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Country/

Nepal

Region

entity

Asia and Pacific

Agreement

Agreement between the Political parties to Amend the Constitution and to

name

Further the Peace Process

Date

25 Jun 2008

Agreement

status

Multiparty signed/agreed

Interim Yes arrangement

Agreement/ Intrastate/intrastate conflict ()

conflict level

Stage Framework/substantive - partial

Conflict

Government

nature

Peace

Nepal peace process

process

Parties

1) Mr Pushpa Kamal Dahal (Prachanda), Chairman, Communist Party of Nepal

(Maoist) Sd.

2) Mr Ram Chandra Poudel, Vice President, Nepali Congress Sd.

3) Mr Jhala Nath Khanal, General Secretary, Communist Party of Nepal (UML)

Sd.

4) Mr Chandra Prakash Mainali, Chairperson, Samyukta Bammorcha Sd.

5) Mr Amik Sherchan, Chairperson, Janamorcha Nepal Sd.

6) Narayan Man Bijukchhe, Chairperson, Nepal Majdoor Kisaan Party Sd.

7) Mr Shyam Sunder Gupta, General Secretary, Nepal Sadbhavana Party

(Anandi Devi) Sd.

Third parties

Description An agreement between the political parties in Nepal to amend the interim

> constitution and progress certain other issues related to the peace process. Issues covered include constitutional reform, DDR, property restoration, implementation of provisions from previous agreements, and reparations.

Agreement document

NP_080625_AmendConstitutionandFurtherPeaceProcess.pdf Download PDF

Groups

Children/ youth No specific mention.

Disabled persons

Groups→Disabled persons→Substantive Page 5, 6. Relief for Conflict Victims:

6.1 The persons displaced due to the conflict shall be rehabilitated with respect. The families of those who lost their lives in the course of the conflict shall be provided with relief while search operations shall be undertaken for the disappeared, and any remaining political prisoners shall be released. Compensation shall be provided in lieu of the property verified as damaged due to the conflict and relief shall be provided to those whose property, including lands and houses, were seized during the conflict. Provision shall be made for the treatment of those who were injured during the Jana Andolan or the conflict but are yet to receive appropriate treatment. 6.2 Appropriate compensation shall be provided to the families of those candidates and political activists who lost their lives in the course of the election, and medical treatment shall be provided to the injured. Relief shall be provided to those who lost their property in the course of the election due to acts of arson or looting. Investigations shall be conducted into the criminal incidents taking place during the election and the guilty shall be brought to book.

Elderly/age No specific mention.

Migrant workers

No specific mention.

Racial/ ethnic/ national group No specific mention.

Religious groups

No specific mention.

Indigenous

No specific mention.

people

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

Page 3, 6. Relief for Conflict Victims:

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State definition

Nature of state (general)

No specific mention.

State

Page 3, 5. Formation of Commissions: Implementing the provisions of the configuration understandings and agreements, including the Comprehensive Peace Accord, the commissions stipulated by Article 154 of the Constitution and yet to be formed, including the National Peace and Rehabilitation Commission, Truth and Reconciliation Commission, High-level Commission on Restructuring of the State, Commission on the Search for the Disappeared, Commission on Scientific Study and Recommendations on Land Reforms,

shall be formed within one month on the basis of political consensus.

Self No specific mention.

determination

Referendum No specific mention.

State

No specific mention.

symbols

Independence/ No specific mention. secession

Accession/

No specific mention.

unification

Border No specific mention.

delimitation

Cross-

No specific mention.

border provision

Governance

Political institutions

reformed)

Governance→Political institutions (new or reformed)→General references Page 3, 7. Miscellaneous:

(new or

7.1 The right of the political parties to conduct political activities in any part of the country without any hindrance shall be fully ensured. No structure of any form parallel to the government shall be allowed to operate.

7.2 The state machinery shall run impartially, with commitment to maintain security of life and property of the people and to maintain peace and order in society. An environment shall be created for enabling the State to discourage criminal activities that may be carried out by various criminal elements during the transitional period.

Elections

Page 3, 6. Relief for Conflict Victims:

...6.2 Appropriate compensation shall be provided to the families of those candidates and political activists who lost their lives in the course of the election, and medical treatment shall be provided to the injured. Relief shall be provided to those who lost their property in the course of the election due to acts of arson or looting. Investigations shall be conducted into the criminal incidents taking place during the election and the guilty shall be brought to book.

Electoral

No specific mention.

commission

Political Governance→Political parties reform→Other political parties reform

parties

Page 3, 7. Miscellaneous:

7.1 The right of the political parties to conduct political activities in any part reform

of the country without any hindrance shall be fully ensured. No structure of

any form parallel to the government shall be allowed to operate.

Civil society

Page 2, 3. Change in the Activities and Functioning of the YCL: The paramilitary style of functioning and activities of the CPN (Maoist)'s Young Communist League (YCL) shall be completely ended, and all public, government and private buildings and lands under its control shall be vacated and returned to the owners concerned within 15 days. The CPN (Maoist) has assured all political parties that YCL shall conduct itself in accordance with the laws of the land in future. A monitoring committee comprising representatives of political parties, human rights activists and local administration shall be established on the initiative of the local administration to monitor its implementation

Traditional/ religious leaders

No specific mention.

Public

Page 3, 7. Miscellaneous:

administration ...7.2 The state machinery shall run impartially, with commitment to maintain security of life and property of the people and to maintain peace and order in society. An environment shall be created for enabling the State to discourage criminal activities that may be carried out by various criminal elements during the transitional period.

> 7.3 The neutrality of the government media shall be ensured. The impartial operation of all state organs, including the judiciary, the constitutional bodies, the administration, the Army and the police, shall be ensured.

Constitution Governance→Constitution→Constitutional reform/making Page 1, 1. Amendment to the Constitution:

- 1.1. The election of the President, Vice-President, Prime Minister and the Chairpersons and Vice-Chairperson of the Constituent Assembly shall be done on the basis of consensus among the political parties. If, however, the parties fail to reach consensus, the election shall be done on the basis of a simple majority of the members of the Constituent Assembly. The Prime Minister shall obtain a vote of confidence on the basis of a simple majority. In order to make constitutional amendments on these issues and to those provisions that are repeated in the Interim Constitution 2006 regarding the working procedure of the Constituent Assembly, and Legislature-Parliament, an amendment bill shall be presented to a session of the Constituent Assembly.
- 1.2 Provision shall be made for inclusion of an opposition leader on the Constitutional Council.
- 1.3 Since there were differences between the Seven Political Parties about the inclusion of the leader of the main opposition party in the National Security Council when the government presented the bill to the Constituent Assembly, it is made clear that the Assembly shall take a decision on this issue. While the Communist Party of Nepal (Maoist), the Communist Party of Nepal (UML), and Janamorcha Nepal were of the opinion that it was unnecessary to include an opposition leader in the National Security Council, the Nepali Congress, Communist Party of Nepal (Marxist-Leninist) and Nepal Sadbhavana Party (Anandi Devi) were of the opinion that it was necessary. Nepal Majdoor Kisaan Party was of the opinion that all the political parties should have representation in the National Security Council.

 1.4 The Constitution shall be amended to make a provision for inclusion of
- 1.4 The Constitution shall be amended to make a provision for inclusion of representatives from the major political parties in the Constituent Assembly in the Special Committee under Article 146 of the Constitution.

Page 3, Page 3, 7. Miscellaneous:

...7.4 The path of consensus and cooperation shall be adopted in order to focus on Constitution-drafting and to promulgate the new Constitution in time.

Power sharing

Political

Power sharing→Political power sharing→Executive coalition

State level

power sharing

Page 1, 1. Amendment to the Constitution, 1.1: The election of the President, Vice-President, Prime Minister and the Chairpersons and Vice-Chairperson of the Constituent Assembly shall be done on the basis of consensus among the political parties. If, however, the parties fail to reach consensus, the election shall be done on the basis of a simple majority of the members of the Constituent Assembly. The Prime Minister shall obtain a vote of confidence on the basis of a simple majority. In order to make constitutional amendments on these issues and to those provisions that are repeated in the Interim Constitution 2006 regarding the working procedure of the Constituent Assembly, and Legislature-Parliament, an amendment bill shall be presented to a session of the Constituent Assembly.

Power sharing→Political power sharing→Proportionality in legislature State level

Page 1, 1. Amendment to the Constitution:

...1.4 The Constitution shall be amended to make a provision for inclusion of representatives from the major political parties in the Constituent Assembly in the Special Committee under Article 146 of the Constitution.

Territorial

power sharing No specific mention.

Economic

power sharing No specific mention.

Military power

sharing

No specific mention.

Human rights and equality

Human rights/RoL No specific mention.

general

No specific mention.

Bill of rights/

similar

Treaty No specific mention.

incorporation

Civil and

No specific mention.

political rights

Socio- No specific mention.

economic rights

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention

No specific mention.

procedures

Media and

Rights related issues→Media and communication→Media roles

communication Page 3, 7. Miscellaneous:

...7.3 The neutrality of the government media shall be ensured. The impartial operation of all state organs, including the judiciary, the constitutional bodies, the administration, the Army and the police, shall

be ensured.

Mobility/

Page 3, 7. Miscellaneous:

access

7.1 The right of the political parties to conduct political activities in any part of the country without any hindrance shall be fully ensured. No structure of

or the country without any initiatance shall be allowed to an exete

any form parallel to the government shall be allowed to operate.

Protection

No specific mention.

measures

Other No specific mention.

Rights institutions

No specific mention. NHRI

Regional or international No specific mention.

human rights

institutions

Justice sector reform

Criminal

justice and emergency

law

No specific mention.

State of

emergency provisions

No specific mention.

Judiciary

Page 3, 7. Miscellaneous:

and courts ...7.3 The neutrality of the government media shall be ensured. The impartial

> operation of all state organs, including the judiciary, the constitutional bodies, the administration, the Army and the police, shall be ensured.

detention

Prisons and No specific mention.

Traditional

No specific mention.

Laws

Socio-economic reconstruction

Development No specific mention.

or socioeconomic

reconstruction

National economic

plan

No specific mention.

Natural resources

No specific mention.

International No specific mention. funds

Business

Page 1, 4. Return of Seized Property: In the context of the conflict referred to in the first point of the agreement between the eight political parties signed on March 30, 2007 that 'The property, including private and public buildings, land, offices, factories and vehicles, that were under the control of the Maoists during the conflict are returned to the individuals and agencies concerned. The administration shall take legal action if anyone obstructs and hinders the use of [such] property, including houses, lands, factories and offices by the persons and institutions who own them,' the CPN (Maoist) shall announce it immediately and shall implement it within 15 days. A central-level monitoring committee, comprising representatives of political parties, shall be formed to monitor the implementation.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/ rights

Land, property and environment→Land reform/rights→Land reform and management

Page 3, 5. Formation of Commissions: Implementing the provisions of the understandings and agreements, including the Comprehensive Peace Accord, the commissions stipulated by Article 154 of the Constitution and yet to be formed, including the National Peace and Rehabilitation Commission, Truth and Reconciliation Commission, High-level Commission on Restructuring of the State, Commission on the Search for the Disappeared, Commission on Scientific Study and Recommendations on Land Reforms, shall be formed within one month on the basis of political consensus.

Land, property and environment→Land reform/rights→Property return and restitution

Page 2, 3. Change in the Activities and Functioning of the YCL: The paramilitary style of functioning and activities of the CPN (Maoist)'s Young Communist League (YCL) shall be completely ended, and all public, government and private buildings and lands under its control shall be vacated and returned to the owners concerned within 15 days. The CPN (Maoist) has assured all political parties that YCL shall conduct itself in accordance with the laws of the land in future. A monitoring committee comprising representatives of political parties, human rights activists and local administration shall be established on the initiative of the local administration to monitor its implementation

Page 1, 4. Return of Seized Property: In the context of the conflict referred to in the first point of the agreement between the eight political parties signed on March 30, 2007 that 'The property, including private and public buildings, land, offices, factories and vehicles, that were under the control of the Maoists during the conflict are returned to the individuals and agencies concerned. The administration shall take legal action if anyone obstructs and hinders the use of [such] property, including houses, lands, factories and offices by the persons and institutions who own them,' the CPN (Maoist) shall announce it immediately and shall implement it within 15 days. A central-level monitoring committee, comprising representatives of political parties, shall be formed to monitor the implementation.

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6.1 The persons displaced due to the conflict shall be rehabilitated with respect. The families of those who lost their lives in the course of the conflict shall be provided with relief while search operations shall be undertaken for the disappeared, and any remaining political prisoners shall be released. Compensation shall be provided in lieu of the property verified as damaged due to the conflict and relief shall be provided to those whose property, including lands and houses, were seized during the conflict. Provision shall be made for the treatment of those who were injured during the Jana Andolan or the conflict but are yet to receive appropriate treatment. 6.2 Appropriate compensation shall be provided to the families of those candidates and political activists who lost their lives in the course of the election, and medical treatment shall be provided to the injured. Relief shall be provided to those who lost their property in the course of the election due to acts of arson or looting. Investigations shall be conducted into the criminal incidents taking place during the election and the guilty shall be brought to book. Page 12 of 21

Land, property and environment→Land reform/rights→Other land rights

Pastoralist/

No specific mention.

nomadism rights

Cultural heritage No specific mention.

Environment No specific mention.

Water or

riparian rights or

access

No specific mention.

Security sector

Security Guarantees

Page 1, 1. Amendment to the Constitution:

...1.3 Since there were differences between the Seven Political Parties about the inclusion of the leader of the main opposition party in the National Security Council when the government presented the bill to the Constituent Assembly, it is made clear that the Assembly shall take a decision on this issue.

While the Communist Party of Nepal (Maoist), the Communist Party of Nepal (UML), and Janamorcha Nepal were of the opinion that it was unnecessary to include an opposition leader in the National Security Council, the Nepali Congress, Communist Party of Nepal (Marxist-Leninist) and Nepal Sadbhavana Party (Anandi Devi) were of the opinion that it was necessary. Nepal Majdoor Kisaan Party was of the opinion that all the political parties should have representation in the National Security Council.

Page 3, 7. Miscellaneous:

...7.2 The state machinery shall run impartially, with commitment to maintain security of life and property of the people and to maintain peace and order in society. An environment shall be created for enabling the State to discourage criminal activities that may be carried out by various criminal elements during the transitional period.

...7.5 The Government of Nepal shall make necessary security arrangements for the leaders of the political parties. There shall be no security mechanisms other than this provision.

Ceasefire

No specific mention.

Police Page 3, 7. Miscellaneous:

...7.3 The neutrality of the government media shall be ensured. The impartial operation of all state organs, including the judiciary, the constitutional bodies, the administration, the Army and the police, shall be ensured.

Armed Page 3, 7. Miscellaneous:

forces ...7.3 The neutrality of the government media shall be ensured. The impartial

operation of all state organs, including the judiciary, the constitutional bodies, the administration, the Army and the police, shall be ensured.

DDR Security sector→DDR→DDR programmes

Page 1, 1. Amendment to the Constitution:

...1.4 The Constitution shall be amended to make a provision for inclusion of representatives from the major political parties in the Constituent Assembly in the Special Committee under Article 146 of the Constitution.

Page 1-2, 2. Integration and Rehabilitation and Arms Management:
2.1 In accordance with the Comprehensive Peace Accord (CPA) and the
Agreement on Monitoring of the Management of Arms and Armies (AMMAA),
signed between the Government of Nepal and the CPN (Maoist) in the
presence of the United Nations representative, the integration and
rehabilitation of Maoist combatants living in temporary cantonments who
have been registered and verified by the United Nations and management of
their arms shall be carried out within maximum six months. For this, the
Special Committee mentioned in Article 146 of the Interim Constitution 2007
shall include representatives from the major political parties in the
Constituent Assembly. There may also be a Technical Committee comprising
experts under this committee. The Special Committee shall be formed within
15 days of the constitution of the Council of Ministers and it shall commence
its work. The country shall not bear any responsibility for verified combatants
who have not been integrated or rehabilitated after six months.

- 2.2 The Special Committee mentioned in Article 146 of the Interim Constitution shall perform the following tasks, in addition to those agreed upon by the Special Committee on the basis of the Comprehensive Peace Accord, and the Agreement on Monitoring of the Management of Arms and Armies (AMMAA) signed between the Government of Nepal and CPN (Maoist) in the presence of the United Nations:
- 2.2.1 Collection of information about the conditions of Maoist combatants who have been registered and verified in the cantonments.
- 2.2.2 Offering the verified combatants of the Maoist Army various rehabilitation packages, including an economic package.
- 2.2.3 With regard to the verified Maoist combatants who have opted for integration, [their] as per the provision in Point 4.1.3 of AMMAA, signed between the Government of Nepal and CPN (Maoist) in the presence of the United Nations, which mentions that only those duly registered at the temporary cantonments and deemed eligible for possible integration in the security bodies after fulfilling the standard requirements.
- 2.2.4 Until the integration and rehabilitation is complete, Maoist combatants and the weapons in or outside the cantonments to be under the supervision, control and direction of the Special Committee.
- 2.2.5 From the beginning of the integration and rehabilitation process of Maoist combatants, the combatants shall not be affiliated to any political organisation and those with both political and military responsibilities to have to opt for either of them.
- 2.3 A request shall be made [to the United Nations] to continue its current work of monitoring the management of arms and armies as per the Agreement on Monitoring of the Management of Arms and Armies (AMMAA), signed between the Government of Nepal and CPN (Maoist) in the presence of the representative of the United Nations for six more months.

Intelligence No specific mention. services

Parastatal/ rebel and opposition group forces Page 1, 1. Amendment to the Constitution:

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- Page 1-2, 2. Integration and Rehabilitation and Arms Management: 2.1 In accordance with the Comprehensive Peace Accord (CPA) and the Agreement on Monitoring of the Management of Arms and Armies (AMMAA), signed between the Government of Nepal and the CPN (Maoist) in the presence of the United Nations representative, the integration and rehabilitation of Maoist combatants living in temporary cantonments who have been registered and verified by the United Nations and management of their arms shall be carried out within maximum six months. For this, the Special Committee mentioned in Article 146 of the Interim Constitution 2007 shall include representatives from the major political parties in the Constituent Assembly. There may also be a Technical Committee comprising experts under this committee. The Special Committee shall be formed within 15 days of the constitution of the Council of Ministers and it shall commence its work. The country shall not bear any responsibility for verified combatants who have not been integrated or rehabilitated after six months.
- 2.2 The Special Committee mentioned in Article 146 of the Interim Constitution shall perform the following tasks, in addition to those agreed upon by the Special Committee on the basis of the Comprehensive Peace Accord, and the Agreement on Monitoring of the Management of Arms and Armies (AMMAA) signed between the Government of Nepal and CPN (Maoist) in the presence of the United Nations:
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- 2.2.4 Until the integration and rehabilitation is complete, Maoist combatants and the weapons in or outside the cantonments to be under the supervision, control and direction of the Special Committee.
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- Page 2, 3. Change in the Activities and Functioning of the YCL: The paramilitary style of functioning and activities of the CPN (Maoist)'s Young Communist League (YCL) shall be completely ended, and all public, government and private suitches and lands under its control shall be vacated and returned to the owners concerned within 15 days. The CPN

Withdrawal No specific mention.

of foreign forces

Corruption

No specific mention.

Crime/

Page 3, 7. Miscellaneous:

organised crime

...7.2 The state machinery shall run impartially, with commitment to maintain security of life and property of the people and to maintain peace and order in society. An environment shall be created for enabling the State to discourage criminal activities that may be carried out by various criminal elements

during the transitional period.

Drugs

No specific mention.

Terrorism

No specific mention.

Transitional justice

Transitional No specific mention.

justice general

Amnesty/ pardon

No specific mention.

Courts

No specific mention.

Mechanism

Page 3, 5. Formation of Commissions: Implementing the provisions of the understandings and agreements, including the Comprehensive Peace Accord, the commissions stipulated by Article 154 of the Constitution and yet to be formed, including the National Peace and Rehabilitation Commission, Truth and Reconciliation Commission, High-level Commission on Restructuring of the State, Commission on the Search for the Disappeared, Commission on Scientific Study and Recommendations on Land Reforms, shall be formed within one month on the basis of political consensus.

Prisoner release

Page 3, 6. Relief for Conflict Victims:

6.1 The persons displaced due to the conflict shall be rehabilitated with respect. The families of those who lost their lives in the course of the conflict shall be provided with relief while search operations shall be undertaken for the disappeared, and any remaining political prisoners shall be released. Compensation shall be provided in lieu of the property verified as damaged due to the conflict and relief shall be provided to those whose property, including lands and houses, were seized during the conflict. Provision shall be made for the treatment of those who were injured during the Jana Andolan or the conflict but are yet to receive appropriate treatment.

Vetting

No specific mention.

Victims

Page 3, 6. Relief for Conflict Victims:

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Missing persons Page 3, 5. Formation of Commissions: Implementing the provisions of the understandings and agreements, including the Comprehensive Peace Accord, the commissions stipulated by Article 154 of the Constitution and yet to be formed, including the National Peace and Rehabilitation Commission, Truth and Reconciliation Commission, High-level Commission on Restructuring of the State, Commission on the Search for the Disappeared, Commission on Scientific Study and Recommendations on Land Reforms, shall be formed within one month on the basis of political consensus.

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Reparations

Transitional justice→Reparations→Material reparations Page 3, 6. Relief for Conflict Victims:

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Reconciliation Page 3, 5. Formation of Commissions: Implementing the provisions of the understandings and agreements, including the Comprehensive Peace Accord, the commissions stipulated by Article 154 of the Constitution and yet to be formed, including the National Peace and Rehabilitation Commission, Truth and Reconciliation Commission, High-level Commission on Restructuring of the State, Commission on the Search for the Disappeared, Commission on Scientific Study and Recommendations on Land Reforms, shall be formed within one month on the basis of political consensus.

Implementation

UN

No specific mention.

signatory

Other

No specific mention.

international signatory

Referendum No specific mention.

for

agreement

International Page 1-2, 2. Integration and Rehabilitation and Arms Management:

mission/

...2.3 A request shall be made [to the United Nations] to continue its current

force/similar work of monitoring the management of arms and armies as per the

Agreement on Monitoring of the Management of Arms and Armies (AMMAA), signed between the Government of Nepal and CPN (Maoist) in the presence

of the representative of the United Nations for six more months.

Enforcement No specific mention.

mechanism

Related

No specific mention.

cases

Source

Asian Study Center for Peace & Conflict Transformation (2011), From Conflict

to Peace in Nepal: Peace Agreements 2005-2010.