**, Director for Future Networks and Head of Unit for Cloud and Software, European Commission, DG Connect;

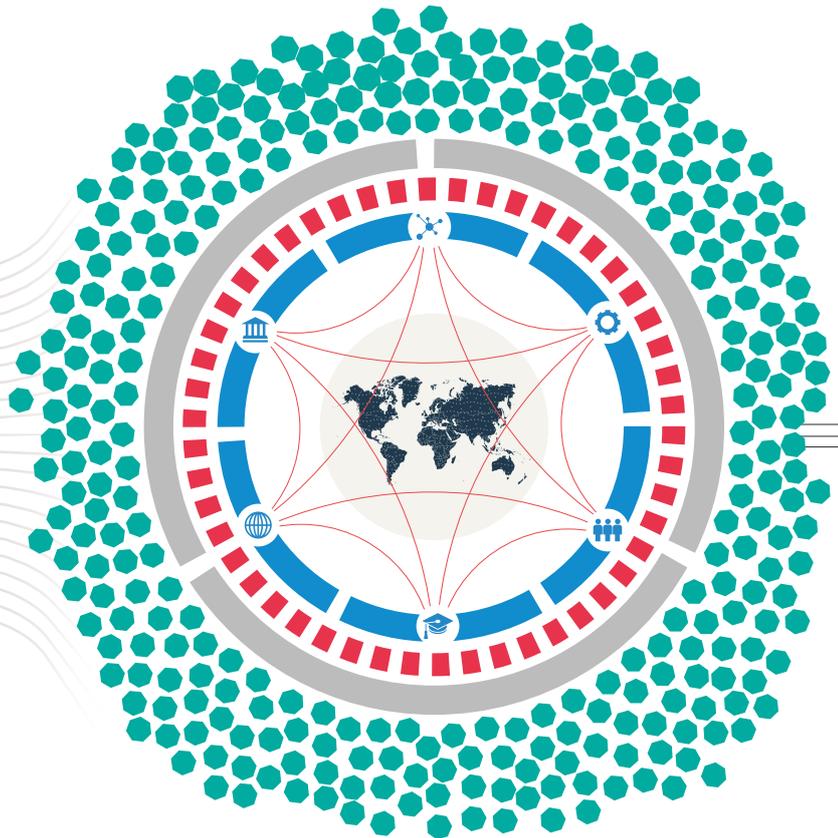
**MARIA PAZ CANALES**, Executive Director, Derechos Digitales; **NII QUAYNOR**, Chairman, Ghana Dot Com Ltd; **GULSHAN RAI**, National Cybersecurity Coordinator, Prime Minister's Office, India; **URI ROSENTHAL**, Commissioner and Special Representative, Global Commission on the Stability of Cyberspace (GCSC); **STEFAN SCHNORR**, Director General, Digital Innovation Policy, Federal Ministry for Economic Affairs and Energy, Germany; **ELI SUGARMAN**, Cyber Initiative, The William and Flora Hewlett Foundation; **THERESA SWINEHART**, Senior Vice President, Multistakeholder Strategy and Strategic Initiatives, ICANN; **MATHIEU WEILL**, Head of Digital Economy Department, Ministry of Economy and Finance, France; **MOCTAR YEDALY**, Head, Information Society Division, African Union Commission.

**THE CHALLENGE**

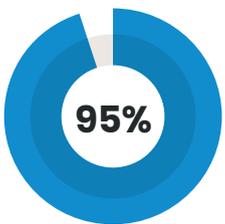
Most online interactions involve multiple jurisdictions at once. The world's legal frameworks were not designed for the cross-border internet, leading to an unprecedented proliferation of processes and potentially incompatible solutions.

The Internet & Jurisdiction Policy Network enables stakeholders to collaboratively address the transnational policy challenges of the digital 21<sup>st</sup> century to ensure policy coherence and coordination among initiatives, processes and actors. Stakeholders work together to enhance legal interoperability through the joint development of voluntary policy standards.

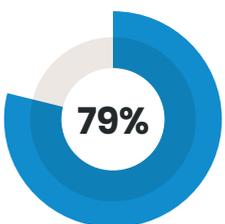
- 6 Stakeholders groups
- 50+ Countries
- 300+ Key entities
- Bridging Digital Economy, Human Rights and Cybersecurity



**Coordination is a must**



of surveyed stakeholders see **cross-border legal challenges** on the internet becoming **increasingly acute** in the next three years\*



consider that there is **insufficient international coordination**\*

\* Internet & Jurisdiction Policy Network (2019). Internet & Jurisdiction Global Status Report 2019

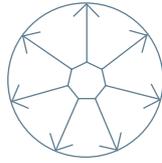
**KEY STAKEHOLDERS**

	<b>STATES</b>
	<b>INTERNET COMPANIES</b>
	<b>TECHINCAL OPERATORS</b>
	<b>CIVIL SOCIETY</b>
	<b>ACADEMIA</b>
	<b>INTERNATIONAL ORGANIZATIONS</b>

**POLICY PROGRAMS**

**3 Policy Programs** with multistakeholder Contact Groups

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



### INFORM THE DEBATES

To enable evidence-based policy innovation



#### I&J Global Status Report

The world's first comprehensive mapping of internet and jurisdiction trends, actors and initiatives. The Report includes data and statistics from key stakeholders from 5 continents.



#### I&J Regional Status Reports

Building on the Internet & Jurisdiction Global Status Report, Internet & Jurisdiction Regional Status Reports map key policy trends and statistics on a regional basis.



#### I&J Retrospect Database & Newsletter

A unique source of information to document emerging norms, identify trends and high-level patterns, inform policy discussions, and fuel research.



### CONNECT STAKEHOLDERS

To build trust and coordination among actors



#### Global Conferences of the Internet & Jurisdiction Policy Network

Provide important milestones in the ongoing work of the Internet & Jurisdiction Policy Network, gathering key decision-makers.

#### Past Global Conference hosts:

Germany (2019), Canada (2018), France (2016)

**Institutional Supporters:** Council of Europe, European Commission, ICANN, OECD, UN ECLAC, UNESCO



Regional and thematic meetings  
Enhance coordination and build capacity.



### ADVANCE CONCRETE SOLUTIONS

To move towards legal interoperability



**DATA & JURISDICTION PROGRAM**



**CONTENT & JURISDICTION PROGRAM**



**DOMAINS & JURISDICTION PROGRAM**

### Voluntary Policy Standards



#### NORMS

Helping actors organize their own behavior and mutual interactions



#### CRITERIA

Guiding actors who develop, evaluate and implement solutions



#### MECHANISMS

Offering concrete avenues for cooperation



# INFORM THE DEBATES TO ENABLE POLICY INNOVATION



Cross-jurisdictional issues are impacting us in a wide range of areas with emerging legislative initiatives and regulations. We are noticing the importance of these conversations, providing **factual information** and **technical expertise** to avoid unintended consequences of what are often well-intentioned initiatives.

**THERESA SWINEHART**

Senior Vice President, Multistakeholder Strategy  
and Strategic Initiatives, ICANN

# Informational asymmetry and mistrust between actors often result in uncoordinated policy action.

The Internet & Jurisdiction Policy Network facilitates pragmatic and well-informed policy making by framing issues and taking into account the diversity of perspectives, while documenting tensions and efforts to address problems.



The **I&J Retrospect Database** is a go-to, open access resource that informs stakeholders on trends and emerging norms. Since 2012, it has documented and indexed over **1800 important jurisdictional cases** from **100 countries**.



**I&J Framing papers** build understanding of the key policy topics explored in the Internet & Jurisdiction Policy Network Policy Programs on Data, Content and Domains.



We need to work together with the **strategic support** of I&J to increase awareness.

**PABLO BELLO**  
Executive Director, Inter-American Association of Telecommunications Companies (ASITET)



The Internet & Jurisdiction Policy Network informs global debates and studies about the cross-border internet. I&J Deputy Executive Director Paul Fehlinger was quoted in the **Mary Meeker's 2019 Internet Trends Report**, which was released at the Code Conference in Scottsdale, Arizona, United States, on June 11, 2019.



Recognizing the contribution of the Internet & Jurisdiction Policy Network to global governance, the organization was one of only 40 worldwide initiatives especially showcased at the inaugural **Paris Peace Forum** in 2018, gathering over 80 heads of government and international organizations.

## Media

As the need for multistakeholder cooperation to address issues of jurisdiction on the internet becomes increasingly evident, journalists around the world turn to Internet & Jurisdiction Policy Network for its insight and expertise. In 2018 and 2019, numerous articles were published citing and reporting on the work of the Network. Coverage came from international outlets including:





## Internet & Jurisdiction Global Status Report 2019

Responding to the urgent call for a mapping of global initiatives by stakeholders at the Global Conference of the Internet & Jurisdiction Policy Network in Ottawa (2018), the Network produced the world's first Internet & Jurisdiction Global Status Report 2019 which was launched at the **14<sup>th</sup> United Nations Internet Governance Forum** in Berlin, Germany.



The study, released this week, comes from the Internet & Jurisdiction Policy Network, **a high-level international organization that tries to get major Internet policy players to work more closely together.** The group's 2019 Status Report warns of a **“dangerous spiral of uncoordinated policy making” that threatens the cross-border nature of the Internet.**

**FORTUNE**  
2019

### KEY FINDINGS:

**95%** of surveyed stakeholders agree that **cross-border legal challenges** on the internet will become **increasingly acute** in the next three years.

**79%** of them consider that there is **insufficient international coordination** and coherence to address cross-border legal challenges on the internet.

**ONLY 15%** of them believe that we already have the right **institutions to address these challenges.**



Internet & Jurisdiction Special Session at United Nations Internet Governance Forum 2019, Berlin, Germany.

# From the Community to the Community

The Report’s findings are based on data coming out of an unprecedented and innovative large-scale collaborative contribution and review process. It combines detailed desk research with a global data collection from over **150 key stakeholders** – states, internet companies, technical operators, civil society, academia and international organizations from five continents.



“The report is a **first-of-its-kind resource for evidence-based policy making**. It illustrates the sheer scale of uncoordinated policy initiatives and the impact this is having on our ability to address cross-border legal challenges on the internet”

**PROFESSOR DR. DAN SVANTESSON**  
Author of the Report, Bond University



A coalition of four important public actors enabled the production of this pioneering Report:



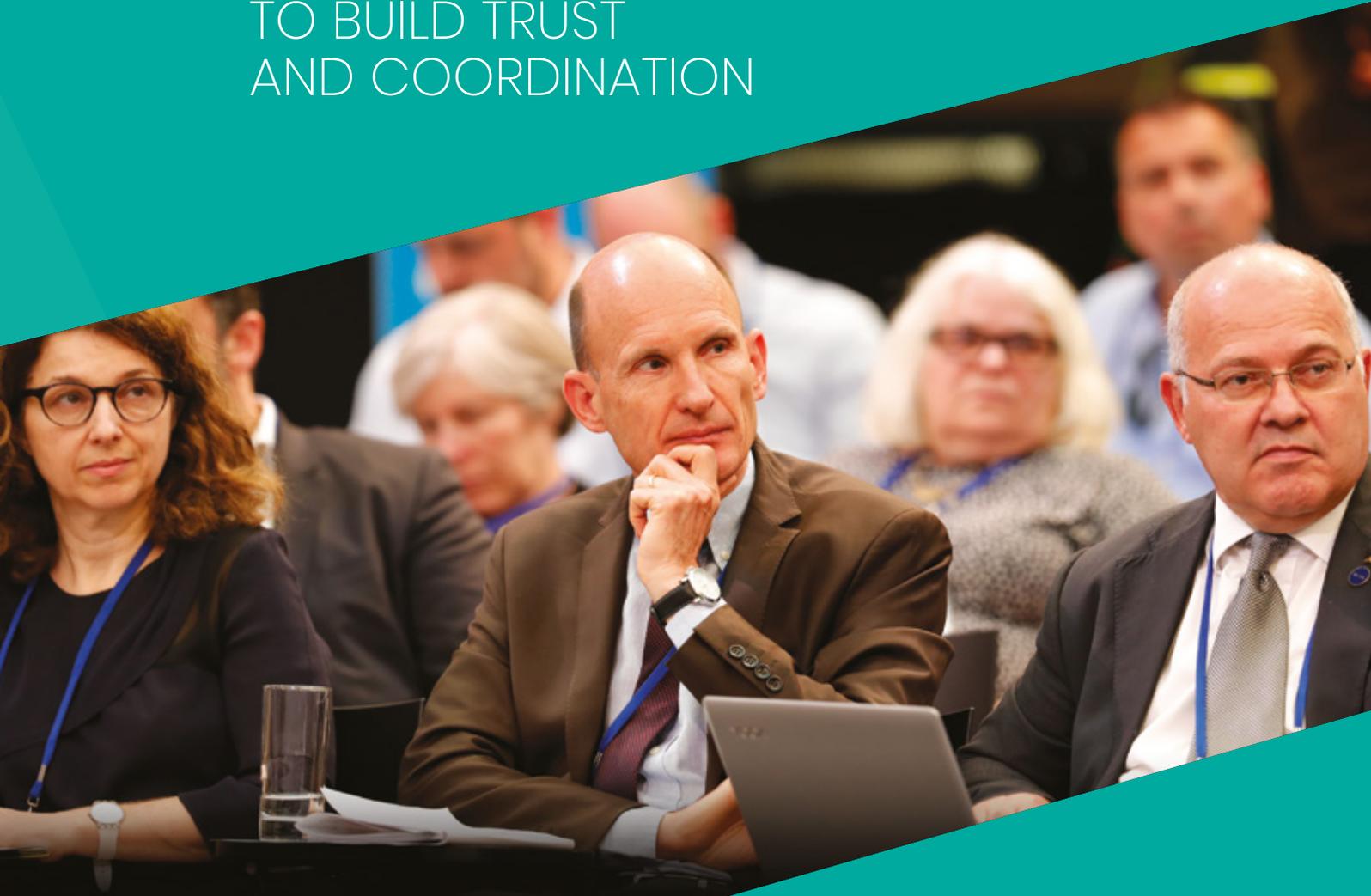
The Report creates a baseline against which future Internet & Jurisdiction Global and Regional Status Reports will be undertaken.

The Internet & Jurisdiction Policy Network and the United Nations Economic Commission for Latin America and the Caribbean (UN ECLAC) have partnered to produce the Internet & Jurisdiction and UN ECLAC **Regional Status Report in 2020**





# CONNECT STAKEHOLDERS TO BUILD TRUST AND COORDINATION



We believe that the Internet & Jurisdiction Policy Network, which **involves major governments, civil society, academia, international organizations, as well as global internet companies and technical operators**, plays a critical role to facilitate free flow of data. It is clear that dialogue will bring better interoperability of systems and norms.

**HIROKI HABUKA**

Deputy Director, Digital Economy Policy Division,  
Japan, Ministry of Economy, Trade and Industry

Désirée Miloshevic, Senior Advisor of International Affairs and Public Policy, Afilias; Jan Kleijssen, Director of Information Society and Action against Crime, Directorate General Human Rights and Rule of Law, Council of Europe; Mauricio, Pazini Brandao, Secretary for Applied Technologies Ministry of Science, Technology, Innovation and Communication, Brazil, 3rd Global Conference of the Internet & Jurisdiction Policy Network in Berlin, Germany

**As the “convener of conveners”, the Internet & Jurisdiction Policy Network connects relevant actors to bridge policy silos and align agendas. It provides a safe space for actors to test innovative policy solutions and develop long-standing relationships.**

In 2018/2019 the Internet & Jurisdiction Policy Network organized or participated in **37** events in **18** countries.



Bertrand de La Chapelle, Paul Fehlinger and Mario Cimoli, Deputy Executive Secretary, United Nations Economic Commission for Latin America and the Caribbean (ECLAC), UN ECLAC Headquarters in Santiago, Chile



In February 2019, the Internet & Jurisdiction Policy Network signed a 5-year Memorandum of Understanding with the United Nations Commission for Latin America and the Caribbean (ECLAC). It will further enhance the engagement of stakeholders from the region in the Network.

On November 22, 2018, UN ECLAC and the Internet & Jurisdiction Policy Network organized a regional conference “Challenges in an Interconnected World: Cross-border Data Flows, Data Protection and Cybersecurity” in Santiago, Chile.

I am impressed with how this process has **aligned many voices**.

**KATHERINE GETAO**  
ICT Secretary, Ministry of Information, Communication, and Technology, Kenya

The ability to have a **safe space** to hold these conversations, we appreciate that wholeheartedly.

**GAIL KENT**  
Global Policy Manager, Facebook

The Internet Is Broken. Can This Group Fix It?

**POLITICO**  
2018

By definition, however, no single body working alone can counteract the fragmentation of rules governing data flows. Instead, it calls for **multistakeholder dialogue and cooperation of the kind that helps keep the internet’s technical infrastructure running**. This is something [that] the Internet & Jurisdiction Policy Network is working to achieve.



2018



# Global Conferences of the Internet & Jurisdiction Policy Network

The Global Conferences are important milestones in addressing one of the greatest global governance challenges of the 21<sup>st</sup> century: **how to manage the coexistence of vastly diverse national laws in the digital society.**



Partners:



Canada



Institutional Supporters:



The events and their outcomes receive significant international attention and have been presented in various international organizations and policy processes, such as the United Nations Internet Governance Forum and the G20. The Global Conferences of the Internet & Jurisdiction Policy Network have been covered in media outlets including The Economist, Financial Times, the Washington Post, and Politico.



The internet presents a series of thorny and important issues, and our responses to them will affect the future of free expression, due process and privacy. We must get this right, and the 3<sup>rd</sup> Global Conference of the Internet & Jurisdiction Policy Network is a **crucial forum** to help us do so.

**CORYNNE MCSHERRY**

Legal Director,  
Electronic Frontier Foundation (EFF)



The Internet & Jurisdiction Policy Network has gathered more than 200 global lawmakers, corporate executives and members of civil society for a three-day conference in Ottawa, Canada this week to figure out how to set global rules for the internet.

**POLITICO**

2018

## 2<sup>nd</sup> Global Conference, Ottawa, February 2018



On February 26–28, 2018, **over 200 senior-level** participants from governments, major internet companies, technical operators, civil society, academia and international organizations from more than **40 countries** met in Ottawa, Canada, for the 2<sup>nd</sup> Global Conference of the Internet & Jurisdiction Policy Network.

The resulting **Ottawa Roadmap** aligned stakeholders' objectives towards policy coherence and joint action.



Navdeep Bains, Minister, Innovation, Science and Economic Development, Canada at the 2<sup>nd</sup> Global Conference in Ottawa, Canada



Canada is **pleased to support the Internet & Jurisdiction Policy Network**. We know that it is important to take the time to think about the internet and the future of society.

### **NAVDEEP BAINS**

Minister of Innovation, Science and Industry,  
Ministry of Innovation, Science and Economic  
Development, Canada

## 3<sup>rd</sup> Global Conference, Berlin, June 2019

Almost **300 key stakeholders from over 50 countries** gathered in Berlin, Germany, for the 3<sup>rd</sup> Global Conference of the Internet & Jurisdiction Policy Network on June 3–5, 2019.



3<sup>rd</sup> Global Conference of the Internet & Jurisdiction Policy Network in Berlin, Germany

Ahead of the Conference, the **Operational Approaches** documents were released. Produced by the Network's three Policy Programs, the documents contain Operational Norms, Operational Criteria and Operational Mechanisms.

The resulting **Berlin Roadmap** contained Work Plans to structure further efforts until the 4<sup>th</sup> Global Conference.



# ADVANCE SOLUTIONS TOWARDS LEGAL INTEROPERABILITY



The OECD welcomes the work of the Internet & Jurisdiction Policy Network, not only for **what you are accomplishing, but also for how you are doing it**. We at the OECD certainly appreciate the global and voluntary nature of the Internet & Jurisdiction Policy Network.

**ULRIK VESTERGAARD KNUDSEN**  
Deputy Secretary-General, OECD

Photo: Robert Young, Legal Counsel, Canada, Department of Global Affairs  
at the 3<sup>rd</sup> Global Conference of the Internet & Jurisdiction Policy Network in Berlin, Germany

# 3 Programs addressing concrete cross-border legal challenges

At the 1<sup>st</sup> Global Conference of the Internet & Jurisdiction Policy Network in 2016, stakeholders highlighted the risk of a **legal arms race** resulting from uncoordinated and unrestrained application of territoriality. Policy Network members had identified three very concrete cross-border legal challenges that traditional modes of international cooperation struggle with.

## Cross-border access to electronic evidence

### DATA & JURISDICTION PROGRAM

Criminal investigations increasingly require access to user information stored by service providers outside of the investigating country. Yet, existing systems for cross-border access to such data are under stress or provide limited procedural guarantees. New regimes are needed to ensure transnational due process, efficiency, and avoid data localization.

## Content moderation and restrictions

### CONTENT & JURISDICTION PROGRAM

Content posted on the internet is globally accessible by default, but it can be deemed illegal or harmful in light of human rights standards, national laws or companies' terms of service. Growing concern regarding a diversity of abuses forces actors to redefine their respective responsibilities in identifying such content, evaluating the balance between rights and harm and choosing proportionate action, with proper avenues for recourse.

## DNS-level action to address abuses

### DOMAINS & JURISDICTION PROGRAM

Suspension of a Domain Name has a global impact and is only justified if a sufficient threshold of harm is met. It is essential to clearly identify when and under which procedural conditions action at the DNS level is appropriate to address abuses on underlying sites.

## Legal interoperability

### Reconciling the need for collective solutions with the autonomy of diverse actors

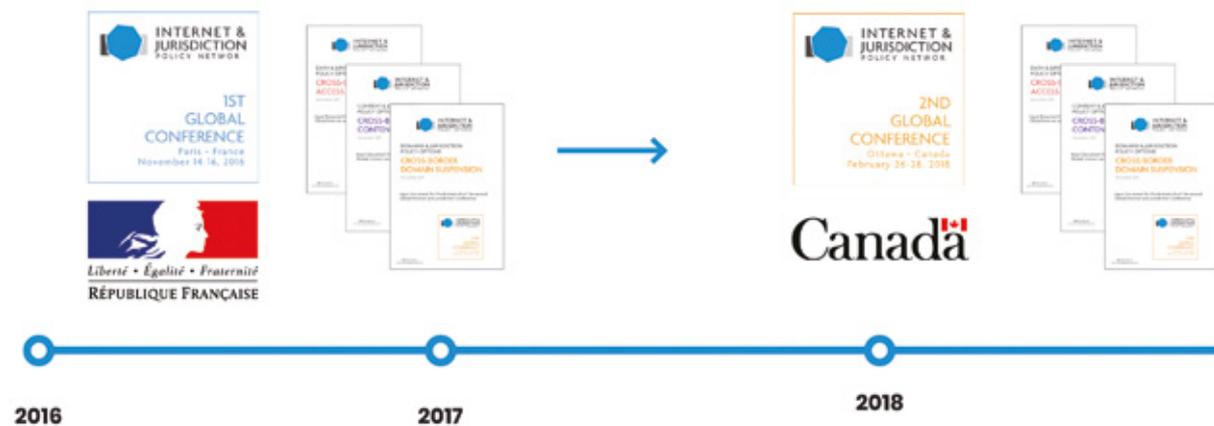
Full harmonization to address these challenges is unrealistic and often undesirable: national laws reflect local preferences and numerous independent actors are implicated. The Internet & Jurisdiction Policy Network therefore promotes a balanced and scalable approach, aiming for legal interoperability, taking inspiration from the fundamental principle that enabled the success of the internet and the World Wide Web.

# A structured methodology towards legal interoperability

The Internet & Jurisdiction Policy Network strives to foster a new approach to transnational policy-making. Its innovative methodology engages diverse actors to collectively develop solutions to the problems they face. From framing problems in common to developing operational approaches, stakeholders achieved significant progress in 2018/2019.

## FRAMING COMMON PROBLEMS

## SETTING COMMON OBJECTIVES



Issues can best be addressed when formulated as problems that stakeholders have in common rather than with one another.

Reflecting exchanges among stakeholders, **Framing Papers** were developed in 2017 by the Secretariat for each of the topics addressed in the Programs.

This helped actors build a shared vernacular and identify key areas for cooperation.

Dedicated Contact Groups identified the key structuring questions that could structure new models of transnational cooperation.

The resulting **Policy Options documents** served as input for the 2<sup>nd</sup> Global Conference of the Internet & Jurisdiction Policy Network in Ottawa, in February 2018, where stakeholders defined common objectives and a Roadmap to ensure better policy coherence and structure further work.

### Convening actors that have the expertise and willingness to develop solutions

For each Program, a Contact Group engages a selected set of global actors from governments, internet companies, technical operators, civil society, leading universities and international organizations. The work in each Contact Group is facilitated by a neutral Coordinator and Working Group Facilitators, appointed by the Secretariat for their outstanding expertise and standing in the community, they serve in their personal capacity.

### DATA & JURISDICTION PROGRAM

#### CONTACT GROUP COORDINATOR:



**Robert Young**  
Legal Counsel, Global Affairs Canada

#### WORKING GROUP FACILITATORS 2018/2019:



**Sharon Bradford Franklin**  
Policy Director, New America's Open Technology Institute and co-director of New America's Cybersecurity Initiative.



**DeBrae Kennedy-Mayo**  
Research Faculty Member, Georgia Tech



The internet is like a global highway for global citizens. A highway everyone connects to, but no country has exclusive control over, and this is **calling for reinvention** of how we approach each situation.

**WAISWA ABUDU SALLAM**

Head Legal Affairs, Uganda Communications Commission

**DEVELOPING COMMON APPROACHES**



APRIL 2019

**FOSTERING LEGAL INTEROPERABILITY**



JUNE 2019

Intense work in Contact Groups to develop scalable, interoperable and resilient solutions produced **Operational Approaches** proposing:

- Norms** – to help actors organize their own behavior and mutual interactions
- Criteria** – to guide actors who develop, evaluate & implement solutions
- Mechanisms** – that offer concrete avenues for cooperation

This served as input in the 3<sup>rd</sup> Global Conference of the Policy Network in Berlin in June 2019.

The **Berlin Roadmap** set the 2019/20 Contact Groups to conduct further work to help develop legal interoperability in two dimensions:

- Interoperability between actors:** to enable automation of the technical workflow among public authorities and private actors across borders to ensure due process at scale.
- Interoperability between norms:** to reduce the potential of conflicts in rule-setting, implementation and enforcement among different regimes.

**CONTENT & JURISDICTION PROGRAM**

**CONTACT GROUP COORDINATOR:**



**Professor Wolfgang Schulz**  
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**DOMAINS & JURISDICTION PROGRAM**

**CONTACT GROUP COORDINATOR:**



**Maarten Bottermann**  
Director of GNKS Consult and  
Director, ICANN Board

**WORKING GROUP FACILITATORS 2018/2019:**



**Brian Cimboic**  
Vice President, General Counsel,  
Public Interest Registry (PIR)  
Brian became the Program Coordinator  
in September 2019.



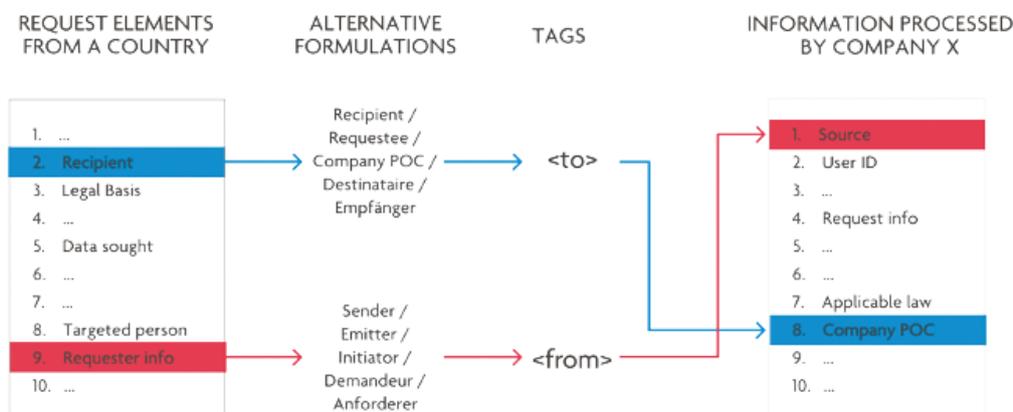
**Susan Chalmers**  
Internet Policy Specialist, United States  
Department of Commerce

# Operational Approaches in practice

Some examples

## A mechanism to facilitate processing of cross-border e-evidence requests

Companies and law enforcement across countries have differing approaches regarding the formats they use for issuing or handling cross-border requests/orders for electronic evidence. Instead of aiming for a difficult to achieve harmonization, the Data & Jurisdiction Program Contact Group proposed the development of a **Mark-up Language** and **Interoperability Tags** for requests/ orders.



Source: Data & Jurisdiction Program Operational Approaches 2019 p.37, Operational Mechanism



3<sup>rd</sup> Expert Group Meeting on "Lawful Access to Digital Data Across Borders" New York. Credit : UN Counter-Terrorism Committee Executive Directorate (CTED)

On November 14-15, 2019 a meeting on "**Lawful Access to Digital Data Across Borders**" was co-organized in New York by the I&J Secretariat, the United Nations Counter Terrorism Committee Executive Directorate (UN CTED), the United Nations Office on Drugs and Crime (UNODC), and the International Association of Prosecutors (IAP).

The tagging approach was welcomed there as an effective way to handle the broad diversity of request formats. UN CTED, UNODC, IAP and I&J continue to work on this topic.

On November 22, 2019, Bertrand de La Chapelle, Executive Director of the Internet & Jurisdiction Policy Network, presented the work of the Data & Jurisdiction Program at the **Council of Europe Octopus Conference**.

The presentation highlighted the normative and technical dimensions of legal interoperability.



Bertrand de La Chapelle delivers Lightning Talk at Council of Europe Octopus Conference.

## Helping actors collectively define types of DNS abuses

DNS Operators receive cross-border requests to take action against domain names allegedly associated with technical abuse or problematic content.

To provide a common understanding between stakeholders on the different types of DNS abuse, the Domains & Jurisdiction Program Contact Group drafted a set of descriptions of different types of technical abuses, as well as website content abuse, for which Registries and Registrars often receive such requests.

On October 17, 2019 eleven Registries and Registrars came together to put forward a **'Framework to Address Abuse'**. The framework makes explicit references to Criteria A (Types of Abuse) of the Domains & Jurisdiction Operational Approaches and draws on this understanding to define DNS abuse and how to address such abuse at the DNS level when appropriate.



Domains & Jurisdiction Program Operational Approaches 2019 p.20, Operational Criteria



We're entering a new phase of hyper regulation," said Paul Fehlinger, the Deputy Executive Director of the Internet and Jurisdiction Policy Network, an organization established to understand how national laws affect the internet.

**The New York Times**

2019

## Providing principles to help guide content restriction decisions

On 7 November, 2019, the Director of the Content & Jurisdiction Program, Frane Maroevic, testified before the 3<sup>rd</sup> International **Grand Committee on Disinformation** in Dublin, which investigates the spread of online disinformation and "fake news".

The Grand Committee comprises lawmakers from 12 Parliaments and the meeting included representatives from the governments, investigating the spread of online disinformation and "fake news".

The meeting was the third of the Committee and included representatives from the governments of Australia, Estonia, Finland, Georgia, Ireland, Singapore, United Kingdom, United States, as well as Facebook, Twitter, Google, Web Foundation and the InterParliamentary Union, among others.

The event provided an important opportunity to present the results of the work of stakeholders in the Content & Jurisdiction Program. It in particular allowed for the dissemination of a key operational norm of **Geographically Proportionate Restrictions**, taking into account International Normative Coherence, as detailed in Criteria G of the Content & Jurisdiction Operational Approaches.



Frane Maroevic, Director, Content & Jurisdiction Program, 3<sup>rd</sup> International Grand Committee on Disinformation in Dublin.

## S E C R E T A R I A T

The Secretariat consists of nine members from nine countries. Reflecting the multistakeholder nature of the organization, they combine experiences from international careers in different sectors spanning governments, private companies, international organizations, and NGOs.



**BERTRAND DE LA CHAPELLE**, Executive Director & Co-Founder, has been a determined promoter and pioneering implementer of multistakeholder governance processes for more than 20 years, building upon his diversified experience as a career diplomat and French digital Ambassador, ICANN Board Member, civil society actor, and tech entrepreneur as the founder of a virtual reality company in the 1990s.



**PAUL FEHLINGER**, Deputy Executive Director and Co-founder. His comments on the future of the internet and the digital economy have been featured, among others, in *The Economist*, *New York Times*, *Fortune*, *Politico*, *Euronews*, *Slate*, *Die Zeit*, or by the Council on Foreign Relations. He is a regular speaker at international fora, including in the past at the United Nations, OECD, European Commission, Council of Europe, the G7 process, or the WTO.



**MARTIN HULLIN**, Director of Operations and Knowledge Partnerships, was previously in charge of the formalization of a leading global renewable energy policy network and worked as a Consultant for the United Nations Environment Program and GIZ. He has also served as an international focal point for cross-sectoral collaboration between numerous governments and international organizations.



**FRANE MAROEVIC**, Director, Content & Jurisdiction Program, has over 20 years of extensive experience in international relations, media and governance. Most recently, he worked on freedom of expression and media freedom as the Director for the OSCE (Organization for Security and Cooperation in Europe) Representative on Freedom of the Media (2015–2019), where he participated in key internet governance processes.



**HAN SOAL PARK**, Director, Data & Jurisdiction Program, was a legal officer for ICT-related topics at the United Nations Security Council's Counter Terrorism Committee Executive Directorate (CTED), focusing on the preservation and use of digital data and evidence for cross-border investigations, in line with the UN Security Council Resolution 2322 (2016). Before joining UN CTED, she worked as a protection/legal officer for the United Nations High Commissioner for Refugees.



**ELIZABETH BEHSUDI**, Director, Domains & Jurisdiction Program, has over 20 years of combined experience as a lawyer, at firms and in-house, representing clients in a wide array of commercial disputes in both the United States and in international cross-border cases. Prior to joining the Internet & Jurisdiction Policy Network, Elizabeth was the Vice President and General Counsel of Public Interest Registry (2012–2019), the manager of .org.



**AJITH FRANCIS**, Policy Programs Manager, was a Consultant at the Government of India Planning Commission's 'India Backbone Implementation Network'. Working for this intra-governmental startup, he coordinated stakeholder groups to help reform the process of developing and implementing India's policy plans. Ajith was also a Digital Marketing Account Planner at Google Inc. and gained experiences at UN Environment.



**SOPHIE TOMLINSON**, Communications and Outreach Manager, previously worked as Deputy Director, Global Policy at the International Chamber of Commerce (ICC) where she led work on sustainable development, digital transformation and stakeholder engagement. Since joining ICC in 2014, Sophie delivered roles across ICT, digital media, taxation and trade facilitation portfolios.



**HEDVIG NAHON**, Events and Communications Officer, previously worked at the UNESCO Headquarters Section for Freedom of Expression and Media Development, as well as at the World Association of Newspapers and News Publishers (WAN-IFRA), where she was a Project Assistant in the Media Freedom Division. She has also worked in the field of corporate philanthropy and partnerships in the private sector.

## S U P P O R T E R S

The work of the organization has been made possible thanks to the support by the following leading entities from all stakeholder groups in 2018-2019.

### Institutional Supporters



### Global Conference Partners



### Financial Supporters 2018-2019



## P R O G R A M C O N T A C T G R O U P S

The Secretariat would like to thank all Program Contact Group Members for their hard work and dedication.

## F I N A N C E S

The Secretariat of the Internet & Jurisdiction Policy Network is non-profit and neutral, financed through a multistakeholder funding pool.

### BUDGET OVERVIEW IN EURO

	2018	2019
Contributions Received	708 830	955 123
Personnel	502 688	641 850
Events and Travel	40 270	80 802
Other Expenses	132 389	203 744

The Internet & Jurisdiction Policy Network is the multistakeholder organization addressing the tension between the cross-border nature of the internet and national jurisdictions.

Its Secretariat facilitates a global policy process between key stakeholders to enable transnational cooperation and policy coherence. Participants in the Policy Network work together to preserve the cross-border nature of the internet, protect human rights, fight abuses, and enable the global digital economy. Since 2012, the Internet & Jurisdiction Policy Network has engaged more than 300 key entities from different stakeholder groups around the world, including governments, the world's largest internet companies, the technical community, civil society groups, leading universities and international organizations.