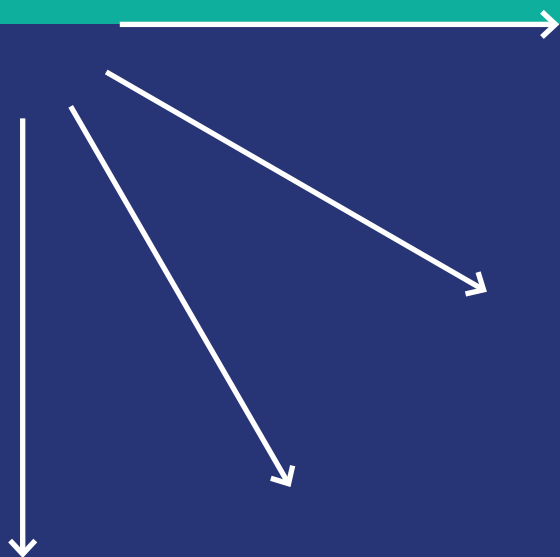




GOUVERNEMENT

*Liberté
Égalité
Fraternité*

Influence through law



**French strategy
2023-2028**

Introduction

The French legal model's central role in global strategic competition

The French legal model, a "continental" or "Romano-Germanic" system is a benchmark for many lawmakers worldwide. Today, the model is in place in more than 70% of countries worldwide, representing two thirds of the global population and 13 of the 20 leading economies. That makes it one of the key pillars of the international legal order, contributing to the development of a specific culture and approach to reasoning.

This continental model co-exists with the "common law" model, the pre-eminence of which is tied in with the major role of its practitioners in global economic regulation. In addition to this historic competition, new legal systems are emerging, from powers with a growing global influence and also due to an attempt to challenge the normative foundations laid after 1945. Law, a tool for peaceful settlement of disputes, is in this context becoming a weapon in new struggles for influence: a normative, sometimes jurisdictional tool that is often political and economic.

Moreover, the heightened density and complexity of the global legal order involves coexistence of different levels of laws (national, transnational and international) and stems from the many more normative institutions (European Union, Council of Europe, Organisation for Economic Co-operation and Development, World Bank, United Nations system and its normative agencies, regional organizations, etc.). Many state and non-state actors are now active in the production of international norms, contributing, sometimes insidiously, to development of new standards that ultimately apply to everyone, outside traditional normative processes. Particular vigilance is required in this context in order to ensure sufficient representation of French priorities and actors in all these processes.

France, a driver of Europe's normative power

Faced with these trends, Europe is a vector for global influence in both political and legal terms. It is increasingly a standard-setter given its influence and the size of its internal market, which are levers for influencing actors, including economic stakeholders, well beyond its borders. The development of a harmonized legal framework

across the territory of the 27 Member States has given it increasing importance as a global normative centre and benchmark.

Europe, and France within it, play a major role in defending:

- an international order based on the rule of law, to guarantee global peace and security;
- a conception of law based on universal requirements, and especially human rights;
- primacy of written norms, guaranteeing the accessibility, certainty and predictability of applicable rules. This legal stability, which is specific to civil law, is protective of citizens as it guarantees the rule of law. It also fosters the development of economic activities, as demonstrated by the 1,607 foreign investment decisions in 2021 that make France the leading European destination for foreign investment;
- an attractive model for entrepreneurship and innovation that both guarantees social rights and offers adapted and adaptable tools to address the challenges of economic recovery, climate change, the energy transition, digital transitions and artificial intelligence.

This is behind France's efforts as a European Union Member State to bring on board States and private sector and civil society actors to design the major regulations that are essential today, particularly in the digital field.

One of the main advantages of French law is its interrelation with European law and its influence thereon: the European level is one of the most important levers for influence through law. This applies both to practices, such as the global influence of European competition law, and the drafting of new norms, as demonstrated by the impact of the General Data Protection Regulation. France considers that this capacity to produce legal rules should be a strength and not a source of vulnerability exploited by other States. Participating in European normative bodies and promoting positions in the negotiation of texts that will become internal law is essential in this respect.

Influence through law and influence in law, in service of our values

France's normative capacity, its legal and judicial cooperation activities and its active presence in international institutions are a source of power to address the major challenges of the day and advocate for a multilateralism faithful to its values. Promoting the French model and fostering it alongside our partners is the key aim of France's strategy of influence through and in law.

This is the purpose of France's legal foreign policy, first and foremost constant support for peaceful settlement of disputes. It is a cornerstone of international arbitration and the fight against impunity, including at the International Criminal Court.

This is also the focus of France's commitment, with enhanced financial and human resources, within international and regional legal organizations, where it contributes to the drafting of new norms and works to enforce existing norms.

This common strategy of influence through law, led by the Ministry for Europe and Foreign Affairs and the Ministry of Justice, is built around seven aims. More generally, it fits into the soft power roadmap that was presented publicly by the Minister for Europe and Foreign Affairs in December 2021.

Aims of the strategy

→ Aim 1 Strengthening the international dimension of legal training

Teaching and research are key levers for the French legal system's influence. In this respect, France has several assets in both academic and vocational spheres.

Firstly, universities, particularly comparative law and international law research centres and departments, deserve support and strengthening. Moreover, France has vocational training schools with real international reputations, including schools attached to the Ministry of Justice, such as the National School for the Judiciary (ENM), and those led by legal professions, such as bar association training schools. These schools have departments actively involved in international cooperation that regularly receive foreign young professionals, who in the long term become precious promoters of French influence. Experience has shown that they often hold important positions in their countries a few years later. This facilitating role justifies continuation and if possible an increase in France's investment in young legal professionals from many of our partner countries. More

generally, legal professionals trained in French schools and universities or overseas campuses should be easily identifiable within the France Alumni network, which is a key aspect of France's soft power strategy.

At national level, strengthening the outreach of the legal system involves intensifying the ability of legal professionals in addressing the international dimension in their everyday practice and to work internationally. This international and European dimension should be stepped up in their training, both initial and continuing. It also merits reflection on means of supporting French law firms in a more offensive international strategy, either through the development of networks of civil law firms, or through strengthening their influence within major international networks.

→ Aim 2 Strengthening France's presence in international organizations and support major normative bodies

Promoting the influence of civil law requires the presence of French or francophone actors and those with civil law backgrounds where norms are

drafted and implemented. A major lever is the deployment of influence personnel (liaison magistrates, international technical experts, seconded national experts, regional cooperation attachés, etc.) and the implementation of a placement policy and electoral strategies for key posts in European and international normative forums in order to disseminate the values of this legal system. The involvement of civil society, academics and practitioners to provide expertise in working groups, for example, also appears essential and should be stepped up. French influence in international bodies can be supported through the presence of these experts, French delegates, and by the participation of observers.

Lastly, voluntary financial support to international organizations is a political lever to influence debates and promote France's priorities. This is particularly true for highly legal organizations where work could have a significant impact on international debate, such as the International Criminal Court or could lead to the emergence of new norms, like the ongoing negotiation of a new pandemic agreement. These contributions can also support France's attractiveness as host country for these organizations.

→ Aim 3 Strengthening French legal attractiveness

In a context of competition between laws and legal centres, it is important to promote the attractiveness of France and its capital. The legal sector is also an economic sector, estimated to represent 1.8% of GDP in France. As such, it is a tool for France's economic development.

In this respect, the international chambers of the Paris Commercial Court and Court of Appeal offer an attractive court system suited to international commercial disputes. The parties in disputes brought before these chambers can apply either French law or any other rules applicable to the merits of the case, submit exhibits and speak English. This dynamic procedure provides easier access to French commercial courts and encourages their choice in jurisdiction clauses.

Moreover, Paris is one of the leading international centres for arbitration. The International Court of Arbitration at the International Chamber of Commerce (CCI) is one of the arbitration institutions most often designated in international contracts.

The effective launch of the Unified Patent Court (UPC) should supplement the legal services available to economic actors through the creation of a single court with exclusive jurisdiction to hear disputes concerning European patents. The Court's Central Division will be based in Paris, confirming France's attractiveness for innovation.

France's attractiveness also stems from its EU membership. This membership should be highlighted systematically. Not

only does it give France crucial influence in designing EU law, as has already been noted, but it also provides harmonized procedures and rules on merits that are a substantial competitive asset.

The many assets of the French legal regime, including its certainty, clarity and stability, and the position of Paris as a leading legal centre, all contribute to France's legal attractiveness. Strengthening this attractiveness will help improve the perception of France among businesses and legal professionals when it comes to choosing the legal system applicable to their activities. Better communication around the advantages of the French legal system would be good for France's economic interests.

→ Aim 4 Increasing the influence of civil law on international and regional norms

The influence of civil law can also be assessed in respect of the concepts used in the adoption of international norms. As such, the active participation of French actors in international organizations is crucial. Increasing the influence of civil law in the bodies where international and regional norms are drawn up is of key importance, whether new global issues are at stake, such as the climate or new technologies, or whether norms of a general or technical nature are to be drafted to regulate economic practices. These norms will benefit French businesses and nationals more if they are imbued with our values and our practices. Moreover, greater influence of French conceptions of trial law and universal norms within international courts would be an asset in France's

fulfilment of its international commitments.

→ Aim 5 Strengthening legal and judicial cooperation

The development of legal and judicial cooperation is another source of influence, facilitating mutual legal assistance both in civil and commercial matters and in criminal matters, while helping enhance the effectiveness of French proceedings. The merging on 1 January 2021 of the Justice Coopération Internationale agency into Expertise France, which is now a subsidiary of the Agence française de développement (AFD), has generated new impetus for French cooperation in this field.

Moreover, cooperation with developing countries contributes to strengthening the rule of law and ensuring respect for human rights.

This is particularly important as developing countries are encouraged to adopt different models in overt strategic competition. Maintaining intense cooperation in areas where it is long-standing, while working on new geographical or thematic areas, is essential. Supporting key regional organizations such as the Organization for Harmonization in Africa of Business Laws (OHADA), which has developed business law very similar to that of France, is also a priority.

→ Aim 6

Promoting French conceptions of law

Strengthening the outreach and influence of French law means making it as widely accessible as possible, sharing the underlying texts and principles, jurisprudence and research and doctrine around international law. More systematic translation of French legal texts (particularly into English) and explanation should be carried out to expand the audience for French law. A database of articles and academic work written in French would help promote the work of French and Francophone researchers. More generally, the presence of publications by French researchers in the major international law journals should be encouraged, including in English.

→ Aim 7

Embodying and consolidate Team France

Many actors contribute to influence through law, ranging from public institutions to private sector professionals, universities and civil society organizations. Formalization of dialogue bodies bringing together all actors, including the steering committee of the platform of French international legal and judicial cooperation actors and the Expertise France justice operational committee, helps promote the French legal model, better coordinate activities and foster exchanges of best practices. More generally, French legal expertise should be presented as clearly and under the best coordination possible, addressing both the role of universities and institutional cooperation on justice issues and legal cooperation involving multiple actors, particularly legal professionals.



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