

## **(Unofficial translation of the Comprehensive Peace Agreement 2006)**

### **Preamble:**

Respecting people's mandate 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; decisions taken during the meeting of the top leaders of the seven parties and the Maoist on November 8 along with other agreements, understandings, code of conducts and letter sent to the United Nations stating identical viewpoints 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,

Pledging commitments to Universal Declaration of Human Rights 1948 and other international humanitarian laws and values and principles of the human rights,

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, 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,

Declaring the end of armed conflict prevailing in the country since 1996 and beginning the new era of peace and co-operation as per the understanding reached between both the sides for guaranteeing the sovereignty of the Nepalese people, progressive political solution, democratic restructuring of the state and social, economic and cultural transformation of Nepalese society through the constituent assembly,

Committing to transforming the ceasefire between the Nepal government and the Maoists into permanent peace, the following comprehensive peace agreement has been reached between the Nepal government and the Communist Party of Nepal (Maoist).

### **1. Preliminary**

- 1.1. This agreement shall be called 'Comprehensive Peace Agreement, 2006'. In short this shall be called peace agreement.
- 1.2. This agreement shall come into effect through public announcement by both the government and the Maoists
- 1.3. Both the sides shall issue directives to all the agencies under them to follow and implement this agreement immediately and shall implement it
- 1.4. All agreements, understandings, code of conduct and decision taken by the government, the Maoists and the seven parties enlisted in the appendix shall be inseparable part of this agreement
- 1.5. The agreements and understanding to be signed later to implement this agreement shall also be regarded as part of this agreement

### **2. Unless the subject or context otherwise requires, in this agreement:**

- a. Ceasefire shall mean restriction of all kinds of attacks, abduction, disappearance, imprisonment, mobilisation and strengthening of the armed force, attacking or armed actions targeted against each other between the Nepal government and the Maoists and any form of destructive, provoking or inciting activities in the society.
- b. 'Interim constitution' shall mean the 'Interim Constitution of Nepal 2006' to be promulgated and exercised until a new constitution is written through Constituent Assembly.
- c. 'Interim cabinet' shall mean the council of minister formed as per the interim constitution.
- d. 'Both Parties' shall mean Nepal government and the Communist Party of Nepal (Maoist).
- e. 'Prevailing laws' shall mean the interim constitution and other existing Nepalese laws that are not inconsistent with this constitution. However, this definition shall not affect the existing legal system in the country before the announcement of the interim constitution.
- f. 'Verification' would mean the preparation of the detailed situation of the army, combatants and arms by the United Nations after verification.

### **3. Political, social, economic transformation and conflict management**

Both parties have agreed to formulate following programmes and policies for political, social and economic transformation and management of the existing conflict through positive means:

3.1. Based on the decision taken by the meeting of the top leaders of the seven parties and the Maoists (schedule 6) on November 8, guarantee progressive political, economic and social transformation.

3.2. Form the interim legislative – parliament, as per the interim constitution, the interim government shall hold election to constituent assembly elections by mid-June 2007 in free and fair manner and make the Nepalese people feel their inherent sovereign right.

3.3. No rights of state administration shall remain with the King. Bring the properties of 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) shall be nationalised. Determine the fate of the institution of monarchy by the first meeting of the Constituent Assembly through simple majority vote.

3.4. Promulgate the political system that fully comprehends with the concepts of universally adopted principles of fundamental human rights, multiparty competitive democratic system, sovereign rights inherent in the people and supremacy of the citizens, constitutional balance and control, rule of law, social justice and equality, independent judiciary, periodic elections, monitoring by the civil society, complete press freedom, right to information of the citizens, transparency and accountability of the activities of the political parties, people's participation, fair, able and uncorrupted administrative mechanism.

3.5. End the existing centralised and unitary state system and restructure it into an inclusive, democratic progressive system to address various problems including that of women, Dalits, indigenous community, Madhesis, oppressed, ignored and minority communities, backward regions by ending prevailing class, ethnic, linguistic, gender, cultural, religious and regional discrimination.

3.6. End all forms of feudalism and prepare and implement a minimum common programme of socio-economic transformation on mutual understanding.

3.7. End feudal land ownership and formulate the policies for scientific land reforms.

3.8. Adopt policies for protection and promotion of national industries and resources.

3.9. Adopt policies for establishment of civil rights in education, health, shelter, employment and food security.

3.10. Adopt policies 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.

3.11. Adopt policies to take strict actions against the people who have worked in government positions and have amassed huge amount of properties through corruption.

3.12. Prepare a common development concept that will help in socio-economic transformation of the country and will also assist in ensuring the country's economic prosperity in a short period of time.

3.13. 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.

#### **4. Management of armies and arms**

To hold the election of constituent assembly in free, fair and peaceful environment and democratisation and restructuring of the army, the following works shall be done as per the 12-point and 8-point agreements, and 25-point code of conduct, 5-point letter sent to the United Nations and decisions taken during the meeting of the top leaders on November 8:

##### **Relating to Maoist army –**

4.1. As per the commitments expressed in the joint letter sent to the United Nations by the Nepal government and the Maoists on August 9, the combatants of the Maoists would remain in the following temporary camps. United Nations would do their verification and monitoring.

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

4.2. 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.

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

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

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

##### **Relating to the Nepali Army**

4.6. The Nepali Army would be confined to the barracks as per the commitments expressed in 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 technological arrangement including camera for monitoring as per the agreement among the Nepal government, the Maoists and the United Nations.

4.7. 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

4.8. 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.

#### **5. Ceasefire**

5.1. End of armed rebellion and mobilisation of armed forces:-

5.1.1. Both parties commit not to carry out the following activities:-

- a. Acts of attacking or using arms directly or indirectly against each other

- b. Seizing or raiding places where the arms of other side has been stored as per the mutual understanding, with or without arms
- c. Acts that would cause mental pressure or loss to any individual person
- d. Acts to place ambush targeting each other
- e. Actions involving killing or violence
- f. Acts of abduction, arrest, imprisonment, disappearance
- g. Destruction of public, private, governmental or military properties
- h. Aerial attacks or bombarding
- i. Mining or sabotaging
- j. Acts of spying each other's military activities

5.1.2. Both parties shall not carry on further recruitments, shall not transport the arms and ammunition or pose difficulties militarily against each other.

But the interim cabinet shall mobilise the security forces for search and patrol to stop the acts like illegal transportation of arms, explosives or their parts or raw material in borders or customs points.

5.1.3. No individuals or groups shall travel with arms, ammunition or explosives

5.1.4. Both parties shall inform each other about the demarcation and storage of ambush or mines planted during the war period within 30 days and help each other to diffuse or dispose them off within 60 days.

5.1.5. Armies of both parties shall not appear with arms or combat dresses in any civil meeting, political gathering or public programmes.

5.1.6. Nepal Police and Armed Police force shall continue to work for maintaining peace and investigation into the criminal activities as per the spirit and content of the peace agreement and prevailing laws.

5.1.7. Both parties shall instruct their armed forces directing them to stop telling or behaving with the other side's armed personnel as 'enemy'.

5.1.8. Both parties agree to prepare the details of the governmental, public, private building, land or other properties captured, locked or restricted from being used during the period of armed conflict and return these things immediately

5.2. Ways of normalising the situation:

5.2.1. There won't be cash or kind collection or tax collection against anyone's will or existing laws.

5.2.2. Both parties agree to publicise and release all the person kept under detention within 15 days.

5.2.3. Prepare the details of the disappeared persons or those killed in the conflict with their real name, surname and residential address and publicise it within 60 days from the day of signing this agreement and inform the family members of concerned persons.

5.2.4. Both parties agree to form a national peace and rehabilitation commission to initiate process of rehabilitation and providing relief support to the persons victimised by the conflict and normalise the difficult situation created due to the armed conflict.

5.2.5. Both parties agree to form a high level Truth and Reconciliation Commission on mutual understanding to 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 and to create the situation of reconciliation in the society.

5.2.6. Both parties vow to renounce all forms of war, attacks, counter-attacks, violence and counter violence existing in the country and commit to guarantee the democracy, peace and progressive changes in the Nepali society. It has been agreed that both parties shall help each other for maintaining peaceful situation.

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

5.2.8. Both parties 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 during the conflict and rehabilitate and socialise the displaced people into the society.

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

5.2.10. Both parties express the commitment not to discriminate against or exert any kind of pressure on any member of the family of either side on the basis of them being related to one or the other side.

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

5.2.12. Both parties agree to allow unrestricted travelling as per the law within the state of Nepal to the personnel of the United Nations, international donors agencies and diplomatic missions working in Nepal, national and international non-government organisations, press, human rights activists, election observers and foreign visitors.

5.2.13. Both parties commit to operate publicity campaigns in a decent and respectable manner.

## **6. The end of war**

6.1 On the basis of the historic agreement between the seven political parties and the Maoists on November 8<sup>th</sup>, giving permanency to the ongoing ceasefire between the government and the Maoists, we declare the end of the war that has been going on since 1996.

6.2 The decisions made by the meeting of the senior leaders of the seven political parties and the Maoists on November 8 will be the principal basis for the establishment of permanent peace.

6.3 After the Nepali Army is placed in the barracks and the Maoists' combatants are contained in the cantonments, possession of arms, display of arms, creating terror, use of weapons or such acts against the agreement or law will be punishable by the law.

6.4 The army on both sides shall not be allowed to campaign in favour of any group or shall not be allowed to express their support towards any of the sides but they shall not be deprived from their rights to vote.

## **7. Human rights, fundamental rights and following humanitarian laws**

Both parties express their commitment towards universal declaration of human rights 1948 and international humanitarian law and basic principle and values of human rights.

### **7.1 Human Rights**

7.1.1 Both parties reaffirm their commitment to respect and protect human rights and international humanitarian law and accept that no individual shall be discriminated on the basis of caste, gender, language, religion, age, ethnic groups, national or social origin, property, disability, birth or any other status, thoughts or conscience.

7.1.2 Both parties have agreed to create an environment where the Nepali people can utilize their civic, political, economical, social and cultural rights and are committed to create an environment in which these rights will not be violated in the future under any circumstances.

7.1.3 Both parties express their commitment and state that necessary investigation will be undertaken against any individual involved in violating the rights mentioned in the agreement and action will be taken against ones that are found guilty. Both parties also ascertain that they will not protect impunity and along with it, the rights of the people affected by the conflict and torture and the families of the people who have been disappeared will be safeguarded.

7.1.4 Both parties shall not be involved in activities like torturing civilians, abducting, forcing them to work and shall take necessary action to discourage such activities.

7.1.5 On the basis of secularism, both the sides shall respect social, cultural and religious sensitivity, and shall respect the religious conscience of a religious place or an individual.

## 7.2 Right to live

7.2.1 Both parties shall respect and protect the right of an individual to live. No one shall be deprived of this basic right and no law including capital punishment shall be formulated.

## 7.3 Individual prestige, freedom and freedom of movement

7.3.1 Both parties shall respect the right of individual prestige and freedom. In this context, even the people who have been legally deprived from enjoying their freedom shall also not be subjected to torture or punished with inhumane behaviour or disrespectful behaviour. The right of privacy of an individual shall be protected legally.

7.3.2 Both parties, respecting the individual's freedom and right to security shall not place anyone under whimsical or illegal detention and shall not abduct or imprison any individual. Both parties shall release the details of the condition of the people who have been disappeared or have been kept captives and an agreement has also been reached to inform about their status to their family members, legal consultant or any other authorised person.

7.3.3 Both parties shall respect and protect the individual's freedom to move freely and right to choose a place to reside within the legal periphery and also expresses commitment to respect the right of the people who have been displaced to return home or to live in any other place they choose.

## 7.4 Civil and political rights

7.4.1 Both parties express their commitment to respect and protect an individual's freedom of opinion and expression, freedom to form unions and associations, freedom to assemble peacefully and shall work against exploitation.

7.4.2 Both parties shall respect the right of every individual to participate in public matters directly or through representatives, right to vote and be elected and the right of equality to enter public service.

7.4.3 Both parties are committed to respect the right of the people to be informed.

## 7.5 Socio-economic rights

7.5.1 Both parties are committed to respect and protect an individual's freedom to practice any profession.

7.5.2 Both parties are committed to respect and guarantee the people's right to food security. It also ascertains that the issues like food, food production, utilisation of food, its transportation and distribution shall not be interfered with.

7.5.3 Both parties accept the need to respect and protect the health rights of the people. Both parties shall not disrupt the supply of medicines, assistance and health campaigns and also express its commitment towards treatment of the people who have been injured due to the conflict and shall also initiate rehabilitation process.

7.5.4 Both parties accept the need to respect and guarantee the right of education to all and express commitment to maintain adequate educational environment in educational institution.

Both parties have agreed to ascertain that the right to education is not violated. An agreement has been reached whereby, incidents like capturing educational institution, using these institutions, abducting, detaining or disappearing teachers and students shall be stopped immediately and military barracks shall not be constructed near schools and hospitals.

7.5.5 Both parties have agreed not to illegally seize or capture anyone's private property.

7.5.6 Both parties believe in not disrupting the industrial environment of the country and to continue production, protect the right of group bargaining in industrial institution and respecting social security intends to encourage resolving the disputes between the labour and the industrial institution peacefully and respects the right to work determined by the International Labour Organisation (ILO).

7.6 Rights of women and children

7.6.1 Both parties completely agree on the need to specially protect the rights of women and children and the need to stop all forms of sexual exploitation and other forms of misbehaviour on women and child labour and other violent act against children and not to include children below the age of 18 in any form of military force. The children who have already been affected shall be rescued immediately and adequate provisions shall be made for their rehabilitation.

7.7. Right of Individual 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 tolerable system of justice implemented.

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

8.1. Both parties agree to become responsible and accountable in an individual and collective manner and not repeat in future mistakes committed in the past and also correct these mistakes on a gradual basis.

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

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

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

## **9. Implementation and Follow-up**

Both 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 of the human rights provisions mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

9.2. Both parties agree for the monitoring of the management of arms and the armies by the

United Nations Mission in Nepal as mentioned in the five-point letter send to the UN earlier and in the present agreement.

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

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

9.5. Both parties agree to accept the reports submitted by the above-mentioned bodies, to provide the information requested by them, and to implement the suggestions and recommendations given by them on the basis of consensus and dialogue.

## **10. Miscellaneous**

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

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

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

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

10.5. The concept of 'two 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 shall be as per the arrangements made by the Interim Council of Ministers. It would be the duty and responsibility of all the political parties to extend cooperation in the compliance and implementation of the agreement.

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

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

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

Cognizant of the responsibility of the future of the country and the people, and becoming fully committed to this comprehensive peace agreement, we, on behalf of the Government of Nepal

and the Communist Party of Nepal (Maoist), hereby make public this comprehensive peace agreement after signing it.

Prachanda  
Chairman  
Communist Party of  
Nepal (Maoist)

Girija Prasad Koirala  
Prime Minister  
Government of Nepal

Signed on November 21, 2006

**(Nepalnews Translation Service ia/yp Nov 22)**