

Comprehensive Peace Agreement

This comprehensive peace agreement has been reached between Government of Nepal and CPN (Maoist) with commitment to transform ceasefire between Government of Nepal and CPN (Maoist) into sustainable peace.

1. PRELIMINARY

1.1. The name of this agreement is "Comprehensive Peace Agreement". In short the agreement shall be called Peace Agreement.

1.2. The agreement shall come into force after public declaration by the government and Maoist side.

1.3. Both the sides shall give necessary directives to all the agencies under their control for immediate implementation of this agreement and to abide by it and implement it and get it implemented.

1.4. All the agreement, consensus and decision reached between the seven political parties, the government and Maoists that are enclosed in annex shall be integral part of this agreement.

1.5. The consensus and agreement to be reached hereafter for the implementation of this agreement shall also be the integral part of this agreement.

2. Definition: Unless the subject and context mean otherwise, in this agreement:

(a) "Ceasefire" means the acts to negate all forms of aggressions, kidnappings, disappearances, taking into custody aimed at each other and between Government of Nepal and CPN (Maoist), mobilization and strengthening of armed forces, destruction in the society by any means including aggression and activities of violence and acts of incitement and instigation.

(b) "Interim Constitution" means "Interim Constitution of Nepal 2063" to be issued until drafting and enforcement of the new constitution by constituent assembly.

(c) "Interim Council of Ministers" means "Interim Council of Ministers" to be formed according to Interim Constitution.

(d) "Both the Parties" means the party of Government of Nepal and the party of Communist Party of Nepal (Maoist).

(e) "Prevailing Law" means Interim Constitution of Nepal 2063 and prevailing Nepal Laws that are not inconsistent with it. But this definition shall not obstruct legal arrangement existed before enforcement of Interim constitution 2063.

(f) "Verification" means the subject of verification and true record keeping of military, combatant and arms by United Nations.

3. POLITICAL - ECONOMIC - SOCIAL TRANSFORMATION AND CONFLICT MANAGEMENT

Both the parties are in agreement to adopt following policy and program for political-economic and social transformation and to affirmatively resolve existing conflict in the country:

3.1. To ensure forward moving political economic and social transformation on the basis of decision made in summit meeting between the seven political parties and CPN (Maoist) held on Nov 8, 2006 (Annex-6)

3.2. To guarantee sovereignty inherent in Nepalese people in practice by forming interim legislature - parliament according to interim constitution and by holding election to constituent assembly in free and fair manner till the Month of Jeth, 2064 BS by Interim Government.

3.3. To not allow any authority regarding affairs of governance of the country to remain with the king. To bring the properties of late King Birendra, late queen Aishworya and their

family under Government of Nepal and to make use of the property in the interest of the state by forming a trust. To nationalize all the properties (like palaces situated in different places, forest and parks, heritages with historical and archaeological importance) received by King Gyanendra in his capacity as the King. To decide the issue of whether or not to retain the monarchy by simple majority in the first meeting of constituent assembly.

3.4. To adopt a political system that complies with universally accepted fundamental human rights, multiparty competitive democratic system, sovereignty inherited in people, supremacy of the people, constitutional check and balance, rule of law, social justice, equality, independent judiciary, periodic election, monitoring by civil society, complete press freedom, people's right to information, transparency and accountability in the activities of political parties, people's participation, impartial, competent, and fair concept of ureaucracy.

3.5. To address the problems related to women, Dalit, indigenous people, Janajatis, Madheshi, oppressed, neglected, minorities and the backward by ending discrimination based on class, caste, language, sex, culture, religion, and region and to restructure the state on the basis of inclusiveness, democracy and progression by ending present centralized and unitary structure of the state.

3.6. To keep implementing at least programs of common consensus for the economic and social transformation to end all forms of feudalism.

3.7. To adopt the policy to implement scientific land reform program by ending feudalistic system of land holding.

3.8. To follow the policy for the protection and promotion of national industries and resources.

3.9. To adopt policy to establish rights of all citizens in education, health, housing, employment and food reserve.

3.10. To adopt policy to provide land and other economic protection to landless squatters, Kamaiya, Halia, Harwa, Charwa and economically backward section.

3.11. To adopt policy to severely punish people amassing properties by means of corruption while remaining in government posts.

3.12. To form common development concept for economic and social transformation and justice and to make the country developed and economically prosperous, at the earliest.

3.13. To follow the policy to increase investment in industries, trade and export promotion in order to increase opportunities for income generation by ensuring professional rights of the laborers.

4. MANAGEMENT OF ARMY AND ARMS

In order to hold election to constituent assembly in free and fair manner and for the democratic restructuring of the army to proceed with the following works according to twelve point agreement, eight point consensus, twenty-five point code of conduct, five-point letter sent to United Nations and decision taken by summit meeting held on Nov 8:

RELATING TO THE MAOISTS' ARMY

4.1 As per the commitment expressed in the letter sent on behalf of the Government of Nepal and the CPN (Maoist) to the United Nations on August

9, 2006, the Maoists' Army combatants shall remain within the following Cantonments. The UN shall verify and monitor them.

The main Cantonments shall remain in the following locations:

1. Kailali
2. Surkhet
3. Rolpa
4. Nawalparasi
5. Chitwan
6. Sindhuli
7. Ilam

Three sub-cantonments shall be placed in the periphery of each of these main cantonments.

4.2. After placing the Maoist combatants within the Cantonments, all the arms and ammunition except those required for providing security to the Cantonments shall be securely stored and the keys to the single lock shall remain with the side concerned. The UN shall monitor the process of placing the weapons under the single lock by keeping records and fitting a device along with siren. In case of need to examine the weapons placed under the single lock, the UN shall do so under the presence of concerned side. All the technical details along with Camera Monitoring shall be prepared under the joint agreement of the UN, CPN (Maoist) and the Government of Nepal.

4.3. The government of Nepal shall make all the necessary arrangements including ration needed for the Maoist combatants after placing them within the Cantonments.

4.4. The Interim Council of Ministers shall form a special committee in order to inspect, integrate and rehabilitate the Maoist combatants.

4.5. The government shall be taking care of security arrangements of the Maoist leaders.

RELATING TO THE NEPALI ARMY

4.6. As per the commitment expressed in the letter sent to the UN, the Nepali Army shall be confined within the barracks. Guarantee that the arms shall not be used for or against any side. The Nepali Army shall store the same amount of arms in accordance with that of the Maoists and seal it with single-lock and give the key to the concerned side. In case of need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technology including camera for monitoring as per the agreement among the Government of Nepal, the Maoists and the UN.

4.7. The Council of Ministers shall control, mobilize and manage the Nepali Army as per the new Military Act. The Interim Council of Ministers shall prepare and implement the detailed action plan of democratization of the Nepali Army by taking suggestions from the concerned committee of the Interim Parliament. This shall include tasks such as determining the right number of the Nepali Army, preparing the democratic structure reflecting the national and inclusive character and training them as per the democratic principles and values of the human rights.

4.8. Nepali Army shall be giving continuity to tasks such as border security, security of the conservation areas, protected areas, banks, airport, power house, telephone tower, central secretariat and security of VIPs.

5. CEASE-FIRE

5.1. TERMINATION OF MILITARY ACTION AND ARMED MOBILIZATION:

5.1.1. Both sides shall express commitment to refrain from carrying out following activities:

- a. Direct or indirect use of any type of weapon or acts of attack against each other.
- b. Searching or confiscating weapons belonging to other side with or without weapons at the place where the arms have been stored as per the understanding reached between both sides.
- c. Hurt or render mental pressure against any individual.
- d. Set up ambush targeting any side.
- e. Involve in murder or violent activities.
- f. Involvement in kidnap/detention/imprisonment/disappearance
- g. Aerial attack or bombardment.
- h. Mining and sabotaging.
- i. Spying military activities of any side.

5.1.2. Both sides shall not recruit additional armed forces or conduct military activities, including transporting weapons, ammunitions and explosives.

However, the security forces deployed by the interim government shall have authority to conduct routine patrol, explore in order to prevent illegal trafficking of the weapons, explosives or raw materials used in assembling weapons at the international border or custom points and seize it.

5.1.3. No individual or group shall bear any illegal weapons, ammunitions or explosives while travelling.

5.1.4. Both sides shall assist each other to mark the landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate it within 60 days.

5.1.5. Armies of both sides shall not bear arms or show their presence wearing combat fatigue during any public programme, political meeting or civil assembly.

5.1.6. Nepal Police and Armed Police Force shall give continuity to the task of maintaining legal system and law and order along with criminal investigation as per the norms and sentiments of the Jana Andolan and peace accord as well as prevailing law.

5.1.7. Both sides shall issue circular to its respective armed bodies or personnel to stop addressing any armed personnel of opposite side by the term 'enemy' or behave in similar manner.

5.1.8. Both sides agree to maintain a record of the government, public, private building, land and other property seized, locked up or not allowed to use in course of the armed conflict and return them back immediately.

5.2 SITUATION NORMALIZATION MEASURES:

5.2.1. Collection of cash or kind and tax collection against one's wish and against the existing law shall not be allowed.

5.2.2. Both sides agree to make public the status of the people under one's custody and release them within 15 days.

5.2.3. Both sides also agree to make public within 60 days of signing of the agreement the real name, caste and address of the people made 'disappeared' or killed during the conflict and also inform the family members about it.

5.2.4. Both sides agree to constitute a National Peace and Rehabilitation Commission and carry out works through it to normalize the adverse situation arising as a result of the armed conflict, maintain peace in the society and run relief and rehabilitation works for the people victimized and displaced as a result of the conflict.

5.2.5. Both sides agree to set up a High-level Truth and Reconciliation Commission as per the mutual consensus in order to probe about those involved in serious violation of human rights and crime against humanity in course of the armed conflict and develop an atmosphere for reconciliation in the society.

5.2.6. Both sides pledge to abandon all types of war, attack, counter-attack, violence and counter-violence in the country with a commitment to ensure loktantra, peace and forward-looking change in the Nepali society. It is also agreed that both the sides would assist one another in the establishment of peace and maintaining of law and order.

5.2.7. Both sides guarantee to withdraw accusations, claims, complaints and under-consideration cases levelled against various individuals due to political reasons and immediately make public the state of those imprisoned and immediately release them.

5.2.8. Both sides express the commitment to allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed as a result of the conflict and rehabilitate and reintegrate the displaced people into the society.

5.2.9. Both sides agree to take individual and collective responsibility of resolving, with also the support of all political parties, civil society and local institutions, any problems arising in the aforementioned context on the basis of mutual consensus and creating an atmosphere conducive for normalization of mutual relations and for reconciliation.

5.2.10. Both sides express the commitment not to discriminate against or exert any kind of pressure on any member of the family of the two sides or on the basis of being related to one another.

5.2.11. Both sides agree not to create any kind of obstacle and allow any kind of obstruction to be created in the independent travelling, assuming of duties and executing of work by the Government of Nepal and Public Bodies' employees and assist them in their work.

5.2.12. Both sides agree to allow unrestricted travelling as per the law within the state of Nepal to the United Nations, International Donors Agencies and Diplomatic Missions based in Nepal, National and International Non-Government Organizations, Press, Human Rights Activists, Election Observers and foreign tourists.

5.2.13. Both sides are committed to operating publicity programs in a decent and respectable manner.

6. END OF CONFLICT

6.1. On the basis of the historical agreement reached between the seven political parties and the CPN (Maoist) on November 8, 2006, we declare an end to the armed conflict ongoing in the country since 1995 by giving permanency to the ongoing cease-fire between the Government and the Maoist.

6.2. The decisions taken by the meeting on November 8, 2006 of the senior leaders of the seven political parties and the CPN (Maoist) would be the main policy basis for long-term peace.

6.3. Following the arrival of the Nepali Army in the barracks and the Maoist Army combatants in temporary camps, holding, display and use of violence and arms for creating fear and terror and in any form against the agreement and law would be legally punishable.

6.4. Army of both the sides would not be allowed to publicize for or against any side and support or protest any side. But they shall not be deprived from their right to vote.

7. HUMAN RIGHTS, FUNDAMENTAL RIGHTS AND ADHERENCE TO HUMANITARIAN LAW

By remaining committed to the Universal Declaration of Human Rights, 1948, the International Humanitarian Law and fundamental principles and standards of human rights, both sides expressed their agreement to the following issues:

7.1. HUMAN RIGHTS

7.1.1. Both sides reiterate their commitment to the respect and protection of human rights and to international humanitarian law and accept that nobody should be discriminated against on the basis of colour, gender, language, religion, age, race, national and social origin, wealth, disability, birth and other status, thought or belief.

7.1.2. Both sides agree to create an atmosphere where the Nepali people can enjoy their civil, political, economic, social and cultural rights and are committed to ensuring that such rights are not violated under any circumstances in the future.

7.1.3. Both sides express the commitment that impartial investigation and action as per the law would be carried out against the people responsible in creating obstructions to the exercising of the rights envisaged in the letter of agreement and guarantee not to encourage impunity. Apart from this, they shall also guarantee the right to relief of the families of the conflict and torture victims and the disappeared.

7.1.4. Both sides would not be involved in the acts of torture, kidnapping and forcing the civilians in any work and take necessary action to discourage such acts.

7.1.5. On the basis of norms and values of secularism, both sides shall respect the social, cultural, religious sensitivity, religious site and the religious faith of the individual.

7.2. RIGHT TO LIVE

7.2.1. Both sides respect and protect the fundamental right to live of an individual. Nobody shall be deprived of this fundamental right and no law shall be formulated to award death penalty.

7.3. RIGHT TO INDIVIDUAL DIGNITY, FREEDOM AND MOBILITY

7.3.1. Both sides respect and protect the right to individual dignity. In this connection, no person including those deprived of enjoying freedom as per the law would be subjected to torture or any other cruel, inhuman or degrading behaviour or punishment. The citizen's right to confidentiality shall be respected.

7.3.2. Both sides shall fully respect the individual's right to freedom and security and shall not be allowed to keep anyone under arbitrary or illegal detention, kidnap or hold captive. Both sides agree to make public the status of every individual made 'disappeared' and held captive and inform about this to their family members, legal advisor and other authorized person.

7.3.3. Both sides shall respect and protect the citizens' right to free mobility and the freedom to choose within legal norms the location of one's residence and express the commitment to respect the right of the people displaced by the conflict and their families to return back to their homes or to settle in any other location of their choice.

7.4. CIVIL AND POLITICAL RIGHTS

7.4.1. Both sides are committed to respect the individual's freedom of speech, expression, setting up organizations and holding peaceful gatherings and right to freedom of exploitation.

7.4.2. Both sides respect the right of every citizen to take part directly or through one's selected representative in issues of public concern, to vote, to be elected and equality in joining of public services.

7.4.3. Both sides are committed to respect the individual's right to be informed.

7.5. ECONOMIC-SOCIAL RIGHTS

7.5.1. Both sides are committed to respect and protect the individual's right to livelihood through employment of their choice or acceptance.

7.5.2. Both sides are committed to respecting and guaranteeing the rights of food security of all the people. They guarantee that there would be no interference in the transportation, use and distribution of food, food products and food grains.

7.5.3. Both sides identify with the fact that the citizens' right to health should be respected and protected. Both sides will not create hurdles in the supply of medicines and in health assistance and campaigns, and express commitment for treatment and rehabilitation of the people injured in course of the conflict.

7.5.4. With the realization of the fact that the right to education should be guaranteed and respected, both sides are committed to maintaining a conducive academic environment in the educational institutions. Both sides agree to guarantee that the right to education would not be impeded.

They agree to put to an end, on an immediate basis, activities like taking the educational institutions under control and using them, abducting teachers and students, taking them under control and making them to disappear, and to not to establish barracks in a way that it would impede them.

7.5.5. Both sides agree that the private property of any individual would not be seized or usurped, except permitted by the laws.

7.5.6. Both sides believe in the fact that the industrial climate in the country should not be disturbed and production should be given continuity and

that the right of collective bargaining and social security should be respected. They also believe in the fact that if any problem arises between the business houses and labourers, they should be encouraged to resolve the problem in a peaceful manner. Both sides respect the right to work prescribed by the International Labour Organization.

7.6. WOMEN AND CHILD RIGHTS

7.6.1. Both sides fully agree to protect the rights of the women and children in a special way, to immediately stop all types of violence against women and children, including child labour as well as sexual exploitation and abuse. They also fully agree not to include or use children who are 18 years old and below in the armed force. Children thus affected would be instantaneously rescued and necessary and suitable assistance would be provided for their rehabilitation.

7.7. RIGHT OF PERSONAL LIBERTY

7.7.1. Both sides agree to the freedom of opinion and expression; freedom to assemble peaceably and without arms; freedom of movement; freedom to practice any profession, or to carry on any occupation, industry or trade; press and publication rights; the freedom to take part in peaceful political activities; the right of equality before the law; and to implement and have a tolerable system of justice implemented.

8. DISPUTE SETTLEMENT AND IMPLEMENTATION MECHANISM

8.1. Both sides agree to become responsible and accountable in a personal and collective way and not to repeat in future mistakes committed in the past and also to correct these mistakes on a gradual basis.

8.2. The National Peace and Rehabilitation Commission can set up mechanism as per the need for making the campaign for peace successful. The composition and working procedures of the Commission would be as determined by the interim Council of Ministers.

8.3. Both sides are committed to settle all kinds of present or possible future mutual differences or problems through mutual talks, understanding, consensus and dialogue.

8.4. Both sides express commitment that the interim Council of Ministers can constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the High-level State Restructuring Recommendation Commission and other mechanisms as per the need to implement this agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the Seven-party Alliance, the Government of Nepal and the CPN (Maoist).

9. IMPLEMENTATION

AND FOLLOW-UP

Both sides have agreed to make the following arrangements for the implementation of the understandings mentioned in this agreement and for their follow-up:

9.1. Both sides agree to give continuity to the task of monitoring of the human rights provisions mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

9.2. Both sides agree for the monitoring of the management of arms and the armies by the United Nations Mission in Nepal as mentioned in the five-point letter send to the UN earlier and in the present agreement.

9.3. Both sides agree to get the United Nations supervise the election to the Constituent Assembly.

9.4. The National Human Rights Commission shall also carry out works related to the monitoring of human rights as mentioned in this agreement together with the responsibility assigned to it as per the laws. In connection with carrying out its works, the Commission can take the help of

national and international human rights organizations after maintaining necessary coordination with them.

9.5. Both sides agree to accept the reports submitted by the above-mentioned bodies, to provide the information requested by them, and to

implement the suggestions and recommendations given by them on the basis of consensus and dialogue.

10. MISCELLANEOUS

10.1. Both sides agree not to operate parallel or any form of structure in any areas of the state or government structure as per the letter of the decisions of November 8 and the spirit of the peace agreement.

10.2. Both sides accept to sign any complementary agreements, as necessitated, for the implementation of the present agreement.

10.3. This agreement can be revised any time with the consent of both sides. Both sides agree to provide to each other prior written information if they wish to make any changes. The amendments could be made to the agreement with the consent of both sides after receiving the information.

The provisions to be made by such an amendment would not be below the minimum standards of the accepted international human rights and humanitarian laws.

10.4. If any disputes arise in any interpretation of this agreement, a joint mechanism comprising both sides shall make the interpretation on the basis of the preamble and the documents included in the schedule of this agreement, and this interpretation would be final.

10.5. The concept of 'two sides' as mentioned in this agreement would automatically cease to exist after the constitution of the Interim Legislature • Parliament. Thereafter, all the responsibility of implementing the obligations stated in this agreement shall be as per the arrangements made by the interim Council of Ministers. It would be the duty and responsibility of all the political parties to extend cooperation in the compliance and implementation of the agreement.

10.6. We heartily appeal to one and all to extend cooperation for resolving their problems and demands through talks and dialogue and for holding the election to the constituent assembly and maintaining the law and order, at a time when the entire country is focused on the main campaign of the election of the Constituent Assembly.

10.7. We heartily appeal to the civil society, the professional groups, the class organizations, the media, the intellectual community and all the Nepali people to actively participate in this historic campaign of building a new Nepal and establishing lasting peace through the election of the Constituent Assembly by ending the armed conflict.

10.8. We heartily urge all the friendly countries and the United Nations, as well as the International Community to extend support to Nepal in this campaign of establishing full democracy and lasting peace.

Cognizant of the responsibility of the future of the country and the people, and becoming fully committed to this comprehensive peace agreement, we, on behalf of the Government of Nepal and the Communist Party of Nepal (Maoist), hereby make public this comprehensive peace agreement after

signing it.

GIRIJA PRASAD KOIRALA

Prime Minister, Government of Nepal

PRACHANDA

President, Communist Party of Nepal (Maoist)

Signed on November 21, 2006

Source: RSS