



2023 PARIS

Newsletter
N° 17, August 2023



Interview with Pierre-Olivier Savoie

Founding partner of Savoie Arbitration

1) You are a long-standing member of the ILA/ADI. Can you explain why you chose to join and what the association brings you?

Shortly after I arrived in Paris from Ottawa, about ten years ago, two old friends offered to refer me to join the ILA/ADI. This allowed me to meet other internationalists in an environment different from the conferences by and for practitioners to which I was more used to. The ILA/ADI is a friendly setting where you can learn about a wide range of issues relating to both public and private law, which are always relevant and topical, and which you would not necessarily have had the opportunity to deal with in depth otherwise. Having said that, I've noticed that there are always links with my practice and I always come back from these meetings enriched, in a convivial setting where I had the opportunity to engage in informal conversations with colleagues and friends.

2) Your early support to the organization of the 150th anniversary celebrations was essential. What do you retain from these celebrations?

Firstly, it is always a pleasure, whenever possible, to support organizations and events, such as the ILA/ADI 150th anniversary, which reflect my values and those of the firm Savoie Arbitration. The ILA/ADI represents a 150-year commitment to the international rule of law. The ILA/ADI and such commitment are essential and fundamental. The association enables jurists, lawyers and internationalists from all over the world to share their knowledge, to discuss important issues, and to develop international law through various projects.

I will remember the ILA/ADI's 150th anniversary as a celebration that lived up to our collective ambitions. I will remember the tireless efforts of the chair of the organizing committee, Emeritus Professor Catherine Kessedjian, and her contagious enthusiasm for the 150th anniversary project. We were able to have a large number of conferences of unparalleled diversity, on important issues reflecting the current challenges for international law. We were able to take stock of the current state of affairs. We had the opportunity to share ideas with internationalists from different continents. We were able to share ideas between academics, lawyers, other practitioners, and judges from far and wide. It was a focal point for ideas on the future of international law and of the ILA/ADI.

In this issue

**Interview with
Pierre-Olivier Savoie**

**Report on the
Opening Ceremony
of the Symposium on
18, 19 and
20 June 2023**

**Report on the
Webinar on Civil
Status**

**Schedule of the
Upcoming Webinars
and Closing Session**



3) One of the outstanding panels at the June Symposium dealt with the issue of future generations. What is your position on the topic?

Firstly, this panel allowed me to learn of the remarkable report '[The law and rights of future generations](#)', prepared under the aegis of the Institut des Études et de la Recherche sur le Droit et la Justice, by the French magistrate Sonya Djemni-Wagner and Victoria Vanneau. Although the concept of 'future generations' applies to other areas, it is particularly relevant today in the context of climate change. In its preamble, the Paris Agreement refers to 'intergenerational equity', one of the principles guiding the agreement, which is universal and necessary, if not imperative, for the survival of the planet. Recent case law, particularly in Germany, France, Colombia and Brazil, reminds us of our obligations, starting now, whether or not a legal personality actually applies to future generations (or even to natural entities such as the Amazon). Beyond the fascinating conceptual questions, from a logical point of view, equity between generations also raises the question of equity between different countries. Some countries have developed by polluting (much) more than others over the past centuries. As a result, the Paris Agreement establishes 'common but differentiated responsibilities' between developed and developing countries, including obligations to provide financial assistance to developing countries.

Practically speaking, according to various estimates, between 5% and 10% of the world's GDP, or between 5 and 10 trillion dollars a year, for nearly 30 years, i.e. between now and 2050, will have to be devoted to the energy transition that will enable us to meet the 'temperature targets' of the Paris Agreement. In view of these obligations, in principle we need to embark on a major 'reallocation' of 5 to 10% of the planet's resources over the next few decades. This reallocation must also enable developing countries to continue to develop, while curbing global warming, particularly in developed countries. These binding targets create major and fundamental reallocation obligations that transcend borders. This is the challenge we must take up, in our daily lives, as lawyers and as inhabitants of the planet, for ourselves, as well as current generations and future generations. The ILA/ADI, which has already helped me progress in my thinking on the subject will certainly continue to play an important role.

REPORT ON THE OPENING CEREMONY OF THE SYMPOSIUM ON 18, 19 AND 20 JUNE 2023

The June Symposium was a moment of celebration and a continuation of the collective reflection that began two years ago with the preparation of the [white papers](#) and the [webinars](#) discussing them throughout 2023.

The Symposium kicked off with a ceremony combining various tributes and art.

The Dance Company Le bal des Philosophes presented three dance pieces, each highlighting the work of a philosopher: Heraclitus the river, Hegel the tornado and Nietzsche the lightning bolt. In the first piece, the universal river is used to express time, always renewed, never permanent, giving the breath of life without which international law would be in vain. The second piece pays homage to the author of the *Philosophy of Law*, which has had such an influence on legal thought over the centuries, even if it was partially called into question in the 20th century. This is the common language of the dancers who form the figure of infinity in order to move forward collectively towards the same goal. The third piece begins by shocking and disturbing us, in the same manner Nietzsche's philosophy had an impact on his time and beyond.

It was difficult to return to words, to speech, after this opening invitation to meditation and introspection.

This was done to welcome Diego Colas, Legal Director of the Ministry of Europe and Foreign Affairs, who brought a message from Minister Catherine Colonna. This was followed by the Executive President of the ILA/ADI, Christine Chinkin, and the President of the ILA/ADI, Manuel de Almeida Ribeiro, who celebrated the longevity of the association and the importance of the work of a learned society such as this one in a world shaken by deleterious upheavals, the war in Ukraine, the absence of social justice in many countries and the sometimes severe questioning of the rule of law. Several speakers then reminded us of the importance of the mission of international law. These included the President of the Cercle des Ambassadeurs, Gabrielle Kaufmann Kohler, the representative of the Université Paris-Panthéon-Assas, Fabrice d'Almeida, and the Secretary-General of the OECD, Mathias Cormann.

It was then time to unveil the 150th anniversary book, *In Support to International Law*, published by Editions Panthéon-Assas in cooperation with Editions Pedone. The panel, chaired by Professor Olivier Descamps (co-director of the book), gave Teodolinda Fabrizi (co-director of the book) the opportunity to present the work as a whole and Paulo Borba Casella, Frédéric Constant and Arthur Eyffinger to give an overview of their respective chapters: the Latino-American Context in 1873, Asian Worlds in 1873 and the Dutch Founders of ILA/ADI.

A second round table, chaired by Professor Franck Latty, President of the French branch of the ILA/ADI, brought together the Secretary of UNCITRAL, Anna Joubin Bret, the President of UNIDROIT, Maria-Chiara Malaguti, the Secretary General of the Permanent Court of Arbitration, Marcin Czapelak, and the President of the Institute of International Law, Alain Pellet. Franck Latty read out a message from President Gilbert Guillaume, who was unable to attend and who expressed his pleasure at seeing everyone gathered in Paris for this important anniversary.

The ceremony continued with the unveiling of Golnaz Afraz's painting, *Un rêve d'humanité*, commissioned by the Fondation Villa Seurat pour l'Art contemporain to mark the 150th anniversary of the ILA/ADI. The artist spoke to the director of the CIUP's Maison des étudiants de la Francophonie, where the work is being installed on a permanent basis.

Finally, the chamber orchestra SciencesPolyphonies, conducted by Professor Frédéric Ramel, treated the audience to two short pieces of music: *Song of the Birds* and the *Hymn of the United Nations*, both performed at the United Nations General Assembly on 24 October 1971.

The day ended with a welcome cocktail hosted by the American branch of the ILA/ADI (ABILA).

The following two days provided an opportunity for a rich program of discussions. You may consult the [program on our website](#). Replays of the entire symposium and all the webinars are available by registering [here](#).

We will draw the conclusions of two and a half years of collective reflection on 14 December 2023.

REPORT ON THE WEBINAR ON CIVIL STATUS

Inès Giauffret, *PhD Candidate in private law, University Paris Saclay*

Civil status raises legal issues that are sometimes invisible, little known and yet omnipresent. Based on the observation that the absence of civil status makes people vulnerable – exposing them, for example, to human trafficking –, particularly in conflict zones, the steering committee for the ‘Civil Status’ white paper, coordinated by Professor Fabienne Jault Seseke, identified several difficulties relating to the very concept of civil status, and to the establishment and recognition of civil status records.

Faced with the multiple facets of civil status, the authors have endeavoured to select two specific themes: the organization of civil status and its adaptation to contemporary technical challenges; and civil status confronted to changes in society and mores, which today tend to place civil status at the service of personal self-determination.

These broad axes were the object of the ILA/ADI webinar of 5 July 2023, moderated by Professor Katharina Boele-Woelki, during which four major issues for discussion emerged.

Firstly, the highly complex issue of gender identity and of the recognition of a neutral sex was addressed. The vast majority of the existing legal systems are binary. While only five European countries authorize and recognize more than two genders, the speakers discussed their respective national systems and the progress made in recognizing non-binary individuals. They all stressed the difficulty of establishing systems that recognize a third gender, while acknowledging the need to do so.

The debate then turned to the issue of biometric identification. Many difficulties surround this process, both in terms of data protection and of risks of exclusion. The speakers were unanimous on the unreliability and dangers of implementing biometric systems.

The next topic that was dealt with is the one of migrant children, such as unaccompanied minors and trafficked minors, who often have no identity documents. These unidentified children cannot be protected. To date, there is no uniform and homogeneous solution or system for achieving target 16.9 of the Sustainable Development Goals – i.e. to guarantee to everyone the right to a legal identity by 2030 –, even though progress has been made on this point, with an increase in compliance with international standards and the [recent decision of the ECHR](#) in favour of the presumption of the child’s minority.

Lastly, the thorny issue of surrogate motherhood and, more broadly, that of legal parentage, which, among other things, are currently the subject of work at the Hague Conference, were addressed. The panellists were cautiously optimistic about the delicate trade-offs to be made by states in recognizing civil status records. While the solutions divide states between the adoption and the recognition of legal filiation established in the country of origin, the risks for the child remain, and no option guarantees a real stability and continuity of status. Nevertheless, a consensus has emerged on the need to draw up minimum standards based on essential considerations already shared by governments and international organizations: safeguarding the best interests of the child and protecting the fundamental rights of the surrogate mother.

In concluding the debates, the panellists formulated a number of recommendations. These included the need for inclusive systems that can stand the test of time and take account of cybersecurity and data protection principles. Considering the fundamental nature of the questions raised in relation to civil status, the speakers stressed the importance of pursuing discussions at the international level and of formulating recommendations on the recognition of legal filiation, particularly in the case of surrogate motherhood. In addition, the panel emphasized the importance of standardizing systems between states to improve the delivery of birth certificates from one state to another, and recalled the usefulness of the work of the International Commission on Civil Status. A final recommendation highlighted the need to convince organizations of the importance of offering a third gender option, with a non-binary registration system.

SCHEDULE OF THE UPCOMING WEBINARS AND CLOSING SESSION

Webinars

24 August 2023, 2 pm – 5 pm (CET)	Intellectual Property
4 September 2023, 3 pm – 6 pm (CET)	Outer Space
12 September 2023, 2 pm – 5 pm (CET)	Mass Crimes and Impunity
14 September 2023, 2 pm – 5 pm (CET)	Human Rights
25 September 2023, 2 pm – 5 pm (CET)	Law in Support of Democracy and the Rule of Law
19 October 2023, 2 pm – 5 pm (CET)	Migration
6 November 2023, 2 pm – 5 pm (CET)	International Finance
14 November 2023, 2 pm – 5 pm (CET)	Taxation
21 November 2023, 2 pm – 5 pm (CET)	Cultural Heritage

Closing of the 150th anniversary of the ILA/ADI – 14 December 2023

On 14 December 2023, we will be drawing conclusions from two and a half years of work devoted to thinking about tomorrow's international law, on the occasion of the ILA/ADI's 150th anniversary celebrations.

The day will take place exclusively online. There will be four sessions, two in the morning, starting at 9:30 am, and two in the afternoon, starting at 2 pm.

All those who have already registered for the 150th anniversary online events will receive a message asking them to confirm their participation on the day.

For those who have not registered yet, there is still time to [sign up](#).