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The Rule of Law in Foreign-Related Affairs and Associated Talent Cultivation in China*

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Abstract Advancing the rule of law in domestic and foreign-related affairs in a coordinated manner is a significant strategic measure put forward by the Communist Party of China and the Chinese government amid global changes of a magnitude not seen in a century. It is an important content of XI Jinping Thought on the Rule of Law and also a new practice facing China's high-level opening up. To further explore and clarify the basic theory and approach of cultivating high-quality talents in the rule of law in foreign-related affairs, this article analyzes and summarizes the practice of foreign-related rule of law in the context of globalization. This is done from the perspectives of territory, normative, subject, and legal application dimensions. Key factors include the significant differences in official languages and legal cultures between jurisdictions, the closure of the legal profession admission mechanisms, and the inter-disciplinary requirements for talents praticing the rule of law in foreign-related affairs. For this reason, the path for talent cultivation in this field in China for the new era can be explored through clarifying requirements for training and qualification, strengthening international cooperation, and building a multi-level mechanism for the cultivation and utilization of talents practicing the rule of law in foreign-related affairs.

Keywords rule of law in foreign-related affairs, rule of law in domestic affairs, talents in the rule of law in foreign-related affairs, legal system

The Central Committee of the Communist Party of China (CPC) with General Secretary XI Jinping at its core puts forward the strategic approach to "advancing the rule of law in domestic and foreign-related affairs in a coordinated manner" for exercising law-based governance and for promoting legislation, law enforcement, judicature, compliance, and legal services in the foreign-related field. The purpose is to achieve a high-level of opening up. However, "relying solely on laws is not enough for exercising governance" and "the key to governance lies in selecting and employing the wise." To effectively advance the rule of law in domestic and foreign-related affairs in a coordinated manner, a large number of high-quality talents in the rule of law

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in foreign-related affairs are needed. XI Jinping cherishes the cultivation of talents in this field, emphasizing that "We should also strengthen foreign-related legal education, with the focus on training personnel for foreign-related law enforcement, judicature, and legal services, and cultivating and recommending legal professionals for international organizations, so as to better serve the overall work in foreign-related affairs."[1] Therefore, to cultivate high-quality talents in the rule of law in foreign-related affairs, it is particularly important to conduct theoretical exploration and further clarify the fundamental theoretical issues in this field, taking into account the current situation of legal education and legal professional development in China.

I The Practical State and Multidimensional Essence of the Rule of Law in Foreign-Related Affairs

Being an outcome of human development and progress, the rule of law functions as to consolidating foundations, ensuring stable expectations, and delivering long-term benefits, and it is a basic means of governance for most countries in the world. Under the international order with the nation-state as the basic unit, there are differences in the forms of rule of law among countries due to historical traditions, political systems, and social structures. The rule of law is also a product of national sovereignty, giving rise to different legal systems and law-based statuses. However, with technological progress, transportation advancement, and communication technology leap forward, the transnational and cross-border flow of people, goods, capital, and information has become increasingly frequent on a global scale. The development of globalization has significantly surpassed tangible and intangible national-border restrictions and has also removed closure of various rule of law frameworks. The rule of law in various countries based on sovereign rule has begun to significantly surpass their domestic rule of law based on territorial sovereignty, and more and more foreign-related factors are present in various aspects of domestic rule of law, resulting in a complex, multi-level, and multi-subject rule of law forms in foreign-related affairs. While respecting the legal order established on the basis of nation-states, countries also cherish bilateral cooperation and strengthen global cooperation in the rule of law through international organizations such as the United Nations and the World Trade Organization. This trend has become increasingly prominent amid global changes of a magnitude not seen in a century.[2]

From the perspective of state governance, the rule of law in foreign-related affairs refers to specific external factors involved in legal relationships, but it remains an integral part of the rule of

1 XI Jinping, 坚定不移走中国特色社会主义法治道路，为全面建设社会主义现代化国家提供有力法治保障 (Sticking to the Path of Socialist Rule of Law with Chinese Characteristics and Providing Sound Legal Guarantee for Socialist Modernization), 5 求是 (*Qiushi*), (2021).

2 See HUANG Jin, 百年大变局下的国际法与国际法治 (International Law and International Rule of Law in the Global Changes of a Magnitude Not Seen in a Century), 1 交大法学 (*Shanghai Jiaotong University Law Review*), 16 (2023).

law within a country and belongs to the broad-sensed rule of law domestically.[3] "Broadly, the rule of law in domestic affairs refers to an independent legal system that is relative to the rule of law in international affairs. It includes both rule of law activities concerning purely domestic affairs and those concerning a country's foreign-related affairs. Narrowly, the rule of law in domestic affairs is a component of the rule of law system in national affairs and is parallel to rule of law in foreign-related affairs."[4] Furthermore, the rule of law in foreign-related affairs involves factors and content beyond the scope of a country, encompassing a country's opening up to the outside world, external exchanges and cooperation, participation in international affairs, and engagement in international governance. This requires a comprehensive perspective, considering all dimensions. Advancing the rule of law in domestic and foreign-related affairs in a coordinated manner and pursuing coordinated progress in both domestic and international governance have formed a specific strategic approach for China in the new era for promotion of high-level opening up and building a human community with a shared future.

The policies of reform and opening up, as well as China's peaceful rise, have massively moved forward the Chinese development process and have enriched the forms of rule of law in foreign-related affairs. China has also made huge contributions to the building of an equitable international order by actively promoting the rule of law in foreign-related affairs.[5] In the practice of the rule of law in foreign-related affairs in China, its form mainly manifests the space for the role of Chinese rule of law, various links in the rule of law process, as well as the subjects, objects, and contents of legal relationships. The extraterritorial factors involved are specifically reflected in the following aspects.

A | The Spatial Dimensions of the Rule of Law in Foreign-Related Affairs

From the perspective of spatial scope, the "foreign" in the rule of law in foreign-related affairs is reflected in the legal relationships based on China where the subjects, objects, and contents of these relationships go beyond the inherent scope of domestic law (intra-territorial law). It involves external factors and foreign countries, exhibiting multi-level external characteristics.[6]

The essence of rule of law is essentially

3 See HUANG Jin, 论统筹推进国内法治和涉外法治 (Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner), 12 中国社会科学 (*Social Sciences in China*), 85–86 (2022); HUANG Huikang, 从战略高度和全球视角认知和推进涉外法治建设 (Understanding and Promoting Foreign-Related Rule of Law from a Strategic and Global Perspective), 5 法治现代化研究 (*Law and Modernization*), 45–47 (2022).

4 HUANG Huikang, 准确把握"涉外法治"概念内涵，统筹推进国内法治和涉外法治 (Accurately Understanding the Essence of the Concept of "Rule of Law in Foreign-Related Affairs" and Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner), 1 武大国际法评 *(Wuhan University International Law Review*), 13 (2022).

5 Since its founding in 1949, the People's Republic of China has been playing an active role in promoting the noble cause of human peace and development, and has been contributing Chinese wisdom and experience to the evolution of modern international law and to the rule of law in international affairs. See HUANG, fn. 2 at 13–15.

6 See MA Zhongfa, 百年变局下涉外法治中"涉外"的法理解读 (Jurisprudence Explanation of "Foreign-Related" in Phrase of "Foreign-Related Rule of Law" Under Great Changes Rarely Seen in a Century), 1 政法论丛 (*Journal of Political Science and Law Review*), 98 (2023).

an approach for a government to exercising its governing power, mainly referring to the rule of law in domestic affairs within the country's territorial boundaries. If all the factors of legal relationships were limited within the inherent territorial scope of a country, then there generally would not be issues of rule of law in foreign-related affairs. However, with the technological advancements and growing economic globalization, there has been a stronger emergence of new legal relationships involving cross-border movements of people, trade, data, and so on. In such circumstances, the exercise of sovereign governance by a government cannot be limited solely to the domestic territorial scope, as external factors from outside the jurisdiction increasingly impact the effect of the rule of law in domestic affairs. Moreover, in the context of globalization, countries face common environmental problems, development issues, and trade problems, the resolutions of which require international cooperation and rule of law coordination. Therefore, the rule of law within a country increasingly involves extraterritorial factors, constituting the rule of law in foreign-related affairs. The rule of law in foreign-related affairs is built on the foundation of the rule of law in domestic affairs and represents the external extension of certain elements of law.

It is worth noting that, in terms of spatial scope, the elements of foreign law may originate from a sovereign country. For example, the nationality of the parties in a foreign-related divorce case is Japan, the United States or another country. The elements of foreign law may also be limited to a specific region within a country. For instance, individual states within the United States often have significantly different laws, and the foreign-related relations involved would be limited to the laws of the specific state within the United States. Furthermore, the external domain may involve supranational legal systems. As another example, the European Union (EU) is a supranational political and legal entity. When Chinese companies enter the EU, compliance with EU laws becomes a must. Finally, to facilitate international coordination, countries sign international conventions and bilateral treaties within multilateral and bilateral frameworks such as the United Nations and the World Trade Organization. These legal documents construct the narrow sense of international legal order, with the participating countries as the space in which they operate, which may also constitute the "foreign" scope of rule of law in foreign-related affairs.

At present, when determining the scope of rule of law in foreign-related affairs, China's rule of law in foreign-related affairs faces the question of how to address issues concerning Hong Kong SAR, Macao SAR, and Chinese Taiwan. When the international community considers state sovereignty, most countries recognize the "One China" principle with the Central People's Government of the People's Republic of China being the sole legitimate government representing China. However, due to the political framework, China implements the "One Country, Two Systems" policy, allowing the special administrative regions of Hong Kong and Macao to retain their particular legal systems.

Therefore, under the political framework of "One Country, Two Systems," those legal factors originating from Hong Kong SAR, Macao SAR, and Chinese Taiwan fall within the scope of rule of law in foreign-related affairs.[7]

B | The Normative Dimension of the Rule of Law in Foreign-Related Affairs

From the perspective of the "rule of law" process, the rule of law in foreign-related affairs is dynamic and includes the legislation, law enforcement, application and interpretation, adjudication, and compliance of foreign-related laws.

As HUANG Huikang noted, the dynamic process of rule of law in foreign-related affairs "refers to the collection of the concepts, principles, systems, and rules that adjust foreign legal relationships within the socialist rule of law system with Chinese characteristics. It includes aspects such as legislation in foreign-related affairs, enforcement in foreign-related affairs, judicial activities in foreign-related affairs, legal services in foreign-related affairs, and judicial cooperation between China and other countries."[8] The rule of law in foreign-related affairs in China is practiced amid conditions of opening up, and when dealing with legal affairs beyond its borders, it inevitably involves various aspects of the rule of law. In each stage of this process, complex transnational and cross-border entities are involved, each playing different roles in the practice of the rule of law and exhibiting different forms of the rule of law. In the dynamic process of rule of law in foreign-related affairs, it can be observed that the actors, the direction, and the forms the process takes, vary in each dynamic stage.

The current world legal order, established after World War II and based on sovereign governments of nation-states, is still characterized by fragmentation and segmentation. Each government has sovereignty within its territory and exercises independent legislative, executive, and judicial powers. Territorial jurisdiction is the basic principle for governing by sovereign governments. However, when legal relationships involve transnational and cross-border situations, issues of extraterritorial jurisdiction, application of foreign laws, and jurisdiction over extraterritorial entities arise. Respecting the principle of independent sovereignty of each country under international law, transnational and cross-border civil entities need to comply with the laws of the country where they are located to ensure compliance. A government can also engage in law-based coordination under international legal frameworks concluded between nations and through international treaties enforced by various countries. Civil entities may also satisfy their legal claims by choosing and applying extraterritorial laws within established international

7 See HUANG Huikang, 香港特别行政区在中国涉外法治建设中的独特地位和重要作用——纪念香港回归祖国暨《香港特别行政区基本法》实施25周年 (The Unique Position and Important Role of Hong Kong Special Administrative Region in Advancing China's Rule of Law in Foreign-Related Affairs: Commemorating the 25th Anniversary of the Return of Hong Kong to the Motherland and of the Implementation of the Basic Law of Hong Kong Special Administrative Region), 4 国际法研究 (*Chinese Review of International Law*), 4 (2022).

8 See HUANG, fn. 4 at 12.

legal frameworks. For example, Chinese arbitration institutions can render decisions under the framework of the New York Convention, allowing parties to apply for the enforcement of arbitration awards in the courts of the country where the counterparty is located.

Different entities play different roles in various aspects of rule of law in foreign-related affairs. Generally, in the stages of legislation and enforcement, a government represents the exercise of national sovereignty by formulating the relevant legal norms. Furthermore, it engages in coordination, cooperation, and even contention with foreign governments to ensure the effective application of foreign-related laws. For example, when a government seeks to apprehend fugitives abroad, it needs to engage in cross-border law enforcement and cross-border judicial cooperation. Similarly, extradition cooperation is often required when extraditing criminals, necessitating cooperation between the governments of two countries. Recently, China imposed sanctions on United States military-industrial complexes in accordance with the Anti-Foreign Sanctions Law of the People's Republic China, which is a specific manifestation of law enforcement against foreign entities. While it is necessary to abide by and implement international law during the processes of foreign-related legislation, enforcement, and judicature, yet its direct legal basis is still domestic laws involving extraterritorial factors as well as consultations, cooperation and even contention between countries. It is evident that in such contexts, foreign-related legislation, foreign-related law enforcement, and international law exist in different normative dimensions.

When Chinese companies run business overseas, they have to address compliance issues. It is crucial for them to prioritize compliance in order to stabilize their business operation and long-term success.[9] When engaging in cross-border commercial activities abroad, it is essential for them to comply with local laws and regulations and meet all compliance requirements. This is the best way to mitigate legal risks in their business operations overseas. However, being compliant does not mean being passive and not being able to do anything proactively. By thoroughly, accurately, and comprehensively understanding the extraterritorial laws and regulations and their applications, Chinese companies can better comply with those laws and regulations while engaging in effective legal communications to protect their legitimate rights and interests. It is important to note that in cross-border commercial activities, including those involving Chinese entities, the parties involved can proactively choose the jurisdiction of extraterritorial laws that are more favorable to them. For example, in international trade, commercial entities from different countries can pre-determine contractual clauses for dispute resolution through arbitration, including clauses on the selection of the arbitral seat and the applicable law. In such cases, having a comprehensive understanding and proficiency in the laws of different countries,

9 Compiled by the Publicity Department of the CPC Central Committee and the Office of the Commission for Law-Based Governance Under the CPC Central Committee, 习近平法治思想学习纲要 (*Outline for the Study of XI Jinping Thought on the Rule of Law*), 人民出版社 (People's Publishing House), at 122 (2021).

and conducting effective comparative legal research, becomes crucial in making right choices regarding the application of laws and the jurisdiction of courts.

C | The Subject Dimension of the Rule of Law in Foreign-Related Affairs

From the perspective of the subject dimension in promoting the rule of law in foreign-related affairs, the subjects involved in foreign-related legal activities can be public entities such as governments, as well as private entities engaged in general civil and commercial activities, including natural persons, legal persons, and non-legal persons.

In the process of promoting the rule of law in foreign-related affairs, the government and other public power departments of a country are responsible for promoting foreign-related legislation, law enforcement, and judicial activities. However, private entities such as natural persons, legal persons, and other organizations may also become subjects of the rule of law in foreign-related affairs. For example, when a legal subject, especially a multinational corporation, engages in civil and commercial activities outside its national jurisdiction, it involves the application of foreign laws and is subject to foreign jurisdiction. In the field of foreign-related legal services, lawyers, patent agents, accountants, and other professionals with foreign-related legal business qualifications play a leading role.

In the process of promoting the rule of law in different countries, various subjects play different roles. Public entities ensure the functioning of the rule of law through legislation, law enforcement, and judicature. Private entities, on the other hand, need to follow and comply with laws and regulations. Professionals in the legal service industry, such as lawyers and accountants, ensure the correct application and implementation of the law through their specialized professional services, safeguarding the legitimate interests of relevant parties. Contemporary world legal order is established on the basis of independent national legal orders, and different legal entities have their own national attributes, with some even having multiple nationalities. In practice, the rule of law in foreign-related affairs exhibits characteristics such as the diversity of national attributes, the multiplicity of entity identities, and the differentiation of entity powers. Even within a specific legal relationship, either or both of single entities and multiple entities may be involved. Even a single entity may have multiple nationalities. For example, an individual may be of multiple nationalities, and some multinational corporations adopt strategies of registration, operation, and listing in different countries or regions, making their national identities extremely complex. In cases involving multiple entities, a legal event may involve natural persons, corporate organizations, or even national governments from different legal jurisdictions.

D | The Legal Application Dimension of the Rule of Law in Foreign-Related Affairs

From the perspective of the "law" dimension in the rule of law in foreign-related affairs, the "law" exhibits a multi-layered

characteristic. Systematized legal norms are the prerequisite and foundation of the rule of law, and the rule of law in foreign-related affairs is no exception. However, the uniqueness of the rule of law in foreign-related affairs lies in its potential involvement of both domestic and extraterritorial laws. extraterritorial laws may include a single foreign legal system or multiple foreign legal systems, such as the laws of various countries involved in promoting the "Belt and Road Initiative." The rule of law in foreign-related affairs may also involve laws at different levels, such as international treaties at the level of the United Nations, bilateral treaties between countries, domestic laws of individual countries, supranational laws that transcend national boundaries, and local laws within a country.[10] Furthermore, due to the diversity of legal cultures, "law" can vary in manifestation. Some countries and regions follow the precedent law system, where judicial precedents become a source of law, while others exercise written law, where judicial precedents are not made into a binding law.

In China's system of rule of law in foreign-related affairs, a foreign entity entering China needs to abide by the laws formulated by China's legislative body and accept the jurisdiction of China's law enforcement and judicial authorities. Where Chinese laws apply to foreign entities, these laws are also considered to have foreign factors and constitute an organic component of the rule of law in foreign-related affairs. In the 1980s, at the beginning of reform and opening up in China, China's legislative body formulated specialized foreign-related laws for foreign entities. For example, in order to implement the reform and opening up policy and attract foreign investment, China formulated and introduced a series of foreign-related laws specifically for foreign entities, including the Law of the People's Republic of China on Economic Contracts Involving Foreign Interest (1985, now expired), the Law of the People's Republic of China on Wholly Foreign-Owned Enterprises (1986, now expired), the Provisions on the Implementation of the International Copyright Treaties (1992), and the Foreign Trade Law of the People's Republic of China (1994). Since the 18th CPC National Congress in 2012, China has accelerated its legislative work on the rule of law in the foreign-related field, and has enacted laws such as the Anti-Secession Law and the Anti-Foreign Sanctions Law of the People's Republic of China, which primarily apply to extraterritorial entities. For example, recently, the Chinese government sanctioned some the United States military-industrial complexes for their roles in arms sales to Chinese Taiwan, which is a typical example of the rule of law in foreign-related affairs.

In recent years, an increasing number of civil and commercial laws such as the Civil Code of the People's Republic of China, the Arbitration Law of the People's Republic of China, and the Civil Procedure

10 For example, in the Supreme People's Court of the People's Republic of China Guiding Case No. 37, "Shanghai Jwell Machinery Co., Ltd. v. Swiss Retech Aktiengesellschaft Arbitration Award Enforcement Review Case," the parties involved are two companies from China and Switzerland. To enforce the arbitration award made by the China International Economic and Trade Arbitration Commission, requires the involvements of legal norms such as the New York Convention, civil procedural laws of Switzerland and China.

Law of the People's Republic of China equally apply to both Chinese and foreign legal entities, amid the evolution of China's market economy and the improvement of the rule of law in China. Although these laws have specific provisions for extraterritorial entities,[11] these substantive and procedural laws generally apply to both Chinese and foreign entities equally.

II Constituent Elements and Characteristics of the Rule of Law in Foreign-Related Affairs

The strategy for advancing the rule of law in domestic and foreign-related affairs in a coordinated manner creates an enormous demand for legal professionals in China who specialize in the rule of law in foreign-related affairs. However, unlike the rule of law in domestic affairs, the rule of law in foreign-related affairs may involve extraterritorial entities, extraterritorial legal norms, and extraterritorial legal organizations, in terms of legislation, judicature, or enforcement. Due to historical, cultural, and linguistic differences, legal professionals in China have tremendous difficulties in interpreting and applying extraterritorial laws and in conducting legal practices involving foreign parties.

Due to the broader scope of "foreign" involved in the rule of law in foreign-related affairs, and the fact that dynamic processes are involved, the sources of knowledge for the rule of law in foreign-related affairs naturally have the characteristic of diversity. The knowledge of the rule of law in foreign-related affairs not only comes from domestic laws of a country but may also involve extraterritorial laws, extraterritorial legal environments, extraterritorial legal cultures, and extraterritorial entities. In this sense, the rule of law in foreign-related affairs has the characteristics of multiple sources of legal knowledge, a wide range of subjects, and a long supply chain.

A | The Differences in Official Languages

The relationship between law and language is extremely close and crucial. Law must be publicly expressed and applied through official languages in order to have legal effects. Without language expression, modern law cannot be defined and cannot function. An official language means that it is the only valid language, while other languages, even if expressing the same meaning, are considered invalid.[12]

It is true that languages are diverse. Even within a country, there may have various official languages. For example, Switzerland, a small European country, has four official languages: Swiss German, Italian, French, and Romansh. English, which is commonly used in international settings, is not an official language of Switzerland.[13]

11 For example, Chapter VII of the Arbitration Law of the People's Republic of China provides regulations on "Arbitration Involving Foreign Elements."

12 For example, the English version of the Federal Constitution of the Swiss Confederation of 18 April 1999 (Status as of 13 February 2022) clearly states: English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

13 Article 4 of the Federal Constitution of the Swiss Confederation provides: The National Languages are German, French, Italian, and Romansh.

Due to the massive differences in languages among countries, the relationship between the rule of law in foreign-related affairs and languages becomes more complicated, and may significantly affect the interpretation and recognition of extraterritorial legal knowledge, as well as the application of law. For example, the 37th judicial interpretation issued by the Supreme People's Court in China is a typical case involving the enforcement of a foreign-related arbitration award. In this case, the China International Economic and Trade Arbitration Commission made an arbitration award on a contract dispute between a Chinese company and a Swiss party. However, the Swiss party did not have any assets in China, the Chinese company was required to translate all the arbitration documents into German language in according with Article 4 of the New York Convention, before they could apply for the enforcement for the other party's assets in a local court of Zurich, Switzerland. Although the Chinese company had made the translation, their applications for enforcement were rejected by the Zurich court because their translation failed to meet the requirements.[14] Regardless of other legal issues reflected in this case, it demonstrates languages have huge impacts on the rule of law in foreign-related affairs.

Surely, the choice of language is determined by the sovereign governments of each country. From a historical and present perspective, the languages used by countries can be broadly categorized into two forms: ideographic language forms and phonetic language forms. It is evident that countries in East Asia, including China, use ideographic characters such as Chinese characters, which contrast sharply with the written systems in Western countries that use phonetic characters. In international relations and communications, the influence of each country is demonstrated in various aspects, including whether their language is adopted as an official language. However, in specific legal matters, parties, for the sake of efficiency and effectiveness, often need to establish a mechanism through authoritative bodies or voluntary choices to determine a single language as the common language for legal activities. For a long time, in international businesses, parties generally choose English, which is a phonetic language, as the working language. This customary practice, to some extent, is disadvantageous for Chinese parties and Chinese legal professionals who use Chinese characters. This phenomenon undoubtedly places higher demands on China in cultivating talents in the rule of law in foreign-related affairs.

B | The Diversity of Legal Culture

The differences in legal culture can lead to misconceptions and even blind spots in the interpretation of foreign-related affairs by legal practitioners. In terms of law cognition and application, extraterritorial laws have strong local characteristics. Even when civil and commercial entities directly use foreign lawyers or professionals to engage in foreign-related legal affairs, they may

14 The Supreme People's Court of the People's Republic of China Guiding Case No. 37, "Shanghai Jwell Machinery Co., Ltd. v. Swiss Retech Aktiengesellschaft Arbitration Award Enforcement Review Case."

run into cognitive conflicts and obstacles in handling transnational and cross-border legal activities, due to the differences in culture, social backgrounds, and legal systems.

Every legal system is a product of the historical and cultural background of a specific region or country, and it possesses strong cultural attributes. The diversity of legal cultures can create cognitive barriers for outsiders' interpretation of extraterritorial legal systems, and there may even be inability to comprehend or accept certain elements of extraterritorial legal systems.[15] Particularly, in the field of *lex personalis*, many legal systems often have cultural attributes that are specific to their locality and are difficult for outsiders to understand. For example, some countries recognize the legality of marijuana use, some countries require married couples to use the same surname, and some countries even recognize polygamy. It can be said that these differences constitute the basic landscape of a diverse legal world and pose massive challenges to the interpretation and application of extraterritorial laws.

The diversity of legal cultures not only poses challenges to interpretation and cognition of legal systems but also creates difficulties in interpreting and applying these systems, which can lead to erroneous responses. For example, in the adversarial model adopted in the proceedings of the Court of Arbitration for Sport, lawyers from both sides can prepare their witnesses in advance to better respond to cross-examination by opposing lawyers in court. Unfortunately, in some arbitration hearings involving Chinese athletes, the performance of some Chinese witnesses has clearly indicated a lack of preparation, reflecting a partial shortfall in the interpretation of the adversarial legal culture by Chinese lawyers.

C | The Closure of Legal Profession Admission Mechanism

Due to the high complexity of rule of law in international affairs, various foreign-related legal businesses largely need to be handled by legal professionals. However, in the current global legal landscape, the admission criteria for legal professional qualifications fall under the jurisdiction of each country as a sovereign matter. Different countries have significantly different systems for legal professional qualification admission and even some regions have such differences, such as that between Hong Kong SAR and Chinese mainland. And these legal professional qualification admissions are monopolized and incompatible with each other. Some countries impose restrictions on the admission of extraterritorial individuals to the legal profession based on nationality. While some other countries do not explicitly restrict professional admission for extraterritorial entities, they indirectly limit extraterritorial individuals from obtaining legal professional qualifications by setting prerequisites for legal education and implementing strict competitive examinations.

For legal professionals in China, obtaining extraterritorial legal professional qualifications can provide significant

15 DING Xiangshun, "一带一路"倡议与多元法律文化 (The Belt and Road Initiative and Diverse Legal Cultures), 3 苏州大学学报（法学版）(*Journal of Soochow University* [*Law Edition*]), 1–2 (2017).

advantages when engaging in the rule of law in foreign-related affairs, particularly when serving Chinese clients and applying extraterritorial laws abroad, for the following reasons. Firstly, most countries do not impose nationality restrictions on legal professional qualifications. The United States, the United Kingdom, and Australia in the Anglo-American legal system, Japan and South Korea in East Asia, and even some Arab countries, all open up their legal professional qualifications to extraterritorial individuals.[16] Secondly, obtaining extraterritorial legal professional qualifications requires applicants to receive systematic training in extraterritorial laws and acquire the appropriate ability to apply extraterritorial laws. Such a program can help to strengthen the Chinese legal professionals' systematic knowledge and interpretation of extraterritorial laws. Thirdly, obtaining extraterritorial legal professional qualifications is a prerequisite for obtaining professional licensing. Only with extraterritorial legal professional licensing is a practitioner allowed to handle extraterritorial legal cases and to have the opportunity to provide legal opinions and litigation services for clients, including those from China.

In summary, while the fragmentation of legal professions sets barriers and obstacles for providing international legal services, the openness of legal professional qualifications in major countries also provides possibilities for Chinese legal professionals to systematically study extraterritorial laws and obtain extraterritorial legal professional qualifications.

D | The Inter-Disciplines of Talents in the Rule of Law in Foreign-Related Affairs

Exploring the form of rule of law in foreign-related affairs reveals that the application subjects, regulatory objects, and forms of legal norm involved are complex. Due to the broad scope and intricate nature of rule of law in foreign-related affairs, high demands are placed on the cultivation of talents in this field.

From a procedural perspective, meeting compliance and engaging in foreign-related legal disputes require a crucial interpretation of extraterritorial laws and their operation. From an epistemological perspective, the scope of knowledge involved in the rule of law in foreign-related affairs includes not only foreign national laws, subnational local laws, and supranational laws, but also international law, multilateral or bilateral treaties, and more. Moreover, due to the interwoven nature of laws across different countries, a legal relationship between parties often involves multiple levels of legal systems and mechanisms. Given the different subjects involved, the interpretation and recognition of different organizational laws are often required. Furthermore, the choice of rule of law in foreign-related affairs may be determined independently by the parties involved. For example, when parties from different legal jurisdictions choose the third-party arbitration to resolve disputes,

16 See DING Xiangshun, 日本司法考试与法律职业制度比较研究 (*Comparative Study of the Japanese Judicial Examination and Legal Professional System*), 中国方正出版社 (China Fangzheng Publishing House), (2003). See Chapter 6 "Comparative Study and Reference of Judicial Examination Systems in Continental Legal Systems" for details.

it not only breaks down the geographical jurisdictional limitations established by domestic litigation rules but also potentially surpasses regional restrictions based on borders and national boundaries.

Therefore, talents in the rule of law in foreign-related affairs are high-end legal professionals. They are familiar with their own country's laws but are also knowledgeable in one or more extraterritorial legal systems, and can apply international legal knowledge in foreign-related legal practice.

III Specifications and Paths for Talent Cultivation in the Rule of Law in Foreign-Related Affairs

A sovereign government can protect the legitimate rights and interests of its citizens by enacting relevant legislation and strengthening extraterritorial law enforcement and judicial cooperation. When its citizens engage in foreign trade, make extraterritorial investments, and participate in international cooperation, it is also necessary to enhance education on extraterritorial laws, enabling the citizens to accurately understand the laws and legal mechanisms of host countries. This can enable them to best comply with local laws and regulations, and minimize their incidence of extraterritorial legal disputes. In addition, training a large number of legal professionals familiar with extraterritorial law is a must, and these high-level legal professionals are a vital guarantee for exercising the rule of law in foreign-related affairs.[17]

A | Basic Specifications for Talents in the Rule of Law in Foreign-Related Affairs

In the new era, talents in the rule of law in foreign-related affairs in China must possess a comprehensive understanding of both domestic and extraterritorial laws. They should be highly skilled legal professionals who can represent the country in extraterritorial law enforcement and judicial activities and even qualify for legal professional admission in both domestic and extraterritorial jurisdictions. In particular, the call of "advancing the rule of law in domestic and foreign-related affairs in a coordinated manner" put forward by the CPC Central Committee requires Chinese legal professionals in foreign-related law to not only be familiar with Chinese laws and provide professional services for applying Chinese laws to both Chinese and foreign clients but also understand and apply extraterritorial laws. They should be able to safeguard the legitimate interests of Chinese citizens, enterprises, and other entities overseas and engage in legal battles on the international legal stage.[18] Therefore, the basic specifications for talents in the rule of law in foreign-related affairs in China can be considered in the following three terms.

17 See MO Jihong, 加强涉外法治体系建设是重大的法学理论命题 (Strengthening the Construction of the Rule of Law in Foreign Affairs Is a Major Theoretical Proposition in Jurisprudence), 12 探索与争鸣 (*Exploration and Free Views*), 36 (2020).

18 See HE Yanhua, 新时代我国高校涉外法治人才培养机制创新 (Innovating the Mechanism for Cultivating the Rule of Law Talents in Foreign-Related Affairs in Chinese Universities for the New Era), 7 中南民族大学学报（人文社会科学版）(*Journal of South-Central Minzu University* [*Humanities and Social Sciences*]), 107–108 (2023).

First, the talents should have a solid foundation in Chinese law and meet the political, ethical, and professional requirements of socialist rule of law in China. Second, they should be familiar with foreign national laws and have a comprehensive understanding of the legal knowledge systems of major countries. They should be familiar with the application of foreign national law, subnational local law, and international law and be able to understand and apply the official language of extraterritorial law, providing legal services to clients from beyond China.[19] Third, on the basis of a comprehensive understanding of Chinese law, they should systematically master extraterritorial laws and obtain legal professional qualifications in an extraterritorial country (or region), and should obtain permission for access to the legal service market of that country (or region).

B | The Path for Talent Cultivation in the Rule of Law in Foreign-Related Affairs

To strengthen the cultivation of talents in the rule of law in foreign-related affairs, China's Ministry of Education and other relevant departments have launched a series of measures. In September 2021, the Ministry of Education pointed out the need for "guiding Chinese universities to combine their disciplinary advantages to increase their efforts in cultivating talents in the rule of law in foreign-related affairs for different legal domains and countries, systematically designing and implementing special programs for cultivating talents in the rule of law in foreign-related affairs, promoting the building of a 'domestic-foreign coordination' mechanism between universities and practical departments and between domestic organizations and extraterritorial organizations, as well as strengthening the cultivation of professional talents in international law, foreign-related law, and national law."[20] In February 2023, a document related to legal education issued by relevant departments of the central authorities also mentioned "strengthening the study of extraterritorial law and comparative law, rationally drawing on beneficial extraterritorial experience, and serving the practice of law-based governance."[21] It can be said that the key message of these documents provides a framework for the cultivation of talents in this field. Based on the current legal education in law universities and law schools in China, the following four aspects can be considered to improve the layout of talent cultivation in the rule of law in foreign-related affairs.

First, it is necessary to accurately identify the requirements for practitioners in the rule of law in foreign-related affairs, to rationally allocate resources for cultivating

19 See ZHANG Falian, 提高涉外法治专业人才培养质量的思考 (Reflections on Improving the Cultivation Quality Concerning the Rule of Law Professionals in Foreign-Related Affairs), 22 中国高等教育 (*China Higher Education*), 57–58 (2022).

20 The Ministry of Education's reply to Proposal No. 8342 of the Fourth Session of the 13th National People's Congress (The Proposal: International Law should be taught as a first-level discipline for strengthening the training of talents in foreign-related legal governance), Advice on the Higher Education [2021] No. 120.

21 Central Committee of the CPC and General Office of the State Council, 关于加强新时代法学教育和法学理论研究的意见 (Opinions on Strengthening Legal Education and Theoretical Research for the New Era).

Chinese talents in the rule of law in foreign-related affairs, and to ensure their cultivation quality. Fundamentally, talents in the rule of law in foreign-related affairs are high-end legal professionals who can understand legal systems of China and other countries. They have a solid command of Chinese law and a deep understanding of the Chinese legal system guided by the rule of law under the XI Jinping Thought on the Rule of Law. Therefore, a solid command of Chinese law is a prerequisite for becoming practitioners in the rule of law in foreign-related affairs. Moreover, they have to invest an enormous amount of time and effort for systematically commanding one or more regional and national laws, as well as international law. This enables them to apply Chinese law extraterritorially and serve the interests of clients, including Chinese companies.

This high-level requirement determines that the cultivation of talents in the rule of law in foreign-related affairs should target those students who have already laid solid foundation of legal knowledge. In the current landscape of legal education in China, an ideal scenario would be to offer education in the rule of law in foreign-related affairs to master degree candidates who have already completed their basic undergraduate legal education and possess a solid foundation in foreign languages. The students with a systematic understanding of Chinese law can better comprehend the fundamental principles of extraterritorial laws, and this provides them with a professional foundation to further pursue legal studies abroad and receive systematic training in extraterritorial laws.

Second, it is necessary to enhance international cooperation, update educational methods, and improve the practical capabilities of talents in the rule of law in foreign-related affairs so that they can adapt to the new requirements of the digital age. They need to satisfy high requirements in terms of practical skills to be practical legal practitioners. Due to the specificity and complexity of rule of law in foreign-related affairs, the cultivation of talents in this field is a long-term process. Work based on the rule of law in foreign-related affairs not only involves Chinese clients but also foreign parties; it may not only involve Chinese law but also extraterritorial laws expressed in different languages; it not only deals with the application of norms but also encounters cultural conflicts. All of these require talented professionals to have a diverse knowledge structure and the ability to understand, apply, and interpret laws in bilingual or multilingual contexts.

Third, it is necessary to strengthen guidance on the cultivation of talents in the rule of law in foreign-related affairs and establish a multi-level mechanism for talent cultivation, training, and utilization in order to promote the continuous development of talents. Universities of politics and law and law schools in China play a vital role in such a cultivation campaign. Given the intrinsic nature of rule of law in foreign-related affairs, talents in this field should be application-oriented professionals capable of understanding both Chinese legal system and other legal systems. They are advanced legal professionals who need to compete on the international legal stage.

They need to have a deep understanding of extraterritorial laws and of the social environments in which they are applied. However, they cannot acquire or command extraterritorial laws solely through textbook knowledge or through knowledge imparted by others. Instead, they must obtain profound interpretation through in-depth engagement in the application of extraterritorial laws, so that they can truly possess the legal skills to provide legal services and engage in legal disputes in international contexts. Therefore, government departments as well as legal education institutes should make full use of various international cooperation projects and leverage extraterritorial legal education resources to carry out more efficient international legal education cooperation.[22] Moreover, students should be encouraged to go abroad for exchanges and interactions, as this would allow them to further understand the legal provisions and static knowledge in textbooks but also look inside into the social customs and practices that shape the creation and operation of laws, thus enabling them to better conduct legal practices involving foreign parties.

It is important to note that the cultivation of talents in the field of rule of law in foreign-related affairs cannot be accomplished overnight. It is a long-term process that requires comprehensive consideration of factors including the training goals, career development, the allocation of domestic and extraterritorial legal education resources, the promotional role of the state, and the creation of a lifelong training system that integrates in-school education and practical experience.

Fourth, last but not the least, it is necessary to put together a structure for the utilization of talents in the field of rule of law in foreign-related affairs. Just as for any talent cultivation system, processes of cultivating and utilizing talents are closely connected. The utilization of talents in the rule of law in foreign-related affairs plays a vital role in guiding talent cultivation. Only by deploying a well-conceived and rational system for the utilization of talents can we encourage excellent law students to dedicate themselves wholeheartedly and persistently to development of their abilities and the achievement of excellence.

The process of advancing the rule of law in domestic and foreign-related affairs in a coordinated manner provides more possibilities for excellent law students to stand out. To turn this possibility into reality, not only must we carry out reforms in legal education to improve the quality of talent cultivation in the foreign-related field, but we also need to reform the system for utilizing the relevant talents. This process includes clear recognition and utilization of talents, putting together a revolving-door framework for different areas of rule of law in foreign-related affairs, promoting the healthy and orderly flow of talents, thus fostering a positive interaction mechanism for talent cultivation and talent utilization.

22 See DU Huanfang, 涉外法治专业人才培养的顶层设计及实现路径 (Top-Level Design and Roadmap for Cultivating the Rule of Law Professionals in Foreign Affairs), 6 中国大学教学 (*China University Teaching*), 28 (2020).