

# 27 | Agreement between the Political Parties to Amend the Constitution and to Further the Peace Process

In order to move ahead by collaborating with each other, embracing all understandings, agreements and decisions made in the past, including the Comprehensive Peace Accord, framing a new Constitution within the timeframe stipulated by the Constituent Assembly, and consolidating the federal democratic republic, an agreement has been reached on the following:

## 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.

## **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.

### **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.

### **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.

### **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.

## **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.

## **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.
- 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.
- 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.
- 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.

- 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.