

<b>Country/entity</b>	Nepal
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	The 16 Point Agreement
<b>Date</b>	8 Jun 2015
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	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)

<b>Stage</b>	Implementation/renegotiation
<b>Conflict nature</b>	Government
<b>Peace process</b>	Nepal peace process

<b>Parties</b>	Sushil Koirala, Prime Minister and President, Nepali Congress KP Sharma Oli, Chairman, CPN-UML Pushpa Kamal Dahal, Chairman, UCPN (Maoist) Bijay Kumar Gachhadar, Chairman, Madhesi Janadhikar Forum-Loktantrik
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<b>Third parties</b>	-
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<b>Description</b>	A short agreement agreeing details of the parliament and electoral system, the forms of government, the federal division of the country, the judicial system, and local government elections.
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<b>Agreement document</b>	<a href="#">NP_150608_16 Point Agreement.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
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## Groups

<b>Children/youth</b>	No specific mention.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/ national group</b>	No specific mention.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	No specific mention.
<b>Social class</b>	No specific mention.

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## Gender

<b>Women, girls and gender</b>	No specific mention.
<b>Men and boys</b>	No specific mention.
<b>LGBTI</b>	No specific mention.
<b>Family</b>	No specific mention.

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## **State definition**

**Nature of state (general)** No specific mention.

**State configuration** Page 1, 1. The Federal Democratic Republic of Nepal will have eight provinces based on five criteria of identity and four criteria of capability.

Page 1, 2. Two-thirds majority of provincial assemblies will name the provinces.

Page 1, 3. The Nepal government will form a federal commission to recommend on demarcation of federal provinces. The commission will have a tenure of six months. The Legislature-Parliament will take a final decision on the demarcation with a two-thirds majority after the recommendation of the commission.

Page 1, Forms of Government: 7. To run the state affairs, a federal democratic republic multiparty parliamentary system of governance will be adopted. The leader of the party having a clear majority or having support of other parties in Parliament will become the executive prime minister.

Page 1, Forms of Government: 8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President.

(The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)

**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** Page 1, 3. The Nepal government will form a federal commission to recommend on demarcation of federal provinces. The commission will have a tenure of six months. The Legislature-Parliament will take a final decision on the demarcation with a two-thirds majority after the recommendation of the commission.

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



**Political  
institutions (new or  
reformed)**

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

Page 1, 2. Two-thirds majority of provincial assemblies will name the provinces.

Page 1, Parliament and Electoral System: 4. There will be a bicameral parliament comprising federal legislature parliament and the upper house. Provincial parliaments will be unicameral.

Page 1, Parliament and Electoral System: 5. Mixed electoral system will be adopted for parliamentary election. There will be 275 members in Parliament. There will be 165 constituencies based on geography and population. A total of 165 lower house members will be elected through first-past-the-post (FPTP) system. The rest—110—will be elected through the proportional representation system.

Page 1, Parliament and Electoral System: The upper house will have 45 members—40 of the members will be elected equally from each federal province. The remaining five will be nominated by President on the recommendation of the Council of Ministers.

Page 1, Forms of Government: 7. To run the state affairs, a federal democratic republic multiparty parliamentary system of governance will be adopted. The leader of the party having a clear majority or having support of other parties in Parliament will become the executive prime minister.

Page 1, Forms of Government: 8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President.

(The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)

Page 1, Forms of Government: 9. After the promulgation of the new constitution, the election of the President, Vice President, Prime Minister, Speaker and Deputy Speaker will be held by the transformed Legislature-Parliament as per the Interim Constitution-2007.

Page 2, Local Body Election: 16. The election of local bodies will be held as soon as possible to strengthen the representation and participation of the people.

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 1, 3. The Nepal government will form a federal commission to recommend on demarcation of federal provinces. The commission will have a tenure of six months. The Legislature-Parliament will take a final decision on the demarcation with a two-thirds majority after the recommendation of the commission.

Page 2, Forms of Government: 10. Until the next election of the House of Representatives, the transformed Legislature-Parliament will hold the election of the Prime Minister, vote of confidence, no confidence motion and Cabinet formation as per the Interim Constitution-2007. The impeachment of the President, Vice President, Prime Minister, Speaker, Deputy Speaker will be in accordance with the Interim Constitution-2007.

<b>Elections</b>	<p>Page 1, Parliament and Electoral System: 5. Mixed electoral system will be adopted for parliamentary election. There will be 275 members in Parliament. There will be 165 constituencies based on geography and population. A total of 165 lower house members will be elected through first-past-the-post (FPTP) system. The rest—110—will be elected through the proportional representation system.</p> <p>Page 2, Local Body Election: 16. The election of local bodies will be held as soon as possible to strengthen the representation and participation of the people.</p>
<b>Electoral commission</b>	No specific mention.
<b>Political parties reform</b>	No specific mention.
<b>Civil society</b>	No specific mention.
<b>Traditional/religious leaders</b>	No specific mention.
<b>Public administration</b>	No specific mention.
<b>Constitution</b>	<p>Governance→Constitution→Constitutional reform/making</p> <p>Page 1, Forms of Government: 8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President.</p> <p>(The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)</p> <p>Page 2, Judicial System: 12. The Supreme Court will be the court of record. It will be authorised to make final interpretation of the constitution.</p> <p>Page 2, Judicial System: 13. A Constitutional Court will be formed in order to settle disputes on the jurisdictions between the provinces and the Centre, between provinces, between provinces and local bodies, and election-related disputes of the House of Representatives, National Assembly and provincial assemblies. The Constitutional Court shall have the final decision on these issues. The court will be chaired by the Chief Justice of the Supreme Court and will comprise two senior-most justices, and two legal experts who are qualified for the post of Supreme Court Justice. The tenure of the Constitutional Court will be 10 years from the promulgation of the new constitution.</p> <p>Page 2, Judicial System: 15. The constitution writing process will be taken forward based on the spirit of this fundamental agreement on federalism, forms of government, electoral system, and judicial system.</p>

## **Power sharing**

**Political power sharing** No specific mention.

**Territorial power sharing** Power sharing→Territorial power sharing→Federal or similar sub-divided government  
Page 1, 1. The Federal Democratic Republic of Nepal will have eight provinces based on five criteria of identity and four criteria of capability.

Page 1, 2. Two-thirds majority of provincial assemblies will name the provinces.

Page 1, Parliament and Electoral System: 4. There will be a bicameral parliament comprising federal legislature parliament and the upper house. Provincial parliaments will be unicameral.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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## **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.

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## **Rights related issues**

**Citizenship** No specific mention.

**Democracy** No specific mention.

**Detention procedures** No specific mention.

**Media and communication** No specific mention.

<b>Mobility/access</b>	No specific mention.
<b>Protection measures</b>	No specific mention.
<b>Other</b>	No specific mention.

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## **Rights institutions**

<b>NHRI</b>	No specific mention.
<b>Regional or international human rights institutions</b>	No specific mention.

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## **Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

<b>Judiciary and courts</b>	Page 2, Judicial System: 11. An independent, impartial and efficient judicial system will be formed as per the concept of independent judiciary.
	Page 2, Judicial System: 12. The Supreme Court will be the court of record. It will be authorised to make final interpretation of the constitution.
	Page 2, Judicial System: 13. A Constitutional Court will be formed in order to settle disputes on the jurisdictions between the provinces and the Centre, between provinces, between provinces and local bodies, and election-related disputes of the House of Representatives, National Assembly and provincial assemblies. The Constitutional Court shall have the final decision on these issues. The court will be chaired by the Chief Justice of the Supreme Court and will comprise two senior-most justices, and two legal experts who are qualified for the post of Supreme Court Justice. The tenure of the Constitutional Court will be 10 years from the promulgation of the new constitution.
	Page 2, Judicial System: 14. The provision on the formation of the Judicial Council will be as determined by the Interim Constitution-2007.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.



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## **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** No specific mention.

**Banks** No specific mention.

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## **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.

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## **Security sector**

**Security Guarantees** No specific mention.

**Ceasefire** No specific mention.

**Police** No specific mention.

<b>Armed forces</b>	No specific mention.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	<p>Page 1, Forms of Government: 8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President.</p> <p>(The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)</p>
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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## **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

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**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** NP News Portal: <http://www.npnewsportal.com/the-16-point-agreement-full-text/>  
(unofficial translation)

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