

SUMMARY

Australian Approaches to Enhancing the Rule of Law in Global Society: Exploring Australian Law and Justice Assistance Narratives

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This research examines the Australian law and justice effort as a part of Official Development Assistance (ODA) and its fundamental strategy as a foreign policy, to clarify the main features of the Australian approach to law and justice assistance. The main question that this study addresses is how can the Australian law and justice assistance be distinguished from that of other bilateral donor organizations? This research analyzes the policy framework of Australian aid on law and justice from the late 1990s to the present through a comparative perspective.

The analysis is based on two previous studies, which are Schimmelfennig's framework for the rule of law assistance and Nicholson and Hinderling's analysis of the donor's role. Schimmelfennig conducted valuable research on comparative analyses of the rule of law "aid policy" among major Western donors, which comprise the United States, the European Union, Germany, France and the United Kingdom. In his research, the matrix for the rule of law assistance policy has been drawn for comparative analysis through each major bilateral donor's role in the promotion of rule of law as well as the potential source of variation in aid. The matrix consists of the following four components: content, or concepts and components of rule of law promotion policies; organizational setup and institutional context, strategies, and instruments; budget and expenses; and target regions and countries. This research applies Australian experiences and policy of law and justice assistance to Schimmelfennig's matrix to crystalize the Australian approach.

By exploring Australian strategy on aid and law and justice assistance, the research described the Australian law and justice assistance narrative, which has been based on regional security interests and geographical contiguity. With regard to future pathways of Australian law and justice assistance, however, policy and strategies are in the process of change under the new aid paradigm, which prioritizes economic development. Also, the Australian aid strategy has reached a critical point, and the Australian aid context has experienced significant changes to its structure and budget. Thus, the paradigm shift emphasizes economic development for Australia as a principle of legitimacy for Australian aid, a situation which can also influence the law and justice assistance narrative on traditional objectives for peace and stability in post-conflict states.