

# Exploring the cultivation mechanism of foreign-related legal talents in the context of Belt and Road

Di XUAN

Shiliang School of Law, Changzhou University, Changzhou 213164, China

**Abstract:** China has made historic achievements in the development of foreign-related legal frameworks. However, challenges persist in the cultivation of foreign-related legal talents, including a lack of clear goal orientation, a disconnect between the cultivation program and legal practice, and a mismatch between the curriculum system and the knowledge structure required for foreign-related legal expertise. The poor effectiveness of training foreign-related legal talents primarily stems from a lack of impetus and insufficient innovation tailored to regional demands. Therefore, in accordance with the Belt and Road Initiative, it is imperative to establish a comprehensive sense of purpose at four different levels, reform the enrollment mode, innovate the cultivation approach, and enhance faculty development for training foreign-related legal talents.

**Key words:** Belt and Road; legal education; foreign-related law talents; talents cultivation

## 1 Introduction

Since the 18th National Congress of the Communist Party of China, China has made significant strides in the development of foreign-related legal frameworks. However, it is imperative to acknowledge the current shortage of foreign-related legal talents, particularly those with expertise in the legal systems of countries along the Belt and Road.

In December 2011, the Ministry of Education and the Central Political and Legal Affairs Commission of the Communist Party of China jointly issued the *Plan for the Implementation of an Educational Training Program for Excellent Legal Talents* (No. 10 of Jiao Gao [2011]), which approved 22 education and training bases for foreign-related legal talents, including Peking University. In February 2021, the Graduate Studies Department of the Ministry of Education and the Lawyers' Bureau of the Ministry of Justice collaborated to implement the "Postgraduate Training Program for Master's Degree of Laws (Foreign-related Lawyers)". At present, domestic universities have reached a consensus on the necessity and urgency of cultivating foreign-related legal talents. Nevertheless, the cultivation mode and specific program remain in a nascent state, and a comprehensive and effective cultivation system has yet to be established. This paper will investigate these issues in depth.

## 2 Major challenges in the training of foreign-related legal talents in China

### 2.1 The objective of cultivating foreign-related legal talents in universities lacks clarity

The training objectives of foreign-related legal talents in most universities remain at the macro level, failing to align

with the specific needs of foreign-related legal practice. For instance, some institutions prioritize the cultivation of elite legal talents with an international perspective and competitive edge, aligning with the trends of globalization (Tsinghua University School of Law), while others are dedicated to the development of internationally-oriented, top-tier foreign-related legal professionals (Koguan School of Law, Shanghai Jiaotong University). These objectives are undoubtedly important, but they are too general and lack alignment with the specific characteristics of legal education at the university. Furthermore, there is a dearth of programs designed to train foreign-related legal talents, which is a crucial aspect of the Belt and Road Initiative.

### 2.2 Foreign-related law talents training programs in universities are out of touch with legal practice

Despite the fact that some universities engage in joint training with courts, law firms, and other legal practice departments, they will only be involved in a limited number of training sessions, such as professional cognitive internships and graduation internships. Furthermore, even if they are involved, it is not feasible for the practice departments to arrange foreign-related practice teaching programs for universities. From the perspective of extraterritorial experience, the United States and Germany have established exemplary models of legal practice education within their respective common law and civil law systems. The United States Bar Association plays an instrumental role in legal education, developing standards for law schools and conducting audits and evaluations [1], which determines the practice-oriented nature of legal education. In Germany, legal education is primarily structured around the "university studies + vocational preparation" model [2]. The legal education and practice in the United States and Germany have reached a high degree of convergence, which provides an excellent environment for the cultivation of foreign-related legal talents. In contrast, the relationship between the two in China is still basically in a state of no connection.

### 2.3 The curriculum system for the training of foreign-related legal talents does not match their knowledge structure

For foreign-related legal talents, the knowledge structure should encompass an understanding of international legal rules, familiarity with country law, applicable law, and mastery of international economy, international relations, and other disciplines. Additionally, they should possess a high level of foreign language proficiency and the ability to analyze and solve foreign-related legal issues. A curriculum system that is both foreign-related and practically oriented is required [3]. However, from the perspective of the foreign-related law curriculum system in some universities, it mainly focuses on the laws of developed countries, and there are very few courses on the laws of countries along the Belt and Road, and even fewer courses on the politics, economy and culture of these countries. Such a curriculum system directly restricts the specialization and international vision of foreign-related law students, and also fails to build their complete knowledge systems to serve the construction of Belt and Road.

## **3 Analysis of the factors contributing to the suboptimal outcomes of training foreign-related legal talents in China**

### 3.1 The impetus behind the training of foreign-related legal talents is inadequate

On the one hand, high investment creates insufficient driving force for the training of foreign-related legal talents. The difficulty and uncertainty of the cultivation task are greater than those associated with the cultivation of domestic legal talents. Furthermore, the cultivation cycle is longer and the cultivation process is more complicated. Consequently, from the perspective of the law school (faculty), the marginal benefit of the same investment into the construction of foreign-related legal disciplines, specialty construction, and the cultivation of talents, etc., will be lower. On the other hand, existing assessment indicators in universities impede the training of foreign-related legal talents. In light of the pressure on universities to meet employment rate targets, the current shortage of jobs in foreign-related law, and the high requirements for graduates, the cultivation of foreign-related legal talents as a priority will undoubtedly increase the difficulty of

employment work. In addition, universities tend to prioritize research over teaching, and there is considerable pressure on faculty to obtain tenure and promotion. As a result, writing papers and applying for and completing scientific research projects take up a considerable amount of teachers' time and energy. Such circumstances provide little incentive for the cultivation of foreign-related legal talents, whose specialized and practical nature is itself more challenging.

### 3.2 Innovations in the training of foreign-related legal talents based on regional needs are insufficient

Given the disparate levels of economic advancement and openness across regions, it is imperative that training programs for foreign-related legal talents in universities align with the specific requirements of local economic development. However, an analysis of the cultivation programs for foreign-related legal talents in Chinese universities reveals a predominant reliance on a "following famous schools" approach, with a notable absence of personalized cultivation programs tailored to the specific needs of local economic development. It is noteworthy that universities in China's central and western regions have not considered their regional characteristics in formulating training programs for foreign-related legal talents to serve the Belt and Road Initiative. Furthermore, the discrepancy in faculty strength between the eastern and western regions, coupled with the unequal distribution of teaching resources, precludes the replication of foreign-related legal talents training programs in the central and western regions, which are not as economically developed as the eastern regions.

## **4 Specific path for cultivating foreign-related legal talents under the Belt and Road Initiative**

### 4.1 Establishing a sense of purpose across four levels

How to cultivate a group of foreign-related legal talents with national consciousness and the awareness of the rule of law, proficiency in international legal rules and outstanding foreign language skills is a new topic and a new task for foreign-related legal education in China in the new era. Prior to the establishment of various mechanisms, it is imperative to cultivate a consciousness of the "four levels". At the level of position, we must develop a cadre of foreign-related legal talents who understand politics and emphasize political awareness. At the level of knowledge, the objective is to cultivate a group of foreign-related legal talents who possess a comprehensive understanding of both national laws and the laws of the countries along the Belt and Road. At the ability level, it is crucial to cultivate foreign-related legal talents who not only possess the capacity to apply foreign-related laws but also possess the ability to communicate across cultures. At the emotional level, there is a need to cultivate a group of foreign-related legal talents with a high degree of national sentiment.

### 4.2 Reforming the enrollment model for foreign-related law majors

One potential avenue for enhancing the education of foreign-related legal talents is the establishment of specialized majors at the undergraduate level. For example, international classes with Belt and Road characteristics can be set up in the first batch of universities that train foreign-related legal talents, so that college entrance examiners can choose them when filling in their applications. At the same time, it is also necessary to reform the admission requirements and standards of master's and doctoral degree students. Historically, these admissions have been more inclined towards students with a background in law. However, in light of the current needs of the times, it is challenging for students with a single knowledge background to adapt to the complex and ever-changing social and economic environments. Furthermore, the purely professional background of law cannot fully satisfy the high-level, composite, and elitist practice requirements of foreign-related legal talents. Therefore, it may be feasible to enroll students in a "Law + " program, with an increased proportion of students majoring in foreign languages, international economics and trade, international relations, and other related fields.

### 4.3 Innovating the approach to cultivating foreign-related legal talents

First of all, the curriculum system should focus on cultivating the practical and foreign-related nature of foreign-

related law students. The structure ratio of domestic law and foreign law courses should be coordinated in the curriculum. Concurrently, the course materials should be predominantly presented in the format of case studies. Through the analysis of both specific and simulated cases, students can gain a comprehensive understanding of both domestic and foreign laws and regulations. Secondly, there is a need for innovative evaluation standards for foreign-related law students, with reduced emphasis on academic papers. Greater focus should be placed on the applied skills of these students to better align with the practical objectives of cultivating foreign-related legal talents. Finally, with regard to the ongoing education of foreign-related law students, it would be beneficial to draw inspiration from the German legal education model. This model employs a "vocational preparation" or "vocational transition" approach, which is designed to enhance the vocational abilities of foreign-related law students [4].

#### 4.4 Enhancing the faculty team for the cultivation of foreign-related legal talents

It is essential to further strengthen the construction of the faculty for the cultivation of foreign-related legal talents [5], and to form a faculty structure combining "foreign-related legal theory instructors + foreign-related legal practice instructors". This necessitates that when universities introduce teachers, they must prioritize the hiring of individuals with doctoral degrees or senior titles in international economic law, international law, and international private law. Additionally, the integration of part-time foreign-related legal professionals into the teaching staff is important for the establishment of a comprehensive training system. Furthermore, the evaluation of teachers engaged in the training of foreign-related legal talents should not be based solely on the publication of academic papers. Instead, a standardized assessment of their practical experience in this field should be established. Finally, it is similarly imperative to reinforce the ongoing education of the teaching corps. This may be achieved through collaborative initiatives with academic institutions in countries along the Belt and Road and with the assistance of the "Confucius Institute" and other organizations. Such endeavors could encompass joint training programs, among other strategies, with the aim of enhancing the collective expertise and proficiency of the teaching corps.

## 5 Conclusion

With the comprehensive promotion of the Belt and Road Initiative, there is an increasingly pressing demand for foreign-related legal talents in China. This not only presents opportunities for the advancement and optimization of legal higher education within the country, but also brings significant challenges that necessitate reform. As the primary institution responsible for cultivating foreign-related legal talents, universities must adapt to the current situation and align their efforts with the demands of the Belt and Road Initiative. They should innovate their training mechanisms for foreign-related legal talents, aiming to cultivate high-quality and versatile professionals who possess a strong sense of national identity, an international perspective, and exceptional expertise in foreign-related law.

## Acknowledgments

This paper was supported by Research Project of Institute of Higher Vocational Education of Changzhou University "Research on the Mechanism of Introducing Overseas High-quality Legal Vocational Education Resources in the Context of 'Belt and Road' Strategy" (CDGZ2019003).

## Conflicts of interest

The author declares no conflicts of interest regarding the publication of this paper.

## References

- [1] Hu XJ. 2011. The American Bar Association's standards for law school settings. *Higher Education Development and Evaluation*, 6: 10-11.
- [2] Du HF. 2020. Top-level design and realization path of cultivating foreign-related legal Talents. *China University*

*Education*, 6: 24.

[3] Wang Q, Wu J. 2020. Exploration on the training mechanism of foreign-related legal talents in universities under the perspective of "Belt and Road" legal diplomacy. *Heilongjiang Higher Education Research*, 6: 151.

[4] Yu L. 2019. Transformation from judge-type talents to lawyer-type talents-the development of German legal education and its implications for China. *Research on Legal Education*, 4: 331.

[5] Yan D. 2024. On the foreign-related legal talents training mode of "one body two wings". *China Rule of Law*, 4: 101.