

## **The imperative to realign the rule of law to promote justice**

Livingston Armytage

*Director, Centre for Judicial Studies; Visiting Fellow, ANU; Adjunct Professor of Law, University of Sydney*

Justice is fundamental to human wellbeing and core to any notion of international development.

I propose to critique the global approach to promoting 'the rule of law' in official development assistance (ODA) – foreign aid - over the past fifty years. During this period, development agencies have spent billions of dollars around the world supporting reforms that grapple with the challenges of improving the rule of law for people, especially the powerless poor, who are routinely denied justice through impunity, corruption, abuse of power and the denial of rights. But the results of these endeavours have usually been underwhelming and sometimes dismal.

International efforts to promoting justice and the rule of law have traditionally failed to address these problems effectively – and in this sense, the rule of law enterprise is now poised on the brink of development failure. At its essence, the unmet challenge of development is to address mounting concerns about distribution. Addressing this challenge will require the international community to realign endeavours to promote justice as fairness and equity.

Building on my research and new evidence based in Asia published in '*Reforming Justice: a Journey to Fairness in Asia*', (Cambridge University Press: June, 2012), I will argue that there is an immediate imperative to reposition justice more centrally in evolving notions of equitable development.

Case study material can/will include: (i) AusAID's experience in PNG, (ii) ADB's experience across Asia, (iii) practitioners' experience in the Pacific and, most recently, (iv) an experimental project conducted through the International Commission of Jurists (ICJ) in Nepal to enable women vulnerable to violence in/outside the home to access and use their rights to protection and compensation.