

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

Stage	Ceasefire/related
Conflict nature	Government
Peace process	Nepal peace process
Parties	On behalf of CPN (Maoists): Coordinator: Krishna Bahadur Mahara; On behalf of Government of Nepal: Coordinator: Krishna Prasad Sitaula
Third parties	-
Description	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.

Agreement document [NP_060626_Terms of Reference for NMCC.pdf \(opens in new tab\)](#) | [Download PDF](#)

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.

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

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.

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.

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.

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.

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.

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.

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.

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.

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

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

Transitional justice

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

Reparations No specific mention.

Reconciliation No specific mention.

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.
