

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Proclamation of the House of Representatives
Date	18 May 2006
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	Pre-negotiation/process
Conflict nature	Government
Peace process	Nepal peace process
Parties	Unsigned Proclamation from Nepal's House of Representatives
Third parties	-
Description	A proclamation from Nepal's House of Representatives outlining the governance arrangements for Nepal going forward.

Agreement document	NP_060518_ProclamationoftheHouseofRepresentatives.pdf (opens in new tab) Download PDF
---------------------------	---

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)

Page 1, Untitled Preamble:...Bearing in mind the fact that the source of state power of the independent and sovereign Nepal lies in the people and the keen aspiration expressed by the Nepalese people through the peaceful People's Movement to establish that people are the sole source of sovereignty and state power,
...Realising the critical responsibility of the sovereign Nepalese people in strengthening the country's national integrity, indivisibility and national unity,

Page 3, 8: Nepal shall be a secular state.

State configuration

Page 1, Untitled Preamble:...Pledging to fulfill the mandate given by the Nepalese people through the People's Movement to establish inclusive governance and sustainable peace, along with democracy, and restructuring of state, by framing a constitution through a Constituent Assembly pursuant to the roadmap of the Seven Political Parties and the 12-Point Understanding between the Seven Political Parties and the CPN (Maoist),
...In the Proclamation of the King on April 24, 2006 which reinstated the House of Representative by affirming that 'the source of State power of the Kingdom of Nepal is Nepalese people, and that sovereign state power of Nepal is inherent in the people of Nepal' and being "cognizant of the spirit of the ongoing People's Movement, and to resolve the ongoing violent conflict and other problems being faced by the country, according to the road map of the agitating Seven Party Alliance', the House of Representatives established through the force of People's Movement is acknowledged as being invested with sovereignty,
In order to take the responsibility to move towards abolition of the autocratic monarchy and towards establishment of full-fledged democracy by safeguarding the achievements of the 1990 People's Movement and institutionalizing the achievements of the present People's Movement, this House of Representatives hereby proclaims itself sovereign for exercising all rights until other constitutional arrangements are introduced, and since the state power will be exercised through this very House of Representatives, further proclaims:

Self determination No specific mention.

Referendum No specific mention.

State symbols Page 3, 7: The existing 'national anthem' shall be replaced by making alternative arrangements.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

**Political
institutions (new or
reformed)**

Governance→Political institutions (new or reformed)→General references

Page 1, Untitled Preamble:...Pledging to fulfill the mandate given by the Nepalese people through the People's Movement to establish inclusive governance and sustainable peace, along with democracy, and restructuring of state, by framing a constitution through a Constituent Assembly pursuant to the roadmap of the Seven Political Parties and the 12-Point Understanding between the Seven Political Parties and the CPN (Maoist), ...In the Proclamation of the King on April 24, 2006 which reinstated the House of Representative by affirming that 'the source of State power of the Kingdom of Nepal is Nepalese people, and that sovereign state power of Nepal is inherent in the people of Nepal' and being "cognizant of the spirit of the ongoing People's Movement, and to resolve the ongoing violent conflict and other problems being faced by the country, according to the road map of the agitating Seven Party Alliance', the House of Representatives established through the force of People's Movement is acknowledged as being invested with sovereignty,

In order to take the responsibility to move towards abolition of the autocratic monarchy and towards establishment of full-fledged democracy by safeguarding the achievements of the 1990 People's Movement and institutionalizing the achievements of the present People's Movement, this House of Representatives hereby proclaims itself sovereign for exercising all rights until other constitutional arrangements are introduced, and since the state power will be exercised through this very House of Representatives, further proclaims:

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

Page 1, 1. Concerning Legislature:

1.1 All authority regarding the legislature of Nepal shall be exercised by the House of Representatives. The law-making procedure shall be as specified by the House of Representatives.

1.2 The House of Representatives shall, as and when required, determine the procedure for establishment of the Constituent Assembly.

1.3 The summoning and prorogation of the sessions of the House of Representatives shall be as follows:

(a) The session shall be summoned by the Prime Minister and be prorogued by the Speaker on the recommendation of the Prime Minister.

(b) If, during the prorogation or recess of the House of Representatives, one-fourth of its members existing at the time, make a submission to the Speaker that it is expedient to convene a session or meeting of the House of Representatives, the Speaker shall fix the date and time for such session or meeting within fifteen days.

1.4 The House of Representatives shall frame and enforce Regulations of the House of Representatives.

Page 2, 2. Concerning Executive:

2.1 All the executive powers of the state of Nepal shall be vested in the Council of Ministers. 'His Majesty's Government' shall be hereinafter referred to as the 'Government of Nepal'.

2.2 Persons who are not members of the House of Representatives may also be nominated to the Council of Ministers.

2.3 The Council of Ministers shall be accountable to the House of Representatives. The Council of Ministers and the ministers shall collectively and, for the acts of their Ministries, individually be accountable to the House of Representatives. All the executive organs, including the administration, army and the police shall be under the government, which shall be accountable to the House of Representatives.

2.4 The regulations related to the allocation and transaction of business of the Government shall be adopted by the Council of Ministers and presented to the House of Representatives.

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	<p>Page 2, 2. Concerning Executive: ...2.3 The Council of Ministers shall be accountable to the House of Representatives. The Council of Ministers and the ministers shall collectively and, for the acts of their Ministries, individually be accountable to the House of Representatives. All the executive organs, including the administration, army and the police shall be under the government, which shall be accountable to the House of Representatives.</p> <p>Page 3, 5. Concerning Royal Palace, 5.5: Existing Royal Palace Service shall be subsumed in the civil service.</p>
Constitution	<p>Governance→Constitution→Constitutional reform/making</p> <p>Page 1, Untitled Preamble:...Pledging to fulfill the mandate given by the Nepalese people through the People's Movement to establish inclusive governance and sustainable peace, along with democracy, and restructuring of state, by framing a constitution through a Constituent Assembly pursuant to the roadmap of the Seven Political Parties and the 12-Point Understanding between the Seven Political Parties and the CPN (Maoist),</p> <p>Page 1, 1. Concerning Legislature, 1.2: The House of Representatives shall, as and when required, determine the procedure for establishment of the Constituent Assembly.</p> <p>Page 3, 9. Miscellaneous: ...(c) The legal provisions in the Constitution of the Kingdom of Nepal 1990 and other prevalent laws shall become void to the extent of contradiction with this proclamation.</p>

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.

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 Rights related issues→Citizenship→Citizen, general
Page 3, 6: The existing problems regarding citizenship in the country shall be promptly resolved.

Democracy Page 1, Untitled Preamble:...Pledging to fulfill the mandate given by the Nepalese people through the People's Movement to establish inclusive governance and sustainable peace, along with democracy, and restructuring of state, by framing a constitution through a Constituent Assembly pursuant to the roadmap of the Seven Political Parties and the 12-Point Understanding between the Seven Political Parties and the CPN (Maoist), ...In order to take the responsibility to move towards abolition of the autocratic monarchy and towards establishment of full-fledged democracy by safeguarding the achievements of the 1990 People's Movement and institutionalizing the achievements of the present People's Movement, this House of Representatives hereby proclaims itself sovereign for exercising all rights until other constitutional arrangements are introduced, and since the state power will be exercised through this very House of Representatives, further proclaims:

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	No specific mention.
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 Socio-economic reconstruction→Taxation→Reform of taxation
Page 3, 5. Concerning Royal Palace:, 5.3: The private property and income of His Majesty the King shall be liable to taxes as per the law.

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** Page 3, 5. Concerning Royal Palace, 5.6: The security arrangements for the Royal Palace shall be as decided by the Council of Ministers.

Ceasefire No specific mention.

Police Page 2, 2. Concerning Executive:
...2.3 The Council of Ministers shall be accountable to the House of Representatives. The Council of Ministers and the ministers shall collectively and, for the acts of their Ministries, individually be accountable to the House of Representatives. All the executive organs, including the administration, army and the police shall be under the government, which shall be accountable to the House of Representatives.

Armed forces Page 2, 2. Concerning Executive:
...2.3 The Council of Ministers shall be accountable to the House of Representatives. The Council of Ministers and the ministers shall collectively and, for the acts of their Ministries, individually be accountable to the House of Representatives. All the executive organs, including the administration, army and the police shall be under the government, which shall be accountable to the House of Representatives.

Page 2, 3. Concerning Army:

3.1 The name 'Royal Nepal Army' shall be changed to 'Nepal Army'.

3.2 The existing provision regarding the National Security Council is hereby repealed. There shall be a National Security Council under the chairpersonship of the Prime Minister in order to control, deploy and mobilise Nepal Army.

3.3 Chief of the Army Staff of Nepal Army shall be appointed by the Council of Ministers.

3.4 The existing provision of Supreme Commander of Army is repealed.

3.5 The decision of the Council of Ministers in respect of mobilizing Nepal Army shall be tabled to and endorsed by the special committee assigned by the House of Representatives within 30 days.

3.6 The organisation of Nepal Army shall be inclusive and national in character.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces No specific mention.

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 Page 3, 5. Concerning Royal Palace, 5.4: Questions over the acts performed by His Majesty may be raised in the House of Representatives and in the court.

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.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.

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