



# The Ministerialization of Transitional Justice

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## Abstract

In recent years, countries have begun to establish ministries of transitional justice (TJ) as part of political transitions from authoritarianism to democracy or from conflict to peace. This may reflect a broader historical trend in the administration of TJ, which has evolved from isolated offices within a particular ministry to ad hoc cross-ministry coordinating bodies to the establishment of dedicated ministries. The reasons for the establishment of specific ministries to pursue TJ, what we call ministerialization, have not attracted scholarly attention. This article explores the causes and likely consequences of this development. In particular, it applies international relations, comparative politics, and public policy theories to explain the phenomenon. Contrary to some TJ literature that is concerned about hegemonic transnational (largely Western) discourse, international actors have played little to no role in shaping how TJ is bureaucratically managed. Rather, based upon fieldwork in Solomon Islands and Tunisia, the article concludes that ministerialization has been the result of domestic policy entrepreneurship. For TJ ministries to become a norm, however, more transnational actors will need to be convinced of the benefits of such an institutional arrangement.

## Introduction

In recent years, several countries have established ministries with the express purpose of addressing histories of violence and repression. This marks a higher profile, more

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institutionalized commitment to transitional justice (TJ) on the part of governments than was true in the past. In many of the early cases of war-to-peace and autocracy-to-democracy transition, TJ was weakly institutionalized. Policy coordination may have occurred within the president's office. Special, temporary offices were sometimes established within justice or interior ministries to handle TJ issues. This ad hoc approach reflected the reality that TJ often proceeded in fits and starts as windows of opportunity opened and closed. This sequencing lent itself to a piecemeal approach, rather than to devising a comprehensive TJ strategy from the start. There has been a gradual evolution of practice paralleling the mainstreaming of TJ. By the end of the twentieth century, TJ practitioners were advocating a comprehensive approach (Boraine 2006). Around this time, governments were increasingly engaging in policy coordination across units. For example, in Uganda, the Human Rights Ombudsman and the Justice Ministry, among others, worked together on a comprehensive TJ policy to address violations that occurred in the context of the Lord's Resistance Army insurgency. In 2012, United Nations (UN) Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence Pablo de Greiff (2012) began advocating an integrated approach to TJ. Roughly contemporaneously, countries began constructing stand-alone entities to manage TJ policy. Using the cases of Solomon Islands and Tunisia as a lens through which to consider the reasons for the advent of specialized TJ ministries, this article probes the causes and potential consequences of this move toward ministerialization. Specifically, it pits international norm diffusion arguments against domestic policy process explanations for evolving practices of TJ management. Contrary to the common concern among TJ scholars and practitioners that TJ processes are driven by hegemonic transnational (largely Western) discourse, our analysis finds that international actors have played little to no role in shaping how TJ is bureaucratically managed. Rather, based upon fieldwork in Solomon Islands and Tunisia, the article concludes that ministerialization has been the result of domestic policy entrepreneurship. The article concludes by considering the significance of ministerialization in terms of whether it marks a significant departure from the previous ways in which TJ policy has been managed. Moreover, it reflects upon the potential effects of this trend. The analysis does not assume that institutionalization necessarily results in more effective, legitimate, or just TJ processes.

## Explaining the Turn to Transitional Justice Ministries

In general terms, over time, government policymaking with respect to transitional justice (TJ) has become increasingly mainstreamed and bureaucratized. Often, policy has been constructed in a relatively ad hoc manner, with authority over TJ given to a relatively small, sometimes marginalized office buried in the bureaucracy. In the 1990s, some countries created coordinating bodies that were designed to facilitate interagency collaboration on the design and execution of TJ policy. In the twenty-first century, some countries have established new bureaucracies to manage the TJ portfolio. Yet, it is unclear why this has happened, nor whether it has any consequence for how effective TJ policy is. Although this article focuses on explaining why ministerialization has been happening, the conclusion offers some reflections on the potential impact of this development.

Transitional justice scholars and practitioners have paid little attention to the ways in which TJ policy is bureaucratically managed. Rather, the literature largely focuses on design considerations of TJ processes themselves, such as truth commissions or reparations programs (Hayner 2011; Jeffery 2014a). The one exception is with respect to international courts. The international criminal tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR) were criticized for being physically, politically, and legally remote from the societies for which they were ostensibly designed (Ciorciari and Heindel 2014; Nouwen 2013). So-called hybrid courts have been touted by some as an antidote to the shortcomings of the ICTY and ICTR (Dickinson 2003). In turn, proponents of the International Criminal Court view one of its central benefits as providing a permanent backstop in the pursuit of TJ.

Beyond analyzing the choices societies make about what forms of TJ to pursue, however, domestic policy administration of TJ has not been examined. Drawing from other social science literatures, broadly speaking, one can identify three types of explanations for innovations in public policy administration. First, social constructivist theory in international relations would expect global trends in policy innovation to be the result of transnational norm entrepreneurs successfully promoting new best practices. Second, rational choice theorists emphasize strategic calculations domestic actors make in terms of how to promote and lock in their own policy preferences. Finally, the public administration literature points to competing bureaucratic interests within governments that seek to defend and expand their own turf against new and existing rivals within the bureaucracy. As shown below, the ministerialization of TJ in Solomon Islands and Tunisia owes relatively little to international norms. Rather, they are the product of domestic policy entrepreneurship. Yet, the form and powers these ministries have possessed is largely the result of entrenched political and bureaucratic interests domestically.

One set of explanations for the growing number of states that have created TJ ministries might emphasize the role of forces external to the state contemplating TJ. International relations theories differ, however, as to whether they highlight outside actors' material power or socializing pressures in promoting the norm. More realist conceptions emphasize that powerful states use their material power to interfere in other states' affairs in order to advance their interests. More generally, hegemonic states can use their power to socialize other states to accept their normative view (Ikenberry and Kupchan 1990). As such, policy adoption can be seen as a way to appease international pressure (Subotić 2009).

It is possible that the creation of ministries in Solomon Islands and Tunisia was an attempt to curry favor with the international community. Given the Solomon Island's post-conflict reconstruction needs and Tunisia's post-revolution economic crisis, the promotion of human rights may have been a strategy to attract assistance from the Global North. However, hegemonic states do not appear to play a significant role in explaining the emergence of TJ ministries. First, it is not clear how the creation of a ministry would advance the interests of powerful states. Second, powerful states have not publicly articulated any particular preference for ministerialization, in either of these two cases or in general. In fact, it may run counter to the interests and normative preferences of the Global North. Bureaucratization has the impression, if not the reality, of inefficiency and higher cost. Moreover, many have criticized developed countries for promoting an overly retributive, civil and political rights-focused TJ agenda (McEvoy

and McGregor 2008; Miller 2008; Shaw et al. 2010). Yet, the fact that TJ ministries in the Solomon Islands and Tunisia have pursued (not necessarily successfully) a holistic TJ agenda runs counter to realist expectations.

The constructivist literature in international relations, by contrast, emphasizes how international norms shape not only the preferences but also the identities of states. Accounts differ as to the means through which norms constrain state behavior and, ultimately, their identities. Some emphasize the role of norms as evaluative criteria. International norms can be used as standards against which state behavior is judged. Activists, international organizations, and other states may seek to use norms to pressure governments into changing their behavior. As TJ becomes more widespread, what has been termed “the justice cascade” (Lutz and Sikkink 2001; Sikkink 2011), it becomes an expectation for states emerging from periods of violence and repression to engage in TJ.

Other accounts emphasize the social desirability of embracing international norms. In this view, states adopt particular policies because doing so imbues them with legitimacy. International actors often help to show states how to behave and provide norm adopters with international acceptance. Martha Finnemore (1993), for example, explores why states created science bureaucracies in the absence of domestic demand. She finds that doing so was a means through which newly independent states could demonstrate that they were equal to their peers. For its part, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) provided technical expertise, such as draft legislation to create these new institutions, in order to demonstrate its own importance. It effectively promoted a one-size-fits-all solution to a problem that did not exist in many countries.

Applied to TJ, the creation of a single-purpose TJ ministry could be a high profile way for a fragile, transitional government to demonstrate its commitment to human rights. Some have pointed to the emergence of a global “transitional justice industry” in recent decades (Subotic 2012). The United Nations (UN) has promoted TJ at least since the early 1990s when it participated in the Salvadoran peace process and was the locus for the creation of the ICTY and ICTR. In the mid-2000s, the UN produced a *Rule of Law Toolkit* that outlined best practices for the conduct of different TJ mechanisms like truth commissions and vetting procedures. Most recently, in September 2011, the UN Human Rights Council established the position of Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence. In addition, some individual governments, especially in the Global North, promote TJ rhetorically, diplomatically, and financially (Muck and Wiebelhaus-Brahm 2016). Finally, “veterans” of TJ such as commissioners from truth commissions and prosecutors of special courts have often been influential promoters of TJ. Although some like South African Archbishop Desmond Tutu act in their individual capacity, several high-profile organizations, such as the International Center for Transitional Justice (ICTJ), have been established and work to promote TJ norms by providing advocacy and expertise. In short, the TJ industry closely resembles the transnational activist networks described by Keck and Sikkink (1998). Some have criticized this industry for using the political and economic power that underwrites their norm promotion activities to shape TJ processes in ways that do not fit local needs or wishes (Gready 2010; Madlingozi 2010).

However, as shown below, the available evidence does not strongly support this argument, especially the claims of the critics of global TJ advocacy. For example, while

the UN's *Rule of Law Toolkit* contains guidelines for the design and conduct of particular TJ mechanisms, it does not address broader administrative issues and does not specifically advocate for a ministry approach nor has the UN Special Rapporteur been a blind advocate of creating ministries. Pablo de Greiff actually did not even take up the position until May 2012, after which both Solomon Islands and Tunisia had established their ministries. Moreover, field research in Solomon Islands and Tunisia has uncovered little evidence of transnational actors specifically promoting a ministry solution to the countries' TJ needs.

By contrast, rational choice approaches argue that administrative and bureaucratic decisions are a function of the strategic calculation of domestic political elites. Governments may create TJ ministries in order to send what they hope will be perceived as a costly signal of their commitment to human rights. The government's commitment may or may not be sincere. For example, Sonia Cardenas argues that states often engage in strategic emulation. Governments sometimes establish national human rights institutions because it allows a state "that was subject to (or feared being subject to) international human rights pressure a way to avoid greater *international* institutionalization" (Cardenas 2014, 38, our emphasis). Rather than subverting international pressure, it may be the case that governments hope that the pursuit of TJ will attract support from international donors for the difficult political transition underway. Governments also may have domestic audiences in mind in sending a signal of support for TJ. Some research supports the contention that states make international human rights commitments in response to domestic constituents, whether from civil society, parts of the state, and/or from citizens in general (Andrew Moravcsik 1995). Still other research emphasizes governments making human rights commitments in the hopes of locking in their policy preferences beyond their time in office (A. Moravcsik 2000).

The cases of TJ ministerialization in the Solomon Islands and Tunisia offer limited support for this contention. Pressure may have existed to address past human rights violations, but there was not a specific blueprint as to how to manage TJ. Because, as noted above, there is little evidence of external pressure to specifically create a ministry, there is scant reason to conclude that they are the product of strategic action aimed at external actors.

These two cases provide greater support for strategic behavior vis-à-vis domestic actors. The comparative politics literature has dealt much more extensively with policy choice rather than institutional choice. However, several perspectives provide insights into the creation of new ministries. Many, though, would expect there to be a bias against significant change. For example, historical institutionalists would point to the high sunk costs of established structures as major obstacles to significant institutional change (Pierson 2000, 261). In addition, a key insight of Tsebelis' (2002) veto players theory is that the more actors and institutions needed to implement a change in policy, the lower the likelihood of change occurring. Under normal circumstances, this often produces an inherent conservatism to politics.

Kingdon (2011) emphasizes how changing characteristics of the domestic political environment create opportunities for actors to advance (or obstruct) policy depending on their interests. Political transitions may be particularly conducive to producing what Collier and Collier (2002, 29) call a critical juncture, namely "a period of significant change, which typically occurs in distinct ways in different countries (or in other units of analysis) and which is hypothesized to produce distinct legacies." As we will show,

key constituencies in both countries were temporarily successful in pressing for TJ for past human rights violations. Potential veto players had been purged, exiled, or decided it was politically expedient to lay low for the time being.

It is in such a window of opportunity that political entrepreneurs often can be successful. Kingdon (2011, 188) defines political entrepreneurs “as advocates who are willing to invest their resources—time, energy, reputation, money—to promote a position in return for anticipated future gain in the form of material, purposive, or solidary benefits.” As we demonstrate, TJ ministries in both countries were largely the result of a small number of key domestic entrepreneurs. However, in neither Solomon Islands nor Tunisia were TJ advocates particularly strong. Entrepreneurs took advantage of opportunities, but the opening proved fleeting. As political elites consolidated power, commitment to the ministries waned.

Still other research focuses on the competing bureaucratic interests within the state. Individuals seek to preserve, if not expand, the influence of the agency within which they work with as little effort as possible in order to maximize their political support and, thereby, preserve their position. As Wilson (1989) puts, it “[p]olitical support is at its highest when the agency’s goals are popular, its tasks simple, its rivals nonexistent, and the constraints minimal.” As a result, bureaucracies are not necessarily expansionist.

The bureaucratic approach provides some leverage in explaining the decision to create new ministries to manage TJ. In periods of political transition, it is difficult to assess how popular something like TJ is. In addition, with diverse, often conflicting demands from victims and perpetrators, designing and implementing TJ would be a difficult task. Even among victims, there are conflicting demands; research on Tunisia, for example, finds divergent TJ demands among Islamist and secular women (Gray and Coonan 2013). Existing bureaucracies might be reluctant to take on the TJ portfolio due to the fact that some might be implicated in past abuses. Even if bureaucrats in existing ministries want to control TJ, activists and victims’ groups may be reluctant to support empowering existing bureaucracies, some of which were complicit in past abuses, to lead the human rights agenda. As a result, in transitional contexts, creating new bureaucracies may be the most feasible option. Yet, there was nothing inevitable about a ministry being the vehicle through which to achieve their goals. Although Tunisia has a strong statist tradition that might have made a ministry a “natural” means of addressing TJ policy (Bellin 2012), this is not true of the Solomon Islands.

## **The Creation of Transitional Justice Ministries in Solomon Islands and Tunisia**

### **Case Selection**

This section tests these explanations for the creation of TJ ministries using the cases of Solomon Islands and Tunisia. These countries are not the only ones in which such ministries have been created. Some, like the Libyan Ministry of Martyrs and Missing Persons Affairs and the Colombian Victims Unit, have a more narrow focus on reparations. Nepal’s Ministry of Peace and Reconciliation is focused on implementing the peace agreement, of which TJ is only a part. Indonesia’s institutionalization of TJ

has largely been confined to the subnational level, Aceh in particular. Under President Abdel Fattah el-Sisi, Egypt has created a ministry that some observers see as providing little apart from patronage (Ashraf 2015). By contrast, Solomon Islands and Tunisia are cases in which new ministries were created and empowered to direct TJ policy writ large. They provide the strongest tests of these theories as, to date, they have given the broadest remit and the most significant authority to a TJ ministry. Although unusual in their breadth, they represent what Seawright and Gerring (2008, 299–300) call *typical cases* for the purposes of theory testing.

These countries are trailblazers in the ministerialization of TJ. Nonetheless, there are significant differences between the cases. They represent what Przeworski and Teune (1970) call Most Different Systems, and designing the study in this way allows for the exclusion of intersystemic differences. First, the nature of human rights violations varies considerably. Tunisia's TJ ministry was designed to address decades of authoritarian repression and corruption. In the Solomon Islands, by contrast, the focus was on the effects of political violence. Second, the level of international involvement in the political transition differed. In the Solomon Islands, an Australian-led peacekeeping force entered the country to help facilitate the transition to peace. In Tunisia, the international role was confined to counter-terrorism and migration, and, by comparison, the interim government faced limited pressure to follow through on establishing a democratic government.<sup>1</sup> In both cases, the uncertainty of political transitions enabled domestic policy entrepreneurs to promote the creation of TJ ministries. However, the limited domestic and international political supports arguably made the ministries less effective than they might have been otherwise. Through this comparison, we are able to “distill out the common elements from a diverse set of cases that have greater explanatory power” (Landman 2002, 904). This article not only tests theories of institutional innovation but also speculates about the circumstances under which such ministries are likely to be more or less effective.

### The Ministerialization of Transitional Justice in the Solomon Islands

The first country examined here that has established a ministry of TJ is Solomon Islands. In this case, the ministry was established to address a small but unprecedented, ethno-culturally based conflict and to help effect peace throughout the country. The small and close-knit Solomon Islands were rocked by the violence, which fostered discord and mistrust among the different communities, and the country was desperate to regain its equilibrium. The Ministry of National Unity, Reconciliation, and Peace was established in 2002, having previously existed as a department within the Interior Ministry, to monitor the peace agreements and eventually to provide support for the Truth and Reconciliation Commission.

Colloquially known as “the Tension,” conflict in Solomon Islands was set off in 1998 when many ethno-cultural Guales began to forcefully displace settlers from

<sup>1</sup> Interviews with members of parliament conducted in Tunis in May 2015, particularly with Ennahdha parliamentary members who pointed out that European states were unwilling to apply democratic conditionality to aid, even when Ennahdha would have liked them to do so. International priorities on the part of the USA and E.U. remained on counter-terrorism and more recently migration as opposed to democratic conditionality.

Malaita province from their homes on Guadalcanal Island. The Malaitans retaliated and tensions evolved into an armed coup (Braithwaite et al. 2010, 21). Eventually, “the two militias splintered into a variety of armed criminal groups who indulged in banditry, intimidation and payback against a backdrop of growing impunity facilitated by the effective collapse of the police force” (Braithwaite et al. 2010, 21). The 2004 Small Arms Survey estimated that approximately 180 people were killed in the violence and summed up the conflict as follows:

Police retreated or joined the rebels, villages were burnt, armed crime and rape became commonplace, and, in a nation of 480,000 people, 40,000–50,000 residents had been displaced from their homes. Of these, 23,000 were Malaitans fleeing Guadalcanal. Forced dislocation of families left enduring scars on the islands’ traditional, village-based society. The number of single-headed households increased dramatically, and ruptured social structures heralded long-term disempowerment for youth. An estimated 100 child soldiers fought in the conflict, and many other children were forced to abandon their schooling (Batchelor and Krause 2004).

The conflict itself has been identified as one of the “low intensities” (Peters 2011, 81), “a slow-burning political and security crisis” (Wainwright 2003, 3). Eight percent of the country’s total population was displaced due to violence—although that number belies the enormous impact on the small population of Guadalcanal and the capital Honiara, where much of the chaos and violence were centered. The other two islands affected, although to a lesser extent, were Malaita and Western Province.

Even after a series of peace agreements, a disarmament process, and both national and international ceasefire monitoring, the conflict “dragged on” until the middle of 2003 (Jeffery 2014b, 195).<sup>2</sup> Its end came about only when then-Prime Minister Sir Allan Kemakeza was able to convince the Australian government that help was needed. Earlier pleas for help had gone unbidden, but Kemakeza’s request coincided with the Australians’ recognition of strategic interests in the so-called arc of instability around Australia, comprising Indonesia, Papua New Guinea, and Solomon Islands. As a result, an Australia-led international policing force, the Regional Assistance Mission to Solomon Islands (RAMSI), called “Operation *Helpem Fren* (in English, ‘Help a Friend’)” was dispatched to Solomon Islands in July 2003 (Braithwaite et al. 2010, 50). Its mandate included the restoration of civil order in Honiara and the rest of the country, the stabilization of government finances, the promotion of economic recovery, and the rebuilding of government (O’Callaghan 2013). As of 2017, RAMSI is still in place. RAMSI carried out more than 6300 arrests on more than 9100 charges in its first 3 years and collected more than 4000 weapons and 300,000 rounds of ammunition (Carroll and Hameiri 2007).

<sup>2</sup> These included the Honiara Peace Accord, signed 28 June 1999; the Panatina Accord, signed August 12, 1999; the Moray Communique, signed July 15, 1999; an MOU signed between the Solomon Islands Government and Guadalcanal Provincial Government, signed June 13, 1999; the Buala Peace Communique, signed May 5, 2000; the Auki Communique, signed May 12, 2000; the Commonwealth Ministerial Action Group meeting, June 11, 2000; Ceasefire Agreement, signed August 2 2000; the National Peace Conference held aboard the HMNZ *Te Kaha*, August 25–27, 2000; and the Townsville Peace Agreement, signed October 15, 2000.

## Origins, Leadership, and Challenges to the Ministry

The Ministry of National Unity, Reconciliation, and Peace (MNURP) was formed as a fully fledged government ministry in 2002, having initially been enacted as a department within the Ministry of Home and Ecclesiastical Affairs in 2000 (Solomon Islands 2000). A series of peace agreements resulted in a number of cease-fire negotiation and peace monitoring bodies being put in place.<sup>3</sup> The MNURP was initially appointed as a permanent body to take up the work of the cease-fire negotiation and peace monitoring bodies. In large part because of RAMSI's arrival in 2003, the MNURP "was taken out of the Ministry of Home Affairs and established to do nothing but deal with the peace of our country."<sup>4</sup>

The inaugural Minister for National Unity, Reconciliation, and Peace, appointed on June 1, 2000, was then-Deputy Prime Minister Allan Kemakeza—who served until he was found guilty of larceny and ultimately sent to jail in 2008 (To'abaita Authority Blog).<sup>5</sup> Throughout the early days of its existence, the work of the Ministry was threatened by ongoing insecurity, and ministers and their staff were physically threatened.<sup>6</sup> Since its inception, the Ministry has been headed by at least seven different ministers, many of whom have had only a cursory knowledge of, and interest in, the activities of the ministry. For example, Hypolite Taremae, who served as minister from 2010 to 2014, spent very little time working on Ministry matters and opted instead to spend significant time with his constituents.<sup>7</sup> Others, however, particularly Sam Iduri, who served as Minister from 2007 to 2010, advanced the MNURP agenda quite forcefully. It was Iduri who introduced the Truth and Reconciliation Commission Act (2008) in Parliament and who shepherded the nascent Truth and Reconciliation Commission throughout its early years. While many of the ministers for MNURP have been relatively weak, the permanent secretaries who have served under those ministers have been very strong, carrying out the work of the Ministry, often without adequate resources and direction.

The Ministry was initially funded by the Government of Solomon Islands, through donor contributions. During the tenure of the Truth and Reconciliation Commission (TRC) (2009–2011), its work was funded by the International Support Facility-TRC donor support group, which in turn was funded by the United Nations Development Program's (UNDP) Honiara Sub Office, the UNDP Bureau for Crisis Prevention and Recovery, the European Union, Australian Aid (AusAid), and the New Zealand Aid in the amount of \$3,521,046.00 USD (UNDP 2013, 2). In addition to in-kind contributions,

<sup>3</sup> The Cease-Fire Monitoring Council was established as part of the Cease-Fire Agreement of August 03, 2000; the Peace Monitoring Council and the International Peace Monitoring Team were established as part of the Townsville Peace Agreement on October 15, 2000; the National Peace Council was established October 24, 2000; and the Peace and Integrity Council was established in January 2007.

<sup>4</sup> Hon. Sir Allen Kemakeza, Speaker of Parliament, former Minister for National Unity, Reconciliation and Peace, and former Prime Minister, interview by J. Quinn, February 2, 2014, Honiara, Solomon Islands.

<sup>5</sup> Sir Allen Kemakeza returned to Parliament to serve as Prime Minister 2001–2006.

<sup>6</sup> This was expressed by Hon. Sir Nathaniel Waena, former Minister for National Unity, Reconciliation, and Peace, interview by J. Quinn, January 28, 2014, Lenggakiki, Solomon Islands; Joy Kere, former Permanent Secretary, Ministry for National Unity, Reconciliation and Peace, interview by J. Quinn, January 31, 2014, Honiara, Solomon Islands; and Hon. Sir Allen Kemakeza, interview by J. Quinn February 2, 2014, Honiara, Solomon Islands.

<sup>7</sup> Hon. Hypolite Taremae, Minister for National Unity, Reconciliation and Peace, interview by J. Quinn, January 31, 2014, Honiara, Solomon Islands.

the Government of Solomon Islands was responsible for “financing a large portion of recurrent expenditures of the TRC (the salaries of national commissioners and seconded staff, securing office space, and other operational costs)” (UNDP 2013, 4).

The MNURP was initially responsible to the Peace Monitoring Council and International Peace Monitoring Team (Solomon Islands Ministry of Commerce 2002). In 2002, when the MNURP was established, the Ministry’s objectives included the coordination and implementation of the terms of the Townsville Peace Agreement, ensuring that a sustainable peace process was “sustained and restored to the country”, rehabilitation of ex-combatants, achieving a process of National Reconciliation and Healing, paying compensation to victims, and implementing the Amnesty Act (Solomon Islands Ministry of Commerce 2002). It is important to note that, in the words of the MNURP’s permanent secretary in 2014, “there was never any plan for the Ministry of Peace—it was largely a response to the crisis. There were no technically qualified people, so we drew from other government ministries. And there was no policy ever developed for the Ministry to follow, so [the MNURP’s] programs are largely driven by donors, mainly AusAid, UNDP, and RAMSI.”<sup>8</sup>

The Ministry’s initial activities centered around the contentious process of paying compensation to the victims of the crimes that had been committed. “The concept of... compensation is very important in the Solomon Islands way of life” (Goodenough 1986, a). In this case, compensation, colloquially known as *kastom*, was guaranteed and paid by the Government of Solomon Islands to people who were wronged during the Tension and particularly to the families of those who were killed—something very different than individual-level compensations normally paid by the perpetrator to the victim in cases of wrong-doing. Complicating the compensation process still further, the government paid compensation to the first 25 claimants at a rate of \$100,000 SBD each. While the government managed to pay these first compensations, the second tranche of compensations was funded by a loan from the Government of Taiwan in the amount of \$25 million USD in exchange for diplomatic recognition and support in the face of opposition from the People’s Republic of China.<sup>9</sup> Many people, including other officials in the Ministry of National Unity, Reconciliation, and Peace, questioned the logic of paying what amounted to \$3 million SBD in compensation in the second tranche. “You can’t build peace with compensation,” said one former Permanent Secretary.<sup>10</sup> In total, 269 payments were made, totaling \$18.8 million SBD—at least half of which was later deemed to have been fraudulent, a fact later admitted by officials as high up as the Prime Minister himself (Fraenkel 2004, 122).

The Ministry’s main focus nonetheless evolved with the resolution of the conflict. Its eventual mandate came to be setting up and subsequently carrying out the work of the Truth and Reconciliation Commission, which was enacted in 2009. The TRC was to be

<sup>8</sup> Lennis Rukale, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 24, 2014, Honiara, Solomon Islands.

<sup>9</sup> According to Fraenkel (2004, 124–25), “As successive tranches arrived, corrupt politicians and militia leaders, as well as genuinely displaced people and people with all manner of legitimate requests for payments from government, engaged in frenetic scrambles for wealth, with the result that each EXIM [Export-Import Bank] instalment was gobbled up within days. Deputy Prime Minister Kemakeza was top of the list, and received S\$851,000 (US\$164,754), while his Permanent Secretary at the Ministry of National Unity, Reconciliation and Peace took S\$700,000 (US\$145,200). They were both sacked for embezzlement.”

<sup>10</sup> Joy Kere, former Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 31, 2014, Honiara, Solomon Islands.

responsible for promoting national unity and reconciliation by “examining the nature, antecedents, root causes, accountability or responsibility for and the extent of the impact on human rights violations or abuses” committed during the Tension (Solomon Islands 2008, art.5.1.b). It was further tasked with the implementation and running of the Peace and Integrity Council, the second in a two-pronged strategy for reconciliation and long-term peacebuilding (National Parliament of Solomon Islands 2007).

MNURP’s work with the TRC was carried out with technical support from the New York-based ICTJ. Among other things, ICTJ support included the training of TRC staff, designing the TRC website, and designing the media and information management system (UNDP 2013, 3). “Recognising that the TRC lacked resources to connect with women’s organizations and to provide adequate counselling to victims, a decision was taken that UNIFEM would provide technical assistance to help ensure that gender justice becomes an integral part of the TRC process which includes acknowledging and addressing sexual and gender-based violence that occurred during the Solomon Island tensions” (UNDP 2013, 3). Strategic guidance was also received from each of the donor agencies that supported the MNURP financially (UNDP 2013, 3).

### The Ministry’s Legacy

Although it worked at implementing the policies that had been set out by the National Peace Monitoring Council, by 2014, however, the activities of the Ministry of National Unity, Reconciliation, and Peace had largely been hamstrung by a lack of resources. MNURP was further hampered by the failure of the Prime Minister to table the TRC report, which had been submitted to the government in 2012. As the Permanent Secretary explained, the ministry’s sole mandate was to implement the recommendations for the TRC. However, as one interviewee puts it, by this time, the government’s priorities “did not include reconciliation.”<sup>11</sup> Since the TRC Report had never been presented to Parliament, the Ministry was technically still waiting for the go-ahead to carry out activities. As early as 2012, the Permanent Secretary had gone to the Attorney General to ask if he could begin to enact its mandate, since the report was already in the public domain but was told that he must wait.<sup>12</sup> The Permanent Secretary reported in early 2014: “We can’t pursue the other pillars of the mandate until that report is tabled, because there are other, underlying issues. It is frustrating to have to find work for Ministry staff to do in the meantime.”<sup>13</sup> The report was eventually and quietly tabled in Parliament by former Prime Minister D’Arcy Lilo on the last day of its session in September 2014 (Brown 2015).

To add insult to injury, in the 2014, 5-year budget process, the skeleton budget request that the Ministry submitted was cut by half, from \$30 million SBD over 5 years to \$15 million SBD (approximately \$2 million USD) over the same period. This meant that the Ministry would be unable to carry out its desired programming even if it had permission to carry out its mandate. It also meant that the Ministry faced deep cuts to the then 17 Ministry staffers working on policy and program implementation, unless

<sup>11</sup> Anonymous international actor, interview by J. Quinn, January 28, 2014, Honiara, Solomon Islands.

<sup>12</sup> Lennis Rukale, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 24, 2014, Honiara, Solomon Islands.

<sup>13</sup> Lennis Rukale, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 24, 2014, Honiara, Solomon Islands

the Ministry became a target for donor funding.<sup>14</sup> Those fears turned out to be largely unfounded, in part because an election was called and the Ministry was funded by the new Parliament. “Governments [that inherited the MNURP] have shifted funding to pay less attention to law and order.”<sup>15</sup>

In early 2014, there was considerable anxiety in the MNURP about what would become of it. “In 2012-13, we realized that the Ministry needs a new focus, not just on reconciliation, but also on peace and rehabilitation. So, [the Permanent Secretary] submitted a paper to Cabinet to ask permission to re-program the process.”<sup>16</sup> The MNURP had begun to develop a new strategic plan that focused on four pillars: peace and reconciliation, post-conflict rehabilitation, truth and reconciliation programs, and national unity programs (Ministry of National Unity, Reconciliation and Peace n.d., 2). As the Under Secretary for Policy Planning Programme Development, Peter Mae, explained in early 2014: “The Ministry is addressing contested issues that cause conflict, and [the] mandate from government is to work at the macro level.”<sup>17</sup> The Ministry was looking for external training for its staff because it could not afford all of the training required.<sup>18</sup>

The Ministry worked hand-in-glove with a number of different partners, including RAMSI. In fact, there was no formal relationship between RAMSI and the MNURP; the partnership largely operated through the office of the Assistant Special Coordinator.<sup>19</sup> MNURP also continued to work with UNDP and the World Bank.<sup>20</sup> MNURP joined the g7+, a coalition of conflict-affected and transitional countries, with which members of its staff worked on a resilience strategy. And the Ministry “turned to communities and churches and NGOs as partners because government [didn’t] have the capacity” to carry out its transitional activities.<sup>21</sup> In the absence of resources, the Ministry embraced civil society. In September 2014, MNURP “negotiated a memorandum of understanding that is soon to be signed and by partnering with the churches we sort of have almost a 100 percent coverage because churches are everywhere in the Solomon Islands... [The] Ministry’s long term plan is to outsource its work to churches” (*Ministry of Peace Partnering with Churches*).

As in Tunisia, the work of the Ministry has evolved greatly in the years since it was established. As the country moved further away from “the Tension,” and as the Prime

<sup>14</sup> Lennis Rukale, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 31, 2014, Honiara, Solomon Islands. This was also reflected by Masi Lomaloma, Assistant Special Coordinator, RAMSI, interview by J. Quinn, January 28, 2014, Guadalcanal Beach Resort, Henderson, Solomon Islands.

<sup>15</sup> Hon. Sir Allen Kemakeza, Speaker of Parliament, former Minister for National Unity, Reconciliation and Peace, and former Prime Minister, interview by J. Quinn, February 2, 2014, Honiara, Solomon Islands.

<sup>16</sup> Lennis Rukale, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 24, 2014, Honiara, Solomon Islands.

<sup>17</sup> Peter Mae, Under Secretary, Policy Planning Programme Development, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 23, 2014, Honiara, Solomon Islands.

<sup>18</sup> Lennis Rukale, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 24, 2014, Honiara, Solomon Islands.

<sup>19</sup> Justine Braithwaite, Special Coordinator, RAMSI, interview by J. Quinn, January 28, 2014, Guadalcanal Beach Resort, Henderson, Solomon Islands.

<sup>20</sup> Dan Evans, Justice Delivered Locally Program, World Bank, interview by J. Quinn, January 17, 2014, Honiara, Solomon Islands.

<sup>21</sup> Lennis Rukale, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, interview by J. Quinn, January 24, 2014, Honiara, Solomon Islands.

Minister failed to table the TRC report, enthusiasm waned—and with it, funding for the Ministry also declined. The Ministry spent considerable time and effort trying to re-tool to be useful for the social healing still not accomplished. Yet Parliament was silent and the Ministry lacked any domestic direction.

Solomon Islands most closely aligns with the policy and bureaucratization explanation laid out above. What is clear is that the constellation of Solomon Islander actors has sought to advance TJ initiatives over time, yet those interests have not been constant, and so policies have come and gone. The nature of the conflict itself, as well as the cultural specificities of Solomon Islands (e.g., the payment of compensation as an integral part of the healing process), has therefore played a major role in determining the shape and scope of the Ministry.

### **The Ministerialization of Transitional Justice in Tunisia**

The second case we consider is Tunisia. Tunisia's Ministry of Human Rights and Transitional Justice, established January 19, 2012, was greeted with much fanfare both at home and abroad as the new ministry appeared to demonstrate the Tunisian government's commitment to the pursuit of a comprehensive TJ strategy to deal with the legacy of widespread abuses. It also signaled the new Ennahdha-led government's commitment to democratic transition in a region where Islamist parties were historically feared to be anti-democratic. Established just 1 year after the January 14, 2011 revolution, the new ministry was tasked with coordinating a broad range of TJ measures that had been either proposed or enacted in the months following President Ben Ali's ouster. Indeed, in the aftermath of decades of human rights abuses, which included torture and rampant corruption, proponents of TJ such as Jawhara Ettiss, a deputy in Tunisia's National Constituent Assembly, argued that it was necessary to create a new ministry to take on a task that existing government ministries could not. While the Ministry was eventually disbanded with the establishment of the Truth and Dignity Commission, leaving human rights and TJ to the Justice Ministry's portfolio, exploring the reasons why Tunisia established the Ministry and its eventual dissolution highlight the domestic politics that underlie TJ implementation. In fact, advocates of the ministry saw its creation and its work as essential to the country's attempts to deal with the legacy of past abuses. As such, the act of ministerializing the TJ process sets Tunisia apart from many other countries that have grappled with histories of violence and repression.

The year 2012 marked an eventful one for TJ in Tunisia, as the transitional government, led by a three party "troika" coalition, which was led by Ennahdha, initiated a national consultation with the aim of drafting a comprehensive law on TJ. However, while the Ennahdha-led government enthusiastically embraced TJ, Tunisia's main political parties advanced competing understandings as to the boundaries and scope of TJ (Lamont 2017). The ministerialization of TJ in Tunisia effectively served to centralize TJ policymaking within the Ministry. This permitted the troika to advance a comprehensive TJ law in the face of significant opposition in the transitional legislature, the National Constituent Assembly (NCA). Therefore, the ministerialization of TJ in Tunisia was not illustrative of local authorities conforming to international norms, but rather, the result of a contested domestic political environment in which supporters of a more comprehensive approach to TJ sought to lock-in their preferences through the establishment of the Ministry and later the Truth and Dignity Commission.

To be sure, in Tunisia, there was no post-revolutionary consensus on whether or not a comprehensive TJ strategy was necessary or how broad TJ's scope should be. Up until January 14, 2011, post-colonial Tunisia had been ruled by two autocratic presidents. The first, President Habib Bourguiba, initiated an ambitious state-building project that sought to establish Tunisia as a modern secular state in which religion was largely excluded from public life (Esposito and Piscatori 1991). Under Bourguiba and his successor Zine al-Abidine Ben Ali, a multitude of human rights violations were committed over a span of five decades. These violations included arbitrary detention, torture, forced exile, and widespread sexual abuse. Furthermore, a number of lesser repressive measures, such as expulsion from universities on the basis of suspected political affiliation and discrimination in employment, were widespread.<sup>22</sup> Although there were periods of time when repression was particularly intense, such as in the 1990s,<sup>23</sup> crimes committed under Bourguiba and Ben Ali spanned decades and effected large segments of the Tunisian population, both as victims and perpetrators.

Given the fact that Tunisia had been ruled since independence by elites who largely embraced Bourguiba's secular state-building project and the repression of Islamist political sentiment, there was significant unease at the rapid pace of political change taking place during 2011. In the immediate aftermath of the 14th of January revolution, which brought about the ouster of long-time autocrat Ben Ali, former ruling party officials within his governing Democratic Constitutional Rally (RCD) attempted to seize control of the transition process but were quickly thwarted by protesters who also demanded the resignation of Ben Ali's prime minister, Mohamed Ghannouchi.<sup>24</sup> Following Ghannouchi's resignation on February 27, 2011, and the banning of the RCD in March 2011, Tunisia's transitional government came under the stewardship of Beji Caid Essebsi, a former minister of interior under Tunisia's first post-independence president, Habib Bourguiba, and an influential political figure who, among other things, had served as President of the Parliament under Ben Ali.

At that time, TJ took on an extremely limited form, in which the focus of efforts to deal with past abuses was confined to either regime violence against protesters who took to the streets in the aftermath of the December 10, 2010, self-immolation of Mohamed Bouazizi or economic crimes perpetrated by Ben Ali's close inner circle. Indeed, the investigative bodies that were established to investigate human rights abuses and corruption had a limited mandate to either explore human rights abuses that took place in the narrow timeframe of the revolution itself or, in the case of corruption, only referred cases for prosecution if they involved members of the Ben Ali family.<sup>25</sup>

The limited scope of TJ measures adopted in the wake of Ben Ali's ouster was dramatically expanded following the electoral triumph of the Islamist Ennahdha movement in Tunisia's first post-Ben Ali elections, which were held on October 23, 2011.

<sup>22</sup> Dalila Baba, Ennahdha member of National Constituent Assembly, interviewed by C. Lamont, September 26, 2014, Tunis, Tunisia.

<sup>23</sup> Dalila Baba, interviewed September 26, 2014.

<sup>24</sup> Mohamed Ghannouchi, no relation to Ennahdha leader Rachid Ghannouchi, sought to succeed Ben Ali under the 1959 Constitution's provisions which would have allowed the sitting prime minister to assume a vacated office of the presidency.

<sup>25</sup> See "Tunisian Public Anti-Corruption Initiatives" Business Anti-Corruption Portal, <http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/tunisia/initiatives/public-anti-corruption-initiatives.aspx> (last accessed 26 November 2014).

These elections were held to elect members to Tunisia's National Constituent Assembly, which was tasked with guiding the country's transition and constitution drafting process. Ennahdha, led by Rachid Ghannouchi, who had returned to Tunisia from exile in the UK, was a party whose leadership and rank-in-file membership had borne the brunt of Ben Ali-era repression. Senior Ennahdha figures, including Hamadi Jebali, Ali Laarayadh, and Samir Dilou, had spent over a decade in prison and suffered torture, while activists also suffered imprisonment, denial of access to education and jobs, and police harassment. As such, within Ennahdha, the demand for TJ, and more generally a clear break from Tunisia's authoritarian past, was strong.

During 2012 and 2013, within the NCA, liberal parties were highly fractured, with two small parties, Congress for the Republic (CPR) and Ettakol, having opted to enter into a governing coalition with Ennahdha. Furthermore, there was a strong divide between liberal parties and the Marxist-nationalist Popular Front coalition. Faced with a divided opposition, Ennahdha's governing coalition could set Tunisia's post-NCA election TJ agenda and quickly acted to establish the Ministry of Human Rights and Transitional Justice. Nonetheless, figures associated with Bourguiba and Ben Ali would soon see a surge in support as they cobbled together post-RCD coalitions of old regime figures.

On the other hand, although the discredited former ruling party, the RCD, was banned in March 2011, many leading political figures who identified themselves with the Bourguibist or Destourian political tradition sought to rehabilitate elements of Habib Bourguiba's authoritarianism, which emphasized modernism, constitutionalism, and secularism as core precepts. Parties, such as *Moubadara*, led by Ben Ali's former foreign minister Kamel Morjane, emerged as vocal critics of TJ, arguing that the judiciary was well placed to mete out ordinary justice for any alleged crimes. In 2012, *Nidaa Tounes*, a party which embraced the legacy of Bourguibism, was established by Beiji Caid Essebsi. Later, it would seek to undermine Ennahdha's TJ law through the promotion of national reconciliation agenda that sought to put the past to rest.

### Origins, Leadership, and Challenges to the Ministry

Tunisia's Ministry for Human Rights was established in January 2012 under Ennahdha's Minister for Human Rights Samir Dilou, a human rights lawyer who had been imprisoned under Ben Ali. Later in 2012, the Ministry for Human Rights became the Ministry for Human Rights and Transitional Justice as the Ministry assumed a central coordination and planning role for Tunisia's nascent TJ process. Samir Dilou's renaming of the Ministry for Human Rights to include TJ highlighted the extent to which Ennahdha sought to use ministerialization to set the agenda and to neutralize resistance to TJ on the part of old regime elites by embedding the country's TJ process in international norms and practices.<sup>26</sup> As such, the creation of the ministry was meant to signal to domestic and international audiences Ennahdha's commitment to addressing past human rights abuses.

Dilou's push to launch a nationwide and state-coordinated TJ process culminated in the National Consultation on Transitional Justice, which was launched in April 2012. Dilou's National Consultation engaged numerous external TJ practitioners, and the International Center for Transitional Justice, in order to familiarize the new Ministry

<sup>26</sup> Samir Dilou, former minister for human rights and transitional justice, Ennahdha, interview by C. Lamont, May 25, 2015, Tunis, Tunisia.

with transitional justice best practices and TJ experiences from elsewhere. The National Consultation also sought to include a broad range of Tunisian civil society stakeholders, but was criticized for excluding elements of domestic civil society.<sup>27</sup> Despite these criticisms, the National Consultation served as a basis for drafting the Organic Law on Transitional Justice, which contained provisions that established the Truth and Dignity Commission and a human rights court. Tunisian civil society was brought into the National Consultation through a Technical Commission that included representatives from the Ministry alongside representatives from civil society selected by the Ministry. It was the perceived exclusion of certain elements of civil society from the Technical Commission that served as the basis for criticism of the National Consultation as too centered on Ennahdha's TJ preferences. Nevertheless, the Organic Law on Transitional Justice was ratified by the NCA on December 2013. However, despite the National Consultation and the Technical Commission's role in formulating the TJ law, it was the Ministry of Human Rights and Transitional Justice that, in the end, submitted the law to the NCA for debate and adoption.

For Ennahdha, by December 2013, the stakes were high to lock-in TJ as the party was on its way out of government. At the time of the law's enactment, Ennahdha was in crisis as growing popular unrest in the face of growing insecurity brought about calls for its removal from government. Indeed, following Nidaa Tounes' triumph in both parliamentary and presidential elections in 2014, which brought about the election of Beji Caid Essebsi to the presidency, it has pushed a draft law on national reconciliation that seeks to 'turn the page' on TJ. However, as of mid-2017, efforts to enact legislation that effectively provide amnesty for past crimes have been unsuccessful. Moreover, the Truth and Dignity Commission thwarted efforts on the part of the Essebsi presidency to undermine its truth-seeking mandate during its 4-year mandate because the law establishing it provides a constitutional mandate to pursue TJ and because of the broad societal resonance of the Commission's public hearings. Even in the face of a March 2018 parliamentary vote not to extend the Commission, it was granted until December 2018 to complete its investigative work, which will include the transfer of files to a specialized human rights court for prosecution.

### The Ministry's Legacy

In sum, Tunisia has undertaken a concerted effort to respond to justice demands voiced by protesters in December 2010 and January 2011 despite an increasingly unfavorable political climate. The Ministry for Human Rights and Transitional Justice was instrumental in guiding TJ policy debates. The national dialog on TJ was held under its auspices from April to October 2012. It led the drafting and ultimate ratification on December 13, 2013, of the *Organic Law on Establishing and Organizing Transitional Justice*, which culminated in the establishment of the Truth and Dignity Commission on June 6, 2014. Although transnational TJ advocates have been active in Tunisia, in particular the ICTJ, there is little evidence that the ministry's creation was the result of external normative pressure. Rather, TJ implementation, and the ministerialization of TJ in particular, was the outcome of domestic policy entrepreneurship on the part of

<sup>27</sup> Houda Cherif, former member of the Executive Board of al Joumouhriya, interview by C. Lamont, October 23, 2012, Tunis, Tunisia.

Ennahdha, and other strong supporters of TJ, who hoped to use the window of opportunity that opened following Ennahdha's electoral victory in October 2012 to lock in TJ preferences. To be sure, with elites close to the old RCD perceived to be trying to thwart Tunisia's transition process at-large, and transitional justice in particular, Ennahdha's leadership believed a new ministry, one not staffed by old guard civil servants, was needed to secure the drafting and adoption of a comprehensive TJ law. Furthermore, Bourguiba and Ben Ali's form of bureaucratic authoritarianism had left a legacy of bureaucratic-civil society clientelism as the preferred method for structuring state-civil society cooperation (Alexander 1997), which made the Ministry for Human Rights and Transitional Justice that emerged from National Consultation a natural policy solution for Tunisia's post-Ben Ali elites. Thus far, the strategy has been successful despite significant resistance on the part of former elites whose alternative proposals for national reconciliation failed to gain traction during the first years of Tunisia's transitional justice process.

## Conclusion

What are the potential implications of ministerialization for the effectiveness of TJ? This study suggests context matters. In the Solomon Islands, there was little political support for the endeavor from the start. Tunisia's ministry, by contrast, led a widely lauded national conversation on TJ that guided a thoughtful, deliberate implementation of TJ. The international community played a fairly significant role in both transitions, so it is hard to identify a clear external cause of these divergent outcomes. Rather, victims in Tunisia were better organized and, having been repressed by the former regime, Ennahda provided a well-organized base to direct more high profile attention to TJ. Moreover, Tunisia's bureaucratic-authoritarian history may have made a ministry a natural solution. In the Solomon Islands, by contrast, the norm entrepreneurs were fewer in number and less well-embedded in organized interests with the power to advance the TJ agenda. Tunisia is also illustrative of the fact that, under the right conditions, ministerialization may tie the hands of successor governments. With the economy and security on the minds of the public, the Nidaa Tounes government has sought to roll back TJ and put the past behind the country. Nonetheless, even after being in power for more than 2 years, the government has yet to do so. Even if the Ministry's functions were later shifted to the Truth and Dignity Commission and to other parts of the bureaucracy, TJ appears entrenched as a policy issue for the foreseeable future despite Nidaa Tounes' best efforts.

Is it appropriate to speak of an emerging ministerialization norm? As Sikink (2011, 96) argues, norms emerge when a coalescence of "international law, international and domestic institutions and the global consciousness" gain momentum. It would be disingenuous to argue that the two examples described here have spurred any real kind of momentum or that their efforts have been any more successful at producing positive transitional justice results compared to how TJ has been bureaucratically managed by other countries. At the time of writing, the same holds true in the other countries in which ministries with some TJ element at the core of their portfolio have been established, including Libya, Egypt, Nepal, and Indonesia, although Colombia may yet prove the exception.

In short, despite the emergence of a handful of ministries of transitional justice, there is little evidence for a norm, at least as of yet. In her study of the truth commission norm, Krueger (2016) provides a model of what ministerial norm emergence and diffusion might look like. She argues that early truth commissions were policy solutions to country-specific problems. However, over time, activists, policymakers, and academics developed a shared understanding of the desirability of truth and the ability of the truth commission model to produce it. This fictional consensus then supported diffusion of the norm. Thus far, UN officials and transnational experts like ICTJ have not taken public stances on the practice of ministerialization. Until TJ ministries yield unique benefits or in other ways provide examples worthy of emulation by other countries, transnational activists are unlikely to actively promote the model. No TJ ministry to date has had the galvanizing effect that the South African TRC did for truth commissions.

Any TJ process will involve a constellation of domestic and international actors vying to advance their own interests (Skaar and Wiebelhaus-Brahm 2013). As such, TJ is invariably political. The establishment of TJ ministries seems to reflect a particular form of politicization. That is, in all cases—especially the two cases considered here—the ministries were appointed for particular purposes, outside of the “normal” flow of government business and outside the normal ministries that existed. This stands in marked contrast, for example, to countries like Canada and Uganda, where truth commissions were administered by branches of the Ministry of Justice.

There is a growing literature within the field of transitional justice that examines the role of politicization (Subotić 2009; Grodsky 2010; Loyle and Davenport 2015). The existing literature overwhelmingly focuses on what Chandra Sriram (2013) calls “spoilors of justice,” those who attempt to subvert or undermine “genuine” justice. By contrast, in both Solomon Islands and Tunisia, while justice was certainly politicized, because those who were in positions of authority to create the TJ ministries were in some way “pro-justice,” observers tend not to fault them for it. Yet, in Solomon Islands, the idea of transitional justice was a hot-button issue on which governments rose and fell, and political favors were traded on its back; this is nothing if not politicization. In the case of Tunisia, *Ennahdha*, which was once the driving force for the ministerialization of justice, later remained largely silent in the face of *Nidaa Tounes*’ attempts to undermine the work and legacy of the Truth and Dignity Commission. More nuanced thinking around the subject of politicization needs to be done in the literature as a whole.

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