

UNDERSTANDING BETWEEN SEVEN POLITICAL PARTIES ALLIANCE AND THE CPN (MAOIST)

Respecting people's aspiration for democracy, peace and progress expressed through repeated historic people's movement and struggles since 1951,

Reaffirming commitments to the 12-point and 8-point agreements, and 25-point code of conduct between the seven parties and the Maoists along with other agreements, understandings, code of conducts and letter sent to the United Nations stating similar perspectives by the Maoists and the Nepal government,

Pledging for progressive restructuring of the state by resolving prevailing problems related with class, ethnicity, regional and gender differences,

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

Guaranteeing the fundamental rights of the Nepalese people to cast their votes in the constituent assembly polls without any kind of fear,

By putting democracy, peace, prosperity, progressive social and economic transformation, independence, integrity, sovereignty and prestige of the state in the centre-stage and to implement the commitments made by both the sides to hold the election to constituent assembly by mid June 2007 in a free and fair manner, the following decisions have been taken from the meeting of the top leaders of the seven parties and the Maoists today, November 8, 2006.

I. Relating to the Implementation of the Past Agreements

1. Implement all the agreements, understanding and code of conduct signed earlier - fully, sincerely and strongly
2. Form a high-level commission to investigate and publicise the whereabouts of citizens stated to have been disappeared by the state and the Maoists in the past
3. Accelerate the process of returning the houses, land and properties confiscated in the past. Ensure the environment so that displaced people would be able to return to their villages. For this purpose, committees would be formed in districts comprising representatives from both the sides. Complete all these works within one month.
4. Make public announcement regarding the withdrawal of all accusations and charges leveled by the state at the leaders and the cadres of the CPN (Maoist) and release all political prisoners from both the sides.

II. Relating to Management of Arms and Army

In order to hold the elections to constituent assembly in a peaceful, free and fair environment and for democratisation and restructuring of the Nepali Army as per the feelings expressed in 12-point agreement, 8-point understanding, 25-point code of

conduct and 5-point letter sent to the United Nations, the following works would be carried out:

Relating to Maoist Army

1. As per the commitments expressed in the letter sent to the United Nations by the Nepal government and the Maoists on August 9, the combatants of the Maoists would be sent to following cantonments. The United Nations would do the necessary verification and monitoring of them.

Main Camps would be in the Following Places:

1. Kailali, 2. Surkhet, 3. Rolpa, 4. Palpa, 5. Kavre, 6. Sindhuli 7. Ilam. There would be three smaller camps located in the periphery of each of these main camps

1. 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. They will be put under a single lock system and the concerned side would keep the key of this lock. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technology including camera for monitoring as per the agreement among the Nepal government, the Maoists and the United Nations.
2. On completion of cantonment of the Maoist combatants, Nepal government would take up the responsibility for providing ration and other facilities to them
3. The interim cabinet would form a special committee to carry out monitoring, integration and rehabilitation of the Maoist combatants
4. Make arrangement for the security of the Maoist leaders as per the agreement with the Nepal government

Relating to Nepali Army

1. The Nepali Army would be confined to the barracks as per the commitments of the letter sent to the United Nations. Guarantee that its arms would not be used for or against any side. Keep similar quantity of arms of the Nepali Army in the store, seal it with single-lock system and give the key to the concerned side. For the UN to monitor it, a device with siren as well as recording facility will be installed. When there is need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technology including camera for monitoring as per the agreement among the Nepal government, the Maoists and the United Nations..
2. The cabinet would control, mobilize and manage the Nepali Army as per the new Military Act. The interim cabinet would prepare and implement the detailed action plan of democratisation of the Nepali Army by taking suggestions from the concerned committee of the interim parliament. This includes works like determination of the right number of the Nepali Army,

prepare the democratic structure reflecting the national and inclusive character, and train them on democratic principles and human rights values

3. Continue the works of the Nepali Army such as border security, security of the conservation areas, protected areas, banks, airport, power house, telephone tower, central secretariat and security of VIPs.

III. Relating to the subjects of the Interim Constitution

1. Relating to Interim Constitution

1. Finalise the interim constitution presented by the interim constitution drafting committee as per the agreements reached today
2. The reinstated House of Representatives would promulgate the interim constitution and the newly formed interim legislature would endorse it.

2. Relating to the Monarchy

1. No rights on state administration would remain with the King
2. Bring the properties of the late King Birendra, late Queen Aishwarya and their family members under the control of the Nepal government and use it for the welfare purposes through a trust.
3. All properties acquired by King Gyanendra by the virtue of him being the King (like palaces of various places, forests and conservation areas, heritage having historical and archaeological importance) would be nationalized.
4. Determine the fate of the institution of monarchy by the first meeting of the Constituent Assembly through simple majority vote.

3. Relating to Interim Legislature (parliament)

1. The interim legislature would be unicameral of the following type:

1. There would be 209 members of the seven parties and others who are members of the present lower and upper house (excluding those who opposed the people's movement). Since the Left Front does not have its representation in the current parliament, its representation in the interim parliament would be determined based on understanding.
- ii. 73 members from the side of the Maoists
- iii. 48 members from among the sister organisations and professional bodies, oppressed ethnic communities and regions and political personalities (to be nominated based on understanding)

(total number: 330)

But those who stood against the people's movement would not be given membership in the interim parliament.

1. The reinstated House of Representatives and National Assembly would be dissolved once the formation of the interim parliament is complete.
2. The people's government, people's court run by the CPN (Maoist) would be dissolved on the day of the formation of the interim parliament.
3. Run the interim parliament as per the political understanding

4. Relating to Interim Government

1. Form the interim cabinet as per the understanding
2. Determine the work division and structure of the interim parliament as per understanding
3. The interim government would work as per the aspiration of the people's movement, political understanding and culture of cooperation

5. Relating to Judiciary

1. Follow the norms and values and concept of the independent judiciary
2. Make the judiciary committed to the aspiration of the people's movement, democracy and interim constitution
3. Institute a constitutional court to finalise disputes regarding the constituent assembly

6. Relating to Constitutional Bodies

1. A new constitutional council will be formed that will include the Prime Minister, Chief Justice and the Speaker of the interim parliament, which will recommend appointments at the constitutional bodies. Such appointments will be based on specific criteria.
2. The appointments in the Election Commission will be completed on the basis of understanding.

7. Relating to Local Bodies

1. Interim local bodies will be formed in district, city and village level on the basis of agreement between the seven political parties and the Maoists.

8. Relating to Citizenship Problem

1. Distribute citizenship to all Nepalis who have been deprived of their citizenship certificate before the election of the constituent assembly
2. Considering mid-April 1990 as the base (cut off) year, all Nepalese citizens who were born before that date and have been continuously living in Nepal since then will be provided with citizenship certificate.
3. Other provisions regarding citizenship will be according to the provisions mentioned in the law.

9. Regarding the Election of the Constituent Assembly

1. The interim cabinet will be given the authority to ascertain the date to hold the election of the constituent assembly by mid-June 2007.
2. The election of the constituent assembly will be based on mixed electoral system. 205 members will be elected through First-Past-The-Post system. 204 members will be elected as per the proportional representation system on the basis of votes won by the political parties. A law in this regard will be made after consultation with the Election Commission.
3. While appointing the candidates, the political parties should ensure proportional representation of oppressed groups, region, Madheshi, Women, Dalit and other groups.
4. 16 members will be nominated by the interim Council of Ministers from among distinguished persons.
5. The total number of members of the constitutional assembly will be 425.
6. Nepalese who are 18 years or above at the time when the interim constitution is promulgated will be eligible to vote.
7. Monitoring of the election of the constituent assembly will be done by the United Nations.

10. Structure of the State

1. To end discriminations based on class, ethnicity, lingual, gender, cultural, religion and region and to deconstruct the centralised and unitary structure of the state and to reconstruct it into an inclusive, democratic and forward looking state.
2. A high level commission will be formed to suggest on the restructuring of the state.
3. Final decision regarding the restructuring of the state will be made by the constituent assembly.

11. Directive Principles of Socio- Economic Transformation

1. To end all forms of feudalism, a common minimum program will be prepared for socio-economic transformation on the basis of mutual agreement and they will be implemented.
2. Formulate policies to implement scientific land reform program by doing away with the feudal land ownership.
3. To adopt policies that will protect and promote national industries and resources.
4. To ascertain the rights of the citizens on sectors like education, health, shelter, employment and food security.

5. Policies will be adopted to provide land and socio-economic security to backward groups like landless, bonded labourers, tillers, Haruwa-charuwa and other such groups, which are socio-economically backward.
6. To adopt policies to take strict actions against the people who have worked in government positions and have amassed huge amount of properties through corruption.
7. Prepare a common development concept that will help in socio-economic transformation of the country and will also assist in ensuring the country's prosperity in a short period of time.
8. Follow policies ascertaining the professional rights of workers and increase investment on sectors like promoting industries, trade and export and increase employment and income generating opportunities.

IV. Relating to the Management of the Conflict Victims

1. Provisions will be made for providing proper relief, respect and resettlement for the family members of the people who have died due to the conflict and for the ones who have been disabled.
2. Provide relief to the family members of the people who have been disappeared on the basis of the report presented by the investigation commission.
3. Carry out special programs to rehabilitate the people who have been displaced due to the conflict; to provide relief in case of destruction of private and public properties; and to reconstruct the destroyed infrastructures.
4. Conduct investigation about those who were involved in gross violation of human rights at the time of the conflict and those who committed crime against humanity. Form a high level Truth and Reconciliation Commission to create an environment for social reconciliation.

V. Miscellaneous

1. A high-level committee will be formed as per understanding to monitor if the agreement have been implemented.
2. The government will take action against anyone involved in acting against the code of conduct, agreement and laws.
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 other such issues in which an agreement has not been reached now.

VI. Time Schedule

1. To conclude comprehensive peace agreement between Nepal government and the CPN (Maoists) by November 16, 2006

2. That all the Maoist combatants would gather into the camps by November 21, 2006 as stated in 2(1) and store the arms. The United Nations would do their verification and monitoring.
3. As stated in 2(5), the Nepali Army would remain confined in barrack by November 21, 2006, keep the specified number of arms in the store and the United Nations would conduct its monitoring.
4. To complete the interim constitution by November 21, 2006
5. To promulgate the interim constitution by November 26, 2006 , establish the interim legislature and dissolve the House of Representatives and National Assembly
6. Form the interim cabinet by December 1, 2006

Signatories:

Prachanda

Chairman, CPN (Maoists)

Girija Prasad Koirala

Prime minister and president of the Nepali Congress

Madhav Kumar Nepal

General secretary of CPN (UML)

Sher Bahadur Deuba

President of Nepali Congress Democratic

Amik Sherchan

Deputy prime minister and chairman of People's Front Nepal

Bharat Bimal Yadav

Vice president of NSP (Anandi Devi)

Narayan Man Bijukchhe

President of NWPP

C. P. Mainali

Chairman of Left Front

November 8, 2006

Note of dissent by the UML

Agreeing for the implementation of the subjects stated above as all other parties have agreement on those, our party has following differences:

1. The UML believes that the issue of whether to keep the monarchy or not should be determined through the referendum along with the election to constituent assembly
2. The UML believes that it would be most democratic to adopt the proportional system for election to the constituent assembly.

(An unofficial translation)