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| **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<br>**Nepalese Insurgency (1996 - 2006)**<br>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 negations in 2006 that concluded with the signing of a Comprehensive Peace Accord on 21 November 2006.<br>Close<br>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. |

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| **Agreement document** | NP_060518_ProclamationoftheHouseofRepresentatives.pdf (opens in new tab) \| Download PDF |

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**Groups**

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| **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. |

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**Gender**

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| **Women, girls and gender** | No specific mention. |
| **Men and boys** | No specific mention. |
| **LGBTI** | No specific mention. |
| **Family** | No specific mention. |

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**State definition**

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| **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,<br>...Realising the critical responsibility of the sovereign Nepalese people in strengthening the country's national integrity, indivisibility and national unity,<br><br>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),<br>...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,<br>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. |

**Governance**

**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.

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| **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** | Page 2, 2. Concerning Executive:<br>...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.<br><br>Page 3, 5. Concerning Royal Palace, 5.5: Existing Royal Palace Service shall be subsumed in the civil service. |
| **Constitution** | Governance→Constitution→Constitutional reform/making<br>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),<br><br>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.<br><br>Page 3, 9. Miscellaneous:<br>...(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. |

**Power sharing**

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| **Political power sharing** | No specific mention. |
| **Territorial power sharing** | No specific mention. |
| **Economic power sharing** | No specific mention. |
| **Military power sharing** | No specific mention. |

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**Human rights and equality**

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| **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**

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| **Citizenship** | Rights related issues→Citizenship→Citizen, general<br>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),<br>...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: |

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| **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. |

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**Rights institutions**

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| **NHRI** | No specific mention. |
| **Regional or international human rights institutions** | No specific mention. |

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**Justice sector reform**

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| **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. |

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**Socio-economic reconstruction**

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| **Development or socio-economic reconstruction** | No specific mention. |
| **National economic plan** | No specific mention. |

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| **Natural resources** | No specific mention. |
| **International funds** | No specific mention. |
| **Business** | No specific mention. |
| **Taxation** | Socio-economic reconstruction→Taxation→Reform of taxation<br>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. |

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**Land, property and environment**

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| **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**

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| **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:<br>...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. |

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| **Armed forces** | Page 2, 2. Concerning Executive:<br>...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.<br><br>Page 2, 3. Concerning Army:<br>3.1 The name 'Royal Nepal Army' shall be changed to 'Nepal Army'.<br>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.<br>3.3 Chief of the Army Staff of Nepal Army shall be appointed by the Council of Ministers.<br>3.4 The existing provision of Supreme Commander of Army is repealed.<br>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.<br>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. |

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| **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. |

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| **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. |

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**Implementation**

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| **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. |

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