

Unofficial Translation of the Decisions of the Summit Meeting of the Seven-Party Alliance and the Communist Party of Nepal (Maoist)

(November 8, 2006)

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 full commitments to the 12-point understanding and the 8-point agreement concluded between the Seven Political Parties and the Maoists and the 25-point code of conduct along with all other agreements, understandings, codes of conduct concluded between the Government of Nepal and CPN-Maoists and the 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 with 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 rule of law;

Guaranteeing the fundamental rights of the Nepalese people to cast their votes in the Constituent Assembly polls without any kind of fear;

Keeping democracy, peace, prosperity, forward-looking socio-economic transformation of the state as well as the independence, integrity, sovereignty and dignity of the country at the centre, the summit meeting of the Seven Parties and the Maoists today, November 8, 2006 has taken the following decisions in order to implement the commitments made by the two sides to hold the election to the Constituent Assembly by June 15, 2007 in a free and fair manner.

I. Relating to the implementation of the past agreements

1. All the agreements, understandings and codes of conduct signed in the past shall be implemented in full with sincerity and strictness.
2. A high-level commission shall be constituted to investigate and make public the whereabouts of citizens reported to have been disappeared by the state and the Maoists in the past.
3. The process of returning the seized property shall be accelerated. Environment shall be ensured for the safe return of the displaced people to their respective homes. Committees comprising representatives of both the sides shall be formed in districts for the purpose. These tasks shall be completed within a month.
4. The State and the CPN (Maoist) shall publicly announce the withdrawal of all accusations and charges against the political leaders and workers and both the sides shall free the political prisoners immediately.

II. Relating to the management of arms and the armies

The following shall be done in order for holding the election to the Constituent Assembly in a peaceful, fair and fearless environment and for the democratisation and restructuring of the Nepali Army in line with the spirit of the 12-point understanding, 8-point agreement, 25-point code of conduct and the 5-point letters sent to the United Nations:

Relating to the Maoist army

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 camps.

2. All the arms and ammunitions shall be securely stored within the camps except those needed for providing security to the camp 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.
3. Once the Maoist combatants are confined to the cantonments, the Government of Nepal shall take care of their ration as well as any other arrangements necessary.
4. The Interim Cabinet shall constitute a Special Committee to carry out monitoring, adjustment and rehabilitation of the Maoist combatants.
5. Security arrangements for the Maoist leaders shall be made with the consent of the Government of Nepal.

Relating to the Nepali Army

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 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 Government of Nepal and the CPN (Maoist).
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.

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.

III. Relating to the essence of the interim constitution

1. Relating to 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 reinstated House of Representatives shall promulgate the Interim Constitution and the newly formed Interim Legislature shall endorse it.

2. Relating to monarchy

- a. No state power shall remain with the King.
- b. 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.
- c. 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.
- d. 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. Relating to the Interim Legislature/Parliament

- a. The Interim Legislature shall be unicameral as follows:
 - i. 209 elected members of the seven political parties and other parties who are currently members of the House of Representatives and the National Assembly (excluding those opposed to the people's movement). Since the United Left Front does not have its representation in the current parliament, members of that party shall be nominated on the basis of consensus.
 - ii. 73 members from the CPN (Maoist).
 - iii. 48 members from among the class and professional organizations, representatives of the disadvantaged communities and regions and political personalities (to be nominated on the basis of understanding).

Total number: 330

But those who stood against the people's movement shall not remain in the Interim Legislature.

- b. Once the Interim Legislature is formed, the reinstated House of Representatives and the National Assembly shall be dissolved.

- c. All governmental structures existing in the leadership of the CPN (Maoist) including the people's government and the people's courts shall be dissolved on the day of the formation of the Interim Legislature.
- d. The Interim Legislature shall run on the basis of political understanding.

4. Relating to the interim government

- a. The Interim Council of Ministers shall be formed on the basis of consensus.
- b. The structure and portfolio division of the Interim Council of Ministers shall be determined on the basis of mutual understanding.
- c. The Interim Government shall run in accordance with the spirit of the joint people's movement, political understanding and the culture of cooperation.

5. Relating to the judiciary

- a. The concept and the norms and values of independent judiciary shall be followed.
- b. The judiciary shall be made committed to the spirit of the people's movement, democracy and the Interim Constitution.
- c. A Constitutional Court shall be formed to settle disputes relating to the Constituent Assembly.

6. Relating to the constitutional bodies

- a. A new Constitutional Council with the membership of the Prime Minister, the Chief Justice and the Speaker of the Interim Legislature shall be formed which shall, among other things, recommend names for appointment to the constitutional bodies. Such appointments shall be based on specified criteria.
- b. The Election Commission shall be made complete on the basis of understanding.

7. Relating to the local bodies

- a. Interim local bodies shall be formed at the district, town and village levels on the basis of understanding among the seven political parties and the CPN (Maoist).

8. Relating to the issue of citizenship

- a. Citizenship certificates shall be distributed to all the Nepalese citizens hitherto deprived of it before the election to the Constituent Assembly.
- b. Taking mid-April 1990 as the cut off date, simplified arrangements shall be made for the distribution of citizenship certificates to all Nepalese citizens who were born before that date and have been continuously living in Nepal since then.
- c. Other provisions relating to the acquisition of citizenship shall be in accordance with the legal provisions.

9. Relating to the election to the constituent assembly

- a. The Interim Council of Ministers shall be empowered to ascertain the date to hold the election to the Constituent Assembly by June 15, 2007.
- b. The election to the Constituent Assembly shall be based on mixed electoral system; 205 members shall be elected through first-past-the-post system and 204 members shall be elected on the basis of proportional representation system in which votes shall be cast for the political parties rather than individual candidates. Necessary laws in this regard shall be made in consultation with the Election Commission.
- c. While deciding the list of candidates, the political parties shall ensure proportional representation of disadvantaged communities and regions, Madheshis (the Terai communities), women, low-caste groups and other communities.
- d. The Interim Council of Ministers shall nominate 16 members from among distinguished persons in different walks of the national life on the basis of mutual understanding.
- e. The total number of members of the Constituent Assembly shall be 425.
- f. Nepalese citizens aged 18 or above on the date of promulgation of the Interim Constitution shall be eligible to vote.
- g. The United Nations shall be entrusted to monitor the election to the Constituent Assembly.

10. Relating to the structure of the state

- a. In order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to deconstruct the current centralised and unitary structure, the state shall be restructured in an inclusive, democratic and forward looking manner.
- b. A high-level Commission shall be formed to suggest on the restructuring of the state.
- c. State restructuring shall be finalized by the Constituent Assembly.

11. Directive principles relating to the socio-economic transformation

- a. 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.
- b. Policies shall be formulated to implement a scientific land reform program by doing away with the feudal land ownership practice.
- c. Policies to protect and promote national industries and resources shall be followed.
- d. Policies shall be undertaken to establish the rights of all the citizens to education, health, shelter, employment and food security.
- e. Policies shall be adopted 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.
- f. Policies shall be adopted to take strict actions against those who, occupying governmental positions of benefit, have amassed huge properties through corruption.
- g. 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.

- h. 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.

IV. Relating to the management of the victims of conflict

1. Provisions shall be made for providing appropriate relief, recognition and resettlement for the family members of those killed in the course of the conflict and for those injured and rendered handicapped and disabled.
2. Relief shall be provided to the family members of those who have been disappeared as determined by an inquiry commission appointed for the purpose.
3. Special programs shall be carried out for the rehabilitation of people displaced during the course of the armed conflict; for relief in case of private and public properties destroyed and for the reconstruction of the damaged infrastructure.
4. A high-level Truth and Reconciliation Commission shall be constituted on the basis of consensus for establishing the facts on those involved in gross violation of human rights and those who committed crimes against humanity in the course of the armed conflict and for creating an environment of reconciliation in the society.

V. Miscellaneous

1. A High-Level Joint Monitoring Committee shall be formed on the basis of consensus to monitor whether all the understandings and agreements made so far are being implemented.
2. The Government shall take action against anyone involved in activities against the Code of Conduct, Understandings, Agreements, Accords and the prevailing laws.
3. At the time of the election to the Constituent Assembly, the political parties shall be free to present themselves in accordance with their policies and beliefs on issues hitherto lacking consensus including republic, socio-economic transformation, referendum, election system and other such issues.

VI. Time Schedules

1. Comprehensive Peace Agreement between the Government of Nepal and the CPN (Maoist) shall be concluded by November 16, 2006.
2. The combatants of the Maoist army shall assemble and the arms and ammunitions shall be stored in the designated cantonments by November 21, 2006 as per 2(1) above. The United Nations shall verify and monitor them.
3. The Nepali Army shall remain confined to the barracks and the arms and ammunitions in agreed quantities shall be stored as per II(6) above by November 21, 2006 and the United Nations shall monitor them.
4. The Interim Constitution shall be finalized by November 21, 2006.
5. The Interim Constitution shall be promulgated, the Interim Legislature shall be formed and the House of Representatives and the National Assembly shall be dissolved by November 26, 2006.
6. The Interim Council of Ministers shall be constituted by December 1, 2006.

Signatories:

Prachanda

Chairman, CPN (Maoist)

Girija Prasad Koirala

Prime Minister and President, Nepali Congress

Madhav Kumar Nepal

Secretary General, CPN (UML)

Sher Bahadur Deuba

President, Nepali Congress (Democratic)

Amik Sherchan

Deputy Prime Minister and Chairman, People's Front Nepal

Bharat Bimal Yadav

Vice President, NSP (Anandi Devi)

Narayan Man Bijukchhe

President, NWPP

C. P. Mainali

Chairman, United Left Front

November 8, 2006

Note of dissent of the CPN (UML)

While agreeing to the implementation of the above as agreed by all other parties, our party records the following dissenting views:

1. The CPN (UML) holds a dissenting view that the issue of whether or not to retain the institution of monarchy should be decided by a referendum held simultaneously with the election to the Constituent Assembly.
2. The CPN (UML) holds a dissenting view that the most democratic method to elect the Constituent Assembly is the proportional system of election.

(Signed)

Madhav Kumar Nepal

Secretary General, CPN (UML)