

# RESEARCH ON THE CULTIVATION OF FOREIGN-RELATED LEGAL TALENTS FOR SERVING THE CONSTRUCTION OF “THE BELT AND ROAD” IN COLLEGES AND UNIVERSITIES

Wang Yuhui

## 1. Significance and Value of the Project

### *(a) Significance of the Project*

The 18th CPC Central Committee's Fourth Plenary Session adopted *the Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning Comprehensively Promoting the Rule of Law* (People's Congress of the People's Republic of China, 2014), which suggests creating a team of the foreign-related rule of law experts who are knowledgeable about international legal norms and skilled in handling foreign-related legal issues. The Central Committee for Comprehensive Rule of Law's second meeting was presided over by General Secretary Xi Jinping on 25 February 2019, and he once more suggested that “the cultivation of the foreign-related rule of law professionals should be strengthened, and foreign-related legal services should be actively developed,” underscoring the significance and urgency of the development of the foreign-related rule of law personnel. The world is in a period of great changes and adjustments, and China's reserve of the high-end foreign-related rule of law talents is insufficient to cope with the intricate international situation. Therefore, it is of great significance to cultivate foreign-related legal talents who can escort the construction of the country. Excellent foreign-related legal talents may actively contribute to resolving conflicts and disagreements in international affairs, protecting China's legitimate interests and national sovereignty.

### *(b) Value of the Project*

For the construction of a foreign-related rule of law, the training of foreign-related legal talents is essential. The training of legal talents serves the construction of “the Belt and Road” Initiative, helps China to participate in global governance and even helps advance foreign-related rule of law construction. The cultivation of foreign-related legal talents cannot be separated from school education. Colleges and universities are important bases for cultivating foreign-related legal talents, and face the practical urgency of talent cultivation (Lande and Sternlight, 2010). Against “the Belt and Road” construction background, and starting from the demand gap created by the international dispute resolution mechanism

(Wang et al., 2017), it is of great value to explore the mechanism of cultivating foreign-related legal talents in colleges and universities.

## 2. Literature Review

Concerning the research guideline of “the Belt and Road” Special Topic Guide of Ningbo Vocational Education, this project is intended to take the cultivation of foreign-related legal talents as the primary research content of institutional service. This project takes the demand gap of the international dispute resolution mechanism as the starting point, refines the demand factors for foreign-related legal talents, and establishes a modern, scientific and international talent training mechanism based on an examination of the following existing literature.

Starting from the demand gap of foreign-related legal talents under the background of “the Belt and Road”, the research and achievements related to international dispute resolution are classified as follows: a. Reform and opening up to the 1990s, experts and scholars have begun to focus on the research of international dispute resolution mechanism. China had fewer opportunities to participate in international investment legislation at that stage. Scholars did not yet have an in-depth knowledge of the system. The research results mainly introduced the systems, such as a brief introduction of the Washington Convention and the ICSID established under the Convention (Zhu, 2023). b. After the 1990s, domestic and international scholars have further deepened their research on this issue, exploring the shortcomings of the dispute resolution mechanism in constructing “the Belt and Road”. Euler et al. (2015) argue that the shortfall lies in the lagging behind relevant treaties and regulations, the conceptual failure to focus on trade facilitation, and the longstanding lack of transparent policy norms at the operational level. Liao (2018) argues that the current deficiencies are mainly due to the lack of legal mechanisms for bilateral and multilateral cooperation and has not yet realised the convergence of domestic law and bilateral and multilateral treaties by comparing international and regional dispute settlement mechanisms. Schill (2011) believes that the current problems in investment in the international dispute settlement mechanism are mainly since host country remedies tend to be coercive. Wang (2016) argues that the biggest problem in the existing dispute settlement mechanism is the problem of enforcement and the operation of the arbitral tribunal, and the problem of enforcement is highlighted by the difficulty of enforcement in the field of investment; the arbitral tribunal suffers from the problem of abuse of discretion. Ghorri (2018) argues that the shortcomings of the current dispute settlement mechanism mainly lie in the international judicial co-operation. The lack of exchange mechanisms is mainly due to inadequate mutual legal assistance treaties between countries along the route.

Classification of research and achievements related to the cultivation of foreign-related legal talents. a. Research on the importance of foreign-related legal talents. Du (2020) argues that the cultivation and education of rule-of-law talents is an important part of the systematic project of ruling the country following the law in an all-round way and that the cultivation and education of foreign-related rule-of-law professionals has a fundamental, strategic and pioneering status and role in the construction of the foreign-related rule of law. Liu (2022)

believes that from the perspective of national game and competition, foreign-related law is an important way to deal with international challenges and achieve national interests. b. Research on the cultivation objectives of foreign-related legal talents. According to Xu (2021), the target standard of foreign-related legal talent training is "moral and talented, internationalised, compound and elite" foreign-related rule of law talents. c. Research on the cultivation mechanism of foreign-related legal talents. Ma and Zhang (2017) and others believe that cultivating foreign-related legal talents is a systematic project involving many aspects, such as cultivation objectives, curriculum construction, legal foreign language, teacher team construction, talent evaluation methods, etc., and these elements must form an organic whole. d. Focuses on the study of language training of foreign-related legal talents. It mainly discusses the cultivation of foreign-related legal talents from the perspective of language ability cultivation. Zhang (2021) believes that the cultivation of foreign rule of law professionals should be orientated towards the objective needs of the foreign rule of law work and take the cultivation of legal English talents as a starting point from the systematic study of the legal English language to the comprehensive study of Anglo-American law knowledge.

International trade and dispute resolution is the reality of foreign-related legal talent to play a role in the foundation of social politics, economy and the profound impact of legal relations. Academics now have rich research results on dispute resolution and training foreign-related legal talents, which provides many perspectives and paths for efficiently promoting the training of foreign-related legal talents. However, there is still the problem of disconnected training mechanisms. How to meet the talent demand gap still lacks the corresponding theory and practice combined research perspectives.

### **3. Content of the Project**

#### ***(a) Objects of the Project***

This topic takes the talent demand of international dispute resolution mechanisms and the cultivation of foreign-related legal talents in colleges and universities against the “the Belt and Road” background as the research objects. This project analyses the mutual motives and mutual influence of the two based on relevant theories and empirical case studies, evaluates the relationship between the two by using relevant methods, and explores the intertwined paths of the cultivation of foreign-related talents in institutions to meet the needs of international investment and dispute resolution.

#### ***(b) Research Priorities and Challenges***

The difficulty of this research is how to effectively consider the intrinsic motivation and influence of economic, legal and policy factors on the cultivation of foreign-related legal talents in the context of the economic integration of “the Belt and Road” countries, which is complicated and changeable. It focuses on analysing and evaluating economic activities, international dispute resolution and the demand gap of foreign-related legal talents in “the Belt and Road” countries. It explores the cultivation path of the qualities required for foreign-related legal talents.

### **4. Basic Idea of Methodology**

The methodology of this research is as follows: (a) Based on relevant theoretical literature and empirical case studies, to conceptualise the basic framework of “the Belt and Road” construction needs and the cultivation of foreign-related legal talents in institutions and to determine the research methodology and technical route. (b) To carry out group discussion and expert consultation and summarise the possibilities and exact views on the relationship between the demand for the construction of “the Belt and Road” and the cultivation of foreign-related legal talents in institutions. (c) By combing the literature and empirical cases and combining the logical connection of theories of related disciplines to screen the literature and existing cultivation system around the research object. (d) Adopting compound cross-research methods to analyse the literature and existing training system, combining current policies with relevant theoretical methods and referring to dynamic policy factors to summarise the scientificity and rationality of “the Belt and Road” construction demand and the training system of foreign legal talents in institutions and draw conclusions and inspirations.

## 5. Novelty

### *(a) Features and Novelty in Research Substance*

This project takes the dispute resolution mechanism in constructing “the Belt and Road” and the demand gap of foreign-related legal talents as two perspectives to explore the coupling problem of “cultivating foreign-related legal talents in colleges and universities”. It explores the impact of legal, economic, political and cultural elements in international economic relations on the demand gap for foreign-related legal talents.

### *(b) Characteristics and Novelty of Research Methods*

This project adopts a complex and cross-cutting research methodology to carry out a panoramic scientific exploration of the training mechanism of foreign-related legal talents, combining with the realistic and objective conditions to meet the needs of international investment and dispute settlement and arriving at a specific training programme. This research methodology can effectively ensure the project's standardisation, logic, scientificity and novelty.

## 6. References

Dimitrij Euler et al., *Transparency in International Investment Arbitration: A Guide to the UNCITRAL Rules on Transparency in Treaty-Based Investor-State Arbitration* (Cambridge University Press, 2015), p 84.

Falian Zhang, “Several Issues to be Clarified in Cultivating Foreign Rule of Law Professionals,” (2021) 4 *New Liberal Arts Education Research*, 12 (张法连, “涉外法治专业人才培养需要厘清的几个问题”, 《新文科教育研究》2021 年第 4 期, 第 12 页).

Guiguo Wang et al., *“the Belt and Road” Dispute Settlement Mechanism* (Zhejiang University Press, 2017), p 41 (王贵国等: 《“一带一路”争端解决机制》, 浙江大学出版社 2017

年版，第 41 页）。

Guiguo Wang, “‘the Belt and Road’ Strategic Dispute Resolution Mechanism,” (2016) 2 *China law review*, 34 (王贵国, “‘一带一路’ 争端解决机制”, 《中国法律评论》2016 年第 2 期, 第 34 页)。

Huanfang Du, “Top-level Design and Realisation Path of Talent Cultivation of Foreign-related Rule of Law Professionals,” (2020) 6 *China University Teaching*, 28 (杜焕芳, “涉外法治专业人才培养的顶层设计及实现路径”, 《中国大学教学》2020 年第 6 期, 第 28 页)。

John Lande and Jean Sternlight, “The Potential of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering,” (2010) 1 *Ohio State Journal on Dispute Resolution*, 278.

Li Liao, “Research on Innovation of Dispute Resolution Mechanism of ‘the Belt and Road’ -Perspectives of International and Comparative Law,” (2018) 2 *Law Review*, 170 (廖丽, “‘一带一路’ 争端解决机制创新研究——国际法与比较法的视角”, 《法学评论》2018 年第 2 期, 第 170 页)。

People's Congress of the People's Republic of China, “the Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning Comprehensively Promoting the Rule of Law,” available at [http://www.npc.gov.cn/zgrdw/npc/zt/qt/sbjyszqh/2014-10/29/content\\_1883449\\_6.htm](http://www.npc.gov.cn/zgrdw/npc/zt/qt/sbjyszqh/2014-10/29/content_1883449_6.htm) (“中共中央关于全面推进依法治国若干重大问题的决定”) (visited 20 May 2022).

Renshan Liu, “Top-level Design and Realisation Path of Cultivating Foreign Rule of Law Professionals in China,” (2022) 1 *Journal of International Law*, 47 (刘仁山, “我国涉外法治专业人才培养的顶层设计及实现路径”, 《国际法学刊》2022 年第 1 期, 第 47 页)。

Stephan W. Schill, “Enhancing International Investment Law's Legitimacy: Conceptual and Methodological Foundations of a New Public Law Approach,” (2011) 52 *Virginia Journal of International Law*, 66.

Umair Ghori, “Investment Court System or Regional Dispute Settlement?: The Uncertain Future of Investor—state Dispute Settlement,” (2018) 30 *Bond Law Review* 83, 116.

Weigong Xu, “Research on the standard of cultivation of the foreign-related rule of law talents in China,” (2021) 4 *New Liberal Arts Education Research*, 20 (徐伟功, “我国涉外法治人才培养的标准研究”, 《新文科教育研究》2022 年第 4 期, 第 20 页)。

Wenqi Zhu, *International Law and International Dispute Settlement* (Renmin University of China Press, 2023), p 260 (朱文奇:《国际法与国际争端解决》, 中国人民大学出版社 2023 年版, 第 260 页)。

**Application Materials for “the Belt and Road” Special Projects of Ningbo City Vocational Education**

Yanfeng Ma and Falian Zhang, “Exploration of foreign-related legal talents Cultivation Mechanism in the Context of ‘the Belt and Road’,” (2017) 6 *Journal of Gansu Radio and TV University*, 63 (马彦峰张法连, “‘一带一路’背景下涉外法律人才培养机制研究”, 《甘肃广播电视大学学报》2017 年第 6 期, 第 63 页).