

**Agreement
on Monitoring of the Management of Arms and Armies
28 November 2006**

Preamble

In keeping with the letters to the United Nations (UN) Secretary-General of 9 August and the Comprehensive Peace Accord of 21 November 2006;

Guaranteeing the fundamental right of the Nepali people to take part in the constituent assembly elections in a free and fair environment without fear;

Declaring the beginning of a new chapter of peaceful democratic interaction by ending the armed conflict taking place in the country since 1996, based on the Comprehensive Peace Accord between the two parties in order to accomplish, through the constituent assembly, certainty of sovereignty of the Nepali people, progressive political outlet, democratic restructuring of the state, and social-economic-cultural transformation; and,

Affirming the will to fully observe the terms of this bilateral agreement witnessed by the United Nations:

The parties agree to seek UN assistance in monitoring the management of the arms and armies of both sides by the deployment of qualified UN civilian personnel to monitor, according to international norms, the confinement of Maoist army combatants and their weapons within designated cantonment areas and monitor the Nepal Army (NA) to ensure that it remains in its barracks and its weapons are not used against any side.

1 Modalities of the Agreement

1.1 Principles

Neither of the parties shall engage in movement or redeployment of forces resulting in tactical or strategic advantage.

Any claims or reports of violations of this agreement will be reported to UN monitors, substantiated or not substantiated, and subsequently reported to the parties through the appropriate representative of the UN Mission in Nepal.

The security forces deployed by the interim government shall have authority to conduct routine patrol, explore in order to prevent illegal trafficking of the weapons, explosives or raw materials used in assembling weapons at the international border or custom points and seize them.

Both parties agree to allow the United Nations, international donor agencies and diplomatic missions based in Nepal, national and international non-governmental organizations, press, human rights activists, election observers and foreign tourists to travel unrestricted according to law in the state of Nepal. The parties will respect the security, freedom of movement and well-being of UN Mission and associated staff, goods and services in all parts of Nepal.

The parties shall immediately take all necessary measures to cooperate with efforts aimed at controlling illicit trafficking of arms and the infiltration of armed groups.

Both parties fully agree to not include or use children who are 18 years old and under in the armed forces. Children thus affected would be immediately rescued and necessary and appropriate assistance will be provided for their rehabilitation.

1.2 Definitions

The following definitions are accepted:

- (1) *Cantonment (Maoist army)* is a temporarily designated and clearly defined geographical area for encampment and provision of services for the Maoist combatant units including weapons, ammunition and equipment. The cantonments are provided for all echelons of the Maoist army.
- (2) *Barracking (NA)* is the deployment of Nepal Army units to barracks, including weapons, ammunition and equipment. No units below a company level will be independently deployed unless for activities specified elsewhere in this agreement or otherwise mutually agreed by the parties.
- (3) *Secure arms storage areas* are either military barracks with regular armoury stores used for storage of weapons, munitions and explosives, or storage containers established in special perimeters at cantonment sites controlled and guarded by the responsible unit.
- (4) "*The parties*" refers to the party of Government of Nepal (including the Nepal Army) and the party of the Communist Party of Nepal (Maoist), (including the Maoist Army.)
- (5) *UN Monitoring* refers to all efforts by the United Nations to determine relative compliance with the terms spelled out in this agreement and to report to all the parties and others concerned its findings.
- (6) *The Joint Monitoring Coordination Committee (JMCC)* is the monitoring, reporting and coordinating body chaired by the UN with membership of the parties. The JMCC is responsible for supervising compliance by the parties to this agreement.
- (7) *Joint Monitoring Teams (JMTs)* are the bodies which will assist in monitoring the cessation of hostilities. The Joint Monitoring Teams will be active at the regional and local level and in mobile teams. Each team will be comprised of one UN monitor serving as team leader, one monitor from Nepal Army and one monitor from the Maoist Army. Joint Monitoring Teams will not be used for weapons storage inspections. Inspections at Maoist army cantonments will take place with a UN monitoring team and a representative of the Maoist army. Inspections at Nepal Army barracks will take place with a UN monitoring team and a Nepal Army representative.
- (8) *Maoist army combatants*: For purposes of this agreement this will include regular active duty members of the Maoist army who joined service before 25 May 2006, who are not minors and who are able to demonstrate their service, including by CPN(M) identity card and other means agreed by the parties.

1.3 Promotion

The parties shall promote awareness of this agreement, and adherence to its provisions, among their commanders, members and affiliated groups.

The parties, Government of Nepal, Nepal Army (NA), CPN(M) and the Maoist army, shall design, in cooperation with the UN Mission, an awareness programme to ensure that local communities and the parties' commanders, members and affiliated groups understand the mandate of the UN Mission and all of the obligations of the parties spelled out in this agreement. The information programmes shall include the use of meetings and print and electronic media in local languages.

1.4 Phases

This agreement shall come into force upon signing. These phases shall occur in the following sequence:

- (1) Reporting and verification;

- (2) Redeployment and concentration of forces;
- (3) Maoist army cantonment, NA barracking and arms control; and,
- (4) Full compliance with the agreement.

A full and practical timeline will be established by the parties for all of these activities to take place in consultation with the UN.

2 Reporting and verification

The parties will report detailed information about their troops and this information will be treated with appropriate confidentiality by the United Nations. The parties will provide maps and sketches showing current dispositions, including:

- (1) Order of battle/military structure, organisation, deployment and number of troops;
- (2) Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and exact location of such items;
- (3) All necessary information about roads, tracks, trails and passages related to encampments;
- (4) Information regarding armed or unarmed groups working along with the parties, the Nepal Army (NA) and the Maoist army, including their responsibilities; and,
- (5) Other information required by the UN for proper monitoring of the disposition of arms and armies.

The UN Mission shall check this information immediately after monitors are deployed.

3 Redeployment and concentration of forces

Comprehensive plans, timelines and routes for the redeployment and concentration of forces will be provided by both the NA and Maoist army to the UN Mission.

The redeployment and concentration of all combatants in Nepal -- with the NA in barracks and the Maoist army moving in to cantonment sites -- shall be carried out in consultation with the UN. The redeployment and cantonment of forces will be monitored by the UN monitors after they are deployed.

Both sides express an understanding to create a record of government, public and private buildings, land and other properties and return them immediately.

The parties will withdraw all military and paramilitary checkpoints (unless explicitly permitted in this agreement) to promote and guarantee free movement and create an environment free of fear and intimidation.

The Nepal Police and Armed Police Force shall continue the task of maintaining law and order and conduct criminal investigations as per the spirit and sentiment of the *Jana Andolan* and peace accord as well as the prevailing law. Both parties agree not to operate parallel or other forms of mechanism in any areas of the state or state machinery as per the spirit of the decisions of November 8, 2006 and the essence of the peace accord. All sides agree to let employees of Nepal Government and public agencies travel freely to any part of the country, to fulfill their duties and not to create any obstacle or obstruction while executing their work or not to let obstructions to arise and to facilitate their work.

4 Maoist Army cantonment, barracking of the NA and arms control

4.1 Maoist army cantonment

In accordance with the commitment expressed in the letter sent to the United Nations, Maoist army combatants and their weapons shall be confined within designated cantonment areas. The cantonment shall be based on comprehensive planning and preparation before implementation. After the Maoist army combatants stay in the temporary cantonments, the Government of Nepal will provide food supplies and other necessary arrangements. When implemented, the comprehensive concept shall ensure good communications and proper logistics. UN monitors will have access to any and all cantonment sites for purposes of monitoring.

4.1.1 Commanders' responsibilities

The normal Maoist army chain of command, control, communication and information will be utilised to control the Maoist army cantonment, using the normal Maoist army structure in administration of the sites.

There will be seven main cantonment sites and 21 satellite cantonment sites of three per main cantonment site. The satellite sites will be clustered no more than two hours driving distance from the main sites unless otherwise agreed by the parties.

The designated seven main sites will be under command, control, communication and information of the Maoist army site commander and the satellite sites by the designated satellite commanders. The site commanders shall provide the following information in detail for each site to the UN Mission:

- (1) Command structure for the unit and sub-units plotted on a map;
- (2) Names of commanders down to company level;
- (3) Communication system;
- (4) Complete list of personnel;
- (5) Complete list of weapons, i.e. types, numbers, serial number and calibre under storage at the main cantonment sites;
- (6) Ammunition inventory type, lot number and amount; and,
- (7) List of names for the site security guards detachment, and complete list of weapons and ammunition for the detachment (main and satellite cantonment levels).

Site commanders' responsibilities include:

- (1) Camp security, including access control to the site;
- (2) Respect of the security, freedom of movement and well-being of UN and associated staff, goods and services;
- (3) Providing information in cooperation with the UN Mission;
- (4) Maintenance of discipline, morale and normal training in the spirit of the Comprehensive Peace Accord, excluding live fire exercises;

- (5) Daily routines and control of troops; and,
- (6) Logistics and camp services (in cooperation with the Government of Nepal and other assisting agencies).

4.1.2 Weapons storage and control

The parties agree upon the safe storage of all Maoist army weapons and ammunition, in the seven main cantonment areas under UN monitoring, except as provided below for perimeter security purposes. Both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and to defuse and remove/lift and destroy them within 60 days. All improvised explosive devices will be collected at designated sites a safe distance from the main cantonment areas. Unsuitable devices will be destroyed immediately. Stable devices will be stored safely and under 24-hour armed guard. The parties, in consultation with the UN, will determine a timeline and process for the later destruction of all improvised explosive devices. To ensure the safety of both monitors and Maoist army personnel, no improvised explosive devices or crude bombs will be brought inside the cantonment sites.

In the main cantonment sites the weapons and ammunition storage area will be secured by the following system:

- (1) A solid fence will surround the specified area, including a gate with a lock. There will be signs on the fence clearly identifying the restricted area.
- (2) The weapons storage depot will be composed of storage containers painted white and furnished with shelves for safe weapons storage and easy control, and with a complete inventory (weapon type, calibre and serial number).
- (3) A single lock provided by the UN will secure each storage container. The key will be held by the designated main cantonment site commander. A 24-hour surveillance camera will cover the storage site and will be monitored from the UN office in the cantonment site. Floodlights will be switched on automatically during hours of darkness.
- (4) The UN will provide an inspection registration device mounted on each container door indicating when the storage container has been opened.
- (5) An alarm system will be connected to sirens in both the UN office and the camp commander's office. The system will be activated if the container door is opened without a "safe button" having been switched off in connection with regular inspections.
- (6) UN monitors will carry out the inspections of the arms storage area and containers in the presence of a Maoist army representative.

Each main cantonment site will be allowed 30 weapons of the same make and model to be used only for clearly defined perimeter security by designated guards, with each satellite allowed 15 such weapons under the same conditions. These weapons will all be properly registered with make and serial number and locked in a guardhouse when not in use. The parties, in consultation with the UN, will periodically review the number of weapons needed for perimeter security purposes on the basis of a shared threat assessment.

Security provisions will be made for CPN(M) leaders through understanding with the government.

The UN Mission shall monitor these commitments with a full-time presence at the Maoist army main cantonment sites and through field visits and regular inspections. These inspections will be carried out randomly and without warning.

4.1.3 Registration of Maoist army combatants at cantonment sites

All Maoist army combatants will be registered at the main cantonment sites. This registration will include the provision of age, name, rank, responsibilities within unit/formation, date of entry into service and will provide the basis for a complete list of personnel. Maoist combatants will be registered regardless if they are in possession of weapons or not. If with weapon, the type and condition of weapon will be specified. The total number of weapons will be categorized by unit/formation. Only those individuals who were members of the Maoist army before 25 May 2006 will be eligible for cantonment. The parties will agree as to how this pre-existing service is to be confirmed in consultation with the UN.

As part of this registration, all Maoist army combatants will present their Maoist army identity card to be marked by the UN. The process for marking the cards will be determined. This registration card will be the basis for any assistance received by Maoist army members. Unregistered persons will not be eligible for assistance or permitted to remain in cantonments.

Only those Maoist army combatants who have been properly registered at cantonment sites will be eligible for possible integration into the security forces fulfilling the standard norms. Any discharged personnel will be ineligible for possible integration. Those who are eligible for integration into the security forces will be determined by a special committee as agreed in the Comprehensive Peace Accord. This integration process will be determined in subsequent agreement with the parties.

Upon registration Maoist army combatants, if found to be born after 25 May 1988, will be honourably and automatically discharged.

Discharged Maoist army combatants must: release all weapons, uniforms and other military gear; and, agree not to return to cantonment sites unless mutually agreed by UN monitors in consultation with the parties. The assistance packages to be provided to voluntarily discharged personnel will be agreed by the parties in advance of cantonment.

The Interim Council of Ministers will form a special committee to supervise, integrate and rehabilitate the Maoist army combatants.

4.2 Barracking of the Nepal Army

4.2.1 General regulations

In accordance with the commitment expressed in the letter sent to the United Nations, the Nepal Army shall remain in its barracks and its arms are not to be used in favour of or against any side. UN monitors will have access to any and all NA barracks for purposes of monitoring whether Nepal Army forces or weapons are being used for or against any party. Upon visiting any Nepal Army barracks for inspection, the site commander will be duly notified, and UN inspections will relate only to matters regarding the disposition of forces and weapons.

The Council of Ministers will control, mobilise and manage the Nepal Army as per the Army Act of 2006 (*Sainik Ain 2063*) or its successor legislation. The Interim Council of Ministers to prepare and implement the detailed action plan of the Nepal Army's democratization by taking suggestions from the concerned committee of the Interim Parliament/legislature. Under this to carry out activities like assessing the appropriate number of the Nepal Army, to train the army in democratic and human rights values while developing democratic structure, national and inclusive character.

4.2.2 Commander responsibilities

The normal NA chain of command, control, communication and information will be utilised to monitor the NA deployment to barracks. The commanders shall provide the following information in detail to the UN Mission:

- (1) Command structure for the unit and sub-units plotted on a map;
- (2) Names of commanders down to company level;
- (3) Communication system;
- (4) Order of battle/military structure, organisation, deployment and number of troops;
- (5) Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and exact location of such items; and,
- (6) Other information required by the UN for proper monitoring of the disposition of arms and armies.

The NA will respect the security, freedom of movement and well-being of UN and associated staff, goods and services, and provide information in cooperation with the UN Mission according to Section 2.

The UN Mission shall monitor these commitments through daily presence in selected NA barracks, field visits and regular inspections.

4.2.3 Weapons storage and control

The Nepal Army will remain within the barracks as per the commitment expressed in the letter sent to the UN to ensure that their arms are not used for or against any party. The Nepal Army to store arms in equal numbers to that of the Maoist army, to seal it with a single-lock and give the key to the concerned party. In the process of installing the lock, to assemble a mechanism including a siren and register for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN will do so under the presence of the concerned party. The barrack where NA arms will be monitored under the conditions spelled out in section 4.1.2 will be identified and agreed by the parties. The arms will be stored in storage containers.

4.2.4 Deployment and Concentration of Forces – NA permitted activities

In accordance with the spirit of the Comprehensive Peace Accord, continuity will be given to functions of the Nepal Army including border security, security of the conservation areas, protected areas, banks, airports, power houses, telephone towers, central secretariat and security of VIPs. A detailed list of these institutions and installations will be kept by the NA, along with the number and types of forces assigned to such duties. The list of such institutions and installations will be kept by the NA under seal, and this information will be made available to UN monitors when deemed necessary in a case-by-case basis.

Permitted NA activities include:

1. Routine military activities within the barracks and regular training in barracks and camps. The JMCC will be notified 48 hours in advance before undertaking limited live fire exercises at designated live firing ranges.
2. Participation in official ceremonies, parades, etc. as directed by the Government.
3. Provision of Border Security as directed by the Government.
4. Relief of troops on a one-to-one basis, including transport as mentioned.

5. Regular maintenance and replacement of non-lethal equipment, including transport as mentioned. Maintenance and replacement of lethal weapons will take place only with the determination of the interim government or agreement by both parties.
6. Execution of development and construction tasks as directed by the civilian authorities, on central, regional and local levels.
7. Provision of support in relief work in times of natural and other disasters as directed by the Government.
8. Participation in Peacekeeping Operations called for by the United Nations, and all preparations, transport, training, transfer of equipment, etc. connected to this.
9. Provision of security for VVIPs and VIPs.
10. Provision of security of vital installations as directed by the Government.
11. Provision of security of transportation of Nepal Rastra Bank funds.

For all of the above activities the rules regarding notification of troop, air movements and exercises spelled out in section 5.2 apply.

5 Compliance with the Agreement

5.1 Prohibited Activities

In the spirit of the Comprehensive Peace Accord, and in light of this agreement, after the placement of the Nepal Army in the barracks and the Maoist Army combatants in cantonment, the parties shall scrupulously refrain from the following activities:

1. Holding and carrying arms is in violation of the law. Displaying arms, intimidation and any type of use of violence is prohibited, and use of arms is legally punishable.
2. Any type of arms and weapons targeted against each other in a direct or indirect way or any act of attack.
3. Harming or intimidating any person, including internally displaced persons, humanitarian and development workers and other non-combatants, and any seizure of their equipment and property.
4. Ambushes, murder or violent operations.
5. Kidnapping, unlawful detention or imprisonment, disappearances;
6. All offensive military flights in and over Nepal.
7. Damaging or seizing public/private/government, military or UN property and all attacks on UN personnel and installations.
8. Planting mines or improvised explosive devices, conducting sabotage or military espionage.
9. Recruiting additional armed forces or conducting military activities against each other, including transporting weapons, ammunitions and explosives (unless mutually agreed by the parties and notified in advance according to the terms of this agreement.)

10. Collecting cash or goods and services or levying tax against one's wishes and against the existing law.
11. Any actions that impede or delay the provision of humanitarian assistance or protection to civilians.
12. Any restrictions on the safe, free and unimpeded movement of humanitarian or development agencies undertaking activities approved by the interim government or its successor.
13. All acts and forms of gender-based violence.
14. Any restrictions on the free movement of people and goods.
15. All activities that obstruct the efforts of the UN Mission and amount to a failure to cooperate with the UN Mission, including the prohibition of the UN Mission patrols and flights over any location.
16. Any attempt by a party to disguise its equipment, personnel or activities as those of the UN Mission, other United Nations agencies, the International Committee of the Red Cross/Crescent or any other similar organisation.
17. Any attempt to redeploy military forces and equipment or occupation of any positions out of their respective deployment positions without the consent of the Joint Monitoring Coordination Committee.
18. The use of children who are 18 years old and under in the armed forces.
19. All hostile propaganda and incitement to military action.

The parties shall also refrain from all activities that are prohibited elsewhere in this agreement.

5.2 Permitted activities

The key principle that shall underpin permitted activities for both sides shall be to alleviate the effects of the armed conflict on civilians and the war-affected areas and to galvanise popular support for peace. Permitted activities for both sides will be conducted as per the decisions of the interim government. Troop, air movements and exercises have to be properly notified and approved by the Joint Monitoring Coordination Committee at least 48-hours in advance.

Permitted activities include:

- (1) De-mining and decommissioning of military hazards;
- (2) Development activities to include improvement and opening of roads, rehabilitation of bridges and passages and airstrips according to the decisions of the interim government;
- (3) Humanitarian relief;
- (4) Socioeconomic activities such as assisting free movement of people, goods and services;
- (5) Free movement of unarmed soldiers in plain civilian clothes who are on granted leave, medical referrals, or visiting families – no more than 12 percent of the total retained force at a given cantonment or barracks will be on authorised leave at any given time unless mutually agreed by the parties;

- (6) Supply of non-lethal items to military units, food, water, medicine, petrol, oil and lubricants, stationary, uniforms etc; and,
- (7) Medical evacuation.

5.3 Violations

The following acts shall constitute violations of the agreement:

- (1) Any act that contravenes this agreement;
- (2) Unauthorised troop movements;
- (3) Unauthorised recruitment, conscription or mobilisation;
- (4) Unauthorised replenishment of military equipment;
- (5) Violation of human rights, humanitarian law or obstruction of freedom of movement of people, goods and services;
- (6) Espionage, sabotage, air surveillance and acts of subversion; and,
- (7) Military flights, or military flights utilising civilian aircraft, over cantonment sites without 48-hour notification to the parties and the UN mission, except in emergency situations or medical evacuations.

6 The United Nations Mission

6.1 The Joint Monitoring Coordination Committee

The Joint Monitoring Coordination Committee (JMCC), the chairman of which will be appointed by the UN mission and the delegates from the parties determined by the parties themselves. The nine-member JMCC shall be composed of representatives from the UN, NA and Maoist Army. The neutral Chairman will be appointed by the United Nations. There will be two Vice-Chairmen, one each from the Maoist Army and the NA. The remaining six members will be two UN, two NA and two Maoist army, all as selected by the parties.

The JMCC shall reach its decisions by consensus. In the event of a deadlock, the representative of the UN Secretary-General shall have final authority for reporting on the compliance of the parties with this agreement to the Secretary-General and to the interim government for resolution. The Chairman shall report regularly to the representative of the Secretary-General and to the designated representatives of the parties regarding the activities of the JMCC.

The JMCC shall serve three main functions:

- (1) To assist the parties in implementing this agreement. The JMCC shall be the central coordinating body for monitoring arms and armies in accordance with the terms of this agreement.
- (2) To serve as a dispute resolution mechanism. The JMCC shall resolve all disputes and military or operational difficulties, complaints, questions or problems regarding implementation of this agreement.
- (3) To assist in confidence building. The JMCC shall work to gain the trust and confidence of the parties and promote the overall goals of this agreement among the people in Nepal.

In order to achieve these goals, the JMCC shall operate according to the following basic principles:

- (1) Resolve all problems and disputes at the lowest level possible, i.e. delegation of authority to the JMTs;
- (2) Promote joint problem-solving and build trust and confidence through active efforts to appropriately investigate and report on all incidents of concern to the parties; and,
- (3) Build on lessons learned in the process.

The Joint Monitoring Teams (JMTs), will assist the Joint Monitoring Coordination Committee at the local level and through site visits. The JMTs will comprise one international monitor as the team leader and one monitor from Nepal Army and one monitor from the Maoist Army. The number of JMTs and their deployment will be determined by the chair of the JMCC in consultations with that body.

The tasks of the JMTs will include:

- (1) Village and community visits and liaison with the civilian community;
- (2) Cooperation with other UN-agencies, and liaison with international organisations and non-governmental organisations;
- (3) Assistance to the parties in creating a favorable operational environment for the conduct of the ceasefire by information sharing and defusing local tension;
- (4) A pro-active concept for initiation of conflict management at the local level; and,
- (5) Investigation of complaints linked to possible alleged violations of the agreement, reference paragraph 5.1, and to recommend measures to ensure compliance.

7 Miscellaneous

This agreement can be revised at any time with the consent of both parties. Both parties agree to provide to each other prior written information if they wish to make any change. The amendments can be made to the agreement with the consent of both parties after receiving the information. The provisions to be made by such an amendment will not fall below the minimum standards of accepted international human rights and humanitarian laws.

Both parties consent to sign any complementary understandings, as necessary, for the implementation of the present agreement.

This agreement will be signed by both parties in Nepali and English. The United Nations will witness the English language version of this agreement and, accordingly, the English-language version of this agreement will be considered as authoritative in matters of dispute.

The spirit of the Comprehensive Peace Accord shall guide the interpretation and implementation of this agreement by all the parties.

Done in Kathmandu, Nepal on the 28th day of November, 2006 (12 Mangsir 2063 BS)

Krishna B. Mahara

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