

Research on Talent Cultivation Path of Russia-Related International Arbitration in the Construction of the Belt and Road Initiative

Yang Jian^{1*}, Wang Qiyi^{2*}

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Abstract

The cultivation of international arbitration talents represents a new direction in the education of foreign-related legal talents. Specifically, the development of Russia-related international arbitration talents is not only a crucial aspect of fostering international arbitration talents, but an essential requirement for the constant deepening and continuous promotion of the Belt and Road Initiative. This article aims to systematically study the talent cultivation for Russia-related international arbitration, analyze the challenges and shortcomings of the current training mode, and propose a new path for cultivation that adapts to Chinese characteristics. Russia-related international arbitration talents should possess a global perspective, a dedication to international arbitration, proficiency in Russian, and both practical and professional competence in Russia-related arbitration. At present, with respect to the cultivation of Russia-related international arbitration talents, such problems exist as vague cultivation objectives, lack of distinctive characteristics, convergent training modes, insufficient innovation, incomplete curriculum system, finite practical experience. In response to these challenges, it is required to refine the objectives for Russia-related international arbitration talents, establish a distinctive educational system, adjust training modes, optimize the cooperative training mechanism, enhance the curriculum system, strengthen practical arbitration training. Thus contributing to the high-quality development of opening-up and the construction of the foreign-related rule of law system.

^{1*} Yang Jian, Heilongjiang University, Professor, Director of Heilongjiang University Center of International Law, is mainly engaged in research on International Arbitration, International Law and Intellectual Property Law. E-mail: 2014024@hlju.edu.cn

^{2*} Wang Qiyi, Heilongjiang University, Juris Master graduate student, a research assistant at the International Law Research Center. is mainly engaged in research on International Arbitration and International Economic Law. E-mail: wangqiyi@wmmqyww225458.wecom.work
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1. Introduction

Taking a coordinated approach to the rule of law at home and in matters involving foreign parties is a key component of Xi Jinping Thought on the Rule of Law, while enhancing the cultivation of the foreign-related legal talents is essential for advancing the foreign-related rule of law. In 2022, the General Office of the Ministry of Education and the General Office of the Ministry of Justice of the PRC jointly promulgated the Notice on Implementation of the Juris Master Degree (International Arbitration) Postgraduate Cultivation Program. This program initially conferred the Juris Master (International Arbitration) recruitment qualification to 20 universities. In the context of China's active advocacy for the high-quality joint construction of the Belt and Road Initiative and the acceleration of global governance system reforms, the program serves as a strategic effort for the cultivation of foreign-related legal talents with Chinese characteristics.

With the continuous promotion of the Belt and Road Initiative, this program is considered to be an important effort to consolidate peace and create development opportunities for nations, advancing the depth of cooperation, promoting economic prosperity, and fostering the formation of friendly international intergovernmental relations.⁴ Commercial exchanges and investment flows involving individuals and enterprises in China and Russia have become increasingly frequent, the bilateral trade volume between China and Russia amounted to USD 190.272 billion in 2022, and rose to USD 240.11 billion in 2023, marking a year-on-year increase of 26.3%⁵. The rapidly increasing trade volume between China and Russia, coupled with Russia's evolving legal framework, will inevitably lead to an increasing number of trade disputes. In the commercial sector, international arbitration has become the preferred method for dispute resolution due to its respect for the autonomy of parties concerned, enforceability worldwide, privacy and confidentiality, adaptability and finality of the award.⁶ Over the past decade, the China International Economic and Trade Arbitration Commission (CIETAC) has handled a total of 2,944 cases related to the Belt and Road Initiative, 256 of them where the dispute amounts exceeded CNY 100 million.⁷ In 2023, both CIETAC and the Hong Kong International Arbitration Centre (HKIAC) handled cases where the parties had agreed to apply Russian law as the governing law.⁸ However, in the field of foreign-related legal talents, China faces the double problem of quantity shortage and quality improvement, and the minority language legal talents who can serve the legal business of countries along the Belt and Road Initiative are particularly scarce.⁹ In the context of profound changes unseen in a century, and in line with the inevitable requirement of promoting high-quality economic development through opening-up, exploring specialized cultivating pathways for Russia-related international arbitration talents is crucial.

This study focuses on the key competencies required for Russia-related international arbitration talents. It considers the unique characteristics of international arbitration and proposes strategies to address current

³ Jin Huang.(2022). *Taking a coordinated approach to the rule of law at home and in matters involving foreign parties*, Social Science in China, 2022(12), p.95.

⁴ См. Юйхань и др. Реализация политики «умной силы» Китая и России средствами образования и культуры во внешней политике // Вопросы истории.2024.№ 1. С.190–199.

⁵ Online Query Platform for Customs Statistics of the PRC, at <http://stats.customs.gov.cn>, September 21st, 2024..

⁶ See Nigel Blackaby KC, Constantine Partasides KC & Alan Redfern, *Redfern and Hunter on International Arbitration*, 7th edition, Oxford University Press, p.39-40,(2022).

⁷ China International Economic and Trade Arbitration Commission, *Annual Report on International Commercial Arbitration in China (2023-2024)*, Law Press, p.18,(2024).

⁸ *Id.*p.7-11.

⁹ See Zhuoqian Li, *Colleges and Universities Should Take on the Dual Responsibility of "Character Building" and "Ability Cultivation" for Foreign-Related Rule of Law Talents*, Democracy and Law Times, January 4th, 2024, at5.

challenges in cultivating these talents. Additionally, this study aims to contribute to the development of practice-oriented, foreign-related legal talent cultivation within the context of the Belt and Road Initiative.

2. Key Expertise for Russia-related international arbitration Talents

2.1 International perspective and dedication to international arbitration

Possessing an international perspective and understanding of international law and politics are essential for providing professional legal services in the cross-border market. An international perspective entails a deep understanding of international law and Russian law. It also requires proficiency in international relations, global trade, civil and commercial affairs, as well as international etiquette and business negotiations.¹⁰ This will strengthen their dedication to safeguarding the international system centered around the United Nations, upholding the international order based on international law and maintaining the fundamental principles of international relations grounded in the purposes and principles of the United Nations Charter.¹¹ As experts proficient in Russian law, they should provide intellectual support for the joint construction of the Belt and Road Initiative, and the deepening of the China-Russia comprehensive strategic partnership in the new era.

International arbitration, as an alternative dispute resolution (ADR) mechanism distinct from traditional litigation, offers a more efficient, flexible, and tailored approach to resolving disputes in the international commercial domain. The scope of arbitration is also expanding to address various types of disputes, such as investor-state, competition, securities, intellectual property, corruption, human rights and taxation disputes.¹² The arbitrators who settle disputes are usually experts with prestige in the relevant fields chosen by the parties. In appointing arbitrators, the best means for obtaining information is often through "word of mouth,"¹³ with practitioners who have repeatedly handled similar cases being more likely to be chosen by the parties involved.¹⁴ Therefore, Russia-related international arbitration talents should focus on specialization within specific dispute types and industry sectors, refining their expertise through continuous case study and specialized training. For instance, focusing on sectors like securities and futures arbitration, intellectual property arbitration, or industries like automotive, environmental, social and governance (ESG), may deepen their specialization. This process will be underpinned by both practical arbitration experience and a solid understanding of international and domestic legal frameworks.

2.2 Proficiency in Russian with Practical and Professional Competence in Russia-Related arbitration

In the cultivation of Russia-related international arbitration talents, an emerging path is the Russian Language plus Law talent cultivation mode. In international arbitration proceedings, the language of arbitration plays a key role in the appointment of arbitrators and attorneys, as well as the nature of the arbitration procedure.¹⁵ Unlike litigation, arbitration agreements represent the parties' mutual consent to submit an existing or potential dispute

¹⁰ See Weigong Xu, *A Study of the Standards for Training of Foreign-Related Rule of Law Talents in China*, New Liberal Arts Education Research, 2021(04), p.23.

¹¹ See Huikang Huang & Hualiang Dong, *A Practical Path to Promote the Foreign-Related Rule of Law System and Capacity-Building as a Whole*, Law and Modernization, 2024(06), p.7-8.

¹² See Gary B. Born, *International Commercial Arbitration*, 3rd edition, Kluwer Law International B.V., p.135,(2020).

¹³ See Carlos A. Matheus LÓPEZ, *Practical Criteria for Selecting International Arbitrators*, *Journal of International Arbitration*, 2014(31), p.802.

¹⁴ See Catherine A. Rogers, *The World is Not Enough: Ethics in Arbitration Seen Through the World of Film*, *Arbitration International*, 2021(37), p.414.

¹⁵ See Gary B. Born, *supra* note 12, p.244.

to arbitration.¹⁶ In addition, arbitral proceedings are regulated by national litigation, especially in the absence of the parties' agreement or when the recognition and enforcement of arbitral awards are at issue.¹⁷ In the practice of international arbitration, there are at least four choice-of-law issues that can arise in connection with an international arbitration: the substantive law governing the merits of the parties; the law governing the parties' arbitration agreement; the law applicable to the arbitral proceedings; and the conflict of laws rules applicable to select each of the foregoing laws.¹⁸ With regard to arbitrators, they have the duty to remain impartial, which is reflected in upholding the parties' status as equal subjects in the arbitration proceedings and preventing the abuse of discretion or the issuance of surprise awards.¹⁹

Therefore, several competencies are required for Russia-related international arbitration talents. Firstly, as talents in the rule of law under socialism with Chinese characteristics, they shall have a comprehensive understanding of the *Civil Code of the PRC*, the *Civil Procedure Law of the PRC*, the *Arbitration Law of the PRC*, and other substantive and procedural laws related to civil and commercial affairs. Furthermore, as foreign-related legal talents, they should be well-versed in the *Law of the PRC on the Application of Laws to Foreign-Related Civil Relations*, the *United Nations Convention on Contracts for the International Sale of Goods (CISG)*, the *UNIDROIT Principles of International Commercial Contracts (UPICC)*, as well as other international commercial conventions and international practices. Additionally, they shall be able to apply conflict-of-laws rules to determine the governing laws and utilize international law to safeguard national interests. Finally, as international arbitration talents specializing in Russia, they shall have an in-depth understanding of the *Law on International Commercial Arbitration of the Russian Federation*, the *Civil Code of the Russian Federation*, and the *ICC Arbitration Rules*, *UNCITRAL Arbitration Rules*, and other relevant international arbitration standards.

3. Dilemmas in Talent Cultivation for Russia-related International Arbitration

3.1 Vague Goals in Training, Lacking Distinctiveness

The cultivation objectives reflect the value orientation of higher education and represent the top-level design of universities regarding "what kind of talent to cultivate."²⁰ The *Guiding Training Program for Postgraduates with the Degree of Juris Master (International Arbitration)* promulgated by the General Offices of the Ministry of Education and the Ministry of Justice of the PRC (hereinafter referred to as the Guiding Training Program) defines international arbitration talents as "high-level innovative, inter-disciplinary, application-oriented, and international professionals with both integrity and professional competence."²¹

Currently, the prevailing approach to talent cultivation for Russia-related international arbitration tends to follow a mass educational mode. As a result, the setting of cultivation objectives lacks sufficient specialization, and

¹⁶ See Hangping Chen, *Reconstruction of the Theory of Subjective Scope of Arbitration Agreements*, Chinese Journal of Law, 2023(02), p.189.

¹⁷ See Ning Kang, *Contractuality and Judicialization: The Generative Logic of International Commercial Arbitration and Implications for the Construction of the "Belt and Road"*, Tribune of Political Science and Law, 2019(04), p.175.

¹⁸ See Gary B. Born, *International Arbitration: Law and Practice*, 3rd edition, Kluwer Law International B.V., p.77,(2021)

¹⁹ See Run Zhang, *Study on the Rule-making of the Principle of Honesty and Good Faith in Arbitration Law*, Commercial Arbitration & Mediation, 2022(01), p.89.

²⁰ See Mingyi Wang & Sheng Kang, *Dimension and Practice of Constructing a High-Quality Talent Cultivation System for Local Colleges and Universities in the New Era*, Modern Education Management, 2022(05), p.19.

²¹ *Circular of the General Office of the Ministry of Education and the General Office of the Ministry of Justice on the Implementation of the Graduate Training Program for the Professional Degree of Master of Laws (International Arbitration)*, at https://www.moj.gov.cn/pub/sfbgw/zwxgk/fdzdgknr/fdzdgknrtzjw/202208/t20220803_461118.html, September 24th, 2024.

specific professional needs for Russia-related international arbitration are often overlooked. Additionally, curricula are designed in a non-specific manner, which may compromise the quality of talent cultivation. At present, few targeted solutions have been implemented in the training programs for Russia-related international arbitration talents at various universities. The curricula for international arbitration majors in some universities are aligned with the standard guidance courses, lacking targeted design and detailed implementation, which undermines the effective realization of the cultivation objectives for Russia-related international arbitration talents.

3.2 Converging Mode of Training, Lacking Innovation

The joint training mode between universities and practical departments facilitates the integration of arbitration practice into the curriculum. However, there is a significant homogenization trend in the current talent cultivation mode for international arbitration: On the one hand, in foreign language teaching, the Chinese-English bilingual teaching mode is adopted in most universities for the major international arbitration, leaving insufficient courses in second foreign language, including Russian, to be offered. Legal and foreign language education are both of great significance to the establishment of the talent cultivation mode for international arbitration. Between the two is the relationship between "ontological existence" and "expression and application".²² A proper balance should be maintained between them. However, as practical talents trained to meet China's development needs and focused on handling Russia-related international arbitration disputes, the lack of training in legal Russian may hinder the effective protection of China's and Russian-speaking countries' overseas interests along the Belt and Road. This shortcoming hinders their ability to address cross-jurisdictional issues and fails to meet the professional talent needs for Russia-related international arbitration. On the other hand, the collaborative teaching, both practical departments and universities play key roles in cultivating talent for Russia-related international arbitration. For example, when universities and practice departments jointly provide lectures on Russia-related arbitration, experts, considering that most students have limited knowledge of Russian arbitration, tend to focus on basic issues. As a result, the effectiveness of the lecture is significantly reduced.

3.3 Incomplete Curriculum System, Insufficient Practicality

The curriculum system for Russia-related international arbitration should be based on core courses such as international law, private international law, international economic law, and Russia-related jurisprudence. Currently, the curriculum system for Russia-related international arbitration faces the following challenges: Firstly, apart from the study of law, there is a lack of courses in areas such as Russian politics, economy, culture, and society, which hinders the ability to understand Russia-related arbitration from a broader, humanistic perspective. Secondly, practical skills courses are not given sufficient emphasis. This leads to slow progress in developing application-oriented skills, such as legal research, negotiation, and legal writing in Russian. Thirdly, there is a lack of adequate practical training in simulated arbitration tribunals for international law. A potential solution to this gap is to make better use of international commercial arbitration moot. Finally, as competition awards have become more significant, some universities have deviated from the original goal of "promoting learning and teaching through competition". They sometimes overlook the core value of these competitions—enhancing students' legal literacy and practical abilities—and fail to effectively integrate competition experiences into subsequent education.

²² See Xi Zheng & Jiahao Gu, *Reflection on the Dilemma and Mechanism Improvement of Cultivating Foreign Rule of Law Talents*, Legal Education Research, 2023(03), p.97.

4. Strategies to Optimize the Talent Development Path for Russia-related International Arbitration

4.1 Refining Talent Training Objective for Russia-related International Arbitration and Establishing Distinctive Systems

The legal talents cultivated under the mass education mode often lack the competence necessary for providing legal services related to the Belt and Road Initiative. This highlights the clear inadequacies of the current mass education model in cultivating foreign-related rule of law talents.²³ Objectively, while the basic legal education framework provides the foundational conditions for training talents in foreign-related rule of law, the major challenge lies in how to implement "specialized" education after the completion of basic education.

On the one hand, the objectives of talent training for Russia-related international arbitration should be "to have an international perspective, to be committed to international arbitration, to be proficient in Russian, to be familiar with Russian laws, and to be well-versed in the legal system for Russia-related arbitration". For example, in the field of Russia-related intellectual property arbitration, the training system should integrate Chinese intellectual property laws, such as the *Patent Law of the PRC*, the *Trademark Law of the PRC*, and the *Copyright Law of the PRC*. Additionally, international intellectual property treaties, like the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS), as well as relevant sections of the *Civil Code of the Russian Federation*, should also be included.

On the other hand, in the training process for Russia-related international arbitration, universities should leverage their unique geographical and disciplinary advantages to enhance their training programs. They shall fully integrate high-quality educational resources from both domestic and international sources, update the "Russian plus law" training model, and merge the teaching of the Russian language with law through an approach like "learning law in Russian.". In training talents for foreign-related rule of law, some universities have successfully used their geographical advantages and subject specializations to develop specific training objectives. For example, Guangdong University of Foreign Studies, by taking advantage of its location, offers courses on Hong Kong and Macao laws for international arbitration talents. Similarly, Dalian Maritime University, with its maritime law focus, emphasizes training legal talents in the field of maritime law.

4.2 Optimizing Talent Training Modes for Russia-related International Arbitration and Enhancing Collaborative Mechanisms

Currently, within the framework of actively promoting China's participation, influence, and voice in global economic governance, the establishment of a talent training mode for Russia-related international arbitration is of paramount importance. This mode should focus on breaking down existing barriers in talent training and overcoming challenges in the collaborative mechanisms between universities and practical departments. It should also strengthen communication and cooperation with foreign-related government departments, Russian enterprises, Russian law firms, and arbitration institutions.²⁴

²³ See Xiangxiu Wang & Yongpeng Zhao, *Objectives and Programs for Cultivating Foreign-Related Rule of Law Talents in China under the Belt and Road Initiative*, Legal Education Research, 2021(03), p.25.

²⁴ See Huanfang Du, *Top-level Design and Realization Path of Cultivation of Talents Specializing in Rule of Law Related to Foreign Countries*, China University Teaching, 2020(06), p.29.

Firstly, in the development of a talent training mode for Russia-related international arbitration, proficiency in the Russian language and legal Russian are key foundational elements. Therefore, a series of specialized courses—encompassing listening, speaking, reading, writing, and translation—should be established to foster the integration of Russian language skills under the legal context.²⁵ At the first level, the focus should be on developing practical and professional abilities in Russia-related arbitration by incorporating Chinese and Russian laws. At the second level, education on China-Russia comparative jurisprudence should be introduced. At the third level, the training system should incorporate alternative dispute resolution mechanisms, such as mediation, negotiation, expert determination, and neutral evaluation.

Secondly, the cultivation of Russia-related international arbitration talents is not starting from scratch, it builds upon existing foreign-related legal education.²⁶ The main task of these universities in the collaborative training mechanism is to provide foundational education, ensuring that students develop a solid knowledge framework in Russia-related international arbitration and understand general arbitration rules. On the other hand, practice departments are crucial in deepening students' practical knowledge. According to statistics, fewer than 20% of international law students have internship experience in foreign-related legal practices in China.²⁷ Therefore, it is critical for cultivation institutions to make full use of the resources available in Russia-related enterprises, legal service agencies, arbitration commissions, and law firms, and to closely integrate practical teaching and internships into the educational system.

Finally, universities should fully leverage their role as the primary source of legal talent training, integrating their current training experience and educational resources to update the talent training mode. Universities could implement a China-Russian dual-degree system. Students could study at a Russian law school for one or two years during their studies. This would allow students to immerse themselves in the local language environment, improving their Russian language skills while simultaneously cultivating their practical abilities in dealing with Russia-related legal matters. Additionally, a joint thesis guidance and oral defense system involving both Chinese and Russian tutors could be implemented. In this regard, some Chinese universities have already explored experimental classes for creative talents in Russia and joint training programs with foreign institutions, which serve as valuable models for such a training system.

4.3 Improving the Curriculum Systems for Russia-related International Arbitration and Strengthening Practical Arbitration Teachings

The competitiveness of legal talents should be defined as their professional comprehensive ability to address legal issues and uphold legal order, demonstrated through advanced knowledge and skills, legal awareness, and critical legal thinking.²⁸ Incorporating international commercial arbitration moots and international moot court competitions into the curriculum can serve as a practical teaching course.

²⁵ See Youqi Shi & Yonghong Han, *Optimization of China's Foreign-Related Rule of Law Talent Cultivation System in the New Era*, Peking University Law Journal, 2024(06), p.1441.

²⁶ See Bingyi Fan, *The Dilemma and Countermeasures of Cultivating Foreign Arbitration Talents in Colleges and Universities*, China Higher Education Research, 2023(03), p.81.

²⁷ See Kunlun Liu, *Analyzing the Relationship between the National Standard of Law and the Cultivation of Foreign Rule of Law Talents*, Legal Education Research, 2021(03), p.46.

²⁸ См. Ахметова А.Т., Салимова Р.М. & Валиахметова Ф.Х. *Формирование конкурентоспособности будущих юристов* // Педагогика, 2024 № 2. С.101-108.

On the one hand, paying more attention to the practical ability courses, optimizing the course content and teaching methods, and inviting professional experts with rich practical experience. Under the theory of arbitration autonomy, the validity of arbitration agreements and awards does not derive from legal authorization but from the practical needs of commercial relations.²⁹ Taking the recognition of a CIETAC award by the Supreme Court of the Russian Federation in 2019 as an example, the Court made a final judgement on the application by Zoomlion Heavy Industry Science & Technology Co., Ltd.³⁰ for the recognition and enforcement of CIETAC Award No. M20161453. The Court decided to recognize and enforce the award. During class, lecturers should carry out a guided analysis of these cases, which will enable students to have a deeper understanding of the basic principles and specific regulations of international treaties and grasp strategies to resolve conflicts between national and international laws.

On the other hand, an arbitration moot course could be introduced, for example, based on case files from the previous year's Willem C. Vis International Commercial Arbitration Moot. The pedagogical value of experiential education is not automatically obtained through students' simple immersion in simulated practical experiences, but only when these practical experiences or simulations, such as the moot court, are designed with a clear educational objective as the basis.³¹ By means of classroom teaching, the theoretical learning, practical training and selection of participants in international arbitration are targeted, thus forming a virtuous cycle of "promoting learning by competition" and "promoting teaching by competition". Therefore, students should explore the possibility of participating in competitions in which Russian is the official competition language, such as the Rosenberg M. G. International Commercial Arbitration Moot Competition.

5. Conclusion

The specificity and scale of Russia-related legal matters present new challenges to the demand for talents in Russia-related international arbitration. At the level of educational objectives, institutions should strengthen the distinctive features by integrating regional advantages and academic development. At the level of the training mode, a layered strategy should be adopted: the first layer focuses on Chinese and Russian law, international law, and international commercial practices; the second layer delves into Chinese and Russian comparative law; the third layer focuses on alternative dispute resolution mechanisms. Existing industry-education integration platforms should be leveraged to conduct practical training and provide Russia-related internship opportunities. Universities should play a synergistic role by promoting joint China-Russian dual-degree programs, thereby enhancing students' abilities to handle Russia-related legal matters.

The reform of talent cultivation in Russia-related international arbitration is a long-term and systematic project. Universities should actively respond to the demands of the times, improve training mechanisms. This will contribute to the cultivation of a group of outstanding talents for the Belt and Road Initiative and support the development of the foreign-related rule of law system and capacity-building.

²⁹ See di Nan, *Legal Status of the Third Party with Genuine Interests in Arbitration in the Context of the Civil Code--Another Discussion on the Revision of the Arbitration Law*, Nanjing University Law Journal, 2023(04), p.161.

³⁰ Zoomlion Heavy Industry Science & Technology v. APM-ABTO, Верховного Суда Российской Федерации, 2019.

³¹ See Eric E. Bergsten, *Experimental Education Through the Vis Moot*, Journal of Law & Commerce, 2015(34), p. 3.