

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Agreement between the GoN and Tamsaling Samyukta Sangharsha Samiti, Nepal
Date	11 Apr 2009
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	<p>On behalf of GoN Talks Team: Janardhan Sharma 'Prabhakar', Talks Coordinator and Minister, Peace and Reconstruction</p> <p>On behalf of TSSS, Nepal Talks Team: Suryaman Dong Tamang, Tamang National Liberation Front</p> <p>Bir Bahadur Lama Tamang, Democratic Tamang Association</p> <p>Dilman Pakhrin Tamang, Nepal Tamang Association</p> <p>Parsuram Tamang, Tamsaling National Party</p> <p>Furnyamgel Moktan Tamang, Autonomous Tamang Association (Unified)</p> <p>Dup Wangdel Moktan Tamang, Tamang Huel Council</p> <p>Tek Bahadur Tamang, Tamang Liberation Organization</p> <p>Dhan Prasad Tamang, Nepal Tamang Ghedung</p> <p>Kumar Yonjon Tamang, General Secretary</p> <p>Kaman Singh Lama, Advisor</p>
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Third parties

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Description	An agreement between the Government of Nepal and Tamsaling Samyukta Sangharsha Samiti on a series of inclusion issues for minority groups.
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Agreement document	NP_090411_GoN and Tamsaling 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→Substantive

Page 1, 9: As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, Adivasi, Janajati, classes, and regions, among others.

Groups→Racial/ethnic/national group→Other

[Summary: Although the agreement refers to the Tamang ethnic group, as a listed indigenous nationality officially recognized in Nepal, they have been coded under Indigenous Peoples]

Religious groups

Groups→Religious groups→Rhetorical

Page 1, 3: Respecting the aspirations of the Tamsaling Sangharsha Samiti and the core spirit of secularism as enshrined in Nepal's Interim Constitution 2007, an amendment proposal shall be submitted by building political consensus, including on national animal.

Indigenous people Groups→Indigenous people→Rhetorical

Page 2, 18: Acknowledging the oppression, discrimination and exclusion of the Tamang ethnic group by the State in the past, the Government expresses its commitment to take initiative for the utmost development of the Tamang ethnic group. The GoN assesses the struggle waged by the Tamang community, an oppressed Adivasi, against the long-standing oppression, especially the People's War and its role in the People's Movement, in a favourable manner.

Groups→Indigenous people→Anti-discrimination

Page 1, 2: Ending cultural discrimination, all castes and ethnic groups shall determine a common cultural policy with the participation of the parties concerned to continue and grant recognition to own cultures.

Groups→Indigenous people→Substantive

Page 1, 4: The Government is committed to implementing Article 33 (d1) of Nepal's Interim Constitution 2007 in the context of the Tamang ethnic group as well.

Page 1, 5: Ending the ethnic humiliation of the Tamang ethnic group at the Pipa Goswara [Office of Attendants] of the past and the current Logistics Battalion, the policy of making the national army of Nepal inclusive by creating diverse battalions shall be effectively put into practice.

Page 1, 7: In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.

Page 1, 9: As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, Adivasi, Janajati, classes, and regions, among others.

Page 1, 10: A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namobuddha.

Page 2, 13: A model development programme implementation cost shall be allocated in the budget and programme for the forthcoming year for the uplift and development of all oppressed communities, including Tamang.

Page 2, 14: A special programme on employment shall be implemented in the forthcoming year, keeping in mind the oppressed communities that have been left far behind, including Tamang, and the programme shall be gradually accomplished.

Page 2, 12: The Government shall take initiative to establish the traditional knowledge, biodiversity, intellectual property of Adivasi Janajati.

Other groups

No specific mention.

Refugees/displaced persons No specific mention.

Social class Groups→Social class→Rhetorical
Page 1, 2: Ending cultural discrimination, all castes and ethnic groups shall determine a common cultural policy with the participation of the parties concerned to continue and grant recognition to own cultures.
Groups→Social class→Substantive
Page 1, 9: As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, Adivasi, Janajati, classes, and regions, among others.

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) Page 2, 16: The programmes to build nationalistic sentiments among people shall be carried forward with special priority.

State configuration Page 1, Untitled Preamble: The first round of talks between the Government Talks Team formed by the Government of Nepal (GoN) and the Talks Team of the Tamsaling Samyukta Sangharsha Samiti, Nepal [Tamsaling Joint Struggle Committee, Nepal] to discuss the 26-Point demands presented by the said Samiti was held on April 11, 2009 and an agreement in support of the federal democratic republic and a new people-centric constitution was reached as follows.

Page 1, 9: As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, Adivasi, Janajati, classes, and regions, among others.

Self determination No specific mention.

Referendum No specific mention.

State symbols	Page 1, 3: Respecting the aspirations of the Tamsaling Sangharsha Samiti and the core spirit of secularism as enshrined in Nepal's Interim Constitution 2007, an amendment proposal shall be submitted by building political consensus, including on national animal.
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)	Governance→Political institutions (new or reformed)→General references Page 1, 1: The Government shall present Points 1, 2, 4, 5, 6, 11, 16 and 17 that belong to the jurisdiction of the Constituent Assembly as recommendation, along with its affirmative commitment, to the Constitution Drafting Committee.
Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	Page 2, 19: The Tamsaling Samyukta Sangharsha Samiti, Nepal withdraws the shutdown programme called for April 12, 2009.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	Governance→Constitution→Constitution affirmation/renewal Page 1, 4: The Government is committed to implementing Article 33 (d1) of Nepal's Interim Constitution 2007 in the context of the Tamang ethnic group as well. Governance→Constitution→Constitutional reform/making Page 1, 1: The Government shall present Points 1, 2, 4, 5, 6, 11, 16 and 17 that belong to the jurisdiction of the Constituent Assembly as recommendation, along with its affirmative commitment, to the Constitution Drafting Committee. Page 1, 3: Respecting the aspirations of the Tamsaling Sangharsha Samiti and the core spirit of secularism as enshrined in Nepal's Interim Constitution 2007, an amendment proposal shall be submitted by building political consensus, including on national animal.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing Power sharing→Military power sharing→Proportionality
Page 1, 5: Ending the ethnic humiliation of the Tamang ethnic group at the Pipa Goswara [Office of Attendants] of the past and the current Logistics Battalion, the policy of making the national army of Nepal inclusive by creating diverse battalions shall be effectively put into practice.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation Page 1, 7: In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.

Civil and political rights No specific mention.

Socio-economic rights Human rights and equality→Socio-economic rights→Work
Page 1, 8: Notwithstanding the fact that education, health and employment are mentioned as fundamental rights of the people in the Interim Constitution 2007, and considering their non-implementation, laws shall be framed and implemented in this regard.
Human rights and equality→Socio-economic rights→Health
Page 1, 8: Notwithstanding the fact that education, health and employment are mentioned as fundamental rights of the people in the Interim Constitution 2007, and considering their non-implementation, laws shall be framed and implemented in this regard.
Human rights and equality→Socio-economic rights→Education
Page 1, 8: Notwithstanding the fact that education, health and employment are mentioned as fundamental rights of the people in the Interim Constitution 2007, and considering their non-implementation, laws shall be framed and implemented in this regard.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
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	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 1, 6: Initiative shall be taken for christening the traditional habitats of Adivasi Janajati in their own languages. The Government has a clear policy of imparting education in mother tongue and additional provision shall be made for its implementation in the budget for the next fiscal year.</p> <p>Page 1, 10: A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namu Buddha.</p> <p>Page 2, 13: A model development programme implementation cost shall be allocated in the budget and programme for the forthcoming year for the uplift and development of all oppressed communities, including Tamang.</p> <p>Page 2, 14: A special programme on employment shall be implemented in the forthcoming year, keeping in mind the oppressed communities that have been left far behind, including Tamang, and the programme shall be gradually accomplished.</p> <p>Page 2, 15: The construction of the Tamsaling Ring Road has already started and shall be continued over the next year with priority.</p>
National economic plan	No specific mention.
Natural resources	Page 1, 7: In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.
International funds	No specific mention.
Business	Page 1, 10: A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namu Buddha.
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→Tangible
Page 1, 10: A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namo Buddha.
Land, property and environment→Cultural heritage→Intangible
Page 1, 6: Initiative shall be taken for christening the traditional habitats of Adivasi Janajati in their own languages. The Government has a clear policy of imparting education in mother tongue and additional provision shall be made for its implementation in the budget for the next fiscal year.
Land, property and environment→Cultural heritage→Promotion
Page 1, 2: Ending cultural discrimination, all castes and ethnic groups shall determine a common cultural policy with the participation of the parties concerned to continue and grant recognition to own cultures.

Page 2, 11: The State shall determine a policy for the conservation and promotion of both tangible and non-tangible cultural heritage.

Page 2, 12: The Government shall take initiative to establish the traditional knowledge, biodiversity, intellectual property of Adivasi Janajati.

Environment No specific mention.

**Water or riparian
rights or access** Page 1, 7: In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces	Page 1, 5: Ending the ethnic humiliation of the Tamang ethnic group at the Pipa Goswara [Office of Attendants] of the past and the current Logistics Battalion, the policy of making the national army of Nepal inclusive by creating diverse battalions shall be effectively put into practice.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	Page 2, 19: The Tamsaling Samyukta Sangharsha Samiti, Nepal withdraws the shutdown programme called for April 12, 2009.
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 2, 17: A five-member monitoring committee shall be formed within a week to assist and monitor the implementation of this Agreement.

Related cases No specific mention.

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