12-Points Understanding between parties and the Maoists on November 22, 2005

1. At present all Nepalese desire, peace, democracy, prosperity, social progress and independent and sovereign Nepal. To achieve this goal, we fully agree that the autocratic monarchy is the main obstacle. We are clear agreement that peace and prosperity of the country is quite impossible without ending autocracy and establishing absolute democracy. Hence, all anti-regressive forces have come to an agreement to: Focus their attack against the autocratic monarchy independently, and bring it to an end by intensifying the ongoing democratic movement across the country.

2. The 7-Party alliance is fully convinced that sovereignty and executive right of the people can be reestablished through the reinstatement of parliament (on the basis of people’s movement); formation of an all-party government with full executive power; talks with the Maoists and election to the constituent assembly. Whereas, CPN-M believes that people’s sovereignty can be established through formation of an interim government formed after a national conference of agitating democratic forces, which will oversee the election to the constituent assembly. Both of us agree to continue negotiation and dialogue to reach common agreement in these procedural issues. However, we have agreed that people’s movement is the only way to attain our agreed goals.

3. The nation has demanded constructive end of the present armed conflict and establishment of a lasting peace. Thus, we are fully committed to end autocratic monarchy and establish lasting peace through election to constituent assembly. In this regards, the CPN-M expresses its commitment to move into new peaceful political line. After bringing autocratic monarchy to an end, we have agreed that the arms of both Royal Nepalese Army and the Maoists will be supervised by the United Nations or a dependable international body to ensure free and fair election to the constituent assembly. Both parties have also agreed to accept the results of the elections. We also expect an involvement of credible international community in the dialogue process.

4. CPN-M has expressed firm commitment to acceptance of competitive multiparty system, fundamental rights of the people, human rights, and rule of law and democratic principles and values and to act accordingly.
5. CPN-M has agreed to create conducive atmosphere to allow all leaders and cadres affiliated to other democratic forces and common people, who were displaced from home during the conflict, to return to their respective places with full respect. The Maoists have also agreed to return the houses and physical properties of the people and party cadres seized unjustifiably. People will be allowed to take part in political activities without any hindrance.

6. CPN-M has also agreed to criticize itself for its past mistakes and has expressed commitment not to repeat them in future.

7. Parties will introspect on their past mistakes and they have expressed commitment not to repeat such mistake in future.

8. During the peace process human rights principles and freedom of press will be fully respected.

9. The municipal and parliamentary polls which have been pushed forward with the malicious intention of deceiving people and the international community, and to legitimize the king’s autocratic and unconstitutional rule will be boycotted and made unsuccessful.

10. People, representatives of people, and the political parties are the real bulwark of nationalism. We are committed to protecting our independence, national unity and sovereignty, and safeguarding geographical integrity. It is our responsibility to maintain cordial relationship with all nations, in the world, especially our neighbours, India and China — based on the principle of peaceful coexistence. We appeal to all patriotic Nepalis to be wary of the Mandale brand of nationalism preached by the monarch and his sycophants to protect their rule and interest. We also appeal to the Nepali people and international community to provide help to our Loktantrik movement.

11. We also appeal to all people, civil society members, professional communities, various sister organizations, journalists and intellectuals to participate actively in the people’s peaceful movement launched under the common agreement based on democracy, peace, prosperity, social transformation, and nation’s sovereignty.

12. The parties and Maoists have also agreed to probe into past incidents and take action against the guilty. In Future, if any problem occurs among political parties, the concerned high level leaders shall discuss and settle the issues amicably through dialogue.
ANNEXURE-II

25-points Cease fire Code of Conduct Signed between the Government of Nepal and CPN (Maoists)

Preamble

Respecting the popular mandate expressed through the historic people’s movement for total democracy, progress and peace; Remaining committed towards the Universal Declaration of Human Rights -1948, and fundamental principles and values of international humanitarian law and human rights; Remaining committed to fulfil the 12-point agreement between the seven political parties and the Maoists; Remaining committed towards democratic values including the concept of competitive multiparty democracy, civic liberties, fundamental rights, human rights, press freedom and rule of law; Guaranteeing the fundamental rights of the Nepali people to participate in the process of constitution making through elections to the Constituent Assembly without any fear, threat and violence; Placing democracy, peace, prosperity, forward-looking social transformation and freedom, sovereignty and dignity of the nation in the center; and In order to transform the ceasefire between the Government of Nepal and the CPN (Maoist) into permanent peace and resolve the problems through negotiations, a code of conduct has been issued as follows as per the wishes of the Nepali people:

Guaranteeing fearless civilian life

1. Not to issue any statement or engage in any activities which could provoke each other.
2. Both the parties shall not mobilise, display or use their armed forces in a manner that could spread fear and terror amongst the people.
3. Not to attack or destroy each other’s military or security installations, not to lay down mines or ambushes, not to recruit new people in one’s military and not to spy against each other.
4. Both sides will extend mutual cooperation in order to maintain peace and security.
5. Discussion and understanding will be made as per need regarding the issue of management of arms and armed personnel. 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 along with arms.
7. No hindrance will be made from either side for political activists and members of social organisations to move around the country and express their views, organise meetings or engage in their organisational works. They will not be subject to any mental or physical pressure. On basic services to the people and development activities.

8. During the period of ceasefire, activities like 'bandh' (general strike) and 'chakka jam' (transport strike) will not be organised, but peaceful demonstrations may be organised.

9. Essential services and facilities to the people will be allowed to operate without any disruption.

10. Not to create hurdles in undertaking regular development works peacefully and other works aimed at people's benefit.

11. Transportation of items like food, medicines, materials used in development works and daily utility items will not be obstructed or banned.

12. Both the parties will create an environment for the smooth functioning of schools, colleges and universities, hospitals, health centres and industrial institutions. Cooperation from media for peace talks.

13. Use civilised and dignified language while disseminating information about ceasefire, code of conduct and the peace process and other political activities.

14. Nobody should issue statements through media in a manner, which could hamper the talks and peace process. Not to collect donation and other financial assistance forcefully.

15. Donation or financial assistance in cash, kind or in the form of services will not be collected or mobilised against one's will. Release and rehabilitation.

16. Accusation, claims or cases filed by both the parties against various individuals will be withdrawn and the detainees will be released gradually.

17. Whereabouts of the people who have been disappeared will be publicised immediately.

18. To help in the rehabilitation of and extend cooperation to displaced people to return to their respective houses in a peaceful, comfortable and respectable manner.
19. Return the properties of the leaders of political parties, activists and civilians, which were seized, locked up or prohibited from being used during the period of the conflict, to concerned persons or their families. Problems arising while returning the properties will be resolved through mutual agreement. Facilitating the talks.

20. No hurdles will be created in the movement and activities of individuals involved in negotiations from both the parties Monitoring.

21. On the basis of mutual agreement between the two parties, national and international monitoring teams will be asked to monitor the ceasefire. Miscellaneous.

22. Dispute, if any, in terms of interpretation of this code of conduct, will be resolved on the basis of agreement between the parties.

23. In accordance with the spirit of the preamble of this code, amendments could be made in the code of conduct through mutual agreement.

24. To enforce this code of conduct immediately after it is signed.

25. To make the code of conduct public immediately after it is signed.

Signed by:
Krishna Bahadur Mahara
On behalf of the CPN (Maoist)

Signed by:
Krishna Prasad Sitaula
On behalf of the govt. of Nepal
May 25, 2006
ANNEXURE-III

The Eight-points SPA-Maoists agreement following Summit Talks between the Two Sides at the Prime Minister’s Residence at Baluwatar on June 16, 2006

1. Effectively and honestly implement the 12-point understanding reached between the SPA and Maoists in November last year and the 25-point Ceasefire Code of Conduct signed between the SPA government and CPN-Maoist on May 26 this year

2. Commitment to democratic norms and values including competitive multi-party system, civic liberties, fundamental rights, human rights, press freedom, and the concept of rule of law and Carry out each other’s activities in a peaceful manner

3. Request the United Nations to help in the monitoring and management of the armies and arms of both government and Maoist sides for a free and fair election to the Constituent Assembly

4. Guarantee the democratic rights achieved through the 1990 Popular Movement and the recent historic People’s Movement; draft an interim constitution based on the 12-point understanding and the ceasefire Code of Conduct; form an interim government accordingly; announce the dates for constituent assembly elections; dissolve the House of Representatives through consensus after making alternative arrangement; dissolve the People’s Governments of CPN-Maoist

5. Decide issues of national interests having long-term effects through consensus

6. Guarantee the fundamental right of the Nepali people to participate in the constituent assembly elections without any fear, influence, threat and violence. Invite international observation and monitoring during the elections as per the need

7. Bring about a forward-looking restructuring of the state so as to resolve the class-based, racial, regional and gender-based problems through constituent assembly elections. Transform the ceasefire between the Nepal Government and CPN-Maoist into permanent peace by focusing on democracy, peace, prosperity, forward-looking change and the country’s independence, sovereignty and pride, and express commitment to resolve the problem through talks.

8. The government and Maoist talks teams have been directed to accomplish all tasks related to above-mentioned points without any delay.
Prime Minister Koirala’s Letter to the UN Secretary-General

July 2, 2006

Dear Mr. Secretary-General,

I have the pleasure of informing you that the government of Nepal has taken a decisive step to consolidate achievement of the successful people's movement that restored democracy and made the people of Nepal supreme and sovereign once and for all. This has set in motion Nepal's determination for real and lasting peace based on the national unity and reconciliation and move towards stability by strengthening and institutionalizing the democratic process in the country.

On June 16, 2006, the Seven Party Alliance and Communist Party of Nepal (Maoist) concluded an eight-point agreement covering steps that are needed to create conducive environment to elect a Constituent Assembly to ensure permanent peace in the society. Earlier, on May 26, the government reached an agreement with the CPN (Maoist) on the 25-point code of conduct to be observed during the ceasefire between two sides.

In view of the firm commitment of the United Nations to promote sustainable peace and security, economic and social development and human rights around the world on the basis of fundamental principles of respect for sovereignty of nations, mutual cooperation and peaceful resolution of conflict, the government of Nepal decides to request the United Nations for the following:

2. Assist to monitor the code of conduct during the ceasefire.
3. Assist in the monitoring of the combatants of the Maoist and decommissioning of their arms in order to ensure a free and fair election to the Constituent Assembly.
4. Monitor to assure that Nepali Army is inside barrack and is not being used for or against any side in order to ensure free and fair elections to the Constituent Assembly.
5. Observe the election process to the Constituent Assembly.

As we plan to hold the election of the Constituent Assembly by end of current Nepali year (mid-April 2007), I will be grateful if you could start
extending the necessary support of the United Nations on the above mentioned issues at your earlier convenience.

I would like to take this opportunity to express sincere appreciation and gratitude of the government of Nepal to the United Nations and to you personally for the consistent support for a democratic process and continued interest in the peace-building in Nepal.

Please accept Excellency the assurances of my highest consideration.

Girija Prasad Koirala  
Prime Minister  
H. E. Kofi Annan  
Secretary-General  
The United Nations  
New York
ANNEXURE-V

CPN-Maoists Chairman Prachanda’s Letter
to the UN Secretary-General

H.E. Mr. Kofi Annan
Secretary-General of the United Nations
New York.

Dear Mr. Secretary-General,

This is to draw your attention to the letter sent to you by the Government of Nepal on 2 July 2006 and to register our strong protest and disagreement over certain crucial points of the letter.

Firstly, the letter was written & sent unilaterally and secretively without any consultation with us in utter violation of the spirit of ongoing negotiation between the Government of Nepal and the C.P.N (Maoist). We came to know about the letter through the media after nearly three weeks, and hence this delay to register our disagreement over it.

Secondly, and more importantly, the content of the letter, particularly as stated in points nos. 3 & 4, is in complete violation of the 12-point Understanding of 22 November 2005 and 8-point Agreement of 16 June 2006 reached between the two sides. For your kind recollection, clause-3 of the 8-point Agreement clearly states: "To request the United Nations to assist in the management of the armies and arms of both sides (emphasis added) and to monitor it for a free & fair election to the constituent assembly". Against this, the said letter self-professedly and provocatively talks of "Assist in the monitoring of the combatants of the Maoists and decommissioning of their arms" and "Monitor to assure that the Nepal Army is inside barracks" etc. Such arbitrary and unilateral application of two different yardsticks to the two armies is highly objectionable and totally unacceptable to us. Particularly any talk of "decommissioning" of arms of only the PLA before the election to the constituent assembly is just unthinkable. As everybody knows, the so-called Nepal Army is still loyal to the autocratic monarchy and its democratic restructuring and keeping under credible international monitoring is more imperative & important for free & fair election to the constituent assembly.

We would like to reiterate our appreciation to the United Nations and to you personally for the positive role played so far in favour of democracy, peace and progress in Nepal and expect the same in future. We shall be happy to cooperate in any manner with the UN team planning to visit Nepal soon.

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

Prachanda
Chairman
Communist Party of Nepal (Maoist)
July 24, 2006
Comprehensive Peace Accord held between Government of Nepal and CPN (Maoists) in 2006-11-22

Preamble

Respecting popular mandate of Nepali people expressed in favor of democracy, peace and progression through the historical struggles and people's movements, time and again, from 2007 BS and even before till now;

Reaffirming the full commitment towards the twelve-point agreement reached between seven political parties, CPN (Maoist), eight-point consensus, twenty-five point code of conduct held between Government of Nepal and CPN (Maoist), decision made in the meeting held between apex leaders of seven political parties and CPN (Maoist) held on Nov. 8 2006 including all agreement, consensus, code of conduct reached between Government of Nepal and CPN (Maoist), and letters of similar viewpoints sent to United Nations;

Expressing determination for progressive restructuring of the state to resolve existing problems in the country, based on class, cast, region, sex;

Reiterating the full commitment towards democratic value and acceptance including competitive multiparty democratic system of governance, civil liberty, fundamental rights, human rights, full press freedom and concept of rule of law;

Remaining committed towards Universal Declaration of Human rights, 2048, international humanitarian laws and basic principles and acceptance relating to human rights;

Keeping democracy, peace, prosperity, progressive economic and social change and independence, indivisibility, sovereignty, and self respect of the country at centre;

Expressing commitment to hold election to constituent assembly in free and fair manner till the end of the month of Jeth 2064 BS;

Declaring the beginning of a new chapter of peaceful collaboration by ending armed struggle continued in the country from 2052 BS through political consensus between the two parties to ensure sovereignty of Nepali People through constituent assembly, forward looking political resolution, democratic restructuring of the state and economic-social and cultural transformation;
This comprehensive peace agreement has been reached between Government of Nepal and CPN (Maoist) with commitment to transform ceasefire between Government of Nepal and CPN (Maoist) into sustainable peace.

1. Preliminary

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

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

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

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

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

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

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

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

‘Interim Council of Ministers’ means ‘Interim Council of Ministers’ to be formed according to Interim Constitution.

‘Both the Parties’ means the party of Government of Nepal and the party of Communist Party of Nepal (Maoist).

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

‘Verification’ means the subject of verification and true record keeping of military, combatant and arms by United Nations.

3. Political - Economic - Social Transformation and Conflict Management

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

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

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

3.3. To not allow any authority regarding affairs of governance of the country to remain with the king. To bring the properties of late King Birendra, late queen Aishworya and their family under Government of Nepal and to make use of the property in the interest of the state by forming a trust. To nationalise all the properties (like palaces situated in different places, forest and parks, heritages with historical and archeological importance) received by King Gyanendra in his capacity as the King. To decide the issue of whether or not to retain the monarchy by simple majority in the first meeting of constituent assembly.

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

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

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

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

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

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

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

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

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

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

4. Management of Army and Arms

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

Relating to the Maoists’ Army

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

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

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

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

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

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

Relating to the Nepali Army

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

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

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

5. Cease-Fire

5.1 Termination of military action and armed mobilisation:

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

a. Direct or indirect use of any type of weapon or acts of attack against each other.

b. Searching or confiscating weapons belonging to other side with or without weapons at the place where the arms have been stored as per the understanding reached between both sides.

c. Hurt or render mental pressure against any individual.

d. Set up ambush targeting any side.

e. Involve in murder or violent activities.

f. Involvement in kidnap/detention/imprisonment/disappearance.

g. Airal attack or bombardment.

h. Mining and sabotaging.

i. Spying military activities of any side.

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

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

5.1.3 No individual or group shall bear any illegal weapons, ammunitions or explosives while traveling.
5.1.4 Both sides shall assist each other to mark the landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate it within 60 days.

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

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

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

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

5.2 Situation Normalisation Measures:

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

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

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

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

5.2.5 Both sides agree to set up a High-level Truth and Reconciliation Commission as per the mutual consensus in order to probe about those involved in serious violation of human rights and crime against humanity in course of the armed conflict and develop an atmosphere for reconciliation in the society.
5.2.6 Both sides pledge to abandon all types of war, attack, counter-attack, violence and counter-violence in the country with a commitment to ensure loktantra, peace and forward-looking change in the Nepali society. It is also agreed that both the sides would assist one another in the establishment of peace and maintaining of law and order.

5.2.7 Both sides guarantee to withdraw accusations, claims, complaints and under-consideration cases 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 voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed as a result of the conflict and rehabilitate and reintegrate the displaced people into the society.

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

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

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

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

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

6. End of conflict

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

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

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

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

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

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

7.1. **Human Rights:**

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

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

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

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

7.2. Right to Live:

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

7.3 Right to Individual Dignity, Freedom and Mobility

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

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

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

7.4 Civil and Political Rights

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

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

7.4.3 Both sides are committed to respect the individual's right to be informed.
7.5 Economic 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 respecting and guaranteeing the rights of food security of all the people. They guarantee that there would be no interference in the transportation, use and distribution of food, food products and food grains.

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

7.5.4 With the realisation of the fact that the right to education should be guaranteed and respected, both sides are committed to maintaining a conducive academic environment in the educational institutions. Both sides agree to guarantee that the right to education would not be impeded. They agree to put to an end, on an immediate basis, activities like taking the educational institutions under control and using them, abducting teachers and students, taking them under control and making them to disappear, and to not to establish barracks in a way that it would impede them.

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

7.5.6 Both sides believe in the fact that the industrial climate in the country should not be disturbed and production should be given continuity and that the right of collective bargaining and social security should be respected. They also believe in the fact that if any problem arises between the business houses and labourers, they should be encouraged to resolve the problem in a peaceful manner. Both sides respect the right to work prescribed by the International Labour Organisation.

7.6 Women and Child Rights

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

7.7 Right of Personal Liberty

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

8. Dispute Settlement and Implementation Mechanism

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

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

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

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

9. Implementation and Follow-up

Both sides have agreed to make the following arrangements for the implementation of the understandings mentioned in this agreement and for their follow-up –
9.1 Both sides agree to give continuity to the task of monitoring of the human rights provisions mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

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

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

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

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

10. Miscellaneous

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

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

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

10.4 If any disputes arise in any interpretation of this agreement, a joint mechanism comprising both sides shall make the interpretation on the basis of the preamble and the documents included in the schedule of this agreement, and this interpretation would be final.
10.5 The concept of 'two sides' as mentioned in this agreement would automatically cease to exist after the constitution of the Interim Legislature -Parliament. Thereafter, all the responsibility of implementing the obligations stated in this agreement shall be as per the arrangements made by the interim Council of Ministers. It would be the duty and responsibility of all the political parties to extend cooperation in the compliance and implementation of the agreement.

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

10.7 We heartily appeal to the civil society, the professional groups, the class 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          Girija Prasad Koirala
President          Prime Minister
Communist Party    Government of
of Nepal (Maoist)  Nepal

Signed on November 21, 2006
ANNEXURE-VII

Agreement on Monitoring of Management of Arms and Armies on November 28, 2006

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 social-economic-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.

Modalities of the Agreement

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 respect the security, freedom of movement and well-being of UN Mission and associated staff, 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.

**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 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 to 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.

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.

Phases

This agreement shall come into force upon signing. These phases shall occur in the following sequence:

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.

**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 for proper monitoring of the disposition of arms and armies.

The UN Mission shall check this information immediately after monitors are deployed.

**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.

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

**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.

**Commanders’ responsibilities**

The normal Maoist army chain of command, control, communication and information will be utilised 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. Respect of the security, freedom of movement and well-being of UN and associated staff, goods and services;
3. Providing information in cooperation with the UN Mission;
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).

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 booby-traps 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. Unsuitable devices will be destroyed immediately. Stable devices will be stored safely and under 24-hour armed guard. 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 identifying 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 inventory (weapon type, calibre and serial number).

3. 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 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.

4. The UN will provide an inspection registration device mounted on each container door indicating when the storage container has been opened.

5. An alarm system 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.

6. 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.
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.

Barracking of the Nepal Army

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.

**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 for proper monitoring of the disposition of arms and armies.

The NA will respect the security, freedom of movement and well-being of UN and associated staff, 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.

**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 the concerned party. The barrack 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.

**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 including 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 NA, 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 information will be made available to UN monitors when deemed necessary in a case-by-case basis.

Permitted NA activities include:

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.


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.


For all of the above activities the rules regarding notification of troop, air movements and exercises spelled out in section 5.2 apply.

Compliance with the Agreement

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 personnel and installations.

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.


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.

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.

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.

The United Nations Mission

The Joint Monitoring Coordination Committee

The Joint Monitoring Coordination Committee (JMCC), the chairman of which will be appointed by the UN mission and the delegates from the parties determined by the parties themselves. The nine-member JMCC shall be composed of representatives from the UN, NA and Maoist Army. The neutral Chairman will be appointed by the United Nations. 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.
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.

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 in 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 chair 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 non-governmental 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.

Miscellaneous

This agreement 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 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.

Done in Kathmandu, Nepal on the 28th day of November, 2006 (12 Mangsir 2063 BS)

Krishna B. Mahara  
Coordinator  
Negotiating team  
CPN (Maoist)

Krishna P. Sitaula  
Coordinator  
Negotiating team  
Government of Nepal

Witnessed by  
Ian Martin  
Personal Representative of the Secretary-General  
United Nations
Maoist's 40 Point Demands

I. Demands related to Nationalism

1) Regarding the 1950 Treaty between India and Nepal, all unequal stipulations and agreements should be removed.

2) HMG should admit that the anti-nationalist Tanakpur agreement was wrong, and the Mahakali Treaty, incorporating same, should be nullified.

3) The entire Nepal-Indian border should be controlled and systematized. Cars with Indian number plates, which are plying the roads of Nepal, should not be allowed.

4) Gorkha recruiting centers should be closed and decent jobs should be arranged for the recruits.

5) In several areas of Nepal, where foreign technicians are given precedence over Nepali technicians for certain local jobs, a system of work permits should be instituted for the foreigners.

6) The monopoly of foreign capital in Nepal's industry, trade and economic sector should be stopped.

7) Sufficient income should be generated from customs duties for the country's; economic development.

8) The cultural pollution of imperialists and expansionists should be stopped. Hindi video, cinema, and all kinds of such news papers and magazines should be completely stopped. Inside Nepal, import and distribution of vulgar Hindi films, video cassettes and magazines should be stopped.

9) Regarding NGOs and INGOs: Bribing by imperialists and expansionists in the name of NGOs and INGOs should be stopped.

II. Demands related to the Public and its Well-being

10) A new Constitution has to be drafted by the people's elected representatives.

11) All the special rights and privileges of the King and his family should be ended.

12) Army, police and administration should be under the people's control.

Annexure-VIII
13) The Security Act and all other repressive acts should be abolished.

14) All the false charges against the people of Rukum, Rolpa, Jajarkot, Gorkha, Kavre, Sindhupalchowk, Sinduli, Dhanusha and Ramechap should be withdrawn and all the people falsely charged should be released.

15) Armed police operations in the different districts should immediately be stopped.

16) Regarding Dilip Chaudhary, Bhuvan Thapa Magar, Prabhakar Subedi and other people who disappeared from police custody at different times, the government should constitute a special investigating committee to look into these crimes and the culprits should be punished and appropriate compensation given to their families.

17) People who died during the time of the movement, should be declared as martyrs and their families, and those who have been wounded and disabled should be given proper compensation. Strong action should be taken against the killers.

18) Nepal should be declared a secular state.

19) Girls should be given equal property rights to those of their brothers.

20) All kinds of exploitation and prejudice based on caste should be ended. In areas having a majority of one ethnic group, that group should have autonomy over that area.

21) The status of dalits as untouchables should be ended and the system of untouchability should be ended once and for all.

22) All languages should be given equal status. Up until middle-high school level (uccha-madyamic) arrangements should be made for education to be given in the children's mother tongue.

23) There should be guarantee of free speech and free press. The communications media should be completely autonomous.

24) Intellectuals, historians, artists and academicians engaged in other cultural activities should be guaranteed intellectual freedom.

25) In both the terai and hilly regions there is prejudice and misunderstanding in backward areas. This should be ended and the backward areas should be assisted. Good relations should be established between the villages and the city.
26) Decentralization in real terms should be applied to local areas which should have local rights, autonomy and control over their own resources.

III. Demands related to the People’s Living

27) Those who cultivates the land should own it. (The tiller should have right to the soil he/she tills.) The land of rich landlords should be confiscated and distributed to the homeless and others who have no land.

28) Brokers and commission agents should have their property confiscated and that money should be invested in industry.

29) All should be guaranteed work and should be given a stipend until jobs are found for them.

30) HMG should pass strong laws ensuring that people involved in industry and agriculture should receive minimum wages.

31) The homeless should be given suitable accommodation. Until HMG can provide such accommodation they should not be removed from where they are squatting.

32) Poor farmers should be completely freed from debt. Loans from the Agricultural Development Bank by poor farmers should be completely written off. Small industries should be given loans.

33) Fertilizer and seeds should be easily and cheaply available, and the farmers should be given a proper market price for their production.

34) Flood and draught victims should be given all necessary help.

35) All should be given free and scientific medical service and education and education for profit (private schools?) should be completely stopped.

36) Inflation should be controlled and laborers salaries should be raised in direct ratio with the rise in prices. Daily essential goods should be made cheap and easily available.

37) Arrangements should be made for drinking water, good roads, and electricity in the villages.

38) Cottage and other small industries should be granted special facilities and protection.

39) Corruption, black marketing, smuggling, bribing, the taking of commissions, etc. should all be stopped.
40) Orphans, the disabled, the elderly and children should be given help and protection.

We offer a heartfelt request to the present coalition government that they should, fulfill the above demands which are essential for Nepal's existence and for the people's daily lives as soon as possible. If the government doesn't show any interest by Falgun 5, 2052, (February 17, 1996,) we will be compelled to launch a movement against the government.

These demands were submitted by the political front of CPN (Maoist) United People's Front with the coalition government headed by Nepali Congress Party. These are the same demands which were raised during the 1990's People Movement including the end of band of political parties. The UPF raised these demands for 5 years after the so-called democratic negotiation with the Monarchy. But the successive government and Nepali Congress government acted just opposite of the demands.