

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Agreement between the Political parties to Amend the Constitution and to Further the Peace Process
Date	25 Jun 2008
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict
Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Nepal peace 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 \(opens in new tab\)](#) | [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 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 Page 3, 6. Relief for Conflict Victims:
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State definition

Nature of state (general) No specific mention.

State configuration 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.

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.

Governance

Political institutions (new or reformed)	<p>Governance→Political institutions (new or reformed)→General references</p> <p>Page 3, 7. Miscellaneous:</p> <p>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.</p> <p>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.</p>
Elections	<p>Page 3, 6. Relief for Conflict Victims:</p> <p>...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.</p>
Electoral commission	<p>No specific mention.</p>
Political parties reform	<p>Governance→Political parties reform→Other political parties reform</p> <p>Page 3, 7. Miscellaneous:</p> <p>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.</p>
Civil society	<p>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</p>
Traditional/religious leaders	<p>No specific mention.</p>

**Public
administration**

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.

7.3 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 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

Power sharing→Political power sharing→Executive coalition
State level

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:

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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	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	Rights related issues→Media and communication→Media roles 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/access	Page 3, 7. Miscellaneous: 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.
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 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.

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 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

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

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.

**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 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 forces Page 3, 7. Miscellaneous:
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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 services

No specific mention.

**Parastatal/rebel
and opposition
group forces**

Page 1, 1. Amendment to the Constitution:

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Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	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.
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	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 signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/ similar Page 1-2, 2. Integration and Rehabilitation and Arms Management:
...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.

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.

