

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.

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.
13. To take assistance of the UN Office of High Commissioner for Human Rights in Nepal in monitoring the human right related issues.
14. The National Monitoring Committee shall remain in office till the date of the introduction of the constitution that would be made after the election of the Constitution Assembly.
15. The Central Office of the National Monitoring Committee shall be in Kathmandu and other offices as per necessary may be established within Nepal.
16. The activities performed by the National Monitoring Committee shall be kept secured in the form of record.
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.

On behalf of CPN (Maoists)

Coordinator:

Krishna Bahadur Mahara

Signature: Sd.

26 June 2006

On behalf of Government of Nepal

Coordinator:

Krishna Prasad Sitaula

Signature: Sd.

26 June 2006