

**DOCUMENTS RELATED TO PEACE PROCESS**

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## **The Second Understanding Between the Seven Political Parties and the CPN (Maoist)**

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It is well known to all that the historic 12-point understanding for the democracy, peace, prosperity, progress and national independence has been reached between the seven political parties fighting for the end of absolute monarchy and establishment of full democracy and the CPN (Maoist) on 22 November 2005. There is no more doubt that the understanding has already been approved by the people since the so called election of municipalities on 8 February 2006 sponsored by the dictatorial authority is completely failed as a result of the rapid wave of nationwide peoples movement that occurred after the 12-point understanding. Moreover, it has become clear by the extensive support expressed by the international community that this understanding is only the real foundation stone of the solution of the ongoing conflict in the nation. In this situation, we again express our firm commitment for the implementation of this understanding from all parties with a strong determination.

Here, we again recall that, "the agitating seven political parties are fully committed to the fact that the existing conflict in the country can be resolved and the sovereignty and the state powers can completely be established in people only through establishing full democracy by restoring the parliament through the force of agitation and forming a powerful all-party government by its decision, negotiating with the Maoists, and on the basis of agreement, holding the election of constituent assembly. The CPN (Maoists) is of the view and commitment that the aforesaid goal may be achieved by holding a national political conference of the agitating democratic forces, and through its decision, forming an interim government and holding the election of constituent assembly. On the matter of this procedural agenda, an under-

standing has been made to continue dialogue and seek for a common agreement between the agitating seven political parties and the CPN (Maoists). It has been agreed that the force of people's movement is only the alternative to achieve this goal."

We call a cordial appeal to all the democratic political forces, civil society, professional groups, public class organizations, the people from the suppressed castes and areas, media workers and the common people to make the ongoing movement success by an active participation to establish full democracy with the sovereignty and the state power of the country completely in people through the election of a constituent assembly on the basis of the determined process.

Similarly, we also call a special appeal to the international community to extend strongly their support in this initiation of the political parties for restoring the peace in Nepal to establish full democracy in the country and with the end of the absolute monarchy and to resolve the armed conflict that is ongoing for the last ten years through a progressive political outlet.

### **On behalf of the Govt. of Nepal**

- Girija Prasad Koirala, President  
Nepali Congress
- Amrit Kumar Bohora, Acting General  
Secretary, CPN (UML)
- Sher Bahadur Deuwa, President  
Nepali Congress (Democratic)
- Lila Mani Pokhrel, Vice-Chairman  
Janamorcha Nepal
- Narayan Man Bijukshe, Chairman  
Nepal Peasant and Worker's Party
- Rejendra Mahato, General Secretary  
Nepal Sadbhawana Party
- Nanda Kumar Prasai  
Chairman, United Leftist Front

### **On behalf of the CPN (Maoist)**

- Prachanda, Chairperson, CPN (Maoists)

*March 19, 2006*

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## **The Code of Conduct for Ceasefire agreed between the Government of Nepal and the CPN (Maoist)**

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*Preamble* Respecting the popular mandate expressed through the historic people's movement in favor of full democracy, progress and peace;

*Remaining* committed towards the Universal Declaration of Human Rights 1948, and the basic principles and norms concerning international humanitarian law and human rights;

*Expressing* commitment to fully comply with the 12 points understanding reached between the seven political parties and the CPN (Maoists);

*Expressing* commitment towards democratic values and norms, including a competitive multi-party system of governance, civil liberties, fundamental rights, human rights, press freedom and the concept of the rule of law;

*Guaranteeing* the fundamental rights of the Nepali people to participate in the process of framing a constitution through participating in the election of constitution assembly without being influenced by any fear, threats, or violence; and

Placing in centre the democracy, peace, prosperity, and progressive social change, and the independence, sovereignty, and dignity of the country;

Code of Conduct as follow has been issued as per the desire of the Nepali people in order to transform the ceasefire between the Government of Nepal and the CPN (Maoist) into a permanent peace and resolve the problem peacefully through negotiations.

### **Ensuring a fearless civic life**

1. Not to make any public statement or do any other activities which may provoke each other.
2. Both the parties shall not mobilize, demon-

strate or use their armed forces in a manner that may spread fear amongst the people - in-general.

3. Not to attack or commit disruptive acts in each other's military or security units, not to carry out actions like laying down land mines or setting up ambushes, not to recruit new people in their respective armies and not to spy.
4. Extend mutual cooperation from both parties in order to maintain peace and order.
5. Regarding the issue of management of arms and armies, the discussion and understanding will be continued on the basis of mutual consent.

### **Creating an environment of trust among the people**

6. Both the parties will not participate in public meetings, conference or any other political activities in combat dresses or in possession of arms.
7. Not to make any hindrance and give any mental and physical pressure from either side to the workers of political parties and members of social organizations or individuals to disseminate their opinion, to conduct meetings and assemblies, to conduct the act of extending organizations through movement around any part of the country.

### **On basic services to the people, the development and construction**

8. No programs like general strike and transport strike shall be organized during the period of ceasefire. However, peaceful assemblies and processions may be organized.
9. To allow the essential services and facilities to the people to be operated without any restriction.
10. Not to create any hindrance in peacefully carrying out the regular development works and other works for the interest of the people.
11. No restriction imposed nor hindrance created transport food, medicines, development and construction materials and goods for daily consumption.

### **Operation of educational institutions, Hospitals and industrial enterprises**

12. To create an environment for the smooth operation of schools, colleges, universities, hospitals, health centers and industrial enterprises from both the sides.

### **Support from media for the peace talks**

13. To circulate information in favor of ceasefire, code of conduct, and while conducting to peace process and political dissemination use cultured and dignified language.
14. No one shall express one's statement through media in a manner of having adverse impact to the negotiations and the peace process.

### **Not to collect donation and financial support forcefully**

15. Not to collect or mobilize donation or financial support, in cash or in kinds or services against one's will.

### **Release and rehabilitation**

16. To withdraw the accusation, prosecution and cases induced against various individuals by both the parties and release the detainees gradually.
17. To disclose, as soon as possible, the whereabouts of the citizens who have been disappeared thereof.
18. To assist to the displaced persons to return to their respective houses and on the act of peaceful, comfortable and dignifiedly rehabilitation thereof.
19. To return the properties that are seized, locked up or prohibited to use during the conflict, of the leaders and the workers of political parties and public -in- general, to the concerned persons or families and to allow them to consume. To resolve the problems through the mutual agreement, this may arise while returning the properties.

### **Facilitating in the Negotiations**

20. No hurdle or of any obstruction shall be created in the movement and

activities of individuals of both the parties involving in the negotiations. Monitoring

21. Monitor of ceasefire by national and international monitoring teams shall be caused to be done on the basis of mutual agreement between both the parties.

### **Miscellaneous**

22. If any dispute arises in the interpretation of this code of conduct, the problem shall be resolved through the agreement of both the parties.
23. Alternation or amendments in the code of conduct may be made through the agreement of both the parties in accordance with the spirit of the preamble.
24. This code of conduct shall commence immediate after its signature.
25. This code of conduct shall be made in public after its signature.

### **On behalf of the Govt. of Nepal**

Coordinator: Krishna Prasad Sitaula

### **On behalf of the CPN (Maoist)**

Coordinator: Krishna Bahadur Mahara

*26 May 2006*

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## **Four-point Agreement Between the Government of Nepal and the CPN (Maoist) at Kupodole**

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The following decision has been made in the second talk held between the Government of Nepal and the CPN (Maoists) on the 15 June 2006:-

1. Negotiations shall be organized between the Government of Nepal and the CPN (Maoists) in the participation of the top leaders of the seven political parties and the CPN-Maoist as soon as possible.
2. A National Monitoring Committee on Code of Conduct for Ceasefire shall be has formed as follow to monitor the implementation of the 12-points understanding reached between the Seven Political Parties and the

CPN (Maoists) and the Code of Conduct for Ceasefire agreed on 26 May 2006:-

1. Coordinator Prof. Dr. Birendra Mishra\*
  2. Member Dr Arjun Karki
  3. Member Dr Om Gurung
  4. Member Prof. Kapil Shrestha
  5. Member Dr. K. B. Rokaya
  6. Member Keshav Bhattarai
  7. Member Krishna Pahadi
  8. Member Gauri Pradhan
  9. Member Chandi Raj Dhakal
  10. Member Charan Prasain
  11. Member Taranath Dahal
  12. Member Nilamber Acharya
  13. Member Padam Lal B. K.
  14. Member Prof. Dr. Bhupati Dhakal
  15. Member Malla K. Sunder
  16. Member Dr. Mahesh Maskey
  17. Member Madhav Banskota
  18. Member Raman Shrestha
  19. Member Dr. Ramman Shrestha
  20. Member Wangchhe Sherpa
  21. Member Bishnu Nisthuri
  22. Member Bishnu Pukar Shrestha
  23. Member Shanta Shrestha
  24. Member Shyam Shrestha
  25. Member Shiv Gaunle
  26. Member Sushil Pyakurel
  27. Member Engr. Saroj Devkota
  28. Member Dr. Sudha Sharma
  29. Member Subodh Pyakurel
  30. Member Sushil Chandra Amatya
3. A request shall be made to the UN Office of the High Commissioner for Human Rights in Nepal to provide assistance in monitoring the issues related to human rights to the National Monitoring Committee constituted to monitor the Code of Conduct for Ceasefire, and to monitor the human rights.
  4. The following eminent personalities shall be the observers in the negotiations to be held between the Government and the Maoists:-
    1. Laxman Prasad Aryal
    2. Devendra Raj Pandey
    3. Padma Ratna Tuladhar
    4. Daman Nath Dhungana
    5. Mathura Prasad Shrestha

**On behalf of the Government of Nepal**

Coordinator: Krishna Prasad Sitaula

**On behalf of the CPN-Maoist**

Coordinator: Krishna Bahadur Mahara

*15 June 2006*

(\* Earlier the above mentioned committee was formed on June 15, 2006 under the Coordinatorship of Dr. Devendra Raj Pandey and pursuant to an agreement concluded on June 26, 2006 Dr. Birendra Mishra was designated as Coordinator)

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### **Eight-point Agreement Between the Seven Political Parties and the CPN (Maoist) (Press Statement)**

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Meeting of the top leaders of Seven Political Parties and CPN (Maoists) has been held in the Prime Minister's residence at Baluwatar today, on 16 June 2006 on the auspicious organization of the Government - Maoists Negotiating Team. The points reached in agreement in the meeting are as follow:-

1. To implement effectively and honestly the 12-points understanding reached between the Seven Political Parties and the CPN (Maoists) on November 23, 2005 and the 25-points Code of Conduct on Ceasefire reached in agreement between the Government of Nepal and CPN (Maoists) and made public by the Government - Maoist Negotiating team on 26 May 2006.
2. To express the commitment to democratic norms and values including competitive multi-party governance system, civic liberties, fundamental rights, human rights, press freedom, and the concept of rule of law, and carry out each other's activities accordingly in a peaceful manner.
3. To request the United Nations to assist in the management of the armies and arms of both the parties and to monitor them for a free

and fair election of the Constituent Assembly.

4. To frame an interim constitution to form an interim government accordingly; announce the date of the election for constituent assembly to dissolve the House of Representatives by making another alternative arrangement through consensus and to dissolve the People's Governments formed by the CPN (Maoist). by ensuring the democratic rights achieved through the Peoples Movement in 1990 and the recent historic People's Movement, and by making base to the commitment expressed in the 12-points understanding and the spirit of the preamble of the Code of Conduct on Ceasefire;
5. To decide on the matters of national interests having long-term effects on the basis of consensus.
6. To guarantee the fundamental right of Nepali people to participate in the constitution making process without any fear, influence, threat and violence in the election of constituent assembly. To make a provision for international observation and monitoring during the elections as per the need.
7. To make a forward-looking restructuring of the state so as to resolve the class-based, racial, regional and gender-based problems through the election of constituent assembly. To transform the ceasefire held between the Government of Nepal and CPN(Maoist) into a permanent peace by keeping in the centre the democracy, peace, prosperity, progress and the independence, sovereignty and dignity of the country, and to express commitment to resolve the problem through negotiations.
8. The government-Maoist negotiating teams have been directed to accomplish all the tasks related to the above-mentioned points without any delay.

#### **On behalf of the Seven Political Parties**

Shree Girija Prasad Koirala

Prime Minister and President, Nepali Congress

Shree Madhav Kumar Nepal

General Secretary, CPN (UML)

Shree Sher Bahadur Deuba

President, Nepali Congress (Democratic)

Shree Amik Sherchan

Deputy Prime Minister and Chairperson,  
Janamorcha Nepal

Shree Narayan Man Bijhuckchhe

President, Nepal Majdur Kisan Party

Shree Bharat Bimal Yadav

Vice President, Nepal Sadbhavana Party  
(Anandidevi)

Shree Prabhu Narayan Chaudary

Minister and Chairperson Bammorcha, Nepal

#### **On behalf of CPN (Maoist)**

Prachanda Chairman CPN (Maoist)

*16 June 2006*

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### **Terms of Reference and Power of the National Monitoring Committee on Code of Conduct for Ceasefire**

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The Government of Nepal and the Communist Party of Nepal (Maoist) have reached an agreement to establish the following terms of reference and the power of the National Monitoring Committee which was constituted by an agreement between the Government of Nepal and the CPN(Maoist) on 15 June 2006:-

1. To investigate and monitor whether the issues referred to in the 25 points Code of Conduct prepared under the agreement reached between the Government negotiating team and Maoists Negotiating Team on 26 May 2006 are implemented or not as per the international norms, and recommend the suggestions and ask both the parties to implement them.

2. To monitor any kind of expression and activities made from anywhere that may cause adverse impact to the peace process, and recommend the suggestions and cause them to be implemented.
3. While monitoring according to the point No. 1 and 2, to make the basis to the spirit of the 12 points understanding between the Seven Political parties and the CPN (Maoist) reached on 22 November 2005 and the 8 Points agreement between the Government of Nepal and the CPN (Maoist) reached on 16 June 2006, and also to the agreements that may be reached in future.
4. To investigate and inquire immediately and try to resolve the problem through the mutual agreement if the code of conduct is found to be violated from any side or any notice or information is received through any source in the course of monitoring the ceasefire and its code of conduct.
5. While conducting investigation and inquiry to move without any obstruction to and from any spot or place where the incident has taken place, to conduct field inspection of the respective spot, to make an inquiry and collect the evidence. For this purpose, both the parties shall ensure the security to the monitoring team.
6. The negotiating team of the Government of Nepal and the CPN (Maoist) negotiating team shall form a joint committee to discuss over and to cause to be implemented the report of the National Monitoring Committee.
7. To present a report about resolution or suggestion on the basis of investigation, inquiry and agreement to the joint committee having the representatives of the Government of Nepal and the CPN (Maoist). To submit the recommendation and the report of the monitoring committee to the coordinators of both the negotiating teams through the coordinator of the committee until such a joint committee is formed. To publicize the periodic and other reports about the monitoring through the media as per the need.
8. The members in the committee that would be formed to receive and implement the report of the monitoring committee shall be as determined by the agreement between both the parties. The joint committee may discuss over and reach in agreement on the issue of implementation of the reports received from the National Monitoring Committee. Both the parties in the joint committee shall cause negotiation to be implemented the suggestions from their respective sides.
9. The National Monitoring Committee may form the sub-committees and local monitoring teams as per necessity.
10. The National Monitoring Committee - itself may determine its own working procedure. The working procedure shall be approved by both the negotiating teams.
11. The Government of Nepal shall provide the necessary office, administrative, economic and other means and resources to the National Monitoring Committee.
12. To take help from all concerned sides including the local bodies of all political parties, human right activists and civil society in the work of monitoring.
13. To take assistance of the UN Office of High Commissioner for Human Rights in Nepal in monitoring the human right related issues.
14. The National Monitoring Committee shall remain in office till the date of the introduction of the constitution that would be made after the election of the Constitution Assembly.
15. The Central Office of the National Monitoring Committee shall be in Kathmandu and other offices as per necessary may be established within Nepal.
16. The activities performed by the National Monitoring Committee shall be kept secured in the form of record.
17. The alteration and amendments in the terms of reference and power of the committee shall be made as per necessity by the agreement of both the parties.

**On behalf of Government of Nepal**

Coordinator: Krishna Prasad Sitaula

**On behalf of CPN (Maoists)**

Coordinator: Krishna Bahadur Mahara

26 June 2006

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## **Five-point Letter sent to UN by the Nepal Government**

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**Excellency,**

I have the honour to refer to my letter dated July 2, 2006 requesting the cooperation of the United Nations in the ongoing peace process in Nepal. In this context, I am happy to acquaint you that United Nations team, which left Kathmandu a week ago, held extensive yet fruitful consultations with all concerned stakeholders of peace process here in Nepal. The UN team, as I understand, is likely to submit its report to you on Nepal.

In the mean time, Excellency, I wish to inform you that further to the Eight-Point Understanding between the Seven Party Alliance (SPA) and the CPN (Maoist) of June 16, 2006 and the commitment expressed by the Government of Nepal (GON) to the Agreement, the GON and the CPN (Maoist) hereby request the United Nations to provide its assistance as follows with a view to creating a free and fair atmosphere for the election of a Constituent Assembly and the entire peace process:

Continue its human rights monitoring through the Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal)

Assist the monitoring of the Code of Conduct during the Ceasefire.

On the basis of the agreement to seek UN assistance in the "the management of arms and armed personnel of both the sides", deploy qualified civilian personnel to monitor and verify the confinement of CPN (Maoist) combatants and their weapons within designated cantonment areas. Later the modalities for all arrangements, including of arms and ammuni-

tions, will be worked out among the parties and the UN.

Monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used for or against any side. The modalities will be worked out among the parties and the UN.

Provide election observation for the election of the Constituent Assembly in consultation with the parties.

Please accept, Excellency, the assurances of my highest consideration.

**Excellency Kofi A. Annan G.P.Koirala**

United Nations, NY

Secretary General,

United States of America

August 9, 2006

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## **Five Point Letter sent to UN by the CPN (Maoist)**

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**Excellency,**

I have the honour to refer to my letter dated July 24, 2006 requesting the cooperation of the United Nations in the ongoing peace process in Nepal. In this context, I am happy to acquaint you that United Nations team, which left Kathmandu a week ago, held extensive yet fruitful consultations with all concerned stakeholders of peace process here in Nepal. the UN team, as I understand, is likely to submit its report to you on Nepal.

In the mean time, Excellency, I wish to inform you that further to the Eight-Point Understanding between the Seven Party Alliance (SPA) and the Communist Party of Nepal (Maoist) of June 16, 2006 and the commitment expressed by the Government of Nepal (GON) to the Agreement, the GON and the CPN-M hereby request the United Nations to provide its assistance as follows with a view to creating a free and fair atmosphere for the election of a constituent assembly and the entire peace process:

Continue its human rights monitoring through the Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal)

Assist the monitoring of the Code of Conduct during the Ceasefire.

On the basis of the agreement to seek UN assistance in the "the management of arms and armed personnel of both the sides", deploy qualified civilian personnel to monitor and verify the confinement of CPN (Maoist) combatants and their weapons within designated cantonment areas. Later the modalities for all arrangements, including of arms and ammunitions, will be worked out among the parties and the UN.

Monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used for or against any side. The modalities will be worked out among the parties and the UN.

Provide election observation for the election of the Constituent Assembly in consultation with the parties.

Please accept, Excellency, the assurances of my highest consideration.

<b>Excellency Kofi A. Annan</b> Secretary General, United Nations, NY United States of America	<b>Prachanda</b> Chairman, Central Committee CPN (Maoist) <i>August 9, 2006</i>
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## **Full text of the decisions of the SPA-Maoist summit meeting**

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Respecting people's aspiration for democracy, peace and progress expressed through repeated historic people's movement and struggles since 1951,

Reaffirming commitments to the 12-point and 8-point agreements, and 25-point code of conduct between the seven parties and the Maoists along with other agreements, understandings, code of conducts and letter sent to the United Nations stating similar perspectives by the Maoists and the Nepal government,

Pledging for progressive restructuring of the state by resolving prevailing problems related with class, ethnicity, regional and gender differences,

Reiterating commitments to competitive multiparty democratic system, civil liberties, fundamental rights, human rights, complete press freedom, rule of law and all other norms and values of democratic system,

Guaranteeing the fundamental rights of the Nepalese people to cast their votes in the constituent assembly polls without any kind of fear,

By putting democracy, peace, prosperity, progressive social and economic transformation, independence, integrity, sovereignty and prestige of the state in the centre-stage and to implement the commitments made by both the sides to hold the election to constituent assembly by mid June 2007 in a free and fair manner, the following decisions have been taken from the meeting of the top leaders of the seven parties and the Maoists today, November 8, 2006.

### **I. Relating to the implementation of the past agreements**

Implement all the agreements, understanding and code of conduct signed earlier - fully, sincerely and strongly

Form a high-level commission to investigate and publicise the whereabouts of citizens stated to have been disappeared by the state and the Maoists in the past

Accelerate the process of returning the houses, land and properties confiscated in the past. Ensure the environment so that displaced people would be able to return to their villages. For this purpose, committees would be formed in districts comprising representatives from both the sides. Complete all these works within one month.

Make public announcement regarding the withdrawal of all accusations and charges levelled by the state at the leaders and the cadres of the CPN (Maoist) and release all political prisoners from both the sides.

## **II. Relating to management of arms and army**

In order to hold the elections to constituent assembly in a peaceful, free and fair environment and for democratisation and restructuring of the Nepali Army as per the feelings expressed in 12-point agreement, 8-point understanding, 25-point code of conduct and 5-point letter sent to the United Nations, the following works would be carried out:

### **Relating to Maoist army**

As per the commitments expressed in the letter sent to the United Nations by the Nepal government and the Maoists on August 9, the combatants of the Maoists would be sent to following cantonments. The United Nations would do the necessary verification and monitoring of them.

Main camps would be in the following places

1. Kailali, 2. Surkhet, 3. Rolpa, 4. Palpa, 5. Kavre, 6. Sindhuli 7. Ilam. There would be three smaller camps located in the periphery of each of these main camps

All the arms and ammunitions would be securely stored in the camps except those needed for providing security of the camp after the Maoist combatants are sent to the cantonments. They will be put under a single lock system and the concerned side would keep the key of this lock. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is 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 Nepal government, the Maoists and the United Nations.

On completion of cantonment of the Maoist combatants, Nepal government would take up the responsibility for providing ration and other facilities to them

The interim cabinet would form a special committee to carry out monitoring, integration and rehabilitation of the Maoist combatants

Make arrangement for the security of the Maoist leaders as per the agreement with the Nepal government

### **Relating to Nepali Army**

The Nepali Army would be confined to the barracks as per the commitments of the letter sent to the United Nations. Guarantee that its arms would not be used for or against any side. Keep similar quantity of arms of the Nepali Army in the store, seal it with single-lock system and give the key to the concerned side. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is 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 Nepal government, the Maoists and the United Nations..

The cabinet would control, mobilise and manage the Nepali Army as per the new Military Act. The interim cabinet would prepare and implement the detailed action plan of democratisation of the Nepali Army by taking suggestions from the concerned committee of the interim parliament. This includes works like determination of the right number of the Nepali Army, prepare the democratic structure reflecting the national and inclusive character, and train them on democratic principles and human rights values

Continue the works of the Nepali Army such as border security, security of the conservation areas, protected areas, banks, airport, power house, telephone tower, central secretariat and security of VIPs.

## **III. Relating to the subjects of the interim constitution**

### **1. Relating to interim constitution**

- Finalise the interim constitution presented by the interim constitution drafting committee as per the agreements reached today
- The reinstated House of Representatives would promulgate the interim constitution and the newly formed interim legislature would endorse it.

### **2. Relating to the monarchy**

- No rights on state administration would remain with the King
- Bring the properties of the late King

Birendra, late Queen Aishwarya and their family members under the control of the Nepal government and use it for the welfare purposes through a trust.

- All properties acquired by King Gyanendra by the virtue of him being the King (like palaces of various places, forests and conservation areas, heritage having historical and archaeological importance) would be nationalised.
- Determine the fate of the institution of monarchy by the first meeting of the Constituent Assembly through simple majority vote.

### **3. Relating to interim legislature (parliament)**

- The interim legislature would be unicameral of the following type:
- There would be 209 members of the seven parties and others who are members of the present lower and upper house (excluding those who opposed the people's movement). Since the Left Front does not have its representation in the current parliament, its representation in the interim parliament would be determined based on understanding.
  - ii. 73 members from the side of the Maoists
  - iii. 48 members from among the sister organisations and professional bodies, oppressed ethnic communities and regions and political personalities (to be nominated based on understanding)(total number : 330)

But those who stood against the people's movement would not be given membership in the interim parliament.

- The reinstated House of Representatives and National Assembly would be dissolved once the formation of the interim parliament is complete.
- The people's government, people's court run by the CPN (Maoist) would be dissolved on the day of the formation of the interim parliament.
- Run the interim parliament as per the political understanding

### **4. Relating to interim government**

- Form the interim cabinet as per the under-

standing

- Determine the work division and structure of the interim parliament as per understanding
- The interim government would work as per the aspiration of the people's movement, political understanding and culture of cooperation

### **5. Relating to judiciary**

- Follow the norms and values and concept of the independent judiciary
- Make the judiciary committed to the aspiration of the people's movement, democracy and interim constitution
- Institute a constitutional court to finalise disputes regarding the constituent assembly

### **6. Relating to constitutional bodies**

- A new constitutional council will be formed that will include the Prime Minister, Chief Justice and the Speaker of the interim parliament, which will recommend appointments at the constitutional bodies. Such appointments will be based on specific criteria.
- The appointments in the Election Commission will be completed on the basis of understanding.

### **7. Relating to local bodies**

- Interim local bodies will be formed in district, city and village level on the basis of agreement between the seven political parties and the Maoists.

### **8. Relating to citizenship problem**

- Distribute citizenship to all Nepalis who have been deprived of their citizenship certificate before the election of the constituent assembly
- Considering mid-April 1990 as the base (cut off) year, all Nepalese citizens who were born before that date and have been continuously living in Nepal since then will be provided with citizenship certificate.
- Other provisions regarding citizenship will be according to the provisions mentioned in the law.

### **9. Regarding the election of the constituent assembly**

- The interim cabinet will be given the

authority to ascertain the date to hold the election of the constituent assembly by mid-June 2007.

- The election of the constituent assembly will be based on mixed electoral system. 205 members will be elected through First-Past-The-Post system. 204 members will be elected as per the proportional representation system on the basis of votes won by the political parties. A law in this regard will be made after consultation with the Election Commission.
- While appointing the candidates, the political parties should ensure proportional representation of oppressed groups, region, Madheshi, Women, Dalit and other groups.
- 16 members will be nominated by the interim Council of Ministers from among distinguished persons.
- The total number of members of the constitutional assembly will be 425.
- Nepalese who are 18 years or above at the time when the interim constitution is promulgated will be eligible to vote.
- Monitoring of the election of the constituent assembly will be done by the United Nations.

#### **10. Structure of the state**

- To end discriminations based on class, ethnicity, lingual, gender, cultural, religion and region and to deconstruct the centralised and unitary structure of the state and to reconstruct it into an inclusive, democratic and forward looking state.
- A high level commission will be formed to suggest on the restructuring of the state.
- Final decision regarding the restructuring of the state will be made by the constituent assembly.

#### **11. Directive principles of socio-economic transformation**

- To end all forms of feudalism, a common minimum program will be prepared for socio-economic transformation on the basis of mutual agreement and they will be implemented.
- Formulate policies to implement scientific land reform program by doing away with

the feudal land ownership.

- To adopt policies that will protect and promote national industries and resources.
- To ascertain the rights of the citizens on sectors like education, health, shelter, employment and food security.
- Policies will be adopted to provide land and socio-economic security to backward groups like landless, bonded labourers, tillers, Haruwa-charuwa and other such groups, which are socio-economically backward.
- To adopt policies to take strict actions against the people who have worked in government positions and have amassed huge amount of properties through corruption.
- Prepare a common development concept that will help in socio-economic transformation of the country and will also assist in ensuring the country's prosperity in a short period of time.
- Follow policies ascertaining the professional rights of workers and increase investment on sectors like promoting industries, trade and export and increase employment and income generating opportunities.

#### **IV. Relating to the management of the conflict victims**

1. Provisions will be made for providing proper relief, respect and resettlement for the family members of the people who have died due to the conflict and for the ones who have been disabled.
2. Provide relief to the family members of the people who have been disappeared on the basis of the report presented by the investigation commission.
3. Carry out special programs to rehabilitate the people who have been displaced due to the conflict; to provide relief in case of destruction of private and public properties; and to reconstruct the destroyed infrastructures.
4. Conduct investigation about those who were involved in gross violation of human rights at the time of the conflict and those who committed crime against humanity.

Form a high level Truth and Reconciliation Commission to create an environment for social reconciliation.

#### V. Miscellaneous

1. A high-level committee will be formed as per understanding to monitor if the agreement have been implemented.
2. The government will take action against anyone involved in acting against the code of conduct, agreement and laws.
3. At the time of the election of the constituent assembly, the political parties will be free to present their policies regarding republic, socio-economic transformation, referendum, election system and other such issues in which an agreement has not been reached now.

#### VI. Time Schedule

1. To conclude comprehensive peace agreement between Nepal government and the CPN (Maoists) by November 16, 2006
2. That all the Maoist combatants would gather into the camps by November 21, 2006 as stated in 2(1) and store the arms. The United Nations would do their verification and monitoring.
3. As stated in 2(5), the Nepali Army would remain confined in barrack by November 21, 2006, keep the specified number of arms in the store and the United Nations would conduct its monitoring.
4. To complete the interim constitution by November 21, 2006
5. To promulgate the interim constitution by November 26, 2006, establish the interim legislature and dissolve the House of Representatives and National Assembly
6. Form the interim cabinet by December 1, 2006

Signatories:

**Girija Prasad Koirala**

Prime minister and president of the Nepali Congress

**Madhav Kumar Nepal**

General secretary of CPN (UML)

**Sher Bahadur Deuba**

President of Nepali Congress Democratic

**Amik Sherchan**

Deputy prime minister and chairman of People's Front Nepal

**Bharat Bimal Yadav**

Vice president of NSP (Anandi Devi)

**Narayan Man Bijukchhe**

President of NWPP

**C. P. Mainali**

Chairman of Left Front

**Prachanda**

Chairman, CPN (Maoists)

November 8, 2006

#### Note of dissent by the UML

Agreeing for the implementation of the subjects stated above as all other parties have agreement on those, our party has following differences:

1. The UML believes that the issue of whether to keep the monarchy or not should be determined through the referendum along with the election to constituent assembly
2. The UML believes that it would be most democratic to adopt the proportional system for election to the constituent assembly.

*November 8, 20 06*

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### Letter to UN Secretary-General By Deputy Prime Minister and Minister of Foreign Affairs

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I have the honor to refer to the identical letters of 9 August 2006 addressed to you by the Prime Minister of Nepal and the Chairman of the Communist Party of Nepal (Maoist) requesting the United Nations to assist in the following areas with a view to creating a free and fair atmosphere for the election of the Constituent Assembly:

1. Continue its human rights monitoring through the Office of the United Nations High Commissioner for Human Rights in Nepal;
2. Assist the monitoring of the code of conduct during the ceasefire;

3. On the basis of the agreement to seek United Nations assistance in “the management of arms and armed personnel of both the sides”, deploy qualified civilian personnel to monitor and verify the confinement of Community Party of Nepal (Maoist) combatants and their weapons within designated cantonment areas. Later the modalities for all agreements, including arms and munitions, would be worked out among the parties and the United Nations;
4. Monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used for or against any side. The modalities will be worked out among the parties and the United Nations;
5. Provide election observation for the election of the Constituent Assembly in consultation with the parties.

The Government of Nepal sincerely appreciates the appointment of your Personal Representative in response to these requests. Since then, the Government of Nepal and the Communist Party of Nepal (Maoist) have been working with your Personal Representative on these issues. I have further the honor to inform you that in accordance with the agreement reached between the Seven Party Alliance and the Communist Party of Nepal (Maoist) on 8 November 2006, and subsequently endorsed by the Government of Nepal, the assistance of the United Nations is required in the following specific areas in addition to the five points mentioned in the identical letters of 9 August 2006:

1. As per the commitments expressed in the letters sent to the United Nations by the Government of Nepal and the Communist Party of Nepal (Maoist) on 9 August 2006, the Maoist combatants shall be sent to cantonments located in the following districts: Kailali, Surkhet, Rolpa, Palpa, Kabhre, Sindhuli and Ilam. There shall be three smaller camps located in the periphery of each of these main cantonments. The United Nations shall do the necessary verification and monitoring of them;
2. All the arms and ammunition held by the

Communist Party of Nepal (Maoist) shall be securely stored in the camps except those needed for providing security to the camps after the Maoist combatants are sent to the cantonments. The arms and ammunition shall be locked with a single padlock and the side concerned shall keep the key to it. For the United Nations to monitor it, a device with a siren as well as recording facility shall be installed. The United Nations shall make necessary inspections of the stored arms in the presence of the side concerned. The details of technology including cameras for monitoring as per the agreement shall be prepared among the Government of Nepal, the Communist Party of Nepal (Maoist) and the United Nations;

3. The Nepal Army shall be confined to the barracks as per the commitments of the letter sent to the United Nations. It will be guaranteed that its arms shall not be used for or against any side. An equal number of arms of the Nepal Army shall be kept in the store under a single-lock system and the key shall be kept by the side concerned. For the United Nations to monitor it, a device with a siren as well as a recording facility shall be installed. The United Nations shall make necessary inspections of the stored arms in the presence of the side concerned. The details of technology, including cameras for monitoring as per the agreement shall be prepared among the Government of Nepal, the Communist Party of Nepal (Maoist) and the United Nations.
4. Monitoring of the election of the Constituent Assembly, to be held by mid-June 2007, shall be done by the United Nations. I also have the honour to request you to provide the requested assistance as quickly as possible to meet the sequence of events leading up to the election of the Constituent Assembly. Details of the scope of the activities of the United Nations support, including for the electoral assistance, are being worked out among the Government of Nepal, the Communist Party

of Nepal (Maoist) and the United Nations, which will be communicated to you shortly. As per the agreed time schedules, the verification and monitoring of the cantonments and combatants of the Maoists by the United Nations would begin once they are confined to the camps by 21 November 2006.

By that time, the Nepal Army will also be confined to the barracks, keeping the specified number of arms in the store for United Nations monitoring. It is also scheduled that the interim constitution would be promulgated and an interim legislature would be in place by 26 November, which would be followed by the formation of an interim cabinet by 1 December 2006. On behalf of the Government of Nepal, I take this opportunity to express sincere appreciation for your personal support for the assistance provided by the United Nations through the Secretariat and your Personal Representative to Nepal in this process.

*(Signed)* K. P. Sharma Oli  
November 16, 2006

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## **Comprehensive Peace Accord Signed by the Government of Nepal and the Communist Party of Nepal (Maoist)**

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### **Preamble**

Respecting the people's mandate expressed in favour of democracy, peace and progress by the Nepali people through the historic struggles and people's movement, launched, from time to time, since prior to 1950 to till now, Reaffirming full commitment towards the 12-points Understanding, the 8-points Agreement reached between the Seven Political Parties and the Communist Party of Nepal (Maoist) (CPN Maoist), the 25-points Code of Conduct agreed between the Government of Nepal and the CPN (Maoist), the decisions of the meeting of high level leaders of the Seven Political Parties and the CPN

(Maoist) held on November 8, 2006 including all agreements, understandings, code of conducts concluded between the Government of Nepal and the CPN (Maoist), and correspondence of similar view point sent to the United Nations Organisation, Expressing determination to carry out a progressive restructuring of the state to resolve the existing problems based on class, caste, region and sex, Reiterating the commitment towards the competitive multiparty democratic system of governance, civil liberty, fundamental rights, human rights, full press freedom and concept of rule of law and also democratic values and norms.

Remaining committed towards the Universal Declaration of Human Rights, 1948 and the international humanitarian laws and basic principles and values relating to human rights, Guaranteeing the fundamental rights of the Nepali People to participate in the elections of the Constituent Assembly in a free, impartial and fearless environment, Keeping democracy, peace, prosperity, progressive socio economic change and freedom, integrity, sovereignty and dignity of the country at the center, Expressing determination to implement the commitment of holding an election of the Constituent Assembly in free and impartial manner by June 14, 2007, Declaring the beginning of a new chapter of peaceful collaboration by ending the armed conflict being existed in the country since 1995 on the basis of the political understanding reached between both the parties in order to accomplish guarantee of sovereignty of Nepali people, progressive political outlet, democratic restructuring of the state and socio-economic and cultural transformation through the Constituent Assembly, Now, therefore, this Comprehensive Peace Accord has been concluded between the Government of Nepal and CPN (Maoist) with a commitment to transform the ceasefire reached between the Government of Nepal and CPN (Maoist) into a long term peace.

### **1. Preliminary:**

1.1. This Accord shall be referred as the "**Comprehensive Peace Accord, 2006.**" In

short, the Accord shall be referred as Peace Accord.

- 1.2. The Accord shall come into force from today through a public declaration of the Government side and Maoist side.
- 1.3. Both sides shall issue necessary directives to all the agencies under them to immediately implement and abide by this Accord and, shall implement or cause to be implemented it.
- 1.4. All the agreements, understandings, code of conducts and decisions reached between the Seven Political Parties, the Government and the Maoists sides attached as an annex shall be deemed to be an integral part of this Accord.
- 1.5. The understandings and agreements to be reached in future as per necessary for the implementation of this Accord shall also be deemed to be a part of this Accord.

## 2. Definitions:

Unless the subject or context otherwise requires, in this Accord:

- (a) "**Ceasefire**" means the act to prohibit all terms of attack, kidnapping, act of disappearance, detention, mobilization, strengthening, aggression and violent activities of armed forces and the activities spreading destruction, incitement and instigation in the society through whatsoever means carried out between the Government of Nepal and the CPN (Maoist) by aiming to each other.
- (b) "**Interim Constitution**" means the Interim Constitution of Nepal, 2007" to be promulgated for the period until a new constitution is drafted and promulgated by the Constituent Assembly.
- (c) "**Interim Council of Ministers**" means the Interim Council of Ministers to be constituted under to the Interim Constitution.
- (d) "**Both sides**" mean the Government of Nepal side and the Communist Party of Nepal (Maoist) side.
- (e) "**Law in Force**" means the Interim Constitution of Nepal, 2007 and the Nepal laws in force that are not inconsistent to it.

Provided that this definition shall not prejudice to the legal provisions existed before the promulgation of the Interim Constitution, 2007.

- (f) "**Verification**" means the matter of preparation of exact record after verification of army, combatants and arms by the United Nations Organization.

## 3. Political, Economic and Social Transformation and Conflict Management

Both sides agree to adopt the following policies and programmes for the political, economic and social transformation and to manage the existing conflict in the country in a positive manner.

- 3.1. To ensure progressive political, economic and social transformation in the country on the basis of the decisions reached at the meeting of high level leaders of Seven Political Parties and CPN (Maoist) on Nov. 8, 2006.
- 3.2. To constitute an Interim Legislature-Parliament on the basis of Interim Constitution, and to hold an election of the Constituent Assembly in a free and impartial manner by the Interim Government by June 14, 2007 and to ensure practically the sovereignty vested upon the Nepali people.
- 3.3. No powers on rule of the country shall be vested upon the King. The properties of late King Birendra, late Queen Aishworya and their family shall be transferred into control of the Government of Nepal and be utilized for the interest of the nation by forming a trust. All properties (like the palaces located in different places, forest and parks, heritages of historical and archeological importance etc.) acquired by the King Gyanendra in that capacity shall be nationalized. Matter whether or not to maintain the institution monarchy shall be decided by a simple majority in the first meeting of the Constituent Assembly.
- 3.4. To adopt a political system that fully abides by the universally accepted concepts of fundamental human rights, multi-

party competitive democratic system, sovereignty vested upon the people and supremacy of the people, constitutional balance and check, rule of law, social justice and equality, independent judiciary, periodic elections, monitoring of the 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 bureaucracy and to maintain good governance by ending corruption and impunity.

- 3.5. To carry out an inclusive, democratic and progressive restructuring of the state by eliminating the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous and ethnic (Janajatis) people, Madheshi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion and region.
- 3.6. To decide, through mutual agreement, a minimum common programme for the socio-economic transformation that ends all forms of feudalism and to implement it gradually.
- 3.7. To adopt a policy to introduce a scientific land reforms programme by ending feudal land ownership.
- 3.8. To follow a policy to protect and promote the national industries and resources.
- 3.9. To adopt a policy to establish the rights of all citizens to education, health, housing, employment and food sovereignty.
- 3.10. To adopt a policy to provide land and other economic and social security to the economically backward classes including landless, bonded labours and pastoral farmers.
- 3.11. To adopt a policy of severely punishment to the person that acquires unjust wealth through corruption while holding a government office of the profit.
- 3.12. To build a common development concept for socio-economic

transformation and justice as well as to make the country quickly as developed and economically prosperous.

- 3.13. To ensure the professional rights of the labours and follow a policy for massive increase in employment and income generation opportunities by increasing investment in industries, trade, export promotion etc.

#### **4. Management of Armies and Arms**

In order to hold the election of Constituent Assembly in the peaceful, impartial and fearless environment and for the democratization and restructuring of the army to carry out the following tasks in accordance with the 12-points understanding, eight-points agreement and 25-points code of conduct concluded in the past, the five-points letter sent to the United Nations and the decision taken in the meeting of high level leaders held on November 8, 2006 Concerning the Maoist Army:

- 4.1. As per the commitment expressed in the letter sent to the United Nations on behalf of the Government of Nepal and the CPN (Maoist) on August 9, 2006, combatants of the Maoist's army shall be confined within the following temporary cantonments in the following places. They shall be verified and monitored by the United Nations. The main cantonments shall be located in the following places:
  1. Kailali, 2. Surkhet, 3. Rolpa, 4. Nawalparasi, 5. Chitwan, 6. Sindhuli, 7. IlamThe sub-cantonments around the main cantonments shall be located at the rate of three each.
- 4.2. After confining the Maoist combatants within the cantonments, all arms and ammunition except those required for the security of the cantonments shall securely be stored in the cantonment and the keys shall be kept by the concerned party after installing a single lock. In the process of installing such a lock, a device with a siren for the monitoring by the United Nations

for its record shall be assembled. While carrying out the necessary examination of the stored arms, the United Nations shall do it in the presence of the concerned party. Other technical details related to this process along with the camera monitoring shall be prepared through an agreement between the United Nations, CPN (Maoist) and the Government of Nepal.

- 4.3. When the Maoist combatants stay in the temporary cantonments, the Government of Nepal shall provide rationing supplies and other necessary arrangements.
- 4.4. The Interim Council of Ministers shall work to supervise, integrate and rehabilitate the Maoist combatants.
- 4.5. Security provisions for the Maoist leaders shall be made through the understanding with the Government. In regard to Nepal Army-
- 4.6. The Nepal Army shall be confined within the barracks as per the commitment expressed in the letter sent to the United Nations. It shall be guaranteed that their arms are not used for or against any one. The Nepal Army shall also store their arms in equal numbers to that are stored on-behalf of the Maoists, and shall be sealed with a single-lock and the key shall be kept by the concerned party. In the process of installing the lock, a device shall be used along with a siren for its record for the monitoring by the United Nations. While carrying out the necessary examination of the stored arms, the United Nations shall do it in the presence of the concerned party. Other technical details related to this process along with camera monitoring shall be prepared through an agreement between the United Nations, the CPN (Maoist) and Government of Nepal.
- 4.7. The control, mobilization and management of the Nepal Army shall be done by the Council of Ministers in accordance with the newly enacted Military Act. The Interim Council of Ministers shall prepare and implement a detailed action plan for the democratization of the Nepal Army

having also taken suggestions from the concerned committee of the Interim legislature. Under this scheme the activities like determination appropriate number of the Nepal Army, its democratic structure and national and inclusive character, shall be developed and the army shall be trained through the democratic and human rights values and other related works shall also be performed.

- 4.8. Continuity of the functions that are performing by the Nepal Army like border security, security of the conservation areas, protected parks, banks, airports, power houses, telephone towers, central secretariat and security of very important persons shall be given.

## 5. Ceasefire

- 5.1. Termination of the military action and the armed mobilization:
  - 5.1.1. Both sides express their commitments not to carry out the following activities:
    - a. An act of using of any type of arms and weapons targeted against each other in direct or indirect way or of attack;
    - b. Searching or confiscating weapons belonging to otherside with or without weapons at the place where the arms have been stored as per the understanding reached between the two sides;
    - c. An act of hurt or exerting mental pressure to any person;
    - d. An act of setting up ambush targeting each other;
    - e. Murder and violent activities;
    - f. An act of kidnapping/arrest/detention/disappearance;
    - g. Damaging public/private/government or military property;
    - h. Aerial attack or bombardment;
    - i. An act of land mining and sabotage;
    - j. An act of spying on military activity of each other.
  - 5.1.2. Both sides shall not recruit additional military forces or shall not transport arms and

- ammunitions and explosives or conduct military activities against each other; Provided that the Interim Government may, in order to prevent illegal trafficking of materials like arms and weapons, explosives or part thereof or raw materials thereof, conduct patrolling, search or confiscate them in international border or custom points by mobilization of the security forces.
- 5.1.3. No individual or group shall travel with illegal arms, ammunitions and explosives.
  - 5.1.4. Both sides shall assist each other to mark landmines and bodytraps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate the same within 60 days.
  - 5.1.5. Armies of both sides shall not present with arms or combat dress in any civil gathering, political meeting or any public programme.
  - 5.1.6. Nepal Police and Armed Police Force shall continue to act for maintaining law, order and peace and conduct criminal investigation as per the spirit and letters of the people movement and Peace Accord as well as the prevailing law.
  - 5.1.7. Both sides shall issue circulars to their respective armed agencies or personnels to stop to address as 'enemy' to any armed person of one side to the armed person of the other side and also to treat them in similar manner.
  - 5.1.8. Both sides express their consent to create an inventory of governmental, public and private buildings, land and other properties occupied, locked up or not allowed to use in course of the armed conflict and to return them immediately.
- 5.2. Measures for Normalization of the Situation:
    - 5.2.1. It is not allowed to collect cash or kind and levy tax against one's will and contrary to the law in force.
    - 5.2.2. Both sides agree to make public the status of the people taken in their custody and to release them within a period of fifteen days.
    - 5.2.3. Both sides agree to make public the information about the real name, surname and address of the people who were disappeared by both sides and who were killed during the war and to inform also the family about it within 60 days from the date on which this Accord has been signed.
    - 5.2.4. Both sides agree, to maintain the peace in the society normalizing adverse situation occurred by the reason of the armed conflict and to carry out relief work for, and to rehabilitate people victimized and displaced by the war to constitute a National Peace and Rehabilitation Commission to perform the business related to it.
    - 5.2.5. Both sides agree to constitute a High-level Truth and Reconciliation Commission through the mutual agreement in order to investigate truth about those who have seriously violated human rights and those who were involved in crimes against humanity in course of the war and to create an environment for reconciliations in the society.
    - 5.2.6. Both sides pledge to renounce war, attack, counter-attack, violence and counter-violence of all forms in the country with a commitment to ensure democracy, peace and progressive change in the Nepali society. There is an understanding between two sides in the matter of assisting one another in peace building and maintaining law and order.
    - 5.2.7. Both sides guarantee to withdraw accusations, claims, complaints and cases under consideration alleged against various individuals due to political reasons and to make immediately public the state of those who are in detention and to release them immediately.
    - 5.2.8. Both sides express their commitment to allow the persons displaced due to the armed conflict to return back voluntarily to their respective ancestral or previous places of residence without any political prejudice, to reconstruct the infrastructure

destroyed as a result of the conflict and to rehabilitate and socialize the displaced persons with due respect.

- 5.2.9. Both sides agree to resolve the problems occurred in the above mentioned context on the basis of mutual agreement and to take responsibility at the individual and collective manner for the task to create favourable environment for normalization of mutual relations and reconciliation and to implement it with the help of all political parties, civil society and also local organizations.
- 5.2.10. Both sides express their commitment not to discriminate against and give any kind of pressure on other members of the family by the reason of associating a member of the family with one or the other side.
- 5.2.11. Both sides agree not to create any kind of obstacle and allow any kind of obstruction to be created to the employees of Government of Nepal and public agencies in course of traveling freely to any part of the country to fulfill their duties and to perform their business and to extend cooperation them to perform their duties.
- 5.2.12. Both sides agree to allow the United Nations, International Donors Agencies and also Diplomatic Missions based in Nepal, national and international non-government organizations, press, human rights activists, election observers and foreign tourists for unrestricted movement in the State of Nepal in accordance with law.
- 5.2.13. Both sides are committed to operate publicity programmes in a decent and respectable manner.

## **6. End of War**

- 6.1. We hereby declare the end of the armed war going on since 1995 giving permanency to the ongoing ceasefire reached between the Government and the Maoists on the basis of the historical agreement concluded between the Seven Political parties and the CPN (Maoist) on November 8, 2006. .2. The decision taken by the meeting of high level leaders of the seven Political Parties

and the CPN (Maoist) on November 8, 2006 shall be the main policy basis for long term peace.

- 6.3. After confining the Nepal Army in the barracks and the Maoist army combatants in the cantonments, holding and displacing the arms, creating fear and threat and use of any type of violence and arms contrary to the understanding, agreements and law shall legally be punishable.
- 6.4. Armies of both the sides shall not be allowed to publicize for or against any party and to go for or against of any side. However, they shall not be deprived from their voting rights.

## **7. Observance of the Human Rights, Fundamental Rights and Humanitarian law**

Remaining committed to the Universal Declaration of Human Rights, 1948, international humanitarian law and fundamental principles and norms concerning human rights, both sides express their consent to the following issues:

### **7.1. Human Rights:**

- 7.1.1. Both sides reconfirm their commitment to the respect and protection of human rights and commitment to the international humanitarian law and accept that nobody shall be discriminated on the basis of colour, gender, language, religion, age, race, national or social origin, wealth, disability, birth or on other status, opinion or faith.
- 7.1.2. Both sides agree to create an atmosphere for the Nepali people to enjoy their civil, political, economic, social and cultural rights and are committed to create an atmosphere where such rights are not violated in the future under any condition.
- 7.1.3. Both sides express the commitment that impartial investigation and action shall be carried out in accordance with law against the persons responsible for creating obstructions to exercise the rights envisaged in the Accord and ensure that

impunity shall not be encouraged. Apart from this, they also ensure rights of 16 the victims of conflict and torture and the family of disappeared persons to obtain relief.

7.1.4. Both sides shall not carry out acts of torture, kidnapping and forced labor against public in general and shall also take necessary action to discourage such acts.

7.1.5. Both sides shall, on the basis of norms and values of secularism, respect social, cultural and religious sensitivity, religious sites and the religious faith of individuals.

## **7.2. Right to Life:**

7.2.1. Both sides respect and protect an individual's fundamental right to life. No one shall be deprived of this fundamental right and no law shall be made that provides for capital punishment. 7.3. Right to Individual Dignity, Freedom and Movement:

7.3.1. Both sides respect and protect the right to individual dignity. In this connection, no person including those deprived of their freedom in accordance with the law shall be subjected to torture or any other cruel, inhuman or degrading treatment or punishment. Right to privacy of the citizen shall, legally be respected.

7.3.2. Both sides shall, respecting fully the individual's right to freedom and security, not keep anyone under arbitrary or illegal detention, kidnap or take as hostage. Both sides agree to make public the status of every disappeared person and held as captive and inform the matter related thereto their family members, legal advisors and other authorized persons.

7.3.3. Both sides respect and protect right to freedom of movement, freedom to choose the place of residence, subject to legal norms and express the commitment to respect the right of the persons displaced by the conflict and their families to return back to their original residence or to settle in any other places of their choice.

## **7.4. Civil and Political Rights:**

7.4.1. Both sides are committed to respect and protect every person's freedom to opinion, expression, form union and association and peaceably assemble and right against exploitation.

7.4.2. Both sides respect the right of every citizen to take part directly or through one's nominated representative in the matters of public concern, to cast vote, to be elected and to enjoy the right to equality of entering into public service.

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

## **7.5. Socio-economic Rights:**

7.5.1. Both sides are committed to respect and protect right to livelihood of a persons through freely chosen or accepted employment.

7.5.2. Both sides are committed to respect and guarantee the right to food security of all people. They ensure that no interference shall be made in use, transportation and distribution of food grains and food products.

7.5.3. Both sides acknowledge that right to health of the citizen shall be respected and protected. Both sides shall not hinder to supply and assist medicine and health related campaigns, and express their commitment for treatment and rehabilitation of those who were injured by the reason of the conflict.

7.5.4. Realizing that the right to education for all should be ensured and respected, both sides are committed to maintain appropriate academic environment in educational institutions. Both sides agree to guarantee that the right to education shall not be violated. They agree to put immediately to an end the activities like taking the educational institutions under control and using them, causing teachers and students to be disappeared or taking them under control or abduction and not to establish military barracks in the schools and hospitals in a way so that it would impede them.

7.5.5. Both sides agree that private property of

any person shall not be seized or controlled except in accordance with law.

7.5.6. Both sides believe in giving continuity for production activities without disturbing the industrial environment in the country, respecting the right to collective bargaining and social security in the industrial enterprises, encouraging industrial enterprises and labour to solve the problem arising between them, if any, in a peaceful manner and respect the right to work determined by the International Labor Organization.

#### **7.6. Rights of Woman and Child:**

7.6.1. Both sides fully agree to provide special protection to the rights of women and children, to immediately prohibit all types of violence against women and children, including child labor, as well as sexual exploitation and harassment, and not to include or use children who are of eighteen years or below than that in the armed force. Children so affected shall, immediately, be rescued and necessary and appropriate assistance shall be provided for their rehabilitation.

#### **7.7. Right to Personal Liberty:**

7.7.1. Both sides agree to the freedom of belief and opinion, freedom of speech and publication, freedom to assemble peaceably and without arms, freedom of movement, freedom to practise any profession or occupation of one's choice, freedom to acquire and use property, freedom to participate in peaceful political activities, freedom to be equal before the law; and to operate or cause to be operated a tolerant system of justice.

#### **8. Mechanism for Dispute Settlement and Implementation**

8.1. Both sides express their consent to be individually and collectively responsible for not repeating mistakes in future that were committed in the past, and for correcting them gradually.

8.2. The National Peace and Rehabilitation Commission may create mechanisms as per necessary to make the peace campaign a successful. The constitution and procedures of the Commission shall be as determined by the Interim Council of Ministers.

8.3. Both sides are committed to resolve all types of mutual differences or problems that may arise at present and in future through mutual dialogue, understanding, agreement and negotiations.

8.4. Both sides express their commitment to the fact that the Interim Council of Ministers shall, in order to implement this Accord, the Interim Constitution and all the decisions, agreements and understandings concluded between the Seven Political Parties, the Government of Nepal and the CPN (Maoist), constitute the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, a High-level Recommendation Commission for the Restructuring of the State and other mechanisms as per necessity, and may determine their working procedures.

#### **9. Implementation and Monitoring**

Both sides agree to the following arrangements for the implementation and the monitoring of the agreement referred to in this Accord.

9.1. Both sides agree to give continuity of the task for monitoring provisions concerning human rights referred to in this Accord by the Nepal based United Nations Office of the High Commissioner for Human Rights.

9.2. Both sides agree to cause to be monitored the management of armies and the arms by the Nepal based United Nations Mission as referred to in the five-points letter sent to the United Nations earlier and in this Accord and express their commitment to assist therefor.

9.3. Both sides agree to cause to be supervised the election of the Constituent Assembly by the United Nations.

- 9.4. The National Human Rights Commission shall, in addition to its responsibilities as determined by law, also carry out such works as are related to the monitoring of human rights as referred to in this Accord. The said Commission in the course of performance of its business, coordinate national and international institutions concerning human rights and obtain necessary help.
- 9.5. Both sides agree to receive the reports submitted by all abovementioned bodies, to provide information requested by them, and to implement the suggestions and recommendations to be provided by them on the basis of agreement and discussions.

#### 10. Miscellaneous

- 10.1. Both sides agree not to operate parallel or other forms of mechanism in any areas of the State or Government machinery as per the spirit of the decisions of November 8, 2006 and the essence of the peace Accord.
- 10.2. Both sides agree to sign any complementary agreements, as per necessity, for the implementation of the present Accord.
- 10.3. This Accord may be amended at any time with the agreement of both sides. Both sides agree to provide other party a written notice of amendment if a party desires to amend it. Amendment to the Accord may be made with the agreement of both sides after receiving such a notice. The provisions to be made by such an amendment shall not be below than that of the minimum standards of recognized international human rights and humanitarian laws and main spirit for establishment of peace.
- 10.4. If any dispute arises in interpretation of this Accord, a joint mechanism consisting of both sides shall make the interpretation on the basis of the preamble and the documents included in the annex to this Accord, and such an interpretation shall be final.
- 10.5. The concept of "two sides" and the "situation" as referred to in this Accord shall,

ipso facto, be ceased after the constitution of the Interim Legislature-Parliament. Thereafter, all responsibility for implementing the obligations referred to in this Accord shall be as per the arrangements made by the Interim Council of Ministers. It shall be a duty and responsibility of all the political parties to extend cooperation in the compliance and implementation of the Accord.

- 10.6. At a time when the entire country is centered in the main campaign of the election to the Constituent Assembly, we hereby heartily request to all to end their problems and demands through dialogue and negotiations and to extend cooperation to the election of the Constituent Assembly and to the peace and security situation.
- 10.7. We hereby heartily appeal to the political parties, civil society, professional groups, public-class organizations, journalists community, intellectuals and all Nepali people to actively participate in this historic campaign to build a New Nepal and to establish a sustainable peace through the elections of the Constituent Assembly by ending the armed conflict.
- 10.8. We heartily urge all the friendly nations and also the International Community including the United Nations Organization to extend their support to Nepal in this campaign for establishing full democracy and sustainable peace in the country. Taking cognizance of the responsibility to the future of the country and people, and being fully committed to the text of this Comprehensive Peace Accord, we hereby execute this Peace Accord on behalf of the GOVERNMENT OF NEPAL and the Communist Party of Nepal (Maoist), and make this Comprehensive Peace Accord public.

**Girija Prasad Koirala**  
Prime Minister  
*Government of Nepal*

**Prachanda**  
Chairperson  
*Communist Party of  
Nepal (Maoist)*  
*November 21, 2006*

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# Agreement on Monitoring of the Management of Arms and Armies

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## Preamble

In keeping with the letters to the United Nations (UN) Secretary-General of 9 August and the Comprehensive Peace Accord of 21 November 2006; Guaranteeing the fundamental right of the Nepali people to take part in the constituent assembly elections in a free and fair environment without fear; Declaring the beginning of a new chapter of peaceful democratic interaction by ending the armed conflict taking place in the country since 1996, based on the Comprehensive Peace Accord between the two parties in order to accomplish, through the constituent assembly, certainty of sovereignty of the Nepali people, progressive political outlet, democratic restructuring of the state, and socioeconomic- cultural transformation; and, Affirming the will to fully observe the terms of this bilateral agreement witnessed by the United Nations: The parties agree to seek UN assistance in monitoring the management of the arms and armies of both sides by the deployment of qualified UN civilian personnel to monitor, according to international norms, the confinement of Maoist army combatants and their weapons within designated cantonment areas and monitor the Nepal Army (NA) to ensure that it remains in its barracks and its weapons are not used against any side.

## 1 Modalities of the Agreement

### 1.1 Principles

Neither of the parties shall engage in movement or redeployment of forces resulting in tactical or strategic advantage. Any claims or reports of violations of this agreement will be reported to UN monitors, substantiated or not substantiated, and subsequently reported to the parties through the appropriate representative of the UN Mission in Nepal.

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 them.

Both parties agree to allow the United Nations, international donor agencies and diplomatic missions based in Nepal, national and international non governmental organizations, press, human rights activists, election observers and foreign tourists to travel unrestricted according to law in the state of Nepal. The parties will ensure the safety, security, freedom of movement and well-being of UN Mission and associated personnel, goods and services in all parts of Nepal.

The parties shall immediately take all necessary measures to cooperate with efforts aimed at controlling illicit trafficking of arms and the infiltration of armed groups.

Both parties fully agree to not include or use children who are 18 years old and under in the armed forces. Children thus affected would be immediately rescued and necessary and appropriate assistance will be provided for their rehabilitation.

### 1.2 Definitions

The following definitions are accepted:

- (1) *Cantonment (Maoist army)* is a temporarily designated and clearly defined geographical area for encampment and provision of services for the Maoist combatant units including weapons, ammunition and equipment. The cantonments are provided for all echelons of the Maoist army.
- (2) *Barracking (NA)* is the deployment of Nepal Army units to barracks, including weapons, ammunition and equipment. No units below a company level will be independently deployed unless for activities specified elsewhere in this agreement or otherwise mutually agreed by the parties.
- (3) *Secure arms storage areas* are either military barracks with regular armoury stores used for storage of weapons, munitions and explosives, or storage containers established in special perimeters at cantonment sites controlled and guarded by the responsible unit.

- (4) "*The parties*" refers to the party of Government of Nepal (including the Nepal Army) and the party of the Communist Party of Nepal (Maoist), (including the Maoist Army.)
- (5) *UN Monitoring* refers to all efforts by the United Nations Mission to determine relative compliance with the terms spelled out in this agreement and to report to all the parties and others concerned its findings.
- (6) *The Joint Monitoring Coordination Committee (JMCC)* is the monitoring, reporting and coordinating body chaired by the UN with membership of the parties. The JMCC is responsible for supervising compliance by the parties with this agreement in accordance with provision 6.1 of this agreement.
- (7) *Joint Monitoring Teams (JMTs)* are the bodies which will assist in monitoring the cessation of hostilities. The Joint Monitoring Teams will be active at the regional and local level and in mobile teams. Each team will be comprised of one UN monitor serving as team leader, one monitor from Nepal Army and one monitor from the Maoist Army. Joint Monitoring Teams will not be used for weapons storage inspections. Inspections at Maoist army cantonments will take place with a UN monitoring team and a representative of the Maoist army. Inspections at Nepal Army barracks will take place with a UN monitoring team and a Nepal Army representative.
- (8) *Maoist army combatants*: For purposes of this agreement this will include regular active duty members of the Maoist army who joined service before 25 May 2006, who are not minors and who are able to demonstrate their service, including by CPN(M) identity card and other means agreed by the parties.

### 1.3 Promotion

The parties shall promote awareness of this agreement, and adherence to its provisions, among their commanders, members and affiliated groups.

The parties, Government of Nepal,

Nepal Army (NA), CPN(M) and the Maoist army, shall design, in cooperation with the UN Mission, an awareness programme to ensure that local communities and the parties' commanders, members and affiliated groups understand the mandate of the UN Mission and all of the obligations of the parties spelled out in this agreement.

The information programmes shall include the use of meetings and print and electronic media in local languages.

### 1.4 Phases

This agreement shall come into force upon signing. Thereafter it shall be implemented in phases, as follows:

- (1) Reporting and verification;
- (2) Redeployment and concentration of forces;
- (3) Maoist army cantonment, NA barracking and arms control; and,
- (4) Full compliance with the agreement.

A full and practical timeline will be established by the parties for all of these activities to take place in consultation with the UN.

### 2 Reporting and verification

The parties will report detailed information about their troops and this information will be treated with appropriate confidentiality by the United Nations. The parties will provide maps and sketches showing current dispositions, including:

- (1) Order of battle/military structure, organisation, deployment and number of troops;
- (2) Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and exact location of such items;
- (3) All necessary information about roads, tracks, trails and passages related to encampments;
- (4) Information regarding armed or unarmed groups working along with the parties, the Nepal Army (NA) and the Maoist army, including their responsibilities; and,
- (5) Other information required by the UN Mission for proper monitoring of the disposition of arms and armies.

The UN Mission shall check this infor-

mation immediately after monitors are deployed.

### **3 Redeployment and concentration of forces**

Comprehensive plans, timelines and routes for the redeployment and concentration of forces will be provided by both the NA and Maoist army to the UN Mission.

The redeployment and concentration of all combatants in Nepal -- with the NA in barracks and the Maoist army moving in to cantonment sites -- shall be carried out in consultation with the UN. The redeployment and cantonment of forces will be monitored by the UN monitors after they are deployed.

Both sides express an understanding to create a record of government, public and private buildings, land and other properties and return them immediately.

The parties will withdraw all military and paramilitary checkpoints (unless explicitly permitted in this agreement) to promote and guarantee free movement and create an environment free of fear and intimidation.

The Nepal Police and Armed Police Force shall continue the task of maintaining law and order and conduct criminal investigations as per the spirit and sentiment of the *Jana Andolan* and peace accord as well as the prevailing law. Both parties agree not to operate parallel or other forms of mechanism in any areas of the state or state machinery as per the spirit of the decisions of November 8, 2006 and the essence of the peace accord. All sides agree to let employees of Nepal Government and public agencies travel freely to any part of the country, to fulfill their duties and not to create any obstacle or obstruction while executing their work or not to let obstructions to arise and to facilitate their work.

## **4 Maoist Army cantonment, barracking of the NA and arms control**

### **4.1 Maoist army cantonment**

In accordance with the commitment expressed in the letter sent to the United Nations, Maoist army combatants and their weapons shall be confined within designated cantonment areas. The cantonment shall be

based on comprehensive planning and preparation before implementation.

After the Maoist army combatants stay in the temporary cantonments, the Government of Nepal will provide food supplies and other necessary arrangements. When implemented, the comprehensive concept shall ensure good communications and proper logistics. UN monitors will have access to any and all cantonment sites for purposes of monitoring.

#### **4.1.1 Commanders' responsibilities**

The normal Maoist army chain of command, control, communication and information will be utilized to control the Maoist army cantonment, using the normal Maoist army structure in administration of the sites. There will be seven main cantonment sites and 21 satellite cantonment sites of three per main cantonment site. The satellite sites will be clustered no more than two hours driving distance from the main sites unless otherwise agreed by the parties.

The designated seven main sites will be under command, control, communication and information of the Maoist army site commander and the satellite sites by the designated satellite commanders.

The site commanders shall provide the following information in detail for each site to the UN Mission:

- (1) Command structure for the unit and sub-units plotted on a map;
- (2) Names of commanders down to company level;
- (3) Communication system;
- (4) Complete list of personnel;
- (5) Complete list of weapons, i.e. types, numbers, serial number and calibre under storage at the main cantonment sites;
- (6) Ammunition inventory type, lot number and amount; and,
- (7) List of names for the site security guards detachment, and complete list of weapons and ammunition for the detachment (main and satellite cantonment levels).

#### **Site commanders' responsibilities include:**

- (1) Camp security, including access control to

the site;

- (2) Ensuring the security, freedom of movement and well-being of UN Mission and associated personnel, goods and services;
- (3) Providing information in cooperation with the UN Mission in accordance with section 2;
- (4) Maintenance of discipline, morale and normal training in the spirit of the Comprehensive Peace Accord, excluding live fire exercises;
- (5) Daily routines and control of troops; and,
- (6) Logistics and camp services (in cooperation with the Government of Nepal and other assisting agencies).

#### 4.1.2 Weapons storage and control

The parties agree upon the safe storage of all Maoist army weapons and ammunition, in the seven main cantonment areas under UN monitoring, except as provided below for perimeter security purposes. Both sides shall assist each other to mark landmines and boobytraps used during the time of armed conflict by providing necessary information within 30 days and to defuse and remove/lift and destroy them within 60 days. All improvised explosive devices will be collected at designated sites a safe distance from the main cantonment areas. These sites shall be agreed by the parties in consultation with the UN Mission. Unsuitable devices will be destroyed immediately. Stable devices will be stored safely and under 24-hour armed guard provided for by the guard arrangements cited below. The parties, in consultation with the UN, will determine a timeline and process for the later destruction of all improvised explosive devices. To ensure the safety of both monitors and Maoist army personnel, no improvised explosive devices or crude bombs will be brought inside the cantonment sites.

In the main cantonment sites the weapons and ammunition storage area will be secured by the following system:

- (1) A solid fence will surround the specified area, including a gate with a lock. There will be signs on the fence clearly identify-

ing the restricted area.

- (2) The weapons storage depot will be composed of storage containers painted white and furnished with shelves for safe weapons storage and easy control, and with a complete.
- (3) inventory (weapon type, calibre and serial number).
- (4) A single lock provided by the UN will secure each storage container. The key will be held by the designated main cantonment site commander. A 24-hour surveillance camera provided by the UN Mission will cover the storage site and will be monitored from the UN office in the cantonment site. Floodlights will be switched on automatically during hours of darkness.
- (5) The UN Mission will provide an inspection registration device mounted on each container door indicating when the storage container has been opened.
- (6) An alarm system provided by the UN Mission will be connected to sirens in both the UN office and the camp commander's office. The system will be activated if the container door is opened without a "safe button" having been switched off in connection with regular inspections.
- (7) UN monitors will carry out the inspections of the arms storage area and containers in the presence of a Maoist army representative.

Each main cantonment site will be allowed 30 weapons of the same make and model to be used only for clearly defined perimeter security by designated guards, with each satellite allowed 15 such weapons under the same conditions. These weapons will all be properly registered with make and serial number and locked in a guardhouse when not in use. The parties, in consultation with the UN, will periodically review the number of weapons needed for perimeter security purposes on the basis of a shared threat assessment.

Security provisions will be made for CPN(M) leaders through understanding with the government.

The UN Mission shall monitor these commitments with a full-time presence at the

Maoist army main cantonment sites and through field visits and regular inspections. These inspections will be carried out randomly and without warning.

#### **4.1.3 Registration of Maoist army combatants at cantonment sites**

All Maoist army combatants will be registered at the main cantonment sites. This registration will include the provision of age, name, rank, responsibilities within unit/formation, date of entry into service and will provide the basis for a complete list of personnel. Maoist combatants will be registered regardless if they are in possession of weapons or not. If with weapon, the type and condition of weapon will be specified. The total number of weapons will be categorized by unit/formation. Only those individuals who were members of the Maoist army before 25 May 2006 will be eligible for cantonment. The parties will agree as to how this pre-existing service is to be confirmed in consultation with the UN.

As part of this registration, all Maoist army combatants will present their Maoist army identity card to be marked by the UN. The process for marking the cards will be determined. This registration card will be the basis for any assistance received by Maoist army members. Unregistered persons will not be eligible for assistance or permitted to remain in cantonments.

Only those Maoist army combatants who have been properly registered at cantonment sites will be eligible for possible integration into the security forces fulfilling the standard norms. Any discharged personnel will be ineligible for possible integration. Those who are eligible for integration into the security forces will be determined by a special committee as agreed in the Comprehensive Peace Accord. This integration process will be determined in subsequent agreement with the parties.

Upon registration Maoist army combatants, if found to be born after 25 May 1988, will be honourably and automatically discharged.

Discharged Maoist army combatants must: release all weapons, uniforms and other

military gear; and, agree not to return to cantonment sites unless mutually agreed by UN monitors in consultation with the parties. The assistance packages to be provided to voluntarily discharged personnel will be agreed by the parties in advance of cantonment.

The Interim Council of Ministers will form a special committee to supervise, integrate and rehabilitate the Maoist army combatants.

## **4.2 Barracking of the Nepal Army**

### **4.2.1 General regulations**

In accordance with the commitment expressed in the letter sent to the United Nations, the Nepal Army shall remain in its barracks and its arms are not to be used in favour of or against any side.

UN monitors will have access to any and all NA barracks for purposes of monitoring whether Nepal Army forces or weapons are being used for or against any party. Upon visiting any Nepal Army barracks for inspection, the site commander will be duly notified, and UN inspections will relate only to matters regarding the disposition of forces and weapons.

The Council of Ministers will control, mobilise and manage the Nepal Army as per the Army Act of 2006 (*Sainik Ain 2063*) or its successor legislation. The Interim Council of Ministers to prepare and implement the detailed action plan of the Nepal Army's democratization by taking suggestions from the concerned committee of the Interim Parliament/legislature. Under this to carry out activities like assessing the appropriate number of the Nepal Army, to train the army in democratic and human rights values while developing democratic structure, national and inclusive character.

### **4.2.2 Commander responsibilities**

The normal NA chain of command, control, communication and information will be utilised to monitor the NA deployment to barracks. The commanders shall provide the following information in detail to the UN Mission:

- (1) Command structure for the unit and sub-

- units plotted on a map;
- (2) Names of commanders down to company level;
- (3) Communication system;
- (4) Order of battle/military structure, organisation, deployment and number of troops;
- (5) Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and exact location of such items; and,
- (6) Other information required by the UN Mission for proper monitoring of the disposition of arms and armies.

The NA will ensure the safety, security, freedom of movement and well-being of UN Mission and associated personnel, goods and services, and provide information in cooperation with the UN Mission according to Section 2.

The UN Mission shall monitor these commitments through daily presence in selected NA barracks, field visits and regular inspections.

#### **4.2.3 Weapons storage and control**

The Nepal Army will remain within the barracks as per the commitment expressed in the letter sent to the UN to ensure that their arms are not used for or against any party. The Nepal Army to store arms in equal numbers to that of the Maoist army, to seal it with a single-lock and give the key to the concerned party. In the process of installing the lock, to assemble a mechanism including a siren and register for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN will do so under the presence of a Nepal Army representative. The barrack/barracks where NA arms will be monitored under the conditions spelled out in section 4.1.2 will be identified and agreed by the parties. The arms will be stored in storage containers.

#### **4.2.4 Deployment and Concentration of Forces – NA permitted activities**

In accordance with the spirit of the Comprehensive Peace Accord, continuity will be given to functions of the Nepal Army includ-

ing border security, security of the conservation areas, protected areas, banks, airports, power houses, telephone towers, central secretariat and security of VIPs. A detailed list of these institutions and installations will be kept by the Secretary Ministry Defence, along with the number and types of forces assigned to such duties. The list of such institutions and installations will be kept by the NA under seal, and this list will be made available to UN monitors when they deem necessary on a case-by-case basis. Permitted NA activities are as follows:

1. Routine military activities within the barracks and regular training in barracks and camps. The JMCC will be notified 48 hours in advance before undertaking limited live fire exercises at designated live firing ranges.
2. Participation in official ceremonies, parades, etc. as directed by the Government.
3. Provision of Border Security as directed by the Government.
4. Relief of troops on a one-to-one basis, including transport as mentioned.
5. Regular maintenance and replacement of non-lethal equipment, including transport as mentioned. Maintenance and replacement of lethal weapons will take place only with the determination of the interim government or agreement by both parties.
6. Execution of development and construction tasks as directed by the civilian authorities, on central, regional and local levels.
7. Provision of support in relief work in times of natural and other disasters as directed by the Government.
8. Participation in Peacekeeping Operations called for by the United Nations, and all preparations, transport, training, transfer of equipment, etc. connected to this.
9. Provision of security for VVIPs and VIPs.
10. Provision of security of vital installations as directed by the Government.
11. Provision of security of transportation of Nepal Rastra Bank funds.

For all of the above activities the rules

regarding notification of troop, air movements and exercises spelled out in section 5.2 apply.

## **5 Compliance with the Agreement**

### **5.1 Prohibited Activities**

In the spirit of the Comprehensive Peace Accord, and in light of this agreement, after the placement of the Nepal Army in the barracks and the Maoist Army combatants in cantonment, the parties shall scrupulously refrain from the following activities:

1. Holding and carrying arms is in violation of the law. Displaying arms, intimidation and any type of use of violence is prohibited, and use of arms is legally punishable.
2. Any type of arms and weapons targeted against each other in a direct or indirect way or any act of attack.
3. Harming or intimidating any person, including internally displaced persons, humanitarian and development workers and other non-combatants, and any seizure of their equipment and property.
4. Ambushes, murder or violent operations.
5. Kidnapping, unlawful detention or imprisonment, disappearances;
6. All offensive military flights in and over Nepal.
7. Damaging or seizing public/private/government, military or UN property and all attacks on UN and associated personnel.
8. Planting mines or improvised explosive devices, conducting sabotage or military espionage.
9. Recruiting additional armed forces or conducting military activities against each other, including transporting weapons, ammunitions and explosives (unless mutually agreed by the parties and notified in advance according to the terms of this agreement.)
10. Collecting cash or goods and services or levying tax against one's wishes and against the existing law.
11. Any actions that impede or delay the provision of humanitarian assistance or protection to civilians.
12. Any restrictions on the safe, free and

unimpeded movement of humanitarian or development agencies undertaking activities approved by the interim government or its successor.

13. All acts and forms of gender-based violence.
14. Any restrictions on the free movement of people and goods.
15. All activities that obstruct the efforts of the UN Mission and amount to a failure to cooperate with the UN Mission, including the prohibition of the UN Mission patrols and flights over any location.
16. Any attempt by a party to disguise its equipment, personnel or activities as those of the UN Mission, other United Nations agencies, the International Committee of the Red Cross/Crescent or any other similar organisation.
17. Any attempt to redeploy military forces and equipment or occupation of any positions out of their respective deployment positions without the consent of the Joint Monitoring Coordination Committee.
18. The use of children who are 18 years old and under in the armed forces.
19. All hostile propaganda and incitement to military action. The parties shall also refrain from all activities that are prohibited elsewhere in this agreement.

### **5.2 Permitted activities**

The key principle that shall underpin permitted activities for both sides shall be to alleviate the effects of the armed conflict on civilians and the war-affected areas and to galvanise popular support for peace. Permitted activities for both sides will be conducted as per the decisions of the interim government. Troop, air movements and exercises have to be properly notified and approved by the Joint Monitoring Coordination Committee at least 48-hours in advance. Permitted activities include:

- (1) De-mining and decommissioning of military hazards;
- (2) Development activities to include improvement and opening of roads, rehabilitation of bridges and passages and

airstrips according to the decisions of the interim government;

- (3) Humanitarian relief;
- (4) Socioeconomic activities such as assisting free movement of people, goods and services;
- (5) Free movement of unarmed soldiers in plain civilian clothes who are on granted leave, medical referrals, or visiting families – no more than 12 percent of the total retained force at a given cantonment or barracks will be on authorised leave at any given time unless mutually agreed by the parties;
- (6) Supply of non-lethal items to military units, food, water, medicine, petrol, oil and lubricants, stationary, uniforms etc; and,
- (7) Medical evacuation.

### 5.3 Violations

The following acts shall constitute violations of the agreement:

- (1) Any act that contravenes this agreement;
- (2) Unauthorised troop movements;
- (3) Unauthorised recruitment, conscription or mobilisation;
- (4) Unauthorised replenishment of military equipment;
- (5) Violation of human rights, humanitarian law or obstruction of freedom of movement of people, goods and services;
- (6) Espionage, sabotage, air surveillance and acts of subversion; and,
- (7) Military flights, or military flights utilising civilian aircraft, over cantonment sites without 48- hour notification to the parties and the UN mission, except in emergency situations or medical evacuations.

### 6 The United Nations Mission

Monitoring of compliance with this agreement will be carried out:

- (1) By UN Monitors; or,
- (2) By Joint Monitoring Teams, if so decided by the JMCC and in keeping with other provisions of this agreement.

The UN Mission will submit reports to the parties on compliance with this agreement.

It will do so either directly or through the JMCC.

### 6.1 The Joint Monitoring Coordination Committee

The nine-member Joint Monitoring Coordination Committee (JMCC) will have a chairman appointed by the UN Mission. There will be two Vice-Chairmen, one each from the Maoist Army and the NA. The remaining six members will be two UN, two NA and two Maoist army, all as selected by the parties respectively.

The JMCC shall reach its decisions by consensus. In the event of a deadlock, the representative of the UN Secretary-General shall have final authority for reporting on the compliance of the parties with this agreement to the Secretary-General and to the interim government for resolution. The Chairman shall report regularly to the representative of the Secretary-General and to the designated representatives of the parties regarding the activities of the JMCC.

The JMCC shall serve three main functions:

- (1) To assist the parties in implementing this agreement. The JMCC shall be the central coordinating body for monitoring arms and armies in accordance with the terms of this agreement and to approve, where appropriate those activities specified in Section 5.2.
- (2) To serve as a dispute resolution mechanism. The JMCC shall resolve all disputes and military or operational difficulties, complaints, questions or problems regarding implementation of this agreement.
- (3) To assist in confidence building. The JMCC shall work to gain the trust and confidence of the parties and promote the overall goals of this agreement among the people of Nepal.

In order to achieve these goals, the JMCC shall operate according to the following basic principles:

- (1) Resolve all problems and disputes at the lowest level possible, i.e. delegation of authority to the JMTs;

- (2) Promote joint problem-solving and build trust and confidence through active efforts to appropriately investigate and report on all incidents of concern to the parties; and,
- (3) Build on lessons learned in the process.

The Joint Monitoring Teams (JMTs) will assist the Joint Monitoring Coordination Committee at the local level and through site visits. The JMTs will comprise one international monitor as the team leader and one monitor from Nepal Army and one monitor from the Maoist Army. The number of JMTs and their deployment will be determined by the chairman of the JMCC in consultations with that body.

The tasks of the JMTs will include:

- (1) Village and community visits and liaison with the civilian community;
- (2) Cooperation with other UN-agencies, and liaison with international organisations and nongovernmental organisations;
- (3) Assistance to the parties in creating a favorable operational environment for the conduct of the ceasefire by information sharing and defusing local tension;
- (4) A pro-active concept for initiation of conflict management at the local level; and,
- (5) Investigation of complaints linked to possible alleged violations of the agreement, reference paragraph 5.1, and to recommend measures to ensure compliance.

Joint Monitoring Teams will not be used for designated weapons storage inspections.

## 7 Miscellaneous

This agreement can be revised at any time with the consent of both parties. Both par-

ties agree to provide to each other prior written information if they wish to make any change. The amendments can be made to the agreement with the consent of both parties after receiving the information. The provisions to be made by such an amendment will not fall below the minimum standards of accepted international human rights and humanitarian laws.

Both parties consent to sign any complementary understandings, as necessary, for the implementation of the present agreement.

This agreement will be signed by both parties in Nepali and English. The United Nations will witness the English language version of this agreement and, accordingly, the English-language version of this agreement will be considered as authoritative in matters of dispute.

The spirit of the Comprehensive Peace Accord shall guide the interpretation and implementation of this agreement by all the parties. This agreement shall come into force upon signature, and it supersedes the agreement of the same name done on the 28th day of November 2006 (12 Mangsir 2063 BS). Done in Kathmandu, Nepal on the 8th day of December 2006 (22 Mangsir 2063 BS)

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Krishna Bahadur Mahara  
Coordinator  
Negotiating team  
CPN (Maoist)

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Krishna Prasad Sitoula  
Coordinator  
Negotiating team  
Government of Nepal

Witnessed by Ian Martin Personal Representative of the Secretary-General United Nations

*December 8, 2006*

## **Letter of 12 Point Understanding (Unofficial translation)**

The long struggle between absolute monarchy and democracy in Nepal has now reached a very grave and new turn. Establishing peace by resolving the 10-year old armed conflict through a forward-looking political outlet has become the need of today. Therefore, implementing the concept of absolute democracy through a forward-looking restructuring of the state has become an inevitable need to solve the problems related to class, caste, gender, region etc of all sectors including political, economic, social and cultural, bringing autocratic monarchy to an end and establishing absolute democracy. We make public that, against this existing backdrop and reference in the country, the following understanding has been reached between the seven parliamentary parties and the CPN (Maoist) through different methods of talks.

### **Points of Understanding**

1. Today, democracy, peace, prosperity, social advancement and a free and sovereign Nepal is the chief wish of all Nepalese. We completely agree that autocratic monarchy is the main hurdle in (realising) this. It is our clear view that without establishing absolute democracy by ending autocratic monarchy, there is no possibility of peace, progress and prosperity in the country. Therefore, an understanding has been reached to establish absolute democracy by ending autocratic monarchy, with all forces against the autocratic monarchy centralizing their assault against autocratic monarchy from their respective positions, thereby creating a nationwide storm of democratic protests.
2. The seven agitating parties are fully committed to the fact that only by establishing absolute democracy through the restoration of the Parliament with the force of agitation, forming an all-party government with complete authority, holding elections to a constituent assembly through dialogue and understanding with the Maoists, can the existing conflict in the country be resolved and sovereignty and state power completely transferred to the people. It is the view and commitment of the CPN (Maoist) that the above mentioned goal can be achieved by holding a national political conference of the agitating democratic forces, and through its decision, forming an interim government to hold constituent assembly elections. An understanding has been reached between the agitating seven parties and the CPN (Maoist) to continue dialogue on this procedural work-list and find a common understanding. It has been agreed that the force of people's movement is the only alternative to achieve this.
3. Today, the country has demanded the establishment of permanent peace along with a positive solution to the armed conflict. Therefore, we are committed to ending autocratic monarchy and the existing armed conflict, and establishing permanent peace in the country through constituent assembly elections and forward-looking political outlet. The CPN (Maoist) expresses its commitment to move along the new peaceful political stream through this process. In this very context, an understanding has been reached to keep, during the holding of constituent assembly elections after ending autocratic monarchy, the armed Maoist force and the royal army under the supervision of the United Nations or any other reliable international supervision, to

conclude the elections in a free and fair manner and accept the result of the elections. We expect reliable international mediation even during the dialogue process.

4. Expressing clearly and making public institutional commitment to the democratic norms and values like the competitive multiparty system of governance, civil liberties, human rights, the concept of the rule of law, fundamental rights etc, the CPN (Maoist) has expressed commitment to move forward its activities accordingly.
5. The CPN (Maoist) has expressed its commitment to create an environment allowing the political activists of other democratic parties displaced during the course of the armed conflict to return to their former localities and live there with dignity, return their home, land and property seized in an unjust manner and carry out their activities without let or hindrance.
6. Undertaking self criticism and self evaluation of past mistakes, the CPN (Maoist) has expressed commitment not to repeat such mistakes in future.
7. The seven political parties, undertaking self evaluation, have expressed commitment not to repeat the mistakes of the past which were committed while in parliament and in government.
8. In the context of moving the peace process forward, commitment has been expressed to fully respect the norms and values of human rights and press freedom and move ahead accordingly.
9. As the announcement of municipal polls pushed forward with the ill-motive of deluding the people and the international community and giving continuity to the autocratic and illegitimate rule of the King, and the talk of elections to Parliament are a crafty ploy, we announce to actively boycott them and call upon the general public to make such elections a failure.
10. The people and their representative political parties are the real guardians of nationality. Therefore, we are firmly committed to protecting the independence, sovereignty, geographical integrity of the country and national unity. Based on the principle of peaceful co-existence, it is our common obligation to maintain friendly relations with all countries of the world and good-neighbour relationship with neighbouring countries, especially India and China. But we request the patriotic masses to be cautious against the false attempt by the King and (his) loyalists to prolong his autocratic and illegitimate rule and delude the patriotic people by projecting the illusory "Mandale" nationalism and questioning the patriotism of the political parties, and appeal to the international powers and the people to support, in every possible way, the democratic movement against autocratic monarchy in Nepal.
11. We call upon the civil society, professional organizations, various wings of parties, people of all communities and regions, press and intellectuals to actively participate in the peaceful movement launched on the basis of these understandings centered on democracy, peace, prosperity, forward-looking social change and the country's independence, sovereignty, and pride.
12. Regarding the inappropriate conducts that took place between the parties in the past, a common commitment has been expressed to investigate any objection raised by any party over such incidents, take action if found guilty, and to make the action public. An understanding has been reached to settle any problem emerging between the parties through peaceful dialogue at the concerned level or at the leadership level.

**22 November 2005**