

# **Comprehensive Peace Accord**

## **Concluded Between**

### **the Government of Nepal**

**and**

### **The Communist Party of Nepal (Maoist)**

**Preamble:** Respecting the people's mandate expressed in favour of democracy, peace and progress by the Nepali people through the historic struggles and people's movement, launched, from time to time, since prior to 1950 to till now,

Reaffirming full commitment towards the 12-points Understanding, the 8-points Agreement reached between the Seven Political Parties and the Communist Party of Nepal (Maoist) (CPN Maoist), the 25-points Code of Conduct agreed between the Government of Nepal and the CPN (Maoist), the decisions of the meeting of high level leaders of the Seven Political Parties and the CPN (Maoist) held on November 8, 2006 including all agreements, understandings, code of conducts concluded between the Government of Nepal and the CPN (Maoist), and correspondence of similar view point sent to the United Nations Organisation,

Expressing determination to carry out a progressive restructuring of the state to resolve the existing problems based on class, caste, region and sex,

Reiterating the commitment towards the competitive multiparty democratic system of governance, civil liberty, fundamental rights,

human rights, full press freedom and concept of rule of law and also democratic values and norms.

Remaining committed towards the Universal Declaration of Human Rights, 1948 and the international humanitarian laws and basic principles and values relating to human rights,

Guaranteeing the fundamental rights of the Nepali People to participate in the elections of the Constituent Assembly in a free, impartial and fearless environment,

Keeping democracy, peace, prosperity, progressive socio-economic change and freedom, integrity, sovereignty and dignity of the country at the center,

Expressing determination to implement the commitment of holding an election of the Constituent Assembly in free and impartial manner by June 14, 2007,

Declaring the beginning of a new chapter of peaceful collaboration by ending the armed conflict being existed in the country since 1995 on the basis of the political understanding reached between both the parties in order to accomplish guarantee of sovereignty of Nepali people, progressive political outlet, democratic restructuring of the state and socio-economic and cultural transformation through the Constituent Assembly,

Now, therefore, this Comprehensive Peace Accord has been concluded between the Government of Nepal and CPN (Maoist) with a commitment to transform the ceasefire reached between the Government of Nepal and CPN (Maoist) into a long term peace.

## 1. Preliminary

- 1.1. This Accord shall be referred as the "**Comprehensive Peace Accord, 2006.**" In short, the Accord shall be referred as Peace Accord.
- 1.2. The Accord shall come into force from today through a public declaration of the Government side and Maoist side.
- 1.3. Both sides shall issue necessary directives to all the agencies under them to immediately implement and abide by this Accord and, shall implement or cause to be implemented it.
- 1.4. All the agreements, understandings, code of conducts and decisions reached between the Seven Political Parties, the Government and the Maoists sides attached as an annex shall be deemed to be an integral part of this Accord.
- 1.5. The understandings and agreements to be reached in future as per necessary for the implementation of this Accord shall also be deemed to be a part of this Accord.

## 2. Definitions:

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

- (a) "**Ceasefire**" means the act to prohibit all terms of attack, kidnapping, act of disappearance, detention, mobilization, strengthening, aggression and violent activities of armed of forces and the activities spreading destruction, incitement and instigation in the society through whatsoever means carried out between the Government of Nepal and the CPN (Maoist) by aiming to each other.

- (b) "**Interim Constitution**" means the Interim Constitution of Nepal, 2007" to be promulgated for the period until a new constitution is drafted and promulgated by the Constituent Assembly.
- (c) "**Interim Council of Ministers**" means the Interim Council of Ministers to be constituted under to the Interim Constitution.
- (d) "**Both sides**" mean the Government of Nepal side and the Communist Party of Nepal (Maoist) side.
- (e) "**Law in Force**" means the Interim Constitution of Nepal, 2007 and the Nepal laws in force that are not inconsistent to it. Provided that this definition shall not prejudice to the legal provisions existed before the promulgation of the Interim Constitution, 2007.
- (f) "**Verification**" means the matter of preparation of exact record after verification of army, combatants and arms by the United Nations Organization.

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

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

- 3.1. To ensure progressive political, economic and social transformation in the country on the basis of the decisions reached at the meeting of high level leaders of Seven Political Parties and CPN (Maoist) on Nov. 8, 2006.
- 3.2. To constitute an Interim Legislature-Parliament on the basis of Interim Constitution, and to hold an election of the Constituent Assembly in a free and impartial manner by the Interim

Government by June 14, 2007 and to ensure practically the sovereignty vested upon the Nepali people.

- 3.3. No powers on rule of the country shall be vested upon the King. The properties of late King Birendra, late Queen Aishworya and their family shall be transferred into control of the Government of Nepal and be utilized for the interest of the nation by forming a trust. All properties (like the palaces located in different places, forest and parks, heritages of historical and archeological importance etc.) acquired by the King Gyanendra in that capacity shall be nationalized. Matter whether or not to maintain the institution monarchy shall be decided by a simple majority in the first meeting of the Constituent Assembly.
- 3.4. To adopt a political system that fully abides by the universally accepted concepts of fundamental human rights, multiparty competitive democratic system, sovereignty vested upon the people and supremacy of the people, constitutional balance and check, rule of law, social justice and equality, independent judiciary, periodic elections, monitoring of the civil society. complete press freedom, people's right to information, transparency and accountability in the activities of political parties, people's participation, impartial, competent, and fair bureaucracy and to maintain good governance by ending corruption and impunity.
- 3.5. To carry out an inclusive, democratic and progressive restructuring of the state by eliminating the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous and ethnic (Janajatis)

people, Madheshi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion and region.

- 3.6. To decide, through mutual agreement, a minimum common programme for the socio-economic transformation that ends all forms of feudalism and to implement it gradually.
- 3.7. To adopt a policy to introduce a scientific land reforms programme by ending feudal land ownership.
- 3.8. To follow a policy to protect and promote the national industries and resources.
- 3.9. To adopt a policy to establish the rights of all citizens to education, health, housing, employment and food sovereignty.
- 3.10. To adopt a policy to provide land and other economic and social security to the economically backward classes including landless, bonded labours and pastoral farmers.
- 3.11. To adopt a policy of severely punishment to the person that acquires unjust wealth through corruption while holding a government office of the profit.
- 3.12. To build a common development concept for socio-economic transformation and justice as well as to make the country quickly as developed and economically prosperous.
- 3.13. To ensure the professional rights of the labours and follow a policy for massive increase in employment and income generation opportunities by increasing investment in industries, trade, export promotion etc.

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

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

##### Concerning the Maoist Army:

- 4.1. As per the commitment expressed in the letter sent to the United Nations on behalf of the Government of Nepal and the CPN (Maoist) on August 9, 2006, combatants of the Maoist's army shall be confined within the following temporary cantonments in the following places. They shall be verified and monitored by the United Nations.

The main cantonments shall be located in the following places:

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

The sub-cantonments around the main cantonments shall be located at the rate of three each.

- 4.2. After confining the Maoist combatants within the cantonments, all arms and ammunition except those required for the security of the cantonments shall securely be stored in the cantonment and the keys shall be kept by the concerned party after installing a single lock. In the process of installing such a lock, a device with a siren for the monitoring by the United Nations for its record shall be assembled. While carrying out the necessary examination of the stored arms, the United Nations shall do it in the presence of the concerned party. Other technical details related to this process along with the camera monitoring shall be prepared through an agreement between the United Nations, CPN (Maoist) and the Government of Nepal.
- 4.3. When the Maoist combatants stay in the temporary cantonments, the Government of Nepal shall provide rationing supplies and other necessary arrangements.
- 4.4. The Interim Council of Ministers shall work to supervise, integrate and rehabilitate the Maoist combatants.
- 4.5. Security provisions for the Maoist leaders shall be made through the understanding with the Government.

In regard to Nepal Army-

- 4.6. The Nepal Army shall be confined within the barracks as per the commitment expressed in the letter sent to the United Nations. It shall be guaranteed that their arms are not used for or against any one. The Nepal Army shall also store their arms in equal numbers to that are stored on-behalf of the Maoists,



and shall be sealed it with a single-lock and the key shall be kept by the concerned party. In the process of installing the lock, a device shall be used along with a siren for its record for the monitoring by the United Nations. While carrying out the necessary examination of the stored arms, the United Nations shall do it in the presence of the concerned party. Other technical details related to this process along with camera monitoring shall be prepared through an agreement between the United Nations, the CPN (Maoist) and Government of Nepal.

- 4.7. The control, mobilization and management of the Nepal Army shall be done by the Council of Ministers in accordance with the newly enacted Military Act. The Interim Council of Ministers shall prepare and implement a detailed action plan for the democratization of the Nepal Army having also taken suggestions from the concerned committee of the Interim legislature. Under this scheme the activities like determination appropriate number of the Nepal Army, its democratic structure and national and inclusive character, shall be developed and the army shall be trained through the democratic and human rights values and other related works shall also be performed.
- 4.8. Continuity of the functions that are performing by the Nepal Army like border security, security of the conservation areas, protected parks, banks, airports, power houses, telephone towers, central secretariat and security of very important persons shall be given.

## **5. Ceasefire**

5.1. Termination of the military action and the armed mobilization:

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

- a. An act of using of any type of arms and weapons targeted against each other in direct or indirect way or of attack;
- b. Searching or confiscating weapons belonging to otherside with or without weapons at the place where the arms have been stored as per the understanding reached between the two sides;
- c. An act of hurt or exerting mental pressure to any person;
- d. An act of setting up ambush targeting each other;
- e. Murder and violent activities;
- f. An act of kidnapping/arrest/detention/disappearance;
- g. Damaging public/private/government or military property;
- h. Aerial attack or bombardment;
- i. An act of land mining and sabotage;
- j. An act of spying on military activity of each other.

5.1.2. Both sides shall not recruit additional military forces or shall not transport arms and ammunitions and explosives or conduct military activities against each other;

Provided that the Interim Government may, in order to prevent illegal trafficking of materials like arms and weapons, explosives or part thereof or raw materials thereof, conduct

patrolling, search or confiscate them in international border or custom points by mobilization of the security forces.

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

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

5.1.5. Armies of both sides shall not present with arms or combat dress in any civil gathering, political meeting or any public programme.

5.1.6. Nepal Police and Armed Police Force shall continue to act for maintaining law, order and peace and conduct criminal investigation as per the spirit and letters of the people movement and Peace Accord as well as the prevailing law.

5.1.7. Both sides shall issue circulars to their respective armed agencies or personnels to stop to address as 'enemy' to any armed person of one side to the armed person of the other side and also to treat them in similar manner.

5.1.8. Both sides express their consent to create an inventory of governmental, public and private buildings, land and other properties occupied, locked up or not allowed to use in course of the armed conflict and to return them immediately.

5.2. Measures for Normalization of the Situation:

5.2.1. It is not allowed to collect cash or kind and levy tax against one's will and contrary to the law in force.

- 5.2.2. Both sides agree to make public the status of the people taken in their custody and to release them within a period of fifteen days.
- 5.2.3. Both sides agree to make public the information about the real name, surname and address of the people who were disappeared by both sides and who were killed during the war and to inform also the family about it within 60 days from the date on which this Accord has been signed.
- 5.2.4. Both sides agree, to maintain the peace in the society normalizing adverse situation occurred by the reason of the armed conflict and to carry out relief work for, and to rehabilitate people victimized and displaced by the war to constitute a National Peace and Rehabilitation Commission to perform the business related to it.
- 5.2.5. Both sides agree to constitute a High-level Truth and Reconciliation Commission through the mutual agreement in order to investigate truth about those who have seriously violated human rights and those who were involved in crimes against humanity in course of the war and to create an environment for reconciliations in the society.
- 5.2.6. Both sides pledge to renounce war, attack, counter-attack, violence and counter-violence of all forms in the country with a commitment to ensure democracy, peace and progressive change in the Nepali society. There is an understanding between two sides in the matter of assisting one another in peace building and maintaining law and order.

- 5.2.7. Both sides guarantee to withdraw accusations, claims, complaints and cases under consideration alleged against various individuals due to political reasons and to make immediately public the state of those who are in detention and to release them immediately.
- 5.2.8. Both sides express their commitment to allow the persons displaced due to the armed conflict to return back voluntarily to their respective ancestral or previous places of residence without any political prejudice, to reconstruct the infrastructure destroyed as a result of the conflict and to rehabilitate and socialize the displaced persons with due respect.
- 5.2.9. Both sides agree to resolve the problems occurred in the above mentioned context on the basis of mutual agreement and to take responsibility at the individual and collective manner for the task to create favourable environment for normalization of mutual relations and reconciliation and to implement it with the help of all political parties, civil society and also local organizations.
- 5.2.10. Both sides express their commitment not to discriminate against and give any kind of pressure on other members of the family by the reason of associating a member of the family with one or the other side.
- 5.2.11. Both sides agree not to create any kind of obstacle and allow any kind of obstruction to be created to the employees of Government of Nepal and public agencies in course of traveling freely to any part of the country to fulfill their duties and to

perform their business and to extend cooperation them to perform their duties.

5.2.12. Both sides agree to allow the United Nations, International Donors Agencies and also Diplomatic Missions based in Nepal, national and international non-government organizations, press, human rights activists, election observers and foreign tourists for unrestricted movement in the State of Nepal in accordance with law.

5.2.13. Both sides are committed to operate publicity programmes in a decent and respectable manner.

## **6. End of War**

6.1. We hereby declare the end of the armed war going on since 1995 giving permanency to the ongoing ceasefire reached between the Government and the Maoists on the basis of the Historical Agreement concluded between the Seven Political Parties and the CPN (Maoist) on November 8, 2006,

6.2. The decision taken by the meeting of high level leaders of the Seven Political Parties and the CPN (Maoist) on November 8, 2006 shall be the main policy basis for long term peace.

6.3. After confining the Nepal Army in the barracks and the Maoist Army combatants in the cantonments, holding and displacing the arms, creating fear and threat and use of any type of violence and arms contrary to the understanding, agreements and law shall legally be punishable.

- 6.4. Armies of both the sides shall not be allowed to publicize for or against any party and to go for or against of any side. However, they shall not be deprived from their voting rights.

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

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

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

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

the victims of conflict and torture and the family of disappeared persons to obtain relief.

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

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

7.2. Right to Life:

7.2.1. Both sides respect and protect an individual's fundamental right to life. No one shall be deprived of this fundamental right and no law shall be made that provides for capital punishment.

7.3. Right to Individual Dignity, Freedom and Movement:

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

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



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

7.4. Civil and Political Rights:

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

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

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

7.5. Socio-economic Rights:

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

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

7.5.3. Both sides acknowledge that right to health of the citizen shall be respected and protected. Both sides shall not hinder to

supply and assist medicine and health related campaigns, and express their commitment for treatment and rehabilitation of those who were injured by the reason of the conflict.

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

7.5.5. Both sides agree that private property of any person shall not be seized or controlled except in accordance with law.

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

7.6. Rights of Woman and Child:

7.6.1. Both sides fully agree to provide special protection to the rights of women and children, to immediately prohibit all types of violence against women and children, including child labor, as well as sexual exploitation and harassment, and not to include

or use children who are of eighteen years or below than that in the armed force. Children so affected shall, immediately, be rescued and necessary and appropriate assistance shall be provided for their rehabilitation.

7.7. Right to Personal Liberty:

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

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

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

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

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

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

## **9. Implementation and Monitoring**

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

- 9.1. Both sides agree to give continuity of the task for monitoring provisions concerning human rights referred to in this Accord by the Nepal based United Nations Office of the High Commissioner for Human Rights.
- 9.2. Both sides agree to cause to be monitored the management of armies and the arms by the Nepal based United Nations Mission as referred to in the five-points letter sent to the United Nations earlier and in this Accord and express their commitment to assist therefor.
- 9.3. Both sides agree to cause to be supervised the election of the Constituent Assembly by the United Nations.

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

## **10. Miscellaneous**

- 10.1. Both sides agree not to operate parallel or other forms of mechanism in any areas of the State or Government machinery as per the spirit of the decisions of November 8, 2006 and the essence of the peace Accord.
- 10.2. Both sides agree to sign any complementary agreements, as per necessity, for the implementation of the present Accord.
- 10.3. This Accord may be amended at any time with the agreement of both sides. Both sides agree to provide other party a written notice of amendment if a party desires to amend it. Amendment to the Accord may be made with the agreement of both sides after receiving such a notice. The provisions to be made by such an amendment shall not be below than that of the minimum standards of recognized international human rights and humanitarian laws and main spirit for establishment of peace.

- 10.4. If any dispute arises in interpretation of this Accord, a joint mechanism consisting of both sides shall make the interpretation on the basis of the preamble and the documents included in the annex to this Accord, and such an interpretation shall be final.
- 10.5. The concept of "two sides" and the "situation" as referred to in this Accord shall, ipso facto, be ceased after the constitution of the Interim Legislature-Parliament. Thereafter, all responsibility for implementing the obligations referred to in this Accord shall be as per the arrangements made by the Interim Council of Ministers. It shall be a duty and responsibility of all the political parties to extend cooperation in the compliance and implementation of the Accord.
- 10.6. At a time when the entire country is centered in the main campaign of the election to the Constituent Assembly, we hereby heartily request to all to end their problems and demands through dialogue and negotiations and to extend cooperation to the election of the Constituent Assembly and to the peace and security situation.
- 10.7. We hereby heartily appeal to the political parties, civil society, professional groups, public-class organizations, journalists community, intellectuals and all Nepali people to actively participate in this historic campaign to build a New Nepal and to establish a sustainable peace through the elections of the Constituent Assembly by ending the armed conflict.
- 10.8. We heartily urge all the friendly nations and also the International Community including the United Nations

Organization to extend their support to Nepal in this campaign for establishing full democracy and sustainable peace in the country.

Taking cognizance of the responsibility to the future of the country and people, and being fully committed to the text of this Comprehensive Peace Accord, we hereby execute this Peace Accord on behalf of the GOVERNMENT OF NEPAL and the Communist Party of Nepal (Maoist), and make this Comprehensive Peace Accord public.

Sd.

**(Prachanda)**

Chairperson,

*Communist Party of Nepal (Maoist)*

Sd.

**(Girija Prasad Koirala)**

Prime Minister,

*Government of Nepal*

Done on November 21, 2006