

IGF 2014 Flash Session: Internet & Jurisdiction Project Report

The Internet & Jurisdiction Project Flash Session allowed the secretariat of the global multi-stakeholder dialogue process to update participants at the IGF about the intersessional work of the Internet & Jurisdiction Project conducted since the IGF 2013 in Indonesia.

The session was an opportunity to present and discuss the emerging transnational due process framework elaborated by over 70 key entities around the world from international organizations, states, Internet platforms, technical operators, civil society and academia.

In 2013, participants in the global dialogue process identified six fundamental building blocks for such a transnational framework: Authentication, Transmission, Traceability, Determination, Safeguards and Execution.

Numerous consultations with stakeholders around the world have since then defined corresponding operational components related to the phases of request submission and request handling.

REQUEST SUBMISSION

Interoperability between requesters and requestees can be achieved via two components establishing due process and transparency by design:

A standardized format structuring requests through a shared set of markup tags to specify, among others:

- Authenticated Points of Contact for requesters and requestees
- Request type and category
- National legal basis and procedure
- Request details and justification for necessity and proportionality

REQUEST HANDLING

Mutualized databases, automatically collecting relevant elements in each request, to allow:

- Production of transparency reports by multiple actors from open data statistics
- Progressive compilation of the relevant national laws and procedures
- Request logging

Beyond the mechanisms above, participating stakeholders have identified the need to further enhance how requests are processed and potential tensions across jurisdictions are handled:

Improving the decision-making workflow used by platforms and operators in response to transborder requests:

- How to develop common procedural norms and standards?
- How to define shared sets of criteria?
- Would neutral advisory panels be useful in situations of uncertainty?

Construction of transnational dispute management mechanisms to safeguard users' rights and diffuse tensions:

- How to ensure contradictory procedures?
- How to establish procedural appeals?
- What pre-established mechanisms can foster dialogue between parties in situations of tension?

NEXT STEPS

Moving forward, the Internet & Jurisdiction Project roadmap will be organized around the following tracks:

- Intensive stakeholder interactions and outreach to further refine and validate the draft framework
- Design of the system's technical specifications
- Detection, documentation and formalization of emerging procedural norms and standards
- Definition of dispute management channels and procedures
- Preparation of a pilot implementation with a core group of entities