

<b>Country/entity</b>	Nepal
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Agreement between the GoN and Nepal Adivasi Janajati Mahasangha and Adivasi Janajati Samyukta Sangharsha Samiti
<b>Date</b>	7 Aug 2007
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	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)

<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Government
<b>Peace process</b>	Nepal related-local processes

<b>Parties</b>	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
<b>Third parties</b>	-
<b>Description</b>	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.
<b>Agreement document</b>	<a href="#">NP_070807_GoN and Nepal Adivasi Janajati Mahasangha and Adivasi Janajati Samyukta Sangharsha Samiti.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
<b>Groups</b>	
<b>Children/youth</b>	No specific mention.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	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.

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## 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, 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.

<b>LGBTI</b>	No specific mention.
<b>Family</b>	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.

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## 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.

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<b>Political institutions (new or reformed)</b>	<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>
<b>Elections</b>	<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>
<b>Electoral commission</b>	No specific mention.
<b>Political parties reform</b>	<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>
<b>Civil society</b>	No specific mention.
<b>Traditional/religious leaders</b>	No specific mention.

<b>Public administration</b>	No specific mention.
<b>Constitution</b>	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.

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## **Power sharing**

<b>Political power sharing</b>	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.
<b>Territorial power sharing</b>	No specific mention.
<b>Economic power sharing</b>	No specific mention.
<b>Military power sharing</b>	No specific mention.

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## **Human rights and equality**

<b>Human rights/RoL general</b>	No specific mention.
<b>Bill of rights/similar</b>	No specific mention.
<b>Treaty incorporation</b>	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.
<b>Civil and political rights</b>	No specific mention.
<b>Socio-economic rights</b>	No specific mention.

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## **Rights related issues**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	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.
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	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.
<b>Mobility/access</b>	No specific mention.
<b>Protection measures</b>	No specific mention.
<b>Other</b>	No specific mention.

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## **Rights institutions**

<b>NHRI</b>	No specific mention.
<b>Regional or international human rights institutions</b>	No specific mention.

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## **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.

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## **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.

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## **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.

<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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## **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	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.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	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.
<b>Reconciliation</b>	No specific mention.

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## **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.

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