

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Agreement between the GoN and Samyukta Loktantrik Madheshi Morcha
Date	28 Feb 2008
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate 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 peace process

Parties	Sd. Rajendra Mahato National Chairperson Sadbhavana Party
	Sd. Girija Prasad Koirala Prime Minister Government of Nepal
	Sd. Upendra Yadav Central Coordinator Madheshi Janadhikar Forum, Nepal
	Sd. Mahantha Thakur Chairperson Terai Madhesh Loktantrik Party
Third parties	-
Description	An agreement between the Government of Nepal and the Samyukta Loktantrik Madheshi Morcha where the Government agree to increased inclusion of Madheshis in governance institutions.
Agreement document	NP_080228_GoN and Samyukta Loktantrik Madheshi Morcha.pdf (opens in new tab) Download PDF
Groups	
Children/youth	No specific mention.
Disabled persons	Groups→Disabled persons→Other Page 1, 1. The State shall declare those killed during the Madhesh Movement as martyrs, and shall provide appropriate compensation to those maimed and yet to receive compensation. Similarly, arrangements shall be made for those injured during the Movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided with relief at the rate of Rs 1 million, and those arrested shall be immediately released.
Elderly/age	No specific mention.
Migrant workers	No specific mention.

Racial/ethnic/ national group	<p>Groups→Racial/ethnic/national group→Rhetorical</p> <p>Page 1, Untitled Preamble: Respecting the sentiments and aspirations of the Madheshi people of Nepal, expressed during the protests and movements that they have organised time and again for equal rights, this Agreement was signed between the Government of Nepal and the Samyukta Loktantrik Madheshi Morcha [United Democratic Madheshi Front] to ensure the establishment of federal democratic republic in Nepal for multiparty democratic system of governance, to guarantee equality, freedom and justice for all, and to end all forms of discrimination. This Agreement shall be implemented at once. The points of agreement are as follows:...</p> <p>Groups→Racial/ethnic/national group→Substantive</p> <p>Page 1, 4: The Government shall execute appointments, promotions and nominations in a manner that ensures inclusive and proportional participation of Madheshi people, Adivasi, Jananati, women, Dalits, backward regions and minority communities in all state bodies, including the security bodies.</p> <p>Page 1, 5: Proportional, inclusive group entry of Madheshi people and other communities into the Nepal Army shall be ensured to impart national character to Nepal Army and to make it more inclusive.</p> <p>Groups→Racial/ethnic/national group→Other</p> <p>Page 1, 1: The State shall declare those killed during the Madhesh Movement as martyrs, and shall provide appropriate compensation to those maimed and yet to receive compensation. Similarly, arrangements shall be made for those injured during the Movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided with relief at the rate of Rs 1 million, and those arrested shall be immediately released.</p>
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	<p>Groups→Social class→Substantive</p> <p>Page 1, 4: The Government shall execute appointments, promotions and nominations in a manner that ensures inclusive and proportional participation of Madheshi people, Adivasi, Jananati, women, Dalits, backward regions and minority communities in all state bodies, including the security bodies.</p>

Gender

Women, girls and gender	Page 1, 4: The Government shall execute appointments, promotions and nominations in a manner that ensures inclusive and proportional participation of Madheshi people, Adivasi, Jananati, women, Dalits, backward regions and minority communities in all state bodies, including the security bodies.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 1, 1: The State shall declare those killed during the Madhesh Movement as martyrs, and shall provide appropriate compensation to those maimed and yet to receive compensation. Similarly, arrangements shall be made for those injured during the Movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided with relief at the rate of Rs 1 million, and those arrested shall be immediately released.

State definition

Nature of state (general)	No specific mention.
State configuration	<p>Page 1, Untitled Preamble: Respecting the sentiments and aspirations of the Madheshi people of Nepal, expressed during the protests and movements that they have organised time and again for equal rights, this Agreement was signed between the Government of Nepal and the Samyukta Loktantrik Madheshi Morcha [United Democratic Madheshi Front] to ensure the establishment of federal democratic republic in Nepal for multiparty democratic system of governance, to guarantee equality, freedom and justice for all, and to end all forms of discrimination. This Agreement shall be implemented at once. The points of agreement are as follows:</p> <p>Page 1, 2: Nepal shall become a federal democratic republic by accepting people's aspiration for a federal structure with autonomous regions, including the Madheshi people's aspiration for an autonomous Madhesh state. In the federal structure, power between the Centre and the states shall be divided clearly according to a list. The states shall be fully autonomous and shall enjoy full rights. The structure, full details of the lists of the Centre and the states and the division of power between them shall be determined by the Constituent Assembly, keeping Nepal's sovereignty and integrity intact.</p>
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.

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, 3: The existing legal provision of 20 per cent in Sub-section 14 of Section 7 of the Election of Members to the Constituent Assembly Act 2064 shall be changed to 30 per cent.

Elections Page 1, 3: The existing legal provision of 20 per cent in Sub-section 14 of Section 7 of the Election of Members to the Constituent Assembly Act 2064 shall be changed to 30 per cent.

Page 1, 6: The Government of Nepal and the United Democratic Madheshi Front together request all armed groups agitating in the Terai to begin negotiations for a peaceful political process and to find solutions to all outstanding problems through dialogue. The Government of Nepal shall take necessary steps to create an environment conducive to this purpose. We appeal everyone to help conduct the Constituent Assembly election on April 10 in an environment which is peaceful, non-violent, impartial, fair and free of fear.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Page 1, 8: All protest programmes called by the United Democratic Madheshi Forum shall be immediately withdrawn.

Traditional/religious leaders No specific mention.

Public administration Page 1, 4: The Government shall execute appointments, promotions and nominations in a manner that ensures inclusive and proportional participation of Madheshi people, Adivasi, Jananati, women, Dalits, backward regions and minority communities in all state bodies, including the security bodies.

Constitution Governance→Constitution→Constitutional reform/making
Page 1, 3: The existing legal provision of 20 per cent in Sub-section 14 of Section 7 of the Election of Members to the Constituent Assembly Act 2064 shall be changed to 30 per cent.

Power sharing

Political power sharing No specific mention.

Territorial power sharing Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 1, 2: Nepal shall become a federal democratic republic by accepting people's aspiration for a federal structure with autonomous regions, including the Madheshi people's aspiration for an autonomous Madhesh state. In the federal structure, power between the Centre and the states shall be divided clearly according to a list. The states shall be fully autonomous and shall enjoy full rights. The structure, full details of the lists of the Centre and the states and the division of power between them shall be determined by the Constituent Assembly, keeping Nepal's sovereignty and integrity intact.

Economic power sharing No specific mention.

Military power sharing Power sharing→Military power sharing→Proportionality
Page 1, 5: Proportional, inclusive group entry of Madheshi people and other communities into the Nepal Army shall be ensured to impart national character to Nepal Army and to make it more inclusive.

Human rights and equality

Human rights/RoL general Page 1, Untitled Preamble: Respecting the sentiments and aspirations of the Madheshi people of Nepal, expressed during the protests and movements that they have organised time and again for equal rights, this Agreement was signed between the Government of Nepal and the Samyukta Loktantrik Madheshi Morcha [United Democratic Madheshi Front] to ensure the establishment of federal democratic republic in Nepal for multiparty democratic system of governance, to guarantee equality, freedom and justice for all, and to end all forms of discrimination. This Agreement shall be implemented at once. The points of agreement are as follows:

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy Page 1, Untitled Preamble: Respecting the sentiments and aspirations of the Madheshi people of Nepal, expressed during the protests and movements that they have organised time and again for equal rights, this Agreement was signed between the Government of Nepal and the Samyukta Loktantrik Madheshi Morcha [United Democratic Madheshi Front] to ensure the establishment of federal democratic republic in Nepal for multiparty democratic system of governance, to guarantee equality, freedom and justice for all, and to end all forms of discrimination. This Agreement shall be implemented at once. The points of agreement are as follows:

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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 No specific mention.

National economic plan No specific mention.

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 No specific mention.

Environment No specific mention.

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 Page 1, 4: The Government shall execute appointments, promotions and nominations in a manner that ensures inclusive and proportional participation of Madheshi people, Adivasi, Jananati, women, Dalits, backward regions and minority communities in all state bodies, including the security bodies.

Page 1, 5: Proportional, inclusive group entry of Madheshi people and other communities into the Nepal Army shall be ensured to impart national character to Nepal Army and to make it more inclusive.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces Page 1, 6: The Government of Nepal and the United Democratic Madheshi Front together request all armed groups agitating in the Terai to begin negotiations for a peaceful political process and to find solutions to all outstanding problems through dialogue. The Government of Nepal shall take necessary steps to create an environment conducive to this purpose. We appeal everyone to help conduct the Constituent Assembly election on April 10 in an environment which is peaceful, non-violent, impartial, fair and free of fear.

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 Page 1, 1: The State shall declare those killed during the Madhesh Movement as martyrs, and shall provide appropriate compensation to those maimed and yet to receive compensation. Similarly, arrangements shall be made for those injured during the Movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided with relief at the rate of Rs 1 million, and those arrested shall be immediately released.

Page 1, 7: The Government of Nepal shall immediately release all those who have been detained, withdraw cases filed against Madheshi leaders and party cadres of the Forum as well as of other parties, and immediately implement all other points of the 22-Point Agreement signed between the Government of Nepal and the Madheshi Janadhikar Forum on August 30, 2007.

Vetting No specific mention.

Victims Page 1, 1: The State shall declare those killed during the Madhesh Movement as martyrs, and shall provide appropriate compensation to those maimed and yet to receive compensation. Similarly, arrangements shall be made for those injured during the Movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided with relief at the rate of Rs 1 million, and those arrested shall be immediately released.

Missing persons No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 1, 1: The State shall declare those killed during the Madhesh Movement as martyrs, and shall provide appropriate compensation to those maimed and yet to receive compensation. Similarly, arrangements shall be made for those injured during the Movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided with relief at the rate of Rs 1 million, and those arrested shall be immediately released.

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, The Government of Nepal shall be responsible for the constitutional, legal, political and administrative aspects of the issues mentioned in this Agreement. The Government shall form a high-level monitoring committee, comprising, among others, members of the Front, to 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.
