Teaching and Researching International Law in Myanmar

By:

Yin Yin Win

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Introduction

Legal education has begun in Myanmar since 1878 under the administration of British Colonial Government. Rangoon (Yangon) College was founded as an affiliation of Calcutta University (CU), India in 1884-1885. British Government passed the University of Rangoon Act in 1920 through which the University of Rangoon was founded and has come into existence.

According to Section 31(a) and (b) of the University of Rangoon Act, the University was organized into Faculty of Arts, Faculty of Science, Faculty of Medicine, Faculty of Education, Faculty of Law, Faculty of Engineering and Faculty of Agriculture. At that time, Faculty of Law (Department of Law) was separately founded and offered the Bachelor of Law (BL) degree on those who passed the BL Examination. The BL degree consisted of a two-year course of study.

The Revolutionary Council took over the State power in 1962, and established a Committee to reform legal education. Significant reforms were accomplished by the Higher Education Law of 1964. New system of higher education brought the fulltime legal education course, which is the Bachelor of Laws (LLB) degree, in 1965. It became a five-year, full-time course of study with 42 modules (subjects) to be taken by students.

The LLB program remained the focal for university legal education in all law departments of universities, except for University of Yangon and University of Mandalay until Academic Year 2013. The University of Yangon and University of Mandalay only provided Master and PhD courses during the period of 2000-2013. The Law Departments of the University of Yangon and University of Mandalay have re-launched their first-year law classes from 2013-14 Academic Year. There are 46 Arts and Science Universities under the jurisdiction of Department of Higher Education, Ministry of Education in Myanmar. In total, 23 Law Departments are providing LLB, LLM and PhD courses. PhD program has been opened in University of Yangon since 1999 and in University of Mandalay since 2010. There are four specializations in LLM course across Myanmar. These are civil law, international law, commercial law and maritime law.

In Academic Year 2018-2019, ‘one campus, two systems’ was launched. This means that the conventional universities have to provide both regular education and distance education. There were two kinds of legal educations in Myanmar. The university legal education has begun since 1878, and the professional legal education had been provided from the colonial period to 1980s. The Higher Grade Pleadership (HGP) examinations, which was in existence since the British colonial era, were held semi-regularly in the 1960s, 1970s and 1980s. Since the 1960s, any person who had passed the second year in any university in Myanmar can sit for the HGP exams. The Registered Lawyer (RL) course was introduced in the 1970s and the last RL examination was held in May 1988. The RL course was a part-time two-year, two-parts course, and the classes were taught only in Yangon. Likewise, any graduate of universities in Myanmar could get a chance to enroll in the RL course.

The eligibility for LLB course depends on the marks of the applicant in his/her matriculation examination as prescribed by Department of Higher Education, the Ministry of Education. However, the prescribed matriculation examination

marks for entering into the LLB course are not identical among 23 Law Departments. There is no separate entrance examination for the LLB course. After their graduation, LLB graduates have to take one-year chamber practice under the supervision of Senior Advocates. There is no separate bar examination for getting HGP and Advocateship in Myanmar.

The Supreme Court of the Union is taking responsibility to scrutinize the applications for admissions to be Advocate, Higher Grade Pleader and Apprentice Lawyer in accordance with the Legal Practitioners Act and Rules. The Supreme Court of the Union is the one which decides who to admit and enroll as lawyers in compliance with this law and rules. In 2019, 2211 applicants were admitted as Apprentice Lawyers, 1527 applicants were admitted as Higher Grade Pleaders and 16,540 applicants as Advocates (2019 Annual Report of the Supreme Court of the Union, p.37). The candidate can apply for the HGP to the Supreme Court of the Union. Application for Advocateship can also be made at the Supreme Court of the Union after the completion of three years of experience as Higher Grade Pleader.

The LLB graduates who are qualified to attend LLM are directly admitted into the LLM program. The entrance examination for LLM courses are only held at University of Yangon and University of Mandalay. But the qualified LLB graduates from University of Yangon and University of Mandalay do not need to take this entrance examination.

Initially, a Master of Research (MRes) program, which is a one-year program, was offered for those who want to pursue law research. MRes students were required to develop and produce a significant piece of scholarship during their candidacy. LLM degree holders who are qualified to do research are admitted to this program. MRes program was discontinued in Myanmar universities starting from 2019-2020 Academic Year.

Eligibility to enter the PhD program is limited to LLM degree holders who shall be part of academic or ministerial staff with two or more years of service and have pass an entrance examination, and MRes degree holders (who are exempted from the entrance exam).

Lectures in Twenty- Three Law Departments

Among the 46 Arts and Science Universities, 23 Universities are offering LLB course. The LLM degree in international law specialization is offered in the University of Yangon, Yangon University of Distance Education, Dagon University, East Yangon University, Taungoo University, Mawlamyaing University, Sittway University, Pathein University, Pyay University, Monywa University, Magway University, Yadanabon University, University of Mandalay, Panglong University and Taunggyi University. The total number of staff in those 23 Law Departments are 493, and international law degree holders are 222. To be eligible to enter into public service as university teacher, one must have a Master's degree as minimum requirement.

According to the procedures prescribed by the Supreme Court of the Union of Myanmar, the university teachers cannot practice as a lawyer before the court during his/her government service under the Ministry of Education. The lecturers can only rely on the salary provided by the Union Government and the retirement can be enjoyed after 30 years of service or after the completion of 60 years of age. Female staff occupy most of the teaching positions in each and every Law Department. All Heads of Department of Law are PhD degree holders. Some teachers obtained local PhD, while others obtained their foreign LLD from Japanese universities or German universities.

Teaching International Law in Myanmar

International law has been taught as a core course in LLB program since the first batch of LLB at the University of Rangoon in 1964. Public International law I and II were taught as core courses in third year LLB until 2017-2018 Academic Year. From Academic Year 2018-2019, Public International Law I is taught in conventional universities in the first semester of third year LLB, while Human Rights Law replaced Public International Law II as core course in the second semester of third year LLB.

The following are references for Public International Law course:

1. Alexandre Kiss & Dinah Shelton "International Environmental Law", 2nd Edition, 1999
2. Abdul Ghafur Hamid, Khin Maung Sein, "Public International Law, A Practical Approach," Sweet & Maxwell Asia, 3rd Edition, 2011

3. Brownlie, Ian, “Public International Law”, Oxford University Press, New York, 5th Edition, 1998
4. Martin Dixon & Robert McCorquodale, “Cases and Materials on International Law”, Blackstone Press Ltd., 3rd Edition, 2000
5. Oppenheim, L., “International Law”, Volume I, New York, United States of America, 9th Edition, 1996
6. Malcom N Shaw, “International Law”, Cambridge University Press, 6th Edition, 2008
7. M.P., “Public International Law”, 12th Edition, Allahabad Law Agency, 1993

International Law I and International Law II are elective courses for the third year of International Relations course. General principles of international law and International Human Rights Law are the elective subjects for the third year of Political Science course. The students who take the international law subject can achieve 4 credit units both in core course and elective course. The lecturers used to give their lectures in English and Burmese. Nowadays, the lecturers are changing their teaching methodology by using theory and practical knowledge on international legal developments.

At the third year LLB course, the syllabus for Public International Law subject focuses on the origin, nature and sources of international law, subjects of international law, relationship between international law and municipal law, state recognition, territory, jurisdiction, state responsibility, intervention, diplomatic and consular relations, law of treaties, settlement of international disputes, law of war. These topics are too broad to be covered within 14-week period, which is the prescribed period for each semester in Myanmar.

The subjects to be learned in the first semester of first year LLM are Public International Law I, International Economic Law, International Law of Armed Conflict and International Humanitarian Law, and Law of Treaties. Public International Law II, Law of International Trade, Human Rights Law and International Environmental Law are taught in the second semester of first year LLM. The subjects to be taken in the first semester of second year LLM are Law of International Institutions, International Air and Space Law, Law of the Sea and Intellectual Property Law. Students have to do their research works in the second semester of second year LLM, and submit a thesis for the partial fulfillment of LLM degree.

Public International Law is also one of the subjects in PhD preliminary course. The prescribed time for PhD course is 5 years. Candidates have to sit in preliminary courses in their first year of their PhD course. After that, they have to try to accomplish their dissertations in remaining four years.

Researching international law

Research works and publications are incentivized by way of promotion. This is to improve the quality of education in universities. This principle is prescribed by the Department of Higher Education, Ministry of Education. The need for internationalization and to meet with the intended learning outcomes are being pursued by all universities in Myanmar. Research works related to international law have been conducted in every Law Department. But there is still a need to develop research methodology for quality and applied researches. Most of the research works focus on international law theory and human rights which are aimed at meeting the community needs.

Every university publishes a research journal twice a year under the auspices of University Ethical Research Committee. The research works can also be submitted to the Universities Research Journal and the annual research paper reading sessions of Myanmar Academy of Arts and Science (MAAS). The qualified papers will be published, and the researchers can claim them as accreditation in promotion.

International publications for international law research works are still rare for the university teachers in Myanmar. The Department of Law of University of Yangon, University of Mandalay, Dagon University, East Yangon University and Taunggyi University are doing joint research projects with international institutions and foreign universities on topics such as the achievement of the rule of law and developing international human rights law studies and international law curriculum development in Myanmar.

International cooperation and collaboration

International institutions and universities have assisted the development of teaching and researching international law in Myanmar. These institutions include the Asian Development Bank, BABSEA CLE, Danish Institute for International Studies, European Union, IUCN Academy of Environmental Law,

Open Society Foundations, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Australian National University, Central European University, Centre for International Law (CIL) at the National University of Singapore (NUS), Central European University of Hungary, Mahidol University of Thailand, Nagoya University of Japan, Oxford University in the UK and Columbia University, USA.

The workshops and trainings for curriculum development, teaching and researching international law were used to be hosted by the Departments of Law of University of Yangon, University of Mandalay, East Yangon University and Dagon University. Recently, in July 2019, the Department of Law of Taunggyi University convened the "Teaching and Researching International Law in Asia (TRILA) Myanmar Workshop" with the support and cooperation of Professor Antony Anghie of CIL NUS.

Challenges

Most of international law books are written in English. Language barrier is one of the challenges for Myanmar students who are studying international law. Moreover, since the syllabuses are prescribed by the Board of Legal Studies—the meetings of the Board are hosted by the Department of Law of University of Yangon —, the universities in remote areas have difficulties in securing copies or accessing these prescribed reference books. Language barrier is also a challenge for the lecturers to some extent. Even though online resources can be accessed by the students living in the cities, this is not the case for students in the remote areas who have difficulties accessing online resources because of poor internet connection. Another challenge now is that the teaching and learning approaches in higher education have to change from in-campus learning to blended learning because of COVID-19 pandemic. This makes it even more challenging for lecturers to complete all modules in the current international law syllabus, which is already too broad to cover in a limited time.

Conclusion

It is suggested that lecturers should spend more time doing readings and change their approach from theory to research-based teaching. By doing this, the student-centered approach will be more enhanced, and the intended learning outcomes will be more achievable both for the lecturers and students.

The curriculum and syllabuses should also be reviewed and revised in cooperation with international law experts. All Law Departments and their staff should enhance their capacities and professional development. Similarly, the close connection between English language proficiency and IT knowledge in the development of quality international law teaching should be recognised. Quality international law teaching and researching should be taken into consideration both in the Departmental and Ministerial levels. *Professor, Head of Department of Law, Taunggyi University. Email: dryinyinwin @tgu.edu.mm. *I would like to mention my heartfelt thanks to Daw Yin Yin Myint, Retired Professor, Department of Law, Yangon University of Distance Education, Dr Mu Mu Myint, Rector, Taunggyi University, and Professor Antony Anghie (CIL, NUS) for their encouragement and support to me for the accomplishment of this article. I would also like to mention my special thanks to Professor Dr Myint Zan for his ideas and views on legal education in Myanmar.*

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