

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	The 16 Point Agreement
Date	8 Jun 2015
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Nepalese Insurgency (1996 - 2006)

Inspired by the Maoist insurgency in Peru in the early 1990s, the Communist Party of Nepal (Maoist) – CPN(M) – declared war on the Nepalese government in February 1996. A key demand was the transformation of Nepal from a monarchy into a ‘People’s Republic’. Following a pronounced Maoist military strategy, the CPN(M) focused their insurgency on the rural areas. They gained significantly in strength and it took heavy international military support to stabilize the Nepalese government in 2002. After public protests escalated in Kathmandu in 2004, the Nepalese King Gyanendra took authoritarian control over the government. In the cities, a strong popular movement for democracy emerged, forcing the government into fast progressing peace negotiations in 2006 that concluded with the signing of a Comprehensive Peace Accord on 21 November 2006.

Close
Nepalese Insurgency (1996 - 2006)

Stage	Implementation/renegotiation
Conflict nature	Government
Peace process	Nepal peace process
Parties	Sushil Koirala, Prime Minister and President, Nepali Congress KP Sharma Oli, Chairman, CPN-UML Pushpa Kamal Dahal, Chairman, UCPN (Maoist) Bijay Kumar Gachhadar, Chairman, Madhesi Janadhikar Forum-Loktantrik
Third parties	-
Description	A short agreement agreeing details of the parliament and electoral system, the forms of government, the federal division of the country, the judicial system, and local government elections.

Agreement document	NP_150608_16 Point Agreement.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration Page 1, 1. The Federal Democratic Republic of Nepal will have eight provinces based on five criteria of identity and four criteria of capability.

Page 1, 2. Two-thirds majority of provincial assemblies will name the provinces.

Page 1, 3. The Nepal government will form a federal commission to recommend on demarcation of federal provinces. The commission will have a tenure of six months. The Legislature-Parliament will take a final decision on the demarcation with a two-thirds majority after the recommendation of the commission.

Page 1, Forms of Government: 7. To run the state affairs, a federal democratic republic multiparty parliamentary system of governance will be adopted. The leader of the party having a clear majority or having support of other parties in Parliament will become the executive prime minister.

Page 1, Forms of Government: 8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President.

(The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation Page 1, 3. The Nepal government will form a federal commission to recommend on demarcation of federal provinces. The commission will have a tenure of six months. The Legislature-Parliament will take a final decision on the demarcation with a two-thirds majority after the recommendation of the commission.

Cross-border provision No specific mention.

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→New political institutions (indefinite)

Page 1, 2. Two-thirds majority of provincial assemblies will name the provinces.

Page 1, Parliament and Electoral System: 4. There will be a bicameral parliament comprising federal legislature parliament and the upper house. Provincial parliaments will be unicameral.

Page 1, Parliament and Electoral System: 5. Mixed electoral system will be adopted for parliamentary election. There will be 275 members in Parliament. There will be 165 constituencies based on geography and population. A total of 165 lower house members will be elected through first-past-the-post (FPTP) system. The rest—110—will be elected through the proportional representation system.

Page 1, Parliament and Electoral System: The upper house will have 45 members—40 of the members will be elected equally from each federal province. The remaining five will be nominated by President on the recommendation of the Council of Ministers.

Page 1, Forms of Government: 7. To run the state affairs, a federal democratic republic multiparty parliamentary system of governance will be adopted. The leader of the party having a clear majority or having support of other parties in Parliament will become the executive prime minister.

Page 1, Forms of Government: 8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President.

(The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)

Page 1, Forms of Government: 9. After the promulgation of the new constitution, the election of the President, Vice President, Prime Minister, Speaker and Deputy Speaker will be held by the transformed Legislature-Parliament as per the Interim Constitution-2007.

Page 2, Local Body Election: 16. The election of local bodies will be held as soon as possible to strengthen the representation and participation of the people.

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 1, 3. The Nepal government will form a federal commission to recommend on demarcation of federal provinces. The commission will have a tenure of six months. The Legislature-Parliament will take a final decision on the demarcation with a two-thirds majority after the recommendation of the commission.

Page 2, Forms of Government: 10. Until the next election of the House of Representatives, the transformed Legislature-Parliament will hold the election of the Prime Minister, vote of confidence, no confidence motion and Cabinet formation as per the Interim Constitution-2007. The impeachment of the President, Vice President, Prime Minister, Speaker, Deputy Speaker will be in accordance with the Interim Constitution-2007.

Elections	<p>Page 1, Parliament and Electoral System: 5. Mixed electoral system will be adopted for parliamentary election. There will be 275 members in Parliament. There will be 165 constituencies based on geography and population. A total of 165 lower house members will be elected through first-past-the-post (FPTP) system. The rest—110—will be elected through the proportional representation system.</p> <p>Page 2, Local Body Election: 16. The election of local bodies will be held as soon as possible to strengthen the representation and participation of the people.</p>
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	<p>Governance→Constitution→Constitutional reform/making</p> <p>Page 1, Forms of Government: 8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President.</p> <p>(The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)</p> <p>Page 2, Judicial System: 12. The Supreme Court will be the court of record. It will be authorised to make final interpretation of the constitution.</p> <p>Page 2, Judicial System: 13. A Constitutional Court will be formed in order to settle disputes on the jurisdictions between the provinces and the Centre, between provinces, between provinces and local bodies, and election-related disputes of the House of Representatives, National Assembly and provincial assemblies. The Constitutional Court shall have the final decision on these issues. The court will be chaired by the Chief Justice of the Supreme Court and will comprise two senior-most justices, and two legal experts who are qualified for the post of Supreme Court Justice. The tenure of the Constitutional Court will be 10 years from the promulgation of the new constitution.</p> <p>Page 2, Judicial System: 15. The constitution writing process will be taken forward based on the spirit of this fundamental agreement on federalism, forms of government, electoral system, and judicial system.</p>

Power sharing

Political power sharing No specific mention.

Territorial power sharing Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 1, 1. The Federal Democratic Republic of Nepal will have eight provinces based on five criteria of identity and four criteria of capability.

Page 1, 2. Two-thirds majority of provincial assemblies will name the provinces.

Page 1, Parliament and Electoral System: 4. There will be a bicameral parliament comprising federal legislature parliament and the upper house. Provincial parliaments will be unicameral.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts

Page 2, Judicial System: 11. An independent, impartial and efficient judicial system will be formed as per the concept of independent judiciary.

Page 2, Judicial System: 12. The Supreme Court will be the court of record. It will be authorised to make final interpretation of the constitution.

Page 2, Judicial System: 13. A Constitutional Court will be formed in order to settle disputes on the jurisdictions between the provinces and the Centre, between provinces, between provinces and local bodies, and election-related disputes of the House of Representatives, National Assembly and provincial assemblies. The Constitutional Court shall have the final decision on these issues. The court will be chaired by the Chief Justice of the Supreme Court and will comprise two senior-most justices, and two legal experts who are qualified for the post of Supreme Court Justice. The tenure of the Constitutional Court will be 10 years from the promulgation of the new constitution.

Page 2, Judicial System: 14. The provision on the formation of the Judicial Council will be as determined by the Interim Constitution-2007.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	Page 1, Forms of Government: 8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President. (The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.

Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
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Other international signatory	No specific mention.
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Referendum for agreement	No specific mention.
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International mission/force/similar	No specific mention.
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Enforcement mechanism	No specific mention.
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Related cases	No specific mention.
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Source	NP News Portal: http://www.npnewsportal.com/the-16-point-agreement-full-text/ (unofficial translation)
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