

<b>Country/entity</b>	Nepal
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Terms of Reference and Power of the National Monitoring Committee on Code of Conduct for Ceasefire
<b>Date</b>	26 Jun 2006
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict

### **Nepalese Insurgency (1996 - 2006)**

Inspired by the Maoist insurgency in Peru in the early 1990s, the Communist Party of Nepal (Maoist) – CPN(M) – declared war on the Nepalese government in February 1996. A key demand was the transformation of Nepal from a monarchy into a ‘People’s Republic’. Following a pronounced Maoist military strategy, the CPN(M) focused their insurgency on the rural areas. They gained significantly in strength and it took heavy international military support to stabilize the Nepalese government in 2002. After public protests escalated in Kathmandu in 2004, the Nepalese King Gyanendra took authoritarian control over the government. In the cities, a strong popular movement for democracy emerged, forcing the government into fast progressing peace negotiations in 2006 that concluded with the signing of a Comprehensive Peace Accord on 21 November 2006.

Close  
Nepalese Insurgency (1996 - 2006)

<b>Stage</b>	Ceasefire/related
<b>Conflict nature</b>	Government
<b>Peace process</b>	Nepal peace process
<b>Parties</b>	On behalf of CPN (Maoists): Coordinator: Krishna Bahadur Mahara; On behalf of Government of Nepal: Coordinator: Krishna Prasad Sitaula
<b>Third parties</b>	-
<b>Description</b>	Agreement outlining the terms of reference for the National Monitoring Committee on the Code of Conduct for Ceasefire established under a previous agreement on 15/06/2006.

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**Agreement document** [NP\\_060626\\_Terms of Reference for NMCC.pdf \(opens in new tab\)](#) | [Download PDF](#)

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## **Groups**

**Children/youth** No specific mention.

**Disabled persons** No specific mention.

**Elderly/age** No specific mention.

**Migrant workers** No specific mention.

**Racial/ethnic/  
national group** No specific mention.

**Religious groups** No specific mention.

**Indigenous people** No specific mention.

**Other groups** No specific mention.

**Refugees/displaced  
persons** No specific mention.

**Social class** No specific mention.

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## **Gender**

**Women, girls and  
gender** No specific mention.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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## **State definition**

**Nature of state  
(general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/  
secession** No specific mention.

**Accession/  
unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border  
provision** No specific mention.

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## **Governance**

**Political  
institutions (new or  
reformed)** No specific mention.

**Elections** No specific mention.

**Electoral  
commission** No specific mention.

**Political parties  
reform** No specific mention.

**Civil society** Page 2, 12: To take help from all concerned sides including the local bodies of all political parties, human right activists and civil society in the work of monitoring.

**Traditional/  
religious leaders** No specific mention.

**Public  
administration** No specific mention.

**Constitution** No specific mention.

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## **Power sharing**

**Political power sharing** No specific mention.

**Territorial power sharing** No specific mention.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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## **Human rights and equality**

**Human rights/RoL general** Page 1, 1: To investigate and monitor whether the issues referred to in the 25 points Code of Conduct prepared under the agreement reached between the Government negotiating team and Maoists Negotiating Team on 26 May 2006 are implemented or not as per the international norms, and recommend the suggestions and ask both the parties to implement them.

Page 2, 12: To take help from all concerned sides including the local bodies of all political parties, human right activists and civil society in the work of monitoring.

**Bill of rights/similar** No specific mention.

**Treaty incorporation** No specific mention.

**Civil and political rights** No specific mention.

**Socio-economic rights** No specific mention.

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## **Rights related issues**

**Citizenship** No specific mention.

**Democracy** No specific mention.

**Detention procedures** No specific mention.

**Media and communication** Rights related issues→Media and communication→Media roles  
Page 1, 7: To present a report about resolution or suggestion on the basis of investigation, inquiry and agreement to the joint committee having the representatives of the Government of Nepal and the CPN (Maoists). To submit the recommendation and the report of the monitoring committee to the coordinators of both the negotiating teams through the coordinator of the committee until such a joint committee is formed. To publicize the periodic and other reports about the monitoring through the media as per the need.

**Mobility/access** Page 1, 5: While conducting investigation and inquiry to move without any obstruction to and from any spot or place where the incident has taken place, to conduct field inspection of the respective spot, to make an inquiry and collect the evidence. For this purpose, both the parties shall ensure the security to the monitoring team.

**Protection measures** No specific mention.

**Other** No specific mention.

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## **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** Rights institutions→Regional or international human rights institutions→Monitoring calls  
Page 2, 13: To take assistance of the UN Office of High Commissioner for Human Rights in Nepal in monitoring the human right related issues.

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## **Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

**Judiciary and courts** No specific mention.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

## **Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

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## **Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment** No specific mention.

**Water or riparian rights or access** No specific mention.

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**Security sector**

**Security  
Guarantees**

No specific mention.



## Ceasefire

Security sector→Ceasefire→Ceasefire provision

Ceasefire commenced on 26 May 2006 under a different agreement and is presumed to be permanent. The whole agreement relates to the monitoring of the ceasefire by the National Monitoring Committee:

Page 1-2, Terms of Reference and Power of the National Monitoring Committee on Code of Conduct for Ceasefire

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

1. To investigate and monitor whether the issues referred to in the 25 points Code of Conduct prepared under the agreement reached between the Government negotiating team and Maoists Negotiating Team on 26 May 2006 are implemented or not as per the international norms, and recommend the suggestions and ask both the parties to implement them.
2. To monitor any kind of expression and activities made from anywhere that may cause adverse impact to the peace process, and recommend the suggestions and cause them to be implemented.
3. While monitoring according to the point No. 1 and 2, to make the basis to the spirit of the 12 points understanding between the Seven Political parties and the CPN (Maoists) reached on 22 November 2005 and the 8 Points agreement between the Government of Nepal and the CPN (Maoists) reached on 16 June 2006, and also to the agreements that may be reached in future.
4. To investigate and inquire immediately and try to resolve the problem through the mutual agreement if the code of conduct is found to be violated from any side or any notice or information is received through any source in the course of monitoring the ceasefire and its code of conduct.
5. While conducting investigation and inquiry to move without any obstruction to and from any spot or place where the incident has taken place, to conduct field inspection of the respective spot, to make an inquiry and collect the evidence. For this purpose, both the parties shall ensure the security to the monitoring team.
6. The negotiating team of the Government of Nepal and the CPN (Maoists) negotiating team shall form a joint committee to discuss over and to cause to be implemented the report of the National Monitoring Committee.
7. To present a report about resolution or suggestion on the basis of investigation, inquiry and agreement to the joint committee having the representatives of the Government of Nepal and the CPN (Maoists). To submit the recommendation and the report of the monitoring committee to the coordinators of both the negotiating teams through the coordinator of the committee until such a joint committee is formed. To publicize the periodic and other reports about the monitoring through the media as per the need.
8. The members in the committee that would be formed to receive and implement the report of the monitoring committee shall be as determined by the agreement between both the parties. The joint committee may discuss over and reach in agreement on the issue of implementation of the reports received from the National Monitoring Committee. Both the parties in the joint committee shall cause negotiation to be implemented the suggestions from their respective sides.
9. The National Monitoring Committee may form the sub-committees and local monitoring teams as per necessity.
10. The National Monitoring Committee - It may determine its own working procedure. The working procedure shall be approved by both the negotiating teams.
11. The Government of Nepal shall provide the necessary office, administrative, economic and other means and resources to the National Monitoring Committee

<b>Police</b>	No specific mention.
<b>Armed forces</b>	No specific mention.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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## **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

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**Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

**International mission/force/similar** No specific mention.

**Enforcement mechanism** Page 1, 6: The negotiating team of the Government of Nepal and the CPN (Maoists) negotiating team shall form a joint committee to discuss over and to cause to be implemented the report of the National Monitoring Committee.

Page 1, 8: The members in the committee that would be formed to receive and implement the report of the monitoring committee shall be as determined by the agreement between both the parties. The joint committee may discuss over and reach in agreement on the issue of implementation of the reports received from the National Monitoring Committee. Both the parties in the joint committee shall cause negotiation to be implemented the suggestions from their respective sides.

Page 2, 17: The alteration and amendments in the terms of reference and power of the committee shall be made as per necessity by the agreement of both the parties.

**Related cases** No specific mention.

**Source** Government of Nepal Peace Secretariat: [http://www.ncf.org.np/upload/files/775\\_en\\_cover%20and%20con.pdf](http://www.ncf.org.np/upload/files/775_en_cover%20and%20con.pdf)