

Training of Chinese Foreign Legal Talents under the Rule of Law Environment of “One Belt And One Road” Initiative

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Abstract: Foreign legal personnel is an important participant and executor of China’s Belt and Road initiative in preventing investment risks, resolving trade disputes, and safeguarding national interests. At the same time, the lack of international legal personnel with strong belief in the rule of law, solid legal skills, high level of foreign language, and comprehensive knowledge of subjects has become an important issue that the Belt and Road initiative in China must solve. In view of the current lack of international vision, single English teaching, and weak practical ability in the training of foreign legal personnel in China, the “Five in One” training model is recommended. That is, to strengthen the belief in the rule of law, promote cultural blending and enhance the humanistic feelings of foreign legal personnel. International elements are introduced into the teaching system to expand the international vision of foreign legal personnel. Focus on the integration of law majors and other majors to create multi-purpose foreign legal personnel. Establish a foreign language expertise training system and create foreign legal personnel who are proficient in different foreign languages. Strengthen the training of practical ability and create professional-type foreign legal personnel.

1. Introduction

Legal personnel are the core force in the construction of the country under the rule of law, and foreign legal personnel who are proficient in domestic and foreign legal systems are the mainstay of the Belt and Road initiative. Since China’s accession to the WTO, the discussion and practice of the foreign legal personnel training has never stopped and has achieved certain achievements, but it still does not match the needs of the Belt and Road initiative. It is an important task for universities and research institutes to cultivate a group of foreign legal personnel who have the belief in the rule of law, are well versed in international legal rules, and have a foreign language ability.

2. Evolution and a typical training model for the training of Chinese foreign legal personnel

2.1 Policy support of foreign legal personnel training

Under the background of the ever-widening globalization, China’s openness has been deepening, and its economic scale has been continuously expanded. The role of law in guaranteeing economic exchanges has become increasingly prominent. Those who can deal with transnational legal affairs and participate in the resolution of international legal disputes have become an indispensable resource for national economic construction. In 2011, the Opinions of the Central Politics and Law Committee of the Ministry of Education on Implementing Education and Training Program for Outstanding Legal Talents, in 2012, the Notice of the Office of the Central Political Science and Law Commission of the General Office of the Ministry of Education on the Announcement of the List of the First Excellent Legal Personnel Education Training Base elaborated on the objectives and training methods of training foreign legal professionals. In 2014, the Decision of the Central Committee of the Communist Party of China on Promoting Several Key Issues Concerning the Ruling of the Country by Law raised the training of foreign-related legal personnel to foreign legal

personnel training, conferred deeper and broader connotations on legal personnel, and put forward more comprehensive requirements for foreign legal personnel.

2.2 Common mode of foreign legal personnel training

General Secretary Xi Jinping pointed out that Colleges and universities are the first place for legal personnel training during his visit to China University of Political Science and Law. Under the initiative of the Belt and Road, exploring a scientific, rational and efficient training model is a key issue in teaching and research in various universities. There are currently three typical modes of foreign legal personnel training, namely, concept strengthening, experimental class and specialized training [1]. The three training modes vary in the degree of adoption, training focus, and teaching characteristics. The comparative analysis of different modes is detailed in the following Table 1:

Table 1 Comparative analysis of three typical models

Type	Degree of adoption	Keys in training	Teaching features	Defects and insufficiency
Concept strengthening	Universal	International vision of teachers and students	1. Attach importance to English 2. Study abroad 3. Promote learning by teaching	1. Not conducive to individual development 2. Overemphasizing English 3. Lack of practical training
Experimental class	Common	Elite route	1. Talent selection 2. Powerful teachers 3 Small class teaching 4. International teaching	1. High cost of training 2. Low talent output
Specialized training	Limited to some professional colleges	Foreign language-oriented talents	1. Depend on foreign language advantages 2. Mobilize all resources 3. Develop specialized personnel	1. Not universal 2. High international resource requirements 3. Difficult to promote and apply

Through the information in the table, we can find that the three models have played an active role in foreign legal personnel training, but there are also problems. Training of Chinese foreign legal personnel is in a crucial period of teaching reform. On the one hand, the traditional training model has been tested in practice and gradually exposed problems; on the other hand, scientific and rational personnel training models have not yet been established. The training of Chinese foreign legal personnel under the Belt and Road initiative should be based on the needs of talents, coordinate existing resources, and combine mature theories to explore a model that conforms to China's educational reality.

3. The belt and road initiative's capacity requirements for Chinese foreign legal personnel

Background analysis method is used to explore the relationship between legal education and social environment, and we can find that the legal education in colleges and universities must be market-oriented, so that the legal talents can meet the actual needs of economic and social development. At the beginning of the founding of the People's Republic of China, legal theory and legal education experienced a tortuous course of development. The limitations of the planned economy era led to a lack of realistic soil for foreign legal personnel training; with the establishment of the market economy system and the continuous improvement of the legal system, the important role of legal personnel in economic life gradually emerged; in particular, after China's accession to the World Trade Organization, a large number of international treaties and international commercial rules are unavoidable, expanding the gap in foreign legal personnel; the in-depth development of the Belt and Road initiative made people realize that universities should foster high-quality foreign legal personnel to serve the international vision under the Belt and Road initiative, and develop the personnel's language skills and legal literacy by relying on the way of division of labor and cooperation [2]. Under the Belt and Road initiative, China's economic and

trade exchanges with countries along the route have become increasingly close, and various rules need to be further formulated. The following requirements are required for foreign legal personnel:

First, there are more requirements and higher standards for the quantity and quality of foreign legal personnel. With the continuous optimization of the industry structure and the return of overseas investment to rationality, a large number of Chinese companies have gone abroad to establish various institutions in countries along the route. However, the drawbacks of China's "heavy substance input and light human resources" have led to the lack of internal legal talent in the company, which makes overseas investment lack of necessary risk prevention and control, and disputes cannot be properly resolved. Some scholars believe that due to the lack of awareness of overseas legal norms and insufficient attention to investment legal norms, Chinese enterprises have repeatedly suffered heavy losses in overseas investment and mergers and acquisitions [3]. Therefore, having a strong belief in the rule of law, a solid legal foundation, superb foreign language skills, and comprehensive subject knowledge are important criteria for foreign legal personnel.

Second, foreign legal personnel must have the belief in the rule of law and cultural heritage. Foreign legal personnel should have a firm belief in the rule of law and respect the law from the bottom of their hearts. Legal diplomacy is an important component of the Belt and Road initiative diplomacy. Foreign legal personnel are important participants in legal diplomacy. Only by conducting theoretical research and legal practice under the guidance of the socialist concept of the rule of law with Chinese characteristics can we better safeguard national interests in a complex international environment and provide legal protection for the Belt and Road initiative. With the development of the times, the state-to-state exchanges are not merely the contest of hard power. The game of cultural soft power is increasingly prominent in international cooperation and exchanges. Culture is the soil in which the law survives, and it is the source of legal life. The splendid Chinese culture includes the rule of law culture. The legal elements became part of the overseas export of Chinese culture under the Belt and Road initiative and played a positive role in regulating, promoting and safeguarding the Belt and Road initiative. Foreign legal personnel needs to integrate laws and cultures, and have humanistic connotations on the basis of knowing the law. Under the premise of familiarizing with the use of legal rules, they should be familiar with the spirit behind the rule of law, and be the provider of legal services and disseminator of Chinese culture, promoting communication between countries along the belt.

Third, foreign legal personnel must have a solid legal foundation, international standards, foreign language proficiency, and comprehensive subject knowledge. First, a solid legal foundation is the cornerstone of the practice of foreign-related rule of law. Learning legal knowledge is the "essential color" of foreign legal personnel. Second, the skillful use of international rules is an essential skill in the practice of foreign-related rule of law. The Belt and Road initiative has a large number of international treaties, foreign laws, and international business practices and general legal principles. It requires higher standards for foreign legal personnel. Again, foreign language proficiency is a tool for engaging in foreign-related rule of law practice. The Belt and Road initiative involves over 60 countries and the languages of the countries are not the same, engaging in relevant legal services to master only English can no longer meet all the work needs. Hence "English + Second Foreign language" is the direction in which foreign legal personnel should work. Finally, comprehensive subject knowledge is a booster for foreign-related legal service work. "The talented professionals trained in the integration of 'law major' + 'non-law major' + 'legal foreign language' can meet the talent supply demand of the Belt and Road Initiative [4].

4. Current specific issues in the training of Chinese foreign legal personnel

At present, major universities and research institutes actively engage in teaching exploration, promote students to participate in international legal competitions, conduct studies abroad, and recommend that teachers visit overseas to improve their international teaching level. However, due to lack of skills education and the construction of degree authorization points, Chinese legal education system is out of touch with foreign legal personnel training, and talent supply and market demand do not match. Some scholars have compared the German and Japanese talent training

models and concluded that there is a big gap between China's legal ethics and legal vocational ability in legal education, and the shortcomings need to be made up [5]. Specifically, the following problems currently exist in the training of foreign legal personnel:

4.1 Lack of international vision, presence of “homogeneous” surplus of foreign legal personnel

Many universities attach great importance to the education of foreign legal personnel, and formulate plans to develop legal personnel with legal skills and language expertise. Due to the different levels of education and the different training objectives, the quality of law students is very different. Most law students receive traditional legal education, and only in the “public international law, private international law, international economic law” classes can they reach out to the limited international legal rules, know nothing about foreign laws and investment policies, and the “homogenization” of law graduates is prominent. According to statistics, at present, only 1% of the Chinese lawyers have the ability to expand business abroad, and the remaining 99% can only use domestic legal services as their main means of livelihood [6]. Those skilled in the use of international rules and engaged in foreign-related legal services are still rare, and the talent gap is still unable to be made up. However, countries along the Belt and Road initiative not only involve cooperation in economy, education, culture, and infrastructure, but also cooperation in energy and finance. Only grasping the relevant knowledge of international law, focusing on the international rules under the WTO, not knowing the legal culture and system of investing in the host country, and being unfamiliar with international treaties and agreements in the economic and trade field, cannot satisfy the needs of the Belt and Road initiative. The law major students born under the legal education system lacking an international vision have not yet reached the standards of qualified foreign legal personnel and are not qualified to perform legal services for the construction of the Belt and Road initiative.

4.2 Single English teaching, resulting in weak language competence in legal personnel training

“Law + English” is the basic mode of foreign legal personnel training. The purpose is to cultivate legal workers who understand the law and be good at English. The cultivation of innovative legal personnel, the law school system of higher education institutions and research institutes is the key [7]. More and more colleges and universities are aware of the importance of English for the science of law. Most schools have increased the proportion of teaching in English, set up legal English courses, and even directly hire foreign teachers to teach in English. Teaching in English language only, emphasizing on writing, ignoring cross-cultural communication skills lead to two major drawbacks. First, it is easy to form the disadvantages of emphasizing English language learning over basic law education. English courses take up a lot of time, and teaching in English makes it impossible for students to deeply understand the content of the course, resulting in poor learning results. Second, the language of the countries along the Belt and Road initiative is complex. Simply mastering English can no longer meet the needs of foreign-related legal work.

4.3 Lack of practical ability, and the application-type foreign legal personnel training is bottlenecked

The reason for the weak practical ability of Chinese legal talents lies in the fact that Chinese law is basically unable to provide theoretical knowledge with direct meaning in guiding Chinese practice in the process of legal knowledge generation [8]. Transplanting the western legal education system, lacking the “localization” process, directly applying to the reality of China's society, and ignoring the requirements for the cultivation of applied talents in Chinese society are the current issues. It should be recognized that since the Belt and Road initiative involves many legal issues and is affected by the laws and regulations of various countries and the differences in political systems, laws and regulations vary greatly, and legal issues continue to emerge. Legal education should incorporate the legal knowledge necessary for the Belt and Road initiative in the process of integrating legal knowledge, and create foreign legal personnel with strong practical ability [9].

5. Specific recommendations for the education and training of Chinese foreign legal personnel

At present, the overall effect of training of Chinese foreign legal personnel is still quite different from that of Western countries. Scientific research institutions, universities and colleges as an important front for legal personnel training should change their educational concepts and draw on international thinking. However, learning and reference is not copying. It should be based on the actual needs of China's economy and society. It should establish the correct foreign legal personnel training concept and focus on cultivating high-quality foreign legal personnel, and develop scientific and reasonable training programs. In conjunction with the Belt and Road initiative to build the requirements for legal personnel and the specific issues in the training process, the following suggestions are made for the improvement of foreign legal personnel training:

5.1 Strengthen the belief in the rule of law, promote cultural blending, and enhance the humanistic feelings of foreign legal personnel

Foreign legal personnel has an important mission to safeguard national interests in legal services and international rulemaking. Whether or not they believe in the socialist rule of law and whether they have family feelings is related to the continuous advancement of the Belt and Road initiative. Therefore, the belief in law has become the "first quality" that foreign legal personnel should possess. As the forefront of foreign legal personnel, colleges and universities must strengthen the education of legal science and belief in the rule of law, strengthen students' recognition of the idea of ruling the country according to law, and establish a good rule of law personality. The establishment of a pluralistic legal education should focus on the organic combination of classroom teaching and extracurricular activities. First, increase the number of class hours for the Ideological and Moral Education and Legal Foundation and conduct direct education in faith. Second, law teachers should guide students in setting up the correct concept of the rule of law and understand the profound connotation of the socialist concept of the rule of law. Third, the function of the "secondary classroom" should be brought into play, legal knowledge competitions should be held, legal essay activities should be conducted, and classroom teaching should be assisted to deepen the education of the rule of law.

Foreign legal personnel should have a "world vision, Chinese feelings" [10]. Foreign legal personnel cannot be separated from the cultural roots of China. To strengthen the cultural heritage of legal personnel, to better convey Chinese voices in the course of legal services, to spread Chinese culture, and to enhance cultural self-confidence, attention should be paid to cultural integration. For example, the Shanghai University of Political Science and Law displayed the fine traditional Chinese culture through the "Silk Road Culture Festival" and introduced customs along the lines of the countries into the campus, so that the law majors will be influenced by the imperceptible humanities. At the same time, it is recommended that colleges and universities open to the law students a national cultural profile course along the Belt and Road initiative, which will lay a cultural foundation for students to engage in relevant legal work in the future.

5.2 Introduce international elements into the teaching system and expand the international vision of foreign legal personnel

In view of the lack of international vision for foreign legal personnel, we should work hard on "teaching and learning." First, the scientific formation of "international" teaching team. In the process of selecting teachers, the requirements for studying abroad, training history, and foreign language proficiency are enhanced. The staff and experts and scholars of the legal practice department of the Belt and Road initiative are invited to open lectures in colleges and universities to serve as part-time teachers. With the help of international platform interconnection and cooperation, foreign-related legal professional teachers should be cultivated and the internationalization of colleges and universities be upgraded. Second, the rational use of "international" teaching methods. Integrate Chinese classroom practice and student characteristics, innovate Western case teaching, and discuss teaching methods. Use an international vision to examine domestic legal issues and use different professional analysis methods to study legal issues. Third, organize the preparation of

“international” teaching materials. According to the theory of foreign law, the curriculum structure and subject settings of the core foreign-related legal materials, should include the country’s legal system, international legal rules and British and American, Central Asia, Southeast Asia, Arab legal culture. Fourth, strive to promote the construction of “international” courses. In addition to setting up common law courses, try to set up small language national law courses. At the beginning of the course, a brief introduction should be given. From the shallow to the deep, specialized legal personnel should be trained. In addition, in the traditional international law classroom teaching, the new international treaties and the new agreements should be introduced into the classroom, and emphasis should be placed on the teaching of new theories and new cases so as to keep pace with the times.

5.3 Focus on the integration of law majors and other majors, and create multi-purpose foreign legal personnel

The detailed division of modern subjects provides students with the possibility to fully master the subject knowledge, but it also increases the difficulty for students to expand the knowledge of other disciplines necessary for future career development, and becomes a barrier of mutual integration between the discipline and other disciplines. The same is true of law education. Students receive four to ten years of legal professional education at different stages. They can master most of the theoretical and practical skills and become experts in a certain legal field. However, the real legal issue cannot be solved only by relying on a single legal knowledge. Comprehensive application of multidisciplinary knowledge is one of the conditions for the transition from a “legal talent” to “legal personnel”. The Belt and Road initiative includes infrastructure, investment, trade, finance and other fields of cooperation, training foreign legal personnel to meet the needs of construction should strengthen the organic integration of law and other disciplines. First, colleges and universities should use the advantages of disciplines to set up additional selective courses. Different majors and different disciplines should implement mutual selection of courses. At the same time, while controlling schoolwork pressure, the intensity of selective courses needs to be strengthened. Second, to reform the construction of the “Law Experimental Class”, a legal experiment class focusing on a certain professional field can be established according to the legal business needs in different fields. For example: According to the requirements of the Belt and Road initiative in the field of investment and trade, we can combine with international economics and trade majors to establish a special “International Trade Law Experiment Class” and train specialized talents. Finally, while expanding students’ knowledge reserves, basic legal education cannot be ignored. If foreign legal personnel is likened to a growing tree, the deeper the legal knowledge is, the more firmly the legal foundation is. On this basis, the accumulation and combination of other horizontal subject knowledge make the “branch” more intensive, thus broadening the field of vision infinitely. Some scholars have compared the relationship between law and other disciplines to a “T” type structure, emphasizing the importance of multidisciplinary integration [11]. Focusing on the integration of law majors and other knowledge, students will have the comprehensive strength of “one specialization and multiple capabilities” and enhance the core competitiveness of foreign legal personnel in the market.

5.4 Establish a foreign language expertise training system and create foreign legal personnel who are proficient in different foreign languages

Although the important position of English in international communication has not changed, the mere mastery of English cannot satisfy the needs of the Belt and Road initiative legal service. The Belt and Road initiative involves a large number of national and international organizations, increasing the complexity of the language and creating new challenges for foreign legal personnel. While implementing the “Law+ English” model, colleges and universities can offer “second foreign language” courses for law students and establish a “law+ small language” model. Institutions with obvious advantages in foreign language resources can also use the “specialized training” model to teach major students in all languages how to learn the main courses, and to develop complex and international foreign legal personnel. In addition, we must pay attention to the geographical layout

of legal personnel training in different languages. The northwestern universities have been established as a legal personnel training base for Central Asian languages. Northeastern universities are committed to the establishment of Russian and Korean legal personnel training base, and southwestern universities can focus on building a legal personnel training base in Southeast Asia.

5.5 Strengthen the training of practical ability and create professional-type foreign legal personnel

The lack of practical ability to meet the work needs of legal practice is a common issue discussed by the current legal theory and practice. The training of foreign legal personnel must pay attention to the training of practical abilities and provide talent reserves for the prevention of legal risks and the settlement of international disputes. In the course of innovative practice courses, legal writing, legal negotiation, and moot court courses have long since joined the practice of Chinese law teaching, but the effect is not good. The reasons are as follows. First, teachers do not have any practical work experience nor understand international legal business. After some of the teachers obtained their doctoral degrees, they realized the transition from “school gates to school gates,” and did not teach legal practice courses through legal practice, and there were drawbacks to “talking on paper.” Second, the legal training courses have different statuses at different levels and stages and are often limited by teaching hours and evaluation mechanisms. This is easy to cause disregard by colleges, mindlessness of teachers and ignorance of students. For these issues, we can improve from the following aspects: First, select teachers with legal practice experience. Establish a joint training mechanism for “professional colleges + practice departments” to attract judges, prosecutors and lawyers with teaching ability and practical experience into the classroom to serve as part of the teaching tasks and to conduct external expert quality assessments. Second, enhance the status and importance of practical courses, some colleges and universities arrange practical lessons from the second junior high school semester to the fourth school year when practice, employment, and higher school pursuing are concentrated. This “lag” causes students to lose their energy. It is recommended that the document writing, legal translation, and other practical training courses be brought up to the second school year. This will not only combine with the course they have learned, but also enhance the learning effect. Third, practical teaching should also pay attention to the formation of teaching theory, which is to summarize practical experience into a practical teaching theory. Through theoretical research on international moot court competitions and other practical courses, it provides overall guidance for teaching and realizes the organic unity of theory and practice [12].

Through the above five specific suggestions combined with teaching practice, the “five in one” foreign legal personnel training system is established as shown in the Table 2:

Table 2 The “five in one” foreign legal personnel training system

Training focus	Status	Training objectives
Belief in the of law cultural blending	Basic requirements	Legal talents with Chinese characteristics
International vision	Training core	International legal talents
Prpfessional intergration	Important foundation	Compound legal talents
Foreign language expertise	Drection of effort	Foreign language oriented legal talents
Ability of practice	Necessary skills	Applied legal talents

6. Conclusion

In summary, this paper explores the realistic needs of the Belt and Road initiative for foreign legal personnel and the difficulties faced by foreign legal personnel training in China. From the belief in the rule of law, international visions, professional integration, foreign language expertise and practical teaching, suggestions have been put forward to improve the education and training mechanisms for international legal personnel. At the same time, the cultivation of foreign-related rule of law under the Belt and Road initiative is a systematic and gradual process, and research on related theories will not end. In the process of promoting the Belt and Road initiative, there will be different issues in legal education waiting to be solved. Colleges and universities should seize the

opportunity to improve the knowledge and practice of foreign legal personnel, and ensure the steady progress of the Belt and Road initiative.

References

- [1] Long CH. On the cultivation of outstanding foreign legal talents from the perspective of the “one belt and one road” strategy. *Knowledge and Action*, 2015, (09).
- [2] Wang H. Exploration of the training path of university foreign talents under the view of “one belt and one Road”. *Reform and Opening*, 2017, (22).
- [3] Liu XH. “One belt, one road” strategy and the reform of the talented personnel training mechanism for the rule of law—Taking the reform and innovation of the deepening talent training model of Shanghai University of Political Science and Law as an example. *Law Education Research*, 2017, (01).
- [4] Ma YF, Zhang FL. Research on the training system of foreign legal personnel under the background of “One Belt and One Road”. *Journal of Gansu Radio & TV University*, 2017, (06).
- [5] Chen YM. On the function of law undergraduate education in talent training of foreign-related rule of law. *Journal of Hebei Radio & TV University*, 2017, (05).
- [6] Zou AH, Zhang Y. Research on the open concept and the training of intermediate-level legal talents for foreign affairs. *College Education*, 2017, (12).
- [7] Qu WS. The construction of foreign-related legal work teams requires legal foreign language talents. *Higher Education in China*, 2017, (07).
- [8] Wang XX. On the cultivation of practical ability of foreign talents with distinct legal talents. *Development Research*, 2014, (04).
- [9] Liu Y, Jiang YY. Research on the training of marine high-end legal personnel in the “one belt and one road”. *Cooperative Economy & Technology*, 2017, (24).
- [10] Wang WH. Innovation of the personnel training mechanism of legal personnel concerning foreign affairs. *China University Teaching*, 2015, (11).
- [11] Hong DD. Quality constitution and training path of innovative legal talents. *Education Modernization*, 2017, (44).
- [12] Tang HT. The practice path of excellence in the training of foreign legal talents: Taking the international moot court competition as an example. *Law and Society*, 2015, (36).