

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Agreement between the GoN and Madheshi Janadhikar Forum, Nepal
Date	30 Jul 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/territory
Peace process	Nepal related-local processes
Parties	<p>Sd. Upendra Yadav Coordinator Madheshi Janadhikar Forum,</p> <p>Sd. Ram Chandra Poudel Coordinator GoN Talks Team</p> <p>Sd. Upendra Yadav Coordinator Madheshi Janadhikar Forum, Nepal</p>

Third parties	-
Description	An agreement between the Government of Nepal and the Madheshi Janadhikar Forum done in advance of the development of Nepal's constitution.

Agreement document	NP_070730_GoNandMadheshiJanadhikarForum.pdf (opens in new tab) Download PDF
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Groups

Children/youth	Groups→Children/youth→Other Page 2, 19: To create a search team to conduct a special investigation into the abduction and disappearance of Jitendra Sah, chairperson of the Madheshi Youth Forum and to immediately make his status public.
Disabled persons	Groups→Disabled persons→Substantive Page 1, 2. To provide relief to those injured, rendered blind and disabled during the Madhesh movement and to provide immediate medical treatment for all injured people who are yet to receive treatment. Page 1, 4. To ensure proportional representation and partnership of Madheshis, Adivasi/ Janajatis, Dalits, women, backward classes, disabled people and minority communities, including Muslims, who have been excluded for generations in all organs and levels of government and in power structures, mechanisms and resources.
Elderly/age	No specific mention.
Migrant workers	No specific mention.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Rhetorical

Page 1, Untitled Preamble: Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, Adivasi/Janajatis, Dalits, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:...

Groups→Racial/ethnic/national group→Anti-discrimination

Page 1, 10: To fully guarantee human rights by ending all discriminations based on ethnicity, language, sex, religion, culture, national and social origin, political and other ideologies.

Groups→Racial/ethnic/national group→Substantive

[Summary] The entire agreement refers to the Madheshi group in Nepal.

Page 1, 4: To ensure proportional representation and partnership of Madheshis, Adivasi/Janajatis, Dalits, women, backward classes, disabled people and minority communities, including Muslims, who have been excluded for generations in all organs and levels of government and in power structures, mechanisms and resources.

Page 2, 14: To adopt a balanced and just policy for the distribution of revenue and income from the State to the Madhesh and remote regions.

Page 2, 20: To immediately establish a High-level Task Force for Inclusion to formulate policies and laws necessary for the inclusion of Madheshis, Adivasi/janajatis, Dalits, women, etc. in all organs and levels of the State.

Page 2, 21: To accord constitutional guarantee for the rights of ethnic, linguistic and religious minorities based on the principles upheld by the United Nations and international human rights organisations on the rights of minorities.

Religious groups

Groups→Religious groups→Rhetorical

Page 1, Untitled Preamble: Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, Adivasi/Janajatis, Dalits, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:...

Groups→Religious groups→Anti-discrimination

Page 1, 10: To fully guarantee human rights by ending all discriminations based on ethnicity, language, sex, religion, culture, national and social origin, political and other ideologies.

Groups→Religious groups→Substantive

Page 1, 4: To ensure proportional representation and partnership of Madheshis, Adivasi/Janajatis, Dalits, women, backward classes, disabled people and minority communities, including Muslims, who have been excluded for generations in all organs and levels of government and in power structures, mechanisms and resources.

Page 1, 9: To give public holidays on major festivals of the Muslims. To enact laws to protect Madrassa Board as well as the community, language, sexes, religion, culture, and customs and traditions of the Muslims.

Page 2, 21: To accord constitutional guarantee for the rights of ethnic, linguistic and religious minorities based on the principles upheld by the United Nations and international human rights organisations on the rights of minorities.

Indigenous people

Groups→Indigenous people→Rhetorical

Page 1, Untitled Preamble: Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, Adivasi/Janajatis, Dalits, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:

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Groups→Indigenous people→Substantive

Page 2, 20: To immediately establish a High-level Task Force for Inclusion to formulate policies and laws necessary for the inclusion of Madheshis, Adivasi/janajatis, Dalits, women, etc. in all organs and levels of the State.

Other groups

Groups→Other groups→Anti-discrimination

Page 1, 10: To fully guarantee human rights by ending all discriminations based on ethnicity, language, sex, religion, culture, national and social origin, political and other ideologies.

Refugees/displaced persons

No specific mention.

Social class

Groups→Social class→Rhetorical

Page 1, Untitled Preamble: Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, Adivasi/Janajatis, Dalits, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:

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Groups→Social class→Anti-discrimination

Page 1, 10: To fully guarantee human rights by ending all discriminations based on ethnicity, language, sex, religion, culture, national and social origin, political and other ideologies.

Groups→Social class→Substantive

Page 1, 12: To solve the following Dalit-related problems:

- a) Make provision for severe legal punishment for practising caste discrimination and untouchability.
- b) Effectively implement the policy of free and compulsory education, at least up to primary level, for Dalits.
- c) Make provision for special opportunities and reservations in education and employment.
- d) Make provision for alternative means of livelihood for landless Dalits by providing them with land for building houses.

Page 2, 20: To immediately establish a High-level Task Force for Inclusion to formulate policies and laws necessary for the inclusion of Madheshis, Adivasi/janajatis, Dalits, women, etc. in all organs and levels of the State.

Gender

Women, girls and gender

Page 1, Untitled Preamble: Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, Adivasi/Janajatis, Dalits, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:

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Page 1, 9: To give public holidays on major festivals of the Muslims. To enact laws to protect Madrassa Board as well as the community, language, sexes, religion, culture, and customs and traditions of the Muslims.

Page 1, 10: To fully guarantee human rights by ending all discriminations based on ethnicity, language, sex, religion, culture, national and social origin, political and other ideologies.

Page 2, 20: To immediately establish a High-level Task Force for Inclusion to formulate policies and laws necessary for the inclusion of Madheshis, Adivasi/janajatis, Dalits, women, etc. in all organs and levels of the State.

Men and boys

No specific mention.

LGBTI

No specific mention.

Family

No specific mention.

State definition

Nature of state (general)

Page 1, Untitled Preamble: Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, Adivasi/Janajatis, Dalits, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:

State configuration

Page 1, Untitled Preamble: Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, Adivasi/Janajatis, Dalits, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:

Page 1, 5: To immediately establish a commission of experts for state restructuring and ensure that its constitution is inclusive.

Page 1, 6: While restructuring the state, provision shall be made for a federal governance system with autonomous provinces/states, while keeping the sovereignty, national unity and integrity of Nepal intact. The rights, nature and limits of the said autonomy will be as determined by the Constituent Assembly.

Page 3, NOTE: While still demanding the establishment of a republic and a proportional electoral system, the Madheshi Janadhikar Forum, Nepal shall give top priority to the Constituent Assembly election and shall participate in it while continuing its efforts to make it a success.

Self determination No specific mention.

Referendum No specific mention.

State symbols

Page 1, 7: To accord national recognition to the dresses, languages and cultures of the Madheshis.

Page 1, 9: To give public holidays on major festivals of the Muslims. To enact laws to protect Madrassa Board as well as the community, language, sexes, religion, culture, and customs and traditions of the Muslims.

Page 1, 11: To establish a trilingual language policy consisting of (a) mother tongue, (b) the Nepali language and (c) English for official transactions, education and international communication.

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, 4: To ensure proportional representation and partnership of Madheshis, Adivasi/Janajatis, Dalits, women, backward classes, disabled people and minority communities, including Muslims, who have been excluded for generations in all organs and levels of government and in power structures, mechanisms and resources.

Page 1, 8: To ensure appropriate proportional representation in all political appointments made by the government and all services, including in Foreign Service and the education sector, as well as in commissions.

Page 2, 17: Both parties to stay committed to conducting the Constituent Assembly election in an impartial, peaceful and fear-free environment. In order to ensure the impartiality of the Constituent Assembly, make necessary arrangements to prevent the misuse of the State's mechanisms, resources and power, including by the current Legislature-Parliament.

Page 2, 20: To immediately establish a High-level Task Force for Inclusion to formulate policies and laws necessary for the inclusion of Madheshis, Adivasi/janajatis, Dalits, women, etc. in all organs and levels of the State.

Elections Page 2, 17: Both parties to stay committed to conducting the Constituent Assembly election in an impartial, peaceful and fear-free environment. In order to ensure the impartiality of the Constituent Assembly, make necessary arrangements to prevent the misuse of the State's mechanisms, resources and power, including by the current Legislature-Parliament.

Page 3, NOTE: While still demanding the establishment of a republic and a proportional electoral system, the Madheshi Janadhikar Forum, Nepal shall give top priority to the Constituent Assembly election and shall participate in it while continuing its efforts to make it a success.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society	No specific mention.
Traditional/ religious leaders	No specific mention.
Public administration	Page 2, 20: To immediately establish a High-level Task Force for Inclusion to formulate policies and laws necessary for the inclusion of Madheshis, Adivasi/janajatis, Dalits, women, etc. in all organs and levels of the State.
Constitution	<p>Governance→Constitution→Constitutional reform/making</p> <p>Page 1, 5: To immediately establish a commission of experts for state restructuring and ensure that its constitution is inclusive.</p> <p>Page 2, 21: To accord constitutional guarantee for the rights of ethnic, linguistic and religious minorities based on the principles upheld by the United Nations and international human rights organisations on the rights of minorities.</p>

Power sharing

Political power sharing	<p>Power sharing→Political power sharing→General State level</p> <p>Page 1, 4: To ensure proportional representation and partnership of Madheshis, Adivasi/ Janajatis, Dalits, women, backward classes, disabled people and minority communities, including Muslims, who have been excluded for generations in all organs and levels of government and in power structures, mechanisms and resources.</p> <p>Power sharing→Political power sharing→Other proportionality State level</p> <p>Page 1, 8: To ensure appropriate proportional representation in all political appointments made by the government and all services, including in Foreign Service and the education sector, as well as in commissions.</p>
Territorial power sharing	<p>Power sharing→Territorial power sharing→Federal or similar sub-divided government</p> <p>Page 1, 6: While restructuring the state, provision shall be made for a federal governance system with autonomous provinces/states, while keeping the sovereignty, national unity and integrity of Nepal intact. The rights, nature and limits of the said autonomy will be as determined by the Constituent Assembly.</p>
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general Page 1, 10: To fully guarantee human rights by ending all discriminations based on ethnicity, language, sex, religion, culture, national and social origin, political and other ideologies.

Bill of rights/similar No specific mention.

Treaty incorporation Page 2, 21: To accord constitutional guarantee for the rights of ethnic, linguistic and religious minorities based on the principles upheld by the United Nations and international human rights organisations on the rights of minorities.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship	Rights related issues→Citizenship→Citizen delimitation Page 2, 13: To solve problems related to citizenship by redeploing the Citizenship Distribution Teams to villages for easy and accessible distribution of citizenship certificates.
Democracy	Page 1, Untitled Preamble: Realising the sentiments of the movement of the Madheshi people as a continuity of the historic People's Movement of 2006/07, and in order to end all forms of discrimination against Madheshis, Adivasi/Janajatis, Dalits, women, backward classes and minorities, including the Muslim community, practised by the centralised and unitary state for a long time and to create an environment enabling all Nepalese people, inclusive of Madheshis, to join the single national mainstream and move forward by restructuring the state as an inclusive democracy and federal structure, the Government of Nepal and the Madheshi Janadhikar Forum [Madheshi Peoples' Rights Forum], Nepal, today, conclude the following agreement:
Detention procedures	No specific mention.
Media and communication	Rights related issues→Media and communication→Media roles Page 2, 18: The Ministry of Information and Communications to appoint Madheshi media experts and journalists in all organs and levels of government-owned media, including electronic and print media, and to ensure inclusive proportional representation of Madheshis in the government communication commission, agencies and delegations.
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 Justice sector reform→Criminal justice and emergency law→Reform to specific laws
Page 1, 12: To solve the following Dalit-related problems:
a) Make provision for severe legal punishment for practising caste discrimination and untouchability.

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 1, 8: To ensure appropriate proportional representation in all political appointments made by the government and all services, including in Foreign Service and the education sector, as well as in commissions.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business Page 2, 16: To establish an Industrial Security Force to industrialise the country and to guarantee industrial security, as well as increasing production.

Taxation Socio-economic reconstruction→Taxation→Reform of taxation
Page 2, 14: To adopt a balanced and just policy for the distribution of revenue and income from the State to the Madhesh and remote regions.

Banks No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 2, 12: To solve the following Dalit-related problems:
...d) Make provision for alternative means of livelihood for landless Dalits by providing them with land for building houses.
Land, property and environment→Land reform/rights→Property return and restitution
Page 2, 15: The process of returning houses, land and other property seized by the CPN (Maoist) is continuing and will be continued with urgency along with the return of weapons seized by them [CPN (M)] to their rightful owners.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage Land, property and environment→Cultural heritage→Promotion
Page 1, 7: To accord national recognition to the dresses, languages and cultures of the Madheshis.

Page 1, 9: To give public holidays on major festivals of the Muslims. To enact laws to protect Madrassa Board as well as the community, language, sexes, religion, culture, and customs and traditions of the Muslims.

Environment No specific mention.

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

Security sector

**Security
Guarantees** Page 2, 16: To establish an Industrial Security Force to industrialise the country and to guarantee industrial security, as well as increasing production.

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	<p>Page 1, 3: To withdraw all cases filed against the leaders and activists of the Forum during the Madhesh movement.</p> <p>Page 2, 15: The process of returning houses, land and other property seized by the CPN (Maoist) is continuing and will be continued with urgency along with the return of weapons seized by them [CPN (M)] to their rightful owners.</p> <p>Page 2, 22: To withdraw the various movements being carried out by the Madheshi Janadhikar Forum.</p>
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	<p>Transitional justice→Amnesty/pardon→Amnesty/pardon proper</p> <p>Page 1, 3: To withdraw all cases filed against the leaders and activists of the Forum during the Madhesh movement.</p>
Courts	No specific mention.
Mechanism	Page 2, 19: To create a search team to conduct a special investigation into the abduction and disappearance of Jitendra Sah, chairperson of the Madheshi Youth Forum and to immediately make his status public.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	Page 1, 1: To immediately implement the government's decision to honour all Madheshi activists killed during the Madhesh movement and to provide compensation to their families.
Missing persons	No specific mention.

Reparations	Transitional justice→Reparations→Material reparations Page 1, 1: To immediately implement the government's decision to honour all Madheshi activists killed during the Madhesh movement and to provide compensation to their families.
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Reconciliation	No specific mention.
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Implementation

UN signatory	No specific mention.
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Other international signatory	No specific mention.
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Referendum for agreement	No specific mention.
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International mission/force/similar	No specific mention.
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Enforcement mechanism	Page 2, Untitled concluding paragraph: The GoN shall immediately fulfill those agreements that can be implemented promptly and shall fulfill other provisions in course of time. A joint Monitoring Mechanism shall be established to carry out and oversee the implementation process and to periodically review the implementation.
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Related cases	No specific mention.
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Source	Asian Study Center for Peace & Conflict Transformation (2011), From Conflict to Peace in Nepal: Peace Agreements 2005-2010.
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