

Decisions of the Meeting of the High Level Leaders of the Seven Political Parties and Communist Party of Nepal (Maoist)

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

Reaffirming commitments to the 12-points understandings, 8-points agreement, and 25-points code of conduct concluded between the Seven Political Parties and the Communist Party of Nepal (Maoist)(CPN Maoist) along with all other agreements, understandings, code of conducts and letter sent to the United Nations stating similar opinion by the Government of Nepal and CPN (Maoist),

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

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

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

Today, on this 8th day of November 2006 (corresponding to Kartik 22, 2063 B.S.), the following decisions have been taken in the meeting of the high level leaders of the Seven Political Parties and CPN (Maoist) in order to implement the commitments of both the parties to complete the election of Constituent Assembly by June 14, 2007 in free and fair manner having placed the democracy, peace, prosperity, progressive social and economic change, independence, integrity, sovereignty and prestige of the country in the centre point.

I. On implementation of the previous agreements

1. All the agreements, understanding and code of conduct made in past shall be implemented or cause to be implemented.
2. A high-level commission to investigate and publicize the whereabouts of citizens that were alleged to be disappeared by the State and the Maoists in past shall be constituted.
3. The process of returning the houses, land and properties occupied in past shall be accelerated. An environment so that displaced persons would be able to return to their homes shall be ensured. For this purpose, committees in districtswise comprising representatives from both the sides shall be formed. All these works shall be completed within one month.
4. Withdrawal of all accusations and allegations charged by the State and CPN (Maoist) against the political leaders and the cadres and to release all political prisoners from both the sides shall be publicly declared.

II. On the management of Army and Arms

In order to hold the elections of the Constituent Assembly in a peaceful, free and fair environment and for democratization and restructuring of the Nepali Army as per the spirit expressed in 12-points agreement, 8-points understanding, 25-points code of conduct and 5-points letter sent to the United Nations, the following works 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 combatants of the Maoists shall be confined to the temporary cantonments in the following places, and verification and monitoring of them 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 subsidiary camps located around of each of these main camps.
2. All the arms and ammunitions would be securely stored in the camps except those needed for providing security of the camp after the Maoist combatants are sent to the cantonments and they will be put under a single lock and the concerned party would keep the key of this lock. In order to monitor by the United Nations Organization, a device with siren as well as recording facility will be installed. When there is need to examine the stored arms, the United Nations shall do it in the presence of the concerned party. Other details of technical matters including camera for monitoring as per the agreement shall be decided by the agreement among the Government of Nepal, the Maoists and the United Nations.
3. On completion of confinement of the Maoist combatants in the contonments, Nepal Government will take up the responsibility for providing ration and other facilities to them.
4. The Interim Council of Ministers shall form a special committee to carry out monitoring, adjustment and rehabilitation of the Maoist combatants.
5. Security arrangements of the Maoist leaders shall be provided under the agreement with the Government of Nepal.

On the Nepal Army

6. The Nepal Army shall be confined to the barracks as per the commitments of the letter sent to the United Nations. It is guaranteed that its arms shall not be used for or against any side. Arms of the Nepal Army equal to the number of stored arms of Maoists shall be stored in the store, and shall be sealed it with single-lock and the key shall be kept by the concerned party. In course of locking process, in order to monitor it by the United Nations, a device with siren as well as recording

facility will be installed. When there is need to examine the stored arms, it shall be done by the United Nations in the presence of the concerned party. The details of the technical matters including camera for monitoring as per the agreement shall be decided by the agreement among the Government of Nepal, the Maoists and the United Nations.

7. Control, mobilization and management of the Nepal Army shall be done by the Council of Ministers as per the newly enacted Military Act. The Interim Council of Ministers shall prepare and implement the detailed action plan for democratization of the Nepal Army having taken suggestions from the concerned committee of the Interim Legislature. This includes works like determination of the appropriate number of the Nepal Army, its democratic organization and also democratic structure reflecting the national and inclusive character, and to train them by democratic principles and human rights values.
8. The works of the Nepal Army such as border security, security of the conservation areas, national parks (protected areas) banks, airport, powerhouse, telephone tower, central secretariat and security of VIPs performed by it shall be continued.

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 finalized as per the agreements reached today.
- (b) The Interim constitution shall be promulgated by the reinstated House of Representatives which shall consequently be endorsed by the newly constituted Interim Legislature.

2. On Monarchy

- (a) No powers on rule of the country shall be vested upon the King.
- (b) The properties of the late King Birendra, late Queen Aishwarya and their family members shall be brought into under the control of the Government of Nepal and shall be utilized for the benefit of nation through a trust.
- (c) All properties acquired by the King Gyanendra as a King (like palaces located in various places, forests and national parks (conservation areas) heritage having historical and archaeological importance etc.) shall be nationalized.
- (d) Matters whether institution of monarchy shall 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 shall be an unicameral parliament with the following type:
 - (i) There shall be existing 209 members of the seven political parties and others who are members of the House of Representatives and National Assembly (excluding those who were against the people's movement). As the Left Front does not have its representation in the existing parliament, its representation shall be determined on the basis of understanding.
 - (ii) 73 members from and on behalf of the Maoists.
 - (iii) 48 members from among the class organizations and professional bodies, oppressed ethnic communities and regions and also political personalities (to be nominated on the basis of understanding).

Total number: 330

Provided that those who were against the people's movement shall not hold their office in Interim Legislature.

- (b) The reinstated House of Representatives and National Assembly shall be dissolved immediately after the constitution of Interim Legislature.
- (c) The people's government, people's court including all agencies related to the power under the leadership of the CPN (Maoist) shall be dissolved since the day of the constitution of the Interim Legislature.
- (d) Interim Legislature shall be operated on the basis of the political understanding.

4. On the Interim Government

- (a) The Interim Council of Ministers shall be formed on the basis of the understanding.
- (b) Structure and allocation of business of the Interim Council Ministers shall be fixed on the basis of the understanding.
- (c) Operation of the Interim Government shall be consistent to the aspiration of the people's movement, political understanding and culture of joint efforts.

5. On the Judiciary

- (a) The concept, norms and values of the independent of judiciary shall be followed.
- (b) The judiciary shall be made to be committed to the aspiration of the people's movement, democracy and Interim Constitution.
- (c) A Constitutional Court to resolve disputes regarding the Constituent Assembly shall be constituted.

6. On the Constitutional Bodies

- (a) A new Constitutional Council shall be constituted comprising the Prime Minister, Chief Justice and the Speaker of the Interim Legislature and shall be caused through it to recommend appointments at the constitutional bodies. While appointing such appointments it shall be based on specific criteria.
- (b) The appointments in the Election Commission will be completed on the basis of understanding.

7. On the Local Bodies

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

8. On the Citizenship Problem

- (a) Citizenship certificates to all Nepal citizens who are deprived of their citizenship shall be distributed before the election of the Constituent Assembly.
- (b) Distribution of citizenship certificates in simple manner, to all Nepalese citizens, who were born before April 13, 1990 and who are continuously residing in Nepal since then considering that date as the base (cut of) year shall be arranged.
- (c) Other provisions regarding the acquisition of citizenship shall be in accordance with the provisions as provided for in the law.

9. On the election of the Constituent Assembly

- (a) The Interim Government shall be authorize to fix the date to hold the election of the Constituent Assembly by last day of Jestha, 2064 (June 14, 2007).
- (b) The election of the Constituent Assembly shall be held on the basis of mixed electoral system. 205 members will be elected through the First-Past-the-Post system by casting votes to the candidates and 204 members will be elected under the proportional representation system on the basis of votes to be given to the political parties. A law in this regard will be enacted after the consultation with the Election Commission.
- (c) While making a list of the candidates, the political parties shall have to ensure proportional representation of oppressed tribe, region, Madheshi, Women, Dalit and also other groups.
- (d) 16 members will be nominated by the Interim Council of Ministers on the basis of understanding, from among distinguished persons in the national life.
- (e) The total number of members of the Constituent Assembly shall be 425.
- (f) Nepal citizens who have attained 18 years age at the time when the Interim Constitution will be promulgated shall be eligible to be voters.
- (g) Monitoring of the election of the Constituent Assembly shall be caused to be done by the United Nations.

10. Structure of the state

- (a) In order to end class, ethnicity, lingual, gender, cultural, religious and regional discriminations and also to end the centralized and unitary structure of the state it shall be restructured into an inclusive, democratic and progressive state.
- (b) A high level commission will be formed to suggest on the restructuring of the state.
- (c) Final decision regarding the restructuring of the state shall be made by the Constituent Assembly.

11. Directive principles on socio-economic transformation

- (a) A common minimum program for socio-economic transformation to end all forms of feudalism shall be framed on the basis of mutual understanding and it shall gradually be implemented.
- (b) The feudal land ownership shall be eliminated and policies to implement scientific land reform program shall be formulated.
- (c) Policies that will protect and promote national industries and resources shall be adopted.
- (d) A policy to ascertain the rights of all citizens on education, health, housing, employment and food security shall be adopted.
- (e) Policies to provide land and socio-economic security to backward groups including landless, bonded laborers, tillers, Haruwa-charuwa and those who are socio-economically backward.
- (f) A policy to take strict actions against those who have held the office of the profit in government and have earned huge amount of properties through corruption.
- (g) A common development concept that will ensure socio-economic transformation of the country and justice and also to assist in ensuring the country's prosperity in a short period of time.
- (h) Policies to ensure the professional rights of workers and to increase investment for promotion of industries, trade and export and to increase rapidly employment and income generating opportunities shall be followed.

IV. On management of the victims of conflict

1. Provisions will be made for providing proper relief, honor and rehabilitation of the family members of the people who were killed during the conflict and for those who have been disabled by injury in this course.
2. Provision for relief to the victimized family members of those who have been disappeared on the basis of the report presented by the investigation commission shall be made.
3. Special programs to rehabilitate the people who have been displaced in course of the conflict, to provide relief in case of destruction of private and public properties, and to reconstruct the destroyed infrastructures shall be carried out.
4. A high level Truth and Reconciliation Commission shall be formed to conduct investigation about those who have committed serious violation of human rights at the time of the conflict and about those who were involved in crime against humanity during the conflict and to create an environment for social reconciliation.

V. Miscellaneous

1. A high-level joint monitoring committee shall be formed under the understanding to monitor whether all the understanding and agreements have been implemented or not.
2. The Government shall take action against activities that are contrary to the code of conduct, understanding, agreement and laws and shall punish them.
3. At the time of the election of the constituent assembly, the political parties will be free to present their policies regarding republic, socio-economic transformation, referendum, election system and also other issues in which common agreement has not been reached at present.

VI. Time Schedule

1. A comprehensive peace agreement between the Government of Nepal and the CPN (Maoists) shall be concluded by November 16, 2006.
2. The Maoist combatants as referred to in II 1 shall be confined into the camps along with their weapons by November 21, 2006 and arms shall be stored. The United Nations shall verify and monitor them.
3. The Nepal Army as referred to in II 5 shall be confined in barrack by November 21, 2006, the specified arms shall be stored and the United Nations shall conduct its monitoring.
4. The Interim Constitution shall be completed by November 21, 2006.
5. Promulgation of the Interim Constitution, Constitution of the Interim Legislature 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/xxx
(Prachanda)
Chairman, CPN (Maoists)

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

Sd/xxx
(Madhav Kumar Nepal)
General Secretary, CPN (UML)

Sd/xxx
(Sher Bahadur Deuba)
President, Nepali Congress (Democratic)

Sd/xxx
(Amik Sherchan)
Deputy Prime Minister
and
Chairman, People's Front Nepal

Sd/xxx
(Bharat Bimal Yadav)
Vice president, Nepal Sadbhawana Party
(Anandi Devi)

Sd/xxx
(Narayan Man Bijukchhe)
President, Nepal Peasants and Workers Party

Sd/xxx
(C. P. Mainali)
Chairman, Left Front

November 8, 2006

Dissenting Opinion

Having agreed to implement the matters as referred herein above as all other parties have agreed, our party has 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 the referendum along with the election of the Constituent Assembly.
2. The CPN (UML) has also dissenting opinion that it would be the most democratic method to adopt the proportional system for election of the Constituent Assembly.

Sd/xxx
General Secretary
CPN-UML
Nov. 8, 2006, at 1.15 AM (at night)