

**Unofficial Translation of the Comprehensive Peace Agreement concluded between the
Government of Nepal
and
the Communist Party of Nepal (Maoist)
(November 21, 2006)**

Preamble

Respecting the popular mandate in favour of democracy, peace and progress expressed through repeated historic struggles and people's movements from the pre-1951 era to date;

Reaffirming total commitment to the 12-point understanding and the 8-point agreement concluded between the Seven Political Parties and the CPN (Maoist) and the 25-point codes of conduct agreed between the Government of Nepal and the CPN (Maoist), all agreements, understandings, codes of conduct concluded between the Government of Nepal and the CPN (Maoist) as well as the decisions of the Summit Meeting of the Seven-Party Alliance and the CPN (Maoist) adopted on November 8, 2006 and letters of similar spirit sent to the United Nations by the Government of Nepal and the Maoists;

Pledging for forward-looking restructuring of the state by resolving the prevailing problems related to class, ethnicity, regional and gender differences;

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

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

Guaranteeing the fundamental right of the Nepali people to participate in a free and fair Constituent Assembly election in an environment free from fear;

Keeping democracy, peace, prosperity, forward looking economic and social transformation as well as independence, integrity, sovereignty and dignity of the country at the centre;

Expressing confidence to implement the commitment of holding the election to the Constituent Assembly in a free and fair manner within June 15, 2007;

Declaring the beginning of a new chapter of peaceful collaboration by ending the armed conflict plaguing the country since 1996 on the basis of political consensus reached between the two parties to ensure the sovereignty of the Nepali people, forward looking

political resolution, democratic restructuring of the state and economic-social and cultural transformation through the Constituent Assembly;

The Government of Nepal and CPN (Maoist) hereby conclude this Comprehensive Peace Agreement with commitments to convert the present ceasefire into lasting peace.

1. Preliminary

1.1. The name of this agreement is “Comprehensive Peace Agreement 2006”. In short the agreement shall be called Peace Agreement.

1.2. The agreement shall come into force with effect from today through public declaration by the Government and the Maoists.

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

1.4. All the agreements, understandings, and codes of conduct and decisions reached among the seven political parties, the government and Maoist sides as included in the annex shall be an integral part of this agreement.

1.5. The understandings and agreements that may be reached hereafter as necessary for the implementation of this agreement shall also be the integral part of this agreement.

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

(a) “Ceasefire” means the banning of all forms of aggressions, kidnappings, disappearances, taking into custody, aimed at each other between the Government of Nepal and the CPN (Maoist), as well as mobilization, strengthening of the armed forces, and their aggressive and violent acts, spread of social disharmony in any manner including acts of incitement and instigation.

(b) “Interim Constitution” means the “Interim Constitution of Nepal 2006” to be adopted and remained in force until drafting and enforcement of the new constitution by Constituent Assembly.

(c) “Interim Council of Ministers” means “Interim Council of Ministers” to be constituted in accordance with the Interim Constitution.

(d) “Both the sides” means the Government of Nepal and the Communist Party of Nepal (Maoist).

(e) “Prevailing Laws” means Interim Constitution of Nepal 2006 and existing Nepal Laws not inconsistent with it. But this definition shall not interfere with the legal arrangement existing before the enforcement of the Interim Constitution 2006.

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

3. Political - Economic - Social Transformation and Conflict Management

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

3.1. To ensure forward moving political, economic and social transformation on the basis of decisions made in summit meeting between Seven Political Parties and CPN (Maoist) held on November 8, 2006 (Annex-6).

3.2. To constitute Interim Legislature - Parliament as per the Interim Constitution, to have the elections to Constituent Assembly held by the Interim Government in a free and fair manner within June 15, 2006 and to practically guarantee sovereignty inherent in the Nepali people.

3.3. No state powers shall remain with the king. The properties owned by the late King Birendra, the late Queen Aishwarya and their family members shall be brought under the control of the Government of Nepal and used in the interest of the nation through a trust. All properties (such as palaces at various places, forests and National Parks, heritages of historical and archaeological significance etc.) acquired by King Gyanendra in his monarchical capacity shall be nationalised. The issue of whether to continue or scrap the institution of monarchy shall be decided by a simple majority of the Constituent Assembly in its first meeting.

3.4. To pursue a political system that fully complies with the universally accepted fundamental human rights, competitive multiparty democratic system, sovereignty inherent in the people and the supremacy of the people, constitutional check and balance, rule of law, social justice and 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 and the concepts of impartial, competent, and fair administration.

3.5. In order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to address the problems of women, Dalit, indigenous people, ethnic minorities (Janajatis), Terai communities (Madheshis), oppressed, neglected and minority communities and the backward areas by deconstructing the current centralised and unitary structure, the state shall be restructured in an inclusive, democratic and forward looking manner.

3.6. A common minimum program for socio-economic transformation in order to end all forms of feudalism shall be prepared and implemented on the basis of mutual understanding.

3.7. Policies shall be formulated to implement a scientific land reform program by doing away with the feudal land ownership practice.

3.8. Policies to protect and promote national industries and resources shall be followed.

3.9. Policies shall be undertaken to establish the rights of all the citizens to education, health, shelter, employment and food security.

3.10. Policies shall be pursued to provide land and socio-economic security to backward communities like the landless squatters, bonded labourers, tillers, bonded domestics, bonded cattle-tenders and such other groups.

3.11. Policies shall be adopted to take strict actions against those who, occupying governmental positions of benefit, have amassed huge properties through corruption.

3.12. A common development concept shall be adopted for the socio-economic transformation of the country and for making the country advanced and economically prosperous in a just manner within a short span of time.

3.13. Policies shall be followed for ensuring the professional rights of workers and increasing investment for the promotion of industries, trade, export etc. in order to significantly enhance employment and income generating opportunities.

4. Management of Army and Arms

The following shall be done in order for holding the election to the Constituent Assembly in a peaceful and fair environment free from fear and for the democratisation and restructuring of the Army in line with the spirit of the 12-point understanding, 8-point agreement, 25-point code of conduct, the 5-point letters sent to the United Nations and the decisions of the Summit Meeting of the Seven-Party Alliance and the CPN (Maoist) reached on November 8, 2006:

Relating to the Maoist army

4.1. As per the commitments expressed in the letters sent to the United Nations by the Government of Nepal and the Maoists on August 9, 2006, the combatants of the Maoist army shall be confined to the following temporary cantonments. The United Nations shall verify and monitor them.

The main cantonments shall be located in the following places:

1. Kailali, 2. Surkhet, 3. Rolpa, 4. Palpa, 5. Kabhre,
6. Sindhuli, 7. Ilam.

There shall be three smaller camps located in the periphery of each of these main cantonments.

4.2. All the arms and ammunitions shall be securely stored within the cantonments except those needed for providing security to the cantonments after the Maoist combatants are sent to the cantonments. The arms and ammunitions shall be locked with a single padlock and the side concerned shall keep the key to it. For the UN to monitor it, a device with siren as well as recording facility shall be installed during the process of padlocking. The UN shall make necessary inspections of the stored arms in the presence of the party concerned. Technical details in this regard including camera monitoring shall be as per the agreement among the United Nations, the CPN (Maoist) and the Government of Nepal.

4.3. Once the Maoist combatants are confined to the cantonments, the Government of Nepal shall take care of their ration as well as other arrangements necessary.

4.4. The Interim Cabinet shall constitute a Special Committee to carry out monitoring, adjustment and rehabilitation of the Maoist combatants.

4.5. Security arrangements for the Maoist leaders shall be made with the consent of the Government of Nepal.

Relating to the Nepali Army

4.6. The Nepali Army shall be confined to the barracks as per the commitments made in the letters sent to the United Nations. Non-use of its arms for or against either side shall be guaranteed. Like number of arms as those stored by the Maoist Army shall be safely stored also by the Nepali Army. These arms shall be locked with a single padlock and the party concerned shall keep the key to it. For the UN to monitor it, a device with siren as well as recording facility shall be installed during the process of padlocking. The UN shall make necessary inspections of the stored arms in the presence of the party concerned. Technical details in this regard including camera monitoring shall be as per the agreement among the United Nations, the Government of Nepal and the CPN (Maoist).

4.7. The Council of Ministers shall control, mobilise and manage the Nepali Army in accordance with the new Military Act. The Interim Council of Ministers shall prepare and implement the detailed action plan for the democratisation of the Nepali Army on the basis of political consensus and the suggestions of the committee concerned of the Interim Legislature. This includes, among other things, right-sizing, democratic restructuring reflecting the national and inclusive character and imparting training to the Nepali Army on the values of democracy and human rights.

4.8. Such functions as border security and security of the conservation areas, National Parks, banks, airports, powerhouses, telephone towers, central secretariat and the distinguished personalities hitherto being carried out by the Nepali Army shall continue.

5. Cease-Fire

5.1. Ending of military action and mobilisation of armed personnel:

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

- a. Direct or indirect use of any type of weapon or acts of attack against each other.
- b. Searching or confiscating weapons belonging to the other side with or without weapons at the place where the arms have been stored as per the understanding reached between both sides.
- c. Acts rendering harm to or mental pressure on any individuals.
- d. Acts of setting up ambush targeting each other.
- e. Acts of murder and violence.
- f. Acts of kidnappings/detentions/imprisonments/disappearances.
- g. Acts rendering loss to public/private/governmental or military properties.
- h. Arial attacks or bombings.
- i. Mining and sabotage.
- j. Spying military activities of each other.

5.1.2. Neither side shall recruit additional troops, transport arms, ammunitions and explosives and conduct military activities against each other.

However, the Interim Government may deploy the security forces for patrolling, searching and confiscating for the prevention of illegal trafficking of the arms and explosive materials and parts and/or raw materials thereof at the international borders or customs points.

5.1.3. No individual or group shall carry any illegal arms, ammunitions and explosives while travelling.

5.1.4. Both sides shall assist each other by providing information as regards the location sketches and storage of ambushes and landmines used during the war time within 30 days and by defusing and destroying them within 60 days.

5.1.5. Armies of neither side shall be present with arms and in combat fatigue in any civil assembly, political meetings and public programmes.

5.1.6. The Nepal Police and the Armed Police Force shall continue the task of maintaining lawful arrangements and peace and order as well as that of criminal investigation in line with the norms and spirit of the people's movement and the peace accord and as per the prevailing laws.

5.1.7. Both sides shall issue circulars to their respective armed bodies or personnel imposing restrictions on using the term 'enemy' while addressing or making any other dealings with the armed personnel of the other side.

5.1.8. Both sides agree to keep records and return immediately the government, public and private buildings, land and other property seized, locked up or forbidden for use during the armed conflict.

5.2 Measures for the Normalization of Situation:

5.2.1. Forced and unlawful collection of donations in cash or kind and illegal collection of tax shall not be allowed.

5.2.2. Both sides agree to make public the status of the people under their respective custodies and release them within 15 days.

5.2.3. Both sides agree to make public within 60 days of the signing of the agreement the correct and full names and addresses of the people who 'disappeared' or were killed during the conflict and convey such details to the family members.

5.2.4. Both sides agree to constitute a National Peace and Rehabilitation Commission and carry out works through it for the normalization of the difficult situation that arose as a result of the armed conflict, maintain peace in the society and run relief and rehabilitation activities for the victims of conflict and those displaced.

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

5.2.6. Both sides pledge to abandon all types of wars, attacks, counter-attacks, violence and counter-violence in the country with a commitment to ensure democracy, peace and forward-looking transformation of the Nepali society. The two sides also agree to cooperate with each other for bringing about peace and maintaining law and order.

5.2.7. Both sides guarantee to withdraw political accusations, claims, complaints and cases under-consideration against various individuals and to instantly make public the status of those detained and release them immediately.

5.2.8. Both sides express commitment to allow without any political prejudice the people displaced during the armed conflict to return voluntarily to their respective places of

ancestral or former residence, to reconstruct the infrastructure destroyed as a result of the conflict and to honourably rehabilitate and reintegrate the displaced people into the society.

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

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

5.2.11. Both sides agree not to raise any obstacle and not to allow the creation of any kind of obstruction to the employees of the Government of Nepal and other Public Bodies in the freedom of movement throughout the country, in the discharge of their duties and in carrying out their functions thus facilitating them in their work.

5.2.12. Both sides agree to allow unrestricted lawful movement throughout the State of Nepal to the personnel of the United Nations, International Donor Community, Diplomatic Missions based in Nepal, National and International Non-Governmental Organizations, Press Community, Human Rights Activists, Election Observers and foreign tourists.

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

6. End of conflict

6.1. On the basis of the historic decisions reached between the Seven Political Parties and the CPN (Maoist) on November 8, 2006, we hereby declare that the armed conflict ongoing in the country since 1996 has been brought to an end and that the current cease-fire between the Government and the Maoists has been made permanent.

6.2. The decisions of the meeting of the summit leaders of the Seven Political Parties and the CPN (Maoist) held on November 8, 2006 shall be the main policy foundation for long-term peace.

6.3. Following the confinement of the Nepali Army to the barracks and the combatants of the Maoist Army to the temporary cantonments, possession and display of arms and intimidation as well as use of violence and arms in any manner contravening the existing understandings and agreements and prevailing laws shall be punishable under law.

6.4. Armies of both the sides shall not be allowed to campaign or work for or against any side. However, they shall not be deprived of their voting right.

7. Compliance to Human Rights, Fundamental Rights and Humanitarian Laws

While remaining committed to the Universal Declaration of Human Rights, 1948, the International Humanitarian Laws and the fundamental principles and values of human rights, both the sides agree as follows:

7.1. Human Rights:

7.1.1. Both sides reiterate their commitment to the respect and protection of human rights and the international humanitarian laws and agree that no individual shall be discriminated on the basis of colour, gender, language, religion, age, race, nationality or social origin, property, disability, birth and other status and thought or belief.

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

7.1.3. Both sides express their commitment that impartial investigation shall be carried out and lawful action would be taken against individuals responsible for obstructions in the exercise of the rights contained in the agreement and guarantee not to encourage impunity. Apart from this, they shall also guarantee the right to relief of the families of victims of conflict, torture and disappearance.

7.1.4. Both sides shall refrain from inflicting torture, kidnapping and coercing the ordinary people to any work, and shall take necessary actions to discourage such acts.

7.1.5. Both sides shall respect the social, cultural and religious sensitivities, and the protection of religious sites and beliefs of any individual based on the values and norms of secularism,

7.2. Right to Life:

7.2.1. Both sides respect and protect the fundamental right to life of any individual. No individual shall be deprived of this fundamental right and no law that provides capital punishment shall be enacted.

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 the enjoyment of freedom under law shall be subjected to torture or any other cruel, inhuman or degrading behaviour or punishment. The citizen's lawful right to privacy shall be respected.

7.3.2. Both sides shall fully respect the individual's right to freedom and security, shall not keep anyone under arbitrary or illegal detention, and shall not kidnap or hold anybody captive in a like manner. Both sides agree to make public the status of every individual disappeared and held captive and provide such information to their family members, legal counsel, and any other authorized persons.

7.3.3. Both sides shall respect and protect the citizens' right to freedom of movement and the right to choose the location of one's residence in a manner acceptable under prevailing laws, and express their commitments to respect the right of individuals and families displaced during the conflict to return to their original places of 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 individual freedom of speech, expression, association and peaceful assembly and right against exploitation.

7.4.2. Both sides respect the right of every citizen to participate directly or through one's nominated representative in issues of public concern, to vote, to be elected to public office and to enjoy equal opportunities for public employment.

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

7.5. Economic and Social Rights

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

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

7.5.3. Both sides accept the fact that the citizens' right to health should be respected and protected. Both sides shall not obstruct the supply of medicines and health related assistance and campaigns, and express commitment to provide medical treatment to those injured in course of the conflict and to work for their rehabilitation.

7.5.4. With the realization of the fact that the right to education to all should be guaranteed and respected, both sides are committed to maintaining a congenial academic environment in educational institutions. Both sides agree to guarantee that the right to education shall not be violated. They agree to immediately put an end to such activities as capturing educational institutions and using them, abducting teachers and students, holding them captives, causing them to disappear, and not to set up army barracks in a way that would adversely impact schools and hospitals.

7.5.5. Both sides agree that the private property of any individual shall not be seized or usurped unlawfully.

7.5.6. Both sides believe in the fact that industrial production should continue, the right to collective bargaining and social security in the industrial establishments should be respected and the establishment and workers should be encouraged to seek peaceful settlement of any disputes between them without disturbing the industrial climate of the country, and respect the standards of work as determined by the International Labour Organization.

7.6. Rights of Women and Children

7.6.1. Both sides fully agree to special protection of the rights of women and children, to immediately stop all types of violence against women and children, including child labour as well as sexual exploitation and abuse, and not to conscript or use children who are aged 18 or below in the armed force. Children thus affected shall be rescued immediately and appropriate assistance as may be needed shall be provided for their rehabilitation.

7.7. Right to Individual Liberty

7.7.1. Both sides agree to enforce and cause to be enforced the freedom of thought and opinion, freedom of expression and publication, freedom of peaceful assembly without arms, freedom of movement, freedom of choice of profession or occupation, freedom of acquisition, ownership and disposal of property, freedom to participate in peaceful political activities, the right to equality before law and a just legal system.

8. Differences Settlement and Implementation Mechanism

8.1. Both sides agree to take individual as well as collective responsibility for not repeating the mistakes committed in the past and making correction gradually in the future.

8.2. The National Peace and Rehabilitation Commission may set up necessary mechanisms for the success of the peace campaign. The constitution and working procedure of the Commission shall be as determined by the Interim Council of Ministers.

8.3. Both sides are committed to settle all kinds of issues and mutual differences, current or that may arise in future, through mutual talks, understanding, consensus and dialogue.

8.4. Both sides express their commitments that the Interim Council of Ministers may 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 may be necessary for the implementation of this Agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the Seven Parties or the Government of Nepal and the CPN (Maoist).

9. Implementation and Monitoring

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

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

9.2. Both sides agree to the monitoring of the management of arms and the armies by the United Nations Mission in Nepal as per the provisions of the five-point letters sent earlier to the UN and those of the present agreement and agree to facilitate the process.

9.3. Both sides agree to have the United Nations observe the election to the Constituent Assembly.

9.4. The National Human Rights Commission shall also carry out responsibilities related to the monitoring of human rights as mentioned in this agreement together with the responsibility assigned to it as per the laws. While carrying out its functions, the Commission may liaison with and seek assistance from national as well as international human rights related organizations.

9.5. Both sides agree to receive the reports submitted by the above-mentioned bodies, to provide requisite information to them, and to implement their suggestions and recommendations on the basis of discussions and consensus.

10. Miscellaneous

10.1. Pursuant to the essence of the decisions of November 8 and the spirit of the peace agreement, both sides agree not to run any structure, including those parallel to the government, in any areas of government or state apparatus.

10.2. Both sides agree to sign additional supplementary agreements as may be necessary for the implementation of the present agreement.

10.3. This agreement may be amended any time with the consent of both sides. In case an amendment is desired, both sides agree to provide a notice in writing to the other side. Pursuant to such a notice, amendments may be made to the agreement with the consent of both sides. The provisions to be covered by such an amendment shall not be inferior to universally accepted norms of international human rights, standards of international humanitarian laws and the core spirit of the establishment of peace.

10.4. If any dispute arises in the interpretation of this agreement, a joint mechanism comprising both sides shall make the interpretation as per the spirit of the preamble and the documents annexed to this agreement, and such interpretation shall be final.

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

10.6. At a time when the entire country is focused on the principal campaign of the election to the Constituent Assembly, we sincerely request to all to have their problems and demands resolved through talks and dialogue and to contribute to the election of the Constituent Assembly and to the maintenance of law and order.

10.7. We sincerely appeal to the civil society, the professional groups, the class organizations, the media, the intellectuals and the entire Nepali people to actively participate and make successful the historic campaign of building a new democratic Nepal and establishing lasting peace through the election of the Constituent Assembly thus ending the armed conflict.

10.8. We sincerely request the international community including all friendly countries and the United Nations to extend support to Nepal in the campaign of establishing a full-fledged democracy and lasting peace.

Having realized the responsibility towards the future of the country and the people, and remaining fully committed to this Comprehensive Peace Agreement, we, on behalf of the Government of Nepal and the Communist Party of Nepal (Maoist), hereby sign this comprehensive peace agreement and make it public.

Prachanda
Chairman
Communist Party of Nepal (Maoist)

Girija Prasad Koirala Prime Minister
Government of Nepal

Signed on November 21, 2006