

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Agreement between the GoN and Nepal Adivasi Janajati Mahasangha and Adivasi Janajati Samyukta Sangharsha Samiti
Date	7 Aug 2007
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/local 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	Framework/substantive - partial
Conflict nature	Government
Peace process	Nepal related-local processes

Parties	Sd. Dr. Om Gurung Coordinator Nepal Adivasi Janajati Mahasangha
	Sd. Ram Chandra Poudel Coordinator GoN Talks Team
	Sd. KB Gurung Coordinator Adivasi Janajati Samyukta Sangharsha Samiti
Third parties	-
Description	An agreement between the Agreement between the Government of Nepal, the Nepal Adivasi Janajati Mahasangha and the Adivasi Janajati Samyukta Sangharsha Samiti on the inclusion an political representation of indigenous nationalities in Nepal's state institutions.

Agreement document	NP_070807_GoN and Nepal Adivasi Janajati Mahasangha and Adivasi Janajati Samyukta Sangharsha Samiti.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**

Groups→Racial/ethnic/national group→Rhetorical

Page 2, 19: The Government shall make a serious effort to reach an agreement for addressing the demands of various classes and communities, including Madheshis, women and Dalits through dialogues and discussions with the groups concerned.

Groups→Racial/ethnic/national group→Substantive

Page 1, 1: While nominating candidates for the 'first-past-the-post electoral' system for election to the Constituent Assembly under the provisions of the current Constitution, all parties shall nominate candidates keeping in mind so that all ethnic groups and indigenous nationalities have proportional representation.

Page 1, 4: A State Restructuring Commission shall immediately be formed to present to the forthcoming Constituent Assembly recommendations regarding a federal structure for the state based on ethnicity, language, geographical region, economic status and cultural characteristics while keeping national unity, integrity and sovereignty of Nepal above all. The Commission shall be composed of eminent experts from various classes, regions and communities, including indigenous nationalities, Madheshis, Dalits and women.

Page 1, 8: The GoN has agreed in principle that all classes, sexes, communities, and caste and ethnic groups would be represented in political parties at all levels. A taskforce with the representation of all shall be formed immediately to conduct a study to ensure inclusive, participatory and proportional representation of all ethnic groups, classes, communities, sexes and regions in all organs and at all levels of state.

Page 2, 14: Internalising the spirit and aspiration of gender mainstreaming in the implementation of development projects and programmes, including the Interim Plan, and paying attention to gender diversity in programme implementation and benefit-sharing, emphasis shall be laid on the participation of women from indigenous nationalities, Dalit and Madheshi groups.

Religious groups

No specific mention.

Indigenous people Groups→Indigenous people→Substantive

Page 1, 1: While nominating candidates for the 'first-past-the-post electoral' system for election to the Constituent Assembly under the provisions of the current Constitution, all parties shall nominate candidates keeping in mind so that all ethnic groups and indigenous nationalities have proportional representation.

Page 1, 2: While drawing up proportional list, all political parties participating in the election shall jointly make provision to ensure representation of each community of the listed indigenous nationalities.

Page 1, 3: On the question of how to constitutionally and legally ensure the representation of at least one representative of the listed indigenous nationalities that have not been able to secure representation through either of the electoral systems, the Government of Nepal shall reach a conclusion with the consent of the eight political parties.

Page 1, 4: A State Restructuring Commission shall immediately be formed to present to the forthcoming Constituent Assembly recommendations regarding a federal structure for the state based on ethnicity, language, geographical region, economic status and cultural characteristics while keeping national unity, integrity and sovereignty of Nepal above all. The Commission shall be composed of eminent experts from various classes, regions and communities, including indigenous nationalities, Madheshis, Dalits and women.

Page 1, 5: An Indigenous Nationalities Commission shall be formed.

Page 1, 9: All sectors shall take initiative to translate into action the legal and policy-level commitments that have been articulated to ensure inclusive and proportional representation of all sexes, classes, regions and communities, including indigenous nationalities, in all organs and at all levels of state functioning.

Page 2, 10: The practice of seeking advice and consultation from the parties and agencies concerned while making important decisions on issues that concern various classes, regions, sexes and communities, including indigenous nationalities, shall continued to be developed.

Page 2, 11: Provision shall be made to immediately sanction the proposal to ratify International Labour Organization Convention 169.

Page 2, 12: Appropriate steps shall immediately be taken to complete the necessary legal procedure for adopting the United Nations Declaration on the Rights of Indigenous Peoples.

Page 2, 13: Democratic and transparent processes shall be followed in the formation of a District Coordination Committee on Indigenous Nationalities. In addition, high importance shall be given to the involvement of Nepal Federation of Indigenous Nationalities and the National Federation of Indigenous Women in this process.

Page 2, 14: Internalising the spirit and aspiration of gender mainstreaming in the implementation of development projects and programmes, including the Interim Plan, and paying attention to gender diversity in programme implementation and benefit-sharing, emphasis shall be laid on the participation of women from indigenous nationalities, Dalit and Madheshi groups.

Page 2, 15: As party to the Convention on Biodiversity, the State shall pay special

Other groups

Groups→Other groups→Substantive

Page 1, 4: A State Restructuring Commission shall immediately be formed to present to the forthcoming Constituent Assembly recommendations regarding a federal structure for the state based on ethnicity, language, geographical region, economic status and cultural characteristics while keeping national unity, integrity and sovereignty of Nepal above all. The Commission shall be composed of eminent experts from various classes, regions and communities, including indigenous nationalities, Madheshis, Dalits and women.

Refugees/displaced persons No specific mention.

Social class

Groups→Social class→Rhetorical

Page 2, 19: The Government shall make a serious effort to reach an agreement for addressing the demands of various classes and communities, including Madheshis, women and Dalits through dialogues and discussions with the groups concerned.

Groups→Social class→Substantive

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Page 2, 10: The practice of seeking advice and consultation from the parties and agencies concerned while making important decisions on issues that concern various classes, regions, sexes and communities, including indigenous nationalities, shall continued to be developed.

Page 2, 14: Internalising the spirit and aspiration of gender mainstreaming in the implementation of development projects and programmes, including the Interim Plan, and paying attention to gender diversity in programme implementation and benefit-sharing, emphasis shall be laid on the participation of women from indigenous nationalities, Dalit and Madheshi groups.

Page 2, 18: The process started by the GoN to find a permanent solution to the problems faced by freed kamaiyas (bonded labourers) shall be continued in an effective manner as per the agreement.

Gender

Women, girls and gender

Page 1, 4: A State Restructuring Commission shall immediately be formed to present to the forthcoming Constituent Assembly recommendations regarding a federal structure for the state based on ethnicity, language, geographical region, economic status and cultural characteristics while keeping national unity, integrity and sovereignty of Nepal above all. The Commission shall be composed of eminent experts from various classes, regions and communities, including indigenous nationalities, Madheshis, Dalits and women.

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Page 2, 13: Democratic and transparent processes shall be followed in the formation of a District Coordination Committee on Indigenous Nationalities. In addition, high importance shall be given to the involvement of Nepal Federation of Indigenous Nationalities and the National Federation of Indigenous Women in this process.

Page 2, 14: Internalising the spirit and aspiration of gender mainstreaming in the implementation of development projects and programmes, including the Interim Plan, and paying attention to gender diversity in programme implementation and benefit-sharing, emphasis shall be laid on the participation of women from indigenous nationalities, Dalit and Madheshi groups.

Page 2, 19: The Government shall make a serious effort to reach an agreement for addressing the demands of various classes and communities, including Madheshis, women and Dalits through dialogues and discussions with the groups concerned.

Page 2, 20: Nepal Federation of Indigenous Nationalities, Indigenous Nationalities Joint Struggle Committee and National Indigenous Women Federation request all indigenous nationalities in the country to unite for the success of the upcoming Constituent Assembly election.

Men and boys

No specific mention.

LGBTI	No specific mention.
Family	Page 2, 17: Provision shall be made to provide a compensation of Rs. 1 million as relief to the families of each of the Nepalese who died in the helicopter crash at Ghunsa, Taplejung.

State definition

Nature of state (general) No specific mention.

State configuration Page 1, 4: A State Restructuring Commission shall immediately be formed to present to the forthcoming Constituent Assembly recommendations regarding a federal structure for the state based on ethnicity, language, geographical region, economic status and cultural characteristics while keeping national unity, integrity and sovereignty of Nepal above all. The Commission shall be composed of eminent experts from various classes, regions and communities, including indigenous nationalities, Madheshis, Dalits and women.

Self determination No specific mention.

Referendum No specific mention.

State symbols Page 1, 6: While so far only Nepali has been recognised as the official language, the Constituent Assembly shall make provision to grant recognition to Nepali and other mother tongues spoken at local level. The Government shall remain committed towards ensuring the linguistic rights of citizens.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Political institutions (new or reformed)	<p>Governance→Political institutions (new or reformed)→General references</p> <p>Page 1, 8: The GoN has agreed in principle that all classes, sexes, communities, and caste and ethnic groups would be represented in political parties at all levels. A taskforce with the representation of all shall be formed immediately to conduct a study to ensure inclusive, participatory and proportional representation of all ethnic groups, classes, communities, sexes and regions in all organs and at all levels of state.</p>
Elections	<p>Page 1, 1: While nominating candidates for the ‘first-past-the-post electoral’ system for election to the Constituent Assembly under the provisions of the current Constitution, all parties shall nominate candidates keeping in mind so that all ethnic groups and indigenous nationalities have proportional representation.</p> <p>Page 1, 2: While drawing up proportional list, all political parties participating in the election shall jointly make provision to ensure representation of each community of the listed indigenous nationalities.</p> <p>Page 1, 3: On the question of how to constitutionally and legally ensure the representation of at least one representative of the listed indigenous nationalities that have not been able to secure representation through either of the electoral systems, the Government of Nepal shall reach a conclusion with the consent of the eight political parties.</p>
Electoral commission	No specific mention.
Political parties reform	<p>Governance→Political parties reform→Other political parties reform</p> <p>Page 1, 1: While nominating candidates for the ‘first-past-the-post electoral’ system for election to the Constituent Assembly under the provisions of the current Constitution, all parties shall nominate candidates keeping in mind so that all ethnic groups and indigenous nationalities have proportional representation.</p> <p>Page 1, 2: While drawing up proportional list, all political parties participating in the election shall jointly make provision to ensure representation of each community of the listed indigenous nationalities.</p> <p>Page 1, 3: On the question of how to constitutionally and legally ensure the representation of at least one representative of the listed indigenous nationalities that have not been able to secure representation through either of the electoral systems, the Government of Nepal shall reach a conclusion with the consent of the eight political parties.</p>
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.

Public administration	No specific mention.
Constitution	Governance→Constitution→Constitutional reform/making Page 1, 3: On the question of how to constitutionally and legally ensure the representation of at least one representative of the listed indigenous nationalities that have not been able to secure representation through either of the electoral systems, the Government of Nepal shall reach a conclusion with the consent of the eight political parties.

Power sharing

Political power sharing	Power sharing→Political power sharing→Proportionality in legislature State level Page 1, 3: On the question of how to constitutionally and legally ensure the representation of at least one representative of the listed indigenous nationalities that have not been able to secure representation through either of the electoral systems, the Government of Nepal shall reach a conclusion with the consent of the eight political parties.
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	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	Page 2, 12: Appropriate steps shall immediately be taken to complete the necessary legal procedure for adopting the United Nations Declaration on the Rights of Indigenous Peoples.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	Page 2, 13: Democratic and transparent processes shall be followed in the formation of a District Coordination Committee on Indigenous Nationalities. In addition, high importance shall be given to the involvement of Nepal Federation of Indigenous Nationalities and the National Federation of Indigenous Women in this process.
Detention procedures	No specific mention.
Media and communication	Rights related issues→Media and communication→Media roles Page 1, 7: Protecting and respecting citizens' right to seek and receive information on matters of public interest, including on the Constituent Assembly, provision shall be made for the general public to receive such information in their mother tongues.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

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 Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 2, 14: Internalising the spirit and aspiration of gender mainstreaming in the implementation of development projects and programmes, including the Interim Plan, and paying attention to gender diversity in programme implementation and benefit-sharing, emphasis shall be laid on the participation of women from indigenous nationalities, Dalit and Madheshi groups.

National economic plan Page 2, 14: Internalising the spirit and aspiration of gender mainstreaming in the implementation of development projects and programmes, including the Interim Plan, and paying attention to gender diversity in programme implementation and benefit-sharing, emphasis shall be laid on the participation of women from indigenous nationalities, Dalit and Madheshi groups.

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 Land, property and environment→Cultural heritage→Intangible
Page 1, 6: While so far only Nepali has been recognised as the official language, the Constituent Assembly shall make provision to grant recognition to Nepali and other mother tongues spoken at local level. The Government shall remain committed towards ensuring the linguistic rights of citizens.

Page 1, 7: Protecting and respecting citizens' right to seek and receive information on matters of public interest, including on the Constituent Assembly, provision shall be made for the general public to receive such information in their mother tongues.

Land, property and environment→Cultural heritage→Promotion

Page 2, 15: As party to the Convention on Biodiversity, the State shall pay special attention to the utilisation and preservation of the indigenous knowledge, skills, practices and technologies of indigenous nationalities.

Environment Page 2, 15: As party to the Convention on Biodiversity, the State shall pay special attention to the utilisation and preservation of the indigenous knowledge, skills, practices and technologies of indigenous nationalities.

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

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

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	Page 2, 17: Provision shall be made to provide a compensation of Rs. 1 million as relief to the families of each of the Nepalese who died in the helicopter crash at Ghunsa, Taplejung.
Missing persons	No specific mention.
Reparations	Transitional justice→Reparations→Material reparations Page 2, 17: Provision shall be made to provide a compensation of Rs. 1 million as relief to the families of each of the Nepalese who died in the helicopter crash at Ghunsa, Taplejung.
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 No specific mention.

Related cases No specific mention.

Source Asian Study Center for Peace & Conflict Transformation (2011), From Conflict to Peace in Nepal: Peace Agreements 2005-2010.
