

# Revue Critique de droit international privé - issue 2023/3

The third issue of the *Revue critique de droit international privé* of 2023 will be released shortly. It contains a thematic dossier of five articles, as well as several case notes.

The doctrinal part of the volume is entirely devoted to the reflections arising from the symposium held at Université de Tours on January 6, 2023 about notarial practice in international family property law in the Ukrainian context. Under the direction of Dr. Fabienne Labelle (Université de Tours), it explores the role of the notarial profession in the development of private international law during the Ukrainian crisis

This issue offers very valuable insights for all those who, in France or elsewhere, will encounter the broad consequences of the Ukrainian war in their practice of private international law. It also gives a compelling account of the role of the discipline in the ordinary management of a state of exception and its effort to bring together cultures with sometimes very different values; as well as an overview of the potential transformations generated by the war.

Following a short introduction by Dr. Labelle, the dossier articulates five equally interesting topics.

The first article authored by Dr. Pierre Boisseau (Université de Tours) is entitled *Du droit d'asile classique à l'accueil des déplacés ukrainiens : réflexion sur la complémentarité des dispositifs de protection des réfugiés* (From traditional asylum to the reception of Ukrainian displaced persons: reflections on the complementarity of refugee protection schemes). Its abstract reads as follows:

*In Europe in general, and in France in particular, the reception of refugees is based on three complementary systems. In addition to the traditional right of asylum and subsidiary protection, there is now temporary protection. In very simplified terms, political asylum concerns those fighting for freedom; subsidiary protection protects people who have been victims of abuse by non-state groups; and temporary protection, which stems from the geopolitical*

*context in Europe, is currently used to receive and protect Ukrainians fleeing the fighting. Many have benefited from this, although part of them have now returned to Ukraine. But this surge of generosity towards Europeans does not seem to inspire the draft Pact on Asylum and Immigration of Thursday 8 June 2023 concerning refugees from other continents.*

The second study on *Les pouvoirs des époux sur leurs biens : quelles problématiques pour les déplacés d'Ukraine ? Regards issus d'une comparaison franco-ukrainienne* (Spouses' powers over their property: what are the issues for displaced persons in Ukraine? Insights from a Franco-Ukrainian comparison) is presented by Dr. Ambra Marignani (Université de Tours) and Prof. Svitlana Yaroslavovna Fursa (Director of the Center for Legal Research in Kyiv). The abstract reads as follows:

*Displaced spouses from Ukraine may not imagine that, in some cases, French law is applicable to their rights to own, manage, enjoy and dispose of property. Notaries will be in the front line in containing this risk by informing and advising them. This work will be essential, particularly with regard to the rights that differ in content between French and Ukrainian law, as highlighted by the comparison of laws.*

The next paper by Dr. Audrey Damiens (Université de Tours) and Prof. Fursa is devoted to *La pratique notariale et les divorces en droit international privé : réflexion entre la France et l'Ukraine en temps de guerre* (Notarial practice and divorces in private international law: reflections between France and Ukraine in wartime). The abstract reads as follows:

*The situation in Ukraine has led to population movements, particularly towards France. Married couples or one of their members now find themselves in a situation that comes under private international law. In their practice, French notaries are and will be faced with an increasing number of international situations relating to Ukraine, including divorce. This article looks at the practical difficulties that French notaries may encounter in divorce cases in Ukraine, and suggests some possible solutions. On the one hand, it looks at divorces in Ukraine that would come before a French notary. On the other, it considers divorce by mutual consent in France in an international situation linked to Ukraine.*

The fourth article on *Dévolution successorale et réserve héréditaire : comparaison entre la France et l'Ukraine* (Heirship and reserved share : comparison between France and Ukraine) is co-authored by Prof. Alina Goncharova (State University of Soumy and Université de Tours) and Dr. Labelle. They gave the following abstract:

*The purpose of this study is to compare French and Ukrainian inheritance law. This study is particularly interesting in the event that Ukrainian law is applicable to the succession submitted to the French notary, as it provides some useful benchmarks in Ukrainian law. By studying the hypotheses of shares reserved for certain heirs, it also highlights significant differences in the internal public policy of each country. These differences could give rise to practical difficulties and discussions in both doctrine and case law.*

Last but not least, Prof. Goncharova and Dr. Labelle submitted the final study on *Le testament, outil de planification de la succession internationale. Le cas des Ukrainiens protégés temporairement en France* (The will as an instrument for international succession planning. The case of Ukrainians under temporary protection in France). Its abstract reads as follows:

*Estate planning by means of a will for displaced Ukrainians poses difficulties both from the point of view of the formal and substantial validity of the deed and from the point of view of the strategies to be put in place. Extra-patrimonial and patrimonial provisions are tested by the unpredictability of Ukrainian law and certain French civil and tax rules.*

The full table of contents will be available shortly.

Previous issues of the *Revue Critique* (from 2010 to 2022) are available on Cairn.