

Ius Comparatum – Global Studies in Comparative Law

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The Internationalisation of Legal Education



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Chapter 3

Internationalising Legal Education in Belgium: Why Are We Doing It?

Anne-Lise Sibony

Introduction: Setting the Scene for Internationalisation in Belgium

Belgium is not a centralised country. Therefore, it should come as no surprise that there is no central forum where internationalisation of legal education is discussed. Rather, the debate takes place within each law school. Recently, the transition to a skill-based approach offered each law school an unprecedented opportunity to define explicitly the skill set that law curriculum it offers aims for. A skills-based approach is characterised by the aims of the curriculum being explicitly formulated in terms of skills (what a law graduate should be able to do) rather than in terms of content. Implementing a skill-based approach usually requires revamping curricula initially structured to accumulate knowledge. The guiding principle of such reform, once the skill set has been agreed upon, is to ensure the curriculum as a whole provides enough learning opportunities for students to acquire target skills. Skills are normally not subject-specific. Writing skills for example may be acquired by writing a paper on civil law just as well as on constitutional or environmental law. Under this approach, teaching still covers specific contents, but a list of contents taught is no longer considered sufficient to define the curriculum. The skill-based approach facilitates mutual recognition of diplomas and qualifications. When the focus is on content, it is enough that subjects taught differ, as they usually do in Europe, for a graduate from Germany to be refused full recognition of her degree in Belgium. If the focus shifts to skills, it becomes easier to recognise that two diplomas that attest to the same skill set are equivalent even if the contents of the curricula differ. For this reason, the skill-based approach is promoted by the European Union.

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In this context, issues relating to internationalisation of legal education take place in a broader discussion on what law students need to learn. Whether legal education should aim to acquaint students with laws of foreign jurisdictions outside of the Belgian and European legal systems is not an issue. Indeed, there is consensus that legal education should include some reference to other legal systems, at least in the form of introductory or comparative law courses. Such courses are generally taught in the language of the foreign system under study. For example, an introduction to German law will be taught in German. This explains that the discussion on internationalisation centres on identifying the aims that should be assigned to such introductory courses to foreign legal systems. In particular, as law schools had to define the skills that a graduate should possess, they had to determine how many languages – other than the main language of instruction (French or Dutch, as the case may be) – a law student should be able to master and to what extent. Should, for instance, a graduate of Liège (where the main language of instruction is French) be able to not only read and understand case law in Dutch, but also be able to present orally a legal argument in English? It can be said that internationalisation is generally viewed positively, but the recent exercise of specifying target skills and key learning outcomes in greater detail has revealed that it was not always clear what precise purpose it serves or what exactly law students are supposed to learn from being confronted to other legal systems, besides linguistic skills.

Besides law schools, there are other fora where internationalisation of legal education can be debated. These include the European Research Area, which covers all the European Union countries, and the *Ius Commune* Research School, cooperation between the law schools of the *Katholieke Universiteit* Leuven (KUL) and Dutch universities. In the francophone region, the *Séminaire interdisciplinaire d'études juridiques*, organised at the *Université Saint-Louis* in Brussels should be mentioned. As well, the topic for this seminar for the academic years 2013–2014 and 2014–2015 was legal education, and some sessions were devoted to issues related to internationalisation.

The Need for Internationalisation of Legal Education: Plural Perspectives

Practicing lawyers, academics, judges and legislators take different views on the need for internationalisation of legal education.¹ Areas of specialisation also influence perception. In this regard, the dividing line runs between areas that remain mainly domestic, such as family law, and areas that are more internationalised, such as corporate law. Whether legal practitioners work in small or large cities also seems to have a strong impact on their views about the usefulness of internationalising legal education. Lawyers working in large law firms in Brussels deal with

¹Heringa, A.W. 2013. *Legal education: Reflections and recommendations*, coll. *Ius commune Europaemum* 115. Anvers: Intersentia.

international situations far more often than their counterparts practicing in smaller cities and are naturally more inclined to recognise the importance of exposing students to multiple legal systems during the course of their legal education.

Depending on their specialisation, professionals develop different comparative law habits and, therefore, different perception of what exposure to foreign legal systems matters most in legal education. For example, practitioners of family law or contract law tend to follow legal developments in France, whereas inputs from common law systems are perceived as more relevant in corporate law. This results in professionals in different branches weighing the relative importance to introduce students to common law and/or foreign civil law systems differently. It seems that there is also a significant gap between the North and the South of Belgium in this regard. French law receives more attention in French-speaking Wallonia while Dutch-speaking Flanders is more open to common law.

In Belgium, it is common ground in the legal community that legal education ought to be internationalised to some degree, as long as this is not to the detriment of training in Belgian law. On the whole, legal practitioners are probably less attuned than the majority of legal academics to the idea of internationalising legal education. In particular, some practitioners report that Belgian courts are rather reluctant to give weight to arguments based on comparisons or analogies with foreign laws. The view that globalisation expands the range of relevant legal analogies and dissociates legal relevance from territory does not seem to be widely shared by the bar or by the bench. However, at the stage of law making, the situation is different. Legislators in Belgium, in particular at the federal level, routinely ask for comparative law input.

Besides teaching, globalisation permeates other aspects of the academic life. The phenomenon is not always perceived positively, particularly when it comes to research assessment. The importance of addressing a global or at least international audience in one's research has been increasing over the past decade, as universities now give more weight to the journals where an academic publishes when deciding on her promotion. Some legal academics in Belgium perceive the importance given to international publications written in English as partly illegitimate. The discontent expressed by some – but by no means all – academics is also directed at the increasingly quantitative approach to publications, which, though distinct from the language criterion is perceived as another sign of the globalisation forced upon Belgian universities. These academics – sometimes respected and productive scholars – regret the adverse effect new evaluation criteria have on Belgian scholarship. Indeed, a Belgian academic who is able to write in English may rationally neglect publications whose readership is only national.

On the whole, within Belgian universities, law professors are perceived as less international than other academics. Legal scholars feel as though they are under institutional pressure to internationalise, even though they do not always see the appeal of international comparisons for their own research, sometimes because they feel there is a more urgent need undertake intra-Belgian comparisons (between Wallonia and Flanders). Internationalisation generally constitutes a university requirement on many aspects of academic life ranging from PhD committees, selec-

tion committees (for hiring new faculty members) or research projects assessment. While these aspects do not directly relate to internationalisation to teaching, they do contribute to an overall perception among legal academics that it is not possible to survive in our times unless one opens up to international realities. It seems likely that this diffuse perception in turn has an impact on how law professors think about their law schools' offer: they want the curriculum to equip students for today's world.

The Need for 'Global Lawyers': Views from Practitioners

In Belgium, the practice of judges, bailiffs and many lawyers is viewed as purely local and the need for 'global lawyers' is perceived as rather limited. It is mainly confined to large law firms in Brussels and to a few large companies. To work for these firms, applicants have to market themselves as 'global lawyers' (though the term is not used). Based on the information collected from French-speaking university professors and legal practitioners working in Brussels, two views on 'global lawyers' can be distinguished. Under the first view, a global lawyer is considered as a specialised lawyer (e.g. competition lawyer), whose expertise in a specific legal area reaches across more than one legal system. Large law firms in Brussels employ such lawyers. Most of them have been trained in no more than three systems (domestic law of their Member State of origin, EU and US law) and learn about other systems as relevant in the course of their professional life, e.g. as they work on filing of a merger in multiple jurisdictions or advise foreign clients on their European operations.

Under the second view, the global lawyer is characterised by her intelligence, agile mind and linguistic skills. Even outside of her fields of expertise, she can conduct legal research and process unfamiliar legal material to solve a problem. What law firms generally expect from a new recruit is that she will be able to help with questions that are new to her *within her own legal system*. For example, it would be expected in a large Brussels law firm that a young Italian competition lawyer should be able to answer questions about the transposition of a directive on environmental law or on protection of personal data into Italian law. Under this first view, a global lawyer is also perceived as creative and capable of suggesting legal reform based on a comparative law analysis.

In Belgium, there are such global lawyers, mostly in the fields of competition law, copyright or human rights. The need for 'global lawyers' is strong in certain areas of business law such as tax, corporate law, employment law, competition law, intellectual property and EU regulatory law. It is also present in the practice of immigration law, international criminal law and human rights. An area such as family law is generally perceived as local, and therefore not requiring any particular knowledge of other legal systems. This perception seems to endure despite the fact that transnational families become more and more frequent and although family law is constantly enriched with more international and European law aspects. The same

perception seems to prevail for property law and social security. Procedural law is also considered as largely national. Curiously, administrative law and, more broadly, public law seem to be perceived as more national than private law.

The actors interviewed for the purposes of compiling this chapter stressed to the author that the need for international training is very real in certain areas of legal practice, such as contract law. They insist that corporate lawyers in particular are very exposed to different systems of contract law and it would be useful if those who draft international contracts had a better training in comparative contract law. However, the aim of such training, according to practitioners, should, realistically, not be to enable Belgian lawyers to draft a contract governed by a foreign law. In practice, a 'best friend' law firm in the relevant jurisdiction will always be appointed to draft such a contract. Rather, the practical need for Belgian lawyers is to be capable of interacting constructively with a foreign partner law firm when discussing a contract. At present, it seems that contract law courses offered in most Belgian law schools do not adequately cater for this need.

Recruitment practices constitute an expression of preferences regarding legal education. In this regard, it is telling that law firms specialised in corporate law prefer to appoint lawyers who trained in part in another jurisdiction, typically graduates who took an LL.M after their Belgian law degree. It should be noted that this requirement is specific to the labour market in large cities and, in particular, to Brussels. It is clear that law firms established outside of large cities or practicing mainly in areas other than corporate law are much less interested in the international component of the legal training young recruits have received. Equally, the judiciary does not particularly value exposure to other legal systems in legal education. For most legal practitioners – and in Belgium this group overlaps to a considerable extent with law school Faculty – a good command of Belgian law is the most important aim of legal education.

Overall, practitioners perceive the need for an international legal training as restricted to certain areas. Yet, most law schools have decided not to limit legal training to the needs of local practice.

Internationalising Legal Curricula

Regulatory Context

In Belgium, universities are solely in charge of legal education. The law curriculum consists of a 3-year Bachelor programme followed by a 2-year Master programme. The curriculum is to a large extent harmonised across the universities of each region, but not across the whole country. This is because education is a regional competency, not a federal one. The governments of the French-speaking community and that of the Dutch-speaking community are respectively in charge of regulating universities (there is no university in the German-speaking region). Regional regulations leave universities some leeway as to the content of the curriculum.

In the French-speaking region, harmonisation of mandatory courses at bachelor level results from an agreement between all law schools, namely the Université de Namur (UNamur), Université de Mons (UMons), Université Saint-Louis Bruxelles, Université Catholique de Louvain (UCL), Université Libre de Bruxelles (ULB) and Université de Liège (ULg). Law schools are under a regulatory obligation to harmonise at least 60 % of their bachelor curriculum, to allow free movement of students, in particular from the small law schools that offer only a bachelor degree to the larger law schools, where students can take their Master's. In practice, Deans jointly decide over the content of harmonisation (what courses are compulsory). At the time of writing, Deans insist that this should stay their prerogative and not that of the evaluation agency of the French-speaking region. Irrespective of who is in charge, harmonisation remains partial and every university enjoys a certain degree of autonomy to determine the content of the programmes it offers, especially at master level. Within each law school, the faculty board determines the content of the curriculum. The regional government is competent to monitor compliance of curricula with applicable regional regulations. In practice, the regional government appoints a commissioner as its representative before each university. To date, despite local variations, the government representatives (*Commissaires du gouvernement*), have focused their oversight on financial aspects. This should change with the most recent reform and it is to be expected that closer scrutiny will be exerted over curricula. Once the government's representative approves the proposed teaching programme, the Rectoral Council of each university formally adopts it.

The so-called 'Landscape Decree' (*décret paysage*, adopted on 7 November 2013), changes the organisation of the 'landscape' of higher education within the French-speaking region. Its main goal is to bring together different types of higher education institutions, namely universities and professional schools. This reform will possibly have an influence on the internationalisation of legal education, because it is intended to increase student mobility, in particular by creating new collaborations between Belgian and foreign institutions and by promoting joint degrees.

In Flanders, a more limited regulatory change adopted in March 2013 has forced universities (such as Katholieke Universiteit Leuven (KUL), Universiteit Antwerpen, Universiteit Gent (UGent), Universiteit Hasselt (UHasselt) et Vrije Universiteit Brussel (VUB)) to assess the linguistic skills of professors teaching in English, except for those who obtained a degree in an English-speaking country. This assessment had to be organised within a shortened time frame. It resulted in about 20 % of teaching staff failing the test (the required level was C1, which, for spoken production specifies that the speaker can present clear, detailed descriptions of complex subjects integrating sub-themes, developing particular points and rounding off with an appropriate conclusion').² The immediate consequence was that these professors could no longer teach in English, which put the Flemish universities in a difficult position.

²For an explanation about the different levels, see: <http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>. For a detailed explanation about the Common European Framework of Reference for Languages, see: https://www.coe.int/t/dg4/linguistic/cadre1_EN.asp

Overall, the new regulatory frameworks adopted in both linguistic regions are either neutral or favourable to greater internationalisation. The difficulties created regarding English as a medium of instruction in the Flemish region seem to have more to do with particular circumstances of the reform and administration of the test and should not be interpreted as a general inability of Belgian universities to provide training in English language.

The Impact of Skills-Based Approach on Internationalisation

Internationalisation of legal education is also impacted by the ongoing transition to a skill-based approach. This evolution is promoted both at EU level and, in Belgium, by the regional agencies in charge of quality assessment of universities. The process of transitioning from a content-based to a skill-based approach starts with defining the skill set which constitutes the aim of a curriculum. A law school embarking on this exercise is led to go beyond the diffuse consensus that it is generally a good thing to introduce students to foreign legal systems and consider more precisely why it is a good thing. A ‘pure’ skill-based approach differs from the exercise of defining key learning outcomes at the level of the curriculum. In the skill-based approach, learning outcomes, which blend content and skills, are defined at course level, not at curriculum level. This means that, for a course on a foreign legal system (as for any other), it remains incumbent upon the professor teaching it to define learning outcomes. This is usually done by each professor separately, with limited discussion with other faculty members. In this context, at curriculum level, courses on foreign legal systems are always considered to contribute to the acquisition of linguistic skills but may also be linked to other skills, such as being able to discuss the law critically. For example, the skill set for the Master’s in International and European Law at the University of Louvain specifies one aim as: ‘understanding the relative character – in time and space – of a legal solution and being able to reflect on the choices it carries’. Courses on foreign legal systems are meant to contribute to the acquisition of this skill. Whatever the choices of each law school, it can safely be said that the transition to a skill-based approach offers Belgian law schools an unprecedented opportunity to reflect upon the *raison d’être* of courses which have been part of the curriculum for years, including comparative law courses and courses on foreign legal systems.

Internationalisation and Access to Legal Professions

The 5-year law curriculum offered by universities constitutes a mandatory prerequisite for admission to any legal profession in Belgium. To join certain legal professions (attorney, public prosecutor, judge, notary and bailiff), law graduates must complete an internship (ranging from 18 months to 3 years in the case of attorneys)

and/or pass a national examination (for those who wish to become judges). A master's degree in law is sufficient for all other legal professions (in-house lawyers, legal advisors in the public service as well as diplomatic careers and legal functions within international organisations). To become a judge, professional experience in another legal function is required.

The 5-year university curriculum is common to all legal professions. However, there are additional requirements for some professions. To become notary, candidates need to study for one or two additional years, depending on what courses they took during their master's programme. Law schools offer a specialised 1 or 2-year post-graduate training course to this effect (*master complémentaire en droit notarial*). To be admitted to the bar, candidates equally need to complete an additional training. This professional course is not organised by university but by the bar – or rather the bars, since there is a French-speaking bar, a Dutch-speaking bar and a German-speaking bar. The training focuses on deontology (an area not covered in all law school) and offers seminars with practitioners in areas considered key for local practice (the content is determined by each bar association and varies across the country). The training consists of evening courses or half-day modules that can be completed during the internship period. Upon successful completion of this training, candidates are fully licensed to practice (they obtain the *Certificat d'Aptitude à la Profession d'Avocat* or CAPA). Beyond this formal requirement, it is, as mentioned above, not uncommon for law firms in Brussels to require an LL.M. obtained abroad.

The Internationalisation of Study in the Law Curriculum

Knowledge of international and European rules is considered to be very important in legal training in Belgium. All faculties provide introductory courses to foreign law and comparative and international law courses. International and European Union law courses are always compulsory, while comparative or foreign law courses are not. Moreover, the law of the European Union is obviously incorporated in every course where it is relevant (e.g. competition law, consumer law, environmental law, company law, civil procedure). The same is true for fundamental rights (protected at constitutional level but also EU and international levels).

In Belgium, law students have to study a foreign language. They can choose between English, Dutch, French and sometimes German, depending on the linguistic regime of the university. Courses in foreign legal terminology are mandatory in bachelor. Moreover, all Belgian universities offer law courses in foreign languages. These courses are sometimes compulsory in master's programmes and are also, in practice, introductory courses to foreign law. In Flemish Universities, the legal curriculum requires students to take an introductory course in American, British, German or French law. Such courses are also provided in French-speaking universities.

Some law faculties also offer courses on global practice. For example, the *Katholieke Universiteit Leuven* (KUL) has introduced new courses in its legal curriculum: Global Law and Global Social Law. The explicit aim of these courses is to introduce students to a global approach to law. The Leuven law school also offers introductory courses to French, Islamic, and Chinese law, as well as to common law. These courses are optional and are always taught by foreign professors.

As yet, there is no legal curriculum entirely focused on teaching for global practice. However, there are additional master's programmes specialised in international law – public and private – and/or in European law. Some of these programmes are more specific: for example, the Advanced Master in Human Rights – jointly organised by the Université Saint-Louis in Brussels, the Université de Namur and the Université Catholique de Louvain, the LL.M. in European Competition and Intellectual Property Law at the Université de Liège, or the LL.M. in EU and International Law at the Katholieke Universiteit Leuven. The latter is entirely taught in English and attracts many international students.

Institutes for European Studies exist within several Belgian universities. They offer multidisciplinary master's programmes on European affairs, combining law, political science, economics history and international relations. Such programmes attract many international students and constitute vectors of internationalisation for the host universities though not necessarily for law schools from which Institutes for European studies are usually distinct. Recently the University Saint-Louis in Brussels and the Catholic University Louvain (Louvain-la-Neuve) joined forces to offer a full English track in the joint master in European Studies, with a view to reinforce its international appeal.

The degree of internationalisation of law schools varies. Some strive to acquire an international image. This applies in particular to the KUL Law School (in the Flemish region). Other law schools, such as that of Université Libre de Bruxelles or Université de Liège, are serving a more local market and are less concerned with attracting foreign students, at least in the basic curriculum. In the case of Brussels, it should be noted that the local market is itself partly international. Some law schools have particularly strong ties with the local bar. Such is the case of ULB law school in Brussels. The great majority of faculty members are members of the bar and practitioners teach many of the courses this law school offers. The same applies to the Dutch-speaking counterpart of ULB, the Vrije Universiteit Brussel (VUB), also located in Brussels. The long established reputation of these two Brussels law schools among members of the Brussels bar seems to limit their need for internationalisation and communication on their international strategy (their graduates do not really need this additional dimension to find jobs). However, these law schools too display some degree of internationalisation. They jointly organise an introductory course on common law, taught at the VUB in English.

In regard to the foreign exchange experience, it is not mandatory in Belgium for law students to study abroad for part of their curriculum. Nevertheless, student exchanges with foreign law faculties are quite common, in particular within the framework of the Erasmus student exchange programme. At the Université Catholique de Louvain (UCL), about half of the law students go abroad during their master's (usually for one semester during their last year of law school). At the Université de

Liège, the proportion is lower: it varies between 30 and 40 % from year to year and students typically go on exchange during their fourth year of law school.

Erasmus Belgica agreements should also be mentioned. They enable students to follow part of their curriculum in the other linguistic region of Belgium. For example, law students at the (French-speaking) *Université de Liège* have the opportunity to spend their third year at the (Dutch-speaking) *Universiteit Gent*. While this certainly does not qualify as a *foreign* university, studying Belgian, European and international law in Dutch is perceived as a challenge and stands out on a CV. Indeed, in the French-speaking region of Belgium, most students, by the time they graduate, possess an insufficient command of the Dutch language and of Dutch legal vocabulary to apply for the best legal jobs, which require fluency and ability to work in both languages. The same is true of Dutch-speaking students. Few among them come to study at a French-speaking law schools, but those who do and succeed are rewarded because they build up a much sought-after skill set. In this context, *Erasmus-Belgica* programme is perceived as a means of significantly and strategically improving one's linguistic skills.

Further, double degrees jointly offered by a Belgian university and a foreign law school are not common. The only example to date is the Universities of Hasselt and Leuven (which are both in the Flemish region) who have set up a programme with the University of Maastricht (in the Netherlands), the *Transnationale Universiteit Limburg*,³ which offers joint diplomas. In the near future, the *Katholieke Universiteit Leuven* (KUL) and *Universität Zurich* will award a second joint degree. The two universities have started a 2-year master's programme in 2014 and the first students should graduate from both universities in 2016.

Even if they do not offer joint degrees, other Belgian universities do offer joint programme, in which students spend some time in the partner university and get their degree from their home university. For example, the law faculty of the *Université de Liège* offers a joint Bachelor programme with Maastricht law School. Liège students take 30 credits worth of subjects in European and international law in Maastricht, where courses are taught in English, and follow the rest of their curriculum in Liège. Since 2014, the *Université de Liège* has also been a partner school of the Center for Transnational Legal Studies (CTLs) in London.⁴ This is a joint venture in which international partner universities⁵ contribute both financially and in kind, by sending professors and a small number of carefully selected students. Students spend one or two semesters in the London Center and obtain a certificate from CTLs but graduate from their home university only.

³For further information, please see <http://www.tul.edu/>

⁴For more information, please see <http://ctlts.georgetown.edu/>

⁵The founding members are: Georgetown (US), The Dickson Poon School of Law, King's College London (UK), ESADE Law School (Spain), Hebrew University of Jerusalem (Israel), National University of Singapore (Singapore), University of Fribourg (Switzerland), University of Melbourne (Australia), University of Torino (Italy), University of Toronto (Canada).

Bilingual Programmes in Belgian Universities

The *Université Saint-Louis* in Brussels offers two bilingual bachelor programmes. One is taught in French and in English and comprises English language courses and common law courses. The French/Dutch programme includes Dutch language courses and a selection of Belgian law courses taught in Dutch at the *Hogeschool-Universiteit Brussel* (HUB), a Dutch speaking school in Brussels.

Legal Practitioners International Mobility

Academic International Mobility

Academic exchanges with foreign law schools are less common than student exchanges. However, several law schools offer mobility programmes for incoming and/or outgoing academics. *Katholieke Universiteit Leuven* (KUL) has a ‘Global Law School Programme’ to invite foreign professors for seminars, conferences and research activities. KUL professors are also encouraged to teach abroad, in particular in the framework of China-EU School of Law.⁶ At *Université Catholique de Louvain* (UCL), an initiative called ‘Internationalisation of the curriculum’ has been introduced to invite foreign professors. The budget covers up to 40 h of teaching per year and invitations have to be coordinated so that final year students from every track the law school offers at master’s level (e.g. Private Law, Public Law, International and European Law) get to experience teaching by foreign professors. In practice, about 15 foreign professors are invited for lectures and seminars every year.

Regarding the internationalisation of Belgian law faculties, it is difficult to precisely state the percentage of law school professors who hold a foreign law degree, as this number clearly varies from school to school. For example, at the *Université Catholique de Louvain* (UCL), where there are a large number of law professors, a minority of professors holds a foreign law degree. At the *Université de Liège* (ULg), about a quarter of law professors have a foreign degree. The proportion is similar at the *Université Saint-Louis in Brussels*. In contrast, at the *Universiteit Hasselt*, only one professor holds a foreign degree. If only a minority of law professors in Belgium have a foreign degree, most of them have spent at least some time abroad, as this is generally required in order to be appointed in a permanent position. In the course of an academic career, research periods abroad take place as a rule during sabbatical leaves. Such leaves are more consistently encouraged in some universities than in others.

⁶For more information, please see <http://www.cesl.edu.cn/eng/>

Graduates International Mobility

Internationalisation also occurs after university. However, legal training in Belgium is not designed to ensure or even facilitate admission to the bar in other jurisdictions. Law schools do not commonly promote such admissions either: they do not see it as their role to offer assistance or information to students who want to join the bar in a different jurisdiction. Some professors, because of their special ties with a country, might organise information sessions but these are individual initiatives. Occasionally, law schools collaborate with foreign organisations and help select candidates for specific projects. For example, the *Université Catholique de Louvain* law school was once asked to help select a suitable candidate for the Special Tribunal for Lebanon.

Quite apart from law school initiatives, EU law facilitates cross border mobility of lawyers qualified in one Member State and who want to practice in a different Member State.⁷ While any lawyer qualified in a Member State may occasionally practice in a different Member State, a lawyer who want to establish herself in a Member State other than that where she got her legal training may have to satisfy requirements imposed by the local bar. EU law regulates but does not suppress such requirement. As a result, a Belgian law graduate may be required to take an ‘aptitude test’ and/or do an internship during an ‘adaptation period’ if she wishes to join, for example, the French bar. Such requirements need to be justified and proportionate. It would for example be justified for the French bar to require that candidates should know domestic laws governing civil procedure. Regarding proportionality, EU law imposes mutual recognition of skills acquired in another member state. For example, it would be disproportionate for the French bar to require that a lawyer qualified in Belgium starts law school from scratch in France. Depending on circumstances, a Belgian graduate may thus have to take a small or large number of extra courses in another EU member state before they can join the bar. Reciprocally, Belgian law school have to and do offer ad hoc programmes to foreign graduates wishing practice law in Belgium.

⁷Two different sets of rules apply to temporary and cross border activity respectively: Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services [1977] OJ L78/17 (temporary cross border activity) and Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998, to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained [1998] OJ L77/36. A third directive governs mutual recognition of diplomas: Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications [2005] OJ L255/22.

Conclusion

Internationalisation is a reality in Belgian law schools, if only through the prevalence of courses in comparative law and introductory courses on foreign legal systems, often taught in foreign languages. This minimal degree of internationalisation is present in all law schools. Some, but not all, law schools have more ambitious internationalisation goals and act strategically to boost both the international attractiveness of the school for foreign students and international attractiveness of their graduates on the job market.

The fact that not all law schools embrace such international ambitions is understandable. It should be borne in mind that, in Belgium, the most pressing need for a lawyer is not to know foreign law, but rather the other national language – which is sometimes ‘foreign’ to them. For a large number of legal functions, either in private practice or in public sector, a French-speaking lawyer who is not able to read the case law or legal scholarship in Dutch – and vice versa – cannot be hired.

When internationalisation is not a goal in itself for a law school, it seems appropriate to consider it in relation to the skill set which constitutes the aim of the law curriculum. Within the framework of the skill-based approach, internationalisation is best viewed as one means to achieve various aims of legal education. Exposure to foreign systems – whether in the form of exchange programmes abroad or comparative law courses – should be considered as a resource and linked with the specific aims of the law curriculum at hand. Broadly speaking, such exposure helps create some understanding of the differences between legal systems, thus opening the space for legal imagination and creativity.

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