

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Local Peace Council and its Procedure-2006
Date	1 Sep 2006
Agreement status	Unilateral document
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	Framework/substantive - partial
Conflict nature	Government
Peace process	Nepal peace process
Parties	Unsigned. Presumed to be agreed between the Government of Nepal and the CPN (Maoists)
Third parties	-
Description	This agreement establishes Local Peace Councils in Nepal. The agreement covers the format, functions, powers, procedures, and management of the Local Peace Councils. It also defines the status of Local Peace Councils in relation to other government bodies.

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Groups

Children/youth	No specific mention.
Disabled persons	<p>Groups→Disabled persons→Substantive Page 1, 3, Formation of the Council 3.3 The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.</p>
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	<p>Groups→Racial/ethnic/national group→Substantive Page 1, 3, Formation of the Council, 3.3: The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.</p>
Religious groups	No specific mention.
Indigenous people	<p>Groups→Indigenous people→Substantive Page 1, 3, Formation of the Council, 3.3: The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.</p>
Other groups	No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Rhetorical
Page 2, 2, Objective, 2.3: To encourage to provide relief to the displaced persons by conflict; to return their properties; to rehabilitate them; and to make the devastated infrastructures reconstructed by reinstating a sustainable peace in participation of all sides.

Page 2, 4, Functions, Duties and Powers of the Council, 4.7: To take necessary initiatives to rehabilitate the victims of the conflict and the displaced persons by the conflict to their own places and to return their seized properties.

Social class Groups→Social class→Substantive
Page 2, 3, Formation of the Council, 3.3: The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.

Gender

Women, girls and gender Page 1, 3, Formation of the Council, 3.3: The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) Page 1, Untitled Preamble: Whereas, the epoch-making peoples' movement 2006 and the Proclamation of the House of Representatives adopted on May 18, 2006 have reinstated the fact that the source of the entire state is the Nepali people and the sovereignty and state powers of Nepal is inherent only in Nepali people;

State configuration No specific mention.

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)→New political institutions (indefinite)</p> <p>Page 1, Untitled Preamble: ...Whereas, it is necessary to create a full democratic environment at the local level through the participation of all sides, the following "Local Peace Council and its Procedure-2006" has been brought into effect.</p> <p>Page 1, 1, Name, Definition and Commencement:</p> <p>1.1 "Local Peace Council" means the peace councils formed at district level, and includes also the peace councils formed at the local levels as per the need to uphold peace.</p> <p>1.2 These procedures are referred as "Local Peace Council and its Procedure-2006".</p> <p>1.3 The Local Peace Council shall be referred as "Council" in short.</p> <p>1.4 These Procedures shall come into effect, at once.</p> <p>Page 1, 3. Formation of the Council</p> <p>3.1 A district level Peace Council shall be formed in districts.</p> <p>3.2 The Council shall be formed at the initiatives of the district level all-party mechanism.</p> <p>3.3 The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.</p> <p>3.4 The local administration shall provide the necessary support in the work and activities of the council.</p> <p>3.5 The Council shall consist 15 to 21 members, including a Coordinator.</p> <p>3.6 The Council members shall select one coordinator from among themselves.</p> <p>3.7 Parties may send another representative in case the designated representative is unable to be present.</p>
Elections	<p>Page 2, 4, Functions, Duties and Powers of the Council, 4.3: To provide the necessary support to get a success in the work of peace negotiations, election for constituent assembly and reconstruction.</p>
Electoral commission	<p>No specific mention.</p>
Political parties reform	<p>No specific mention.</p>
Civil society	<p>Page 1, 3, Formation of the Council, 3.3: The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.</p>

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

**Political power
sharing** Power sharing→Political power sharing→General
Sub-state level
Page 1, 3, Formation of the Council:
3.1 A district level Peace Council shall be formed in districts.
3.2 The Council shall be formed at the initiatives of the district level all-party mechanism.
3.3 The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.
3.4 The local administration shall provide the necessary support in the work and activities of the council.
3.5 The Council shall consist 15 to 21 members, including a Coordinator.
3.6 The Council members shall select one coordinator from among themselves.
3.7 Parties may send another representative in case the designated representative is unable to be present.

**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** Page 2, 4, Functions, Duties and Powers of the Council, 4.6: To assist in creating an environment that allows unrestricted enjoyment of human rights and fundamental rights.

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 Page 1, Untitled Preamble: ...Whereas, it is necessary to create a full democratic environment at the local level through the participation of all sides, the following "Local Peace Council and its Procedure-2006" has been brought into effect.

page 1, 2, Objective, 2.5, To build up the public opinion to constitute a peaceful democratic political environment.

page 2, 4, Functions, Duties and Powers of the Council, 4.5: To launch publicity campaign to create public opinion in favor of peace and democracy.

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 Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction
Page 1, 2, Objective, 2.3: To encourage to provide relief to the displaced persons by conflict; to return their properties; to rehabilitate them; and to make the devastated infrastructures reconstructed by reinstating a sustainable peace in participation of all sides.

Page 41, 4, Functions, Duties and Powers of the Council, 4.3, To provide the necessary support to get a success in the work of peace negotiations, election for constituent assembly and reconstruction.

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 3, 14, Miscellaneous: The Secretariat may, to enhance the working capacity and effectiveness of council, if necessary, launch the capacity building programs of the council in the support of the donor agencies, also.

Business No specific mention.

Taxation No specific mention.

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** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

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 No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims Page 1, 2, Objective, 2.2: To reinstate a sustainable peace by ensuring mutual understanding and reconciliation among the victims of the conflict.

Page 1, 3, Formation of the Council, 3.3: The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.

Page 2, 4, Functions, Duties and Powers of the Council, 4.7: To take necessary initiatives to rehabilitate the victims of the conflict and the displaced persons by the conflict to their own places and to return their seized properties.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation Page 1, 2, Objective, 2.2: To reinstate a sustainable peace by ensuring mutual understanding and reconciliation among the victims of the conflict.

Page 2, 4, Functions, Duties and Powers of the Council, 4.1: To develop culture of peace by creating an environment of understanding and reconciliation in society.

Page 2, 4, Functions, Duties and Powers of the Council, 4.2: To settle the disputes including the political, social and cultural disputes raised at the local level through the policy of peaceful coexistence and reconciliation.

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 3, 10, Relation with the Peace Committee:
The Peace Committee may issue directions to the Council on the matters that are considered to be necessary. The Council shall implement such directions of the Committee.

Page 42, 11, Relation with the National Monitoring Committee on Code of Conduct for Ceasefire:

11.1 The Council and the National Monitoring Committee on Code of Conduct for Ceasefire shall assist each other in their respective works. The Council, in this process, shall work coordinating with the Committee.

11.2 The Council and the National Monitoring Committee shall assist each other by exchanging the necessary information.

Page 42, 12, Autonomy of the Council:

12.1 The Council shall be free to perform its business within its terms of reference.

12.2 The Peace Secretariat shall work as its liaison agency.

Page 43, 13, Dissolution:

The Government of Nepal may in the recommendation of the Peace Committee, dissolve any council.

Page 43, 14, Miscellaneous:

The Secretariat may, to enhance the working capacity and effectiveness of council, if necessary, launch the capacity building programs of the council in the support of the donor agencies, also.