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|                                 |   |
|---------------------------------|---|
| Country/<br>entity              | Nepal   |
| Region                          | Asia and Pacific  |
| Agreement<br>name               | 23-Point Agreement between the Top Leaders of the Seven-Party Alliance  |
| Date                            | 23 Dec 2007   |
| Agreement<br>status             | Multiparty signed/agreed  |
| Interim<br>arrangement          | Yes   |
| Agreement/<br>conflict<br>level | Intrastate/intrastate conflict ( Nepalese Insurgency (1996 - 2006) )  |
| Stage                           | Framework/substantive - partial   |
| Conflict<br>nature              | Government  |
| Peace<br>process                | Nepal peace process   |
| Parties                         | Acting President of Nepali Congress, Mr Sushil Koirala<br>General Secretary of CPN (UML), Mr Madhav Nepal<br>Chairman of CPN (Maoist), Mr Prachanda<br>President of Janamorcha Nepal, Mr Amik Sherchan<br>President of Nepal Majdoor Kisaan Party, Mr Narayan Man Bijukchhe<br>Nepal Sadbhavana Party (Anandi Devi) General Secretary, Mr Shyam Sunder<br>Gupta<br>President of Samyukta Bammorcha, Mr C.P. Mainali |
| Third<br>parties                | -   |
| Description                     | An agreement between the seven party leaders which incorporates the CPN (Maoist) into the government and discusses a number of constitutional amendments as well as some governance, transitional justice and constituent assembly electoral issues.  |

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Agreement document [NP\\_071223\\_23PointAgreement.pdf](#)  | [Download PDF](#)

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## Groups

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

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## Gender

|                               |                      |
|-------------------------------|----------------------|
| Women,<br>girls and<br>gender | No specific mention. |
|-------------------------------|----------------------|

|              |   |
|--------------|---|
| Men and boys | No specific mention.  |
| LGBTI        | No specific mention.  |
| Family       | Page 2, 8: As per the Comprehensive Peace Accord, relief shall be provided to the families of those killed in the armed conflict by mid- February. With regard to the disappeared, relief shall be provided based on the report of the Investigation Commission. A preliminary report shall be submitted within a month from the commencement of the investigation by the Commission. |

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## State definition

|                           |  |
|---------------------------|--|
| Nature of state (general) | No specific mention.   |
| State configuration       | <p>Page 1, 1: The following amendments shall be made to Subtitles and Sub-article (1), (2), (3), (3a), (3b) of Article 159 of the Constitution:</p> <p>a) Nepal shall be a federal democratic republic.</p> <p>b) The republic shall be implemented at the first meeting of the Constituent Assembly. Should the King pose a threat to holding the Constituent Assembly election, a two-thirds majority of the Interim Legislature-Parliament can promulgate the republic by voting for the proposal. In such a case, the Council of Ministers shall take the decision for presenting the proposal and shall table the proposal before the Legislature-Parliament.</p> <p>c) The King shall not be vested with any right regarding governance of the country.</p> <p>d) The Prime Minister shall carry out tasks related to the governance of the country.</p> <p>e) Until the promulgation of a republic, the Prime Minister shall carry out all the duties of the head of state.</p> |
| 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 No specific mention.

Cross-border provision No specific mention.

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**Governance**

Political institutions (new or reformed)

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

Page 1, 1: The following amendments shall be made to Subtitles and Sub-article (1), (2), (3), (3a), (3b) of Article 159 of the Constitution:

...b) The republic shall be implemented at the first meeting of the Constituent Assembly. Should the King pose a threat to holding the Constituent Assembly election, a two-thirds majority of the Interim Legislature-Parliament can promulgate the republic by voting for the proposal. In such a case, the Council of Ministers shall take the decision for presenting the proposal and shall table the proposal before the Legislature-Parliament.

c) The King shall not be vested with any right regarding governance of the country.

d) The Prime Minister shall carry out tasks related to the governance of the country.

e) Until the promulgation of a republic, the Prime Minister shall carry out all the duties of the head of state.

Page 1, 2: The Article concerned of the Interim Constitution shall be amended to maintain the current 240 constituencies under the first-past-the-post electoral system, to maintain 335 members instead of 240 to be elected through the proportional electoral system and to maintain 26 members, instead of 17 nominated by the Council of Ministers based on consensus. If Adivasi/ Janajatis do not find their representation amongst the 26 nominated members through election, amendment shall be made for their inclusion.

Page 1, 3: Provision necessary for the appointment of a General Secretary to the Legislature-Parliament shall be included in the Constitution.

Page 1, 4: In view of the merger of Nepali Congress and Nepali Congress (Democratic) to form Nepali Congress, necessary amendment shall be made to the Constitution.

Page 1, 5: Amendment shall be made to the Constitution to make necessary provision for appointments to the Legislature-Parliament, substituting the members who have died, tendered resignations or who have been expelled.

Page 2, 7: Create mechanisms in local bodies on the basis of consensus. Decision regarding this shall be made by a coordination committee comprising top leaders.

Page 3, 16: Creating conditions for the maintenance of law and order situation in the country, easy and accessible supply of daily needs of the people, good governance, control of corruption, and holding Constituent Assembly election in a free and fair manner shall be the utmost priorities of the Interim Government.

Page 3, 17: None of the political parties and their affiliated organisations shall engage in activities that will disrupt or have an adverse effect on the forthcoming election. They shall refrain from the use of force, the use and display of arms/weapons, collection of tax by setting up toll gates, and forcible collection of money from tourists, teachers, employees, business community, traders or any other person; and shall immediately put an end to all acts of physical violence, abduction, forcible takeover of property, etc.

Elections Page 1, Untitled Preamble: A meeting of the top leaders of the seven parties was held today, December 23, 2007, at the Prime Minister's residence, Baluwatar. Although the parties had different views on the various topics that were discussed, the following decisions were reached between the top leaders of the seven parties by focusing on the central issue of national resolution to hold the elections by mid-April 2008.

Page 1, 1: The following amendments shall be made to Subtitles and Sub-article (1), (2), (3), (3a), (3b) of Article 159 of the Constitution:  
...b) The republic shall be implemented at the first meeting of the Constituent Assembly. Should the King pose a threat to holding the Constituent Assembly election, a two-thirds majority of the Interim Legislature-Parliament can promulgate the republic by voting for the proposal. In such a case, the Council of Ministers shall take the decision for presenting the proposal and shall table the proposal before the Legislature-Parliament.

Page 1, 2: The Article concerned of the Interim Constitution shall be amended to maintain the current 240 constituencies under the first-past-the-post electoral system, to maintain 335 members instead of 240 to be elected through the proportional electoral system and to maintain 26 members, instead of 17 nominated by the Council of Ministers based on consensus. If Adivasi/ Janajatis do not find their representation amongst the 26 nominated members through election, amendment shall be made for their inclusion.

Page 3, 16: Creating conditions for the maintenance of law and order situation in the country, easy and accessible supply of daily needs of the people, good governance, control of corruption, and holding Constituent Assembly election in a free and fair manner shall be the utmost priorities of the Interim Government.

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Page 3, 21: All seven parties shall hold public meetings in seven different places of the country to appeal to the people to participate in the election.

Page 3, 23: The first and foremost agenda for all of us is to hold the Constituent Assembly election. Through the meeting of the seven parties, we have already taken the decision to hold the election by mid-April (end of Chaitra). We heartily appeal to all political parties, civil society, all professionals and other compatriots to help conduct the election in a free, fair, and fear-free atmosphere.

Electoral  
commission      No specific mention.

Political  
parties  
reform            No specific mention.

Civil society    Page 3, 23: The first and foremost agenda for all of us is to hold the  
Constituent Assembly election. Through the meeting of the seven parties, we  
have already taken the decision to hold the election by mid-April (end of  
Chaitra). We heartily appeal to all political parties, civil society, all  
professionals and other compatriots to help conduct the election in a free,  
fair, and fear-free atmosphere.

Traditional/  
religious  
leaders            No specific mention.

Public  
administration    No specific mention.



Constitution Governance→Constitution→Constitutional reform/making

Page 1, 1: The following amendments shall be made to Subtitles and Sub-article (1), (2), (3), (3a), (3b) of Article 159 of the Constitution:

- a) Nepal shall be a federal democratic republic.
- b) The republic shall be implemented at the first meeting of the Constituent Assembly. Should the King pose a threat to holding the Constituent Assembly election, a two-thirds majority of the Interim Legislature-Parliament can promulgate the republic by voting for the proposal. In such a case, the Council of Ministers shall take the decision for presenting the proposal and shall table the proposal before the Legislature-Parliament.
- c) The King shall not be vested with any right regarding governance of the country.
- d) The Prime Minister shall carry out tasks related to the governance of the country.
- e) Until the promulgation of a republic, the Prime Minister shall carry out all the duties of the head of state.

Page 1, 2: The Article concerned of the Interim Constitution shall be amended to maintain the current 240 constituencies under the first-past-the-post electoral system, to maintain 335 members instead of 240 to be elected through the proportional electoral system and to maintain 26 members, instead of 17 nominated by the Council of Ministers based on consensus. If Adivasi/ Janajatis do not find their representation amongst the 26 nominated members through election, amendment shall be made for their inclusion.

Page 1, 3: Provision necessary for the appointment of a General Secretary to the Legislature-Parliament shall be included in the Constitution.

Page 1, 4: In view of the merger of Nepali Congress and Nepali Congress (Democratic) to form Nepali Congress, necessary amendment shall be made to the Constitution.

Page 1, 5: Amendment shall be made to the Constitution to make necessary provision for appointments to the Legislature-Parliament, substituting the members who have died, tendered resignations or who have been expelled.

Page 2, 13: The commissions that were provided for in Article 154 of the Interim Constitution but not yet formed shall be formed within a month.

Page 2, 15: For the formation of a new constitution incorporating the principles of federal republic state and multi-party democratic system, a coordination committee comprising the top leaders shall be formed to support and coordinate the Interim Governments' efforts to hold the Constituent Assembly election. The committee shall appoint its coordinator on rotational basis and shall be free to determine its work procedures.

## **Power sharing**

|                           |                      |
|---------------------------|----------------------|
| Political power sharing   | No specific mention. |
| Territorial power sharing | No specific mention. |
| Economic power sharing    | No specific mention. |
| Military power sharing    | No specific mention. |

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## **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. |

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## Rights related issues

|                         |  |
|-------------------------|--|
| Citizenship             | No specific mention.   |
| Democracy               | Page 1, 1: The following amendments shall be made to Subtitles and Sub-article (1), (2), (3), (3a), (3b) of Article 159 of the Constitution:<br>a) Nepal shall be a federal democratic republic. |
| 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.   |

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## Rights institutions

|   |   |
|---|---|
| NHRI  | Rights institutions→NHRI→Mentions of NHRI<br>Page 2, 10: Request shall be made to the National Human Rights Commission to monitor [the implementation of] points 8, 9 and 10 [of this agreement]. |
| Regional or international human rights institutions | No specific mention.  |

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## Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

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## Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development  
Page 3, 20: The Government of Nepal shall take initiative to raise international support to immediately meet its financial obligations, including reconstruction, re-provision, rehabilitation and resettlement of the victims of the conflict.

Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction  
Page 1-2, 6. The following commissions and committees shall be formed by the Government within a month, based on consensus:  
...c) State Reconstruction Commission

Page 3, 20: The Government of Nepal shall take initiative to raise international support to immediately meet its financial obligations, including reconstruction, re-provision, rehabilitation and resettlement of the victims of the conflict.

National economic plan No specific mention.

|                     |  |
|---------------------|--|
| Natural resources   | No specific mention.   |
| International funds | Page 3, 20: The Government of Nepal shall take initiative to raise international support to immediately meet its financial obligations, including reconstruction, re-provision, rehabilitation and resettlement of the victims of the conflict.  |
| Business            | Page 3, 17: None of the political parties and their affiliated organisations shall engage in activities that will disrupt or have an adverse effect on the forthcoming election. They shall refrain from the use of force, the use and display of arms/weapons, collection of tax by setting up toll gates, and forcible collection of money from tourists, teachers, employees, business community, traders or any other person; and shall immediately put an end to all acts of physical violence, abduction, forcible takeover of property, etc.  |
| Taxation            | Socio-economic reconstruction→Taxation→Reform of taxation<br>Page 3, 17: None of the political parties and their affiliated organisations shall engage in activities that will disrupt or have an adverse effect on the forthcoming election. They shall refrain from the use of force, the use and display of arms/weapons, collection of tax by setting up toll gates, and forcible collection of money from tourists, teachers, employees, business community, traders or any other person; and shall immediately put an end to all acts of physical violence, abduction, forcible takeover of property, etc. |
| Banks               | No specific mention.   |

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## Land, property and environment

|                                    |   |
|------------------------------------|---|
| Land reform/ rights                | <p>Land, property and environment→Land reform/rights→Land reform and management<br/>Page 1-2, 6. The following commissions and committees shall be formed by the Government within a month, based on consensus:<br/>...d) Study and Recommendation Commission for Scientific Land Reform</p> <p>Land, property and environment→Land reform/rights→Property return and restitution<br/>Page 2, 9: The private and public houses and land captured by the Maoists during the armed conflict shall be returned to the individuals and agencies concerned within one month. A district-level mechanism shall be set up under the chair of Chief District Officer to implement this agreement in the district. The displaced shall be rehabilitated in their own house/land with dignity.</p> <p>Land, property and environment→Land reform/rights→Other land rights<br/>Page 3, 17: None of the political parties and their affiliated organisations shall engage in activities that will disrupt or have an adverse effect on the forthcoming election. They shall refrain from the use of force, the use and display of arms/weapons, collection of tax by setting up toll gates, and forcible collection of money from tourists, teachers, employees, business community, traders or any other person; and shall immediately put an end to all acts of physical violence, abduction, forcible takeover of property, etc.</p> |
| Pastoralist/ nomadism rights       | No specific mention.  |
| Cultural heritage                  | No specific mention.  |
| Environment                        | No specific mention.  |
| Water or riparian rights or access | No specific mention.  |

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## Security sector

|                     |                      |
|---------------------|----------------------|
| Security Guarantees | No specific mention. |
|---------------------|----------------------|

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR Security sector→DDR→DDR programmes  
Page 2, 11: The amount remaining to be paid to the verified combatants of the Maoist Army as per the agreement shall be paid in installments by February 12 (Magh-end), and the allowances thereafter shall be provided on monthly basis. Arrangements shall be made for the immediate release of those disqualified in the verification after paying them the amount due as per the agreement.  
  
Page 2, 12: Regarding the integration of the verified combatants of the Maoist Army, the Special Committee formed by the Council of Ministers as per the Interim Constitution shall further the process after deliberations.

Intelligence services No specific mention.

|   |   |
|---|---|
| Parastatal/<br>rebel and<br>opposition<br>group<br>forces | <p>Page 2, 9: The private and public houses and land captured by the Maoists during the armed conflict shall be returned to the individuals and agencies concerned within one month. A district-level mechanism shall be set up under the chair of Chief District Officer to implement this agreement in the district. The displaced shall be rehabilitated in their own house/land with dignity.</p> <p>Page 2, 11: The amount remaining to be paid to the verified combatants of the Maoist Army as per the agreement shall be paid in installments by February 12 (Magh-end), and the allowances thereafter shall be provided on monthly basis. Arrangements shall be made for the immediate release of those disqualified in the verification after paying them the amount due as per the agreement.</p> <p>Page 2, 12: Regarding the integration of the verified combatants of the Maoist Army, the Special Committee formed by the Council of Ministers as per the Interim Constitution shall further the process after deliberations.</p> <p>Page 2, 14: The Maoist prisoners detained during the armed conflict under different charges, and currently in different jails in Nepal shall be released by January 14 and the charges filed against Maoist leaders and cadres withdrawn. Similarly, efforts shall be made at diplomatic level for the release of Nepalese Maoist prisoners detained during the armed conflict in foreign prisons. All cases filed in the past against political parties and politicians on political grounds shall be withdrawn.</p> <p>Page 3, 22: With the signing of this agreement, the Communist Party of Nepal (Maoist) shall join the government with immediate effect.</p> |
| Withdrawal<br>of foreign<br>forces                        | No specific mention.  |
| Corruption  | Page 3, 16: Creating conditions for the maintenance of law and order situation in the country, easy and accessible supply of daily needs of the people, good governance, control of corruption, and holding Constituent Assembly election in a free and fair manner shall be the utmost priorities of the Interim Government.   |
| Crime/<br>organised<br>crime                              | No specific mention.  |
| Drugs   | No specific mention.  |



Terrorism No specific mention.

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## Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper  
Page 2, 14: The Maoist prisoners detained during the armed conflict under different charges, and currently in different jails in Nepal shall be released by January 14 and the charges filed against Maoist leaders and cadres withdrawn. Similarly, efforts shall be made at diplomatic level for the release of Nepalese Maoist prisoners detained during the armed conflict in foreign prisons. All cases filed in the past against political parties and politicians on political grounds shall be withdrawn.

Courts No specific mention.

Mechanism Page 1-2, 6. The following commissions and committees shall be formed by the Government within a month, based on consensus:  
...b) Truth and Reconciliation Commission

Page 2, 14: The Maoist prisoners detained during the armed conflict under different charges, and currently in different jails in Nepal shall be released by January 14 and the charges filed against Maoist leaders and cadres withdrawn. Similarly, efforts shall be made at diplomatic level for the release of Nepalese Maoist prisoners detained during the armed conflict in foreign prisons. All cases filed in the past against political parties and politicians on political grounds shall be withdrawn.

Prisoner release Page 2, 14: The Maoist prisoners detained during the armed conflict under different charges, and currently in different jails in Nepal shall be released by January 14 and the charges filed against Maoist leaders and cadres withdrawn. Similarly, efforts shall be made at diplomatic level for the release of Nepalese Maoist prisoners detained during the armed conflict in foreign prisons. All cases filed in the past against political parties and politicians on political grounds shall be withdrawn.

Vetting No specific mention.

Victims Page 2, 8: As per the Comprehensive Peace Accord, relief shall be provided to the families of those killed in the armed conflict by mid- February. With regard to the disappeared, relief shall be provided based on the report of the Investigation Commission. A preliminary report shall be submitted within a month from the commencement of the investigation by the Commission.

Page 3, 20: The Government of Nepal shall take initiative to raise international support to immediately meet its financial obligations, including reconstruction, re-provision, rehabilitation and resettlement of the victims of the conflict.

Missing persons Page 1-2, 6. The following commissions and committees shall be formed by the Government within a month, based on consensus:  
a) Commission for the Investigation of the Disappeared  
...f) A High-Level Peace Commission shall be formed as per the Comprehensive Peace Accord. The Ministry of Peace shall work in coordination with this Commission.

Page 2, 8: As per the Comprehensive Peace Accord, relief shall be provided to the families of those killed in the armed conflict by mid- February. With regard to the disappeared, relief shall be provided based on the report of the Investigation Commission. A preliminary report shall be submitted within a month from the commencement of the investigation by the Commission.

Reparations No specific mention.

Reconciliation Page 1-2, 6. The following commissions and committees shall be formed by the Government within a month, based on consensus:  
...b) Truth and Reconciliation Commission

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## Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/  
force/similar No specific mention.

Enforcement mechanism Page 1-2, 6. The following commissions and committees shall be formed by the Government within a month, based on consensus:  
...e) High-Level Committee for Monitoring the Effective Implementation of the Comprehensive Peace Accord and other Agreements

Page 2, 10: Request shall be made to the National Human Rights Commission to monitor [the implementation of] points 8, 9 and 10 [of this agreement].

Related cases No specific mention.

Source Asian Study Center for Peace & Conflict Transformation (2011), From Conflict to Peace in Nepal: Peace Agreements 2005-2010.

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