



THE INTERNET & JURISDICTION GLOBAL STATUS REPORT 2019

WHY THE REPORT?



In response to the **urgent call for mapping of global initiatives** by over 250 senior-level stakeholders from 50 countries at the Global Conferences of the Internet & Jurisdiction Policy Network in Ottawa (2018) and Berlin (2019).

The **first of its kind overview and documentation** of past, current and emerging trends, relevant actors and proposed solutions to the major cross-border legal policy challenges facing our connected society.

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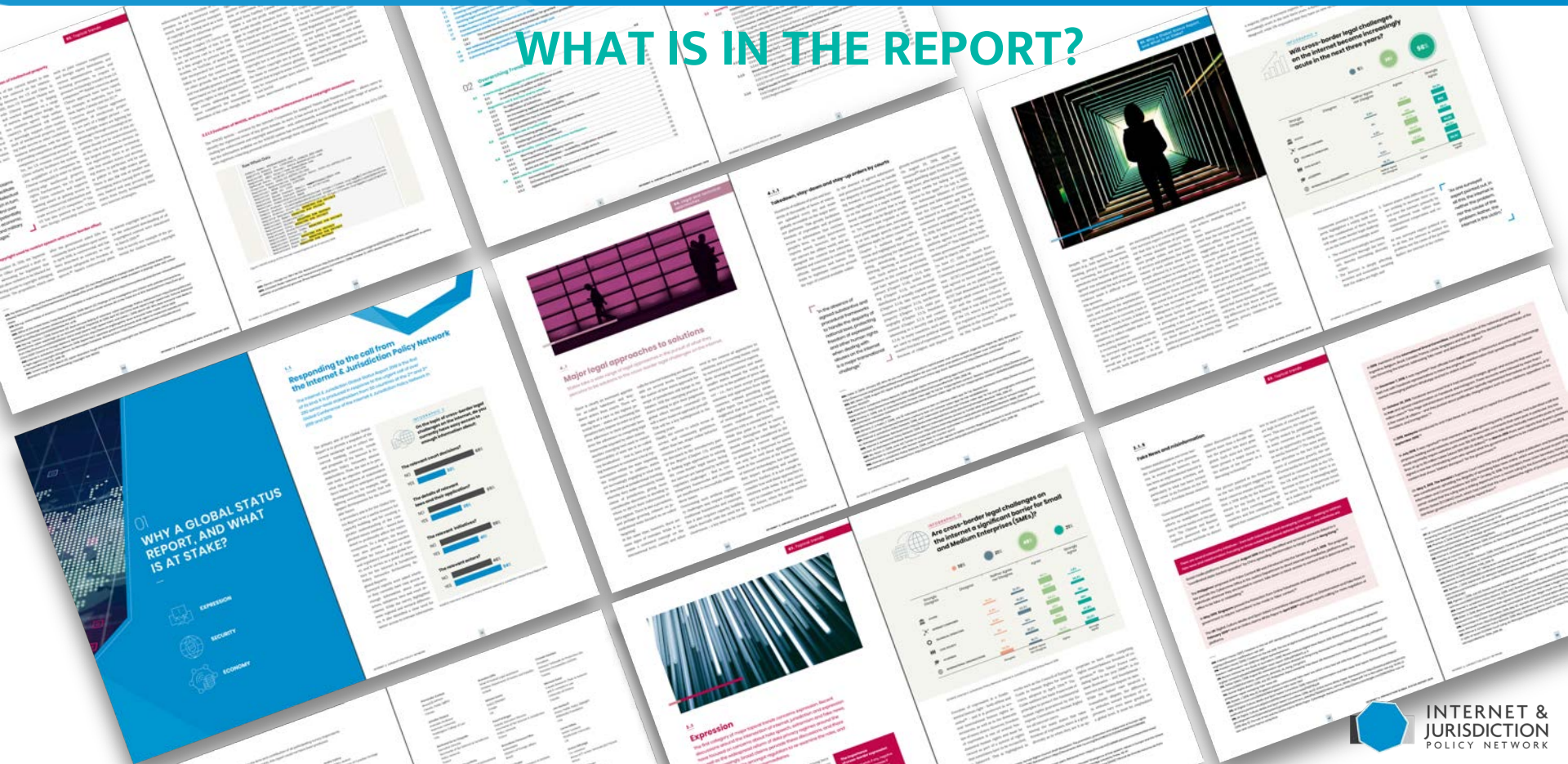
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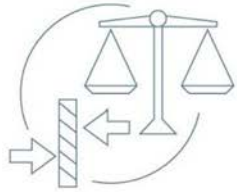
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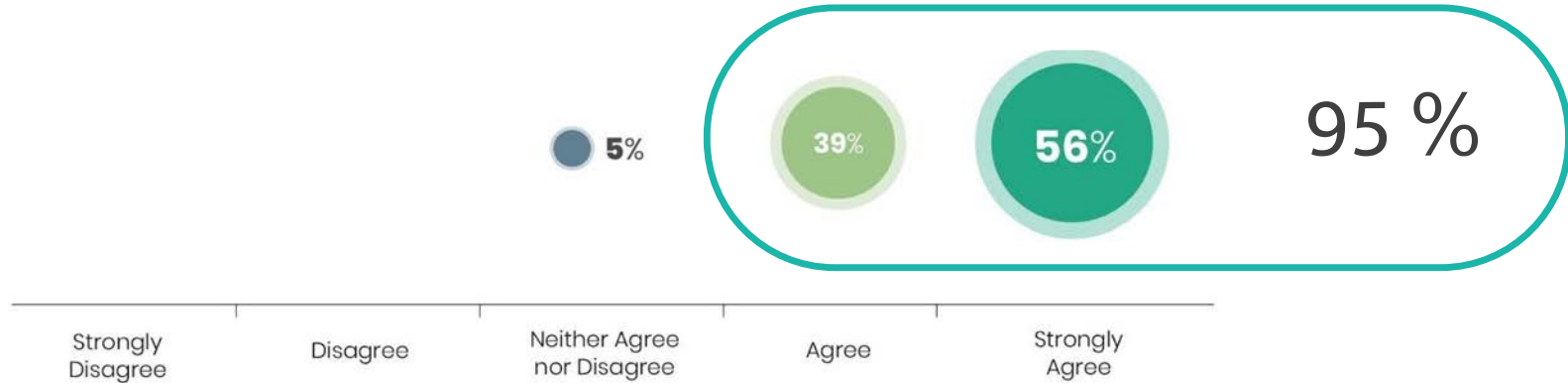
WHAT IS IN THE REPORT?



A STRONG MESSAGE OF CONCERN



Will cross-border legal challenges on the internet become increasingly acute in the next three years?



Growing concerns over **abuses, uncoordinated proliferation of initiatives, legal uncertainty**



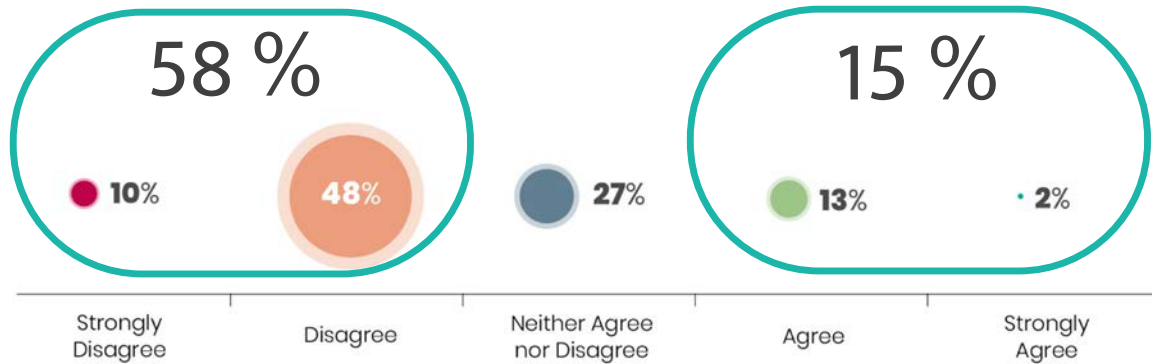
Is there sufficient international coordination and coherence to address cross-border legal challenges on the Internet?



**MORE
COORDINATION
IS A MUST**



Do we have the right institutions to address cross-border legal challenges on the internet?



**THIS DEMANDS
GOVERNANCE
INNOVATION**

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A DANGEROUS SPIRAL

A **legal arms race** of uncoordinated, reactive, quick-fix and potentially incompatible public and private policy initiatives:

- Creates **competing assertions of jurisdiction** where compliance with one state's law can result in a direct violation of other states' laws;
- Actually **prevents actors from efficiently addressing abuses** online;
- **Hampers digital innovation and growth** of the internet economy, especially in **developing countries and for SMEs**;
- Favors the **rule of the strongest**.



Due to the norm setting process, and extraterritorial assertions of jurisdiction, in some regions, individuals, organizations and even states feel **subjected to online rules developed without them** in a country far away.



INTERNET & JURISDICTION
GLOBAL STATUS REPORT 2019



INTERNET & JURISDICTION AND UN ECLAC
REGIONAL STATUS REPORT



INTERNET & JURISDICTION
GLOBAL STATUS REPORT 2021





THE UN ECLAC AND INTERNET & JURISDICTION REGIONAL STATUS REPORT 2020

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WHY A REGIONAL REPORT?



Responds to a call of regional consolidation of available information and is part of the 5 year MoU signed between the Internet & Jurisdiction Policy Network and UN ECLAC

Advances the regional debate concerning the definition and application of online legislation and catalyzes the development of a shared framework

Provides an indispensable mapping and analysis of the regional ecosystem

Set up and strengthening of a **Regional Contributors Network**

Capacity building for relevant stakeholders on cross-border legal topics associated with the digital transformation

Helps to **prevent the impact of unintended consequences** of uncoordinated action of a wide range of actors and initiatives

DOMESTIC INITIATIVES, FOREIGN INSPIRATION



Do foreign regulatory approaches (e.g. EU or the U.S.) inspire initiatives in the LAC Region?



Very much

Rather much

To some extent

Only a little

Source: Based on 50+ contributions from high-level stakeholders throughout LAC

CROSS-FERTILIZATION OR REPLICATION PROCESS?

TWO EXAMPLES

The “Right to be Forgotten”

Costeja case (ECJ, 2014)

Privacy Protection

(EU GDPR, 2018)

Global concepts or different perceptions in the LAC region?

NEW RESPONSIBILITIES ON PRIVATE ACTORS

- Pushed to strengthen their **content moderation** capabilities;
- E-commerce and marketplaces compelled to implement proactive measures to curb **intellectual property** violations;
- Failing to comply with judicial/administrative orders leads to the **blocking of apps**.

App blocking is on the rise in the region.



REGIONAL COORDINATION IS ESSENTIAL



Is there sufficient international coordination and coherence to address cross-border legal challenges on the Internet?

87%

No

13%

Neither agree or disagree

Source: Based on 50+ contributions from high-level stakeholders throughout LAC

Coordination is key to a **LAC digital single market**. Priority areas:
Consumer and data protection, digital payments and tax regimes.

Corruption scandals have fostered regional cooperation among law enforcement.

This has created the conditions for the standardization of cross-border **data transfers** in the region.

LAUNCH SCHEDULE IN 2020



- **Summary Report (Key Findings)** launched in Q3 2020 during a dedicated **virtual event**.
- **Regional follow up activities.** Contact the I&J Secretariat if you are interested to engage.
- **Full report released in Q4 2020** to an audience in Latin America and the Caribbean
- The newly set up **Regional Contributors Network** will be regularly invited to share ongoing progress. It will feed into I&J's global mapping activities and to showcase regional developments to stakeholders in other regions.