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Country/ entity Nepal

Region Asia and Pacific

Agreement name Agreement between the GoN and the Adivasi Tharu Community agitating in the Terai and Nepal Adivasi Janajati Mahsangha

Date 14 Mar 2009

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/ conflict level Intrastate/local conflict (Nepalese Insurgency (1996 - 2006))

Stage Framework/substantive - partial

Conflict nature Government

Peace process Nepal related-local processes

Parties Sd.
Laxman Tharu
Talks Team Coordinator
Tharuhat Samyukta Sangharsha Samiti and Adivasi Sangha

Sd.
Baburam Chaudhary
Talks Team Coordinator
Nepal Loktantrik Tharu Sangha

Sd.
Rajkumar Lekhi
Talks Team Coordinator
General Secretary
Tharu Kalyankari Sabha

Sd.
Pasang Sherpa
Chairperson
Nepal Adivasi Janajati Mahasangha

Sd.
Janardhan Sharma
'Prabhakar'
Talks Team Coordinator
Minister
Ministry of Peace and Reconstruction Government of Nepal

Sd.
Indrajeet Tharu
Talks Team Coordinator
General Secretary
Tharu Rastriya Mukti Morcha Nepal

Third parties -

Description An agreement between the Government of Nepal, the Adivasi Tharu Community, and the Nepal Adivasi Janajati Mahasangha to amend the Interim Constitution

Agreement document [NP_090314_GoN and Adivasi Tharu.pdf](#) | [Download PDF](#)

Groups

Children/ youth	No specific mention.
Disabled persons	<p>Groups→Disabled persons→Substantive</p> <p>Page 1, 2. Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.</p> <p>Page 2, 4. The Government of Nepal shall bear entire medical expenses of the persons who sustained injuries and provide compensation to those who lost property in the course of the movement.</p>
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, 1: The Government of Nepal is clear about the fact that all indigenous nationalities, Madheshis, Dalits, Muslims, minority communities in the country, including the indigenous Tharus of the Terai, have their own unique identities. Thus, the prevalent constitutional and legal provisions that encumber and overshadow their independent identities shall be amended by following the necessary process.</p> <p>Groups→Racial/ethnic/national group→Substantive</p> <p>Page 1, 2: Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.</p>

Religious groups Groups→Religious groups→Rhetorical
Page 1, 1: The Government of Nepal is clear about the fact that all indigenous nationalities, Madheshis, Dalits, Muslims, minority communities in the country, including the indigenous Tharus of the Terai, have their own unique identities. Thus, the prevalent constitutional and legal provisions that encumber and overshadow their independent identities shall be amended by following the necessary process.

Indigenous people Groups→Indigenous people→Rhetorical
Page 1, 1: The Government of Nepal is clear about the fact that all indigenous nationalities, Madheshis, Dalits, Muslims, minority communities in the country, including the indigenous Tharus of the Terai, have their own unique identities. Thus, the prevalent constitutional and legal provisions that encumber and overshadow their independent identities shall be amended by following the necessary process.;

Groups→Indigenous people→Substantive

Page 1, 2: Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.

Groups→Indigenous people→Other

Page 1, 3: The Government of Nepal shall declare Kamal Chaudhary, Bipin Chhetri, Ram Prasad Chaudhari and Prakash Chaudhari, who lost their lives during the movement of the indigenous Tharu communities, as martyrs and shall provide suitable financial assistance to their families.

Other groups No specific mention.

Refugees/
displaced
persons No specific mention.

Social class Groups→Social class→Rhetorical

Page 1, 1: The Government of Nepal is clear about the fact that all indigenous nationalities, Madheshis, Dalits, Muslims, minority communities in the country, including the indigenous Tharus of the Terai, have their own unique identities. Thus, the prevalent constitutional and legal provisions that encumber and overshadow their independent identities shall be amended by following the necessary process.;

Groups→Social class→Substantive

Page 1, 2: Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.

Gender

Women,
girls and
gender

Page 1, 2: Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.

Men and
boys

No specific mention.

LGBTI

No specific mention.

Family

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State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

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) No specific mention.

Elections No specific mention.

Electoral
commission No specific mention.

Political
parties
reform No specific mention.

Civil society Page 1, 6: All agitation programmes launched by organisations, including the Tharu Kalyankari Sabha [Tharu Welfare Council], Tharuhat Samyukta Sangharsha Samiti [Tharuhat Joint Struggle Committee], Nepal Loktantrik Tharu Sangha [Nepal Democratic Tharu Association], Tharu Rastriya Mukti Morcha Nepal [Tharu National Liberation Front Nepal] and Nepal Adivasi Janajati Mahasangha [Nepal Federation of Indigenous Nationalities], are withdrawn effective from today.

Traditional/
religious
leaders No specific mention.

Public
administration No specific mention.

Constitution Governance→Constitution→Constitutional reform/making

Page 1, 1: The Government of Nepal is clear about the fact that all indigenous nationalities, Madheshis, Dalits, Muslims, minority communities in the country, including the indigenous Tharus of the Terai, have their own unique identities. Thus, the prevalent constitutional and legal provisions that encumber and overshadow their independent identities shall be amended by following the necessary process.;

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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, 2: Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.

Human rights and equality

Human rights/RoL general	No specific mention.
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 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 Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 1, 2: Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions 'to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion', the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.

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 Land, property and environment→Land reform/rights→Property return and restitution
Page 1, 4: The Government of Nepal shall bear entire medical expenses of the persons who sustained injuries and provide compensation to those who lost property in the course of the movement

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	Page 1, 2: Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.
Armed forces	Page 1, 2: Remaining committed to the provision of Clause (d1) of Article 33 of the Interim Constitution of Nepal 2063 that mentions ‘to enable Madheshi, Dalits, indigenous ethnic groups [Adivasi Janajati], women, labourers, farmers, the physically impaired, disadvantages classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion’, the Acts issued through ordinances, including the Police Act, the Armed Police Act, the Army Act, the Education Act, the Development Act, the Health Services Act and the Nepal Essential Services Act, shall be amended by following the necessary process.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/ rebel and opposition group forces	Page 1, 6: All agitation programmes launched by organisations, including the Tharu Kalyankari Sabha [Tharu Welfare Council], Tharuhat Samyukta Sangharsha Samiti [Tharuhat Joint Struggle Committee], Nepal Loktantrik Tharu Sangha [Nepal Democratic Tharu Association], Tharu Rastriya Mukti Morcha Nepal [Tharu National Liberation Front Nepal] and Nepal Adivasi Janajati Mahasangha [Nepal Federation of Indigenous Nationalities], are withdrawn effective from today.
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, 5: The Ministry of Home Affairs has been directed to immediately release the people arrested during the movement.

Vetting No specific mention.

Victims Page 1, 3: The Government of Nepal shall declare Kamal Chaudhary, Bipin Chhetri, Ram Prasad Chaudhari and Prakash Chaudhari, who lost their lives during the movement of the indigenous Tharu communities, as martyrs and shall provide suitable financial assistance to their families.

Missing
persons No specific mention.

Reparations Transitional justice→Reparations→Material reparations

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Page 1, 4: The Government of Nepal shall bear entire medical expenses of the persons who sustained injuries and provide compensation to those who lost property in the course of the movement.

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.
