

Comprehensive Peace Accord

Signed between

Nepal Government

And the

Communist Party of Nepal (Maoist)

22 November 2006

Preamble

Respecting the people's mandate expressed in favor of democracy, peace and progressive movement by the Nepali people since prior to 2007 from time to time through historical struggles and people's movements;

Reaffirming the full commitment towards the twelve-point agreement reached between the seven political parties and the CPN (Maoist); the eight-point understanding; the twenty-five point code of conduct agreed between Nepal Government and the CPN (Maoist); the decision made in the meeting held between senior leaders of the seven political parties and the CPN (Maoist) held on Nov. 8, 2006, as well as all agreements, understandings, code of conducts reached between Nepal Government and CPN (Maoist); and correspondence of similar intent sent to the United Nations,

Expressing determination to carry out a progressive restructuring of the state to resolve existing class-based, ethnic, regional and gender problems,

Reiterating full commitment towards democratic norms and values including competitive multiparty democratic governance, civil liberties, fundamental rights, human rights, full press freedom and the concept of the rule of law,

Remaining committed to the Universal Declaration of Human Rights, 1948, and international humanitarian laws and fundamental principles and values related to human rights;

Guaranteeing the fundamental right of the Nepali people to take part in the constituent assembly elections in a free, fair and fear-less environment,

Keeping democracy, peace, prosperity, progressive socio-economic change and the independence, integrity, sovereignty, and self-respect of the country at the centre,

Expressing the determination to implement the commitment to carry out the constituent assembly elections in a free and fair manner by the end of the month of Jestha 2064 BS,

Declaring the beginning of a new chapter of peaceful collaboration by ending the armed conflict being practiced in the country from 2052 BS based on the political understanding among the two parties in order to accomplish, through the constituent assembly, certainty of sovereignty of Nepali people, progressive political outlet, democratic restructuring of the state, and social-economic-cultural transformation,

This comprehensive peace agreement has been reached between the Nepal Government and the CPN (Maoist) with a commitment to transform the ceasefire between the Nepal Government and the CPN (Maoist) into long-term peace.

1. Preliminary

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

1.2. The agreement shall come into effect today after a public declaration by the government and Maoist parties.

1.3. Both the parties shall issue necessary directives to all the agencies under them to immediately implement and abide by the agreement and implement /ensure implementation.

1.4. All the agreements, understandings, code of conducts and decisions reached between the seven political parties, the government and the Maoists that are attached in the addendum shall constitute an integral part of this accord.

1.5. All the understandings and agreement to be reached later as necessary to implement this agreement shall also be considered an integral part of this agreement.

2. Definitions:

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

(a) "Ceasefire" refers to the act of prohibiting all forms of attack, kidnapping, disappearance, obstruction, carried out between Nepal Government and CPN (Maoist) by aiming at each other, mobilization of armed forces, strengthening, aggressive and violent activities, and activities spreading destruction, incitement and instigation through whatever means.

(b) "Interim Constitution" refers to the "Interim Constitution of Nepal 2063" to be promulgated for the period until a new constitution is prepared and issued by the constituent assembly.

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

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

(e) "Prevailing Law" refers to the Interim Constitution of Nepal, 2063 and the prevailing Nepal Laws that are not in conflict with it. But this definition will not obstruct legal provisions before the promulgation of Interim constitution 2063.

(f) "Verification" refers to the subject of preparing authentic record after verification of army, combatants and arms by the United Nations.

3. Political - Economic - Social Transformation and Conflict Management

Both the parties are in agreement to adopt the following policies and programs for political-economic-social transformation and to creatively manage conflict existing in the country:

3.1. To ensure progressive political, economic and social transformation on the basis of the decisions reached at the meeting of senior leaders of seven political parties and the CPN (Maoist) on Nov. 8, 2006 (Addendum-6)

3.2. To form an interim legislature-parliament on the basis of interim constitution, and hold elections to the constituent assembly in a free and fair manner by the month of Jestha, 2064 BS and practically ensure sovereignty inherent in the Nepali people.

3.3. None of the authorities related to the country's rule to remain with the King. To use the properties of late King Birendra, late queen Aishworya and their family for national interest by bringing the properties under the Nepal Government and forming a trust. To nationalize all properties (like palaces situated in different places, forests and reserves, heritages with historical and archeological importance) obtained by King Gyanendra in his capacity as the King. To decide whether or not to retain the monarchy 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 principles of fundamental human rights, multiparty competitive democratic system, sovereignty of the people and supremacy of the people, constitutional balance and control, rule of law, social justice, equality, independent judiciary, periodic elections, monitoring by civil society, complete press freedom, people's right to information, transparency and accountability in the

activities of political parties, people's participation, impartial, competent, and clean bureaucracy.

3.5. To carry out an inclusive, democratic and progressive restructuring of the state by ending the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous people, Janajatis, 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 gradually implement by deciding through mutual agreement a minimum common program for the economic and social transformation to end all forms of feudalism.

3.7. To adopt a policy of implementing a scientific land reforms program by ending feudal land ownership.

3.8. To follow a policy of protecting and promoting national industries and resources.

3.9. To adopt policy of establishing the rights of all citizens to education, health, housing, employment and food security

3.10. To adopt policy of providing land and other economic protection to socially and economically backward classes including land less squatters, bonded laborers and pastoral farmers.

3.11. To adopt a policy of severely punishing people amassing limitless wealth through corruption while remaining in a government position.

3.12. To form a common development concept for economic and social transformation and justice as well as to quickly make the country developed and economically prosperous.

3.13. To follow a policy of massive increase in employment and income generation opportunities by increasing investment in industries, trade and export promotion etc. while ensuring the professional rights of the laborers.

4. Management of Army and Armament

To carry out the following tasks in accordance with the 12-point understanding, eight-point agreement, 25-point code of conduct, the five point letter sent to the United Nations and the decisions of the meeting of senior leaders held on November 8 taken in the past in order to hold the constituent assembly elections in a peaceful, fair and fear-less environment and to carry out democratization and restructuring of the army:

Concerning the Maoist Army-

4.1. As per the commitment expressed in the letter sent on behalf of the Nepal Government and the CPN (Maoist) to the United Nations on August 9, 2006, the Maoists' Army combatants to remain within the following temporary cantonments in the following places. The UN to verify and monitor them.

The main cantonments shall remain in the following locations:

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

Sub-cantonments will remain at the rate of 3 each around the main cantonments.

4.2. After placing the Maoist combatants within the Cantonments, all the arms and ammunition except those required for the security of the cantonments to be securely stored in the cantonment and the keys to remain with the party concerned after putting a single lock. In the process of installing the lock, to assemble a mechanism including its record, siren for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN to do so under the presence of the concerned party. To prepare other technical details related to this along with camera monitoring through agreement of the UN, CPN (Maoist) and the Nepal Government.

4.3. After the Maoist combatants stay in the temporary cantonments, Nepal Government to provide for food supplies and other necessary arrangements.

4.4. The Interim Council of Ministers to work by forming a special committee to supervise, integrate and rehabilitate the Maoist combatants.

4.5. To make security provisions for the Maoist leaders through understanding with the government.

Concerning the Nepali Army-

4.6. The Nepali Army to be confined 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 Nepali Army to store the arms in equal numbers to that of the Maoists, 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 its record, siren for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN to do so under the presence of the concerned party. To prepare other technical details related to this along with camera monitoring through agreement of the UN, CPN (Maoist) and the Nepal Government.

4.7. The Council of Ministers to control, mobilize and manage the Nepali Army as per the new Military Act. The Interim Council of Ministers to prepare and implement the detailed action plan of the Nepali Army's democratization by taking suggestions from the concerned committee of the Interim Parliament. Under this to carry out activities like the appropriate number of the Nepali Army, to train the army through democratic and human rights values while developing democratic structure, national and inclusive character.

4.8. To give continuity to functions of the Nepali Army like border security, security of the conservation areas, protected areas, banks, airports, power houses, telephone towers, central secretariat and security of VIPs.

5. Ceasefire

5.1. Termination of military action and armed mobilization:

5.1.1. Both sides express commitment to not to carry out the following activities:

a. Use of any type of arms and weapons targeted against each other in direct or indirect way or an act of attack,

b. An act, with or without weapons, of searching or confiscating weapons belonging to other at the place where the arms have been stored as per the understanding reached between the two sides.

c. To harm any person, or exert mental pressure.

d. Set up ambush targeting each other.

e. Murder and violent operations.

f. Activity of kidnapping/detention/imprisonment/disappearance

g. Damaging public/private/government or military property

h. Aerial attack or bombardment.

i. Mining and sabotage.

j. To spy on military activity of the other side.

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

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

5.1.3. No individual or group shall travel with illegal weapons, ammunitions or explosives.

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

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

5.1.6. Nepal Police and Armed Police Force shall continue the task of maintaining legal system and law and order and criminal investigation as per the spirit and sentiment of the Jana Andolan and peace accord as well as the prevailing law.

5.1.7. Both sides shall issue circulars to their respective armed agencies or personnel to stop an armed person of one side to address an armed person of the opposite side by the term 'enemy' or behave in similar manner.

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

5.2 Situation Normalization Measures:

5.2.1. It is not allowed to collect cash or kind and levy tax against one's wishes and against the existing law.

5.2.2. Both sides agree to make public the status of the people in their custody and release them within 15 days.

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

5.2.4. Both sides agree to form a National Peace and Rehabilitation Commission to establish peace in the society by normalizing adverse situation generated by armed conflict and to carry out relief for and rehabilitate people victimized and displaced by war, and to carry forward the tasks related to this through the Commission.

5.2.5. Both sides agree to set up a High-level Truth and Reconciliation Commission through mutual agreement in order to investigate truth about people seriously violating human rights

and involved in crimes against humanity, and to create an environment of reconciliations in the society.

5.2.6. Both sides pledge to abandon all types of war, attack, counter-attack, violence and counter-violence in the country with a commitment to ensure democracy, peace and progressive change in the Nepali society. There is an agreement between both 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 leveled against various individuals due to political reasons and immediately make public the state of those imprisoned and immediately release them.

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

5.2.9. Both sides agree to solve problems created in the above context on the basis of mutual agreement and to take responsibility at the individual and collective manner in the task of creating appropriate environment for normalizing relations and reconciliation and ensure implementation with the help of all political parties, civil society and local organizations.

5.2.10. Both sides express commitment not to discriminate against or exert any kind of pressure on other members of the family if a member of the family is associated with one or the other side.

5.2.11. Both sides agree to let employees of Nepal Government and public agencies to 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.

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

5.2.13. Both parties are committed to operation of publicity programs in a decent and respectable manner.

6. End of War

6.1. Giving permanent form to the ongoing ceasefire between the government and the Maoists on the basis of the historic agreement reached between the seven political parties and

the CPN (Maoist) on November 8, 2006, we declare that the armed war going on since 1995 has ended.

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

6.3. After the placement of the Nepali Army in the barracks and the Maoist Army combatants in temporary camps, carrying arms in violation of the law, display, intimidation and any type of use of violence and use of arms will become legally punishable.

6.4. Army of both the parties will not be allowed to publicize for or against any party and to take sides. But they shall not be deprived from their voting rights.

7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law

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

7.1. Human Rights :

7.1.1. Both sides reconfirm their commitment to the respect and protection to human rights and commitment to international humanitarian law and accept that nobody should be discriminated on the basis of color, gender, language, religion, age, race, national or social origin, wealth, disability, birth or other standing, ideology 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 creating 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 would be carried according to law against people responsible creating obstructions to the exercise of the rights envisaged in the letter of agreement and ensure that impunity will not be tolerated. Apart from this, they also ensure the right of the victims of conflict and torture and the family of disappeared to obtain relief.

7.1.4. Both sides will not carry out acts of torture, kidnapping and forced labor and will take necessary action to discourage such acts.

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

7.2. Right to Live:

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

7.3. Right to Individual Dignity, Freedom and Mobility

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

7.3.2. Both sides, fully respecting the individual's right to freedom and security, will not keep anyone under arbitrary or illegal detention, commit kidnapping or hold captive. Both sides agree to make public the status of every individual 'disappeared' and held captive and inform about this to their family members, legal advisors and other authorized people.

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

7.4. Civil and Political Rights

7.4.1. Both parties are committed to respecting and protecting every individual's right to ideology, expression, open organization and gather peacefully as well as right against exploitation.

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

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

7.5. Economic-Social Rights

7.5.1. Both parties are committed to respect and protect the individual's right to livelihood through freely chosen or accepted employment.

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

7.5.3. Both parties acknowledge that the citizens' right to health should be respected and protected. Both parties will not obstruct the supply of medicine, assistance and health related campaigns, and express commitment to treatment and rehabilitation of the people injured in course of the conflict.

7.5.4. Acknowledging that the right to education should be ensured and respected, both parties are committed to maintaining appropriate academic environment in educational institutions. Both sides agree to guarantee that the right to education will not be impeded. They agree to put to an end, on an immediate basis, to activities like taking the educational institutions under control and using them, abducting teachers and students, taking them under control and disappearing them, and to not to establish barracks in a way that it would impede them.

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

7.5.6. Both sides believe in giving continuity to production by not disturbing the industrial climate in the country, respecting the right of collective bargaining and social security in industrial institutions, encouraging industrial institutions and laborers to solve the problem in peaceful manner if any problem arises between them and respect the right to work determined by the International Labor Organization.

7.6. Women and Child Rights

7.6.1. Both parties fully agree to provide special protection to the rights of women and children, to immediately stop all types of violence against women and children, including child labor, as well as sexual exploitation and abuse, and not to include or use children who are 18 years old and below in the armed force. Children thus affected would be immediately rescued and necessary and appropriate assistance will be provided for their rehabilitation.

7.7. Right to Personal Liberty

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

8. Dispute Settlement and Implementation Mechanism

8.1. Both sides express the understanding to be individually and collectively accountable, by not repeating mistakes committed in the past and to gradually correct them.

8.2. The National Peace and Rehabilitation Commission can create mechanisms as necessary to make the peace campaign successful. The formation and terms of reference of the Commission will be as determined by the interim Council of Ministers.

8.3. Both parties are committed to resolving all types of current or possible future mutual differences or problems through mutual dialogue, understanding, agreement and negotiation.

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

9. Implementation and Follow-up

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

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

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

9.3. Both sides agree to carry out supervision of the constituent assembly elections through the United Nations.

9.4. The National Human Rights Commission will also carry out works related to the monitoring of human rights as mentioned in this agreement in addition to its duties as determined by law. In the course of implementing its duties, the Commission can receive the help of national and international human rights organizations after carrying out necessary coordination with them.

9.5. Both parties agree to receive the reports submitted by the above-mentioned bodies, to provide information requested by them, and to implement the suggestions and recommendations provided by them on the basis of agreement and discussions.

10. Miscellaneous

10.1. 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 and the essence of the peace agreement.

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

10.3. This accord can be revised at any time with the consent of both parties. Both parties agree to provide to each other prior written information if they wish to make any change. The amendments can be made to the accord with the consent of both sides 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.

10.4. If any dispute arises in the interpretation of this agreement, a joint mechanism consisting of both parties shall make the interpretation on the basis of the preamble and the documents included in the addendum of this agreement, and this interpretation will be final.

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

10.6. At a time when the entire country is centered on the main campaign of constituent assembly elections, we heartily appeal to all to end their problems and demands through dialogue and negotiations and to help constituent assembly elections and law and order situation.

10.7. We heartily appeal to the civil society, professional groups, class organizations, media, intellectual community and all Nepali people to actively participate in this historic campaign to build a new Nepal and to establish lasting peace through the constituent assembly elections by ending the armed conflict.

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

Cognizing the responsibility to the future of the country and people, and being fully committed to this comprehensive peace accord, we sign the peace accord on behalf of the Nepal Government, and the Communist Party of Nepal (Maoist), and hereby make this Comprehensive Peace Accord public.

Prachanda
President
*Communist Party
of Nepal (Maoist)*

Girija Prasad Koirala
Prime Minister
*Government of
Nepal*

Signed on November 21, 2006