

Programs for Asian Global Legal Professions Series II

Challenges for Studying Law Abroad in the Asian Region

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KEIGLAD



COMPARATIVE LEGAL EDUCATION:

Challenges for Studying Law Abroad

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1. Introduction

A legal education is the study of principles, practices, and theories of law. In Myanmar, we can study the law in two ways. First, is the pursuit of a LL.B. degree for on-campus students, and the second is enrollment in distance learning courses. Sixteen Departments in different areas of Myanmar are on-campus teaching Universities and another two are distance teaching Universities in different area of Myanmar.

Academic staff exchange programs play an important role in enhancing the capacity, not only of the teachers but also of the students. To implement this program, we need to sign Memoranda of Understanding (MoU) or Memoranda of Agreement (MoA) with partner universities. Before signing a MoU or the MoA, we need to negotiate thoroughly and set the terms of the agreement.

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2. Facts about the University of Yangon

The University of Yangon was established on December 1, 1920. Thus, it is the oldest national university in Myanmar. There are twenty-one academic departments, each headed by a professor. Thirteen departments are for the arts, namely the Anthropology, Archaeology, English, Geography, History, International Relations, Law, Library and Information Studies, Myanmar, Oriental Studies, Philosophy, Political Science, and Psychology Departments. The remaining eight are science departments, namely the Botany, Chemistry, Computer Science, Geology, Industrial Chemistry, Mathematics, Physics, and Zoology Departments.

Since University of Yangon is now an institution for undergraduate and postgraduate studies, offering B.A. or B.A. (Honours), B.Sc. or B.Sc. (Honours), LL.B., Post-graduate Diploma, M.A., M.Sc., LL.M., MRes, and Ph.D. degrees. In the coming academic year, however, the University will no longer offer the MRes degree.

Each academic year consists of two semesters. The first semester begins in December and ends in March and the second semester begins in June and ends in September.

The University of Yangon composes of one rector, two pro-rectors, fifty-two professors, thirty-nine associate professors, three hundred and eighty lecturers, two hundred and thirty-nine assistant lecturers, and one hundred and twenty-one tutors and demonstrators. There are an additional five hundred and fifty administrative staff members in our University.¹ In the Department of Law, there are four professors, fourteen lecturers, eight assistant lecturers, and two tutors. There are no associate professors in the Department of Law.

¹ Data as of September, 2017.

3. Human Resource Development Program (HRD) in University of Yangon

Since 1998, the University of Yangon has implemented the HRD Program. Under this program, the University of Yangon provides Diploma Courses in computer science, geology, international relations, law, oriental studies, geography, and history to help to develop the skills and education of the technicians and intellectuals needed in the community. Aside from these HRD Diploma Courses, the University also provides HRD Master's Degrees in computer science (web-based teaching systems) and business law.

The Post-Graduate Diploma Program has been offered by the Department of Law under the HRD Program since 2004. The Department has four diploma courses; these are the Diploma in Business Law, International Law, Maritime Law, and Intellectual Property Law. These are offered as part-time courses in the early morning, 7:00 am to 9:00 am. Any graduate is entitled to attend in these diploma courses, but they must sit for the entrance exam. These diploma courses last one year (two semesters).

Moreover, our department offers a Master of Arts in Business Law under the HRD Program. This is full-time course and lasts two years (four semesters). In order to attend this master's course, it is necessary to have graduate diploma in business law and pass an entrance examination.

4. Regular Programs of Study at the University of Yangon

The University of Yangon initiated doctorate courses in the 1994–1995 Academic Year. However, the Department of Law started to offer a five-year Ph.D. program in 1999. The first year is devoted to studying preliminary theory and the last four years are devoted to the preparation of a candidate's dissertation.

The Department of Law also provides LL.B., LL.M., and MRes. degrees. At the master's level, the Department of Law offers four specializations: the Civil

Law Specialization, International Law Specialization, Maritime Law Specialization, and Commercial Law Specialization. We can accept ten candidates for each specialization each academic year.

5. International Collaboration for Capacity Building

The University of Yangon has two international collaboration programs for capacity building. One is visiting fellow program, and the other is long-term collaboration program.

Under the visiting fellow program, the university participates in a scholar exchanges in the International Relations, Law, and Archaeology Departments, supported by Open Society Foundations (OSF), and the Visiting Professor Program through the ASEAN University Network-Southeast Asia Engineering Education Development Network (AUN-SEED/Net) Program. In 2014, our university has established an e-Library with the support of OSF.

For the long-term collaboration program, the University entered the ASEAN University Network (AUN) in 2012. Through this network, the University is conducting AUN-QA training and implementation and a AUN/SEED-Net Scholarship Program. The University of Yangon is collaborating with Chung Ang University, Korea; Hanyang University, Korea; Nagoya University, Japan; and Cologne University, Germany. Among these, the Department of Law has collaborated with Nagoya University.

The University of Yangon has signed fifty four agreements, MoUs and MoAs, with international institutions and foreign universities.²

In order to enter into one of these agreements, a foreign university needs to send proposal to sign a MoU or MoA to the University of Yangon. After receiving the proposal, the University of Yangon submits it to our University Senate, accompanied with the suggestion of the Department of Law. It is then submitted

² Appendix I

to the Ministry of Education through the Department of Higher Education for their permission. During this process, the proposal is also assessed by the MoU and MoA Assessment Board, and then the two universities can negotiate, according to the assessment of said Board. After receiving permission, we can hold the signing ceremony. This is a very long process.

Since the University of Yangon is a government financed university, all of the teaching staff are civil servants. Therefore, the teaching staff who want to study law cannot go abroad without permission. The application process to receive permission is not easy because it has many steps and takes a long time.

First, it is necessary to receive an official invitation letter for the respective participant to attend a seminar, workshop, or master's or Ph.D. course to the respective participant through the Myanmar Embassy in the foreign country. After receiving the invitation letter, the candidate must apply through a bureaucratic channel to receive permission from the Myanmar government. The application procedure takes about two months. The candidate applies to University Senate to gain the approval of the senators. If all of the senators agree, the application submitted to the Ministry of Education and the Cabinet through the Department of Higher Education (Lower/Upper Myanmar Branch). After receiving permission, the candidate applies for a deputation order, an official passport, and a visa. Even if a candidate already has an official passport, it is necessary to renew it.

If a foreigner from collaborating university wants to study at the University of Yangon, he must send an offer letter with his curricular vitae, a copy of passport, and a recommendation letter through the relevant university and academic department. The relevant department must apply for him through the Senate to the Ministry of Education to receive permission. After permission is granted, the University of Yangon sends invitation letter to the applicant.

6. International Exchange Program for Legal Education

In order to implement the international exchange program for legal educa-

tion, not only for teaching staff but also for students, it is necessary to sign a Memorandum of Understanding (MoU) or Memorandum of Agreement (MoA) between the University of Yangon and the foreign university. If there is a MoU or MoA between the two universities, it will be easier to carry out the exchange program.

The University of Yangon has already collaborated with many foreign universities under MoUs for student exchange programs and foreign lectures. Under the MoUs between University of Yangon and (1) Nagoya University, (2) the National University of Singapore Faculty of Law and Singapore Management University School of Law, (3) Bridges Across Borders Southeast Asia Community Legal Education (BABSEA CLE), and (4) Chuo University, the Department of Law is conducting student exchange programs.

The Department of Law of the University of Yangon received one student from Chuo University for an academic year and sent two law students to Nagoya University for six months. Even though the University of Yangon has experience in student exchange, no legal teaching staff have participated in long-term exchanges (a semester or longer).

Under the MoU with Nagoya University, the Myanmar-Japan Legal Research Center was established on the University of Yangon campus. A series of seminars on different areas of law are conducted by the Center and Japanese Law Professors give lectures on different subjects. Furthermore, many law professors from different foreign universities (such as Australia National University, National University of Singapore, Central European University, and Columbia University) have visited our Department and provided training, seminars, workshops, and lectures to improve the capacity of the teaching staff in particular fields of law. Most of the training is on the topic of international human rights law, comparative constitutional law, international law, international environmental law, rule of law, and law of contracts. Besides these training opportunities, both the centre and foreign teachers gave special training to upgrade the curriculum design. The Clinical Legal Education (CLE) program sponsored by the United Nations Development Programme (UNDP) provided training for teaching staff, not only

to improve legal education but also to have an opportunity to learn new teaching methods. The CLE program provided the opportunity for teaching staff to attend a pro bono workshop and other trainings held in different foreign countries. Thus, many teaching staff can receive not only training and experience but also foreign exposure.

Although we do not have a long-term teaching staff exchange program, many foreign universities, such as Columbia University in the United States, the University de Toulouse in France, Oxford University in the United Kingdom, the Central European University, the Australian National University, the National University of Singapore, Singapore Management University, Nagoya University in Japan, and Ho Chi Minh University in Vietnam have invited the teaching staff to make presentations and provide special lectures related to Myanmar law and legal education in Myanmar. Moreover, young teaching staff can receive scholarships in foreign universities for a master's or doctoral degree.

Teaching staff exchange programs and scholarship programs provide not only a cultural learning experience but also provide the means for expanding and enriching a teacher's pedagogical expertise. Moreover, teaching staff can learn about different classroom cultures and teaching methodologies, such as role play, short presentations, and small group discussions. Furthermore, they can learn how to manage their lecture time by using effective teaching methods. When they return to their Departments, they can share their experience with their students and colleagues.

7. Problems and Obstacles for Further Development of International Exchange Programs

Most of the scholarship program invitations arrive in the hands of candidates the day before the deadline, and sometimes even on or after the deadline. So, it is necessary to send them as early as possible because of the long application procedure.

We can find scholarship programs from university websites. But, if Myanmar teaching staff tried independently to apply for a scholarship program on a website, it will take more time and raise more challenges to gain permission. Because it is out of the proper channel.

8. Conclusion

Staff exchange programs have been properly developed in the course of Myanmar language, and it is still an ongoing process. However, for the legal field, there is no established practice for staff exchange.

It is necessary to initiate a staff exchange program for the legal field. In order to implement a staff exchange program effectively, it is necessary for universities to sign MOU/MOAs.

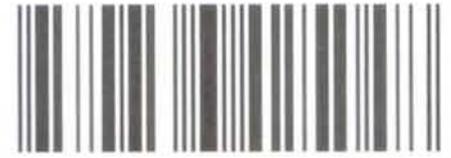
Appendix I

List of Agreements and MoUs with International Institutions and Foreign Universities:

1. Cologne University, Germany (2003)
2. Thepsatri Rajabhat University, Thailand (4/9/2013)
3. Hankuk University of Foreign Studies, Korea (5/3/2013)
4. Korea Foundation for Advanced Studies (6/13/2013)
5. Nagoya University, Japan (6/29/2013)
6. Australia National University (9/9/2013)
7. National University of Singapore Faculty of Law and Singapore Management University School of Law (2/18/2014)
8. Chonnam National University, Korea (2/24/2014)
9. Korea Research Institute of Bioscience and Biotechnology (2/25/ 2014.)
10. Hanyang University, Korea (2/27/2014)

11. Yunnan Normal University, China (6/5/2014)
12. Passau University, Germany (6/14/2014)
13. Oxford University, United Kingdom (7/15/2014)
14. Tokyo University of Foreign Studies, Japan (8/6/2014)
15. Bridges Across Borders Southeast Asia Community Legal Education (BABSEA CLE) (8/12/2014)
16. Chung-Ang University, Korea (8/15/2014)
17. United Overseas Bank, Singapore (8/28/2014)
18. Akita University, Japan (8/19/2014)
19. Kansai University of International Studies, Japan (10/28/2014)
20. Jeju National University, Korea (11/7/2014)
21. Beijing Foreign Studies University, China (1/14/2015)
22. Srinakharinwirot University, Thailand (1/28/2015)
23. Kokushikan University, Japan (2/27/2015)
24. University of Wollongong, Australia (3/6/2015)
25. Chuo University, Japan (3/19/2015)
26. Chiang Mai University, Thailand (4/24/2015)
27. National Institute of Medicinal Materials (NIMM), Vietnam (5/8/2015)
28. Waseda University, Japan (5/14/2015)
29. Busan University of Foreign Studies, Korea (5/27/2015)
30. Osaka University, Japan (6/18/2015)
31. Tokyo University of Marine Science and Technology, Japan (7/1/2015)
32. Yunnan Minzu University, China (7/3/2015)
33. Chung Yuan Christian University, Taiwan (7/8/2015)
34. National Pingtung University of Science and Technology, Taiwan (7/8/2015)
35. POSCO TJ Park Foundation, Korea (7/21/2015)
36. Southern Taiwan University of Science and Technology (8/7/2015)
37. Chinese Culture University, Taiwan (8/5/2015)
38. Feng Chia University, Taiwan (8/7/2015)
39. National Taiwan Ocean University (8/14/2015)

40. Josai University Corporation, Japan (8/25/2015)
41. School of Chemical & Life Sciences Nanyang Polytechnic (9/1/2015)
42. Norway David Taw Scholarship Fund Programme (9/4/2015)
43. Oslo and Akershus University College of Applied Science, Faculty of Social Sciences, Norway (9/10/2015)
44. Kyushu University, Japan (9/18/2015)
45. Kyoto University, Japan (9/22/2015)
46. Osaka University of Economics and Law, Japan (7/8/2015)
47. Guangdong University of Foreign Studies, China (1/20/2016)
48. Zeppelin University, Germany (2/29/2016)
49. Central European University, Hungary (4/3/2016)
50. The Institute of Geography and Geology at ERNST-MORITZ-ARNDT-University Greifswald, Germany (2/5/16)
51. National Taipei University, Taiwan (6/6/16)
52. Midwest University, American (6/17/16)
53. National Chi Nan University, Taiwan (7/4/16)
54. Baoshan University, China (6/27/16)



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