Analysing Higher Education Policy Change with respect to Universities' Autonomy in Myanmar

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Abstract

This master thesis examines the driving forces and the process of change in Myanmar's Higher Education Policy towards strengthened university autonomy. The study aims to understand the main problems impacting changes from 2014 to 2015 in the (Higher) Education Law of Myanmar in the area of university autonomy, the agreed upon policy objectives with respects to identified problems and the underlying policy theory, ideology or knowledge basis for the identification of the problems with respect to 2014 (Higher) Education Law. To do this, an analytical framework based on Kingdon's Multiple-Streams Approach, a framework to understand policy change process by identifying policy window through problem, policy and politics streams and Gornitzka's Policy Framework, a framework used to identify problems, underlying policy theory and the policy objectives, were used. Using the analytical framework, a document review and interviews with key stakeholders from students, teachers, policy consultants and staff from Ministry of Education were made. The study reveals that the initiations and discussions regarding the change process were not entirely based on capacity issues, but more on underlying political issues. The government understood the law as a functional tool that would allow for a better management of the universities, while the students and teachers viewed it as an important step towards an education system based on democratic principles. Such differences in core beliefs and perspectives between two groups has led the process of change in Myanmar's Higher Education Policy in the area of university autonomy.

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Glossary of Terms

MoE – Ministry of Education

NNER- National Network for Education Reform

EPIC – Education Promotion & Implementation Committee

CESR – Comprehensive Education Sector Review

ACDE - Action Committee for Democratic Education

NEL – National Education Law

NEC – National Education Commission (later changed to NEPC)

NEPC- National Education Policy Commission

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Chapter 1: Introduction

1.1. Introduction

Myanmar has undergone various eras from the sovereign rulership of a group of dynasties, the British colonial era, the military authoritarian regime, the democratic government and the current military government which overtook the elected democratic government for the time being. The first formal higher education institution in Myanmar was founded under British colonial administration in 1878 and since then, the higher education system in Myanmar went through various reforms. The first major reform started in 1962 after the military coup took over the country. The University Education Law in 1973 stated that the universities would no longer be able to exercise autonomy and would be placed under central government. From then on, the higher education institutions in Myanmar were regarded as state's apparatuses by the government and the society.

In 2008, a referendum was drafted by the military to turn the country's political system into a democracy by having multi-party elections in 2010. From 2010 to 2015, the Union Solidarity and Development Party (USDP) that was supported by the military won the election and a new National Education Law was enacted in 2014.

However, this law was heavily criticised and met with several protests from the students, teachers and other stakeholders such as non-governmental organizations. The main reason for the controversy was that the law kept the Ministry of Education as centralized authority and gave no recognition to student and teacher unions. In 2015, the government issued an amendment to the law and stated that universities would be given independence to further contribute to the capacity building initiatives by the democratic government (Ministry of Education Myanmar, n.d.). Until now, no studies have been undertaken that clearly explain why the 2014 law was amended by policy makers in less than a year after it was published.

In this thesis, the driving forces as well as the process of change in Myanmar's Higher Education Policy towards strengthened university autonomy will be examined by employing document analysis and interviews with relevant stakeholders. The thesis aims to reach a conclusion and present recommendations towards lawmakers and the universities for further development of the existing policy, and insights from the process of change towards a new policy making in future.

1.2.   Problem Statement

The overall research problem of the thesis is formulated as follows: "What are the main factors impacting changes from 2014 to 2015 in the (Higher) Education Law of Myanmar in the area of university autonomy?" This implies that the thesis explore the change process of (Higher) Education Law in Myanmar.

1.3.   Research Questions

The thesis will be focusing on factors enabling the change process with no intention to further explore the implementation of the 2015 law amendment and its impact. The thesis addresses the following research questions derived from the study's overall research problem.

Research Question 1A: What was the main problem/were the main problems of the 2014 (Higher) Education Law in the area of university autonomy ?

Research Question 1B: By whom was the main problem/were the main problems of the 2014 (Higher) Education Law in the area of university autonomy identified?

These research questions aim to find the problem/problems that were underlying the changes in the 2014 Law less than a year after it was published. The interest area is institutional autonomy since the 2014 Law was published during Myanmar's transitioning period from military government to civilian government. Although the response to the identified problems was agreed upon and amendments were introduced in 2015, it is crucial to understand the main problem(s) underlying the changes in Law during that period.

Research Question 2: What were the agreed upon policy objectives with respect to the identified problem(s) of the 2014 (Higher) Education Law?

The policy objectives prominent in the 2014 Law are relevant in finding the linkage of such objectives and problems founded in the published law.

Research Question 3: What was the main underlying policy theory, ideology, or knowledge basis for the identification of the problem(s) with respect to the 2014 (Higher) Education Law?

It is pertinent to look for the ideology and knowledge basis for the identified problems in the 2014 Law in the area of autonomy to understand how and why the change was possible during the period of 2014-2015.

1.4.   Relevance of Study

Myanmar (then Burma) was ruled by the British for over a century, leading to three wars (1824-26, 1852 and 1885). Myanmar gained the independence from the British Empire in 1948 and from then onwards until 1962, Burma was governed by a parliamentary democracy that was based on the 1947 constitution. In 1962, following a prolonged period of civil unrest, a military coup took place and it led to a one-party rule under a military dictatorship that was devoted to socialism. Education during this period was provided for and organised by the state (Lwin, 2000).

During the period between 1948 and 1962, at the beginning of independence, Myanmar's higher education was acknowledged as on par with international standards, with its degrees recognised in the West, and elsewhere (Tin, 2008). From the year 1962 onwards, Myanmar's higher education was majorly underinvested. The civil conflict between students and the military government further added to the already underinvested higher education sector to become a sector where the government scrutinized all sectoral actions.[1] After the major 1988 protests of the university students, universities were closed for two years until 1990. Moreover, universities have been relocated, to the outskirts of cities to implement the divide and rule policy from the government to control the students to not be able to make gatherings easily (Lall, 2008). One of the major universities from where the students were majorly involved in the protests, undergraduate courses were suspended until 2013.

After a quasi – civilian government was being elected in 2010, the country has opened up for reforms in various sectors including education. Education reforms were anticipated because of the legacy of universities being at the frontline in any political changes of the country. However, the 2014 National Education Law, which was supposed to be a landmark of significance towards the democracy path was met with student protests due to it allowing for a continuing role for the centralized authorities in university governance.

By the time of writing this thesis, Myanmar is going through a general election process, which is expected to be leading to major reforms in the Constitution and subsequently the revisiting of laws. It is unknown if NEL2015 would be revisited or if the sub-sector laws, such as the Higher Education Law, would be published. However, this thesis is expected to bring forward a much needed reflection of highly-debated National Education Law making processes in 2014/15.

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[1] To illustrate the impact on the education sector, Myanmar ranked 150 out of 187 countries on the UN's Education Index in 2016 and it ranked 145 in 2019. (UNDP, n.d.).

1.5.   Limitations

The first limitation of this study is the time constraint. Since this is a study for Master thesis, the time limitation influenced on data collection and analysis. Second limitation was the geographical constraint. Since the primary data collection should be done in Myanmar, it imposed challenges. During the data collection stage, there was a pandemic (Covid-19 outbreak) which caused airports around the world to shut down. Myanmar was one of the countries that was on lockdown for months and it was impossible to fly there for data collection. Thus, alternative methods such as online (via Zoom) and written data were collected. Another limitation was to get access to documents and produce interview data. Myanmar, as a developing country, faces challenges in technology. Thus, online interviews with some of the selected participants were impossible, thus, alternative options had to be considered. Moreover, some of the documents, such as meeting minutes were not available online. The hardcopy documents needed to be scanned and sent, which was a time consuming process.

1.6.   Outline of the thesis

The thesis is presented in the format of seven chapters that cover different sections of the thesis. In Chapter 1, there is a short introduction, problem statement and research questions, and limitations of the study.

In Chapter 2, the background and context in which the study was conducted are presented. In this chapter, Myanmar's political structure, higher education system, and comparison of two laws, 2014 National Education Law and 2015 Amendments of National Education Law in the area of Higher Education Autonomy are discussed.

In Chapter 3, the literature related to the topic is reviewed. The definition of public policy and the relevant theoretical foundations are discussed. Moreover, the explanation and justification of theoretical frameworks relevant for this study are addressed. The studies that are relevant to conceptualize autonomy in Myanmar's Higher Education sector are also presented in this chapter.

In Chapter 4, the analytical framework that was a combination of two key frameworks, introduced by Kingdon and Gornitzka, is presented and explained. The key concept of the analytical framework is to understand the main problem of the change in 2014 Law and the process of change. The indicators based on the analytical framework are presented as well.

In Chapter 5, the methodology of the study is introduced. It includes the research methods and tools that were utilized in data collection and analysis. Limitation of the methodology and ethical considerations are also discussed.

In Chapter 6, the findings derived from collection and analysis of the data that come from documents and interviews are presented. The analysis of the data is based on the indicators that are presented in Chapter 4.

In Chapter 7, the summary of the main findings of the study presented in Chapter 6 with discussion based on research questions is presented. Moreover, conclusions and recommendations for further studies based on the main findings of this thesis are presented in the last section of this chapter.

Chapter 2: Background & Context

2.1. Politics in Myanmar

In 1947 after gaining independence, the country's first constitution was drafted by the first democratically elected assembly. Under the constitution, Myanmar's legislative body, a bicameral parliament called the Union Parliament, consisting of two chambers, the Chamber of Nationalities and the Chamber of Deputies, were crafted by legitimate polls. In 1962, the military took over the country through a coup and the meaningful legislative mechanisms were stopped with the suspension of the Union Parliament. In 1974, the second constitution was established as a unicameral parliament, called People's Assembly. This constitution convened until 1988 and the parliament contained only the members from a single party, the Burma Socialist Programme Party (BSPP). The legislative activities during this term were symbolic in nature. In 1988, the collapse of the BSPP regime led to national elections. However, the new ruling junta declined to acknowledge the results and kept the power without handing any authority over to the 485 elected members.

In 2008, the new constitution was enacted that led to a parliamentary system with a hybrid and quasi-civilian regime. Following the constitution, general elections were held in 2010 for a new bicameral parliament with 659 seats in Amyotha Hluttaw (Upper House) and Pyithu Hluttaw (Lower House). This shift attracted international attention especially when the National League for Democracy party (NLD) entered the by-election in 2012. A research on the socio-analysis of the legislator revealed that the majority of the members of parliament came from professional background of business, banking and trade followed by education. However, surprisingly, the legal profession is not a predominant occupation (Egreteau, 2014) and the winning party, Union Solidarity and Development Party (USDP) was backed by the military government. The experts stated that continuity was much more likely than change in the era due to the fact that the military remained the principal agency for change. And it would not be a liberal democracy but an illiberal regime embedded in a legislative framework that resembled a democratic structure with ample room for the agency to maneuver (Than, 2011).

In 2015, general elections were held and it was commended to be the first openly contested elections since 1990. Before 2015, the election in 2010 was held under the influence of five election laws, including the military government having final say on the election results.

In 2015, the results revealed that the NLD won a majority of the seats in both chambers. However, due to the quasi-civilian arrangement, the Commander-in-Chief of Defense Services still had the right to appoint the members in both upper and lower houses.

After the 2015 elections, capacity building has become a priority policy issue. In a report, it is stated that "Myanmar is thus a country with long and continued attention to state-building – but the state has been dominated by the military, although some degree of power has been transferred to a civilian government headed by the NLD, and the authority, capacity and legitimacy of the state remain fragile (Stokke et al., n.d., p. XI)". In figure 1, the main policy change milestones in government and the higher education sector are presented.
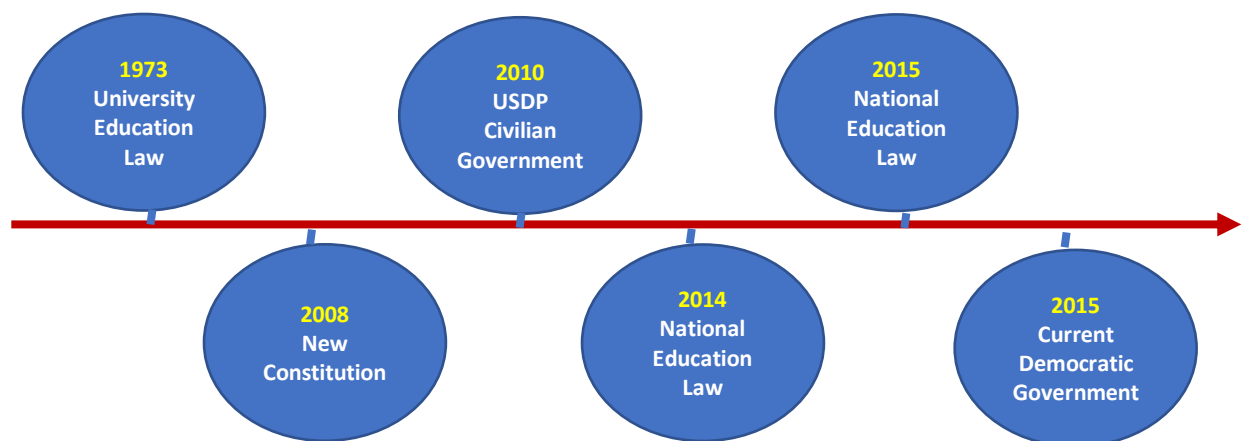
Figure 1 Timeline of Higher Education Policy Change in Myanmar

2.2. Higher Education System in Myanmar

Parallel to the changes in the political order of the country, many reform initiatives emerged and education was one of the prioritised reform areas along with health care and the economy. Following the Comprehensive Sector Review (CESR), a new National Education Law, replacing the old University Education Law of 1973, the Basic Education Law of 1973, and the Technical and Vocational Education Law of 1983, was published in September 2014. However, it was met with dissent from the student unions. The student unions organised a demonstration throughout Myanmar requesting a four-way meeting with the National Network for Education Reform, the government and the Parliament. The National Education Law was subsequently amended in 2015 (Win, 2015).

A study by Chongcharoen and Daungkaew (2016), which presents a general overview of the background of Myanmar higher education and the higher education policy formulation, states that the lack of institutional autonomy and slowness of centralized decision making were the main hindrances in higher education development in Myanmar. The statement was based on the empirical findings from primary data from related public documents, relevant research reports, journals, including academic information searched by the electronic media or websites and in-depth interviews with key informants who were executives in the higher educational policy setting (Chongcharoen & Daungkaew, 2016).

A study by Esson and Wang (2018) focused on the University of Yangon (UY) reform process during political transformation. The key findings from interviews with participants in the University indicated that much of the transformation had resulted in physical renovation of UY's basic infrastructure and the provision of learning material. The authors argued that such sole focus on physical transformation is problematic because the university's main stakeholders deemed it as being superficial, inadequate and decorative. Much to the frustration of the academic staff and students in the university, the necessary ideological reconstruction to alter previous authoritarian practices was lacking. Moreover, the reform completely overlooked the psychological situation at the university, which was characterized as consisting of a community of scholars with low morale, fear and anxiety. Although the study was published in 2018, the fieldwork was conducted in 2013, leading to a discrepancy in data, given the enactment of the new National Education Law in 2014 (subsequently amended in 2015) and the transition to the new democratic government.

2.3. National Education Law 2014 Amendments

In March 2011 in his inaugural speech, then-president Thein Sein said:

"We need more and more human resources of intellectuals and intelligentsia in building a modern, developed democratic nation. In this regard, a fundamental requirement is development of human resources including new generations who will take over State duties. Therefore, we will promote the nation's education standard to meet the international level and encourage human resource development." (Htut, 2019, p. 160)

With the mandate from the government, in 2012, the Ministry of Education and international organizations conducted a Comprehensive Education Sector Review (CESR).

The results of the review were published in 2013 with recommendations to develop a new National Education Policy and a National Education Law, and the new National Education Law was enacted in 2014. After the law was published, NNER—a coalition of civil society groups that included student unions, teacher unions, ethnic education groups, faith-based education groups, community-based education groups, education networks of political parties and scholars – criticized that the new law allowed centralized control of universities and curtailed efforts to increase autonomy of the country's institutions of higher learning. The dissatisfactions from the pressure groups led to country-wide protests. During the period from the 2014 National Education Law to the 2015 Amendment, the Ministry of Education, NNER and Student Groups had several meetings to negotiate. After the meetings, amended law was drafted and sent to lower and upper house for approval. It came to consensus at one point and the amendment was published.

2.4.   State Steering in Myanmar Higher Education

Higher education, in this contemporary world of globalization is regarded as a major determinant for a country's success and prosperity. HEIs are crucial institutions for knowledge production and human capital building. In addition to the two major reasons, HEIs' roles are not limited to economic needs but they are also part of the state apparatus to drive the country in the direction of the government's direction and goals (Castells, 2001). Examining the role of universities in the European integration processes, Gornitzka et al. stated that universities are institutions with unique "rationale, identity and foundations, its ethos, codes of behavior and primary allegiances and loyalties" (Gornitzka et al., 2007, p. 7). An institutional perspective on universities promotes concepts such as university autonomy and individual academic freedom. Olsen discussed autonomy as a multi-faceted concept with neither a universally agreed definition nor normative processes (Olsen, 2009). Thus, the university autonomy reforms in any region would not always be consistent with the existing dominant academic interpretations of the concept of autonomy since the reform process in each region can be assumed to have distinct characteristics.

As indicated by Olsen, the dominant interpretation of the concept of (public sector) autonomy could not be applied universally especially for countries that are centrally governed by the state resulting in universities having a low level of autonomy. Olsen refers to the importance of the competition between political actors when it comes to the governance of the

higher education system with an important influence of the preferred relationship between higher education and society (Olsen, 2007). However, in developing countries, there is an issue of positioning the higher education system. The positioning sometimes involved the struggle to maintain the status quo of higher education system or utilizing the system as a catalyst for change.

Myanmar has the formal attributes of a federal system of government, and the 2008 Constitution lists the powers of the Union, state and region governments. However, during 2014-2015, the powers still remained largely within the Union Government. State and region governments have very limited authority, and this is restricted mainly to matters of local infrastructure and local economic activities. The country's administrative structure is set out in the Constitution. The Union consists of 14 states and regions. States and regions are constitutionally equivalent— with 'state' referring to areas where the ethnic minority communities are generally located, and 'region' referring to areas where the Bamar majority resides. The public sector delivers core functions of government, such as economic management, public infrastructure, health, education and welfare services. The sector also consists of government business enterprises, such as the 'Myanma Oil and Gas Enterprise'. In many countries, public sector employees are divided into civil servants and other government employees. Civil servants work for government ministries in public administration. Other government employees include state enterprise workers and sometimes also public sector personnel, such as teachers, health workers and police. In Myanmar, however, all public sector employees come under the Civil Service Personnel Act. Thus, all staff members of the universities fall under the Civil Service Personnel Act as well. As a part of public sector, the higher education system is steered under the government centralized control.

As a centralized public sector, Myanmar's higher education system operated differently from most other higher education systems in the world. The curriculum and the assessment, such as exams, were drafted and set by the Ministry of Education. The hiring of staff was also coordinated by the state and academic staff, and sometimes administrative staff, were transferred every few years to universities around the country, making the setting up of research teams almost impossible. Universities were not autonomous, and although the top universities such as UY have been offered some limited autonomy, such as being able to hire local staff and chose their students as part of the reforms, the fact that the budget was totally controlled by the government questions the reality of university governance and institutional autonomy (Kandiko Howson & Lall, 2020).

Cloete et al. stated that "…a development from state control to state supervision was to be promoted, because a supervising role of the state would lead to a better performance of higher education than a controlling role" (2005, p. 209). The emphasis on performance can be referred back to the Comprehensive Education Sector Review in 2012, which mentioned quality and relevance, access, management and financing and improving partnerships as the important features of recommendation for higher education sector.

Moreover, in Comprehensive Education Sector Review (CESR) Phrase 1 report published in 2013, there is a statement emphasized on benchmarking ASEAN standards for Myanmar's higher education policy reform. The current state of Myanmar's higher education system suggests that it is lagging behind its neighbours in the region in terms of investment in education (in terms of 'investment per student'), research output, knowledge economy indices and enrolment ratios. In addition, the authors of the CESR report identify capacity building in teaching, administration and research quality as the most significant priorities for the higher education reform. Following CESR, the drafting of the National Education Law (NEL) in 2014 marked a legislative milestone in the education sector as a whole. It defined the key issues facing higher education in Myanmar, including university autonomy. However, the law had faced controversy with student protests emerged on the streets of Yangon and other cities in Myanmar. One major argument in the protests was that the law did not go far enough in terms of strengthening university autonomy. The protests forced (minor) concessions from the government and the amendment of the NEL in 2015 (Kandiko Howson & Lall, 2020).

Chapter 3: Literature Review

3.1. Introduction

Change is a major part of our lives, whether it is change in individuals, communities, countries or regions. The topic of policy change is also a widely researched area in public policy and political science. But it is important to know when and how change occurs. Methodologically, it is often difficult to determine the points in time when change occurs (policy window period), but this is a key question for policy change (Lucie, 2013). By understanding the process of policy change and the main problems driving the change would allow the policy makers to identify key areas of interest and the underlying problems, objectives or ideology with regards to change.

In the following sections of literature review, the definitions of the term "Public Policy" will be discussed in order to understand the public policy in the context of Myanmar. Afterwards, two prominent theories, Kingdon's multiple stream theory, its applications and Gornitzka's policy framework, will be discussed to examine the policy change process. These two frameworks will be combined further developed into analytical framework in Chapter 4.

3.2. Public Policy Definitions

Public policy can be defined as "a program of action (or inaction) of a government to achieve specific goals" (Clavier & Leeuw, 2013, p. 6). This definition prioritizes the role of the government in making policy through a vertical, hierarchical process. This definition also coincides with one of the best-known, straightforward definitions of public policy formulated by Thomas Dye. It stated that, "anything a government chooses to do or not to do" (Dye, 1972, p. 2) and consideration of a possible action could be defined as public policy.

Dye's definition clearly identified that the primary agent of public policy-making is a government, rather than private business decisions, decisions by charitable organizations, interest groups, or other social groups. Although non-governmental organizations might be actors with some important roles in governmental policy-making processes, only the governments have special status in public policy-making. This is based on their ability to make authoritative decisions representing citizens and they usually have the authority to back up the compliance of these decisions by using different methods or instruments to control (Dye, 1972).

Second, as Dye stated, public policy is a choice made by government to undertake some course of action to a problem or issue that is required to be addressed. Dye emphasized that a 'non-decision', or a government's decision to simply maintain the current status quo, is just as much a policy decision as a choice to alter it. Such a 'non-decision', however, like more 'positive' ones, must be purposive, such as the government decided to maintain the current income tax rate rather than to increase or decrease it (Dye, 1972).

Third, Dye's definition also highlights that a public policy is a conscious choice of a government. This implies that the government's actions and decisions usually involve unintended consequences, such as when an effort to increase income tax may result in tax evasions, etc. Unless these subsequent activities or consequences were anticipated (or intended) by government (for example, when governments increase automobile tax to discourage automobile use and thus indirectly promote the use of public transport), the unintended consequences are not public policy, but merely its unexpected by-product, which may sometimes be beneficial but many times not. Although Dye's explanations are important to understand the notion that public policies emerge as the result of governmental decision-making processes, it is less clear how such decisions are arrived at or implemented (Dye, 1972).

An alternative approach to public policy (Colebatch, 2006, pp. 39–40) identifies three contrasting views of policy. The first view is that policy is an 'authoritative choice' as described in the prior definition by Clavier and De Leeuw, whereby policy is utilized as an instrument for the electoral and program priorities of ministers. The second view is policy as 'structured interaction'. In this view, there is no a single decision-maker addressing policy problems, instead it recognizes the wide range of actors that exist, the diversity of their understanding of the problems, the ways in which they interact with each other and the ultimate outcomes of these interactions (Colebatch, 2006). Usually, government observes and responds based on the actions of other participants in order to determine what issues will be considered and what actions will be taken in response. The final view is policy as 'social construction', which acknowledges the multiple ways in which problems are framed and appropriate responses are devised and accepted (Colebatch, 2006).

Referring to the Myanmar context described in the background section, public policy reform, including in the Higher Education sector, in Myanmar resembled the first view of Colebatch, that is, an authoritative choice whereby the government utilized the HE reform as a leverage to set the direction of change from military to civilian government. However, there

were no significant conflicts of interest that led to amendments of Law in other sectors during the public policy reform process. Thus, the higher education sector case was a special one where the authoritative choice driven by the government's policy decision, without much input from other non-governmental organizations and actors, had become problematic.

It is not within the scope of the literature review section of this thesis to examine all of the available theories and frameworks with respect to public policy processes. Understanding the complications of public policy process requires a range of theoretical and analytical perspectives to be combined for each cases (Peters & Pierre, 2006). Accordingly, for this study, two public policy conceptualizations will be used to develop an analytical framework that will function as a lens to examine the selected higher education policy process in Myanmar. This implies that the literature review will be focusing on two prominent theoretical frameworks, Kingdon's multiple stream theory and Gornitzka's policy framework. These frameworks have been selected because they have been validated empirically in multiple contexts and countries to explain and predict the policy-making process; they are two of the most widely cited policy process theories in the higher education research literature internationally; they both focus on agenda setting and policy adoption; they highlight the role of different actors; they have complementary strengths; and they are particularly prominent in higher education research. In the following section, the core tenets of each chosen theory will be discussed.

3.3.   Coupling of Problems, Politics And Policies (Kingdon's Multiple-Streams Approach)

The multiple-streams approach (MSA) was initially developed in 1984 to explain the policy-making process in the tri-partite system of US government and it emphasized the process of how initial problems get on the policy agenda and how policy proposals are translated to policy options to be adopted (Kingdon, 2014). In this particular framework, Kingdon maintains that a policy process consists of three streams, that is, problems, policy and politics. A problem stream consists of various conditions that policy-makers find through indicators, focusing events and feedback, and want addressed. A politics stream consists of national mood, pressure-group campaigns and administrative or legislative turnover; and a policy stream includes a "soup" of ideas that must have value accessibility and technical feasibility to compete to win acceptance by policy-makers. Policy outputs are created when the three streams come together at critical moments in time. Then a policy "window", the optimal opportunities for policy change, opens for the advocates to be able to push their bills/proposals.

Windows are opened by critical problems that are required to be addressed in a time sensitive manner or by events in the politics stream.

For the first situation of addressing critical problems, the policy process is consequential; that is, policy solutions are developed in response to specific problems. This is in accordance with the rational choice theory that assumes policy-makers attend to problems first and then develop policies to solve them. In the second situation where windows open in the politics stream, attention is focused on solutions first before problems can be clearly defined. In such cases, the policy process is doctrinal; that is, policies are made in search of a rationale. Policy proposals must be in accordance with the doctrine of a political party, and thus the most important thing is the solution to be adopted rather than the problem to be solved.
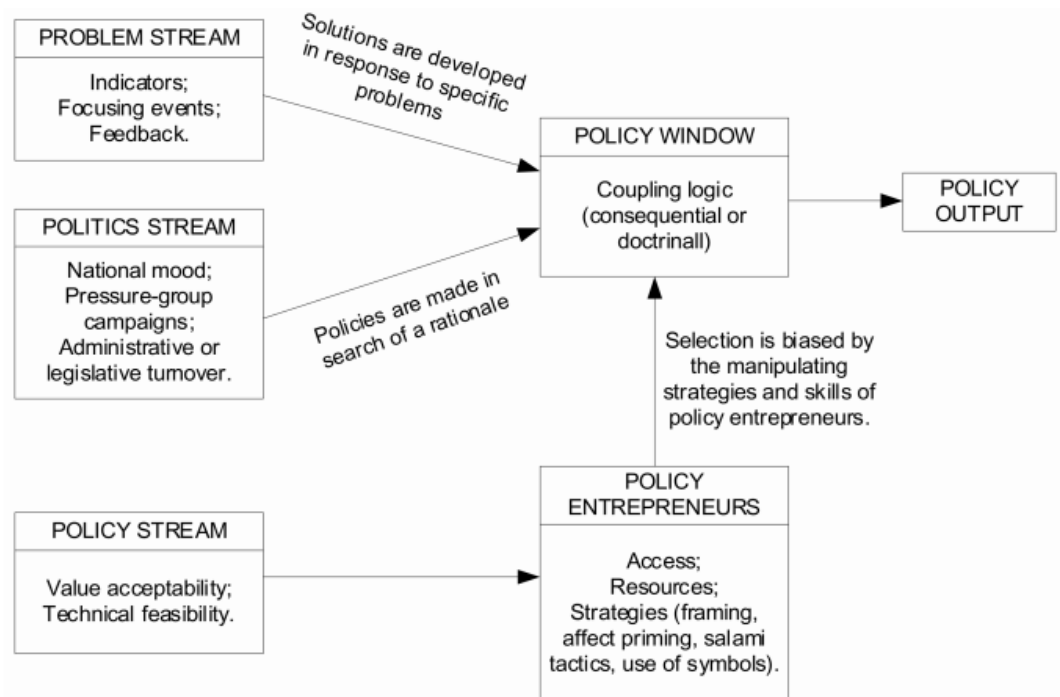
Figure 2 An illustration of the original Multiple-Streams Approach (Mu, 2018)

Kingdon has provided several cases based on US policy initiatives illustrating how the opening and closing of policy windows from the three streams' convergence could affect the success or failure of key policy initiatives. For example, in the 2011 edition of Kingdon's book, there is a comparison of the 2010 Obamacare policy initiative with the failed policy attempt of extending health care coverage under the Clinton administration in 1993-1994 (Kingdon, 2011). For this example, Kingdon examined that the passage of the success of Obamacare to a policy

window opening resulted from the convergence of factors from three streams. There was a growing awareness of the problem of increasing healthcare costs in US due to economic downturn and key policy entrepreneurs achieved the mutual agreement to develop the reform policy that focused on individual healthcare coverage without altering the existing government programs and private insurance programs.

Although MSA was initially developed to understand agenda setting in US policy, the framework has proven to be useful for other contexts as well. MSA has been used in studies as a framework to understand policy-making and used to analyze and explain how the policies proposed by central or decentral public authorities are applied across sectors of levels of government (Bache & Reardon, 2013, 2016).

3.4.   Application of the Multiple-streams Theory

A meta-review of multiple-streams theory applications by Jones et al. (2016) stated there are 311 empirical applications of the theory in studies that are published from 2000 to 2013. The studies are conducted in 65 countries on 22 different policy areas, across all levels of government (Jones et al., 2016).

Corbett (2006) noted that the multiple streams model is particularly relevant for analyzing European Policy Development in Higher Education as a case of policy change, because it explains "how a policy idea advances through linkages between three processes (or 'streams') with different dynamics: problem definition, policy formulation and the evolution of political mood" (Corbett, 2006, p. 5). The model has a wider viewpoint of analysis that includes both formal and informal rules, a conception of stakeholders' actions influenced by factors and events they do not control, and frames of meaning, which they do. According to the author, the study emphasized that Kingdon's framework is useful because of "the interactive conception of the policy process as a policy cycle in which ideas are formed and re-formed as the policy idea designed to resolve a problem advances (or stumbles) through categorically different components of the cycle" (Corbett, 2006, p. 5).

Kingdon's approach has been used mainly in the context of high-income countries in terms of setting the agenda for national and international policies. However, the study of Ridde that examined whether the multiple-streams approach is useful for examining public policy implementation at the local level in African states, suggested that the use of the multiple-streams framework can be extended beyond its traditional applications. Consequently, several theoretical propositions have been formulated that apply also in low-income country contexts

(Ridde, 2009). Myanmar, as a developing and low-income country, can therefore be regarded as a valid empirical setting for following up Ridde's study by using Kingdon's approach.

3.5. Gornitzka's Policy Framework

Although Kingdon's approach is helpful in identifying the period of time when the window of opportunity occurred for policy change to happen in Myanmar, it is unable to pinpoint how the three streams come together. This thesis will thus use the framework for policy analysis presented in Gornitzka's article "Governmental policies and organizational change in higher education" (Gornitzka, 1999) in addition to Kingdon's framework. Gornitzka's policy framework consists of five components, the policy problems, the policy objectives, the normative base, the policy instruments and the policy linkage.

Gornitzka stated that, "policies are solutions that are more or less stable, but the problems they are attached to vary both across time and different national systems" (Gornitzka, 1999, p. 13). It means that policies can either be problem-driven or solution-driven where the solution-driven policies may have stable solutions attached to changing problems in different points of time. For example, increasing automobile tax (a solution) can be used to solve the problem of traffic jam (a problem) and/or to reduce greenhouse gas (alternative problem).

Policy objectives are linked to policy problems and are the statement of outcome that can be found in the policy. These objectives can be explicitly or implicitly stated in the policy document, and policies tend to be more likely to succeed if they are explicit, meaning clearer and more focused, than implicit (Gornitzka, 1999). However, policy statements are often more implicit and consist of values that are vague and sometimes conflicting. Gornitzka stated that it could be argued that such unclear values give the institutions the room to maneuver within the given framework conditions. However, ambiguity in policy goals leads to difficulty in monitoring and evaluating the extent of policy goals being achieved since there is no definite measure.

According to institutional theory, policies and programs are based on values and beliefs. To discover what these are one can look at both the problems and objectives of a policy. Gornitzka also discussed policy theory, that is, the knowledge basis that shaped or influenced the policy change, which includes but is not limited to underlying political ideologies when the problems and solutions (objectives) are agreed upon.

Gornitzka stated that policy instruments are "How and by what means are government pressures to conform to policy and programmes being exerted" (Gornitzka, 1999, p. 19). In this

study, an apparent policy instrument will be law. However, other instruments, such as money (by funding or incentives), information or other forms of authority may emerge from empirical data. At the same time, the notion of policy instrument will not be involved as a part of the theoretical framework in this thesis.

Policy linkage, according to Gornitzka is how a particular policy in one policy area is linked to one or more policies in another area. In this thesis, the policy linkage will be considered as a potential influence for policy change in the higher education field being related to other sectors. Empirical data may reveal if there is a possible external influence on HE policy change.

Chapter 4: Analytical Framework

For the purpose of answering the research questions, the conceptual approaches for studying policies introduced by Gornitzka (1999) & the Multiple-streams Approach (Kingdon 2014) will be used to analyse the empirical data of the study (gathered through document analysis and interviews with central stakeholders). The resulting analytical framework is presented in this chapter.

4.1. Gornitzka's Framework

1) **Policy Problem**

   Gornitzka stated that a policy problem attempts to discover "what constitutes the societal problem that a policy is designed to address. What conditions have been identified by people in and around government as the main policy issues and problems?" (Gornitzka, 1999, p. 17). Since the change in higher education policy was a solution, the problem attached to such change will give context to the change process.

2) **Policy Objectives**

   Gornitzka stated that, "a policy contains a statement of desired outcome. Policies can vary according to whether policies and programmes are directed at changing, adjusting or maintaining behaviour of target organisations or groups" (Gornitzka, 1999, p. 17). In this study, the desired outcomes driven from the policy problem will be addressed. To achieve this, the depth and breadth of change the policy is aiming at and the degree to which the policy is implicitly or explicitly stated will be examined.

3) **Policy Linkage**

   Gornitzka stated that policy linkage is, "The degree of coherence/consistency of policies and policy linkage over time and over policy fields" (Gornitzka, 1999, p. 21). In this study, the coherence/consistency of 2015 Law Amendment with respect to university autonomy with other policies, such as health would be considered.

4.2. Multiple-streams Framework by Kingdon

Based on the garbage-can model of organizational behaviour, the multiple-streams framework by Kingdon stated that policy processes consist of three independent streams, problem, politics and policy streams (Kingdon, 2014).

1) **Problem Stream**

   A problem stream consists of problems that are brought to the attention of policy-makers by systematic indicators, by focusing events or by feedback to be addressed from current operations. Systematic indicators are results of routine monitoring or studies. These indicators are used by government to assess the magnitude of the problem. Sometimes, the systematic indicators might be insufficient to bring the problem to the forefront and focusing events such as a crisis or disaster could also be turning points for the problem to gain attention. Feedback from government officials through formal (systematic monitoring) or informal (complaints) channels bring awareness to the problem as well.

2) **Politics Stream**

   After the identification of the policy problems, the knowledge basis and policy ideology that influence change of the policy contents will be explored (Gornitzka, 1999). A politics stream consists of national mood, pressure-group campaigns and administrative or legislative turnover. In the case of Myanmar, the major pressure groups are NNER (National Network for Education Reform, a civil society education coalition in Myanmar) and Student Unions. Combining Gornitzka and Kingdon will allow for an exploration of the underlying policy theory/ideology of different groups of stakeholders in the politics stream.

3) **Policy Stream**

   A policy stream consists of "policy primeval soup", which is a 'soup' of ideas – such as bill introductions, speeches, papers, conversations – that meets the criteria of being fit to current dominant value and technically feasible to compete to win acceptance by policy-makers. The bill introduction for the law amendments will be analysed to understand the policy stream leading to the amendment.

Kingdon stated that the above three streams are coupled in critical times and result in policy output. The moments these streams join together are labelled as "policy windows", which are defined as brief windows of opportunities for policy advocates to push their pet

solutions. Windows are opened by compelling problems or the events in the politics stream. In this particular case, the policy output is the policy with respect to university autonomy in Myanmar. The amendment of the 2014 law in 2015 is the instrument to exert the change of policy focused on autonomy in higher education institutions in Myanmar.

Combining Gornitzka's and Kingdon's approaches, the following analytical framework will be used to analyse the data. Kingdon's policy stream refers to the ideas that have value accessibility and technical feasibility. However, in the case of Myanmar, NNER and other pressure groups had published a 11-points proposal that they believed should be included in the law. These points are basically the desired outcomes of the policy. Thus, the policy output was affected by pressure groups' objectives.
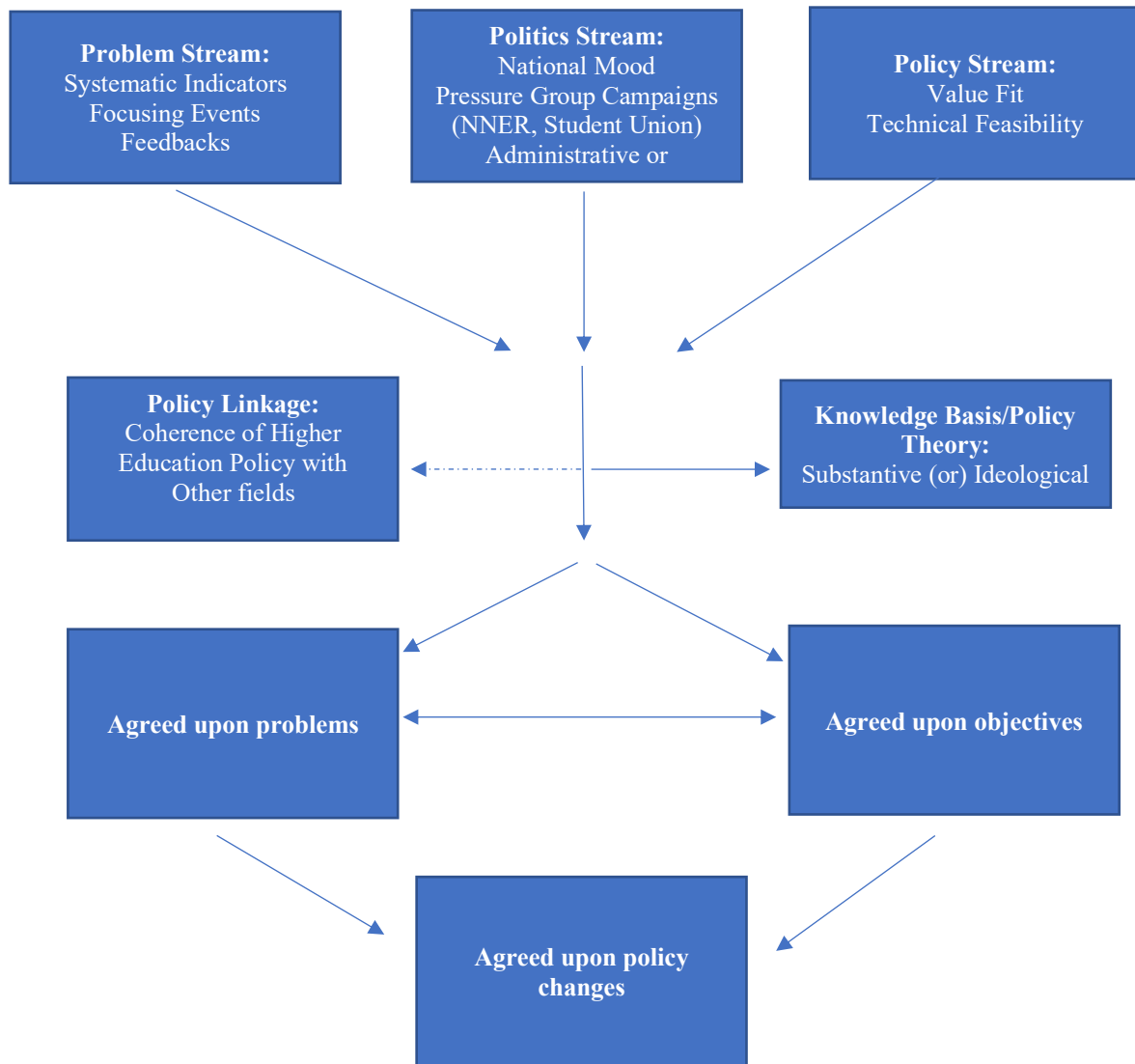
Figure 3 Analytical Framework (adapted from Gornitzka 1999 & Kingdon 2014)

Within the frame of this study, the policy output and the policy instruments are already established from the change process, thus, these two indicators will not be a part of the study. The following indicators derived from the analytical framework will be used to analyze the documents and interview scripts.

4.3.   Indicators of the study based on the Analytical Framework

Analytical Tool	Indicators
Problem Streams (2014 Law to 2015 amendments)	- Main topic covered by higher education section of 2014 Law in the area of autonomy - Main problem(s) identified from higher education section of 2014 Law in the area of autonomy - The main advocates in identifying the problem in 2014 Law - Nature of the identified problem (political/ideological or substantive) - Main possible events linked to the problem(s) - Monitoring used to identify the problem (if any)
Politics Streams (2014 Law to 2015 amendments)	- The national mood (attitude towards 2014 Law) during the time of change (e.g. in national media, and in social media) - The impact of the political party in office during the time of change (if any)
Policy Streams (2014 Law to 2015 amendments)	The ideas – such as bill introductions, speeches, papers, conversations – that meet the criteria of being fit to current dominant value and technically feasible to implement
Policy Theory (2014 Law to 2015 amendments)	- The knowledge basis for the identification of the problem(s) highlighted with respect to the 2014 Law (in the area of university autonomy). - The dominant ideological/political differences (and similarities) between the four main groups involved in discussing the changes with respect to the 2014 Law

	• The influence of external stakeholders, such as international organizations (if any)
Policy Linkage	• The degree of coherence among policies from other policy areas and 2015 Law Amendment with respect to Autonomy
Agreed Upon Policy Problems	• Agreed upon problem(s) from the main problems identified through policy streams
Agreed Upon Policy Objectives (2014 Law to 2015 amendments)	• The main solutions proposed/discussed with respect to the identified problems with the 2014 Law • The main objectives in amending the 2014 Law (acceptable for all major stakeholders involved). • The part of law the main stakeholders in the policy process want to change and the part they want to maintain

Chapter 5: Methodology

5.1.   Research Design

This study adopted the exploratory approach based on qualitative methodology to understand the phenomena in-depth. The phenomenon in this case is the shift of policy towards enhanced university autonomy in the higher education system in Myanmar. Qualitative methods focus on understanding the process and context of the phenomenon under investigation and employing different methods in an attempt to interpret. The multiple dimensions and perspectives of the phenomenon offer the incremental understanding of its implicit meanings (Denzin & Lincoln, 2018). The study is framed within the context of Myanmar's higher education system and does not attempt to generalize beyond this context. However, the findings from this study might be useful for other intraregional and international comparative studies. The primary research questions attempt to address the system level change in the higher education system parallel to the political shift especially during the timeframe of 2014-2015.

5.2.   Unit of Analysis

The unit of analysis is defined as the focus of the research the analysis is based on and it could be events, occurrences or incidents the study emphasizes ("Unit of Analysis," 2010). This study focuses on key factors in the process of change (and continuity) of higher education policy towards enhanced university autonomy in Myanmar, thus the unit of analysis for this study is the higher education policy change in 2014-2015 towards enhanced university autonomy.

5.3.   Sampling & Data Collection

The study aims to answer the first two primary questions based on the research problems, thus the multi-stage sampling and data collection methods will be used.

Document Analysis

For the first stage, the study focuses on system-level change in higher education policy towards university autonomy by collecting relevant documents and conducting document

analysis. Table 1 presents an overview of the documents that are analyzed in an attempt to answer the research questions.

Table 1 Overview of documents analyzed for the study

Document	Author	Published Date	Access
National Education Law 2014	The Union Parliament	30th Sep 2014	Law Database
The Law amending the National Education Law	The Union Parliament	25th June 2015	Law Database
Minutes of Meeting from The Union Parliament Meetings from 2014 October to 2015 June	The Union Parliament	Various Dates	Pyithuhluttaw Database
Myanmar's Political Transition and Lost Opportunities (2010–2016)	Ye Htut : Presidential Spokesperson (2013–16) and Minister of Information (2014–16)	17 Sep 2019	ISEAS-Yusof Ishak Institute
Ministry of Education's 2011-2012 to 2015-2016 Financial Year's Performance Record (Summary)	Ministry of Education	December 2015	Sent by Staff from MoE

Scott's four criteria, authenticity, credibility, representativeness and having meaning will be assessed to make sure the documents are relevant for the study (Bryman, 2012). Credibility makes sure the document is free from error and distortion where representativeness ensures the document represents the typical kind of relevant documents. Authenticity makes

sure the document is genuine and has a verifiable origin. Having meaning refers that the document is clear and comprehensible. Official documents from state such as National Education Law would meet the criteria, however, some information extracted from media outlets or the expert sources might be biased thus reliability of such documents will be considered extensively. Most of the documents will be extracted from government websites or external sources.

Interviews

For in-depth information, selected participants from the Ministry of Education (MoE), National Network for Education Reform and Student Representatives were interviewed by using semi-structured interview method. However, due to limited mobility during the Covid-19 pandemic, the participants were requested to be interviewed via online, Zoom, which is an authorized platform by University of Oslo under GDPR regulations. However, the participant from MoE opted to send the answers in written format, rather than being interviewed online. Although this is the least preferable option, the participant's choice is the most important in this situation due to limitations imposed. Thus, the data from the participant from MoE was collected in written format while the other participants were interviewed online.

The participants are selected purposively based on pragmatic reasons. In Bryman, it is defined that, "purposive sampling is to sample cases/participants in a strategic way, so that those sampled are relevant to the research questions that are being posed (Bryman, 2012, p. 418)". The criteria for relevancy in choosing the sample were that the participants were either involved directly or have the substantial knowledge about higher education policy change during the period 2014-2015. Each interview was done in native language (Burmese) for the convenience of the participants and to receive comprehensive information without language barriers. An interview guide was used for interviewing, however, the questions were tailored to participants and were have increasing details. The interview guide is attached in Appendix 1. The list of participants is presented in table 2.

Table 2 List of interviewees (coded as participants)

Participant	Code	Position	Role
Participant 1	M01	Staff	Ministry of Education Staff

Participant 2	S01	NNER Member	NNER member, Involve in NNER policy drafting
Participant 3	S02	Student	Student Leader during 2014-2015 Protest, 2014 Secretary, 2015, Chairman in Student Union
Participant 4	S03	Student	Student Leader during 2014-2015 Protest, Member of Action Committee for Democratic Education (ACDE)
Participant 5	S04	Student	Student Leader during 2014-2015 Protest, Member of Action Committee for Democratic Education (ACDE)
Participant 6	S05	Student	Student activist in 2014-2015 Protest
Participant 7	T01	Lecturer	Member of Teacher Union, Technical Advisor for NNER Policy Conferences
Participant 8	T02	Lecturer	Member of Teacher Union
Participant 9	T03	Rector	Advocacy
Participant 10	P01	Policy Consultant	Involved in consultation process for 2014 NEL Law

Participant 11	P02	Policy Consultant	Advisor for one of the cabinet committee member in 2014-2015

5.4. Data Analysis

The documents and the interview transcripts were analyzed using thematic analysis to identify emerging themes that are most relevant to the study to draw inferences and conclusions (Bryman, 2012). The collected data were analyzed by using Creswell's six steps for qualitative data analysis (Creswell, 2014). These are as follow:

1. Organizing the raw data; such as documents, interview audio and transcription including translated transcript (if needed).
2. Reading and looking at all data to get general information and overall meaning and take notes in margins of transcripts or field notes.
3. Indexing the data (Creswell's eight steps will be used in coding process).
4. Describing the empirical setting of the case.
5. Categorizing the data into different classification.
6. Interpreting the findings.

5.5. Ethical Considerations, Validity and Reliability

The ethical principles in Bryman's, namely, harm to participants, lack of informed consent, invasion of privacy and deception were considered in this study (Bryman, 2012). The respondents were asked if they were comfortable to be interviewed and recorded. The interviewees were given the information sheet beforehand to understand the study and also were briefed before the start of the interview. The interviewees were informed that all participants were coded and no demographic information that can be used to identify the participants would be included in the thesis or elsewhere. The participants have privacy and had the right to refuse to participate in the interview before, during or after. Reliability was ensured by using the interview guide that was derived from theory and previous studies. The research process was documented step by step in details in thick description. Thick description

enables readers to make decisions about the applicability of the findings to other settings or similar contexts (Creswell & Miller, 2000). For internal validity, the triangulation method was used by collecting data from both documents and interviews (Bryman, 2012). The researcher employed self-reflexivity to ensure the potential bias are eliminated (Creswell & Miller, 2000).

5.6.   Potential Limitations & Challenges in Methodology

Among the major challenges were language issues and the handling of the transcript and translation of the transcript. It was time-consuming to self-transcribe and translate and it would have been very expensive to hire a professional translator. Both were challenging from the perspective of the time and resources available for the Master Thesis. Thus, the documents and interview transcripts were translated for the parts that were necessary since the study was not based on linguistic nuances but on the overall meaning-making process to answer the research questions. Another issue was the conflicting idea between providing thick description and the confidentially of the participants. In this case, demographic and other information of the participants was removed in the initial coding process.

Moreover, during the time of data collection, the unexpected Covid-19 pandemic had occurred which caused disruption in data collection since it was impossible to collect the interview data in-person. It was also a struggle to contact potential participants from Myanmar since technology wasn't widely used, especially among the older generations such as staff from ministry, etc. After several trials, the data were successfully collected and analysed.

However, due to a personal decision, I have visited Myanmar during the writing stage. Unfortunately, a political issue had happened during the period. A military coup occurred where the military seized power from the current elected government. Subsequently, the communication medium such as secured internet were cut off, thus, creating another disruption and delay.

Chapter 6: Findings

In this chapter, the findings from the study will be presented in relation to the study's analytical framework. The indicators from the analytical framework are used to analyze the data within the areas of interest as indicated by the research questions. The collected data that are analyzed come from two main sources; documents and interviews. In chapter 7, a discussion of these data will be presented.

6.1.   Preceding Events Leading To The Problem

The events leading to the problem of disagreement between the government and the Student & Teacher Unions and the National Network for Education Reform (NNER) with regard to NEL 2014 started in 2012 when the Comprehensive Education Sector Review (CESR) was conducted by the Ministry of Education. CESR was conducted with the aim to develop an education system that promoted a learning society capable of facing the challenges of the Knowledge Age and to build a modern developed nation through education (*CESR*, n.d.). The review was led by the Ministry of Education in partnership with several organizations such as the UN, and multilateral, bilateral and non-governmental organizations that supported financial, technical and coordination aspects of implementation. However, the listed partners were mainly international organizations. At the initial stage, there were no inputs from the Student Union, Teacher Union or NNER, the latter being one of the key non-governmental organizations during the reform. The interviewee from MoE confirmed that during CESR, the recommendations and foundation of the National Education Law (NEL) were generated. The process of the CESR was as follow:
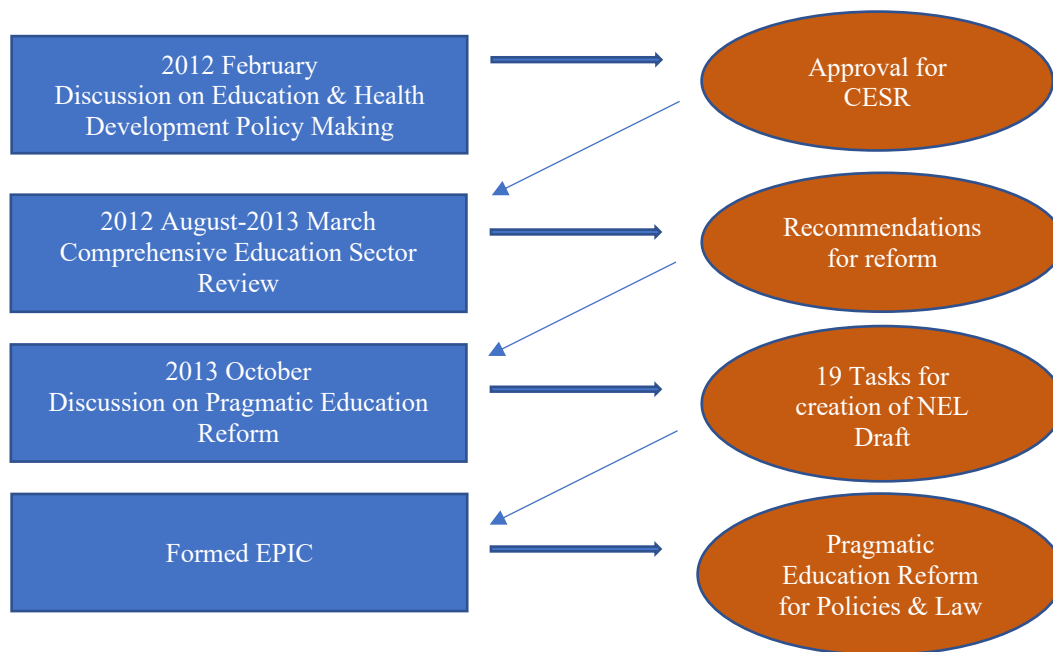
Figure 4 Policy Reform Process (translated from the document provided by MoE)

On February 2012, a Conference on Development Policy Options was held in Nay Pyi Taw, and there was a collective agreement to carry out the Comprehensive Education Sector Review (CESR) with the aim of education reform. The CESR had three phases to ensure the progress of education development. Phase 1 was a rapid assessment of all education sectors, focusing on policy, planning, management, legislation, financing and capacity issues. Phase 2 was an in-depth analysis based on Phase 1 data and it provided a series of reports that identified strengths and weaknesses of the Myanmar education systems and good practice, both in Myanmar and in other countries. Phrase 3 was expected to provide strategic directions and priorities for system reform and development sector-wide.

A Policy Dialogue, under the heading Empowering Higher Education-A Vision for Myanmar's Universities, took place on June 29-30, 2013 in Nay Pyi Taw, Myanmar. The Policy Dialogue was requested by the Chair of Higher Education Law and UY Revitalization Committees and the leader of Burma's National League for Democracy, Aung San Suu Kyi. Attendees at the Policy Dialogue targeted education reform to decentralize universities, increase inclusivity and equity of universities, and increase international connectivity.

On October 7, 2013, again in Nay Pyi Taw, a Pragmatic Education Reform Forum took place to discuss the laws, regulations, visions, and plans to implement a pragmatic education

reform on the national level. The forum provided 19 tasks for developing a draft National Education Policy and Law. The Education Promotion Implementation Committee provided guidance for ensuring the procedures and processes of the education reform. The Union Minister of the Ministry of Technology and Science chaired the Education Promotion Implementation Committee. The Committee had a working group consisting of education related ministries and non-government organizations that held discussions and provided a medium for the public to voice their opinions and ideas on education reform. The working group held meetings and workshops and accepted emails and letters about public opinion towards the education reform process. A draft of the National Education Law was submitted in May 2014 to the Union Government.

The National Education Law was passed by Parliament in July 2014 and signed by President Thein Sein on September 30, 2014. The bill would create a National Education Commission that would have control over the education system by mandating budgets and policies. After the passing of the National Education Law, there were student protests in Yangon and Mandalay claiming that the bill further centralized higher education. The students demanded more autonomy for universities.

According to the interviews with student representatives and an NNER representative, students were excluded from early stages of the formal process, such as meetings and discussions leading to the enactment of the new law although they were involved in the discussion forum preceding the formal drafting process.

6.2. Problem Streams

The problem stream came into light since the beginning of the process where the students, teachers, NNER and other non-government stakeholders attended the discussion forum before NEL 2014 was published. Since the forum, there were conflicts and disagreements between MoE and government stakeholders and students, teachers, NNER. All five student interviewees agreed that the government took little to no consideration of concerns by students and other stakeholders even during the discussion phase before the 2014 Law was officially published.

Parallel to the CESR process, during 2013-2014, NNER organized several educational forums in different states involving students, teachers and other stakeholders to collect the ideas and discuss about education policies. One of the conferences was held as a National Level

Conference to come to an agreement on education policies, on the basis of input by students, teachers and stakeholders countrywide. Since this process was happening at the same time with CESR, however, NNER did not have any knowledge of the CESR process. Thus, there were some initial disheartenments towards the government. The interviewee from MoE (M01) stated that, *"Before 2011, there was no community involvement in the policy making process of Higher Education. But, in developing the NEL, the Ministry of Education consulted with many stakeholders from every states and regions."* However, the interviewee did not specify who were the stakeholders, or the point of time at which such stakeholders were involved while developing the 2014 NEL.

The student interviewees stated that they were invited to some public forums, however, their concerns and ideas were rejected several times and one of the student interviewees (S04) stated that, *"The discussion was very one-sided. They had no intention to listen to us."* Moreover, NNER, after their extensive consultation meetings countrywide to collect proposals and suggestions from the people, come up with various papers and recommendations, which were submitted to the Parliament regarding the draft 2014 National Education Law. However, many of their key concerns were not addressed in the final, approved version of the National Education Law.

Although there were constant indications alerting the government of issues that can be regarded as being part of a problem stream since early 2014 before the confirmation of the 2014 Law, the government seemed to have ignored such indicators and proceeded to approve the 2014 Law in 30 September 2014. Then, a focusing event, that is, the student protests, came into the picture and it has become a focal point for the problem to gain attention.

The student protests started from a small group of students and eventually gained momentum when the "Action Committee for Democratic Education (ACDE)" was formed by the members from three student unions, All Burma Federation of Students' Unions (ABFSU), the Confederation of University Student Unions, and University Student Union – Myay Latt. They campaigned for the redrafting of the 2014 Law starting from January 2015. With no response from the government, more than 100 people setting out from Mandalay to Rangoon on 20 January 2015, as students resumed the campaign to protest the National Education Law. Others have joined the protesters from different regions of Burma and planned to link up during the 650 kilometer (404 mile), 15-day journey to Rangoon. It had created an impact locally as well as internationally. Four out of five student interviewees and two out of three teacher union interviewees agreed that the student protest was the major reason for the growing attention to

the key problem in this phase. Meanwhile, the staff from MoE, the policy consultant and the rest of the students and teachers agreed that political conditions, such as the upcoming 2015 election were the major reason for the growing problem attention. However, it is important to take note that those two, that is, student protests and political conditions, were not mutually exclusive and student protests and the election period could be combined into one major focusing event that existed in the problem stream.

6.3.   Politics Stream (National Mood)

One of the first publicly reported opinion polls was conducted by IRI (International Republican Institute) April 2014, which was supported by the United States Agency for International Development. It sampled the opinions of 3,000 adult men and women from 208 rural and 92 urban locations in all 14 states and regions of Myanmar. The results were published as Survey of Burma Public Opinion, December 24, 2013- February 1, 2014. Unsurprisingly, the results indicated that there was overwhelming support for democracy as the most favourable form of government, however, peoples' understanding of what encompasses 'democracy' differed considerably. The sampling data revealed that the participants were generally supportive of the Thein Sein government's advertised reform programs, but their views were strongly influenced by the unrealistic optimism then prevailing about Burma's future economic development (Selth, 2018).

When being asked about the three biggest problems facing Myanmar as a whole, the participants indicated unemployment, ethnic or sectarian violence, and high prices. Most of the problems mentioned were related to daily life, such as poor healthcare, the lack of electricity and inadequate transportation. Interestingly, 'politics' is only featured at the lowest end of the scale, with the need to amend the constitution (an abiding preoccupation of Aung San Suu Kyi and her party) scoring lower even than natural disasters. Contrary to the preconceptions, the survey also stated that, in some sectors, such as the fight against corruption, there was considerable amount of support for the military and its civilian political organisation, the Union Solidarity and Development Party (Selth, 2018).

The second survey was conducted in May and June 2014, which surveyed the views of 3,000 respondents from all fourteen states and regions through personal interviews. It was sponsored by The Asia Foundation. This survey was more comprehensive than the IRI exercise, and yielded more nuanced results. It showed, for example, that there was very limited knowledge about the structure and functions of Myanmar's central and regional governments,

especially at the regional and state level. Participants of the survey still expected a real democracy, however, there was limited understanding about the principles and practices that underpinned a democratic society (Selth, 2018).

The Asia Foundation survey stated that citizens were generally positive about the situation in Myanmar at the time, and welcomed the results of reform programs introduced since 2011. However, there was a pervasive underlying uncertainty, especially in the marginal areas where the majority of the ethnic minorities live. Governments were viewed with suspicion, political disagreements were deeply polarising and social trust was low. There was a high expectation that the government would play a strong role in ensuring economic growth, and the development of an equitable and inclusive society (The Asia Foundation, 2014).

By assessing the National Mood during the period, it is revealed that citizens desired 'democracy', however, limited knowledge on the meaning and practices of a democratic political system may have led to misunderstanding between the government and citizens. Moreover, the government supported by the military (UNDP) during that time had considerable support from the public. However, the overall social trust from the public to the government was low. That could have created the tension between government and other stakeholders such as students in the case of NEL reform.

6.4.   Emerging Policy Consensus (Policy Streams)

For Kingdon's theory, the policy stream is where the solutions are generated in order to address a particular problem. Due to the national mood leaning towards democracy and continuous student protests in Myanmar, the government had opened up the negotiation channel for four-party negotiations between the student leaders, NNER, the government and parliamentarians to address the problems. From the four-party discussions, there were several solutions that ultimately formed the basis of the 2015 Amendments.

The issue with regard to NEL 2014 (National Education Law 2014) was raised in the Assembly of the Union Meeting on 20 January, 2015. The president sent the letter of request dated 19 January, 2015, to reconsider the NEL 2014. The assembly recognized the problem and delegated the problem to the Assembly of Union's "The Draft Law Committee of the Parliament of Myanmar". On 21 January, 2015, the letter from the president was discussed within the Draft Law Committee for review and report. The critical findings from the bill included the request to review and change the National Education Law 2014 to be in alignment with the following four points:

1. Decentralisation of universities.
2. Legalisation of Student and Teacher Unions in universities.
3. Incorporation of Inclusive Education in law.
4. Development of ethnic minorities' languages and cultures.

Based on those findings, the Parliament discussed possible solutions. According to the meeting minutes dated on 22 January, 2015, the Parliament decided to draft an amendment for NEL 2014 and the task was dedicated to MoE. Hence, the process was for the MoE to draft the amendments and submit them to Parliament, for them to be reviewed by the Draft Law Committee under Parliament, Educational Development Committee, Law Commission, and other committees and interest groups, such as professionals and ministers.

The draft NEL 2015 Amendment submitted by MoE and the report from the Draft Law Committee for the draft amendments were discussed in Amyotha Hluttaw (Upper House). The agreed upon draft was submitted to Pyithu Hluttaw (Lower House) for the discussion on 26 March, 2015. The return of the draft with the amendments from Lower House was sent to Upper House on 18 May, 2015. The discussion and decision making for disagreements between Upper and Lower Houses were delegated to the Draft Law Committee under the Parliament. The committee had meetings from 26 to 28 May, 2015, to discuss and confirm the amendments. On 9 June, 2015, the Draft Law Committee submitted and discussed the report based on the meetings held from 26 to 28 May, 2015. A total of 51 points of disagreement between the two Houses and findings based on the disagreements were discussed in the Parliament. At the end, the committee proposed to the Parliament the most viable solutions based on the discussions. On 17 & 18 June, 2015, the final discussion and decisions for the NEL 2015 Amendment were made.

6.5. Policy Linkage

Since 2014 NEL is regarded as the comprehensive overall Law for all education sectors, linking basic and vocation education policies to higher education. However, there were no direct linkages with other public sectors. This was confirmed by all the interviewees who agreed that there were no policy linkages between NEL and other public sector laws, thus, the process of change was a special case for the education sector. No apparent linkages was found in document reviews either.

6.6. Knowledge Basis

All of the five student and teacher interviewees agreed that the policy ideas they used to discuss and negotiate with MoE and government were based on NNER's educational policy recommendations.

One of the participants from the Teacher Union (T02) stated that, *"We had several workshops with NNER after forming Teacher Union. We realised we need to have freedom if we want to be on international standard."* Another Teacher Union participant (T01) had a similar answer. In addition, T01 has attended several international discussion forums as well as been involved in the research initiatives of academic freedom and autonomy within the capacity of his own university. He also stated that he referred to "University Education Act of 1964" to understand the historical footprint of the university autonomy.

From the student perspective, S02 confirmed that the main knowledge source comes from NNER. He stated that, *"During the dialogue with the government, we came to realise that some of our points are impractical and high expectations. For example, we want NEC to be fully cancelled, however, we realised the current capacity in universities might not allow as such. During negotiations, we bargained with the government to have the most practical solutions from the framework we have. I believe we have about 60% to 70% of the points being accepted by government for the change."* Other student interviewees (S03 and S04) also agreed with S02 that NNER was the main source of knowledge.

Student and NNER member (S01) stated that, *"Since 2012, NNER sent out delegates from each sector (Basic Education, Inclusive Education, Higher Education etc) to attend international seminars. It can help us to think about guidelines from international level. NNER also referred to ASEAN (Association of Southeast Asian Nations) level educational policies and agreements. Moreover, we also referred to meeting results from World Education Forum 2015 which was held in Incheon, South Korea."*

The interviews indicated that the resources used for negotiation and discussion for the change of 2014 NEL were based on NNER's initiatives. For NNER, the knowledge sources came from international advocacy by attending several forums since 2012 and the local advocacy from students and teachers by organizing nationwide conferences. From the ministry side, there is not much data to infer the knowledge source. However, from the discussion above, it is possible that the CESR process had an important influence on the knowledge basis of the Ministry.

6.7. Agreed Upon Policy Problems

Problem (1): National Education Commission (NEC)

In Chapter 4 of NEL 2014, it was stated that NEC's chairperson would be chosen by the government with the approval from the Parliament. NEC would be composed of the minister of Education and other ministers, scholars from ethnic groups, and other appropriate persons to effectively and successfully implement the statutes set out in this law. NEC's rights and responsibilities mainly consisted of establishing policies and guidance, however, it also involved the implementation part of the process. This was seen by students and teachers as a move towards centralization of the system.

All student interviewees (S01, S02, S03, S04, S05) stated that NEC would hold too much power over universities under the 2014 NEL which would be in direct conflict with the desire to create more autonomous universities. Moreover, the composition of NEC consisted mainly of ministers and a small number of professionals without any representation from students or teachers. This raised the question by students and teachers of NEC's impact on university autonomy. The interviewee from MoE also confirmed that the forming of NEC was the main problem during that time. The exact words of M01 were, *"The main issue was the forming of National Education Commission (NEC), which was amended as NEPC. Most of the activists pointed out it was very centralized."*

On the government side, according to the interview with one of the policy consultants (P02), during this period, there was a misunderstanding between the government, ministry and the student/teacher groups. The government already had an intention to give more autonomy to the universities, however, during initial discussions between government, ministry and universities, the management of the universities (the rectors and the deputy rectors) were critical of such proposals from the perspective of capacity issues. The main issue discussed was the system of transferring teaching staff to different regions. As long as the system was still in place, the difficulty of managing human resources would be a problem for universities' management. The universities' management requested central authority for coordination. That was one of the reasons why NEC was created to coordinate the management of different universities. However, this was seen as a measure for centralization by students and teaching staff. The similar point was made by the MoE interviewee (M01) that, *"The NEL aimed at the autonomy, private sector participation, research and academic development."*

Problem (2): Mistrust and Miscommunication between Government and NNER including Student/Teacher Groups

On the basis of the document review, it can be interpreted that the chairman of EPIC, who was The Union Minister of the Ministry of Technology and Science, thought that if student leaders participated in the early EPIC process, it would become a political dialogue instead of an academic discussion. Thus, he rejected the idea of inviting the students and teachers and decided to invite them later to the stakeholder meetings after the framework was decided. But there were informal channels between EPIC and NNER and the National League for Democracy (NLD). NNER had held 25 educational reform conferences across the country and one big national education conference in June, 2013. From this conference, an education policy was drafted.

In July, 2013, NNER met with the president to present their draft policy and policy recommendations. The president suggested NNER to coordinate with MoE, and also suggested NNER's proposal to be sent to the Parliament. According to the suggestion, one of the NNER delegates met with the Education Promotion Committee of the Parliament to present their paper in November, 2013. After the meeting, EPIC commented that NNER recommendations were good, but too idealistic and would not be practical to implement at the current period of change.

However, according to the interview data, the students and NNER felt disappointed with the process. The disappointment stemmed from the way the situation was handled where the suggestions and recommendations of NNER, which were agreed upon with student and teacher unions, were not included in the formal framework. The 2014 NEL, as mentioned before, was drafted and published without much consideration of inputs from NNER's previously submitted recommendations. This would have been one of the factors that contributed to the students and NNER's mistrusts towards the government and their intentions.

According to the student union members and NNER representative that were interviewed, the main problems identified in the area of university autonomy in the 2014 Law can be summarized as follows:

- Lack of institutional autonomy & academic freedom especially, lack of financial autonomy and unfair distribution of funds among universities.
- Centralized control by National Education Commission.
- Strong similarities to previous style of governing under military.
- No legal recognition of student and teacher unions.

- Differences in perceptions of terms used in published law, for example: some words used in 2014 reflected strong socialist ethos whereby the students and other stakeholders asked for democratic influence.

The breaking point of the government and student/teacher groups started March, 2014, when EPIC held a "National-level Practical Education Reform Conference". NNER was supposed to be one of the attendees. However, near to the event, the NNER invitation was cancelled. Angered by the cancellation, in a letter to public by NNER on 7 March, 2014, NNER commented that, "repeated breaking of promises, cancelling previously agreed arrangements, and spreading false news have caused us to lose all faith in EPIC and the Ministry of Education's process of education reform." However, for EPIC, the incident was the result of a misunderstanding between MoE, the Parliament and the NNER. MoE had invited NNER but Parliament was not aware of it so there were not enough seats for the delegates.

In one of the statements issued by NNER in March 2017, it is stated that:

"On February 28, 2014, a Director of Basic Education from the Department of Education phoned to invite NNER representatives to attend the "National-level Practical Education Reform Conference" to be held March 5-6 in Nay Pyi Taw. He said that a total of 700 people would be invited and inquired how many NNER representatives would be able to attend. He also sent the conference agenda by email."

However, one of the interviewees (P02) who was one of the policy consultants, and who was also involved in the process, commented that the conference catered 350 seats for government (even including the principals of High Schools) and 350 seats from Parliament. From the parliament side, around 200 seats would be invited. The remaining 150 seats after taking out parliament members belongs to NLD and other political parties. Thus, at the maximum, only around 50 seats were available for NNER. After being called and informed, NNER was highly disappointed and angered since they have already invited several delegates from across the country and all the transportations were arranged as well. At the statement issued from NNER (Full Statement can be found in Appendix 2), it is stated that:

"At 9:30 pm on March 3, 2014, the Director phoned to tell us that the invitation had been cancelled. On March 4, the NNER working group held a meeting followed by a press conference regarding the above action of the Ministry of Education. No representatives of NNER attended the conference in Nay Pyi Daw. However, on March 5 and 6 the government

owned media outlets including MRTV news, the New Light of Myanmar newspaper, and the Mirror newspaper falsely reported that the National Network for Education Reform (NNER) had attended the "National level Practical Education Reform Conference" held in Nay Pyi Taw."

One of the interviewees from the Teacher's Union (T01) stated that, *"The invitation to attend the forum had come with a condition that the invitees can attend the forum without being absent from normal duties. It does sound like being invited as a subordinate."* The overall impression from the interviewee is that the invitation to Teacher's Union members were done not genuinely but as an obligation. The interviewee stated that, "I didn't attend the forum/discussion." *"Well, I did get labeled as someone who is difficult to deal with,"* he added with a small laugh. Another two interviewees (T02 & T03) also stated that they were not actively involved in the law drafting process including the forum or discussion during 2014 NEL, except T02 was invited to Jubilee Hall Forum, which was already in the finishing stage of the law drafting process. T02 stated that, *"We've pinpointed the weaknesses from Teacher Union's and students' point of view. From the discussion, we understand it as the government will consider our suggestions and there's a high chance they'll accept those inputs. However, when the law came out, none were included. This maybe the trigger for the protests by students in Mandalay."*

Due to these incidents, NNER and Student/Teacher Unions decided to take an alternative approach. Student unions started with small protests and they sent their recommendations on the Education Bill to the two houses. Both houses rejected the recommendations of the student unionists. Student unions began their campaign against the Education Law in early November.

On 12 and 13 November, 2014, they held a national students' conference in Yangon with 500 representatives from various universities and formed a 15-member "Action Committee for Democratic Education (ACDE)". ACDE demanded four-party talks between students, NNER, the government and parliament to reconsider the National Education Law. They vowed to organize a nationwide protest if there was no response from the government within sixty days.

For sixty days MoE took no other initiative for dialogue while the ACDE sent their representatives to universities to organize a campaign against the National Education Law. After the moratorium expired on 16 January, 2015, without an official response, the ACDE

announced on 17 January, 2015, their decision to start a nationwide protest. After this decision by the students, the president sent a letter to parliament on 19 January, 2015, urging the Parliament to consider the students' demands and to amend the National Education Law if necessary.

Problem (3): Use of unclear terminology in published law

Aside from the existence of NEC and the mistrust and miscommunication between government and students & teachers, there was an interesting and probably unique problem that is relevant to this case. It was the problem of using unclear, vague and sometimes conflicting terminologies in the written law.

Several participants described how the "Burmese version" of the 2014 NEL used terminologies that were unclear and often had socialist undertones. For example, the Burmese word for "governance" is similar to "management" and/or "administration". This created a lot of confusion for the readers, let alone the organizations and individuals who would have to use the law for implementation. One of the students (S02) said, *"Some of the words used were vague such as the usage of 'a good citizen who has the right philosophy' in which the meaning of 'right philosophy' is not clearly explained. We questioned what is the 'right philosophy'? Is it the philosophy based on socialist ethos or democratic ethos?"* Another student (S03) indicated that the written law was not precise. For example, there was no indication of the duration/term of NEC nor the exact number of members who would be appointed in the commission. In order to crosscheck, the written text was reviewed. It was written as such under Chapter 4, Article 5:

"the government shall choose a Union level person as chairman who shall, with the approval of Parliament, form a National Education Commission composed of the minister of Education and other ministers, scholars from ethnic groups, and other appropriate people"

Arguably, there were mentions of the potential members who would be involved in the commission, however, the sentiments from the students stemmed from the fact that the authority to choose was solely controlled by the government, thus reducing transparency of the commission itself. One of the teachers (T03) also stated that the law terms were quite complicated to understand and there were not many explanations and descriptions for some of the vague terminologies used in the written text.

Thus, the students and other stakeholders felt the written law was not easy to understand and included many complicated and sometimes conflicting terminologies. The worries were founded on the subsequent issues that would follow in the future should the law be implemented without amending. It might also be connected to Problem 2, Miscommunication, where the written law failed to communicate the targeted audience (in this case the students and teachers) effectively.

6.8.   Agreed Upon Objectives of National Education Law

According to the student and teacher interviewees, there were several differing views with regard to the agreed upon objectives. The objectives were based on 11 demand-points requested by NNER and student-teacher group[2], filtered and grouped into 6 objectives that are relevant to University autonomy. Consequently, the objectives that are related to University Autonomy could be identified as:

•   Granting Academic Freedom.

•   Removing National Education Commission.

•   Enacting Democratic Education System.

•   Giving considerable amount of Financial Autonomy such as external funding to universities.

•   Legal recognition of student and teacher unions.

•   Clarification of legal terms used in Law for a clear understanding and the words should have democratic influence instead of socialist ethos.

From the interviewees, most students stated that there was considerable agreement between government and the students, teachers and NNER. Consequently, the 2015 Law Amendment reflected about 60% to 70% of the objectives that were requested by NNER and student-teacher group. However, all three teacher union interviewees stated that the changes were done on a surface level and did not make much impact on the directions of autonomy. For example, removing of NEC was rejected, however, NEC was revamped into NPEC, the National Policy Education Commission. While NEC would be involved in most of the process

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[2] 11-demand points (objectives) with regards to the change of 2014 NEL were drafted by NNER with some inputs from student-teacher group. These points mentioned by the interviewees were reviewed and selected on the basis of their relevancy to University Autonomy.
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including operations of universities, NPEC would only be focused on policy-making process of the universities. This deliberately meant that the universities would be eventually gaining autonomy in the area of academic, staff, or financial affairs. However, the teachers voiced out that the existence of NPEC would still be problematic since it would still be influencing the universities with or without legal authority. One of the teachers who was at the time of the interview working under the system answered that NPEC and the Rector Committee were formed as independent associations to support university autonomy initially. However, the two committees (NPEC and the Rector Committee) act as supervising agents with much demands, interfering in university's daily functions. This statement further supported the previous mention of NPEC by another interviewee that even without legal authority, the existence of NPEC would still be problematic because it will influence universities' daily administration. Moreover, most of the processes still have to go through MoE to get approval to proceed, which complicates the universities' current administration processes. For example, one of the teacher interviewees (T03) stated that the university needed approval from MoE to make a slight change in curriculum, however, it wasn't approved. When the interviewee (T03) was asked if the university can make an independent decision, the interviewee answered many universities regarded MoE as de facto authority, thus, they were afraid of penalty if they did not get approval from MoE before making any changes.

6.9.   Agreed Upon Policy Change

From the comparison of the two published laws (the 2014 Law and the 2015 Law with amendments), there were several changes that represented the agreed upon policy objectives.

6.9.1. Granting Academic Freedom

Under Article 4, Section A of 2014 NEL, the amendment substituted a clause that referred to Academic Freedom of (higher) educational institutions. The subsequent clause also stated that the governmental institutions should consult with professionals, civilian educational organizations, representatives from parents and teachers as well as representatives from students. Section L mentioned that the educational institutions will be free of influence from any religious or political organizations. It also stated the freedom of research for institutions.

6.9.2. Removing the National Education Commission

Under Chapter 4, Article 5, the existence of NEC was not cancelled as requested by NNER. However, it was altered as NEPC with its detailed mandate changed to focus only on policy formation and implementation without interfering the management of individual institutions. The amendment also included the organizational structure that highlighted more involvement from university-level staff.

6.9.3. Enacting the Democratic Education System

The Democratic Education System, according to one of the student interviewees, is that the (higher) education system should have democratic values such as equal rights, freedom to teach, learn and research and individual higher education institutions having their own autonomy without much interference from the government. It is stated in Article 4, Section P that the Decentralized Education System will be practiced. Moreover, the amendment highlighted the establishment of University Council that will lead the individual universities to become autonomous institutions.

6.9.4. Enhancing the Financial Autonomy of Universities

Under Article 58, Section E, the amendment stated the freedom for university to use the allocated budget under rules and regulations (by MoE). Moreover, educational institutions can receive donations from local or abroad. The three rules and regulations are established under Article 63 in amended NEL. It is stated that the (higher) educational institutions:

(1) shall effectively use the financial donations or gifts-in-kind for development of the education sector,

(2) shall use funds in accordance with current financial rules and show clear records to the donor and the public,

(3) shall submit to the Ministry's or relevant ministry's audit according to established criteria.

6.9.5. Legal recognition of student and teacher unions

Under Article 4, Section C, a clause stated the freedom to establish Teacher and Student Unions under the University Charter legally. There was no further elaboration on the conditions of how the unions could be established. However, University Charters were expected to be

drafted by individual institutions. Thus, it means that the universities have both the authority and freedom to establish their own teacher and student unions under their own conditions. From the interviews with students, it was understood that Teacher and Student Unions existed previously but they were not recognized legally. Hence, the interviewees viewed this change positively.

6.9.6. Clarification of legal terms used in Law

There were no significant change of terminologies in the amendment documents except from the substitute and amended clauses. However, some terms which might be vaguely mentioned without further explanations were elaborated in the amended law. For example, the detailed definition of inclusive education was added to the 2015 Amendment.

Presented in table 1, the changes in the 2015 Amendment compared to the 2014 law related to university autonomy can be categorized into three major themes:

Table 3 Comparison of 2014 National Education Law and 2015 Amendment

Theme	2014 National Education Law	2015 Amendment
Governance	Centralized – directly controlled by Department of Higher Education under MoE	Decentralized – Establishment of University Council will lead to enhanced institutional autonomy for universities
Academic Freedom	Not mentioned	Academic freedom and freedom from political and religious organizations' involvement in universities' governance
Freedom to organize Student & Teacher Unions	Not mentioned	Teacher and Student Unions can be established under University Charter

From the table it becomes clear that the 2015 Amendment led to a decentralization of the governance for higher education compared to the 2014 version of the law, which put the institutions under the centralized decision-making structure controlled by the Ministry of Education. Moreover, the 2015 Amendment guaranteed academic freedom and freedom to

create students and teacher organizations under the university governance whereby the previous law did not have such statement to validate the legal recognition of unions or the guarantee of academic freedom.

Overall, from the six policy objectives agreed by all parties, four were amended in accordance, and the remaining two were amended with modifications.

Chapter 7: Discussion, Conclusion & Recommendation

7.1.   Introduction

This chapter is organized into *four* subsections. In the second subsection, the research questions are addressed systematically. The third subsection discusses the key findings of this study. Finally, the last subsection covers some recommendations that can be identified on the basis of the findings of the study.

7.2.   Addressing the Research Questions

Given the findings of the study presented in the previous chapter, the next logical step is to answer the research questions introduced in the first chapter of the thesis.

1A. What was the main problem/were the main problems of the 2014 (Higher) Education Law in the area of university autonomy?
1B. By whom was the main problem/problems of the 2014 (Higher) Education Law in the area of university autonomy identified?

The main problems with respect to the 2014 (Higher) Education Law (HEL) in the area of university autonomy could be related to the existence of NEC, the mistrust and miscommunication of the government and the student/teacher groups and the use of unclear terminology in published law (2014 NEL). Regarding the existence of NEC, the teachers and students believed that NEC held too much power over the universities. Not only the rights and responsibilities, but also the organizational structure of NEC had been questioned by the students and teachers since NEC consisted mainly of representatives from government and ministries. The government then stated that the reason NEC was formed was not to lessen university autonomy, but to have a centralized management system for coordination of different universities.

The second main problem was the mistrust and miscommunication between the government and NNER, including the student/teacher groups. Neither NNER nor the student/teacher groups were included in 2014 NEL Law drafting process, while also their ideas

were not accepted. EPIC, the organization that spearheaded the drafting of the new law, clarified that the decision to keep NNER, students and teachers out of the NEL 2014 drafting process was due to the concern that such involvement would lead to political dialogue instead of academic discussion. One of the major issues occurred when there was a miscommunication with regard to the invitation of NNER, students and teachers in the National-level Practical Education Reform Conference organised by EPIC. Due to mistakes in seat allocations, the invitation to NNER was cancelled last minute by EPIC. The unfolding of these events created major dissatisfaction from NNER and as a consequence, NNER released a statement mentioning their mistrust to EPIC, MoE and the government.

The last main problem was the unclear terminology that appeared in several parts of the published NEL 2014. Many terms were unclear and multi-interpretable. Combined with the mistrust between the government and NNER, a lot of the terms were interpreted in each of their own interest thus creating major issues. The last two problems were not directly related to university autonomy, however, mistrust and unclear terminology in written law led some points such as the meaning of inclusive education that could have been initially agreeable but ended up being disagreed by NNER, students and teachers.

The main problem/problems of the 2014 (Higher) Education Law in the area of university autonomy was/were identified by NNER and student/teacher groups after 2014 NEL was published.

2. What were the agreed upon policy objectives with respect to the identified problem(s) of the 2014 (Higher) Education Law?

From the 11 points presented by NNER for amendment of 2014 NEL, 6 points were related to university autonomy. As can be concluded on the basis of this study's interviews and document analyses, the amended 2015 law included 60% to 70% of the change requested by NNER. However, some interviewees (S01, T01 and T03) argued that the changes were only on the surface level, but would have no impact on actual university autonomy. For example, the diminishing of NEC was rejected but the organization was renamed as NPEC, where it would only be involved in policy making. Several agreed that this was a considerable change, while others disagreed and argued that such continuation of the existence of the organisation was redundant and a threat to university autonomy. Some interviewees counter argued that the change of name did not reflect the change of the nature of the organisation.

Overall, the six NNER points concerning university autonomy were deliberately accepted by the government, but not 100%. All these objectives were written by NNER and student/teacher groups agreed on their written document before it was used to negotiate with the government.

3. What was the main underlying policy theory, ideology, or knowledge basis for the identification of the problem(s) with respect to the 2014 (Higher) Education Law?

The main underlying policy theory, according to the data collected, can be identified as the NNER and Student/Teacher groups' interpretation of a democratic education system and the aim to have a (higher) education system that was as free as possible from the influence of the government. Such interpretations and aims were justified on the basis of the country's overall move towards democracy. According to the student and teacher interviewees, the education system was seriously dysfunctional with insufficient financial, knowledge or human resources. Being tightly controlled by MoE, and government by extension, for decades, the universities lacked autonomy.

The student/teacher interviewees believed that MoE, with the directives from the government, drafted the law without much understanding or consideration of university autonomy. The government staff interviewee mentioned they drafted the law considering the functionality of such law in practice. Hence, certain points were included (such as the establishment of NEPC, the centralized management system) for practical purposes. Thus, it could be deduced that NNER and student/teacher groups considered 2014 NEL as a political instrument by the government while MoE considered it as a functional tool. Such dissonance in understanding the ideology between the government and NNER, including Student/Teacher Groups led to the 2015 amendment of the law.

Different from policy theory which is "the total of casual and other assumptions underlying a policy" (Gornitzka, 1999, p.16), the knowledge bases were the sources where the policy objectives were based on. Regarding the knowledge basis of amendments, the interviewees agreed that all are NNER's initiatives with inputs from students and teachers. NNER had organized several countrywide conferences to attain the ideas and suggestions from teachers and students and formulated a report that was later used by NNER and student-teacher groups in negotiation with the government with regards to change of 2014NEL.

7.3.   Discussion of Key Findings

From the close examination of the 2014-2015 change process of the National (Higher) Education Law in Myanmar, it is apparent that the initiations and discussions regarding the change process were not entirely based on capacity issues, but more on underlying political issues. Throughout the interviews with different stakeholders with different perspectives, it can be concluded that both, the government and student-teacher groups, were polarized in their takes on Universities' Autonomy. The government understood the law as a functional tool that would allow for a better management of the universities, while the students and teachers viewed it as an important step towards an education system based on democratic principles. The differences in core beliefs and perspectives between two groups played a big part in the disagreements with respect to the 2014 published (Higher) Education Law.

From the perspective of the government, the drafting of the law was to be handled by the MoE and government stakeholders without involving the students and teachers since they believed involving them would lead to the law becoming an apparatus for political discussions. However, from the students and teachers' standpoints, it appeared to be the continuing practices of the authoritarian military government although the law was drafted during a civilian government regime. This stance towards the government is dated back to decades where universities were suppressed and the students and teachers' voices were tamed under military rule. Thus, the three main problems: the existence of NEC, the mistrust and miscommunication of the government and the student/teacher groups and the use of unclear terminology in published law (2014 NEL), emerged from the series of events such as students' countrywide protests and four-party negotiations between NNER, Student-Teachers, government and parliamentarians. Through negotiations based on the main problems, the mutually acceptable objectives that would lead to the amendment of the law were agreed upon. Examination of the published law and the interviews with different stakeholders exhibited that the amended law displayed the changes requested by student-teacher groups with certain modifications. In essence, most of the interviewees agreed that the changes reflected a pathway towards enhanced university autonomy.

In conclusion, there was a distinctive element with regard to university autonomy during the change of the published law in Myanmar (2014-2015). It is due, amongst other things, to the fact that the value of University Autonomy was not confined to the educational

context but it had become a symbol to the overall country's move towards democracy, and that was the policy theory underlying the whole process of change.

7.4. Recommendation

The initial aims of this thesis were to contribute to a better understanding of a specific legal/political process in 2014/15 in higher education in Myanmar. Based on this, in this section, a number of recommendations will be formulated of relevance for lawmakers and the universities for further development of the existing policy. From the findings, it is evident that there were many learning points from the 2015 amendment of NEL. The main issue was the foundation of beliefs and expectations in the two opposing parties: the government and the student-teacher groups. Although there were several compromises from the government at the later part of the change process with them accepting most of the requests from the student-teacher groups, the reputation of the government was affected by student protests and the growing mistrust of students-teacher groups towards the government amplified. Thus, it is recommended that further policy change should not only be viewed from one perspective, i.e. the government, but should also try to integrate the suggestions from other stakeholders outside of the government. Moreover, based on revisiting of the country's history, there is a strong link between higher education institutions and the country's politics, thus, the change in higher education policy should also be considered in accordance with political situations in the country. And last but not least, the mistrust between the government and student-teacher groups should be rebuilt in the long run in order to create a cohesive community in higher education development. However, it is important to state that recent political events of military taking over elected democratic government could not only create more tension and mistrust between government and student-teacher groups, but could also be a setback to the higher education system development as a whole in Myanmar.

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Appendix 1: Interview Guides

Interview Guide for National Network for Education Reform, Student Union and Other Pressure Groups

1. In your professional capacity, how were you involved in Higher Education Policy making in Myanmar in the period 2014-2015 in general, and the development of the 2014 National Education Law and its amendment in 2015 in particular? Can you specify your role?

2. Please describe the relationship between you/your organization and the Ministry of Education.

3. Who were the main advocates for the drafting of 2014 national education law? Please explain how advocacy was conducted?

4. In your view, what were the main policy goals and objectives of the National Education Law 2014 in the area of higher education? Did you/your organization agree on these goals and objectives? If not, which were for you/your organization the most important policy goals and objectives that should have been prioritized in 2014?

5. How did you/your organization contribute to problematizing the 2014 National Education Law? What were the specific policy issues with respect to higher education you/your organization focused on in the debates on the National Education Law in 2014/15?

6. From your view and experiences, did the members of the community involved in (higher) education policy making in Myanmar agree on the identification and definition of the main problem(s) with respect to the 2014 national Education Law? If any, what different views were voiced? How do you feel that agreement on the amendments of the 2014 Law among the members of the policy community was reached?

7. The 2015 amendment of the Law incorporates an enlargement of institutional autonomy in higher education. From your/your organization's perspective, why was the level of institutional autonomy foreseen in the 2014 Law insufficient? In which areas did you /your organization see a lack of sufficient institutional autonomy as most problematic?

8. In your view, what was the knowledge basis for the discussion of institutional autonomy in Myanmar higher education in 2014 and 2015? Was it, e.g. experiences from developments in other public sectors in Myanmar; background studies undertaken by or for the Ministry of Education; input from international actors/agencies; global

academic higher education literature? Did you/your organization have at that time a specific perspective on institutional autonomy? If so, what was the 'knowledge foundation' for that view?

9. Did you have the capacity to influence, inhibit or facilitate the direction, course or outcome of higher education policy? How? In what ways did you exercise this capacity? What was the outcome?

10. How would you describe the way in which the ultimate outcome (the 2015 amendment of the 2014 Law) was released? Why or why not? Please explain the policy process leading to the 2015 amendment from your/your organization's perspective.

11. In your opinion, why do you think the change from 2014 to 2015 Law was possible within the relatively short period of time?

12. Had the change of higher education policy in 2015 (as expressed in the law amendments) clear links to policy developments in other policy areas (such as health care, basic education, etc)? If yes, what are the changes with respect to autonomy in other areas? If no, why did this critical change emerge solely in the higher education policy area?

Interview Guide for Ministry of Education

1. In your professional capacity, how were you involved in Higher Education Policy making in Myanmar in the period 2010-2015 in general, and the development of the 2014 National Education Law and its amendment in 2015 in particular? Can you specify your role?

2. What were the main arguments for introducing a new National Education Law in 2014?

3. Who were the main advocates for the drafting of 2014 National Education Law? Please explain how advocacy was conducted?

4. What were the main policy goals and objectives of the National Education Law 2014 in the area of higher education? Were these goals and objectives shared with the government and other members of the policy community? Did conflicting goals or priorities exist, if so, which?

5. When and how did the MoE become aware of the possible need to amend the 2014 Law? What was/were the main problem(s) with the 2014 Law that were identified?

6. Did the members of the community involved in (higher) education policy in Myanmar agree on the identification and definition of the main problem(s) with respect to the 2014 national Education Law? If any, what different views were voiced? How was agreement on the amendments of the 2014 Law among the members of the policy

community reached? Were there international pressures aimed at changing the 2014 Law?

7. The 2015 amendment of the Law incorporates an enlargement of institutional autonomy in higher education. Why was the level of institutional autonomy foreseen in the 2014 Law regarded as insufficient? In which areas was a lack of sufficient institutional autonomy seen as most problematic? (In other words, in which areas was it most important to enlarge institutional autonomy?)

8. What was the knowledge basis for the discussion of institutional autonomy in Myanmar higher education in 2014 and 2015? Was it, e.g. experiences from developments in other public sectors in Myanmar; background studies undertaken by or for the Ministry of Education; input from international actors/agencies; global academic higher education literature?

9. Did you have the capacity to influence, inhibit or facilitate the direction, course or outcome of higher education policy? How? In what ways did you exercise this capacity? What was the outcome?

10. How would you describe the way in which the ultimate outcome (the 2015 amendment of the 2014 Law) was released? Why or why not? Please explain the policy process leading to the 2015 amendment from the perspective of the MoE.

11. In your opinion, why do you think the change from 2014 to 2015 Law was possible within the relatively short period of time?

12. Had the change of higher education policy in 2015 (as expressed in the law amendments) clear links to policy developments in other policy areas (such as health care, basic education, etc)? If yes, what are the changes with respect to autonomy in other areas? If no, why did this critical change emerge solely in the higher education policy area?

Appendix 2: National Network for Education Reform (NNER)'s Letter to Public

National Network for Education Reform (NNER)

March 7, 2014

Re: NNER's position regarding its loss of faith in the government and Ministry of Education's education reform process.

Dear Member Organizations of NNER and people of Myanmar,

Although the members of NNER were eager to partner with the Ministry of Education for the purpose of education reform, it has not been successful and we have lost faith in the government's educational reform process. This letter provides an explanation to the member organizations and the people of Myanmar regarding the communication between the Ministry of Education and NNER and the unfolding of events.

NNER is a civil-society organization that strives to provide students with increased knowledge, thinking skills and life skills and to put in place a free and equal-opportunity educational policy for all people. NNER is a network that includes teachers, students, parents, literature and culture representatives, religious representatives, political representatives, ethnic group representatives, people from every sector of education, and other scholars and experts. Between October 2012 and May 2013, the members of NNER held numerous education forums in almost every state and division and received input on education from the people of Myanmar. In June 2013, a national education conference was held in Yangon, and a draft education policy was formed. The members of NNER presented that draft to both houses of Parliament and to the President.

On July 13, 2013 representatives of NNER met with the President and explained the draft policy's basic principles and the policy recommendations related to 13 areas education. In November 2013, those same principles and policy recommendations were presented at two meetings of the Education Promotion Committee of the lower house of Parliament to discuss a national education law.

We have met numerous times with the Education Promotion and Implementation Committee (EPIC) formed by the President's Office, but they have not been successful. In October 2013, Dr. Thein Lwin, a member of NNER was invited by the Deputy Minister of

Education, Dr. San Lwin, to participate in the meeting in Nay Pyi Taw attended by the President which resulted in the formation of EPIC. Although Dr. Thein Lwin accepted the invitation, the invitation was withdrawn just days before the meeting took place.

On January 11, 2014 at the invitation of Director of the Department of Higher Education, a group of NNER representatives met with the President of EPIC, U Tin Naing Thein. The result of that meeting was an agreement that EPIC, the parliamentary Education Promotion Committee, and NNER would hold a national level conference in order to compare and discuss the education policy of each of the three groups and come up with a single national education policy.

On January 15, 2014 the parliamentary Education Promotion Committee, EPIC, and NNER held their first meeting. Dr. Mya Oo from the parliamentary committee, about 40 members from the EPIC working groups, and about 40 NNER representatives met in the Diamond Jubilee Hall at Yangon University. NNER presented its educational objectives and 14 educational principles, but the meeting ended in impasse between NNER and EPIC over issues of educational freedom, university students' freedom to choose a major, and issues related to the inclusion of ethnic groups' language and culture in education.

On January 21, 22, and 24, 2014 NNER was invited to the public consultations held by EPIC in the Diamond Jubillee Hall. However, rather than being a discussion of educational principles as had been previously agreed, it was only a presentation by EPIC working groups. Teachers from the University Teachers Union walked out of the meeting since restrictions were placed on their attendance at the meeting. The remaining members of NNER stayed in the meeting, wanting to leave the door open to future discussion of educational principles. In the presentations by EPIC at that meeting we were disappointed to see a desire to make only small, superficial education reforms while retaining the centralized control of the Ministry of Education.

When NNER expressed a desire for further discussion on principles of education, the Ministry of Education's Director of Higher Education agreed and set a date of January 26 for a meeting. However, he phoned on the night of January 25 to say that the meeting was postponed. On January 29, 2014 Dr. Thein Lwin was invited, and met with Acting Minister of Education, Dr. Myo Myint. Two members of EPIC, Dr. Daw Than Nwe (a legal expert) and Dr. Thein Myint were also present in that meeting. In that meeting the Acting Minister explained the work of EPIC. Dr. Thein Lwin explained the differences between NNER's process of democratic educational reform and EPIC's process of centralized educational reform. He

suggested that NNER and EPIC meet together to discuss and negotiate over their different principles of education.

On February 5, 2014, eight NNER representatives met with three EPIC officials: the Director of Higher Education and two university rectors. The EPIC representatives asked the NNER representatives to accept the statement in EPIC's educational objectives regarding "... comprehensive right thinking". NNER could not accept that because "comprehensive right thinking" implies one individual or group's influence over the thinking of others. Thus the meeting ended in an impasse.

On February 28, 2014 a Director of Basic Education from the Department of Education phoned to invite NNER representatives to attend the "National-level Practical Education Reform Conference" to be held March 5-6 in Nay Pyi Taw. He said that a total of 700 people would be invited and inquired how many NNER representatives would be able to attend. He also sent the conference agenda by email.

On March 1, 2014, the NNER working group held a meeting. We noted that in our previous meeting with the President of EPIC and the President's Office Minister U Tin Naing Thein we had agreed that such a national-level education conference would be held jointly by EPIC and NNER. Now, the invitation from the Director of Basic Education was simply an invitation for NNER to participate in a conference lead solely by EPIC. However, the working group decided that we would still attend this conference since we wanted the opportunity to present the desires of the people. We communicated this to the Director who agreed that 150 NNER representatives could attend, promising to provide accommodation for them in Nay Pyi Taw and local transportation between the place of accommodation and the place where the conference would be held. We then sent word to NNER member organizations in each state and division asking them to attend the conference in Nay Pyi Daw.

At 9:30 pm on March 3, 2014 the Director phoned to tell us that the invitation had been cancelled. On March 4 the NNER working group held a meeting followed by a press conference regarding the above action of the Ministry of Education. No representatives of NNER attended the conference in Nay Pyi Daw. However, on March 5 and 6 the government owned media outlets including MRTV news, the New Light of Myanmar newspaper, and the Mirror newspaper falsely reported that the National Network for Education Reform (NNER) had attended the "National-level Practical Education Reform Conference" held in Nay Pyi Taw.

The repeated breakings of promises, cancelling previously agreed to arrangements, and spreading of false news as documented above, have caused us to lose all faith in EPIC and the Ministry of Education's process of education reform.

As the NNER working group, we have decided that we will continue to hold to the education policy that was formed with the input of experts and scholars, teachers, students, parents, literature and culture representatives, religious representatives, political representatives, ethnic group representatives, and people from every sector of education. We will continue to strive to implement the desires of the people of Myanmar.

We respectfully invite you, the member and partner organizations of NNER and the people of Myanmar to continue your cooperation with us and to give your input into the next steps that the working group should take.

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