

Agreement between the political parties to amend the Constitution and take forward the peace process

Agreement has been reached on the following points, which has been achieved through the incorporation of the spirit of all of the understandings, agreements and decisions made in the past, including the Comprehensive Peace Accord. The aim here is to consolidate the federal democratic republic by framing a new Constitution within the time span stipulated by the Constituent Assembly, and to move ahead in a spirit of mutual cooperation.

1. Amendment to the Constitution

1.1 The election of the President, Vice-President and Prime Minister, as well as of the Chairman and Vice-Chairman of the Constituent Assembly, will be made on the basis of mutual understanding. If the parties fail to reach a consensus, [election of these figures] will be done on the basis of a simple majority of the members of the Constituent Assembly. The Prime Minister's responsibility of obtaining a vote of confidence will also be done on the basis of a simple majority. In order to draft constitutional amendments on these issues, an amendment bill will be presented to the Constituent Assembly with regards to those provisions that are repeated in the Interim Constitution, the Constituent Assembly of 2006 (BS 2063) and the work process of the Legislature-Parliament.

1.2 Provision will be made to have an opposition leader included on the Constitutional Council.

1.3 Due to the fact that there are differences among the seven political parties about whether the leader of the main opposition party should be included on the National Security Council, when the government presents the bill to the Constituent Assembly it will be clarified that it will be the Assembly's responsibility to make a decision on this issue.

While the Communist Party of Nepal (Maoist), the Communist Party of Nepal (UML), and People's Front Nepal felt that it was unnecessary to include an opposition leader on the National Security Council, the Nepali Congress, the Nepal Communist Party (Marxist-Leninist) and the Nepal Sadbhavana Party (Anandidevi) felt that doing so was necessary.

1.4 The constitution will be amended in order to include representatives from those major political parties represented in the Constituent Assembly on the special committee, as per Article 146 of the Constitution.

2. Integration, Rehabilitation and Arms Management

2.1 The integration, rehabilitation and management of arms of those Maoist combatants living in the temporary cantonments [who have been] registered and verified by the United Nations, will be carried out in accordance with both the Agreement on Monitoring of the Management of Arms and Armies (AMMAA) and the Comprehensive Peace Accord, which was signed between the Government of Nepal and the CPN (Maoist), and which was witnessed by the United Nations representative. For this, the special committee mentioned in Article 146 of the Interim Constitution, 2063, will include representatives from those major political parties that are represented in the Constituent Assembly. There may also be a technical committee, which would include experts functioning under the auspices of that committee. The special committee will be formed and start work within 15 days of the formation of the Council of Ministers. The country will not bear any responsibility for verified combatants who have not been integrated or rehabilitated after six months.

2.2 The special committee formed under Article 146 of the Interim Constitution will perform the following tasks, in addition to those agreed upon by the special committee on the basis of the Agreement on Monitoring of the Management of Arms and Armies (AMMAA) and the Comprehensive Peace Agreement, which was signed between the Government of Nepal and CPN (Maoist) and witnessed by the United Nations:

2.2.1 [The special committee] will collect information regarding the circumstances of those Maoist combatants that have been registered and verified in the cantonments.

2.2.2 The verified combatants of the Maoist army will be offered a choice between an economic package and various other alternatives for rehabilitation.

2.2.3 With regards to those verified Maoist combatants who choose integration, provision will be made whereby only those duly registered at the temporary cantonments mentioned in Point 4.1.3 of the AMMAA – signed between the Government of Nepal and CPN (Maoist) and witnessed by the United Nations – will be deemed eligible for possible integration with the security bodies, after fulfilling the standard requirements.

2.2.4 Until integration and rehabilitation is complete, Maoist combatants and any weapons outside [the cantonments] will be under the supervision, control and direction of the special committee.

2.2.5 From the beginning of the integration and rehabilitation process, Maoist combatants will have no involvement with any political organization; those with dual political and military responsibilities will have to choose one or the other.

2.3 A request will 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), and witnessed by the representative from the United Nations – for six more months.

3. Change in the Activities and Functioning of the YCL

The paramilitary functioning and activities of the CPN (Maoists)'s Young Communist League (YCL) will be completely terminated, and all public, government and private buildings and lands under its control will be vacated and returned to the respective owners within 15 days. The CPN (Maoist) has pledged to all of the political parties that YCL activities will fully comply with the laws of the land, from this time forward. A monitoring committee that includes representatives from the political parties, human-rights defenders and local administration will be established, in order to monitor whether this [promise] has been implemented.

4. Return of Seized Property

Within 15 days, the Maoists will implement the first point of the agreement between the eight political parties of 30 March 2007, which states, "All property, including all private and public houses, land, offices, factories and vehicles, that has been controlled by the Maoists during the conflict [will be] returned to the concerned individuals and agencies. The administration will take legal action if anyone obstructs and hinders the use of [such] property, including houses, lands, factories and offices." A central-level monitoring committee, which includes representatives from the political parties, will be formed to monitor the implementation [of this point].

5. Formation of Commissions

During the course of implementing those provisions that have been made in [past] accords and understandings, including those yet to be implemented in the Comprehensive Peace Accord, a number of commissions will be formed within one month, on the basis of political understanding. These will include a National Peace and Rehabilitation Commission, a Truth and Reconciliation Commission, a High-Level Commission for the Restructuring the State, a Commission to Investigate the Disappeared, a Commission to Study and Give Recommendations on Scientific Land Reform, and the other commissions as stipulated under Article 154 of the Constitution.

6. Relief for Victims of the Conflict

6.1 Honourable rehabilitation will be undertaken for those people who have been displaced as a result of the conflict. The families of those who lost their lives due to the conflict will also be provided with relief, while searches will be undertaken for the disappeared, and any remaining political prisoners will be released. Relief will be provided to those whose properties, including lands and houses, were seized during the conflict, and compensation will be paid for verified damages made to those properties as a result of the conflict. Appropriate treatment will also be offered to those who, despite being injured during the conflict or the *Jana Andolan*, have yet to receive adequate treatment.

6.2 Appropriate compensation will be made to the families of those political workers and candidates who lost their lives during the course of the election; those who were injured will be provided with medical treatment. Relief will also be provided to those who lost their properties during the election due to acts of arson or looting. In

addition, the perpetrators [of these crimes] will be brought to justice through proper investigations.

7. Miscellaneous

7.1 The rights of the parties to conduct political activities, in any part of the country and without any hindrance, will be ensured. No organisation or mechanism, in any form, will be allowed to function in parallel to the government.

7.2 By committing to maintain peace throughout the society, and committing to maintain security of both life and property for the people, the state will be run impartially. During the transitional period, the state will also create [the necessary] conditions to discourage potential criminal activities by various groups.

7.3 The neutrality of the government media will be ensured. In addition, the impartiality of all of the state's organs – including the judiciary, the constitutional bodies, the administration, the army and the police – will also be ensured.

7.4 Consensus and cooperation will be both fostered and adopted in order to make progress on building the constitution, and to enable the timely promulgation of the new Constitution.

7.5 The Government of Nepal will make the necessary security arrangements for the leaders of the political parties. Other than these provisions, however, there will be no other security mechanisms [made for the leaders].