

Advisory Opinion

Developing and Training Human Resources for Legal Issues Related to Globalization



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**Subcommittee on Globalization and Law,
Committee on Law**

This advisory opinion is the result of the deliberations of the Subcommittee on Globalization and Law of the Committee for Law of the Science Council of Japan.

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Executive Summary

I Background

As globalization progresses in various fields today, there is a need to develop human resources in the public and private sectors who can participate in international rule-making and contribute to human society, but the supply of global human resources in the legal profession from Japan is not yet sufficient.

Since the 20th term of the Science Council of Japan, this subcommittee “Globalization and Law” has identified (1) “Japan's (law's) response to international issues” and (2) “the lack of education to respond to internationalization” as problems that need to be solved. While the training of global human resources to take on above (1) requires the involvement of experts not only with foreign language skills but also considerable backgrounds in international and foreign legal systems, there is a lack of educators for that as the problem (2).

Lawyers desired in this era of globalization must contribute to the formation of international rules and must also take a global perspective when formulating and implementing domestic rules. They must have knowledge of Japanese law, which has historically developed under the influence of foreign law and international discussion, and be able to incorporate insight into the need to combine various knowledge related to law, including natural science, in addressing human issues.

II Current Situation and Problems

Although the shortage of legal personnel who can respond to globalization may be resolved by increasing the interest and ability of young people in legal education, there are just a small number of students taking courses in public and

private international law, foreign laws, and comparative law at law schools and law faculties, as well as those selecting these courses for the bar examination. Classes that respond to globalization require faculty members with a background in public and private international law and foreign laws as well as language skills, but the number of faculty members who can actually teach these classes is insufficient.

This situation is largely determined by a combination of structural factors, particularly the financial constraints of various organizations. However, even with limited human and material resources, it is expected that some improvements can be devised.

III Advisory Opinion

1. Increasing the Number of Faculty Members in Charge of Teaching

In order to secure human resources capable of teaching classes to develop legal professionals who can respond to internationalization, it is considered that universities should further collaborate with domestic and foreign universities, public institutions, and private organizations. In the hiring of faculty members, it may be possible to increase the number of potential human resources to work on this issue by making it a prerequisite that they take charge of the classes on globalization and by informing young researchers who aspire to become law professors of the necessity of such classes.

2. Globalization of Student Education

In law schools, students tend to focus on preparing for the bar examination. Therefore, the globalization of education for training legal professionals must be addressed in the entire educational process, from the bachelor's program to the doctoral program. In other words, from the undergraduate level, efforts should be

made to develop courses that cultivate an understanding of foreign and comparative law, and the new international issues facing humanity as well as the importance of public and private international law should be conveyed. At the graduate school level, it is recommended that support be strengthened for dispatching young scholars, including those who will become future law teachers, overseas to study and for disseminating their research results abroad, in order to enhance their ability for education about globalization.

It is desirable to expand opportunities for students to gain practical experience using English at each stage of their education to strengthen their ability to disseminate their research results in the future.

3. Globalization of Legal Practitioners in the Public and Private Sectors

It is desirable for universities to make efforts to educate for globalization by actively providing recurrent education for legal practitioners by offering graduate courses and other training opportunities. It is also expected that the universities to foster practitioners with doctoral degrees (LL.D., Ph.D., S.J.D.) as leaders in policymaking to address human issues and in internationally competitive legal practice.

In addition to universities, each section of practicing lawyers, the government, as well as private entities are also required to globalize their human resources through training programs and other means.

There are multifaceted benefits in the organic development of cooperation among the national government, research and educational institutions, bar associations, etc., and in expanding the number of people who can provide legal support to developing countries.

4. Education for International Students

Foreign students also occupy an important position as global human resource. In

order to attract excellent students by taking advantage of the merits of studying in Japan, which has historically inherited multiple legal traditions, universities should consider devising ways to utilize English language education to disseminate this widely. In addition to regular degree programs, international students can be actively accepted through exchange programs and short-term training programs.

The expansion of English-language education should be positioned as a means of increasing the diversity of the countries from which international students come. It is desirable to create by that means a truly globalized education that attracts students from all over the world. With the trend in mind that students with origins that cannot be simply divided into two groups of Japanese students and the ones from other countries are increasing, a perspective based on diversity is desirable for future education.

In guiding students who already have law degrees in their home countries when working on their interdisciplinary studies, it is necessary to actively cooperate with experts in other fields. Cross-university cooperation is also recommended as beneficial.