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A Repeated Signaling Game of Nepal's Transitional Justice Process

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Abstract

Nepal's transitional justice process has produced repeated episodes of formal institutional progress without durable victim trust. This article explains that gap through a repeated signaling game under weak commitment. The central claim is that accountability-exposed political actors can obtain legitimacy from low-cost institutional signals while avoiding high-cost commitments that would alter the expected probability of truth, reparations, prosecution, or non-recurrence. The model identifies a low-credibility pooling equilibrium: commissions, legal amendments, consultations, reports, and strategic plans keep the process formally active, but remain weakly informative when the same signals can be produced by both accountability-oriented and closure-oriented actors. Victim distrust is therefore modeled not as procedural obstruction, but as rational belief updating after repeated weak signals. Applied to Nepal, the framework explains how political control over the Turth and Reconciliation Commission and Commission of Investigation on Enforced Disappeared Persons can allow statutory transitional justice mechanisms to generate process and answerability without credible enforcement. The National Human Rights Commission is applied in the analysis as a supporting accountability institution which provides additional evidence about whether documented violations transition into implementation. The article contributes to transitional justice scholarship by formalizing credibility as an incentive problem: victim-centered justice requires mechanisms that make accountability observable, costly, and difficult for closure-oriented actors to imitate.

Keywords: transitional justice, signaling games, credible commitment, victim trust, nepal

Introduction

Nepal's transitional justice process presents a persistent institutional puzzle. Since the end of the armed conflict and the signing of the Comprehensive Peace Agreement (CPA) in 2006, the country has witnessed repeated institutional initiatives: legal reforms, truth-seeking bodies, legislative amendments, public consultations, appointments, official reports, and renewed promises of victim-centered justice. Yet these formal developments have not resolved the deeper crisis of credibility surrounding truth, accountability, reparations, and guarantees of non-recurrence.

This article argues that the puzzle extends beyond delay, administrative weakness, or legal incompleteness. Nepal's transitional justice process is better understood as a repeated signaling game under weak commitment. For the purposes of this article, we define "accountability-oriented actor" as one willing to accept institutional or legal arrangements that increase the probability of truth, justice, reparations and guarantees of non-recurrence, even when these impose political-legal costs. We define "closure-oriented actor" as one seeking abovementioned domestic and international legitimacy with the TJ process while minimizing or evading its political-legal costs. Accountability-exposed political actors can repeatedly send low-cost institutional signals of compliance while avoiding high-cost accountability commitments. Victims, observing these signals over time, rationally update their beliefs about the likelihood that the process will produce meaningful justice. Substantive distrust is therefore not an irrational obstacle to transitional justice; it is an equilibrium response to a series of weak or pooling signals.

The central question is why Nepal's transitional justice process repeatedly generates formal institutional progress without producing durable victim trust. The answer proposed here is that the process remains trapped in a low-credibility equilibrium. Legal reforms, commission formation, strategic plans, and consultation mechanisms may generate legitimacy payoffs for political actors, but they do not necessarily reveal a genuine commitment to accountability. Unless these measures impose meaningful political, legal, or fiscal costs on actors benefiting from impunity, they function as pooling rather than separating signals.

The article makes three contributions. First, it introduces a game-theoretic framework for analyzing credibility in transitional justice. Second, it conceptualizes victim participation and distrust as strategic responses to institutional incentives rather than merely moral or procedural concerns. Third, it applies this framework to Nepal's transitional justice process, demonstrating that the central problem lies not in institutional absence but in the persistent gap between formal design and enforceable accountability.

The article proceeds in four sections. Section 2 situates the argument within the literature on transitional justice, institutional credibility, Nepal's post-conflict justice landscape, and the supporting role of accountability institutions. Section 3 develops the repeated signaling model and defines the low-credibility pooling equilibrium that structures the argument. Section 4 applies the model to Nepal by classifying institutional actions as low-, medium-, or high-cost signals and showing how delay, limited enforcement, and patterns of victim participation reinforce distrust. Section 5 concludes by drawing out the implications for victim-centered justice and credible institutional reform.

Literature

Institutional Transformation

The transitional justice literature has gradually moved beyond its earlier narrow account of post-conflict legal settlement. In its early formulation, transitional justice was concerned with the legal and political dilemmas that follow regime change, civil conflict, and mass human rights violations: whether to prosecute, how to handle perpetrators embedded within the new order, and how to reconcile accountability with political stability (Teitel, 2000; Teitel, 2003; Arthur, 2009). This genealogy matters for Nepal because transitional justice was never introduced into the peace process as a purely retrospective exercise. It was intended from the beginning for the reconstruction of political authority after conflict.

The current literature treats transitional justice as a wider institutional project. Truth-seeking, criminal accountability, reparations, vetting, institutional reform, and guarantees of non-repetition are not isolated policy instruments but interdependent mechanisms through which a post-conflict state attempts to alter the conditions that made violence possible (de Greiff, 2012; Duthie, 2014; Mani, 2002). Based on this view, the question is not whether a state recognizes past violations, but whether it creates institutions capable of changing expectations about future conduct. Transitional justice therefore depends on the credibility of the institutions that claim to deliver it.

This institutional framing is also central to the critical literature. Nagy (2008) argues that transitional justice has become a global project whose instruments travel across countries while often losing sensitivity to local political economy and power relations. Waldorf (2012) similarly cautions against treating transitional justice as if it were limited to civil and political violations, arguing that socio-economic violations and structural inequalities often remain outside formal justice mechanisms even when they are central to the production of conflict. These critiques are particularly relevant for Nepal, where the peace settlement promised both accountability for conflict-era abuses and a broader transformation of exclusionary state structures.

The implication is straightforward - transitional justice cannot be evaluated only by the existence of commissions, statutes, reports, or constitutional guarantees. These are institutional forms. Their political significance depends on whether they change the expected costs of impunity and the expected returns to victim participation. A truth commission that cannot compel implementation, a reparations framework without fiscal commitment, or a guarantee of non-repetition without institutional enforcement may still generate formal progress, but it does not necessarily produce credible commitment.

This is where the literature on transitional justice connects to the repeated signaling framework developed below. If transitional justice is an institutional project, then its central problem is not simply whether justice is normatively required. The question is whether the institutions created in the name of justice separate genuine accountability from managed closure. In Nepal's case, the repeated creation of formal mechanisms without corresponding enforcement raises precisely this problem: transitional justice becomes observable as process, but not necessarily credible as commitment.

For the purposes of this article, the relevant point is that transitional justice mechanisms must do more than acknowledge past violations. They must alter the institutional incentives that enabled those violations. If the process generates reports, consultations, and legal language without changing the expected cost of impunity, it may satisfy procedural expectations while failing as a credible commitment mechanism.

Nepal's Transitional Justice Landscape

Nepal's transitional justice process emerged from the settlement that ended the decade-long Maoist insurgency. The conflict between 1996 and 2006 produced over 15,000 deaths, hundreds of enforced disappearances, and large-scale displacement. The 2006 CPA was framed not only as a peace settlement but as a broader project of political transformation through the integration of former Maoist combatants into democratic politics, constitutional restructuring, inclusion, federalism, secularism, and institutional reform.

This matters for the present argument because Nepal's post-conflict settlement was designed as more than an accountability mechanism for past violations. It also sought to establish constitutional and institutional guarantees against the recurrence of conflict. The Interim Constitution of 2007 and the Constitution of 2015 attempted to absorb the conflict's political demands into a new constitutional order. In that sense, Nepal is a useful case for evaluating the limits of what Dhakal (2026) describes as accommodative constitutional design: a settlement in which former insurgents and mainstream political actors co-author the new order through elections, negotiated reform, and power-sharing. The institutional question is whether such an arrangement transforms the incentives that produced conflict, or whether it merely redistributes elite access to the post-conflict state.

The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) were central to this accountability architecture. These institutions were mandated to investigate conflict-era abuses and provide institutional pathways toward truth, reparations, and justice. However, their performance has been repeatedly constrained by political interference, executive stalling, underfunding, legal ambiguity, and the reluctance of actors to submit themselves to credible investigation. The result is not institutional absence, but the persistence of institutions whose formal mandates exceed their practical capacity to deliver truth, reparations, and meaningful accountability.

For the signaling framework developed below, the distinction is between the formal existence of the TRC and CIEDP and their practical ability to constrain political discretion. Their credibility depends on conditions governing their operation, including commissioner appointments, treatment of grave violations, victim and witness protection, substantial fiscal reparations, and clear pathways from investigation, to referral, to prosecution. These factors determine whether commissions merely demonstrate that a process exists or instead impose costs that closure-oriented actors would seek to avoid.

This distinction is central to the model developed below. Nepal's transitional justice process has generated observable institutional outputs: commissions, legal amendments, consultation processes, official plans, recommendations, and repeated public commitments to victim-centered justice. These developments are politically meaningful, but they do not resolve the underlying credibility problem. Where the same political actors who benefit from closure also retain influence over appointments, budgets, mandates, and implementation, institutional movement may function as a signal of process rather than a commitment to accountability.

The Nepal case therefore presents a sharper puzzle than simple delay. The question is not why nothing has happened. A great deal has happened formally. The question is why repeated formal action has not produced durable victim trust. This article treats that gap as a strategic outcome. The post-conflict state, former conflict actors, accountability institutions, victims, and international audiences interact across repeated rounds in which institutional signals are observed, interpreted, and discounted. Nepal's transitional justice landscape is therefore best understood as a credibility problem within an active but weakly enforced institutional framework.

Institutions, Accountability, and Credible Commitment

The institutional problem at the center of transitional justice is the gap between formal mandate and implemented accountability. The TRC and CIEDP may possess statutory authority to investigate violations, receive complaints, recommend reparations, identify patterns of abuse, and facilitate further legal action. Their credibility, however, depends on whether political actors allow those functions to constrain appointments, budgets, case handling, amnesty decisions, reparations, and prosecution pathways. Institutional design is therefore not merely administrative. It determines whether transitional justice mechanisms alter the expected cost of impunity or simply convert demands for accountability into managed procedure.

The NHRC occupies a related but distinct position. It is not one of Nepal's statutory transitional justice mechanisms and is not responsible for implementing the transitional justice process in the same manner as the TRC and CIEDP. Its relevance lies in its supporting accountability role: it can investigate conflict-era violations, preserve documentation, issue recommendations, monitor state conduct, and provide an independent record against which official claims of progress may be evaluated. The NHRC therefore enters the present analysis not as a principal transitional justice institution, but as part of the wider information and accountability environment surrounding the statutory process. The broader literature on national human rights institutions (NHRIs) remains useful insofar as it distinguishes formal mandate from practical effectiveness and emphasizes the importance of institutional autonomy, adequate resources, and state follow-through (Reif, 2000; Carver, 2011; Pegram, 2010).

Schedler's account of accountability clarifies the stakes. Accountability contains two analytically distinct components: answerability and enforcement (Schedler, 1999). Answerability requires public officials and institutions to explain and justify their conduct. Enforcement requires the capacity to impose consequences when violations occur. The TRC and CIEDP may generate answerability through investigations, hearings, documentation, findings, and recommendations – while the NHRC may reinforce that answerability through independent investigations and monitoring. Yet if those outputs do not produce prosecution, reparations, disciplinary action, or institutional reform, the accountability cycle remains incomplete. This distinction is especially important for Nepal, where the repeated production of institutional outputs has not consistently translated into implemented remedies.

The move to a game-theoretic framework follows from this institutional gap. If institutions possessed automatic enforcement power, the main analytical problem would be legal design. But where enforcement depends on actors who may themselves be exposed to accountability costs, transitional justice becomes strategic. Political actors decide whether to comply, influence appointments, underfund commissions, retain ambiguity over prosecution, delay or selectively implement recommendations, or allow them to lapse. Victims decide whether to participate, litigate, boycott, mobilize, or seek international pressure. International actors decide whether to endorse progress, condition support, or withhold legitimacy. The credibility of transitional justice therefore depends on how these actors interpret institutional signals across repeated rounds.

This paper uses a repeated signaling game because the Nepal case is not defined by the absence of institutions. It is defined by the recurrence of institutional signals whose credibility remains contested. Laws, commissions, appointments, reports, and recommendations are observable actions. The relevant question is whether these actions separate genuine accountability from managed closure, or whether they operate as pooling signals that both accountability-oriented and closure-oriented actors can imitate. The institutional literature explains why formal mandate is insufficient; the game-theoretic model explains how that insufficiency becomes an equilibrium.

Model

The literature reviewed above leaves the paper with a specific institutional problem. Nepal's transitional justice process has not failed because no formal mechanisms exist. It has failed, or at least remained credibility-deficient, because formal mechanisms have not consistently altered the expected cost of impunity. A model of institutional absence would therefore miss the central feature of the case.

The model does not attempt to solve a full equilibrium characterization of Nepal's transitional justice process. It uses tools from signaling games and repeated games to formalize a narrower institutional claim: when actors differ in their willingness to bear accountability costs, observable institutional actions vary in their informational content. The distinction between low-cost and high-cost signals follows the logic of costly signaling, where a signal becomes credible only when imitation is more expensive for one type than another (Spence, 1973). The repeated structure follows the standard insight that beliefs and strategies evolve across observed histories rather than isolated one-shot interactions (Fudenberg & Tirole, 1991; Osborne & Rubinstein, 1994).

Let G denote the political actor with effective control over transitional justice design and implementation. In the Nepal case, G is best understood not as a single government but as a coalition of accountability-exposed actors: governing parties, former conflict actors, executive authorities, security-sector interests, and political elites whose costs may rise under credible accountability. Let M denote the statutory transitional justice mechanism through which truth seeking, investigation of enforced disappearances, reparations, and accountability referrals are organized. M primarily refers to the TRC and the CIEDP – along with the statutory procedures and implementation channels that govern their operation. The NHRC and the judicial system is not represented by M. Let V denote victims and civil society, and let I denote the international and legal audience whose recognition affects the legitimacy payoff of the process.

The political actor has a private type

$$\theta \in \{A, C\},$$

where A denotes an accountability-oriented type and A denotes a closure-oriented type. This distinction is behavioral rather than moral. Type accepts institutional arrangements that increase the probability of truth, reparations, prosecution, and non-recurrence even where those arrangements impose political or legal costs. Type C seeks the legitimacy associated with transitional justice while minimizing actual exposure to accountability.

In each period , the political actor influences the design or operation of the mechanism:

$$m_t \in M.$$

The mechanism generates an observable institutional signal

$$s_t = \phi(m_t), \qquad s_t \in \{L, H\},$$

where L is a low-cost signal and H is a high-cost signal. The difference is not whether the action appears important. It is whether the action changes expected enforcement. Commission formation, strategic plans, consultations, ambiguous legal reform, and the formal receipt of non-binding recommendations may all be visible while still remaining low- or medium-cost signals. Independent appointments, enforceable reparations, witness protection, clear prosecution pathways, transparent case prioritization, and referral of politically costly cases are higher-cost signals because they reduce discretion and increase accountability exposure.

Victims do not observe θ directly. They observe s_t and update their belief that the political actor is accountability-oriented. Let μ_t denote the posterior belief after observing signal s_t:

$$\mu_t(A \mid s_t) = \frac{Pr(s_t \mid A)\mu_{t-1}(A)}{Pr(s_t \mid A)\mu_{t-1}(A) + Pr(s_t \mid C)\big(1 - \mu_{t-1}(A)\big)}.$$

The prior belief $\mu_{t-1}(A)$ represents victims' inherited assessment of the process before the current signal. The likelihood term $Pr(s_t \mid A)$ captures how probable the observed signal would be if the political actor were genuinely accountability-oriented. The term $Pr(s_t \mid C)$ captures how probable the same signal would be if the political actor were instead closure-oriented. A signal shifts beliefs only when these likelihoods differ. If a commission, amendment, consultation, or report is nearly as likely under closure as under accountability, the posterior belief does not move very much. Formally visible institutional movement may therefore produce little credibility.

The important implication is that distrust can persist even when the state is visibly active. Victims do not update from a single signal in isolation. They update from a sequence of signals observed over repeated rounds: commissions formed and reformed, mandates contested, appointments delayed, recommendations issued, implementation deferred, legal amendments announced, and victim consultations repeated without clear enforcement consequences. Each new signal is interpreted against this accumulated history. This is why a later institutional announcement may fail to generate trust even if it appears stronger on paper. The posterior belief is disciplined by the record of previous signals.

The equation also clarifies the difference between symbolic process and credible commitment. A low-cost signal has weak informational value because both types can send it. A high-cost signal is informative because it is harder for a closure-oriented actor to imitate. In Nepal's case, a new strategic plan or consultation may raise visibility, but it will not substantially increase $\mu_t(A \mid s_t)$ if victims believe closure-oriented actors can produce the same action without accepting prosecution, reparations, or non-recurrence costs. Comparatively, independent appointments, enforceable reparations, protected testimony, case referrals, and binding follow-up to recommendations would carry greater informational content because they raise the cost of imitation for type C .

The posterior changes meaningfully only when the signal is informative about type. If both types can rationally send the same signal,

$$s_t(A) = s_t(C),$$

the signal is pooling. It may create institutional movement without resolving uncertainty. A separating signal requires

$$U_G(H, A) \geq U_G(L, A)$$

and

$$U_G(H, C) < U_G(L, C).$$

That is, the accountability-oriented type must prefer the costly signal, while the closure-oriented type must find imitation too expensive.

A reduced-form payoff for the political actor is

$$U_G(s_t, \theta) = B(s_t) - C(s_t, \theta) - A(s_t),$$

where $B(s_t)$ is the legitimacy benefit generated by the signal, $C(s_t, \theta)$ is the type-dependent cost of producing it, and $A(s_t)$ is expected accountability exposure. The model becomes interesting when

$B(L)$ is high. If low-cost process signals generate sufficient domestic or international legitimacy, a closure-oriented actor can remain within the transitional justice process without moving toward high-cost accountability.

Victims choose whether to participate or resist:

$$v_t \in \{P, R\},$$

where P denotes participation or conditional engagement and R denotes resistance through boycott, litigation, or mobilization. Participation is chosen when

$$E[U_v(P) \mid s_t] \geq E[U_v(R) \mid s_t].$$

This condition is deliberately minimal. It does not require victims to be modeled as homogeneous or purely instrumental. It only requires that participation have expected value. If engagement supplies legitimacy to a process that does not raise the expected probability of truth, reparations, prosecution, or non-recurrence, resistance can be an equilibrium response.

The international element enters through the legitimacy term. If international actors endorse low-cost signals too early, $B(L)$ rises and the closure-oriented type has less reason to move toward H. Conditional recognition has the opposite effect. It reduces the payoff to procedural compliance and raises the relative value of costly reform. This is why the repeated structure matters - future signals are not interpreted on a blank slate. They are evaluated against previous rounds of implementation, non-implementation, delay, and institutional drift.

The equilibrium of interest is a low-credibility pooling equilibrium. In this equilibrium, a closure-oriented political actor continues to send low-cost institutional signals because those signals generate legitimacy without imposing the legal, political, or fiscal costs of enforcement. Victims observe that the same signals could be produced by either an accountability-oriented actor or a closure-oriented actor, so their posterior belief in genuine accountability does not rise enough to justify full trust. The process therefore remains formally active while remaining substantively distrusted.

The model yields the paper's central thesis: where transitional justice institutions repeatedly generate process signals without changing enforcement, victim distrust should persist despite formal progress. Trust should increase only when observed signals become costly enough to distinguish accountability from closure.

Application

The purpose of applying the model to Nepal is not to restate post-conflict history. That was already done in the preceding section. The question here is narrower: which observed institutional actions in Nepal are likely to be informative signals, and which are more consistent with pooling?

Nepal's transitional justice process has produced several forms of visible institutional movement. The CPA created a political and normative foundation for accountability and non-recurrence. The constitutional process restructured the state around republicanism, federalism, secularism, and inclusion. The TRC and CIEDP were established as the statutory mechanisms responsible for addressing conflict-era violations. Alongside them, the NHRC continued to operate as a constitutionally established accountability institution capable of investigating violations and monitoring state compliance, but not of implementing the transitional justice process itself. These developments matter, but they do not by themselves identify the state's type in the model.

The central empirical difficulty is that many of these actions are compatible with both accountability and closure. For example, an accountability-oriented actor may create a commission to investigate violations and generate pathways to truth, reparations, and prosecution. A closure-oriented actor may also create a commission to absorb pressure, proceduralize the issue, and convert demands for justice into managed institutional delay. The same signal can therefore be sent by both types. Unless the commission has credible independence, sufficient resources, protection for victims and witnesses, transparent case-selection rules, and a path from findings to enforcement, its existence is weakly informative.

The TRC and CIEDP sit directly inside this logic. Their weakness does not show that transitional justice was absent. It shows that the mechanisms through which transitional justice was delegated were not sufficiently insulated from actors with an interest in non-enforcement. Political interference, executive stalling, underfunding, legal ambiguity, and recurring disputes over the accountability of grave violations make commission activity a poor separating signal. The delayed implementation within these bodies preserves a pooling equilibrium: political actors can continue to claim process while avoiding the costs associated with final determinations, case referrals, or prosecutions.

Commission appointments provide a particularly useful illustration. The formal appointment of commissioners is observable and may allow political actors to claim that the process has resumed. However, an appointment becomes an informative signal only when the selection process limits partisan control, produces commissioners with sufficient competence and independence, and protects the commissions from subsequent political interference. If political actors exposed to potential legal or political accountability retain decisive influence over appointments, the signal remains compatible with both genuine reform and managed closure.

The same logic applies to the operation of the commissions. Victim registration, consultation, strategic planning, and preliminary investigation demonstrate institutional activity, but they become credible only when they affect case prioritization, protection measures, reparations, findings on grave violations, and pathways to referral or prosecution. Adequate budgets, professional staffing, transparent procedural rules, and protection against executive obstruction therefore matter not simply as administrative inputs. They determine whether the TRC and CIEDP can impose constraints that a closure-oriented actor would find costly to accept.

The NHRC reinforces this analysis through a different institutional channel. It can investigate, document, report, recommend, and monitor, but it does not control the implementation of the statutory transitional justice process. An NHRC recommendation is therefore not, by itself, a costly signal from the political actor. The informative signal is the state's response to that recommendation. Implementation involving reparations, disciplinary action, prosecution, institutional reform, or formal acknowledgment may impose material costs and therefore alter beliefs. Non-implementation, by contrast, can strengthen the inference that answerability is being tolerated without enforcement. The NHRC thus contributes evidence about the credibility of the broader process without determining that credibility on its own.

Legal reform also falls into the same category. A statutory amendment is not negligible in the ordinary sense - it requires political coordination and creates a formal legal record. But it remains a pooling signal if the reform preserves ambiguity, limits victim appeal, weakens prosecution pathways, or delegates decisive authority to politically exposed actors. Legal change becomes a separating signal only where it reduces discretion in ways that closure-oriented actors would prefer to avoid. Clear limits on amnesty, independent appointments, witness protection, enforceable reparations, transparent case prioritization, implementation of commission findings, and credible referral mechanisms matter because they increase the cost of imitation.

The model therefore leaves three important applications for Nepal's TJ process.

First, victim trust should respond less to the announcement of institutions than to evidence that those institutions restrict political discretion. This explains why victims may remain skeptical even after legal amendments, appointments, or official plans. Such skepticism is not inconsistent with institutional movement. It is a rational response when the signal does not match expected enforcement.

Second, delay should not be treated only as an administrative failure. Delay changes the relative payoffs of the actors. For victims, time increases the cost of mobilization, weakens evidence, ages witnesses, and fragments attention. For accountability-exposed actors, delay may reduce the probability and salience of future accountability. This is the war-of-attrition component of the model: $\delta E[C_{t+1}^{A}] < C_t^{H}$.

When the discounted expected cost of future accountability is lower than the current cost of credible reform, delay becomes strategically sustainable even if it is not centrally planned.

Third, victim-centered justice should be evaluated as an incentive-compatibility condition rather than as a procedural slogan. Victims participate when

$$E[U_V(P) \mid s_t] \geq E[U_V(R) \mid s_t].$$

Consultation alone does not satisfy this condition. Participation becomes credible only when it affects commissioner selection, case prioritization, reparations design, protection measures, findings on grave violations, prosecution pathways, or implementation follow-up. If participation merely adds legitimacy to a process whose enforcement remains discretionary, non-participation, litigation, or internationalization can be the rational strategy.

Table 1 summarizes how the model classifies the principal institutional signals in Nepal's process.

The table does not rank legal desirability but instead classifies institutional actions by their informational content. During the TJ period, Nepal has generated many signals in the low- and medium-cost range. These signals are sufficient to show that the statutory transitional justice remains formally alive, but not sufficient to demonstrate that political actors exposed to potential legal or political accountability have lost control over appointments, reparations, or enforcement. This is why the process can be active and distrusted at the same time.

The policy implication follows directly. Reform should not be assessed only by whether it expands institutional language or creates another procedural layer but instead on whether it changes relative payoffs. Independent appointments reduce political control. Budget-backed reparations make recognition fiscally costly. Witness protection raises the credibility of testimony. Public case-prioritization rules reduce discretionary delay. Implementation of TRC, CIEDP or other independent accountability findings like NHRC findings converts documentation and answerability into reparative, institutional, or prosecutorial consequences. Case referral for grave violations directly raises accountability exposure. These measures matter because they are difficult for a closure-oriented actor to imitate without bearing real costs.

Nepal's transitional justice trap is a problem of excessive substitutability between process and commitment. The low credibility pooling equilibrium persists as long as low-cost signals can substitute for costly accountability. Political actors retain legitimacy from process. Institutions continue to generate outputs. International

Table 1: Institutional Signals and Credibility in Nepal's Transitional Justice Process

Observed action	**Model interpretation**	**Credibility implication**
Commission formation	Pooling or Medium-cost signal	Visible process; weakly informative without independence, resources, and enforcement.
Legal amendment	Medium-cost signal	More credible when it reduces ambiguity and limits discretion.
Victim consultation	Variable signal	Credible only when it constrains procedure, remedies, or case handling.
Strategic plan or report	Low-cost unless implemented	Produces answerability but may not change incentives.
Recommendation implementation	Medium-cost signal	Credible when it produces legal, fiscal, or institutional consequences.
Independent appointments	High-cost signal	Reduces political control over the mechanism.
Budget-backed reparations	High-cost signal	Converts recognition into fiscal commitment.
Case referral or prosecution	Separating signal	Directly increases accountability exposure.

audiences can acknowledge movement. Victims, however, observe that the underlying probability of truth, reparations, prosecution, and non-recurrence has not shifted enough to justify trust. The model explains this distrust not as a failure of civic cooperation, but as the expected response to repeated weak signals.

Conclusion

This article has argued that Nepal's transitional justice process is best understood as a repeated signaling game under weak commitment. The central issue is not the absence of formal institutional movement. Nepal has produced legislation, commissions, consultations, reports, recommendations, strategic plans, and repeated public commitments to victim-centered justice. The issue is why these forms of progress have not produced durable victim trust.

The model developed here explains that gap through the distinction between pooling and separating signals. Many transitional justice actions are observable but not sufficiently costly to distinguish genuine accountability from managed closure. A closure-oriented actor can support a commission, endorse a consultation, announce a plan, or accept ambiguous reform while preserving discretion over implementation. Victims, observing this pattern over repeated rounds, rationally discount new signals unless they alter expected enforcement.

This framework also clarifies the distinct institutional roles of the bodies considered in the article. The TRC and CIEDP are the statutory mechanisms through which Nepal's transitional justice process is formally organized. They can generate answerability through investigation, victim engagement, documentation, findings, reparations recommendations, and case handling. The NHRC occupies a supporting accountability role: its investigations and recommendations can supply independent evidence concerning violations and state compliance, but it does not implement transitional justice in the same manner as the two commissions. Across both institutional channels, answerability remains insufficient where appointments are politically controlled, budgets are dependent, recommendations remain unimplemented, and prosecution pathways remain uncertain.

The policy implication is stricter than a call for renewed commitment. Credible transitional justice requires signals that are costly, observable, and difficult for closure-oriented actors to imitate. Independent appointments, enforceable reparations, witness protection, transparent case prioritization, referral of grave violations, and binding follow-up mechanisms matter because they change incentives. They reduce the ability of political actors to obtain legitimacy from process alone.

Nepal's transitional justice problem is therefore not simply legal, administrative, or moral. It is strategic. The central question is whether the institutions created in the name of justice alter the payoff structure of actors who benefit from impunity. Until they do, formal progress can coexist with substantive distrust, and victim skepticism will remain less a failure of cooperation than a rational response to repeated weak signals.

References

Arthur, P. (2009). How "transitions" reshaped human rights: A conceptual history of transitional justice. *Human Rights Quarterly, 31(2),* 321–367. https://doi.org/10.1353/hrq.0.0069

Balasco, L. (2013). The transitions of transitional justice: Mapping the waves from promise to practice. *Journal of Human Rights, 12(2)*, 198–216. https://doi.org/10.1080/14754835.2013.784858

Bhandari, S. D. (2015). *The role of national human rights institutions in ending impunity for human rights abuses during conflict: The case of Nepal***.** Danish Institute for Human Rights.

Carver, R. (2011). A new answer to an old question: National human rights institutions and the domestication of international law. *Human Rights Law Review, 11*(1), 1–32. https://doi.org/10.1093/hrlr/ngq045

Carver, R., & Handley, L. (2016). Does the Paris Principles live up to their promise? Evaluating the effectiveness of national human rights institutions. *Nordic Journal of Human Rights***.**

de Greiff, P. (2012). *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-repetition* (A/HRC/21/46). United Nations Human Rights Council.

Dhakal, T. (2026). Constitutional design and the limits of non-repetition within Nepal's transitional justice. *The Informal, 3*(1).

Duthie, R. (2014). Transitional justice, social change, and economic development. *International Journal of Transitional Justice, 8*(1), 166–187. https://doi.org/10.1093/ijtj/ijt028

Duthie, R. (2021). *Transitional justice and prevention*. International Center for Transitional Justice. https://www.ictj.org/sites/default/files/ICTJ_Report_Overview_TJ_Prevention.pdf

Fudenberg, D., & Tirole, J. (1991). *Game theory*. MIT Press.

GANHRI. (2025). *Accreditation status as of 4 December 2025*. Global Alliance of National Human Rights Institutions. https://ganhri.org/wp-content/uploads/2025/12/Accreditation-Status-Chart_Dec2025.pdf

Gibbons, R. (1992). *Game theory for applied economists*. Princeton University Press.

Global Alliance of National Human Rights Institutions. (n.d.). *National human rights institutions*. https://ganhri.org/nhri/

Jeffery, R. (2017). Nepal's comprehensive peace agreement: Human rights, compliance and impunity a decade on. *International Affairs,* **93**(2), 343–364. https://doi.org/10.1093/ia/iix007

Jeffery, R. (2019). *Nepal's Truth and Reconciliation Commission limps on*. Lowy Institute. https://www.lowyinstitute.org/the-interpreter/nepal-s-truth-reconciliation-commission-limps

Kafle, S. (2026). From recognition to redress: Rethinking reparations for conflict-related sexual violence in Nepal. International Journal of Transitional Justice, 20(1), 38–53. https://doi.org/10.1093/ijtj/ijaf030

Mani, R. (2002). *Beyond retribution: Seeking justice in the shadows of war*. Polity Press.

Nagy, R. (2008). Transitional justice as a global project: Critical reflections. *Third World Quarterly, 29*(2), 275–289. https://doi.org/10.1080/01436590701806848

National Human Rights Commission, Nepal. (2024). *Annual report 2080/81 B.S.* Government of Nepal.

National Human Rights Commission, Nepal. (2026, May 27). *Investigation report on the human rights violations during the Gen Z protests of September 8–9, 2025*. Government of Nepal.

Office of the United Nations High Commissioner for Human Rights. (2012). *The Nepal Conflict Report*. https://www.ohchr.org/en/documents/country-reports/nepal-conflict-report

Osborne, M. J., & Rubinstein, A. (1994). *A course in game theory*. MIT Press.

Pegram, T. (2010). National human rights institutions in Latin America: Politics and institutionalization. *Journal of Latin American Studies, 42*(1), 1–34. https://doi.org/10.1017/S0022216X1000003X

Reif, L. C. (2000). Building democratic institutions: The role of national human rights institutions in good governance and human rights protection. *Harvard Human Rights Journal, 13*, 1–69.

Reif, L. C. (2011). Transplantation and adaptation: The evolution of the human rights ombudsman. *Boston College Law Review, 49*, 159. https://doi.org/10.2139/ssrn.1824667

Schedler, A. (1999). Conceptualizing accountability. In A. Schedler, L. Diamond, & M. F. Plattner (Eds.), **T***he self-restraining state: Power and accountability in new democracies* (pp. 13–28). Lynne Rienner Publishers.

Spence, M. (1973). Job market signaling. *The Quarterly Journal of Economics, 87*(3), 355–374. https://doi.org/10.2307/1882010

Takata, H. (2022). How are the Paris Principles on NHRIs interpreted? Towards a clear, transparent, and consistent interpretative framework. *Nordic Journal of Human Rights, 40*(2), 285–305. https://doi.org/10.1080/18918131.2022.2040863

Teitel, R. G. (2000). *Transitional justice*. Oxford University Press.

Teitel, R. G. (2003). Transitional justice genealogy. *Harvard Human Rights Journal, 16*, 69–94.

Truth and Reconciliation Commission, Nepal. (2026). *Four-year strategic plan 2026–2030 of the TRC*. Government of Nepal.

United Nations General Assembly. (1993, December 20). *Principles relating to the status of national institutions (The Paris Principles)* (A/RES/48/134). https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris

United Nations Security Council. (2004). *The rule of law and transitional justice in conflict and post-conflict societies: Report of the Secretary-General* (S/2004/616). United Nations. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2004/616

Waldorf, L. (2012). Anticipating the past: Transitional justice and socio-economic wrongs. *Social & Legal Studies, 21*(2), 171–186. https://doi.org/10.1177/0964663912439519