

From Conflict to Peace in Nepal

Peace Agreements 2005 - 10



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Foreword

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) would like to congratulate Ms. Wakugawa for this timely and well-researched book. As the peace process in the now Democratic Republic of Nepal evolves it will remain crucial to be able to revert to previously made agreements. This handy volume will thus be of great assistance to everyone involved in Nepal's peace-building process.

DCAF has been privileged to cooperate since 2008 with Nepal's policymakers in an extensive programme (funded by Denmark, Norway, Switzerland and the UK) which has the objective to promote operational, legal and institutional understanding of the role of parliaments in democracies--an association of countries Nepal has joined now, and which remain interested in supporting Nepal's peace-building and democratisation process. Hopefully, Nepal's political leaders will one day also find it interesting for their country to join the DCAF family.

Philipp Fluri, DDr.
Deputy Director, DCAF



भारतीय राजदूत, काठमाण्डू (नेपाल)
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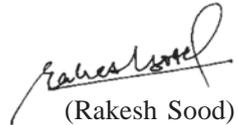
MESSAGE

It gives me great pleasure to introduce this volume which brings together the documents that chronicle the process from 2005 to 2010. The fifty plus agreements negotiated between the stakeholders, listed in this volume shows that the peace process in Nepal has been Nepali led and Nepali driven--a pre-requisite for the process to have legitimacy and acceptance. While many of the agreements listed in this volume have been implemented, some partially, there remain others yet to be implemented. Today therefore, the need for all the political parties to forge consensus is greater so that the peace process can be concluded and the CA can draft the new constitution.

Begginning with the 12-Point Understanding reached between the Seven Party Alliance (SPA) and the Maoists in Delhi in November 2005, India has consistently responded with a sense of urgency to the needs of the people and Government of Nepal in ensuring the success of the peace process and institutionalization of multi-party democracy through the framing of a new Constitution by a duly elected Consituent Assembly.

I compliment ASPECT for taking this initiative and hope that the compilation of the agreements in one volume will ba a valuable tool for the various interlocutors, participants, government officials and researchers in their attempt to better understand the genesis and evolution of the peace process in Nepal.

10 December 2010


(Rakesh Sood)

Preface

Since the signing of the 12-point Understanding, on November 22, 2005, marking the historical beginning of Nepal's ongoing peace process, over 50 agreements, understandings and other documents related to the peace process have been signed by different parties. The Asian Study Center for Peace and Conflict Transformation (ASPECT), on the occasion of the fifth anniversary of the 12-point Understanding, publishes this book, a collection of major documents, in this crucial time of transformation from conflict to peace and nation-building in Nepal.

This book is a witness of historical events and facts in the first five years of Nepal's peace process between 2005 and 2010. Some of the documents in this book are legal documents such as the Comprehensive Peace Accord (CPA), being an annex to the Interim Constitution of Nepal 2007. Some can be interpreted as political documents. However, one thing in common for all the documents collected in this volume is that they are manifestation of Nepalese people's aspirations and struggles towards peace, justice and equality. Each document carries its own 'spirit' within it.

ASPECT does not provide any analysis of the documents in the belief that analysis and interpretation of the historical events be left to the individual readers. However, a chart of the agreements is provided for easy glance at the events in chronological order. The chart also encompasses a section identifying whether each document contains implementation provisions and/or monitoring mechanisms for implementation.

Lastly, ASPECT hopes that this book contributes to the further study and discussion of Nepal's peace process by all stakeholders in order to generate visions for the way to peace.

Duman Thapa, PhD
President, ASPECT

Acknowledgement

The Asian Study Center for Peace and Conflict Transformation (ASPECT) would like to express its gratitude to the Geneva Centre for Democratic Control of Armed Forces (DCAF) and the Embassy of India to Nepal for their support and partnership to bring this book to life. The original idea of the book came about in an earnest conversation with Dr Philipp Fluri, Deputy Director of DCAF, on the situation and future of Nepal. Without our exchange and his continuous encouragement, this book would not have been born. His Excellency Ambassador Rakesh Sood and Ms Apoorva Srivastava, First Secretary, Press, Information and Culture of the Indian Embassy to Nepal, have immediately recognised the importance of this book project, and granted aboutentous support. Again, without these support, ASPECT could not have delivered this book to the readers.

ASPECT has also received support and cooperation from Manohar Prasad Bhattarai, Secretary General of Constituent Assembly and his team, and the Ministry of Peace and Reconstruction, particularly Joint Secretaries Sadhu Ram Sapkota and Durga Nidhi Sharma. We are grateful to the support lent to us by them.

Equal thanks and appreciation go to Raju Shakya of UNDP Nepal at the Centre for Constitutional Dialogue (CCD) for providing and sharing some documents with ASPECT. Obtaining copies of some historical and official agreements has been more challenging than we expected, despite their being public documents. Mr Shakya has kindly shared some materials with us, which made possible the early delivery of this project.

Finally, this project was materialised by an amazing and dedicated team composed of Prawash Gautam, Pradnya Talekar, both ASPECT Research Associates, and Anil Shrestha from PagePerfect and his team. With their meticulous hard work, going over the texts again and again, now one part of Nepalese history is recorded as a book.

Izumi Wakugawa
Technical Advisor, ASPECT

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Abbreviations and Acronyms

AMMAA	Agreement on Monitoring of the Management of Arms and Armies
CPA	Comprehensive Peace Accord
CPN (M)	Communist Party of Nepal (Maoist)
CPN (UML)	Communist Party of Nepal (United Marxist Leninist)
FRNF	Federal Republic National Front
GoN	Government of Nepal
ILO	International Labour Organization
JMCC	Joint Monitoring Coordination Committee
JTMM	Janatantrik Terai Mukti Morcha
LTTE	Liberation Tigers of Terai Eelam
MVKP	Madheshi Virus Killers Party
NEFIN	Nepal Federation of Indigenous Nationalities
NMCC	National Monitoring Committee on Code of Conduct on Ceasefire
NSA	Non-State Actors
NY	New York
OBC	Other Backward Classes
OHCHR	Office of the High Commissioner for Human Rights
SJTMM	Samyukta Janatantrik Terai Mukti Morcha
SPA	Seven-Party Alliance
TSJKP	Terai Samyukta Jana Kranti Party
UCPN (M)	Unified Communist Party of Nepal (Maoist)
UDMF	United Democratic Madheshi Front
UNMIN	United Nations Mission in Nepal

Glossary of Local Terms

<i>Adivasi Janajati</i>	Indigenous Peoples/Nationalities
<i>Dalit</i>	So-called lowest and untouchable castes in the Hindu caste hierarchy
<i>Jana Andolan</i>	People's Movement
<i>Kamaiya</i>	Bonded labour
<i>Madhesh</i>	Terai region or southern plains of Nepal
<i>Madheshi</i>	Inhabitants of the Terai region
<i>Pichada Varga</i>	Backward classes

NOTE

ASPECT would like to note that we have done our very best to translate the original Nepali agreements into English in order to maintain the original meaning and spirit enshrined in the documents. Some parts of the text may be vague and equivocal, however these are too the reflection of the reality in the agreements.

This book encompasses most of agreements, understandings and peace process related documents between 2005 and 2010. However, we acknowledge that not all documents are published in this volume, owing to the fact that some documents are not available to the public.

1 | 12-Point Understanding Concluded between the Seven Political Parties and the Communist Party of Nepal (Maoist)

The struggle between absolute monarchy and democracy running for a long time in Nepal has now taken a very grave and new turn. It has become the need of the hour to establish peace by resolving the armed conflict being waged for the past 10 years through a progressive political outlet. Therefore, there is an imperative need for implementing the concept of full democracy through a forward-looking restructuring of the state to resolve the problems related to all sectors including class, caste, gender, region, political, economic, social and cultural, by bringing the autocratic monarchy to an end and establishing full democracy. We hereby make it public that in aforementioned context, the following Understanding has been reached between the Seven Political Parties within the Parliament and the CPN (Maoist) through negotiations.

The points reached in understanding

1. The democracy, peace, prosperity, social advancement and independent, sovereign Nepal is the principal wish of all the Nepali people today. We fully agree that the autocratic monarchy is the main hurdle in achieving this wish. We have a clear opinion that the peace, progress and prosperity in the country are not possible until full democracy is established by bringing the absolute monarchy to an end. Therefore, an understanding has been reached to establish full democracy by bringing the autocratic monarchy to an end through a nationwide democratic movement of all the forces rising against the autocratic monarchy from their respective positions.
2. The agitating Seven Political Parties are fully committed to the fact that the existing conflict in the country can be resolved and that the sovereignty and the state powers can be vested completely in people only by establishing full democracy by restoring the

parliament through the force of agitation and forming a powerful all-party government by its decision, negotiating with the Maoists, and on the basis of agreement, holding the election of Constituent Assembly. The CPN (Maoist) is of the view that the aforementioned goal can be achieved by holding a national political conference of the agitating democratic forces and by forming an interim government through conference decisions and holding the election of Constituent Assembly, and the CPN (M) expresses its commitment. On the issue of this procedural agenda, an understanding has been made to continue dialogue and seek a common agreement between the agitating Seven Political Parties and the CPN (Maoist). It has been agreed that the force of the People's Movement is the only alternative to achieve this goal.

3. The country today demands the establishment of a permanent peace along with a positive resolution of the armed conflict. We are, therefore, firmly committed to establishing permanent peace by bringing the existing armed conflict in the country to an end through a progressive political outlet of the establishment of the full democracy by ending the autocratic monarchy and holding the Constituent Assembly election based on the aforementioned procedure. The CPN (Maoist) expresses its commitment to move forward in the new peaceful political stream through this process. In this context, an understanding has been reached to keep the Maoist Armed Force and the Royal Army under the United Nations or a reliable international supervision during the Constituent Assembly election to be held after the end of the autocratic monarchy, to conduct the election in a free and fair manner and to accept the result of the election. We also expect the reliable involvement of the international community in the negotiation process.
4. Making public its commitment in an institutionalised and clear manner towards the democratic norms and values, including competitive multiparty system of governance, civil liberties, fundamental rights, human rights and the concept of rule of law, the CPN (Maoist) has expressed its commitment to move forward its activities accordingly.
5. The CPN (Maoist) has expressed its commitment to create an environment to allow people, leaders and workers of political

parties who were displaced during the course of armed conflict, to return and live with dignity in their respective places; to return homes, land and property that were seized in an unjust manner and to allow people to carry out political activities without any hindrance.

6. Making a self-assessment and a self-criticism of the past mistakes and weaknesses, the CPN (Maoist) has expressed its commitment for not allowing the mistakes and weaknesses to be committed again in the future.
7. Making a self-assessment of the mistakes and weaknesses committed while staying in the Government and Parliament in the past, the Seven Political Parties have expressed their commitment to not repeat such mistakes and weaknesses in the future.
8. To further the peace process, commitment has been made to fully respect the values and norms of human rights and to respect the press freedom.
9. As the announcement of the election of municipality is backed by the ill-motive of deluding people and the international community while maintaining the autocratic and illegitimate rule of the King; and as the rumour of the Parliament elections is spread as a crafty ploy, we announce its complete boycott in our respective ways, and appeal to the general public to make the elections a failure.
10. The people and their representative political parties are the real guardians of the nationality. Therefore, we are firmly committed to the protection of the independence, sovereignty, geographical integrity and national unity of the country. It is our common obligation to maintain friendly relations with all countries of the world in the principle of peaceful co-existence, and to maintain good relations with neighbouring countries, especially India and China. We request all the people to remain cautious of the false attempt of the King and the monarchists to create confusion among patriotic people by projecting the illusory ('Mandale') nationalism to prolong the autocratic and illegitimate rule of the King and to raise a question mark over the patriotism of the political parties; and we appeal to the international powers and

communities to support the democratic movement against the autocratic monarchy in Nepal in every possible way.

11. We sincerely invite the civil society, professional organisations, various community organisations, people of all communities and regions, the media, intellectuals and all Nepalese people to make the movement successful by actively participating in the peaceful People's Movement launched on the basis of these understandings reached, while maintaining the core ideals of democracy, peace, prosperity, forward-looking social transformation, independence, sovereignty and dignity of the country.
12. Regarding the inappropriate conduct that took place among the political parties in the past, a common commitment has been expressed to investigate the incidents on which objection was raised and take appropriate action if guilt is established in such cases, and make the same public. An understanding has been reached to resolve any problems that might emerge among the parties in the future through dialogue and discussion at the concerned level or at the leadership level.

Nepali Congress President Girija Prasad Koirala	Sd.
NCP (UML) General Secretary Madhav Kumar Nepal	Sd.
Nepali Congress (Democratic) President Gopal Man Shrestha	Sd.
Janamorcha Nepal Chairperson Amik Sherchan	Sd.
Nepal Sadbhavana Party (Anandi Devi) Vice Chairperson Bharat Bimal Yadav	Sd.
Samyukta Bammorcha Chairperson Krishna Das Shrestha.	Sd.
Nepal Majdoor Kisaan Party Member Prem Suwal	Sd.

November 22, 2005
New Delhi, India

2 | The Second Understanding concluded between the Seven Political Parties and the CPN (Maoist)

It is well known to all that the historic 12-Point Understanding for democracy, peace, prosperity, progress and national independence has been reached between the Seven Political Parties, fighting for the end of absolute monarchy and establishment of full democracy, and the CPN (Maoist) on November 22, 2005. There is no doubt that the Understanding has already been approved by the people as the so-called municipality elections held by the dictatorial authority on February 8, 2006, failed completely due to the rapid wave of nationwide People's Movement started after the 12-Point Understanding. Likewise, the widespread support by the international community for this Understanding makes it clear that this Understanding is the basis for the real solution to the ongoing conflict in the country. In this situation, we reiterate our firm commitment for the implementation of this Understanding by all parties with a strong determination.

Here, we would like to recall that 'the agitating Seven Political Parties are fully committed to the fact that the existing conflict in the country can be resolved and that the sovereignty and the state powers can be vested completely in people only by establishing full democracy by restoring the parliament through the force of agitation and forming an powerful all-party Government by its decision, negotiating with the Maoists, and on the basis of agreement, holding the election of Constituent Assembly. The CPN (Maoist) is of the view that the aforementioned goal can be achieved by holding a national political conference of the agitating democratic forces and by forming Interim Government through conference decisions and holding the election to the Constituent Assembly, and the CPN (M) expresses its commitment. On the issue of this procedural agenda, an understanding has been made to continue dialogue and seek a common agreement between the agitating Seven Political Parties and the CPN (Maoist). It has been agreed that the force of People's Movement is the only alternative to achieve this goal.'

We cordially appeal to all democratic political forces, civil society, professional groups, public organisations, people from the oppressed castes and areas, media personnel and the common people to make the ongoing movement successful by actively participating in the establishment of full democracy, with sovereignty and state power being completely vested in people, through the Constituent Assembly election.

We also make a special appeal to the international community to extend their support in this initiation of the political parties to restore peace in Nepal for establishment of full democracy in the country, the end of the absolute monarchy, and resolving the armed conflict of the last ten years through a progressive political outlet.

Sd.
(Girija Prasad Koirala)
President
Nepali Congress

Sd.
(Amrit Kumar Bohara)
Acting General Secretary
CPN (UML)

Sd.
(Sher Bahadur Deuba)
President
Nepali Congress
(Democratic)

Sd.
(Lila Mani Pokhrel)
Vice-Chairperson
Janamorcha Nepal

Sd.
(Narayan Man Bijukchhe)
Chairperson
Nepal Majdoor Kisaan
Party Nepal

Sd.
(Rajendra Mahato)
General Secretary
Sadbhavana Party

Sd.
(Nanda Kumar Prasai)
Chairperson
Samyukta Bam Morcha

3 | Proclamation to the Nation by His Majesty King Gyanendra on April 24, 2006

Beloved Citizens,

Convinced that the source of State Power of the Kingdom of Nepal is the Nepalese people, and that sovereign state power of Nepal is inherent in the people of Nepal, cognisant of the spirit of the ongoing People's Movement, and to resolve the ongoing violent conflict and other problems being faced by the country, according to the road map of the agitating Seven-Party Alliance, We, through this Proclamation, reinstate the House of Representatives, which was dissolved on May 22, 2002 on the advice of the then Prime Minister in accordance with the Constitution of the Kingdom of Nepal 1990. We, hereby, call upon the Seven-Party Alliance to bear the responsibility of taking the country on the path to national unity and prosperity, while ensuring permanent peace and safeguarding multiparty democracy. We also summon the meeting of the reinstated House of Representatives at the Parliament House, Singha Durbar, on Friday, April 28, 2006 at 1 PM.

We believe that this House will contribute to the overall welfare of Nepal and the Nepalese people. We extend our heartfelt condolences to all those who lost their lives in the People's Movement and wish the injured ones speedy recovery of their health and We express our confidence that the nation will forge ahead towards sustainable peace, progress, full democracy and national unity.

May Lord Pashupatinath bless us all!

Jai Nepal!

4 | **May 18, 2006** **Proclamation of the** **House of Representatives**

With high regard to the sacrifice, life offering and participation of the Nepalese people in the peaceful joint People's Movement;

Bearing in mind the fact that the source of state power of the independent and sovereign Nepal lies in the people and the keen aspiration expressed by the Nepalese people through the peaceful People's Movement to establish that people are the sole source of sovereignty and state power,

Pledging to fulfill the mandate given by the Nepalese people through the People's Movement to establish inclusive governance and sustainable peace, along with democracy, and restructuring of state, by framing a constitution through a Constituent Assembly pursuant to the roadmap of the Seven Political Parties and the 12-Point Understanding between the Seven Political Parties and the CPN (Maoist),

Realising the critical responsibility of the sovereign Nepalese people in strengthening the country's national integrity, indivisibility and national unity,

In the Proclamation of the King on April 24, 2006 which reinstated the House of Representative by affirming that 'the source of State power of the Kingdom of Nepal is Nepalese people, and that sovereign state power of Nepal is inherent in the people of Nepal' and being "cognizant of the spirit of the ongoing People's Movement, and to resolve the ongoing violent conflict and other problems being faced by the country, according to the road map of the agitating Seven Party Alliance', the House of Representatives established through the force of People's Movement is acknowledged as being invested with sovereignty,

In order to take the responsibility to move towards abolition of the autocratic monarchy and towards establishment of full-fledged democracy by safeguarding the achievements of the 1990 People's Movement and institutionalizing the achievements of the present People's Movement, this House of Representatives hereby proclaims itself sovereign for exercising all rights until other constitutional arrangements are introduced, and since the state power will be exercised through this very House of Representatives, further proclaims:

1. Concerning Legislature

- 1.1 All authority regarding the legislature of Nepal shall be exercised by the House of Representatives. The law-making procedure shall be as specified by the House of Representatives.
- 1.2 The House of Representatives shall, as and when required, determine the procedure for establishment of the Constituent Assembly.
- 1.3 The summoning and prorogation of the sessions of the House of Representatives shall be as follows:
 - (a) The session shall be summoned by the Prime Minister and be prorogued by the Speaker on the recommendation of the Prime Minister.
 - (b) If, during the prorogation or recess of the House of Representatives, one-fourth of its members existing at the time, make a submission to the Speaker that it is expedient to convene a session or meeting of the House of Representatives, the Speaker shall fix the date and time for such session or meeting within fifteen days.
- 1.4 The House of Representatives shall frame and enforce Regulations of the House of Representatives.

2. Concerning Executive

- 2.1 All the executive powers of the state of Nepal shall be vested in the Council of Ministers. 'His Majesty's Government' shall be hereinafter referred to as the 'Government of Nepal'.
- 2.2 Persons who are not members of the House of Representatives may also be nominated to the Council of Ministers.
- 2.3 The Council of Ministers shall be accountable to the House of Representatives. The Council of Ministers and the ministers shall collectively and, for the acts of their Ministries, individually be accountable to the House of Representatives. All the executive organs, including the administration, army and the police shall be under the government, which shall be accountable to the House of Representatives.
- 2.4 The regulations related to the allocation and transaction of business of the Government shall be adopted by the Council of Ministers and presented to the House of Representatives.

3. Concerning Army

- 3.1 The name 'Royal Nepal Army' shall be changed to 'Nepal Army'.
- 3.2 The existing provision regarding the National Security Council is hereby repealed. There shall be a National Security Council under the chairpersonship of the Prime Minister in order to control, deploy and mobilise Nepal Army.
- 3.3 Chief of the Army Staff of Nepal Army shall be appointed by the Council of Ministers.
- 3.4 The existing provision of Supreme Commander of Army is repealed.
- 3.5 The decision of the Council of Ministers in respect of mobilizing Nepal Army shall be tabled to and endorsed by the special committee assigned by the House of Representatives within 30 days.
- 3.6 The organisation of Nepal Army shall be inclusive and national in character.

4. Concerning Rajparishad [Royal Council]

The existing provision of Rajparishad [Royal Council] is repealed. The necessary businesses performed by the Rajparishad shall be as provided by the House of Representatives.

5. Concerning Royal Palace

- 5.1 The power to frame, amend and repeal laws regarding the succession to the throne shall be vested in the House of Representatives.
- 5.2 The expenditures and privileges of His Majesty shall be as decided by the House of Representatives.
- 5.3 The private property and income of His Majesty the King shall be liable to taxes as per the law.
- 5.4 Questions over the acts performed by His Majesty may be raised in the House of Representatives and in the court.
- 5.5 Existing Royal Palace Service shall be subsumed in the civil service.
- 5.6 The security arrangements for the Royal Palace shall be as decided by the Council of Ministers.

6. The existing problems regarding citizenship in the country shall be promptly resolved.

7. The existing 'national anthem' shall be replaced by making alternative arrangements.

8. Nepal shall be a secular state.

9. Miscellaneous

- (a) All the organs and agencies of the state, bearing in mind that they derive their authority from the House of Representatives, shall exercise it by being loyal towards it.
- (b) The specified office-bearers holding public office shall take oath of office in the format specified by the House of Representatives. The office-bearers who refuse to take such oath of office shall be relieved of their posts.
- (c) The legal provisions in the Constitution of the Kingdom of Nepal 1990 and other prevalent laws shall become void to the extent of contradiction with this proclamation.
- (d) Any impediments that may arise while implementing this proclamation shall be removed by the House of Representatives.
- (e) There shall be a committee in the House of Representatives for the purpose of sub-clause (c) and (d) above.

5 | The Code of Conduct on Ceasefire Agreed between the Government of Nepal and the CPN (Maoist) on May 26, 2006

Preamble

Respecting the popular mandate expressed through the historic People's Movement in favour of full democracy, progress and peace;

Remaining committed to the Universal Declaration of Human Rights 1948 and the basic principles and norms concerning International Humanitarian Law and Human Rights;

Expressing commitment to fully comply with the 12-Point Understanding reached between the Seven Political Parties and the CPN (Maoist);

Expressing commitment to democratic values and norms, including a competitive multiparty system of governance, civil liberties, fundamental rights, human rights, press freedom and the concept of the rule of law;

Guaranteeing the fundamental rights of the Nepalese people to participate in the process of framing a constitution through the Constitution Assembly election without being influenced by any fear, threat, or violence; and

Placing democracy, peace, prosperity, progressive social change and independence, sovereignty and dignity of the country at the centre;

In order to transform the ceasefire between the Government of Nepal and the CPN (Maoist) into permanent peace and resolve the problem peacefully through negotiations, in accordance with the sentiments of the Nepalese people, the below-mentioned Code of Conduct is issued:

On Ensuring a Fear -free Civic Life

1. Neither of the parties shall make any public statement or conduct any activities which may provoke each other.
2. Neither of the parties shall mobilise, exhibit or use armed forces in a manner that may spread fear amongst the common people.
3. Neither of the parties shall carry out attacks or disruptive acts in each other's military or security units, carry out actions like laying landmines or setting up ambushes, recruit new people in their armies or spy against each other.
4. Both parties shall extend mutual cooperation to each other to maintain peace and order.
5. Regarding the issue of management of arms and armies, discussions shall continue and understanding shall be maintained on the basis of mutual consent.

On Creating an Environment of Trust among the People

6. Neither of the parties shall participate in public meetings, gatherings or assemblies or any other political activities in combat dresses or with arms.
7. Neither of the parties shall obstruct or exert any mental or physical pressure on the activities of political parties and members of social organisations and individuals from disseminating their opinions, conducting meetings and assemblies, or extending their organisation in any part of the country.

On Basic Services to the People and Development

8. Activities like a general strike or transport strike shall not be organised during the period of ceasefire. However, peaceful assemblies and processions may be organised.
9. Essential public services and facilities shall be allowed to operate without any restriction.

10. No obstruction shall be caused to public welfare and regular development works.
11. Transportation of food, medicines, development and construction materials and goods for daily consumption shall not be encumbered.

Smooth Operation of Educational Institutions, Hospitals and Industrial Enterprises

12. Both sides shall help in creating an environment for the smooth operation of schools, colleges, universities, hospitals, health centres and industrial enterprises.

Support from Media for Peace Talks

13. Parties shall circulate information in favour of ceasefire, Code of Conduct and peace process; and use civil and dignified language in the dissemination.
14. No one shall issue the statements that could have adverse impact on the negotiations and the peace process through the media.

Not to Raise Donations and Financial Support Forcibly

15. Parties shall not collect or mobilise donations and financial support, cash, kind or service against one's will.

Release and Rehabilitation

16. Both parties shall withdraw the accusations, prosecution and cases instituted against various individuals and shall release detainees gradually.
17. Parties shall disclose, as soon as possible, the whereabouts of citizens who have disappeared.
18. Parties shall assist the displaced persons to return to and rehabilitate in their homes in a peaceful, easy and dignified manner.

19. The property of leaders and activists of political parties and general public that were seized or locked up or prohibited from use during the conflict shall be returned to the owners or allowed to be used by them. Any problem that may arise in this process shall be resolved through mutual agreement.

Facilitating Negotiations

20. Parties shall not create any kind of obstruction to the movement and activities of individuals belonging to either of the parties involved in the negotiations.

Monitoring

21. Ceasefire shall be monitored by national and international monitoring teams on the basis of mutual agreement between the parties.

Miscellaneous

22. If any dispute arises in the interpretation of this Code of Conduct, it shall be resolved through mutual understanding.
23. Amendments in the Code of Conduct may be made through the agreement of both parties in accordance with the spirit of the Preamble.
24. This Code of Conduct shall be enforced immediately after its signature.
25. The Code of Conduct shall be made public as soon as it is signed.

On behalf of CPN (Maoist)

Krishna Bahadur Mahara
Sd.
May 26, 2006

On behalf of GoN

Krishna Prasad Sitoula
Sd.
May 26, 2006

6 | Agreement Reached between the Government of Nepal and the CPN (Maoist) on June 15, 2006

The following decisions were made in the second talk held between the Government of Nepal and the CPN (Maoist) on June 15, 2006:

1. Negotiations between the Government of Nepal and the CPN (Maoist) shall be held as soon as possible, with the participation of the top leaders of the Seven Political Parties.
2. To monitor the implementation of the 12-Point Understanding reached between the Seven Political Parties and the CPN (Maoist) and the Code of Conduct on Ceasefire agreed on May 26, 2006, a National Monitoring Committee on Code of Conduct on Ceasefire, as shown below, has been formed:

1. Coordinator	Prof. Dr Birendra Mishra*
2. Member	Dr Arjun Karki
3. Member	Dr Om Gurung
4. Member	Prof. Kapil Shrestha
5. Member	Dr K. B. Rokaya
6. Member	Keshav Bhattarai
7. Member	Krishna Pahadi
8. Member	Gauri Pradhan
9. Member	Chandi Raj Dhakal
10. Member	Charan Prasain
11. Member	Taranath Dahal
12. Member	Nilamber Acharya
13. Member	Padam Lal B. K.
14. Member	Prof. Dr. Bhupati Dhakal
15. Member	Malla K. Sunder
16. Member	Dr Mahesh Maskey

* Whereas the above-mentioned committee was formed on June 15, 2006 under the coordinatorship of Dr Devendra Raj Pandey, pursuant to an agreement concluded on June 26, 2006, Dr Birendra Misra was designated as coordinator.

- | | |
|------------|-----------------------|
| 17. Member | Madhav Banskota |
| 18. Member | Raman Shrestha |
| 19. Member | Dr Ram Man Shrestha |
| 20. Member | Wangchhe Sherpa |
| 21. Member | Bishnu Nisthuri |
| 22. Member | Bishnu Pukar Shrestha |
| 23. Member | Shanta Shrestha |
| 24. Member | Shyam Shrestha |
| 25. Member | Shiv Gaunle |
| 26. Member | Sushil Pyakurel |
| 27. Member | Engr. Saroj Devkota |
| 28. Member | Dr Sudha Sharma |
| 29. Member | Subodh Pyakurel |
| 30. Member | Sushil Chandra Amatya |

3. A request shall be made to the Nepal-based Office of the UN High Commissioner for Human Rights to assist the National Monitoring Committee, formed to monitor the Ceasefire Code of Conduct, to monitor issues pertaining to human rights and monitor the human rights issues.
4. The following personalities shall be observers in the negotiations to be held between the Government and the Maoists:
 1. Laxman Prasad Aryal
 2. Devendra Raj Pandey
 3. Padma Ratna Tuladhar
 4. Daman Nath Dhungana
 5. Mathura Prasad Shrestha

On behalf of CPN (Maoist)

Coordinator: Krishna Bahadur Mahara
Sd.
June 15, 2006

On behalf of GoN

Coordinator: Krishna Prasad Sitoula
Sd.
June 15, 2006

7 | **8-Point Agreement between the Leaders of Seven Political Parties and the CPN (Maoist)**

Press Release

Today, June 16, 2006, the meeting between the top leaders of the Seven Political Parties and the CPN (Maoist), convened by the Government-Maoist Talks Teams, was held at the Prime Minister's residence, Baluwatar. The points of agreement reached at the meeting are as follow:

1. To implement firmly and honestly the 12-Point Understanding reached between the Seven Political Parties and the CPN (Maoist) on November 22, 2005 and the Code of Conduct on Ceasefire reached between the Government of Nepal and CPN (Maoist) and made public by the Government-Maoist Talks Teams on May 26, 2006.
2. To conduct activities in a peaceful manner, expressing commitment to democratic norms and values, including competitive multiparty governance system, civic liberties, fundamental rights, human rights, press freedom and the concept of rule of law.
3. To request the United Nations to assist in the management of the armies and arms of both parties and to monitor them to ensure a free and fair election of the Constituent Assembly.
4. To frame an interim constitution, guaranteeing the democratic rights achieved through the People's Movement of 1990 and the recent historic People's Movement and being guided by the commitment expressed in the 12-Point Understanding and the spirit of the preamble of the Code of Conduct on Ceasefire; to form an interim government accordingly; announce the date of Constituent Assembly election; dissolve the House of Representatives by making alternative arrangements based on

consensus; and to dissolve the People's Governments formed by the CPN (Maoist).

5. Decisions on the matter of national importance with long-term impacts be made based on consensus.
6. To guarantee the fundamental right of the Nepalese people to participate in the constitution-making process through the Constituent Assembly election without any fear, influence, threat and violence. To make provision for international observation and monitoring of elections as per the need.
7. To carry out progressive restructuring of the state so as to resolve the class-based, ethnic, regional and gender-based problems through the Constituent Assembly election. To express commitment to transform the ceasefire between the Government of Nepal and the CPN (Maoist) into permanent peace by being centred on democracy, peace, prosperity, progress and the independence, sovereignty and dignity of the country and to resolve the problem through negotiations.
8. The Government-Maoist Talks Teams are directed to accomplish all the tasks related to the above-mentioned subjects without delay.

On behalf of CPN (Maoist)

Sd.
Prachanda,
Chairman,
CPN (Maoist)

On behalf of Seven Political Parties

Sd.
Mr Girija Prasad Koirala
Prime Minister and President,
Nepali Congress

Sd.
Mr Madhav Kumar Nepal
General Secretary, CPN (UML)

Sd.
Mr Sher Bahadur Deuba
President, Nepali Congress (Democratic)

8-Point Agreement between the Leaders of
Seven Political Parties and CPN (Maoist)

Sd.
Mr Amik Sherchan
Deputy Prime Minister and
Chairperson, Janamorcha Nepal

Sd.
Mr Narayan Man Bijukchhe
President, Nepal Majdoor Kisaan Party

Sd.
Mr Bharat Bimal Yadav
Vice President,
Nepal Sadbhavana Party (Anandi Devi)

Sd.
Mr Prabhu Narayan Chaudhary
Minister and Chairperson,
Bammorcha Nepal

Dated: June 16, 2006

8 | Terms of Reference and Mandate of the National Monitoring Committee on Code of Conduct on Ceasefire

The Government of Nepal and the Communist Party of Nepal (Maoist) have reached an agreement to establish the following terms of reference and mandate of the National Monitoring Committee, which was constituted following an agreement between the Government of Nepal and the CPN (Maoist) on June 15, 2006:

1. To investigate and monitor as per international norms the implementation of the issues referred to in the 25-Point Code of Conduct agreed between the talks teams of the Government and Maoists on May 26, 2006 and [based on it] make recommendations to both parties [regarding the future course of action] and ensure their implementation.
2. To monitor statements and activities made from any quarters that may have adverse impact on the peace process, make recommendations [based on the monitoring] and ensure their implementation.
3. While monitoring in accordance with Points 1 and 2, the spirit of the 12-Point Understanding between the CPN (Maoist) and the Seven Political Parties, reached on November 22, 2005, and the 8-Point Agreement between the Top Leader of Seven Political Parties and the CPN (Maoist), reached on June 16, 2006, among others, shall serve as the basis.
4. To promptly investigate and inquire and try to resolve the problem through mutual agreement if, in the course of monitoring, it is found that the ceasefire and its Code of Conduct has been violated by any side or any notice or information [of such violation] is received through any source.
5. In the course of investigation and inquiry, [the monitoring team] shall be allowed to freely move anywhere, conduct field

inspection and inquiry, and collect evidence. For this purpose, both parties shall guarantee security to the monitoring team.

6. The talks teams of the Government of Nepal and the CPN (Maoist) shall form a joint committee to discuss and ensure the implementation of the report of the National Monitoring Committee.
7. To submit a report about resolution or suggestions, based on investigation, inquiry and consent, to the Joint Committee consisting of representatives of the Government of Nepal and the CPN (Maoist). Till such a Joint Committee is formed, the recommendations and the report of the Monitoring Committee shall be submitted through its coordinator to the coordinators of both talks teams. The periodic and other reports concerning monitoring shall be publicised through the media, as necessary.
8. The Joint Committee, formed to receive and implement the report of the Monitoring Committee, shall comprise members as determined by both parties through mutual consent. The Joint Committee shall discuss the reports received from the National Monitoring Committee and reach agreement on the issue of its implementation. Both parties on the Joint Committee shall implement the suggestions of the report on their part.
9. The National Monitoring Committee may form subcommittees and local monitoring teams as necessary.
10. The National Monitoring Committee shall determine its working procedure. The procedural shall be approved by the talks teams of both parties.
11. The Government of Nepal shall make available office, administrative, financial and other necessary means and resources to the National Monitoring Committee.
12. To seek help from all parties concerned, including local units of all political parties, human rights activists and civil society for the purpose of monitoring.
13. To seek assistance of Nepal-based office of UN High Commissioner for Human Rights in monitoring the human rights-related issues.

14. The National Monitoring Committee shall function until the enforcement of the Constitution which will be drafted after the election of the Constituent Assembly.
15. The Central Office of the National Monitoring Committee shall be located in Kathmandu and other offices may be established wherever necessary within the territory of Nepal.
16. The activities carried out by the National Monitoring Committee shall be safely maintained in the form of record.
17. If necessary, amendments may be made to the terms of reference and mandate of the committee with the agreement of both parties.

On behalf of CPN (Maoist)

Coordinator:
Krishna Bahadur Mahara
Sd.

June 26, 2006

On behalf of GoN

Coordinator:
Krishna Prasad Sitoula
Sd.

June 26, 2006

9 | Procedures of the National Monitoring Committee on Code of Conduct on Ceasefire 2006

1. **Name:** National Monitoring Committee on Code of Conduct on Ceasefire 2006.

2. **Date of Commencement:** These procedures shall come into force on the date of its approval by the talks teams, after their adoption by the meeting of the Committee.

3. **Definitions:**
 - (a) ‘Committee’ means the National Monitoring Committee on Code of Conduct on Ceasefire.
 - (b) ‘Talks teams’ means the talks teams of the Government of Nepal and the CPN (Maoist).
 - (c) ‘Coordinator’ means the coordinator of the committee.
 - (d) ‘Member’ means the member of the committee.
 - (e) ‘Code of Conduct’ means the 25-Point Code of Conduct on Ceasefire framed after an agreement between the Government of Nepal and the CPN (Maoist) on May 26, 2006.
 - (f) ‘Procedures’ means the procedures of the National Monitoring Committee on Code of Conduct on Ceasefire 2006.
 - (g) ‘Office’ means the central office or the other offices of the committee.
 - (h) ‘Joint Committee’ means the joint committee to be formed by the talks teams.

- (i) 'Subcommittee' means the subcommittee formed by the committee as per necessity.
- (j) 'Contact agency, cooperation and monitoring team' means the contact agency, cooperation and monitoring team formed or developed by the committee for any specific incident, issue or area as per need.
- (k) 'Peace process' means all the activities to be carried out according to the principles of international peace process for peaceful transformation of the violent insurgency in Nepal, being waged since 1995 and the existing conflicts in the Nepalese society according to dialogue, understanding, consensus and agreements reached between the Government of Nepal, the Seven Political Parties and the CPN (Maoist), which had participated in the People's Movement 2006.

4. Jurisdiction: The jurisdiction of the committee shall be according to the 17-Point Terms of Reference and Mandate as specified by the talks teams on June 26, 2006.

5. Meeting of the Committee:

- (a) The coordinator shall convene the meetings of the committee.
- (b) In general, the meeting of the committee shall be held twice a month.
- (c) The meeting shall be chaired by the coordinator or, in her/his absence, by a member assigned by her/him. If no one is assigned, the meeting shall be chaired on rotation among members in alphabetical order.
- (d) The quorum of the meeting shall be deemed to have been met if over 50 per cent of the members are present in the meeting. If the meeting is convened for a second time for not having met the quorum, the number of members present shall be considered as the quorum.

6. Decision of the Meeting:

- (a) The meeting of the committee shall take decision on consensus as much as possible.
- (b) It shall be the responsibility of the Coordinator to authenticate and send the meeting minutes to the agencies concerned.

7. Office: The Central Office of the Committee shall be located within Kathmandu Valley. Offices may be established in other parts of the country as necessary.

8. Subcommittee: In order to carry out its work smoothly, the committee may form sectoral, regional and other subcommittees and delegate responsibility.

9. Contact Agency, Cooperation and Monitoring Team: For the purpose of a certain event, issue or region, contact agency, and cooperation and monitoring team of the Committee may be formed and deployed.

10. Responsibility of the Coordinator:

- (a) To coordinate and issue directions for carrying out necessary work by assuming the leadership of the committee;
- (b) To represent or depute somebody to represent the committee;
- (c) To operate the office or depute somebody to operate it;
- (d) If it becomes necessary to seek the support of any member in the course of operation of the committee, to assign responsibility to members;
- (e) To determine the agenda for discussion at committee meetings;
- (f) To implement the decisions of the committee or enforce their implementation.

11. Fundamental Responsibilities to be Abided by the Members of the Committee

- (a) To be independent and neutral;
- (b) To be aware of and committed to the Code of Conduct and its jurisdiction;
- (c) To make continued efforts for enhancing mutual trust and harmony between the parties concerned in order to make the peace process smooth and dynamic;
- (d) To accomplish assigned responsibilities;
- (e) To refrain from expressing views or indulging in activities that may have an adverse effect on the peace process;
- (f) To maintain confidentiality and camaraderie while carrying out the activities of the committee;
- (g) To follow the 17-Point Terms of Reference and Mandate while performing the activities and making statements in the capacity of a committee member; however, this clause shall not be deemed to restrict one while acting or making statements according to one's professional or personal beliefs.

12. Collection of Facts and Information: The Committee shall collect facts and information through the following mediums:

- (a) To collect facts and information from the common people;
- (b) To depute the contact agency, cooperation and monitoring team for the collection of facts and information about the incident;
- (c) To collect facts and information through different communication media;
- (d) To collect facts and information through the Office;
- (e) To collect facts and information through committee members;
- (f) To collect facts and information from different organisations and civil society;

- (g) To carry out special investigation and monitoring of an incident if demanded by the parties concerned.

13. Report:

- (a) The committee shall prepare a report by studying, investigating and analysing the facts and information received from different sources in an independent, impartial and objective manner.
- (b) The report as per Clause (a) shall be submitted to the talks teams or the joint committee, along with recommendations.
- (c) As a general rule, the report shall be made public.
- (d) The committee shall remain active to implement the report.
- (e) The regular monitoring report shall be presented to the agency concerned on fortnightly basis.

14. Financial Management and Operation:

The provision of financial resources necessary for the Committee shall be as determined by the Government of Nepal.

15. Staff Provision:

The provision of the required staff for the committee shall be as determined by the Government of Nepal.

16. Stamp and Letter Pad of the Committee

The specimens of the stamp and letterpad of the Committee are attached in Annex 1.

17. Amendment

If it is necessary to make amendments in the procedures, the Committee may take decision to do so. The said amendment shall be come into force after ratification by the talks teams.

अनुसूचि - १

नेपाली लेटरप्याडको नमूना

युद्धविराम आचारसंहिता राष्ट्रिय अनुगमन समिति

बबरमहल, काठमाडौं
नेपाल ।
फोन नं. ४२१६८२३

प.सं. :-

च.नं. :-

अंग्रेजी लेटरप्याडको नमूना

National Monitoring Committee on Code Conduct for Ceasefire
(NMCC)

Babarmahal, Kathmandu
Nepal.

Ref. No.:

Date.....

नेपाली छापको नमूना :

युद्धविराम आचारसंहिता राष्ट्रिय अनुगमन समिति
२०६३
बबरमहल, काठमाडौं,

अंग्रेजी छापको नमूना :

National Monitoring Committee on Code Conduct for Ceasefire
2063
Babarmahal, Kathmandu

10 | **Local Peace Council and its Procedure 2006**

Whereas, the epoch-making People’s Movement 2006 and the Proclamation of the House of Representatives on May 18, 2006 have reiterated the fact that the sovereignty and state power of Nepal are solely inherent in the Nepalese people;

Whereas, it is expedient to translate into practice the sentiments, ideals and spirit of the agreements concluded between the Seven Political Parties and the CPN (Maoist) in the past, such as, the 12-Point Understanding, the 25-Point Code of Conduct on Ceasefire concluded on May 26, 2006 and the 8-Point Agreement, to strengthen the peace process in order to establish sustainable peace in the country;

Whereas, it is necessary to create a fully democratic environment at local level with the participation of all parties, the below-mentioned ‘Local Peace Council and its Procedure 2006’ has been brought into effect.

1. Name, Definition and Commencement

- 1.1 ‘Local Peace Council’ means the peace councils formed at district level, and includes the peace councils formed at local level to sustain peace.
- 1.2 This procedure is referred to as ‘Local Peace Council and its Procedure 2006’.
- 1.3 The Local Peace Council shall be referred to as ‘Council’ in short.
- 1.4 This Procedure shall come into effect immediately.

2. Objective

- 2.1 To institutionalise the peace process from local level.
- 2.2 To restore sustainable peace by maintaining harmony and reconciliation among conflict victims.
- 2.3 To facilitate distribution of relief to the persons displaced during the conflict; return their property; rehabilitate them; and rebuild the devastated infrastructures by restoring sustainable peace with participation of all parties.
- 2.4 To provide institutional contributions for peaceful transformation of the ongoing conflict in the country.
- 2.5 To build public opinion in favour of a peaceful democratic political environment.

3. Formation of the Council

- 3.1 A district-level Peace Council shall be formed.
- 3.2 The Council shall be formed on the initiative of the district-level all-party mechanism.
- 3.3 The Local Peace Council shall be inclusive in nature with the representation of the Seven Political Parties that are in government, other parties having representation in the Parliament, women, professional organisations, civil society, social organisations, *Adivasi/Janaajati* (indigenous nationalities and ethnic groups), *Dalits*, Madheshi, disabled persons, as well as conflict victims. Also, representatives of the CPN (Maoist) shall be included in the Council on the basis of understanding.
- 3.4 The local administration shall provide necessary support in the work and activities of the Council.
- 3.5 The Council shall consist of 15 to 21 members, including a coordinator.
- 3.6 The members of the Council shall nominate a coordinator from among themselves.

- 3.7 In case the designated representative is unable to attend her/himself, parties may send another representative.

4. Functions, Duties and Powers of the Council

- 4.1 To develop a culture of peace by creating an environment of understanding and reconciliation in society.
- 4.2 To settle political, social and cultural disputes arising at local level through the policy of peaceful coexistence and reconciliation.
- 4.3 To extend necessary support for successful completion of the peace talks, Constituent Assembly election and rebuilding tasks.
- 4.4 To prevent any local dispute from spreading.
- 4.5 To campaign to create public opinion in favour of peace and democracy.
- 4.6 To assist in creating an environment that allows unrestricted enjoyment of human rights and fundamental rights.
- 4.7 To take initiative to rehabilitate the victims and those displaced by the conflict in their original places and to return the seized property.
- 4.8 To monitor the implementation at local level of the 25-Point Code of Conduct on Ceasefire reached between the Government of Nepal and the CPN (Maoist). To seek local-level solutions to any problems arising during monitoring. To inform the Peace Committee of any serious problem witnessed in the course of monitoring.

5. Working Process

- 5.1 The Councils, while performing their duties, shall act based on coexistence, harmony, understanding and emotional integrity of society as their ideals.

- 5.2 The Councils shall adopt means such as all-party and participatory discussions and dialogue as their working procedures.

6. Procedure of the Meeting

- 6.1 The meeting of the Council shall generally be held once every fifteen days. Nevertheless, it can be held more than once as per the need.
- 6.2 The Coordinator of the Council shall convene the meeting of the Council.
- 6.3 The decisions of the meetings shall be authenticated by the Coordinator.

7. Information Communication

- 7.1 The Council shall inform the parties concerned, Peace Council and the Peace Secretariat about its decisions. Similarly, it shall communicate such information to the local administration, as needed.
- 7.2 In case of serious violation of the Code of Conduct, the Council shall immediately inform the Peace Committee through the Peace Secretariat. Such information shall also be sent to the National Monitoring Committee on Code of Conduct on Ceasefire through the Peace Secretariat.

8. Office Management

- 8.1 To run the office of the Council, a non-gazetted first class staff to work as office secretary and a peon shall be provided by the local administration.
- 8.2 The staff deputed to the Council's office shall be provided an allowance which is 50 per cent of their basic salary. Such expenses shall be disbursed by the Peace Secretariat by making provision in its budget.

- 8.3 The Peace Secretariat shall sanction a lump sum of Rs 5,000 to each council a month in lieu of office overhead, stationery and miscellaneous costs of the office.
- 8.4 The local administration shall set up the office of the Council in the premises of the District Development Committee, other government offices or public buildings.

9. Role of Local Administration

- 9.1 The local administration shall provide necessary coordination and support in the formation and promotion of the Council and implementation of its decisions.
- 9.2 The local administration shall not interfere in the working of the Council.

10. Relation with the Peace Committee

The Peace Committee may direct the Council on matters that are considered necessary. The Council shall implement such directions of the Committee.

11. Relation with the National Monitoring Committee on Code of Conduct on Ceasefire

- 11.1 The Council and the National Monitoring Committee on Code of Conduct on Ceasefire shall assist each other in their respective work. The Council shall work in coordination with the Committee.
- 11.2 The Council and the National Monitoring Committee shall assist each other by exchanging information.

12. Autonomy of the Council

- 12.1 The Council shall be independent to perform its business within its terms of reference.

12.2 The Peace Secretariat shall work as its liaison agency.

13. Dissolution

The Government of Nepal may, on the recommendation of the Peace Committee, dissolve any of the councils.

14. Miscellaneous

If and when necessary, the Peace Secretariat may launch capacity-building programmes for the Council with the support of donor agencies.

11 | Letter of the Prime Minister of Government of Nepal to the United Nations Secretary General

Kathmandu
Nepal
August 9, 2006

The Prime Minister

Excellency,

I have the honour to refer to my letter dated July 2, 2006 requesting the cooperation of the United Nations in the ongoing peace process in Nepal. In this context, I am happy to acquaint you that United Nations team, which left Kathmandu a week ago, held extensive yet fruitful consultations with all concerned stakeholders of peace process here in Nepal. The UN team, as I understand, is likely to submit its report to you on Nepal.

In the mean time, Excellency, I wish to inform you that further to the 8-Point Understanding between the Seven Party Alliance (SPA) and the Communist Party of Nepal (Maoist) (CPN-M) of June 16, 2006 and the commitment expressed by the Government of Nepal (GON) to the Agreement, the GON and the CPN-M hereby request the United Nations to provide its assistance as follows with a view to creating a free and fair atmosphere for the election of a Constituent Assembly and the entire peace process:

1. Continue its human rights monitoring through the Office of the High Commissioner for Human Rights in Nepal (OHCHR, Nepal)
2. Assist the monitoring of the Code of Conduct during the Ceasefire.

3. On the basis of the agreement to seek UN assistance in the “the management of arms and armed personnel of both the sides”, deploy qualified civilian personnel to monitor and verify the confinement of CPN-M combatants and their weapons within designated cantonment areas. Later the modalities for all arrangements, including of arms and ammunitions, will be worked out among the parties and the UN.
4. Monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used for or against any side. The modalities will be worked out among the parties and the UN.
5. Provide election observation for the election of the Constituent Assembly in consultation with the parties.

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

Excellency Kofi A. Annan
Secretary General,
United Nations, NY
United States of America

Sd.
(G.P. Koirala)

12 | Letter of the CPN (Maoist) to the United Nations Secretary General

Communist Party of Nepal (Maoist) Central Committee

August 9, 2006

Excellency,

I have the honour to refer to my letter dated July 24, 2006 requesting the cooperation of the United Nations in the ongoing peace process in Nepal. In this context, I am happy to acquaint you that United Nations team, which left Kathmandu a week ago, held extensive yet fruitful consultations with all concerned stakeholders of peace process here in Nepal. The UN team, as I understand, is likely to submit its report to you on Nepal.

In the mean time, Excellency, I wish to inform you that further to the 8-Point Understanding between the Seven Party Alliance (SPA) and the Communist Party of Nepal (Maoist) (CPN-M) of June 16, 2006 and the commitment expressed by the Government of Nepal (GON) to the Agreement, the GON and the CPN-M hereby request the United Nations to provide its assistance as follows with a view to creating a free and fair atmosphere for the election of a constituent assembly and the entire peace process:

1. Continue its human rights monitoring through the Office of the High Commissioner for Human Rights in Nepal (OHCHR, Nepal)
2. Assist the monitoring of the Code of Conduct during the Ceasefire.
3. On the basis of the agreement to seek UN assistance in the “the management of arms and armed personnel of both the sides”, deploy qualified civilian personnel to monitor and verify the

confinement of CPN-M combatants and their weapons within designated cantonment areas. Later the modalities for all arrangements, including of arms and ammunitions, will be worked out among the parties and the UN.

4. Monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used for or against any side. The modalities will be worked out among the parties and the UN.
5. Provide election observation for the election of the Constituent Assembly in consultation with the parties.

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

Excellency Kofi A. Annan
Secretary General,
Chairman,
United Nations, NY
United States of America

Sd.
(Prachanda)
Central Committee
CPN (Maoist)

13 | Decisions of the Meeting of the Top Leaders of the Seven Political Parties and CPN (Maoist)

Respecting the people's mandate for democracy, peace and progress expressed by the Nepalese people through the historic People's Movement and struggles launched from time to time since 1951,

Reaffirming commitment to all agreements, understandings, codes of conduct concluded between the Government of Nepal and CPN (Maoist), including the 12-Point Understanding, 8-Point Agreement and 25-Point Code of Conduct concluded between the Seven Political Parties and the Communist Party of Nepal (Maoist), as well as the letter sent to the United Nations expressing the same opinion,

Pledging for progressive restructuring of the state by resolving the existing problems related to class, ethnicity, region and gender,

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

Guaranteeing the fundamental rights of the Nepalese people to participate in the Constituent Assembly election in an environment free of fear,

Today, on November 8, 2006, the following decisions are taken at the meeting of the top leaders of the Seven Political Parties and CPN (Maoist) in order to implement the commitment of both parties to complete the election to the Constituent Assembly by June 14, 2007 in a free and fair manner by placing the ideals of democracy, peace, prosperity, progressive social and economic changes and independence, integrity, sovereignty and prestige of the country at the core.

I. On the Implementation of the Previous Agreements

1. All the agreements, understandings and codes of conduct entered into in the past shall be implemented honestly and strictly.
2. A high-level commission shall be constituted to investigate and publicise the whereabouts of citizens who were allegedly disappeared by the State and the Maoists in the past.
3. Process of returning land, houses and property occupied in the past shall be accelerated. A [favourable] environment shall be ensured for the displaced persons to return their homes. For this purpose, committees comprising representatives from both sides shall be formed in every district. All these tasks shall be accomplished within one month.
4. Public announcement shall be made of withdrawal of all accusations and charges made by the State and CPN (Maoist) against political leaders and cadres, and political prisoners from both sides shall be released.

II. On the Management of Arms and Armies

In order to hold the Constituent Assembly election in a peaceful, free and fair environment, and in keeping with the spirit of the 12-Point Understanding, 8-Point Agreement, 25-Point Code of Conduct and 5-point Letter sent to the United Nations with regard to democratisation and restructuring of Nepal Army, the following tasks shall be carried out:

On the Maoist Army:

1. As per the commitments expressed in the letter sent to the United Nations by the Government of Nepal and the Maoists on August 9, the Maoist combatants shall be confined in temporary cantonments at the places mentioned below, and their verification and monitoring shall be carried out by the United Nations.

Main camps shall be located in the following places:

1. Kailali, 2. Surkhet, 3. Rolpa, 4. Palpa, 5. Kavre, 6. Sindhuli 7. Ilam. There shall be three satellite camps located around each of these main camps.

2. After Maoist combatants are sent to the cantonments, all arms and ammunitions, except those needed for the security of the camps, shall be securely stored within the cantonments and they shall be put under a single lock whose key shall be kept by the party concerned. While installing the lock, a device with siren as well as recording facility shall be installed in order to facilitate monitoring by the United Nations. Examination of the stored arms by the United Nations shall be done in the presence of the party concerned. Other technical details, including camera monitoring, shall be decided by an agreement between the United Nations, the Maoists and the Government of Nepal.
3. After the confinement of Maoist combatants in the cantonments, the Government of Nepal shall provide ration and other necessary facilities to them.
4. The Interim Council of Ministers shall form a Special Committee to carry out supervision, integration and rehabilitation of Maoist combatants.
5. Security arrangements for Maoist leaders shall be made with the consent of the Government of Nepal.

On Nepal Army

6. As per the commitment expressed in the letter sent to the United Nations, the Nepal Army shall be confined to the barracks. It shall be guaranteed that its arms shall not be used for or against any side. Arms of the Nepal Army in quantities equal to the arms of the Maoist army shall be securely stored and sealed with a single-lock, whose key shall be kept by the party concerned. While installing the lock, a device with siren as well as recording facility shall be installed in order to facilitate monitoring by the United Nations. Examination of the stored arms by the United Nations shall be done in the presence of the party concerned. Other technical details, including camera monitoring, shall be decided by an agreement between the United Nations, the Government of Nepal and the CPN (Maoist).
7. The control, mobilisation and management of Nepal Army shall be done by the Council of Ministers in accordance with the

newly enacted Army Act. The Interim Council of Ministers shall formulate and implement a detailed action plan for democratisation of Nepal Army through political consensus and by taking suggestions from the committee concerned of the Interim Legislature. This shall include tasks such as determination of an appropriate size and democratic organisation of the Nepal Army and imparting to it a national and inclusive character, and orienting in them values of democratic and human rights.

8. The tasks performed by the Nepal Army, including border security, security of conservation areas and national parks (protected areas), banks, airports, powerhouses, telephone towers, central secretariat, and providing security to VIPs shall continue.

III. On the Contents of the Interim Constitution

1. On the Interim Constitution

- (a) The Interim Constitution presented by the Interim Constitution Drafting Committee shall be finalised as per the agreements reached today.
- (b) The Interim Constitution shall be promulgated by the reinstated House of Representatives and shall consequently be endorsed by the newly constituted Interim Legislature.

2. On Monarchy

- (a) No power related to the governance of the country shall be vested in the King.
- (b) The property of late King Birendra, late Queen Aishwarya and other members of their family shall be brought under the control of the Government of Nepal and shall be used for the benefit of the nation through a trust.
- (c) All property acquired by King Gyanendra as a king (e.g. palaces located in various places, forests and national parks, heritage of historical and archaeological value, etc) shall be nationalised.

- (d) Whether the institution of monarchy is to be continued or not shall be decided by the first meeting of the Constituent Assembly by a simple majority vote.

3. On Interim Legislature-Parliament

- (a) The Interim Legislature-Parliament shall be a unicameral parliament as follows:
 - (i) Altogether 209 members, including the elected members of the Seven Political Parties and other parties in the current House of Representatives and National Assembly (excluding those who were against the People's Movement). As the United Left Front does not have its representation in the current parliament, it shall be nominated on the basis of [political] understanding.
 - (ii) 73 members from the Maoists.
 - (iii) 48 members from among people's and professional organisations, oppressed communities and regions, and political personalities (to be nominated on the basis of understanding).

Total number: 330

However, those against the People's Movement shall not be members of the Interim Legislature-Parliament.

- (b) The reinstated House of Representatives and National Assembly shall be dissolved immediately after the constitution of Interim Legislature-Parliament.
- (c) All bodies related to power led by the CPN (Maoist), including the People's Government and People's Court, shall be dissolved from the day of the constitution of the Interim Legislature-Parliament.
- (d) Interim Legislature-Parliament shall be operated on the basis of political understanding.

4. On Interim Government

- (a) The Interim Council of Ministers shall be formed on the basis of [political] understanding.
- (b) The structure and allocation of business of the Interim Council of Ministers shall be determined on the basis of [political] understanding.
- (c) The Interim Government shall run consistent with the aspirations of the People's Movement, political understanding and collaboration.

5. On the Judiciary

- (a) The concept, norms and values of independent judiciary shall be followed.
- (b) The judiciary shall be made committed to the aspirations of the People's Movement, democracy and Interim Constitution.
- (c) A constitutional court shall be constituted to resolve disputes regarding the Constituent Assembly.

6. On Constitutional Bodies

- (a) Provision shall be made for new Constitutional Council, comprising the Prime Minister, Chief Justice and the Speaker of the Interim Legislature, which shall make recommendations, including on appointments to the constitutional bodies. Appointments shall be based on specific criteria.
- (b) Appointments to the Election Commission shall be completed on the basis of [political] understanding.

7. On Local Bodies

- (a) Interim local bodies shall be formed at district, town and village level on the basis of understanding between the Seven Political Parties and CPN (Maoist).

8. On Citizenship Problem

- (a) All Nepalese citizens who are deprived of citizenship shall be issued citizenship certificates before the election to the Constituent Assembly.
- (b) Provision shall be made for streamlining the distribution of citizenship certificates to all Nepalese citizens born before mid-April, 1990 who have been living in Nepal continuously.
- (c) Other provisions regarding the acquisition of citizenship shall be in accordance with the law.

9. On election to the Constituent Assembly

- (a) The Interim Government shall be authorised to fix the date to hold the Constituent Assembly election by June 14, 2007.
- (b) The Constituent Assembly election shall be held on the basis of mixed electoral system. Altogether 205 members shall be elected through the 'First-Past-the-Post' system and 204 members shall be elected through the proportional representation system on the basis of votes received by the political party. A law shall be enacted in this regard in consultation with the Election Commission.
- (c) While making a list of candidates, the political parties shall ensure proportional representation of all classes, including oppressed communities, regions, Madheshi, women and *Dalits*.
- (d) A total of 16 members shall be nominated from among distinguished personalities in national life by the Interim Council of Ministers on the basis of [political] understanding.
- (e) The total number of the Constituent Assembly members shall be maintained at 425.
- (f) Nepalese citizens who have attained the age of 18 years at the time of the promulgation of the Interim Constitution shall be eligible to vote.
- (g) The United Nations shall be requested to monitor the Constituent Assembly election.

10. Structure of the State

- (a) In order to end class, ethnic, linguistic, gender, cultural, religious and regional discriminations, the centralised and unitary structure of state shall be ended, and the state shall be restructured as an inclusive, democratic and progressive one.
- (b) A high-level commission shall be formed to offer recommendations on the restructuring of the state.
- (c) The Constituent Assembly shall make the final decision regarding the restructuring of the state.

11. Directive Principles on Socio-economic Transformation

- (a) A common minimum programme for socio-economic transformation that ends all forms of feudalism shall be framed on the basis of mutual understanding and shall gradually be implemented.
- (b) Feudal land ownership shall be ended and policies to implement scientific land reform programme shall be formulated.
- (c) The policy of protecting and promoting national industries and resources shall be adopted.
- (d) A policy to ascertain the rights of all citizens to education, health, housing, employment and food security shall be adopted.
- (e) Policies to provide land and socio-economic security for socio-economically backward groups, including the landless, *Kamaiya* [bonded labour], peasants, tillers and cattle herders, shall be adopted.
- (f) A policy of taking strict actions against and punishing those hold office of profit in government have earned huge amounts of property through corruption shall be taken.
- (g) A common development concept shall be framed to ensure socio-economic transformation and justice in the country, as well as country's overall development and economic prosperity within a short period of time.
- (h) Policies that ensure the professional rights of workers, increase investment for industry, trade and export promotion, and widely

increase employment and income-generating opportunities shall be adopted.

IV. On Management of Conflict Victims

1. Provision shall be made for appropriate relief, honour and rehabilitation for the members of the families of the people who were killed or those who were rendered disabled by injury in the course of the conflict.
2. Relief shall be provided to the family members of those who were disappeared based on the report of the investigation commission.
3. Special programmes shall be carried out for the rehabilitation of the displaced people, for providing relief in lieu of the private and public property that were destroyed and to reconstruct the infrastructures that were damaged in course of the conflict.
4. A high-level Truth and Reconciliation Commission shall be formed through mutual understanding to conduct investigations into those who have committed grave violations of human rights and those who were involved in crimes against humanity in course of the conflict and to create an environment conducive to social reconciliation.

V. Miscellaneous

1. A high-level joint monitoring committee shall be formed through understanding to monitor the implementation of earlier understandings and agreements.
2. The Government shall take action against and punish anyone who carries out activities in contravention of the code of conduct, understandings, agreements and laws.
3. The political parties are free to present their policies and opinions on the issues on which consensus has not been reached at present, including those of republic, socio-economic transformation, referendum, election system during the Constituent Assembly election.

VI. Time Schedule

1. The Comprehensive Peace Accord shall be concluded between the Government of Nepal and the CPN (Maoist) by November 16, 2006.
2. As referred to in II 1, the Maoist combatants shall be confined in cantonments, along with their weapons, by November 21, 2006, and their arms shall be deposited in a vault. The United Nations shall verify and monitor them.
3. As referred to in II 5, the Nepal Army shall be confined in barracks by November 21, 2006, the specified arms shall be deposited in a vault and the United Nations shall monitor them.
4. The Interim Constitution shall be given the final shape by November 21, 2006.
5. Promulgation of the Interim Constitution, constitution of the Interim Legislature-Parliament, and dissolution of the House of Representatives and the National Assembly shall be done by November 26, 2006.
6. The Interim Council of Ministers shall be constituted by December 1, 2006.

Sd.
(Prachanda)
Chairman, CPN (Maoist)

Sd.
(Girija Prasad Koirala)
Prime Minister and President,
Nepali Congress

Sd.
(Madhav Kumar Nepal)
General Secretary, CPN (UML)

Sd.
(Sher Bahadur Deuba)
President, Nepali Congress (Democratic)

Sd.
(Amik Sherchan)
Deputy Prime Minister and
Chairperson, Janamorcha Nepal

Sd.
(Bharat Bimal Yadav)
Vice president,
Nepal Sadbhavana Party (Anandi Devi)

Sd.
(Narayan Man Bijukchhe)
President, Nepal Majdoor Kisaan Party

Sd.
(C. P. Mainali)
Chairperson, Left Front

November 8, 2006

Dissenting opinion of CPN (UML) regarding the Decisions of the Meeting of the Top Leaders of the Seven Political Parties and CPN (Maoist)

Having agreed to implement the above decisions as all other parties have unanimously agreed, our party has the following dissenting opinions:

1. The CPN (UML) has dissenting opinion that the issue of whether to maintain the monarchy or not should be determined through a referendum conducted along with the Constituent Assembly election.
2. The CPN (UML) has dissenting opinion that the proportional system would be the most democratic method to adopt for the Constituent Assembly election.

Sd.
General Secretary
CPN (UML)
November 8, 2006, at 1.15 AM

14 | **Comprehensive Peace Accord concluded between the Government of Nepal and the Communist Party of Nepal (Maoist)**

Preamble

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

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

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

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

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

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

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

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

Declaring the beginning of a new chapter of peaceful collaboration by ending the armed conflict plaguing the country since 1996 on the basis of political consensus reached between the two parties to ensure the sovereignty of the Nepali people, forward looking political resolution, democratic restructuring of the state and economic-social and cultural transformation through the Constituent Assembly;

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

1. Preliminary

- 1.1. The name of this agreement is "Comprehensive Peace Agreement 2006". In short the agreement shall be called Peace Agreement.
- 1.2. The agreement shall come into force with effect from today through public declaration by the Government and the Maoists.
- 1.3. Both the sides shall give necessary directives to all agencies under their control for immediate implementation of this agreement and to abide by it and implement it and get it implemented.
- 1.4. All the agreements, understandings, and codes of conduct and decisions reached among the seven political parties, the government and Maoist sides as included in the annex shall be an integral part of this agreement.
- 1.5. The understandings and agreements that may be reached hereafter as necessary for the implementation of this agreement shall also be the integral part of this agreement.

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

- (a) "Ceasefire" means the banning of all forms of aggressions, kidnappings, disappearances, taking into custody, aimed at each other between the Government of Nepal and the CPN (Maoist), as well as mobilization, strengthening of the armed forces, and their aggressive and violent acts, spread of social disharmony in any manner including acts of incitement and instigation.
- (b) "Interim Constitution" means the "Interim Constitution of Nepal 2006" to be adopted and remained in force until drafting and enforcement of the new constitution by Constituent Assembly.
- (c) "Interim Council of Ministers" means "Interim Council of Ministers" to be constituted in accordance with the Interim Constitution.
- (d) "Both the sides" means the Government of Nepal and the Communist Party of Nepal (Maoist).
- (e) "Prevailing Laws" means Interim Constitution of Nepal 2006 and existing Nepal Laws not inconsistent with it. But this definition shall not interfere with the legal arrangement existing before the enforcement of the Interim Constitution 2006.
- (f) "Verification" means the subject of verification and true record keeping of military, combatants and arms by the United Nations.

3. Political-Economic-Social Transformation and Conflict Management

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

- 3.1. To ensure forward moving political, economic and social transformation on the basis of decisions made in summit meeting

between Seven Political Parties and CPN (Maoist) held on November 8, 2006 (Annex-6).

- 3.2. To constitute Interim Legislature -Parliament as per the Interim Constitution, to have the elections to Constituent Assembly held by the Interim Government in a free and fair manner within June 15, 2006 and to practically guarantee sovereignty inherent in the Nepali people.
- 3.3. No state powers shall remain with the king. The properties owned by the late King Birendra, the late Queen Aishwarya and their family members shall be brought under the control of the Government of Nepal and used in the interest of the nation through a trust. All properties (such as palaces at various places, forests and National Parks, heritages of historical and archaeological significance etc.) acquired by King Gyanendra in his monarchical capacity shall be nationalised. The issue of whether to continue or scrap the institution of monarchy shall be decided by a simple majority of the Constituent Assembly in its first meeting.
- 3.4. To pursue a political system that fully complies with the universally accepted fundamental human rights, competitive multiparty democratic system, sovereignty inherent in the people and the supremacy of the people, constitutional check and balance, rule of law, social justice and equality, independent judiciary, periodic elections, monitoring by civil society, complete press freedom, people's right to information, transparency and accountability in the activities of political parties, people's participation and the concepts of impartial, competent, and fair administration.
- 3.5. In order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to address the problems of women, *Dalit*, indigenous people, ethnic minorities (Janajatis), Terai communities (Madheshis), oppressed, neglected and minority communities and the backward areas by deconstructing the current centralised and

unitary structure, the state shall be restructured in an inclusive, democratic and forward looking manner.

- 3.6. A common minimum program for socio-economic transformation in order to end all forms of feudalism shall be prepared and implemented on the basis of mutual understanding.
- 3.7. Policies shall be formulated to implement a scientific land reform program by doing away with the feudal land ownership practice.
- 3.8. Policies to protect and promote national industries and resources shall be followed.
- 3.9. Policies shall be undertaken to establish the rights of all the citizens to education, health, shelter, employment and food security.
- 3.10. Policies shall be pursued to provide land and socio-economic security to backward communities like the landless squatters, bonded labourers, tillers, bonded domestics, bonded cattle-tenders and such other groups.
- 3.11. Policies shall be adopted to take strict actions against those who, occupying governmental positions of benefit, have amassed huge properties through corruption.
- 3.12. A common development concept shall be adopted for the socio-economic transformation of the country and for making the country advanced and economically prosperous in a just manner within a short span of time.
- 3.13. Policies shall be followed for ensuring the professional rights of workers and increasing investment for the promotion of industries, trade, export etc. in order to significantly enhance employment and income generating opportunities.

4. Management of Army and Arms

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

Relating to the Maoist army

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

The main cantonments shall be located in the following places:

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

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

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

- 4.3. Once the Maoist combatants are confined to the cantonments, the Government of Nepal shall take care of their ration as well as other arrangements necessary.
- 4.4. The Interim Cabinet shall constitute a Special Committee to carry out monitoring, adjustment and rehabilitation of the Maoist combatants.
- 4.5. Security arrangements for the Maoist leaders shall be made with the consent of the Government of Nepal.

Relating to the Nepali Army

- 4.6. The Nepali Army shall be confined to the barracks as per the commitments made in the letters sent to the United Nations. Non-use of its arms for or against either side shall be guaranteed. Like number of arms as those stored by the Maoist Army shall be safely stored also by the Nepali Army. These arms shall be locked with a single padlock and the party concerned shall keep the key to it. For the UN to monitor it, a device with siren as well as recording facility shall be installed during the process of padlocking. The UN shall make necessary inspections of the stored arms in the presence of the party concerned. Technical details in this regard including camera monitoring shall be as per the agreement among the United Nations, the Government of Nepal and the CPN (Maoist).
- 4.7. The Council of Ministers shall control, mobilise and manage the Nepali Army in accordance with the new Military Act. The Interim Council of Ministers shall prepare and implement the detailed action plan for the democratisation of the Nepali Army on the basis of political consensus and the suggestions of the committee concerned of the Interim Legislature. This includes, among other things, right-sizing, democratic restructuring reflecting the national and inclusive character and imparting training to the Nepali Army on the values of democracy and human rights.

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

5. Cease-Fire

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

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

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

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

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

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

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

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

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

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

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

5.2 Measures for the Normalization of Situation:

- 5.2.1. Forced and unlawful collection of donations in cash or kind and illegal collection of tax shall not be allowed.
- 5.2.2. Both sides agree to make public the status of the people under their respective custodies and release them within 15 days.
- 5.2.3. Both sides agree to make public within 60 days of the signing of the agreement the correct and full names and addresses of the people who ‘disappeared’ or were killed during the conflict and convey such details to the family members.
- 5.2.4. Both sides agree to constitute a National Peace and Rehabilitation Commission and carry out works through it for the normalization of the difficult situation that arose as a result of the armed conflict, maintain peace in the society and run relief and rehabilitation activities for the victims of conflict and those displaced.
- 5.2.5. Both sides agree to set up with mutual consent a High-level Truth and Reconciliation Commission in order to probe into those involved in serious violation of human rights and crime against humanity in course of the armed conflict for creating an atmosphere for reconciliation in the society.
- 5.2.6. Both sides pledge to abandon all types of wars, attacks, counter-attacks, violence and counter-violence in the country with a commitment to ensure democracy, peace and forward-looking transformation of the Nepali society. The two sides also agree to cooperate with each other for bringing about peace and maintaining law and order.
- 5.2.7. Both sides guarantee to withdraw political accusations, claims, complaints and cases under-consideration against various individuals and to instantly make public the status of those detained and release them immediately.

- 5.2.8. Both sides express commitment to allow without any political prejudice the people displaced during the armed conflict to return voluntarily to their respective places of ancestral or former residence, to reconstruct the infrastructure destroyed as a result of the conflict and to honourably rehabilitate and reintegrate the displaced people into the society.
- 5.2.9. Both sides agree to take individual and collective responsibility for resolving any problem arising in the aforementioned context on the basis of mutual agreement including with the support of all political parties, civil society and local organisations, and for creating an atmosphere conducive to the normalization of mutual relations and reconciliation.
- 5.2.10. Both sides express commitment not to discriminate against or exert any kind of pressure on any member of a family on the basis involvement with one or the other side.
- 5.2.11. Both sides agree not to raise any obstacle and not to allow the creation of any kind of obstruction to the employees of the Government of Nepal and other Public Bodies in the freedom of movement throughout the country, in the discharge of their duties and in carrying out their functions thus facilitating them in their work.
- 5.2.12. Both sides agree to allow unrestricted lawful movement throughout the State of Nepal to the personnel of the United Nations, International Donor Community, Diplomatic Missions based in Nepal, National and International Non-Governmental Organisations, Press Community, Human Rights Activists, Election Observers and foreign tourists.
- 5.2.13. Both sides are committed to organizing publicity programs in a decent and respectable manner.

6. End of conflict

- 6.1. On the basis of the historic decisions reached between the Seven Political Parties and the CPN (Maoist) on November 8,

2006, we hereby declare that the armed conflict ongoing in the country since 1996 has been brought to an end and that the current cease-fire between the Government and the Maoists has been made permanent.

- 6.2. The decisions of the meeting of the summit leaders of the Seven Political Parties and the CPN (Maoist) held on November 8, 2006 shall be the main policy foundation for long-term peace.
- 6.3. Following the confinement of the Nepali Army to the barracks and the combatants of the Maoist Army to the temporary cantonments, possession and display of arms and intimidation as well as use of violence and arms in any manner contravening the existing understandings and agreements and prevailing laws shall be punishable under law.
- 6.4. Armies of both the sides shall not be allowed to campaign or work for or against any side. However, they shall not be deprived of their voting right.

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

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

7.1. Human Rights:

- 7.1.1. Both sides reiterate their commitment to the respect and protection of human rights and the international humanitarian laws and agree that no individual shall be discriminated on the basis of colour, gender, language, religion, age, race, nationality or social origin, property, disability, birth and other status and thought or belief.
- 7.1.2. Both sides agree to create an atmosphere where the Nepali people can enjoy their civil, political, economic, social and

cultural rights and are committed to ensuring that such rights are not violated under any circumstances in the future.

- 7.1.3. Both sides express their commitment that impartial investigation shall be carried out and lawful action would be taken against individuals responsible for obstructions in the exercise of the rights contained in the agreement and guarantee not to encourage impunity. Apart from this, they shall also guarantee the right to relief of the families of victims of conflict, torture and disappearance.
- 7.1.4. Both sides shall refrain from inflicting torture, kidnapping and coercing the ordinary people to any work, and shall take necessary actions to discourage such acts.
- 7.1.5. Both sides shall respect the social, cultural and religious sensitivities, and the protection of religious sites and beliefs of any individual based on the values and norms of secularism,

7.2. Right to Life:

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

7.3. Right to Individual Dignity , Freedom and Movement

- 7.3.1. Both sides respect and protect the right to individual dignity. In this connection, no person including those deprived of the enjoyment of freedom under law shall be subjected to torture or any other cruel, inhuman or degrading behaviour or punishment. The citizen's lawful right to privacy shall be respected.
- 7.3.2. Both sides shall fully respect the individual's right to freedom and security, shall not keep anyone under arbitrary or illegal detention, and shall not kidnap or hold anybody captive in a

like manner. Both sides agree to make public the status of every individual disappeared and held captive and provide such information to their family members, legal counsel, and any other authorized persons.

- 7.3.3. Both sides shall respect and protect the citizens' right to freedom of movement and the right to choose the location of one's residence in a manner acceptable under prevailing laws, and express their commitments to respect the right of individuals and families displaced during the conflict to return to their original places of residence or to settle in any other places of their choice.

7.4. Civil and Political Rights

- 7.4.1. Both sides are committed to respect individual freedom of speech, expression, association and peaceful assembly and right against exploitation.
- 7.4.2. Both sides respect the right of every citizen to participate directly or through one's nominated representative in issues of public concern, to vote, to be elected to public office and to enjoy equal opportunities for public employment.
- 7.4.3. Both sides are committed to respect the individual right to be informed.

7.5. Economic and Social Rights

- 7.5.1. Both sides are committed to respect and protect the individual's right to livelihood through employment of their choice or acceptance.
- 7.5.2. Both sides are committed to respect and guarantee the right to food security of all the people. They assure that there shall be no interference in the use, transportation and distribution of food items, food products and food grains.

- 7.5.3. Both sides accept the fact that the citizens' right to health should be respected and protected. Both sides shall not obstruct the supply of medicines and health related assistance and campaigns, and express commitment to provide medical treatment to those injured in course of the conflict and to work for their rehabilitation.
- 7.5.4. With the realization of the fact that the right to education to all should be guaranteed and respected, both sides are committed to maintaining a congenial academic environment in educational institutions. Both sides agree to guarantee that the right to education shall not be violated. They agree to immediately put an end to such activities as capturing educational institutions and using them, abducting teachers and students, holding them captives, causing them to disappear, and not to set up army barracks in a way that would adversely impact schools and hospitals.
- 7.5.5. Both sides agree that the private property of any individual shall not be seized or usurped unlawfully.
- 7.5.6. Both sides believe in the fact that industrial production should continue, the right to collective bargaining and social security in the industrial establishments should be respected and the establishment and workers should be encouraged to seek peaceful settlement of any disputes between them without disturbing the industrial climate of the country, and respect the standards of work as determined by the International Labour Organization.

7.6. Rights of Women and Children

- 7.6.1. Both sides fully agree to special protection of the rights of women and children, to immediately stop all types of violence against women and children, including child labour as well as sexual exploitation and abuse, and not to conscript or use

children who are aged 18 or below in the armed force. Children thus affected shall be rescued immediately and appropriate assistance as may be needed shall be provided for their rehabilitation.

7.7. Right to Individual Liberty

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

8. Differences Settlement and Implementation Mechanism

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

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

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

8.4. Both sides express their commitments that the Interim Council of Ministers may constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the

High-Level State Restructuring Recommendation Commission and other mechanisms as may be necessary for the implementation of this Agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the Seven Parties or the Government of Nepal and the CPN (Maoist).

9. Implementation and Monitoring

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

- 9.1. Both sides agree to give continuity to the task of monitoring of the human rights provisions mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.
- 9.2. Both sides agree to the monitoring of the management of arms and the armies by the United Nations Mission in Nepal as per the provisions of the five-point letters sent earlier to the UN and those of the present agreement and agree to facilitate the process.
- 9.3. Both sides agree to have the United Nations observe the election to the Constituent Assembly.
- 9.4. The National Human Rights Commission shall also carry out responsibilities related to the monitoring of human rights as mentioned in this agreement together with the responsibility assigned to it as per the laws. While carrying out its functions, the Commission may liaison with and seek assistance from national as well as international human rights related organisations.
- 9.5. Both sides agree to receive the reports submitted by the above-mentioned bodies, to provide requisite information to them, and to implement their suggestions and recommendations on the basis of discussions and consensus.

10. Miscellaneous

- 10.1. Pursuant to the essence of the decisions of November 8 and the spirit of the peace agreement, both sides agree not to run any structure, including those parallel to the government, in any areas of government or state apparatus.
- 10.2. Both sides agree to sign additional supplementary agreements as may be necessary for the implementation of the present agreement.
- 10.3. This agreement may be amended any time with the consent of both sides. In case an amendment is desired, both sides agree to provide a notice in writing to the other side. Pursuant to such a notice, amendments may be made to the agreement with the consent of both sides. The provisions to be covered by such an amendment shall not be inferior to universally accepted norms of international human rights, standards of international humanitarian laws and the core spirit of the establishment of peace.
- 10.4. If any dispute arises in the interpretation of this agreement, a joint mechanism comprising both sides shall make the interpretation as per the spirit of the preamble and the documents annexed to this agreement, and such interpretation shall be final.
- 10.5. The concept and existence of the 'two sides' as mentioned in this agreement shall automatically come to an end after the constitution of the Interim Legislature -Parliament. Thereafter, all the responsibility of implementing the obligations mentioned in this agreement shall be as per the arrangements made by the Interim Council of Ministers. It shall be the duty and responsibility of all political parties to extend cooperation in the compliance and implementation of the agreement.
- 10.6. At a time when the entire country is focused on the principal campaign of the election to the Constituent Assembly, we sincerely request to all to have their problems and demands resolved through talks and dialogue and to contribute to the

election of the Constituent Assembly and to the maintenance of law and order.

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

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

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

Sd.
Prachanda
Chairman
CPN (Maoist)

Sd.
Girija Prasad Koirala
Prime Minister, GoN

November 21, 2006

15 | Dissolution of NMCC

Press Release

We highly appreciate the key role played by the ‘National Monitoring Committee on Code of Conduct on Ceasefire’, constituted to monitor the Ceasefire Code of Conduct signed between the Government of Nepal and the Communist Party of Nepal (Maoist) on May 26, 2006, through its tasks of managing conflict and establishing sustainable peace in the country. With the joint effort of all, the country has now entered a new phase of the end of armed conflict and peaceful democratic collaboration. In order to ensure, in a changed context, full compliance of understanding relating to peace agreement and arms and army management, it is necessary to take the monitoring activities with a new process and level. Thanking all the officials and members of the Committee with a belief that continuous support, in both institutional and personal capacities, will be granted by them in the future in this campaign for monitoring and establishing sustainable peace in the country through the Ceasefire Code of Conduct monitoring process, we announce the decision of dissolving the ‘National Monitoring Committee on Code of Conduct on Ceasefire’ from this day.

Sd
Krishna Bahadur Mahara,
Coordinator
CPN (Maoist) Talks Team

Sd
Krishna Prasad Sitoula,
Coordinator
GoN Talks Team

16 | Agreement on Monitoring of the Management of Arms and Armies

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.

1. Modalities of the Agreement

1.1 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 organisations, press, human rights activists, election observers and foreign tourists to travel unrestricted according to law in the state of Nepal. The parties will ensure the safety, security, freedom of movement and well-being of UN Mission and associated personnel, 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.

1.2 Definitions

The following definitions are accepted:

- (1) *Cantonment (Maoist army)* is a temporally 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. 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 Mission 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 with this agreement in accordance with provision 6.1 of 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.

1.3 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,

1.4 Phases

This agreement shall come into force upon signing. Thereafter it shall be implemented in phases, as follows;

- (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.

2. 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 Mission for proper monitoring of the disposition of arms and armies.

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

3. 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.

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

4.1 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.

4.1.1 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) Ensuring the security, freedom of movement and well-being of UN Mission and associated personnel, goods and services;
- (3) Providing information in cooperation with the UN Mission in accordance with section 2;
- (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).

4.1.2 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. These sites shall be agreed by the parties in consultation with the UN

Mission. Unsuitable devices will be destroyed immediately. Stable devices will be stored safely and under 24-hour armed guard provided for by the guard arrangements cited below. 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 provided by the UN Mission 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 Mission will provide an inspection registration device mounted on each container door indicating when the storage container has been opened.
- (5) An alarm system provided by the UN Mission 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.

4.1.3 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 of 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.

4.2 Barracking of the Nepal Army

4.2.1 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 Am 2063*) or its successor legislation. The Interim Council of Ministers to prepare and implement the detailed action plan of the Nepal Army's democratisation 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.

4.2.2 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 Mission for proper monitoring of the disposition of arms and armies.

The NA will ensure the safety, security, freedom of movement and well-being of UN Mission and associated personnel, 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.

4.2.3 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 a Nepal Army representative. The barrack/barracks 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,

4.2.4 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 Secretary Ministry Defence, 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 list will be made available to UN monitors when they deem necessary on a case-by-case basis.

Permitted NA activities are as follows:

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.

3. Provision of Border Security 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 WIPs and VIPs.
10. Provision of security of vital installations as directed by the Government.
11. Provision of security of transportation of Nepal Rastra Bank funds.

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

5. Compliance with the Agreement

5.1 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 and associated personnel.
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.
14. Any restrictions on the free movement of people and goods.
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.

5.2 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.

5.3 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.

6 The United Nations Mission

Monitoring of compliance with this agreement will be carried out:

- (1) By UN Monitors; or,
- (2) By Joint Monitoring Teams, if so decided by the JMCC and in keeping with other provisions of this agreement.

The UN Mission will submit reports to the parties on compliance with this agreement it will do so either directly or through the JMCC.

6.1 The Joint Monitoring Coordination Committee

The nine-member Joint Monitoring Coordination Committee (JMCC) will have a chairman appointed by the UN Mission. 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 respectively.

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 and to approve, where appropriate those activities specified in Section 5.2.
- (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 of 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 chairman of the JMCC in consultations with that body.

The tasks of the JMT s 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 nongovernmental 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. Joint Monitoring Teams will not be used for designated weapons storage inspections.

7. 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.

This agreement shall come into force upon signature, and it supersedes the agreement of the same name done on the **28th** day of November 2006 (12 Mangsir 2063 BS).

Done in Kathmandu, Nepal on the **8th** day of December 2006 (22 Mangsir 2063 BS)

Sd.
Krishna Bahadur Mahara
Coordinator
Negotiating Team
CPN (Maoist)

Sd.
Krishna Prasad Sitoula
Coordinator
Negotiating Team
Government of Nepal

Witnessed by

Sd.
Ian Martin
Personal Representative of the Secretary General
United Nations

17 | Agreement between the GoN and Nepal Adivasi Janajati Mahasangha and Adivasi Janajati Samyukta Sangharsha Samiti

On this day, August 7, 2007, the Government talks team and the representatives of Nepal Adivasi Janajati Mahasangha [Nepal Federation of Indigenous Nationalities] and Adivasi Janajati Samyukta Sangharsha Samiti [Indigenous Nationalities Joint Struggle Committee], Nepal conclude the following agreement:

1. While nominating candidates for the **'first-past-the-post electoral'** system for election to the Constituent Assembly under the provisions of the current Constitution, all parties shall nominate candidates keeping in mind so that all ethnic groups and indigenous nationalities have proportional representation.
2. While drawing up proportional list, all political parties participating in the election shall jointly make provision to ensure representation of each community of the listed indigenous nationalities.
3. On the question of how to constitutionally and legally ensure the representation of at least one representative of the listed indigenous nationalities that have not been able to secure representation through either of the electoral systems, the Government of Nepal shall reach a conclusion with the consent of the eight political parties.
4. A State Restructuring Commission shall immediately be formed to present to the forthcoming Constituent Assembly recommendations regarding a federal structure for the state based on ethnicity, language, geographical region, economic status and cultural characteristics while keeping national unity, integrity and sovereignty of Nepal above all. The Commission shall be composed of eminent experts from various classes, regions and communities, including indigenous nationalities, Madheshis, *Dalits* and women.

5. An Indigenous Nationalities Commission shall be formed.
6. While so far only Nepali has been recognised as the official language, the Constituent Assembly shall make provision to grant recognition to Nepali and other mother tongues spoken at local level. The Government shall remain committed towards ensuring the linguistic rights of citizens.
7. Protecting and respecting citizens' right to seek and receive information on matters of public interest, including on the Constituent Assembly, provision shall be made for the general public to receive such information in their mother tongues.
8. The GoN has agreed in principle that all classes, sexes, communities, and caste and ethnic groups would be represented in political parties at all levels. A taskforce with the representation of all shall be formed immediately to conduct a study to ensure inclusive, participatory and proportional representation of all ethnic groups, classes, communities, sexes and regions in all organs and at all levels of state.
9. All sectors shall take initiative to translate into action the legal and policy-level commitments that have been articulated to ensure inclusive and proportional representation of all sexes, classes, regions and communities, including indigenous nationalities, in all organs and at all levels of state functioning.
10. The practice of seeking advice and consultation from the parties and agencies concerned while making important decisions on issues that concern various classes, regions, sexes and communities, including indigenous nationalities, shall continued to be developed.
11. Provision shall be made to immediately sanction the proposal to ratify International Labour Organization Convention 169.
12. Appropriate steps shall immediately be taken to complete the necessary legal procedure for adopting the United Nations Declaration on the Rights of Indigenous Peoples.
13. Democratic and transparent processes shall be followed in the formation of a District Coordination Committee on Indigenous Nationalities. In addition, high importance shall be given to the involvement of Nepal Federation of Indigenous Nationalities and the National Federation of Indigenous Women in this process.

14. Internalising the spirit and aspiration of gender mainstreaming in the implementation of development projects and programmes, including the Interim Plan, and paying attention to gender diversity in programme implementation and benefit-sharing, emphasis shall be laid on the participation of women from indigenous nationalities, *Dalit* and Madheshi groups.
15. As party to the Convention on Biodiversity, the State shall pay special attention to the utilisation and preservation of the indigenous knowledge, skills, practices and technologies of indigenous nationalities.
16. The nation shall accord special honour to the renowned geographer Dr. Harka Gurung.
17. Provision shall be made to provide a compensation of Rs. 1 million as relief to the families of each of the Nepalese who died in the helicopter crash at Ghunsa, Taplejung.
18. The process started by the GoN to find a permanent solution to the problems faced by freed *kamaiyas* (bonded labourers) shall be continued in an effective manner as per the agreement.
19. The Government shall make a serious effort to reach an agreement for addressing the demands of various classes and communities, including Madheshis, women and *Dalits* through dialogues and discussions with the groups concerned.
20. Nepal Federation of Indigenous Nationalities, Indigenous Nationalities Joint Struggle Committee and National Indigenous Women Federation request all indigenous nationalities in the country to unite for the success of the upcoming Constituent Assembly election.

Agreement between the GoN and Nepal Adivasi Janajati Mahasangha
and Adivasi Janajati Samyukta Sangharsha Samiti

Sd.
Dr. Om Gurung,
Coordinator,
Nepal Adivasi Janajati Mahasangha

Sd.
Ram Chandra Poudel,
Coordinator,
GoN Talks Team

Sd.
KB Gurung,
Coordinator,
Adivasi Janajati Samyukta Sangharsha Samiti

Date: August 7, 2007

18 | Agreement between the GoN and Madheshi Janadhikar Forum, Nepal

Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, *Adivasi/Janajatis*, *Dalits*, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:

1. To immediately implement the government's decision to honour all Madheshi activists killed during the Madhesh movement and to provide compensation to their families.
2. To provide relief to those injured, rendered blind and disabled during the Madhesh movement and to provide immediate medical treatment for all injured people who are yet to receive treatment.
3. To withdraw all cases filed against the leaders and activists of the Forum during the Madhesh movement.
4. To ensure proportional representation and partnership of Madheshis, *Adivasi/Janajatis*, *Dalits*, women, backward classes, disabled people and minority communities, including Muslims, who have been excluded for generations in all organs and levels of government and in power structures, mechanisms and resources.
5. To immediately establish a commission of experts for state restructuring and ensure that its constitution is inclusive.

6. While restructuring the state, provision shall be made for a federal governance system with autonomous provinces/states, while keeping the sovereignty, national unity and integrity of Nepal intact. The rights, nature and limits of the said autonomy will be as determined by the Constituent Assembly.
7. To accord national recognition to the dresses, languages and cultures of the Madheshis.
8. To ensure appropriate proportional representation in all political appointments made by the government and all services, including in Foreign Service and the education sector, as well as in commissions.
9. To give public holidays on major festivals of the Muslims. To enact laws to protect Madrassa Board as well as the community, language, sexes, religion, culture, and customs and traditions of the Muslims.
10. To fully guarantee human rights by ending all discriminations based on ethnicity, language, sex, religion, culture, national and social origin, political and other ideologies.
11. To establish a trilingual language policy consisting of (a) mother tongue, (b) the Nepali language and (c) English for official transactions, education and international communication.
12. To solve the following *Dalit*-related problems:
 - a) Make provision for severe legal punishment for practising caste discrimination and untouchability.
 - b) Effectively implement the policy of free and compulsory education, at least up to primary level, for *Dalits*.
 - c) Make provision for special opportunities and reservations in education and employment.
 - d) Make provision for alternative means of livelihood for landless *Dalits* by providing them with land for building houses.

13. To solve problems related to citizenship by redeploying the Citizenship Distribution Teams to villages for easy and accessible distribution of citizenship certificates.
14. To adopt a balanced and just policy for the distribution of revenue and income from the State to the Madhesh and remote regions.
15. The process of returning houses, land and other property seized by the CPN (Maoist) is continuing and will be continued with urgency along with the return of weapons seized by them [CPN (M)] to their rightful owners.
16. To establish an Industrial Security Force to industrialise the country and to guarantee industrial security, as well as increasing production.
17. Both parties to stay committed to conducting the Constituent Assembly election in an impartial, peaceful and fear-free environment. In order to ensure the impartiality of the Constituent Assembly, make necessary arrangements to prevent the misuse of the State's mechanisms, resources and power, including by the current Legislature-Parliament.
18. The Ministry of Information and Communications to appoint Madheshi media experts and journalists in all organs and levels of government-owned media, including electronic and print media, and to ensure inclusive proportional representation of Madheshis in the government communication commission, agencies and delegations.
19. To create a search team to conduct a special investigation into the abduction and disappearance of Jitendra Sah, chairperson of the Madheshi Youth Forum and to immediately make his status public.
20. To immediately establish a High-level Task Force for Inclusion to formulate policies and laws necessary for the inclusion of Madheshis, *Adivasi/janajatis*, *Dalits*, women, etc. in all organs and levels of the State.

21. To accord constitutional guarantee for the rights of ethnic, linguistic and religious minorities based on the principles upheld by the United Nations and international human rights organisations on the rights of minorities.
22. To withdraw the various movements being carried out by the Madheshi Janadhikar Forum.

The GoN shall immediately fulfill those agreements that can be implemented promptly and shall fulfill other provisions in course of time. A joint Monitoring Mechanism shall be established to carry out and oversee the implementation process and to periodically review the implementation.

Sd.
Upendra Yadav
Coordinator
Madheshi Janadhikar Forum,

Sd.
Ram Chandra Poudel
Coordinator
GoN Talks Team

Date: August 30, 2007

NOTE: While still demanding the establishment of a republic and a proportional electoral system, the Madheshi Janadhikar Forum, Nepal shall give top priority to the Constituent Assembly election and shall participate in it while continuing its efforts to make it a success.

Sd.
Upendra Yadav
Coordinator
Madheshi Janadhikar Forum, Nepal
Date: August 30, 2007

19 | Agreement between the GoN and Chure Bhawar Pradesh Ekta Samaj, Nepal

The fourth round of talks between the Government Talks Team and Chure Bhawar Pradesh Ekta Samaj [Chure Bhawar Province Solidarity Society], Nepal was conducted on September 13, 2007 at the Ministry of Peace and Reconstruction in a cordial environment and the following agreements were reached:

1. Necessary legal steps shall be taken to withdraw the cases against the nine activists of Chure Bhawar Pradesh Ekta Samaj, who were accused of murder and were arrested during the Chure Bhawar movement in Yagyabhumi VDC of Dhanusa district. Also, other cases registered during the movement and arrest warrants that were issued shall be cancelled.
2. Arrangements shall be made immediately to provide [government] services to the people as [the lack of] security has made it difficult for the people to travel to [district] headquarters and utilise government services.
3. The Government's decision to provide Rs 1 million to the family of Mangal Bahadur Gurmachhan, who received martyrdom after being killed by the police during the movement of Chure Bhawar Pradesh Ekta Samaj, shall be implemented immediately. Suitable arrangements shall be made to provide medical treatment to those who were injured during the movement and still have not received treatment, including the Vice Chairperson of Chure Bhawar Pradesh Ekta Samaj.
4. The process of providing relief to the families of those killed in the attacks of various armed groups in the Terai shall be continued.
5. The responsibility of investigating incidents that took place during the movement in Chure Bhawar region has been handed over to the Commission formed to investigate Terai incidents. The Commission

shall be provided with the necessary support to complete its work in time. On the basis of the report (presented by the Commission), appropriate action shall be taken against those responsible for damage to life and property in the region, and relief shall be provided to the people.

6. While restructuring the state, autonomous federal system shall be established as determined by the Constituent Assembly such that Nepal's sovereignty, national unity and integrity are strengthened.
7. Activities related to development, forestry and contract-based work of stone, sand, soil, gravel, etc. in Chure Bhawar region shall be carried out only after agreements have been reached with the local bodies.
8. All parties shall remain active to maintain mutual harmony and develop mutual understanding between the peoples of Terai/Madhesh and hill regions so that national unity and integrity can be strengthened.
9. Chure Bhawar Pradesh Ekta Samaj expresses its commitment to help conduct the upcoming Constituent Assembly election on November 22 in a free, fair and fear-free environment and withdraws all plans of the agitation.

Sd.
Kesab Prasad Mainali
Chairperson
Chure Bhawar Pradesh Ekta Samaj, Nepal

Sd.
Ram Chandra Poudel
Coordinator
GoN Talks Team

Date: September 13, 2007

20 | Agreement between the GoN and Rastriya Badi Adhikar Sangharsha Samiti

Keeping in mind the discussions and conclusions reached at the different rounds of meeting between the Government Talks Team and the Rastriya Badi Adhikar Sangharsha Samiti [National Badi Rights Struggle Committee], at a meeting held today, October 15, 2007, at the Ministry of Peace and Reconstruction, an agreement was reached between the two sides as follows:

1. The report presented by the secretary-level task force formed as per the agreement of the two sides on October 2, 2007 shall be agreed to in principle. The use of words such as *bhaand* [those who bring social vices], *badeni* [female Badi], *patar* [characterless] [*tr*: all three words are discriminatory to Badis], etc shall immediately be stopped and provision shall immediately be made to provide citizenship to the Badi communities all over the country.
2. In order to sequentially implement all the points stated in the report, including the provision of scholarship to children of the Badi community, a Study Task Force shall be constituted under the coordination of gazetted first-class officers as determined by the Government of Nepal. The said Task Force shall include officer-level representatives from the Ministry of Home Affairs, Ministry of Local Development, Ministry of Finance, Ministry of Labour and Transport Management, Ministry of Land Reforms and Management, Ministry of Education and Sports, Ministry of Forest and Soil Conservation, Ministry of Women, Children and Social Welfare, and Ministry of Health and Population and two representatives from the Badi community, including one female representative.

Sd.
Uma Devi Badi
Coordinator
Rastriya Badi Adhikar Sangharsha
Samiti Talks Team

Sd.
Ram Chandra Poudel
Coordinator
GoN Talks Team

Date: October 15, 2007

21 | **23-Point Agreement between the Top Leaders of the Seven-Party Alliance**

December 23, 2007

A meeting of the top leaders of the seven parties was held today, December 23, 2007, at the Prime Minister's residence, Baluwatar. Although the parties had different views on the various topics that were discussed, the following decisions were reached between the top leaders of the seven parties by focusing on the central issue of national resolution to hold the elections by mid-April 2008.

1. The following amendments shall be made to Subtitles and Sub-article (1), (2), (3), (3a), (3b) of Article 159 of the Constitution:
 - a) Nepal shall be a federal democratic republic.
 - b) The republic shall be implemented at the first meeting of the Constituent Assembly. Should the King pose a threat to holding the Constituent Assembly election, a two-thirds majority of the Interim Legislature-Parliament can promulgate the republic by voting for the proposal. In such a case, the Council of Ministers shall take the decision for presenting the proposal and shall table the proposal before the Legislature-Parliament.
 - c) The King shall not be vested with any right regarding governance of the country.
 - d) The Prime Minister shall carry out tasks related to the governance of the country.
 - e) Until the promulgation of a republic, the Prime Minister shall carry out all the duties of the head of state.

2. The Article concerned of the Interim Constitution shall be amended to maintain the current 240 constituencies under the first-past-the-post electoral system, to maintain 335 members instead of 240 to be elected through the proportional electoral system and to maintain 26 members, instead of 17 nominated by the Council of Ministers based on consensus. If *Adivasi/Janajatis* do not find their representation amongst the 26 nominated members through election, amendment shall be made for their inclusion.
3. Provision necessary for the appointment of a General Secretary to the Legislature-Parliament shall be included in the Constitution.
4. In view of the merger of Nepali Congress and Nepali Congress (Democratic) to form Nepali Congress, necessary amendment shall be made to the Constitution.
5. Amendment shall be made to the Constitution to make necessary provision for appointments to the Legislature-Parliament, substituting the members who have died, tendered resignations or who have been expelled.
6. The following commissions and committees shall be formed by the Government within a month, based on consensus:
 - a) Commission for the Investigation of the Disappeared
 - b) Truth and Reconciliation Commission
 - c) State Reconstruction Commission
 - d) Study and Recommendation Commission for Scientific Land Reform
 - e) High-Level Committee for Monitoring the Effective Implementation of the Comprehensive Peace Accord and other Agreements
 - f) A High-Level Peace Commission shall be formed as per the Comprehensive Peace Accord. The Ministry of Peace shall work in coordination with this Commission

7. Create mechanisms in local bodies on the basis of consensus. Decision regarding this shall be made by a coordination committee comprising top leaders.
8. As per the Comprehensive Peace Accord, relief shall be provided to the families of those killed in the armed conflict by mid-February. With regard to the disappeared, relief shall be provided based on the report of the Investigation Commission. A preliminary report shall be submitted within a month from the commencement of the investigation by the Commission.
9. The private and public houses and land captured by the Maoists during the armed conflict shall be returned to the individuals and agencies concerned within one month. A district-level mechanism shall be set up under the chair of Chief District Officer to implement this agreement in the district. The displaced shall be rehabilitated in their own house/land with dignity.
10. Request shall be made to the National Human Rights Commission to monitor [the implementation of] points 8, 9 and 10 [of this agreement].
11. The amount remaining to be paid to the verified combatants of the Maoist Army as per the agreement shall be paid in installments by February 12 (Magh-end), and the allowances thereafter shall be provided on monthly basis. Arrangements shall be made for the immediate release of those disqualified in the verification after paying them the amount due as per the agreement.
12. Regarding the integration of the verified combatants of the Maoist Army, the Special Committee formed by the Council of Ministers as per the Interim Constitution shall further the process after deliberations.
13. The commissions that were provided for in Article 154 of the Interim Constitution but not yet formed shall be formed within a month.
14. The Maoist prisoners detained during the armed conflict under different charges, and currently in different jails in Nepal shall be released by January 14 and the charges filed against Maoist leaders and cadres withdrawn. Similarly, efforts shall be made

at diplomatic level for the release of Nepalese Maoist prisoners detained during the armed conflict in foreign prisons. All cases filed in the past against political parties and politicians on political grounds shall be withdrawn.

15. For the formation of a new constitution incorporating the principles of federal republic state and multi-party democratic system, a coordination committee comprising the top leaders shall be formed to support and coordinate the Interim Governments' efforts to hold the Constituent Assemble election. The committee shall appoint its coordinator on rotational basis and shall be free to determine its work procedures.
16. Creating conditions for the maintenance of law and order situation in the country, easy and accessible supply of daily needs of the people, good governance, control of corruption, and holding Constituent Assembly election in a free and fair manner shall be the utmost priorities of the Interim Government.
17. None of the political parties and their affiliated organisations shall engage in activities that will disrupt or have an adverse effect on the forthcoming election. They shall refrain from the use of force, the use and display of arms/weapons, collection of tax by setting up toll gates, and forcible collection of money from tourists, teachers, employees, business community, traders or any other person; and shall immediately put an end to all acts of physical violence, abduction, forcible takeover of property, etc.
18. The cadres of all political parties shall be allowed to peacefully carry out their political activities and campaigns in an atmosphere free of fear and intimidation of any kind.
19. A commitment is hereby made by all parties to fully comply with and implement all points agreed to of the Comprehensive Peace Accord.
20. The Government of Nepal shall take initiative to raise international support to immediately meet its financial obligations, including reconstruction, re-provision, rehabilitation and resettlement of the victims of the conflict.

21. All seven parties shall hold public meetings in seven different places of the country to appeal to the people to participate in the election.
22. With the signing of this agreement, the Communist Party of Nepal (Maoist) shall join the government with immediate effect.
23. The first and foremost agenda for all of us is to hold the Constituent Assembly election. Through the meeting of the seven parties, we have already taken the decision to hold the election by mid-April (end of Chaitra). We heartily appeal to all political parties, civil society, all professionals and other compatriots to help conduct the election in a free, fair, and fear-free atmosphere.

Acting President of Nepali Congress Mr Sushil Koirala	Sd.
General Secretary of CPN (UML) Mr Madhav Nepal	Sd.
Chairman of CPN (Maoist) Mr Prachanda	Sd.
President of Janamorcha Nepal Mr Amik Sherchan	Sd.
President of Nepal Majdoor Kisaan Party Mr Narayan Man Bijukchhe	Sd.
Nepal Sadbhavana Party (Anandi Devi) General Secretary Mr Shyam Sunder Gupta	Sd.
President of Samyukta Bammorcha Mr C.P. Mainali	Sd.

22

Agreement between the GoN and Samyukta Loktantrik Madheshi Morcha

Respecting the sentiments and aspirations of the Madheshi people of Nepal, expressed during the protests and movements that they have organised time and again for equal rights, this Agreement was signed between the Government of Nepal and the Samyukta Loktantrik Madheshi Morcha [United Democratic Madheshi Front] to ensure the establishment of federal democratic republic in Nepal for multiparty democratic system of governance, to guarantee equality, freedom and justice for all, and to end all forms of discrimination. This Agreement shall be implemented at once. The points of agreement are as follows:

1. The State shall declare those killed during the Madhesh Movement as martyrs, and shall provide appropriate compensation to those maimed and yet to receive compensation. Similarly, arrangements shall be made for those injured during the Movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided with relief at the rate of Rs 1 million, and those arrested shall be immediately released.
2. Nepal shall become a federal democratic republic by accepting people's aspiration for a federal structure with autonomous regions, including the Madheshi people's aspiration for an autonomous Madhesh state. In the federal structure, power between the Centre and the states shall be divided clearly according to a list. The states shall be fully autonomous and shall enjoy full rights. The structure, full details of the lists of the Centre and the states and the division of power between them shall be determined by the Constituent Assembly, keeping Nepal's sovereignty and integrity intact.

3. The existing legal provision of 20 per cent in Sub-section 14 of Section 7 of the Election of Members to the Constituent Assembly Act 2064 shall be changed to 30 per cent.
4. The Government shall execute appointments, promotions and nominations in a manner that ensures inclusive and proportional participation of Madheshi people, *Adivasi*, *Jananati*, women, *Dalits*, backward regions and minority communities in all state bodies, including the security bodies.
5. Proportional, inclusive group entry of Madheshi people and other communities into the Nepal Army shall be ensured to impart national character to Nepal Army and to make it more inclusive.
6. The Government of Nepal and the United Democratic Madheshi Front together request all armed groups agitating in the Terai to begin negotiations for a peaceful political process and to find solutions to all outstanding problems through dialogue. The Government of Nepal shall take necessary steps to create an environment conducive to this purpose. We appeal everyone to help conduct the Constituent Assembly election on April 10 in an environment which is peaceful, non-violent, impartial, fair and free of fear.
7. The Government of Nepal shall immediately release all those who have been detained, withdraw cases filed against Madheshi leaders and party cadres of the Forum as well as of other parties, and immediately implement all other points of the 22-Point Agreement signed between the Government of Nepal and the Madheshi Janadhikar Forum on August 30, 2007.
8. All protest programmes called by the United Democratic Madheshi Forum shall be immediately withdrawn.

The Government of Nepal shall be responsible for the constitutional, legal, political and administrative aspects of the issues mentioned in this Agreement. The Government shall form a high-level monitoring committee, comprising, among others, members of the Front, to monitor the implementation of this agreement.

Signatories to the Agreement:

Sd.
Rajendra Mahato
National Chairperson
Sadbhavana Party

Sd.
Girija Prasad Koirala
Prime Minister
Government of Nepal

Sd.
Upendra Yadav
Central Coordinator
Madheshi Janadhikar Forum, Nepal

Sd.
Mahantha Thakur
Chairperson
Terai Madhesh Loktantrik Party

February 28, 2008

23 | Agreement between the Government Talks Team comprising the Seven Political Parties and Sanghiya Ganatantrik Rastriya Morcha, Nepal

Concluded on March 02, 2008

In the spirit of the movements of the Limbuwan, Khambuwan, Tamangsaling, Tharuhat *Dalits*, and women; ending all forms of discrimination that evolved over a period of 239 years due to the centralised feudal state against the aspirations of *Adivasi Janajati*, Madheshis, *Dalits*, women, backward groups, minorities and Muslim communities, we, the signatories, have reached the following written agreement, expressing commitment to build a peaceful, prosperous and modern new Nepal, incorporating all Nepalese people, including *Adivasi Janajati*, Madheshis, *Dalits* and women into the national mainstream, by establishing a federal democratic republic based on a new state structure as per the [principles] of a federal system with proportional democracy and autonomous federal states.

1. Those who attained martyrdom during the movements of the Limbuwan, Khambuwan, Tamangsaling, Tharuhat and *Dalit* people shall be declared martyrs with due respect and Rs 1,000,000 (one million) shall be provided to the dependent families of the deceased. Provisions shall be made to provide employment to one family member and free education [for children] of each martyr family, and treatment to injured agitators. Charges filed against leaders and cadres shall be withdrawn and those detained shall be immediately released. A taskforce comprising the Government and agitating sides shall be immediately formed and work shall be initiated to identify those who attained martyrdom and those who were injured during the movement.
2. By abolishing the monarchy through the Constituent Assembly, Nepal shall be proclaimed a federal democratic republic and the seven parties shall remain committed to its enforcement.

3. By maintaining Nepal's sovereignty, national unity and integrity intact, a provision shall be made for scientifically determined autonomous federal republic states by the Constituent Assembly based on the historical backgrounds, languages, geographical regions, economic resources and potentialities of Limbuwan, Khambuwan, Tamangsaling, Tharuhat as well as other *Adivasi Janajati*, *Dalits*, backward classes and ethnicities by abolishing the 239-year old centralised system of governance. To ensure this, [a proposal to this effect] shall be submitted and ratified by the Council of Ministers and conveyed to the parties concerned. In the process of forming a new national structure, the self-respect of all groups and ethnicities shall be honoured. The structure of the autonomous states of the republic, complete details, and division of power between the centre and states shall be determined by the Constituent Assembly. For its implementation, this agreement shall be sent to the Commission for Restructuring, which is to be formed in connection with the new national structure.
4. Provision shall be made for inclusive and proportional participation of *Adivasi Janajati*, natives of the Terai, *Dalits*, backward classes, Muslims, women, etc. in all organs of the state.
5. All general shutdowns, including the general strike called by the Federal Republic National Front, Nepal, shall be withdrawn to enable a successful Constituent Assembly election scheduled for April 10, 2008 and all political factions of this Front shall help conduct the election in a conducive atmosphere.

On behalf of Sanghiya Ganatantrik
Rastriya Morcha, Nepal

Talks Team comprising
seven parties

Sd.
(Mr D.K. Buddhist)
Chairperson,
Sanghiya Ganatantrik
Rastriya Morcha, Nepal

Sd.
(Mr Ram Chandra Poudel)
Coordinator

Sd.
(Mr Kumar Lingden 'Mirak')
Chairperson, Sanghiya Limbuwan
Rajya Parishad

Sd.
(Mr Shanker Pokharel)
Member

Sd.
(Mr Laxman Tharu)
Chairperson, Samyukta Tharu
Rastriya Morcha-Nepal

Sd.
(Mr Dev Prasad Gurung)
Member

Sd.
(Mr Bisendra Paswan)
Chairperson, Dalit Janajati Party

Sd.
(Mr Ghanashyam Sharma Poudel)
Member

Sd.
(Mr Singman Tamang)
Vice-chairman, Tamangsaling
Swayatta Rajya Parishad

(Mr Sunil Prajapati)
Member

Sd.
(Mr Keshav Nepal)
Member

24

Agreement Reached between the Government Talks Team comprising Seven Political Parties and the Federal Limbuwan State Council

Concluded on March 19, 2008

Whereas the feudalist and centralised state authority and unitary state structure in Nepal has been exploiting, oppressing and excluding the people of Limbuwan from the mainstream of state and dissatisfaction is being expressed over it; and whereas commitment has been made to restructure the state, being guided by the spirit and sentiments of the historic People's Movement 2006, in of the context of an agitation being launched with demand for Limbuwan Autonomous State, along with the right to self-determination, for a federal democratic republic, right to ethnic identity and autonomy on the basis of historical context, expressing commitment to build a peaceful, prosperous and modern new Nepal by encompassing all Nepalese people, including Limbuwan, in a single national mainstream while restructuring the state, the parties mentioned below have reached the following agreement:

1. The federal governance system shall be adopted by making constitutional provision for autonomous states on the basis of historic background of Limbuwan, geographical area, etc while restructuring the current Nepal through the Constituent Assembly, thereby addressing the demands of the people of Limbuwan and their movement, and maintaining the national unity, integrity and indivisibility.
2. Late Rajkumar Angdembe (Mangtok), who lost his life during the Limbuwan Movement, shall be honoured as a martyr and his family shall be provided with a compensation of Rs one million. The Government shall make arrangements for providing compensation for the losses incurred and for the treatment of those injured during the Movement. The Government shall also withdraw the charges filed against the agitators.

3. The representation of the Federal Limbuwan State Council shall be ensured while forming the State Restructuring Commission.
4. The agreements reached on the aforementioned points shall be ratified by the Council of Ministers and made public.
5. Following today's agreement between the two sides, all programmes of agitation launched by the Federal Limbuwan State Council shall be suspended and support shall be extended to create an atmosphere conducive to holding the Constituent Assembly election.

**On behalf of the Federal
Limbuwan State Council**

Sd.
(Mr Sanjuhang Palungwa)
Chairperson and Coordinator of the
TalksTeam

**On behalf of the GoN Talks Team
comprising Seven Political
Parties**

Sd.
(Mr Ram Chandra Poudel)
Coordinator

25

10-Point Commitment made by the Leaders of the Main Political Parties

The meeting of the top leaders held today at the Prime Minister's Residence, Baluwatar has taken the following decisions:

1. The Constituent Assembly election is being held on April 10, 2008. This election will usher in historical change in Nepal and will vest sovereignty in the people in the real sense. The election will prove to be a great achievement of the Nepalese people as a campaign to restore sustainable peace as per their aspirations, to institutionalise democracy, to achieve prosperity of the country and to build a new Nepal as an independent, self-respecting, peaceful and prosperous nation. Expressing strong commitment to hold the election in a free, fair and fear-free manner, we appeal to all political parties, electoral candidates, civil society, people of different professions and occupations, and all citizens to make the election a success.
2. The foundation of democracy can be strengthened only by respecting and safeguarding the people's right to vote freely. Therefore, expressing the following commitments for a peaceful, fair, free and credible election, we urge all concerned to conduct their activities accordingly.
 - a) No one shall disturb or obstruct any programmes, including political campaigns organised by any political party or candidate, and shall conduct all programmes in a peaceful manner.
 - b) No one shall make any statements that may incite the peaceful environment of election.

- c) No one shall engage in, or cause others to engage in, any acts of threatening, physically assaulting, threatening, or exerting psychological pressure on voters. The p administration shall take action against persons carrying out such activities.
- d) No one shall obstruct any party, candidates or their supporters and well-wishers from campaigning in an area in the pretext it being one's stronghold.
- e) All shall fully abide by, and enforce, the Election Code of Conduct issued by the Election Commission.
- f) No one shall engage in, or engage others in, activities such as carrying and displaying weapons, including sticks, *khukuri* and spears and spread terror and aggression. The Government shall immediately arrest and take action against anyone involved in such activities.
- g) An all-party apparatus shall be formed at district level to hold the election in an easy, peaceful and smooth manner. Distinguished persons from a cross-section of professions in the district shall also be included in the machinery.
- h) The District Administration Office and the police shall make arrangements for a hotline to collect immediate information about violations of the Code of Conduct and incidents that disrupt the peaceful environment of election, and anyone disrupting the peaceful environment of election shall be arrested immediately and action taken against such persons.
- i) The Government shall expedite its effort to investigate incidents of murder and violence in the course of election and take action against those found guilty.

- j) An effective monitoring committee comprising representatives of civil society shall be constituted at central level to help resolve problems faced in holding the election in a free, fair and fear-free manner. The implementation of all past agreements, including the 23-Point Agreement, shall be stressed.

- | | | |
|---|--|-----|
| 1 | Nepali Congress, President Girija Prasad Koirala, | Sd. |
| 2 | Nepal Communist Party (UML), General Secretary
Madhav Kumar Nepal | Sd. |
| 3 | Communist Party of Nepal (Maoist), Chairman Prachanda | Sd. |

April 1, 2008

26 | **May 28, 2008** **Declaration of Republic** **by the House of Representatives**

Respecting the popular mandate given by the Nepalese people through the historic struggles, revolutions and People's Movements launched time and again by them since 1951, in order to institutionalise the achievements, embracing the onus commissioned through the agreements concluded between political parties and Article 159 (2) of Nepal's Interim Constitution 2007, the Government of Nepal tables the following proposal at the first meeting of the Constituent Assembly for the implementation of republic:

- 1) This first meeting of the Constituent Assembly duly announces transformation of the independent, indivisible, sovereign, secular and inclusive Nepal into a federal democratic republic, with sovereignty and state power being vested in Nepalese people.
- 2) As the nation has been duly promulgated a democratic republic, all constitutional provisions, laws and administrative provisions shall be deemed null and void to the extent they are inconsistent with them. The laws, traditions, customs, social and cultural practices as well as all prevalent rights, facilities, status and awards granted to the then King and members of his family distinct from common Nepalese citizens shall automatically stand rescinded.
- 3) At a time when Nepal has been duly declared a federal democratic republic, necessary bill for amendment of Nepal's Interim Constitution has been tabled to constitutionally institutionalise the indispensable provisions, including the provision on President. Another bill shall be tabled on the amendment of other matters, including presidential election system.

- 4) On the historic occasion of Nepal's transformation into a federal democratic republic heralding a new era, this meeting pays heartfelt tribute to all known and unknown martyrs. On this occasion, heartily felicitating all Nepalese people, this meeting heartily appeals all Nepalese within and outside the country to joyously celebrate Jestha 15 as Republic Day from today and every year thereafter.
- 5) In the context of Nepal having been proclaimed a democratic republic, the Government of Nepal will make necessary provisions for using the premises of the Narayanhiti Royal Palace and the entire heritage within it in national interest, including as a historical museum.

27 | Agreement between the Political Parties to Amend the Constitution and to Further the Peace Process

In order to move ahead by collaborating with each other, embracing all understandings, agreements and decisions made in the past, including the Comprehensive Peace Accord, framing a new Constitution within the timeframe stipulated by the Constituent Assembly, and consolidating the federal democratic republic, an agreement has been reached on the following:

1. Amendment to the Constitution

- 1.1 The election of the President, Vice-President, Prime Minister and the Chairpersons and Vice-Chairperson of the Constituent Assembly shall be done on the basis of consensus among the political parties. If, however, the parties fail to reach consensus, the election shall be done on the basis of a simple majority of the members of the Constituent Assembly. The Prime Minister shall obtain a vote of confidence on the basis of a simple majority. In order to make constitutional amendments on these issues and to those provisions that are repeated in the Interim Constitution 2006 regarding the working procedure of the Constituent Assembly, and Legislature-Parliament, an amendment bill shall be presented to a session of the Constituent Assembly.
- 1.2 Provision shall be made for inclusion of an opposition leader on the Constitutional Council.
- 1.3 Since there were differences between the Seven Political Parties about the inclusion of the leader of the main opposition party in the National Security Council when the government presented the bill to the Constituent Assembly, it is made clear that the Assembly shall take a decision on this issue.

While the Communist Party of Nepal (Maoist), the Communist Party of Nepal (UML), and Janamorcha Nepal were of the opinion that it was unnecessary to include an opposition leader in the National Security Council, the Nepali Congress, Communist Party of Nepal (Marxist-Leninist) and Nepal Sadbhavana Party (Anandi Devi) were of the opinion that it was necessary. Nepal Majdoor Kisaan Party was of the opinion that all the political parties should have representation in the National Security Council.

- 1.4 The Constitution shall be amended to make a provision for inclusion of representatives from the major political parties in the Constituent Assembly in the Special Committee under Article 146 of the Constitution.

2. Integration and Rehabilitation and Arms Management

- 2.1 In accordance with the Comprehensive Peace Accord (CPA) and the Agreement on Monitoring of the Management of Arms and Armies (AMMAA), signed between the Government of Nepal and the CPN (Maoist) in the presence of the United Nations representative, the integration and rehabilitation of Maoist combatants living in temporary cantonments who have been registered and verified by the United Nations and management of their arms shall be carried out within maximum six months. For this, the Special Committee mentioned in Article 146 of the Interim Constitution 2007 shall include representatives from the major political parties in the Constituent Assembly. There may also be a Technical Committee comprising experts under this committee. The Special Committee shall be formed within 15 days of the constitution of the Council of Ministers and it shall commence its work. The country shall not bear any responsibility for verified combatants who have not been integrated or rehabilitated after six months.
- 2.2 The Special Committee mentioned in Article 146 of the Interim Constitution shall perform the following tasks, in addition to those agreed upon by the Special Committee on the basis of the Comprehensive Peace Accord, and the Agreement on Monitoring

of the Management of Arms and Armies (AMMAA) signed between the Government of Nepal and CPN (Maoist) in the presence of the United Nations:

- 2.2.1 Collection of information about the conditions of Maoist combatants who have been registered and verified in the cantonments.
- 2.2.2 Offering the verified combatants of the Maoist Army various rehabilitation packages, including an economic package.
- 2.2.3 With regard to the verified Maoist combatants who have opted for integration, [their] as per the provision in Point 4.1.3 of AMMAA, signed between the Government of Nepal and CPN (Maoist) in the presence of the United Nations, which mentions that only those duly registered at the temporary cantonments and deemed eligible for possible integration in the security bodies after fulfilling the standard requirements.
- 2.2.4 Until the integration and rehabilitation is complete, Maoist combatants and the weapons in or outside the cantonments to be under the supervision, control and direction of the Special Committee.
- 2.2.5 From the beginning of the integration and rehabilitation process of Maoist combatants, the combatants shall not be affiliated to any political organisation and those with both political and military responsibilities to have to opt for either of them.
- 2.3 A request shall be made [to the United Nations] to continue its current work of monitoring the management of arms and armies as per the Agreement on Monitoring of the Management of Arms and Armies (AMMAA), signed between the Government of Nepal and CPN (Maoist) in the presence of the representative of the United Nations for six more months.

3. Change in the Activities and Functioning of the YCL

The paramilitary style of functioning and activities of the CPN (Maoist)'s Young Communist League (YCL) shall be completely ended, and all public, government and private buildings and lands under its control shall be vacated and returned to the owners concerned within 15 days. The CPN (Maoist) has assured all political parties that YCL shall conduct itself in accordance with the laws of the land in future. A monitoring committee comprising representatives of political parties, human rights activists and local administration shall be established on the initiative of the local administration to monitor its implementation.

4. Return of Seized Property

In the context of the conflict referred to in the first point of the agreement between the eight political parties signed on March 30, 2007 that 'The property, including private and public buildings, land, offices, factories and vehicles, that were under the control of the Maoists during the conflict are returned to the individuals and agencies concerned. The administration shall take legal action if anyone obstructs and hinders the use of [such] property, including houses, lands, factories and offices by the persons and institutions who own them,' the CPN (Maoist) shall announce it immediately and shall implement it within 15 days. A central-level monitoring committee, comprising representatives of political parties, shall be formed to monitor the implementation.

5. Formation of Commissions

Implementing the provisions of the understandings and agreements, including the Comprehensive Peace Accord, the commissions stipulated by Article 154 of the Constitution and yet to be formed, including the National Peace and Rehabilitation Commission, Truth and Reconciliation Commission, High-level Commission on Restructuring of the State, Commission on the Search for the Disappeared, Commission on Scientific Study and Recommendations on Land Reforms, shall be formed within one month on the basis of political consensus.

6. Relief for Conflict Victims

- 6.1 The persons displaced due to the conflict shall be rehabilitated with respect. The families of those who lost their lives in the course of the conflict shall be provided with relief while search operations shall be undertaken for the disappeared, and any remaining political prisoners shall be released. Compensation shall be provided in lieu of the property verified as damaged due to the conflict and relief shall be provided to those whose property, including lands and houses, were seized during the conflict. Provision shall be made for the treatment of those who were injured during the *Jana Andolan* or the conflict but are yet to receive appropriate treatment.
- 6.2 Appropriate compensation shall be provided to the families of those candidates and political activists who lost their lives in the course of the election, and medical treatment shall be provided to the injured. Relief shall be provided to those who lost their property in the course of the election due to acts of arson or looting. Investigations shall be conducted into the criminal incidents taking place during the election and the guilty shall be brought to book.

7. Miscellaneous

- 7.1 The right of the political parties to conduct political activities in any part of the country without any hindrance shall be fully ensured. No structure of any form parallel to the government shall be allowed to operate.
- 7.2 The state machinery shall run impartially, with commitment to maintain security of life and property of the people and to maintain peace and order in society. An environment shall be created for enabling the State to discourage criminal activities that may be carried out by various criminal elements during the transitional period.

- 7.3 The neutrality of the government media shall be ensured. The impartial operation of all state organs, including the judiciary, the constitutional bodies, the administration, the Army and the police, shall be ensured.
- 7.4 The path of consensus and cooperation shall be adopted in order to focus on Constitution-drafting and to promulgate the new Constitution in time.
- 7.5 The Government of Nepal shall make necessary security arrangements for the leaders of the political parties. There shall be no security mechanisms other than this provision.

- 1) Mr Pushpa Kamal Dahal (Prachanda)
Chairman
Communist Party of Nepal (Maoist)
Sd.

- 2) Mr Ram Chandra Poudel
Vice President
Nepali Congress
Sd.

- 3) Mr Jhala Nath Khanal
General Secretary
Communist Party of Nepal (UML)
Sd.

- 4) Mr Chandra Prakash Mainali
Chairperson
Samyukta Bammorcha
Sd.
- 5) Mr Amik Sherchan
Chairperson
Janamorcha Nepal
Sd.
- 6) Narayan Man Bijukchhe
Chairperson
Nepal Majdoor Kisaan Party
Sd.
- 7) Mr Shyam Sunder Gupta
General Secretary
Nepal Sadbhavana Party (Anandi Devi)
Sd.

28

Agreement between the GoN and Rastriya Haliya Mukti Samaj Mahasangha

On this day, Friday, September 5, 2008, talks were held between the Talks Team of the Government of Nepal (GoN) and the Talks Team of the Rastriya Haliya Mukti Samaj Mahasangha [National Haliya Liberation Society Federation] at the Ministry of Peace and Reconstruction, and agreement was reached as follows:

1. The GoN shall formally declare liberation of *Haliya* [peasants], along with the writing off of loans of families of *Haliya*, transferred from generation to generation.
2. The 11-point demands of the Rastriya Haliya Mukti Samaj Mahasangha shall be studied, and a taskforce, comprising six persons representing the *Haliya* victims and relevant persons and six persons representing governmental agencies, shall be formed to carry out concrete work. The taskforce shall present a report within 15 days of its formation.
3. Security shall be provided to *Haliya* agitators and *Haliya* families, as necessary.
4. Responding to the 11-point demands of the Rastriya Haliya Mukti Samaj Mahasangha in a positive manner, the GoN shall take action for resolution of problems based on the recommendations made by the taskforce concerning all demands.
5. The Rastriya Haliya Mukti Samaj Mahasangha shall withdraw all agitation programmes being carried out by it from today.

**On behalf of Rastriya Haliya Mukti
Samaj Mahasangha**

Sd.
(Rajuram Bhul)
Chairperson

Sd.
(Hari Sripaili)

Sd.
(Chakra B.K.)

Sd.
(Bhakta Biswakarma)

**On behalf of GoN
Talks Team**

Sd.
(Janardhan Sharma 'Prabhakar')
Minister for Peace and
Reconstruction

29

Agreement between the GoN and Madheshi Virus Killers Party

On this day, December 11, 2008, a dialogue was held in a cordial atmosphere between the GoN Talks Team and the Talks Team formed on behalf of the Madheshi Virus Killers Party. With the belief that the institutional development and strengthening of Nepal's progressive transformation and of the federal democratic republic can take place only through a new people-centric constitution, embracing the principles of sovereignty, integrity, national interest and national unity, an agreement was reached on the following to make the talks fruitful.

1. The Government shall be responsible for the security of the members of the Talks Teams during the period of dialogue. Furthermore, it shall provide security to other agitating political groups operating in the Terai while coming to the negotiation table, throughout the period of dialogue and while going back to their destinations after the dialogue.
2. The Madheshi Virus Killers Party shall suspend its violent and aggressive activities during the period of dialogue. The GoN shall deal with the leaders and activists of the party as political actors.
3. The Madheshi Virus Killers Party shall make available to the GoN a list of the people arrested in the course of its agitation, and the GoN shall gradually release them after investigations.
4. In respect of other demands, they shall be grouped into those to be fulfilled by the Constituent Assembly and those that can be fulfilled by the Government immediately. Another round of talks shall be held for further discussion, as necessary. The date of talks shall be fixed with mutual agreement.

**On behalf of Madheshi Virus
Killers Party**

Sd.
Jaya Prakash Yadav
Coordinator

On behalf of GoN Talks Team

Sd.
Janardhan Sharma 'Prabhakar'
Coordinator

30 | Agreement between the GoN and Samyukta Janatrantrik Terai Mukti Morcha

On December 26, 2008 in Janakpur, a dialogue was held in a cordial atmosphere between the Talks Teams of the GoN and the Samyukta Janatrantrik Terai Mukti Morcha [Joint Democratic Terai Liberation Front]. With the belief that the institutional development and strengthening of Nepal's progressive transformation and of the federal democratic republic can take place only through a new people-centric constitution and embracing of the principles of sovereignty, integrity, national interest and national unity, an agreement was reached on the following points.

1. The GoN shall be responsible for the security of the members of the Talks Teams during the period of dialogue.
2. The Samyukta Janatrantrik Terai Mukti Morcha shall suspend its violent and aggressive activities and the GoN shall recognise the party leaders and activists as political actors.
3. The Samyukta Janatrantrik Terai Mukti Morcha shall make available to the GoN a list of its people arrested in the course of agitation and of those against whom cases have been filed, and the GoN shall gradually release them after investigations.
4. Initiative shall be taken for bringing the other agitating political groups operating in the Terai to the negotiation table.
5. The Samyukta Janatrantrik Terai Mukti Morcha shall furnish its list of demands at the next round of talks to be held in Kathmandu and the date of talks shall be fixed with mutual agreement. If necessary, mediators shall be appointed with the consent of both parties.

**On behalf of SJTMM
Talks Team**

Sd.
Sanjaya Kumar Gupta 'Kautilya'
Coordinator

On behalf of GoN

Sd.
Janardhan Sharma 'Prabhakar'
Coordinator

31 | Agreement between the GoN and Terai Samyukta Janakranti Party

On December 31 2008 in Kathmandu, a dialogue was held in a cordial atmosphere between the Talks Team of the GoN and the Talks Team of the Terai Samyukta Janakranti Party [Terai Joint People's Revolution]. With the belief that the institutional development and strengthening of Nepal's progressive transformation and of the federal democratic republic can take place only through a new people-centric constitution and embracing the principles of sovereignty, integrity, national interest and national unity, an agreement was reached on the following points.

1. The GoN shall be responsible for the security of the members of the Talks Teams during the period of dialogue.
2. The Terai Samyukta Janakranti Party shall suspend its violent and aggressive activities and the GoN shall treat the leaders and activists of the party as political actors.
3. The Terai Samyukta Janakranti Party shall make available to the GoN a list of the people imprisoned in the course of agitation and the GoN shall gradually release them after investigations.
4. The Government has already issued an order for the formation of Other Backward Classes (OBC) [Committee] and is committed to taking forward the necessary legal provision regarding the OBCs (Madhesh) after its formal formation.
5. Initiative shall be taken for bringing the other agitating political groups operating in the Terai to the negotiation table.

On behalf of TSJKP

Sd.
Gajendra Kumar Mandal
'Anurag'
Coordinator

**On behalf of GoN
Talks Team**

Sd.
Janardhan Sharma
'Prabhakar'
Coordinator

32 | Agreement between the GoN and Janatrantrik Terai Mukti Morcha (Rajan Mukti Samuha)

On January 10, 2009, a dialogue was held in a cordial atmosphere between the Talks Team of the Government of Nepal (GoN) and the Talks Team of the Janatrantrik Terai Mukti Morcha (Rajan Mukti Samuha) [Democratic Terai Liberation Front (Rajan Mukti Group)] in Kathmandu. With the belief that the institutional development and strengthening of Nepal's progressive transformation and of the federal democratic republic can take place only through a new people-centric constitution and embracing the principles of sovereignty, integrity, national interest and national unity, an agreement was reached on the following points.

1. The GoN shall be responsible for the security of the members of the Talks Team of the Janatrantrik Terai Mukti Morcha (Rajan Mukti Samuha) during the period of dialogue.
2. The Janatrantrik Terai Mukti Morcha (Rajan Mukti Samuha) shall suspend its violent activities and shall not engage in any unlawful activities.
3. Political assemblies and programmes may be conducted peacefully in coordination with the District Administration Office concerned. The GoN shall treat the leaders and activists of the Janatrantrik Terai Mukti Morcha (Rajan Mukti Samuha) as political actors.
4. The Janatrantrik Terai Mukti Morcha (Rajan Mukti Samuha) shall make available to the GoN a list of its people in jail and those against whom cases have been filed in the course of agitation, and the Government shall gradually release them after investigations.

5. If the need for mediators is felt in the course of dialogues, they shall be appointed with the consent of both parties.
6. If any problem emerges in relation to this agreement, it shall be resolved by coordinating with the representatives of the Chief District Officer of the district concerned and the representatives of Janatrantrik Terai Mukti Morcha (Rajan Mukti Samuha).

**On behalf of JTMM
(Rajan Mukti Samuha)**

Sd.
Rajeev Jha 'Utkarsha Mukti'
Coordinator

**On behalf of GoN
Talks Team**

Sd.
Janardhan Sharma 'Prabhakar'
Coordinator

33 | Agreement between the GoN and Kirant Janawadi Workers Party

A dialogue was held in a cordial atmosphere between the Talks Team of the Government of Nepal (GoN) and the Talks Team of the Kirant Janawadi Workers Party on January 18, 2009 in Dharan. With the belief that the institutional development, strengthening of Nepal's progressive transformation and federal democratic republic can take place only through a new people-centric constitution, and embracing the principles of sovereignty, integrity, national interest and national unity, an agreement was reached on the following points.

1. The GoN shall be responsible for the security of the members of the talks committee during the period of dialogue.
2. The Kirant Janawadi Workers Party shall suspend its violent activities and shall not engage in any unlawful activities. In addition, the GoN shall treat the party leaders and activists as political actors.
3. The Kirant Janawadi Workers Party shall make available to the GoN a list of the people imprisoned in the course of agitation, and the GoN shall immediately release them after investigations.
4. The GoN has already ratified ILO Convention 169. In the course of its implementation, the acts and laws shall be amended, as necessary.
5. Many of the demands put forth on the negotiation table by the Kirant Janawadi Workers Party shall be reconsidered and the GoN shall categorize the demands, carry out additional studies and homework, and discuss them in the next round of talks. The date of the next round of talks shall be decided on mutual understanding.

**On behalf of Kirant
Janawadi Workers Party**

Sd.
Anant Kranti
Coordinator

**On behalf of GoN
Talks Team**

Sd.
Janardhan Sharma 'Prabhakar'
Coordinator

34 | Agreement between the GoN and Liberation Tigers of Terai Eelam (LTTE)

On February 21, 2010, the first round of talks between the Talks Team of the GoN and the Talks Team of the Liberation Tigers of Terai Eelam (LTTE) was held in a cordial atmosphere in Birgunj. With the belief that the institutional development and strengthening of Nepal's progressive transformation and of the federal democratic republic can take place only through a new people-centric constitution and embracing the principles of sovereignty, integrity, national interest and national unity, an agreement was reached on the following points.

1. The GoN shall provide security to the members of the Talks Team of the Liberation Tigers of Terai Eelam (LTTE) during the period of dialogue.
2. The LTTE shall suspend its violent activities and shall not engage in any unlawful activities. The GoN shall treat the group leaders and activists as political actors.
3. The LTTE shall make available to the GoN a list of its activists being held in jail and of those against whom cases have been filed, and the GoN shall gradually release them after investigations.
4. Political assemblies, rallies, workshops, seminars and nation-building programmes may be conducted freely and peacefully in coordination with the District Administration Office concerned.
5. Initiative shall be taken for bringing the other agitating political groups to the negotiation table for establishment of sustainable peace in the country.

On behalf of LTTE

Sd.
Ramlochan Thakur 'Swamiji'
Coordinator

On behalf of GoN Talks Team

Sd.
Janardhan Sharma 'Prabhakar'
Coordinator

35 | Agreement between the GoN and the Adivasi Tharu Community agitating in the Terai and Nepal Adivasi Janajati Mahasangha

On March 14, 2009, in the presence of the Honourable Prime Minister, the following agreement was reached between the representatives of the Government of Nepal and the representatives of the indigenous Tharu communities agitating in the Terai and Nepal Adivasi Janajati Mahasangha [Nepal Federation of Indigenous Nationalities]:

1. The Government of Nepal is clear about the fact that all indigenous nationalities, Madheshis, *Dalits*, Muslims, minority communities in the country, including the indigenous Tharus of the Terai, have their own unique identities. Thus, the prevalent constitutional and legal provisions that encumber and overshadow their independent identities shall be amended by following the necessary process.
2. Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, *Dalits*, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.
3. The Government of Nepal shall declare Kamal Chaudhary, Bipin Chhetri, Ram Prasad Chaudhari and Prakash Chaudhari, who lost their lives during the movement of the indigenous Tharu communities, as martyrs and shall provide suitable financial assistance to their families.

4. The Government of Nepal shall bear entire medical expenses of the persons who sustained injuries and provide compensation to those who lost property in the course of the movement.
5. The Ministry of Home Affairs has been directed to immediately release the people arrested during the movement.
6. All agitation programmes launched by organisations, including the Tharu Kalyankari Sabha [Tharu Welfare Council], Tharuhat Samyukta Sangharsha Samiti [Tharuhat Joint Struggle Committee], Nepal Loktantrik Tharu Sangha [Nepal Democratic Tharu Association], Tharu Rastriya Mukti Morcha Nepal [Tharu National Liberation Front Nepal] and Nepal Adivasi Janajati Mahasangha [Nepal Federation of Indigenous Nationalities], are withdrawn effective from today.

Sd.
Laxman Tharu
Talks Team Coordinator
Tharuhat Samyukta
Sangharsha Samiti and
Adivasi Sangha

Sd.
Rajkumar Lekhi
Talks Team Coordinator
General Secretary
Tharu Kalyankari Sabha

Sd.
Janardhan Sharma
'Prabhakar'
Talks Team Coordinator
Minister
Ministry of Peace and
Reconstruction
Government of Nepal

Sd.
Baburam Chaudhary
Talks Team Coordinator
Nepal Loktantrik Tharu
Sangha

Sd.
Pasang Sherpa
Chairperson
Nepal Adivasi Janajati
Mahasangha

Sd.
Indrajeet Tharu
Talks Team Coordinator
General Secretary
Tharu Rastriya Mukti
Morcha Nepal

36

Agreement between the GoN and Samyukta Muslim Rastriya Sangharsha Samiti

Today, March 16, 2009, the Government Talks Team formed by the Government of Nepal and the Talks Team of the Samyukta Muslim Rastriya Sangharsha Samiti [Joint Muslim National Struggle Committee] reached an agreement as follows:

1. The Government of Nepal is clear that all *Adivasi, Janajati, Madheshi, Tharu, Dalit* and minority communities of the country, including Muslims, have their own distinct identity. Hence, the existing constitutional and legal provisions that jeopardize or shadow their independent identity shall be amended by following the necessary procedure.
2. Expressing commitment to Clause (d1) of Article 33 of the Interim Constitution of Nepal 2007, which states ‘to enable Madheshi, Dalits, Adivasi Janajati [indigenous nationalities], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Government of Nepal shall take necessary initiative to ensure political, economic, social, cultural and educational rights of all *Adivasi, Janajati, Madheshi, Tharu, Dalit* and minority communities of the country, including Muslims.
3. The National Muslim Commission shall be constituted as soon as possible by conforming necessary procedures to carry out acts, including uplift and development of various sector in relation to the Nepalese Muslim community, formation of a permanent Hajj Committee and Madarasha Board.
4. The Government of Nepal shall positively consider the request for declaring the birthday of Hajarat Muhammad Sallallahu Alaihi Wa Sallam and Muharram festivals public holidays.

5. The report of the national census conducted in B.S. 2058 (2002), as per the policy of the Government of Nepal to carry out national census every ten years, has already been made public. The Government is committed to carrying out census in a manner that separate numerical and other particulars of all *Adivasi*, *Janajati*, *Madheshi*, *Tharu*, *Dalit*, minority communities of the country, including Muslim, are clearly reflected.
6. Expressing commitment on behalf of the entire Muslim community of Nepal to conclude the peace process of the country and to draft a people-oriented Constitution, the Joint Muslim National Struggle Committee has called off all declared programmes of struggle.

**On behalf of Samyukta Muslim
Rastriya Sangharsha Samiti
Talks Team**

Sd.
Athar Hussein Faruki
Coordinator of the Talks Team

Sd.
Taj Mohammed Miyan
Coordinator, Kendriya Sangharsha
Samiti (Central Struggle Committee)

On behalf of GoN Talks Team

Sd.
Janardhan Sharma 'Prabhakar'
Coordinator of the Talks Team and
Minister for Peace and
Reconstruction

37 | Agreement between the GoN and Madhesh Mukti Tigers

On March 20, 2009, dialogue was held in a cordial atmosphere between the Talks Team of the Government of Nepal (GoN) and the Talks Team of the Madhesh Mukti Tigers [Madhesh Liberation Tigers] in Kathmandu. For the institutional development and strengthening of Nepal's progressive transformation and the federal democratic republic, the process of drafting a new people-centric constitution is taking pace. With the belief that it is possible to grant rights to all classes, castes, regions, genders and communities through the new constitution, remaining committed to aiding the tasks of constitution drafting process and peace process to reach its logical conclusion in order to ensure the identity and rights to all; embracing the principles of sovereignty, integrity, national interest and national unity, an agreement was reached on the following points.

1. The GoN shall be responsible for the security of the members of the Talks Team during the period of dialogue.
2. The Madhesh Mukti Tigers shall cease its violent and aggressive activities and shall not engage in any unlawful activities. The GoN shall treat the group leaders and activists as political actors.
3. The Madhesh Mukti Tigers shall make available a list of persons imprisoned in the course of agitation to the GoN, and the GoN shall gradually release them after investigations.
4. The Madhesh Mukti Tigers shall furnish its list of additional demands at the next round of talk and the date of talk shall be fixed with mutual agreement.

**On behalf of Madhesh
Mukti Tigers**

Sd.
Bhola Prasad Mukhiya
Coordinator

On behalf of GoN Talks Team

Sd.
Janardhan Sharma 'Prabhakar'
Coordinator

38 | Agreement between the GoN and Nepal Pichchada Varga Mahasangha

On this day, March 24, 2009, an agreement was reached between the Talks Teams of the Government of Nepal and Nepal Pichchada Varga Mahasangha (OBC) Mahasangha as follows:

1. In the context of the GoN having issued the Backward Community Uplift Development Committee (Formation) Ordinance 2065, the said committee shall be formed in entirety and brought into operation as soon as possible.
2. As the demands of Nepal Pichchada Varga (OBC) Mahasangha can be effectively addressed through the Backward Community Uplift Development Committee, a five-member recommendation committee, comprising representatives of the Ministry of Local Development and three representatives of Mahasangha and coordinated by the Ministry of Peace and Reconstruction, shall be formed to provide recommendations to the Committee.
3. News shall be broadcast in the 'Magahi' language as soon as possible.
4. The release of individuals imprisoned in the course of Nepal Pichchada Varga (OBC) Mahasangha agitation shall commence as soon as the name list is made available.
5. Commitment is expressed on behalf of all backward classes of Nepal to the tasks of taking the country's peace process to its logical conclusion and to draft a new people-centric constitution.

**On behalf of Nepal
Nepal Pichchada Varga (OBC)
Mahasangha**

Sd.
Bharat Prasad Mahato
Talks Team Coordinator

On behalf of GoN Talks Team

Sd.
Janardhan Sharma 'Prabhakar'
Talks Team Coordinator and
Minister for Peace and Reconstruction

39 | Agreement between the GoN and Tamsaling Samyukta Sangharsha Samiti, Nepal

The first round of talks between the Government Talks Team formed by the Government of Nepal (GoN) and the Talks Team of the Tamsaling Samyukta Sangharsha Samiti, Nepal [Tamsaling Joint Struggle Committee, Nepal] to discuss the 26-Point demands presented by the said Samiti was held on April 11, 2009 and an agreement in support of the federal democratic republic and a new people-centric constitution was reached as follows.

1. The Government shall present Points 1, 2, 4, 5, 6, 11, 16 and 17 that belong to the jurisdiction of the Constituent Assembly as recommendation, along with its affirmative commitment, to the Constitution Drafting Committee.
2. Ending cultural discrimination, all castes and ethnic groups shall determine a common cultural policy with the participation of the parties concerned to continue and grant recognition to own cultures.
3. Respecting the aspirations of the Tamsaling Sangharsha Samiti and the core spirit of secularism as enshrined in Nepal's Interim Constitution 2007, an amendment proposal shall be submitted by building political consensus, including on national animal.
4. The Government is committed to implementing Article 33 (d1) of Nepal's Interim Constitution 2007 in the context of the Tamang ethnic group as well.
5. Ending the ethnic humiliation of the Tamang ethnic group at the Pipa Goswara [Office of Attendants] of the past and the current Logistics Battalion, the policy of making the national army of Nepal inclusive by creating diverse battalions shall be effectively put into practice.

6. Initiative shall be taken for christening the traditional habitats of *Adivasi Janajati* in their own languages. The Government has a clear policy of imparting education in mother tongue and additional provision shall be made for its implementation in the budget for the next fiscal year.
7. In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.
8. Notwithstanding the fact that education, health and employment are mentioned as fundamental rights of the people in the Interim Constitution 2007, and considering their non-implementation, laws shall be framed and implemented in this regard.
9. As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, *Adivasi, Janajati*, classes, and regions, among others.
10. A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namobuddha.
11. The State shall determine a policy for the conservation and promotion of both tangible and non-tangible cultural heritage.
12. The Government shall take initiative to establish the traditional knowledge, biodiversity, intellectual property of *Adivasi Janajati*.
13. A model development programme implementation cost shall be allocated in the budget and programme for the forthcoming year for the uplift and development of all oppressed communities, including Tamang.

14. A special programme on employment shall be implemented in the forthcoming year, keeping in mind the oppressed communities that have been left far behind, including Tamang, and the programme shall be gradually accomplished.
15. The construction of the Tamsaling Ring Road has already started and shall be continued over the next year with priority.
16. The programmes to build nationalistic sentiments among people shall be carried forward with special priority.
17. A five-member monitoring committee shall be formed within a week to assist and monitor the implementation of this Agreement.
18. Acknowledging the oppression, discrimination and exclusion of the Tamang ethnic group by the State in the past, the Government expresses its commitment to take initiative for the utmost development of the Tamang ethnic group. The GoN assesses the struggle waged by the Tamang community, an oppressed *Adivasi*, against the long-standing oppression, especially the People's War and its role in the People's Movement, in a favourable manner.
19. The Tamsaling Samyukta Sangharsha Samiti, Nepal withdraws the shutdown programme called for April 12, 2009.

**On behalf of TSSS, Nepal
Talks Team**

Sd.
Suryaman Dong Tamang
Tamang National Liberation Front

Sd.
Bir Bahadur Lama Tamang
Democratic Tamang Association

Sd.
Dilman Pakhrin Tamang
Nepal Tamang Association

On behalf of GoN Talks Team

Sd.
Janardhan Sharma 'Prabhakar'
Talks Coordinator and
Minister, Peace and Reconstruction

Sd.
Parsuram Tamang
Tamsaling National Party

Sd.
Furnyamgel Moktan Tamang
Autonomous Tamang Association (Unified)

Sd.
Dup Wangdel Moktan Tamang
Tamang Huel Council

Sd.
Tek Bahadur Tamang
Tamang Liberation Organization

Sd.
Dhan Prasad Tamang
Nepal Tamang Ghedung

Sd.
Kumar Yonjon Tamang
General Secretary

Sd.
Kaman Singh Lama
Advisor

40 | 9-Point Agreement between the Maoists and the CPN (UML)

A serious discussion has taken place between the Unified Communist Party of Nepal-Maoist (UCPN-M) and the Communist Party of Nepal (UML) regarding the solution to the deadlock that has surfaced between the two parties. Concluding that an end to the stalemate between the political parties is indispensable for drafting a new constitution and for the success of the peace process, understanding has been reached as follows:

1. (a) The UCPN (M) expresses its regret over the Butwal incident. The UCPN (M) requests the Government to take active initiative for arresting Sujit BK, accused in the incident, and book him under the law, and also urges the entire Party line of command to support this task.

The UCPN (M) acknowledges its weakness in not being able to exercise due caution with regard to the possibility of Sujit BK's escape, accused in the murder of Butwal's Prachanda Thaiba during the implementation of the party's directive [issued for his] surrender to the Police, and also in the consequent failure to ensure the handover of the accused to the Police.

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- (b) Carrying out attacks, arson and vandalism in the district party office of the UCPN (M) as well as torching houses and vehicles of the central leaders of the UCPN (M) the day after Thaiba's murder were [indeed] very wrong and sad acts. Similarly, the acts of arson and vandalism carried out in the regional office of the CPN (UML) were also very wrong and sad incidents. Both the parties direct their cadres not to indulge in any kind of provocative action with the intension of vengeance, and express commitment to initiate necessary actions against everyone who make mistakes.

- (c) [The parties] request the Government of Nepal to officially declare Prachanda Thaiba a martyr, provide financial assistance to his family and bear educational expenses of his children.
 - (d) [The parties] request the Government of Nepal to provide financial support to the family of Raj Bahadur Malla who was murdered in Surkhet. Immediate investigations shall be carried out into the incidents that took place in various parts of the country, including Surkhet, Dhankuta, Parbat, Kailali, Sankhuwasabha, Lamjung and Baitadi.
2. Both the UCPN (M) and the CPN (UML) express strong commitment to strictly curb impunity and anarchy in the nation as well as to enforcing rule of law in the country. We request the Government to take serious and effective action with regard to these issues and make an appeal to all parties to provide positive support.
3. (a) The pacts between the two parties that remained non-implemented while the parties were in the Government shall be implemented without any delay.
- (b) The memorandum submitted by the CPN (UML) with regard to running the government shall be discussed in the mechanisms of both parties.
4. (a) The political mechanism between the two parties shall be run regularly and systematically. Solutions shall be pursued by holding timely discussions in the mechanism regarding the important decisions about functioning of the government and about resolution of the controversial bilateral issues or incidents.
- (b) A mechanism comprising district-level representatives of both parties shall be formed to prevent any physical attacks or any unwanted and untoward incidents, and to resolve them immediately by investigating at local level if such incidents take place.
- (c) If sensitive incidents of serious nature take place between the two parties, an investigation team at central level shall

be formed to reach a concrete decision about the solution through immediate investigation.

5. A high-level¹ of the parties involved in the government shall be held regularly. Consensus of the high-level mechanism [of the political parties] shall be maintained on all important decision of the government.
6. Keeping at core the aim of maintaining national consensus on the decisions on the issues of national importance, a regular consultation process with the coalition partners and the main opposition party as well as other parties shall be initiated.
7. The Government shall be requested to form a taskforce to define and identify martyrs and to provide them due respect.
8. Both the parties make a special appeal to all parties, other forces concerned and the general people to focus on taking the peace process to its logical conclusion to establish sustainable peace [in the country], and drafting a new constitution within a definite timeframe for the purpose of democratic and progressive restructuring of the state and society through a progressive constitution since these are the nation's major historic responsibilities at this moment.
9. With this agreement, the CPN (UML) has withdrawn all [announced] protest programmes.

Sd.

Pushpa Kamal Dahal 'Prachanda'
Chairman, UCPN Maoist

Sd.

Jhala Nath Khanal
Chairperson, CPN UML

¹ It may mean a 'high-level' meeting or the meeting of the high-level task force. [Ed.]

41 | Agreement between GoN and Nepal Pichchada Varga Mahasangha

Agreement concluded on June 21, 2009

1. In the context of the Government of Nepal having issued the Backward Community Uplift Development Committee (Formation) Ordinance 2065, the said committee shall be given a complete shape within a period of maximum one month and brought into operation. For this purpose, the said committee shall be formed based on, among others, Point 2 of the report of the Recommendation Committee based on the agreement signed on March 24, 2009.
2. The process of releasing the individuals arrested and those against whom cases have been filed in the course of the agitation launched by Nepal Pichchada Varga (OBC) Mahasanghs since June 16, 2009 shall be commenced as soon as the list of names is made available and after investigations.
3. The Government of Nepal shall make arrangements for the treatment of the injured in the course of the agitation launched by Nepal Pichchada Varga (OBC) Mahasangha since June 16, 2009 upon receiving the list of names through the local administration.
4. All agitation programmes launched by Nepal Pichchada Varga (OBC) Mahasangha are withdrawn with immediate effect.

**On behalf of Nepal Pichada Varga
(OBC) Mahasangha Talks Team**

Sd.
Bharat Prasad Mahato
Talks Team Coordinator and
Central Chairperson, Nepal Pichada
Varga (OBC) Mahasangha

On behalf of GoN Talks Team

Sd.
Rakam Chemjong
Talks Team Coordinator and
Minister for Peace and
Reconstruction

42 | Agreement between the GoN and Kirant Janawadi Workers Party

Agreement concluded on November 14, 2009

1. The Kirant Janawadi Workers Party presented 14-point demands and discussions were held on their demands.
2. Since the Kirant Janawadi Workers Party joined the negotiation process for the establishment of peace, none of its leaders and activists shall be arrested and the Kirant Janawadi Workers Party shall not carry out any activities that might affect the talks, including use and display of weapons, during the period of negotiations.
3. Discussion shall be held on the political demands of the Kirant Janawadi Workers Party and weapons management¹.

¹ Following the decision of the meeting of the Government of Nepal (Council of Ministers), held on December 9, 2009, 'to be done as per the decision of the committee through discussion of the Council of Ministers, Political Committee', in accordance with the decision of the said Committee upon discussions, the words 'weapons management' in the third point were removed.

Sd.
Suman Wantawa Adihang
Convener

Sd.
Pampha Kiranti
Member

Sd.
Heet Bahadur Kepchhaki
Member

Sd.
Shiv Fago
Member

Sd.
Dr. J.B. Tamang
Member

Sd.
Rakam Chemjong
Talks Team Convener
and
Minister, Ministry of Peace
and Reconstruction

43 | Basic Agreement Paper Presented and Ratified by the Brihat Bhela of Adivasi/Janajati, 2009

A. Common Issues of *Adivasi/Janajati*:

1. Management of the collective life system of *Adivasi/Janajatis* based on their own norms and values under the ownership and control of the *Adivasi/Janajatis* concerned.
2. Word-to-word compliance and implementation of UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007 and International Labour Organisation (ILO) Convention No. 169, which guarantee the minimum rights of *Adivasi/Janajatis* through constitutional, legal and administrative provisions,

In addition, ensuring that the rights guaranteed by all human rights-related documents, declarations and plan of actions, including Charter of the United Nations, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which have been ratified or committed by Nepal.

3. Democratic Republic.
4. Federalism on ethnic, linguistic and regional grounds with historical background.
5. *Adivasi/Janajatis'* right to self-determination.
6. Ethnic autonomy and self governance.
7. Political Right to Priority.*

8. Secularism.
9. Pluralistic state.
10. Free, pre-informed consent of *Adivasi/Janajati*.
11. Traditional customary adjudicatory system of *Adivasi/Janajatis*.
12. Right to development centred on self-determination.
13. Right to compensation.
14. Distinct identity, including land, of *Adivasi/Janajatis*.
15. Establishment of equal status and recognition of languages, religions and cultures of *Adivasi/Janajatis* in the state.
16. Ensuring the ownership and control of *Adivasi/Janajatis* concerned over natural resources, including water, forest and land in ancestral land.
17. Proportional representation of *Adivasi/Janajatis* based on ethnic population in the overall structure of the state, and mandatory representation and special constitutional provisions for minority *Adivasi/Janajatis* populations.
18. Ensuring constitutional, legal and administrative provisions for gender equity and equality, including the right to self determination for *Adivasi/Janajati* women in order to recognise the identity of *Adivasi/Janajati* women and to end all forms of ethnic and gender discrimination against them.
19. Ensuring equal collective status of *Adivasi/Janajati* whether in majority or minority.
20. Ensuring the enlisting of *Adivasi/Janajati* yet to be enlisted.
21. Immediate implementation of the agreements between the state and the *Adivasi/Janajati* movement in letter and spirit.
22. A new plural nationalistic unity, including *Adivasi/Janajatis* communal identity and personal and collective rights.

B. Rights of *Adivasi/Janajati* to be ensured in the new Constitution:

1. Rights guaranteed to *Adivasi/Janajati* by international laws should be incorporated in letter and spirit.
2. The right to self determination should be ensured for all *Adivasi/Janajatis*. Exercising this right, they should have the right to adopt and implement legislative, administrative and other measures according to their indigenous customs, traditions, norms and values through customary and freely determined institutions for the autonomy and self governance of their own regions and communities. Under this, based on ethnic historical background, ethnicity and languages, *Adivasi/Janajati* should have the right to establish autonomous and self governed states, with the right to priority, within the federal structure.
3. *Adivasi/Janajati* should have the right to determine their own identity and norms, as well as responsibilities of community members to the community according to their customs and traditions. It shall not restrict the right of a person of the community concerned to acquire and maintain dual citizenship of the Federal Republic of Nepal and of an ethnic autonomous and self governed state and exercise his/her rights as any other citizens of the state.
4. *Adivasi/Janajati* should have the right to their mother tongue and to use their mother tongue in every organ and level of the state. *Adivasi/Janajati* students shall have the right to receive primary to higher level education in their mother tongue and special opportunities should be ensured for them. In addition, a multi linguistic university should be established.
5. Individual, collective human rights and basic freedom of *Adivasi/Janajati*, guaranteed by international law, including International Labour Organisation Convention No. 169 and United Nation Declaration on the Rights of Indigenous Peoples, should be fully recognised as well as guaranteed and protected. Effective remedies should be provided through judicial, administrative and

other measures in case of violation of personal and collective human rights of *Adivasi/Janajatis*.

6. *Adivasi/Janajati* communities and individuals shall be free and equal to other citizens. *Adivasi/Janajati* shall not be discriminated with regard to enjoyment and exercise of their rights based on origin and identity. *Adivasi/Janajati* should have the right to effective remedies against any discrimination.
7. All rights of *Adivasi/Janajatis* shall be equally implemented for *Adivasi/Janajati* women and men. *Adivasi/Janajati* women shall have special rights regarding leadership for equality and development. The state shall adopt various measures to provide effective remedies against discrimination, violence and violation of human rights against *Adivasi/Janajati* women, senior citizens, youth, children, third gender and differently able people. *Adivasi/Janajati* women should have the right to participate in every organ of the state based on proportional representation, with their identity.
8. The new Constitution should have a provision regarding additional special rights for endangered, marginalized and highly marginalized groups within *Adivasi/Janajatis*.
9. The state of Nepal should ensure the inherent right to self determination of *Adivasi/Janajati* in the Constitution and should put it in practice. In addition, the right of *Adivasi/Janajati* to participate in the state's political, economic, social and cultural sectors in an effective way according to their own processes and through freely elected representatives should be ensured.
10. Nepal shall be a sovereign, free, pluralistic, multi linguistic, multicultural, secular and a federal, democratic, republican state.
11. The state should recognise the rights of *Adivasi/Janajati* to determine their own political system freely, to adopt their own economic, social and cultural development and to ownership and effective control over their ancestral and traditional lands,

habitats and resources. This should include the rights of *Adivasi/Janajati* at every level of the government, the rights of *Adivasi/Janajati* to free, pre-informed consent regarding the issues, which affect their rights, life, region and interests. *Adivasi/Janajati* should have the right to reclamation of their traditional land, habitats, religious places captured in the past to their original condition.

12. *Adivasi/Janajati* shall have the right to maintain, develop and protect their economic, social and political systems and organisations, indigenous knowledge, skills, heritage, religious education system. The state should protect their rights to access, use and control the means of their livelihood and development without any hindrance, as well as their right to involve freely in their traditional economic activities.
13. In addition to the rights mentioned in Points 10, 11 and 12, *Adivasi/Janajatis* shall have the right to participate at central and every level of the state, including local legislature, through representatives elected by their traditional and representative organisations freely through their indigenous processes.

C. About the Process of Drafting the New Constitution

1. In the constitution-drafting process, in accordance with the provisions of the international laws that Nepal is party to, the precautionary letter of March 13, 2009 and the follow up letter of September 28, 2009 sent by the Monitoring Committee on the Convention on the Elimination of All Forms of Racial Discrimination to the Government of Nepal and the recommendation of the UN Special Rapporteur for overseeing the situation of human rights of indigenous peoples, sent on July 20, 2009, all provisions that affect indigenous nationalities, including the Preamble, Articles, Sub articles and Schedules of the Constitution, should be passed and separate provisions regarding the identity and collective rights of *Adivasi/Janajati* should be introduced by ensuring meaningful and effective

representation of indigenous nationalities through establishment of a thematic committee in the Constituent Assembly and other appropriate mechanisms for free and pre-informed consent of indigenous nationalities, and only after establishing free and pre-informed consent through that mechanism.

2. The Monitoring Committee on the Convention on the Elimination of All Forms of Racial Discrimination should ensure that a thematic committee on *Adivasi/Janajati* is set up in the Constituent Assembly and a process for building a mechanism for free, pre-informed consent through the representatives selected by the *Adivasi/Janajati* in accordance with their traditions. The Monitoring Committee on the Convention on the Elimination of All Forms of Racial Discrimination should ensure that a thematic committee on *Adivasi/Janajati* is set up in the Constituent Assembly and a process for building a mechanism for free, pre-informed consent through the representatives selected by the *Adivasi/Janajati* in accordance with their traditions.

D. Strategy and Programme of Future Agitations

1. The action plan submitted by the Special Team of the Government should be immediately enforced in letter and spirit in order to implement the International Labour Organisation Convention No. 169.
2. Launch a strong joint agitation both on the street and in the Assembly immediately in order to ensure the above-mentioned rights of *Adivasi/Janajati* in the concept papers that have been or are going to be presented in the different thematic committees and the constitutional committee of the Constituent Assembly.
3. If the above-mentioned rights of *Adivasi/Janajati* are not ensured in the concept papers that have been or are going to be presented in the different thematic committees and the constitutional committee of the Constituent Assembly, a stronger, more aggressive and decisive agitation shall be launched.

4. If above-mentioned rights of *Adivasi/Janajati* are not ensured in the new constitution promulgated after being passed by the Constituent Assembly, then the said constitution will be rejected and an *Adivasi/Janajati* revolt will be launched.

E. Operation and Process of the General Front of *Adivasi/Janajati*

1. Operation of the Comprehensive Front of *Adivasi/Janajati* shall be done on the basis of collective leadership.
2. The necessary structure of the General Front and the immediate programmes and process of the agitation of the Comprehensive Front of *Adivasi/Janajati* have been determined by the General Assembly.
3. The future programme and process of agitation shall be prepared by the newly formed Comprehensive Front.
4. The initiating team for the General Assembly:
 - a. Dr Krishna Bhattachan Coordinator
 - b. Nanda Kandangwa Member
 - c. Shanti Rai Member
 - d. Suresh Alemagar Member
 - e. Jyoti Danuwar Member
 - f. Malla K. Sunder Member

Date: 21 November, 2009 (Mangsir 6, 2066 BS), Saturday,
Thinlathwo 5, 1130 NS

Venue: Chumlung Him, Kirant Yakthung Chumlung, Tikhe Dewal,
Lalitpur

Conforming to this basic agreement paper, we here undersigned representatives and participants from political parties, *Adivasi/Janajati* CA Members' Assembly, ethnic sister organisations, ethnic political parties, Nepal Federation of Indigenous Nationalities (NEFIN), National Federation of Adivasi/Janajati Women, ethnic organisations; District Coordination Councils of NEFIN; District Coordination Committees of National Federation of Adivasi/Janajati Women; *Adivasi/Janajati* organisations in foreign countries; ethnic nongovernmental organisations; ethnic professional and class organisations; organisations, struggle committee, networks, alliances, forums of *Adivasi/Janajati* youth and students; institutional representatives and other participants, including *Adivasi/Janajati* intellectuals are as follows:

Name and address	Organisation	Signature*
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Note: There are about 700 signatories to this agreement.

44

Memorandum to the Prime Minister by Adivasi/Janajati Brihat Morcha regarding the Common Issues of Adivasi/Janajatis

Right Honourable Prime Minister Madhav Kumar Nepal
Office of the Prime Minister
Singha Durbar
Kathmandu

Subject: Memorandum

Right Honourable Prime Minister,

The Adivasi/Janajati General Assembly was successfully organised at Chumlung Him, Kirat Yakthung Chumlung, Tikhedewal, Lalitpur on November 21, 2009. The Assembly was attended by political parties, *Adivasi/Janajati* CA Members' Assembly, ethnic sister organisations, ethnic political parties, Nepal Federation of Indigenous Nationalities (NEFIN), National Federation of Adivasi/Janajati Women, ethnic organisations; District Coordination Councils of NEFIN; District Coordination Committees of National Federation of Adivasi/Janajati Women; *Adivasi/Janajati* organisations in foreign countries; ethnic nongovernmental organisations; ethnic professional and class organisations; organisations, struggle committee, networks, alliances, forums of *Adivasi/Janajati* youth and students; institutional representatives and other participants, including *Adivasi/Janajati* intellectuals. The Brihat Assembly constituted "Adivasi/Janajati Vrihat Morcha Nepal". The General Assembly has formed a Joint Council of two representatives (one female and one male) from each organisation affiliated with the General Forum and a 27-member Struggle Committee.

The following are our demands in relation to the process of constitution-drafting that the Constituent Assembly and the Government should fulfill immediately:

1. In the constitution-drafting process, in accordance with the provisions of the international laws that Nepal is party to, the precautionary letter of March 13, 2009 and the follow up letter of September 28, 2009 sent by the Monitoring Committee on the Convention on the Elimination of All Forms of Racial Discrimination to the Government of Nepal and the recommendation of the UN Special Rapporteur for overseeing the situation of human rights of indigenous peoples, sent on July 20, 2009, all provisions that affect indigenous nationalities, including the Preamble, Articles, Sub articles and Schedules of the Constitution, should be passed and separate provisions regarding the identity and collective rights of *Adivasi/Janajati* should be introduced by ensuring meaningful and effective representation of indigenous nationalities through establishment of a thematic committee in the Constituent Assembly and other appropriate mechanisms for free and pre-informed consent of indigenous nationalities, and only after establishing free and pre-informed consent through that mechanism.
2. The Monitoring Committee on the Convention on the Elimination of All Forms of Racial Discrimination should ensure that a thematic committee on *Adivasi/Janajati* is set up in the Constituent Assembly and a process for building a mechanism for free, pre-informed consent through the representatives selected by the *Adivasi/Janajati* in accordance with their traditions. The Monitoring Committee on the Convention on the Elimination of All Forms of Racial Discrimination should ensure that a thematic committee on *Adivasi/Janajati* is set up in the Constituent Assembly and a process for building a mechanism for free, pre-informed consent through the representatives selected by the *Adivasi/Janajati* in accordance with their traditions.
3. The Government of Nepal, in September 2007, has ratified and expressed its consent to the International Labour Organization Convention No. 169 and the UN Declaration on the Rights of Indigenous Nationalities. The action plan submitted by the Special

Team of the Government should be immediately enforced in letter and spirit in order to implement the ILO Convention No. 169.

The following rights that we indigenous nationalities are entitled to be inscribed in the thematic concept papers and reports prepared by the various committees of the Constituent Assembly and the concept papers and reports that remain to be prepared, as well as in the policies, plans and programmes of the Government:

1. Rights guaranteed to *Adivasi/Janajati* by international laws should be incorporated in letter and spirit.
2. The right to self determination should be ensured for all *Adivasi/Janajatis*. Exercising this right, they should have the right to adopt and implement legislative, administrative and other measures according to their indigenous customs, traditions, norms and values through customary and freely determined institutions for the autonomy and self governance of their own regions and communities. Under this, based on ethnic historical background, ethnicity and languages, *Adivasi/Janajati* should have the right to establish autonomous and self governed states, with the right to priority, within the federal structure.
3. *Adivasi/Janajati* should have the right to determine their own identity and norms, as well as responsibilities of community members to the community according to their customs and traditions. It shall not restrict the right of a person of the community concerned to acquire and maintain dual citizenship of the Federal Republic of Nepal and of an ethnic autonomous and self governed state and exercise his/her rights as any other citizens of the state.
4. *Adivasi/Janajati* should have the right to their mother tongue and to use their mother tongue in every organ and level of the state. *Adivasi/Janajati* students shall have the right to receive primary to higher level education in their mother tongue and special opportunities should be ensured for them. In addition, a multi linguistic university should be established.
5. Individual, collective human rights and basic freedom of *Adivasi/Janajati*, guaranteed by international law, including International

Labour Organisation Convention No. 169 and United Nation Declaration on the Rights of Indigenous Peoples, should be fully recognised as well as guaranteed and protected. Effective remedies should be provided through judicial, administrative and other measures in case of violation of personal and collective human rights of *Adivasi/Janajatis*.

6. *Adivasi/Janajati* communities and individuals shall be free and equal to other citizens. *Adivasi/Janajati* shall not be discriminated with regard to enjoyment and exercise of their rights based on origin and identity. *Adivasi/Janajati* should have the right to effective remedies against any discrimination.
7. All rights of *Adivasi/Janajatis* shall be equally implemented for *Adivasi/Janajati* women and men. *Adivasi/Janajati* women shall have special rights regarding leadership for equality and development. The state shall adopt various measures to provide effective remedies against discrimination, violence and violation of human rights against *Adivasi/Janajati* women, senior citizens, youth, children, third gender and differently able people. *Adivasi/Janajati* women should have the right to participate in every organ of the state based on proportional representation, with their identity.
8. The new Constitution should have a provision regarding additional special rights for endangered, marginalized and highly marginalized groups within *Adivasi/Janajatis*.
9. The state of Nepal should ensure the inherent right to self determination of *Adivasi/Janajati* in the Constitution and should put it in practice. In addition, the right of *Adivasi/Janajati* to participate in the state's political, economic, social and cultural sectors in an effective way according to their own processes and through freely elected representatives should be ensured.
10. Nepal shall be a sovereign, free, pluralistic, multi linguistic, multicultural, secular and a federal, democratic, republican state.
11. The state should recognise the rights of *Adivasi/Janajati* to determine their own political system freely, to adopt their own economic, social and cultural development and to ownership and effective control over their ancestral and traditional lands,

habitats and resources. This should include the rights of *Adivasi/Janajati* at every level of the government, the rights of *Adivasi/Janajati* to free, pre-informed consent regarding the issues, which affect their rights, life, region and interests. *Adivasi/Janajati* should have the right to reclamation of their traditional land, habitats, religious places captured in the past to their original condition.

12. *Adivasi/Janajati* shall have the right to maintain, develop and protect their economic, social and political systems and organisations, indigenous knowledge, skills, heritage, religious education system. The state should protect their rights to access, use and control the means of their livelihood and development without any hindrance, as well as their right to involve freely in their traditional economic activities.
13. In addition to the rights mentioned in Points 10, 11 and 12, *Adivasi/Janajatis* shall have the right to participate at central and every level of the state, including local legislature, through representatives elected by their traditional and representative organisations freely through their indigenous processes.

We demand that the State include in writing the following common issues of the *Adivasi/Janajatis* in its constitutional, legal, administrative and policies, strategies, plans and programmes:

1. Operation of the collective life of the *Adivasi/Janajatis* through their own ownership and control and in accordance with their own norms and values.
2. Word-to-word compliance and implementation of UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007 and International Labour Organisation (ILO) Convention No. 169, which guarantee the minimum rights of *Adivasis/Janajatis* through constitutional, legal and administrative provisions,

In addition, ensuring that the rights guaranteed by all human rights-related documents, declarations and plan of actions, including Charter of the United Nations, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights,

Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which have been ratified or committed by Nepal.

3. Democratic Republic.
4. Federalism on ethnic, linguistic and regional grounds with historical background.
5. *Adivasi/Janajati's* right to self-determination.
6. Ethnic autonomy and self-governance.
7. Political right to priority.
8. Secularism.
9. Pluralistic state.
10. Free, pre-informed consent of *Adivasi/Janajati*.
11. Traditional customary adjudicatory system of *Adivasi/Janajatis*.
12. Right to development centred on self-determination.
13. Right to compensation.
14. Distinct identity, including land, of *Adivasi/Janajatis*.
15. Establishment of equal status and recognition of languages, religions and cultures of *Adivasi/Janajatis* in the state.
16. Ensuring the ownership and control of *Adivasi/Janajatis* concerned over natural resources, including water, forest and land in ancestral land.
17. Ensuring the enlisting of *Adivasi/Janajati* yet to be enlisted.
18. Proportional representation of *Adivasi/Janajatis* based on ethnic population in the overall structure of the state, and mandatory representation and special constitutional provisions for minority *Adivasi/Janajatis* populations.
19. Ensuring constitutional, legal and administrative provisions for

gender equity and equality, including the right to self determination for *Adivasi/Janajati* women in order to recognise the identity of *Adivasi/Janajati* women and to end all forms of ethnic and gender discrimination against them.

20. Ensuring equal collective status of *Adivasi/Janajati* whether in majority or minority.
21. *
22. ** Immediate implementation of the agreements between the state and the *Adivasi/Janajati* movement in letter and spirit.
23. A new plural nationalistic unity, including *Adivasi/Janajatis* communal identity and personal and collective rights.

We demand that the State fulfill the genuine demands of our rights by Mangsir 19, 2066 Friday (4 December 2009) (N.S. 1139 Thinlaga 2). We shall be compelled to launch a phasewise, strong movement if it ignores our genuine demands. We demand that the State does not compel us towards that, and the State alone shall be responsible for creating such mandatory circumstances.

Adivasi/Janajati Brihat Assembly, Nepal

Struggle Committee

1	Member Struggle Committee	Pasang Sherpa Nepal Federation of Indigenous Nationalities	Sd
-			
2	Member Struggle Committee	Soma Rai National Federation of Adivasi/Janajati Women	Sd
3	Member Struggle Committee	Basant Sherchan, Thakali Sewa Samiti (Representative, Jatiya Samstha (Himal))	Sd
4	Member Struggle Committee	Naresh Tamrakar, Newa: Deya Dabu (Representative, Jatiya Samstha (Hills))	Sd
5	Member Struggle Committee	Dhan Bahadur Majhi, Nepal Majhi Utthan Sangh	

* Point missing in the original Nepali version

**Letter of Memorandum to the Prime Minister by Adivasi/Janajati
Brihat Morcha regarding the Common Issues of Adivasi/Janajati**

6	Member Struggle Committee	(Representative, Jatiya Samstha (Terai)) Virsu Lal Uraun, Nepal Jhangad (Uraun) Kodem Sudhara (Representative, Jatiya Samstha (Terai))	Sd Sd
7	Member Struggle Committee	Minraj Chaudhari, Nepal Adivasi/ Janajati Student Federation	Sd
8	Member Struggle Committee	Sopa Magar, Adivasi Students Society	Sd
9	Member Struggle Committee	Rupa Chaudharu, Adivasi/ Janajati Sabhasad Sabha	Sd
10	Member Struggle Committee	Laxman Tharu, Tharuhat Autonomy State Council (Federal Democratic Republic Forum)	Sd
11	Member Struggle Committee	Kumar Lingden, Federal Limbuwan State Council (Federal Democratic Republic Forum)	Sd
12	Member Struggle Committee	Vijay Sainju, Nepa: National Party	Sd
13	Member Struggle Committee	Sanjuhang Palungwa, Federal Limbuwan State Council	Sd
14	Member Struggle Committee	Suresh Ale Magar, Adivasi- Jatiya-Chhetriya Mahasangha, Nepal (Representative, Political Parties Sister Organisations)	Sd
15	Member Struggle Committee	Anjana Tamli, National Federation of Adivasi/Janajati Women, District Coordination Council	Sd
16	Member Struggle Committee	Shukra Bahadur Majhi, Nepal Adivasi/Janajati Federation, District Coordination Council	Sd
17	Member Struggle Committee	Nagendra Kumal, Adivasi/Janajati Highly Marginalised Community	Sd
18	Member Struggle Committee	Lokendra Jero Kirati, Adivasi/Janajati Community due to be registered	Sd
19	Member Struggle Committee	Dinesh Ghale, Adivasi/Janajati Professional and Vocational Organization (LAHURNIP)	Sd
20	Member Struggle Committee	Bharat Shrestha, Nepal Adivasi/ Janajati Youth Federation	Sd
21	Member Struggle Committee	Yam Bahadur Kulung, Federation of Adivasi/Janajati Nongovernmental Organisations	Sd
22	Secretary	Dr. Krishna Bhattachan, Adivasi/ Janajati Intellectual	Sd

Date: November 26, 2009 (Mangsir 6, 2066 BS Thursday)

NS: Thinlathwo 5, 1130

Cc:

1. Chairpersons of all the Thematic and Procedural Committees of the Constituent Assembly
2. All the political parties represented in the Constituent Assembly and Legislature-Parliament.
3. Office of the High Commissioner for Human Rights, Kathmandu, Nepal
4. UNMIN, Nepal
5. National Human Rights Commission, Harihar Bhawan, Lalitpur
6. The Dean of the Diplomatic Corps in Nepal

45 | Agreement between the GoN and Akhil Terai Mukti Morcha (Sansthapan Paksha)

Agreement concluded on May 07, 2010

1. Akhil Terai Mukti Morcha [All Terai Liberation Front] shall renounce violence and shall not carry out any unlawful activities. The Government of Nepal shall treat the leaders and activists of the said group as political actors.
2. During the period of negotiation, the Government of Nepal shall provide security to the members of the Talks Team of Akhil Terai Mukti Morcha.
3. Akhil Terai Mukti Morcha shall make available details, including list of names, of the leaders and activists of the Morcha against whom cases have been filed on political grounds to the Government of Nepal and steps shall be taken to consecutively withdraw cases against them by following the due process of law after holding investigations within a month of the Ministry of Law and Justice receiving all documents necessary for their release.
4. Morcha may carry out programmes such as political assemblies, rallies, workshops, seminars and interactions freely and peacefully in coordination with the District Administration Office concerned.
5. In view of Akhil Terai Mukti Morcha joining the mainstream of the nation's peace process, it shall hand over materials, including the illegal weapons kept by it, to the Government of Nepal within seven days of this Agreement.

6. Morcha shall make available to the Government of Nepal details, including names, of the leaders and activists injured in the course of the agitation launched by it within a month and the Government of Nepal shall bear treatment expenses [incurred on them].
7. The other demands submitted by Akhil Terai Mukti Morcha shall be discussed at the next round of talks and the date of talks shall be fixed on mutual understanding.

**On behalf of GoN
Talks Team**

Sd.
Hon'ble Minister
Rakam Chemjong
Ministry of Peace and
Reconstruction

**On behalf of Akhil Terai
Mukti Morcha**

Sd.
Vivek Chaudhary
Coordinator

46 | **3-Point Agreement between the Top Three Parties—UCPN (Maoist), Nepali Congress and CPN (UML)— to Extend the CATenure**

In accordance with the mandate of the historical People’s Movement, Nepal’s Interim Constitution 2007, spirit of democracy, sustainable peace and the Comprehensive Peace Accord, we express the following commitments:

1. We are firmly committed to firmly moving forward to take the peace process to its logical conclusion, carry out the remaining tasks in this regard and fulfill the new historical constitutional responsibilities in agreement and partnership with each other.
2. Since not all tasks have been accomplished in the drafting of a new Constitution despite notable achievements in this regard, we agree to extend the terms of the Constituent Assembly by one year.
3. We make it clear that the Prime Minister of the incumbent Coalition Government is ready to resign immediately in order to move forward by forming a national government based on consensus to fulfill the above responsibilities and tasks as soon as possible.

Sd.
Pushpa Kamal Dahal
'Prachanda'
Chairperson
UNCP (Maoist)

Sd.
Ram Chandra Poudel
Vice President and Leader
of Parliamentary Party
Nepali Congress

Sd.
Jhalanath Khanal
Chairperson
CPN (UML)

Date: May 28, 2002

47

4-Point Agreement between the GoN and UCPN (Maoist) to Take the Peace Process to Its Logical Conclusion

We, embracing agreements concluded in the past and creating an environment of trust, reach the following agreements, in order to take the peace process to a logical conclusion:

1. To give final shape to the documents prepared by the Special Committee to further the peace process by reaching a consensus as soon as possible and to implement them.
2. To bring the Maoist combatants under the jurisdiction of the Special Committee without delay and to provide all details about the Maoist combatants to the Committee.
3. To commence the remaining tasks of the peace process from September 17, 2010 and complete them by January 14, 2011.
4. To extend UNMIN's term for the last time for a period of four months in accordance with the current mandate.

Sd.
Madhav Kumar Nepal
Prime Minister
Government of Nepal

Sd.
Pushpa Kamal Dahal
(Prachanda)
Chairman
Unified Communist Party of
Nepal (Maoist)

Date: September 13, 2010

Details of the agreements concluded between 2005 and 2010 in chronological order

* This item identifies whether a document contains a provision for its own implementation and/or monitoring mechanism within it. If the item is marked with a hyphen (-), the document contains no such provision within it for its own implementation and/or about the implementation of other preceding agreements/documents. If the item is indicated as N/A, it means item is Not Applicable.

† This indicates that the document contains a provision for implementation and/or monitoring mechanism of 1 or more points within it but not the entire agreement.

‡ This indicates that the document contains a provision for the implementation and/or monitoring mechanism of 1 or more points or entire points in other documents.

Document Title	Negotiating Parties	Day/Mon/Year	Type	Implementation / Monitoring*	Key Points
12-point Understanding Concluded between the Communist Party of Nepal (Maoist) and the Seven Political Parties	CPN (M) and Seven Political Parties	November 22, 2005	Understanding	-	Human Rights, Press Freedom, Sovereignty and National Unity, Peaceful People's Movement, Common commitment to investigate past atrocities, Commitment to solve future problem through dialogue
The Second Understanding Concluded Between the Seven Political Parties and the CPN (Maoist)	Seven Political Parties and CPN (M)	N/A	Understanding	-	Reiterating firm commitment for the implementation of the 12-point Understanding by all parties
Proclamation to the Nation by His Majesty King Gyanendra	N/A	April 24, 2006	Proclamation	N/A	Reinstatement of House of Representatives dissolved on 22 May 2002
Proclamation of the House of Representatives on May 18, 2006	N/A	May 18, 2006	Proclamation	N/A	Concerning Legislative, Executive, Army, Rajparishad (Royal Council), Royal Palace, Secular State, Citizenship, National Anthem
The Code of Conduct on Ceasefire Agreed Between the Government of Nepal and the CPN (Maoist)	GoN and CPN (M)	May 26, 2006	Agreement	Point 21†	25 points to transform ceasefire into permanent peace

Document Title	Negotiating Parties	Day/Mon/Year	Type	Implementation / Monitoring*	Key Points
The Code of Conduct on Ceasefire Agreed Between the Government of Nepal and the CPN (Maoist)	GoN and CPN (M)	May 26, 2006	Agreement	Point 21 [†]	25 points to transform ceasefire into permanent peace
Agreement Reached Between the Government of Nepal and the CPN (Maoist) at Kuponchola	GoN and CPN (M)	June 15, 2006	Agreement	Points 2 & 3 [†]	Establishment of the National Monitoring Committee on Code of Conduct for Ceasefire
Agreement of the Third Round Negotiations between the Government of Nepal and CPN (Maoist) at the Prime Minister's Residence, Baluwatar	Government of Nepal and CPN (M)	June 16, 2006	Agreement	N/A	Formation of the interim constitution drafting committee
8-point Agreement between the Top Leaders of Seven Political Parties and CPN (Maoist)	Leaders of Seven Political Parties and CPN (M)	June 16, 2006	Press Release	-	To implement 12-point Understanding, Requesting the UN assistance in the management of armies and arms, Framing of Interim Constitution
Terms of Reference and Mandate of the National Monitoring Committee on Code of Conduct on Ceasefire	GoN and CPN (M)	June 26, 2006	Agreement	Points 6, 7 & 8	ToR for NMCC
Press Release of the Expansion of the Interim Constitution Drafting Committee	GoN and CPN (M)	July 15, 2006	Press Release	-	Expansion of Interim Constitution Drafting Committee
Procedures of the National Monitoring Committee on Code of Conduct for Ceasefire, 2006	GoN and CPN (M)	Not Available	Procedure	13 (d), (e) [†]	Procedures of NMCC
Press Release of the Expansion of the Interim Constitution Drafting Committee	GoN and CPN (M)	July 30, 2006	Press Release	N/A	Expansion of Interim Constitution Drafting Committee

Document Title	Negotiating Parties	Day/Mon/Year	Type	Implementation / Monitoring*	Key Points
Local Peace Council and its Procedure 2006	N/A	July 31, 2006	Procedure	Points 4.8 & 7.2 ¹	Establishing Local Peace Council to create a fully democratic environment at local level with all participation/Institutionalise Peace Process from local level
Official Letter of the PM to United Nations	N/A	August 9, 2006	Letter	N/A	Requesting UN assistance
Official Letter of the CPN (Maoist) to United Nations	N/A	August 9, 2006	Letter	N/A	Requesting UN assistance
Extending a Time-Limit of the Interim Constitution Drafting Committee	GoN and CPN (M)	August 25, 2006	Agreement	N/A	Constitution
Press Release of Summit I rounds of meetings (Baluwatar)	SPA and CPN (M)	October 10, 2006	Memo / Press Release	-	Establishment of Election Commission / giving mandate to Negotiation Team
Press Release of Summit II rounds of meetings (Baluwatar)	SPA and CPN (M)	October 12, 2006	Memo / Press Release	N/A	Announcing date of additional negotiation
Decisions of the Meeting of the High Level Leaders of the Seven Political Parties and Communist Party of Nepal (Maoist) and Dissenting Opinion of CPN-UML	SPA and CPN (M)	November 8, 2006	Follow up Agreement	Point V (1)	Follow-up agreements before CA election, "to implement the commitment to complete the CA election by June 14, 2007 (with timeline) Dissenting opinion by the CPN (UML)
Comprehensive Peace Accord Concluded Between the Government of Nepal and The Communist Party of Nepal (Maoist)	GoN and CPN (M)	November 21, 2006	Agreement	Points 8.1-8.4 & 9.1-9.5	Commitment to transform the ceasefire into a long term peace
Dissolution of NMCC	GoN and CPN (M)	November 30, 2006	Agreement	N/A	Ceasefire / Monitoring; NMCC
Agreement on Monitoring of the Management of Arms and Armies (AIMAA)	GoN and CPN (M)	December 8, 2006	Agreement	Point 6	Monitoring the Management of Arms and Armies; UN

Document Title	Negotiating Parties	Day/Mon/Year	Type	Implementation / Monitoring*	Key Points
Agreement Between the Government of Nepal, Nepal Adivasi Janajati Mahasangh and Adivasi Janajati Samyukta Sangharsha Samiti	GoN, Nepal Adivasi Janajati Mahasangh and Adivasi Janajati Samyukta Shangharsha Samiti	August 7, 2007	Agreement	-	Inclusiveness, ILO 169, gender mainstreaming, proportional representation in Constituent Assembly
Agreement Between the Government of Nepal and the Madhesi Janadhikar Forum, Nepal	GoN and Madhesi People's Rights Forum, Nepal	August 30, 2007	Agreement	Last paragraph	22 points concluded by both parties to realise: Inclusiveness and to end all forms of discrimination
Agreement reached on the Fourth Phase of Talks Between The Talks Team of the Ministry of Peace and Reconstruction and Chure Bhawar Pradesh Ekta Samaj, Nepal	GoN and Chure Bhawar Pradesh Ekta Samaj, Nepal	September 13, 2007	Agreement	-	9 points agreed on: amnesty for activists; special arrangement for government services; autonomous federal system; importance of national unity; commitment for CA election and development of Chure Bhawar region requires local bodies' agreements
Agreements Between the Government Talks Team and the National Badi Rights Struggle Committee	GoN and National Badi Rights Struggle Committee	October 15, 2007	Agreement	Point 2 [†]	Ending discrimination of Badi, constituting a Study Task Force to implement points in the report (from October 2, 2007)
23-point Agreement by the Seven-Party Alliance	Leaders of Seven-Party Alliance	December 23, 2007	Agreement	Point 10 [†]	Amendments on the Constitution, Formation of Commissions and committees, CA election
Agreement Between the Government of Nepal and the United Democratic Madhesi Front (UDMF)	GoN and United Democratic Madhesi Front (UDMF)	February 28, 2008	Agreement	Last paragraph	Inclusiveness
Agreement Between the Government Talks Team comprising the Seven Political Parties and the Federal Republic National Front (FRNF), Nepal	Government Talks Team comprising the Seven Parties and the Federal Republic National Front/Federal Republic National Front (FRNF), Nepal	March 2, 2008	Agreement	-	To end all forms of discrimination by establishing a federal democratic republic

Document Title	Negotiating Parties	Day/Mon/Year	Type	Implementation / Monitoring*	Key Points
Agreement Between the Government Talks Team comprising Seven Political Parties and the Federal Limbuwan State Council	Government Talks Team comprising Seven Political Parties and the Federal Limbuwan State Council	March 19, 2008	Agreement	-	Federal Limbuwan State
10-point Commitment By the Leaders of Top Parties	Between leaders of top Political Parties -Nepali Congress, CPN (UML) and CPN (Maoist)	April 1, 2008	Commitment	2 (j) [†]	CA election
Bill on the Amendment to the Interim Constitution, 2007 (B.S. 2063)	N/A	May 28, 2008	Bill	N/A	Interim Constitution, Abolition of Monarchy, Provision of Federal Democratic Republic Nepal, President as the Head of State
Declaration of the Republic	N/A	May 28, 2008	Declaration	N/A	Declaration of Nepal as a Federal Democratic Republic at the very first meeting of CA
Agreement Between the Political Parties to Amend the Constitution and to Further the Peace Process	Seven Political Parties	June 25, 2008	Agreement	Point 3 [†]	Constitution amendment, Integration and rehabilitation and arms management, activities of YCL, return of seized property, formation of commission
Agreement Between Rastriya Haliya Mukti Samaj Mahasangh and the Government of Nepal	GoN and Rastriya Haliya Mukti Samaj Mahasangh	September 5, 2008	Agreement	-	Formal Emancipation of Haliya by the Government, freeing Haliya of their Loans
Agreement Between the Government of Nepal and Madhesi Virus Killers Party	GoN and Madhesi Virus Killers Party	December 11, 2008	Agreement	-	Follow up negotiation, Recognising MVKP as political actors by NoG, Release of arrested
Agreement Between the Government of Nepal and Samyukta Janatantrik Terai Mukti Morcha (JTMM)	GoN and Samyukta Janatantrik Terai Mukti Morcha (JTMM)	December 26, 2008	Agreement	-	Suspend violence by JTMM and recognise them as political actor
Agreement Between the Government of Nepal and Terai Samyukta Janakranti Party	GoN and Terai Samyukta Janakranti Party	December 31, 2008	Agreement	-	Formation of Other Backward Classes (OBC)/ recognise Terai Joint People's Revolution Party as political actor; release of arrested

Document Title	Negotiating Parties	Day/Mon/Year	Type	Implementation / Monitoring*	Key Points
Agreement Between the Government of Nepal and Janatantrik Terai Mukti Morcha (Rajan Mukti Samuha)	GoN and Janatantrik Terai Mukti Morcha (Rajan Mukti Samuha)	January 10, 2009	Agreement	-	Recognising Rajan Mukti Samuha as political actor; release of arrested
Agreement Between the Government of Nepal and Kirant Janawadi Workers Party	GoN and Kirant Janawadi Workers Party	January 18, 2009	Agreement	-	Amendment of Laws, Acts for Implementation of ILO 169, Recognising KJWP as political actor
Agreement Between the Talks Team of the GoN and the Talks Team of the Liberation Tiger of Terai Eelam (LTTE)	GoN and Liberation Tigers of Terai Eelam (LTTE)	February 21, 2009	Agreement	-	Recognising LTTE as political actor; release of arrested
Agreement Between the Government of Nepal and Representatives of Adivasi Tharu Community Agitating in the Tarai and Nepal Federation of Indigenous Nationalities	GoN and Representatives of Adivasi Tharu Community Agitating in the Tarai and Nepal Federation of Indigenous Nationalities	March 14, 2009	Agreement	-	Rights of Minorities Including Tharus', Proportional Representation of Minorities; respect for independent identity of indigenous nationalities including Tharu; proportional inclusion in all govt organs; release of arrested
Agreement Between the Government of Nepal and Samyukta Muslim Rastriya Sangharsha Samiti	GoN and Samyukta Muslim Rastriya Sangharsha Samiti	March 16, 2009	Agreement	-	Rights of Minorities Including Muslims', Proportional Representation of Minorities, Categorization of Minority Groups in National Census
Agreement Between the Talks Team of Government of Nepal and the Talks Team of Madhesh Mukti Tigers	GoN and Madhesh Mukti Tigers	March 20, 2009	Agreement	-	Recognising MMT as political actor; release of arrested

Document Title	Negotiating Parties	Day/Mon/ Year	Type	Implementation / Monitoring*	Key Points
Agreement Between the Government of Nepal and Nepal Pichada Varga (OBC) Mahasangh	GoN and Nepal Pichada Varga (OBC) Mahasangh	March 24, 2009	Agreement	-	Follow up and implementation of Backward Community Upliftment Development Committee (Formation) Ordinance 2065; formation of a five-member recommendation committee for Backward Community Upliftment Development Committee; news broadcast in 'Magahi' language; release of arrested; commitment of all OBCs to take peace process to logical conclusion and draft new constitution
Agreement Between the Talks Team of Tamsaling Samyukta Sangharsh Samiti and the Government of Nepal	GoN and Tamsaling Samyukta Sangharsh Samiti	April 11, 2009	Agreement	Clause 17	Codify necessary laws for the implementation of ILO 169; formation of State Restructuring Committee and Development Regional Committee; special employment program for oppressed community
9-point Agreement Between the UCPN (Maoist) and the CPN-UML	CPN -UML and UCPN (M)	April 12, 2009	Agreement	3 (a) [†]	Political Consensus on Issues of National Importance
Agreement Between the Talks Team of Government of Nepal and Talks Team of Nepal Pichada Varga (OBC) Mahasangh	GoN and Nepal Pichada Varga (OBC) Mahasangh	June 21, 2009	Agreement	-	Follow up and implementation of Backward Community Upliftment Development Committee (Formation) Ordinance 2065; release of arrested; commitment of all OBCs to take peace process to logical conclusion and draft new constitution
Discussion/Follow-up on April 11, 2009 Agreement Between the Talks Team of the GoN and the Talks Team of Tamsaling Samyukta Sangharsh Samiti	GoN and Tamsaling Samyukta Sangharsh Samiti	August 4, 2009	Agreement	1 & 7 [†]	Development, Representation of Tamang in Nepal Army, Medical Treatment for injured in Tamsaling Samyukta Sangharsh Samiti movement, Requesting amnesty

Document Title	Negotiating Parties	Day/Mon/ Year	Type	Implementation / Monitoring*	Key Points
Agreement Between the Government of Nepal Kirant Janawadi Workers Party	GoN and Nepal Kirant Janawadi Workers Party	November 14, 2009	Agreement	-	No arrest warrant be issued for the Kirant Janawadi Workers Party as they joined the negotiation process
Basic Agreement Paper Presented and Ratified at the General Assembly of Adivasi/Janajati	N/A	November 21, 2009	Understanding	A (21) [†]	Common issues for Adivasi/Janajati, rights of Adivasi/Janajati to be ensured in Constitution
Letter of Memorandum to the PM by Adivasi/Janajati Vrihat Morcha regarding common issues of Adivasi/Janajati	N/A	November 26, 2009	Memorandum	Point 22 [†]	Ditto (same as above)
Press Release by the Adivasi/Janajati Vrihat Morcha	N/A	November 29, 2009	Press Release	N/A	Announcing handing over of Letter of Memorandum to Prime Minister (above document)
Agreement Between the Government Talks Team and Akhil Terai Mukti Morcha (Sansthapan Pakshya)	GoN and Akhil Terai Mukti Morcha (Sansthapan Pakshya)	May 7, 2010	Agreement	-	Recognising Akhil Terai Mukti Morcha as political actor, security for negotiation team, amnesty, handing over of weapons
3-point Agreement Between the Top Three Parties -UCPN (Maoist), Nepali Congress and CPN-UML to Extend the CA Tenure	Between UML, NC and UCPN (M)	May 28, 2010	Agreement	-	Extension of CA Tenure
Address to the Nation by PM Madhav Kumar Nepal	N/A	June 30, 2010	Address	N/A	PM's Resignation
4-point Agreement Between the GoN and UCPN (Maoist) to Extend UNMIN's Term	GoN and UCPN (M)	September 13, 2010	Agreement	-	UNMIN term extension

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