

Country/entity	Nepal
Region	Asia and Pacific
Agreement name	Agreement between the GoN and Samyukta Muslim Rastriya Sangharsha Samiti
Date	16 Mar 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	Pre-negotiation/process
Conflict nature	Government
Peace process	Nepal related-local processes
Parties	<p>On behalf of Samyukta Muslim Rastriya Sangharsha Samiti Talks Team</p> <p>Sd.</p> <p>Athar Hussein Faruki</p> <p>Coordinator of the Talks Team</p> <p>Sd.</p> <p>Taj Mohammed Miyan</p> <p>Coordinator, Kendriya Sangharsha Samiti (Central Struggle Committee)</p> <p>On behalf of GoN Talks Team</p> <p>Sd.</p> <p>Janardhan Sharma ‘Prabhakar’</p> <p>Coordinator of the Talks Team and Minister for Peace and Reconstruction</p>

Third parties	-
Description	An agreement between the Government of Nepal and the Samyukta Muslim Rastriya Sangharsha Samiti to amend the Interim Constitution.
Agreement document	NP_090316_GoN and Samyukta Muslim Rastriya Sangharsha Samiti.pdf (opens in new tab) Download PDF
Groups	
Children/youth	No specific mention.
Disabled persons	Groups→Disabled persons→Substantive Page 1, 2. Expressing commitment to Clause (d1) of Article 33 of the Interim Constitution of Nepal 2007, which states ‘to enable Madheshi, Dalits, Adivasi Janajati [indigenous nationalities], 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 Government of Nepal shall take necessary initiative to ensure political, economic, social, cultural and educational rights of all Adivasi, Janajati , Madheshi, Tharu, Dalit and minority communities of the country, including Muslims.
Elderly/age	No specific mention.
Migrant workers	No specific mention.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Rhetorical

Page 1, 1: The Government of Nepal is clear that all Adivasi, Janajati , Madheshi, Tharu, Dalit and minority communities of the country, including Muslims, have their own distinct identity. Hence, the existing constitutional and legal provisions that jeopardize or shadow their independent identity shall be amended by following the necessary procedure.

Groups→Racial/ethnic/national group→Substantive

Page 1, 2: Expressing commitment to Clause (d1) of Article 33 of the Interim Constitution of Nepal 2007, which states ‘to enable Madheshi, Dalits, Adivasi Janajati [indigenous nationalities], 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 Government of Nepal shall take necessary initiative to ensure political, economic, social, cultural and educational rights of all Adivasi, Janajati , Madheshi, Tharu, Dalit and minority communities of the country, including Muslims.

Page 1, 5: The report of the national census conducted in B.S. 2058 (2002), as per the policy of the Government of Nepal to carry out national census every ten years, has already been made public. The Government is committed to carrying out census in a manner that separate numerical and other particulars of all Adivasi, Janajati, Madheshi, Tharu, Dalit, minority communities of the country, including Muslim, are clearly reflected.

Religious groups

Groups→Religious groups→Rhetorical

Page 1, 1: The Government of Nepal is clear that all Adivasi, Janajati, Madheshi, Tharu, Dalit and minority communities of the country, including Muslims, have their own distinct identity. Hence, the existing constitutional and legal provisions that jeopardize or shadow their independent identity shall be amended by following the necessary procedure.

Groups→Religious groups→Substantive

Page 1, 2: Expressing commitment to Clause (d1) of Article 33 of the Interim Constitution of Nepal 2007, which states 'to enable Madheshi, Dalits, Adivasi Janajati [indigenous nationalities], women, labourers, farmers, the physically impaired, disadvantaged classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion', the Government of Nepal shall take necessary initiative to ensure political, economic, social, cultural and educational rights of all Adivasi, Janajati, Madheshi, Tharu, Dalit and minority communities of the country, including Muslims.

Page 1, 3: The National Muslim Commission shall be constituted as soon as possible by conforming necessary procedures to carry out acts, including uplift and development of various sector in relation to the Nepalese Muslim community, formation of a permanent Hajj Committee and Madarasha Board.

Page 1, 5: The report of the national census conducted in B.S. 2058 (2002), as per the policy of the Government of Nepal to carry out national census every ten years, has already been made public. The Government is committed to carrying out census in a manner that separate numerical and other particulars of all Adivasi, Janajati, Madheshi, Tharu, Dalit, minority communities of the country, including Muslim, are clearly reflected.

Page 1, 6: Expressing commitment on behalf of the entire Muslim community of Nepal to conclude the peace process of the country and to draft a people-oriented Constitution, the Joint Muslim National Struggle Committee has called off all declared programmes of struggle.

Indigenous people	<p>Groups→Indigenous people→Rhetorical</p> <p>Page 1, 1: The Government of Nepal is clear that all Adivasi, Janajati , Madheshi, Tharu, Dalit and minority communities of the country, including Muslims, have their own distinct identity. Hence, the existing constitutional and legal provisions that jeopardize or shadow their independent identity shall be amended by following the necessary procedure.</p> <p>Groups→Indigenous people→Substantive</p> <p>Page 1, 2: Expressing commitment to Clause (d1) of Article 33 of the Interim Constitution of Nepal 2007, which states ‘to enable Madheshi, Dalits, Adivasi Janajati [indigenous nationalities], 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 Government of Nepal shall take necessary initiative to ensure political, economic, social, cultural and educational rights of all Adivasi, Janajati , Madheshi, Tharu, Dalit and minority communities of the country, including Muslims.</p> <p>Page 1, 5: The report of the national census conducted in B.S. 2058 (2002), as per the policy of the Government of Nepal to carry out national census every ten years, has already been made public. The Government is committed to carrying out census in a manner that separate numerical and other particulars of all Adivasi, Janajati, Madheshi, Tharu, Dalit, minority communities of the country, including Muslim, are clearly reflected.</p>
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	<p>Groups→Social class→Rhetorical</p> <p>Page 1, 1: The Government of Nepal is clear that all Adivasi, Janajati, Madheshi, Tharu, Dalit and minority communities of the country, including Muslims, have their own distinct identity. Hence, the existing constitutional and legal provisions that jeopardize or shadow their independent identity shall be amended by following the necessary procedure.</p> <p>Groups→Social class→Substantive</p> <p>Page 1, 2: Expressing commitment to Clause (d1) of Article 33 of the Interim Constitution of Nepal 2007, which states ‘to enable Madheshi, Dalits, Adivasi Janajati [indigenous nationalities], 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 Government of Nepal shall take necessary initiative to ensure political, economic, social, cultural and educational rights of all Adivasi, Janajati , Madheshi, Tharu, Dalit and minority communities of the country, including Muslims.</p> <p>Page 1, 5: The report of the national census conducted in B.S. 2058 (2002), as per the policy of the Government of Nepal to carry out national census every ten years, has already been made public. The Government is committed to carrying out census in a manner that separate numerical and other particulars of all Adivasi, Janajati, Madheshi, Tharu, Dalit, minority communities of the country, including Muslim, are clearly reflected.</p>

Gender

Women, girls and gender	Page 1, 2: Expressing commitment to Clause (d1) of Article 33 of the Interim Constitution of Nepal 2007, which states ‘to enable Madheshi, Dalits, Adivasi Janajati [indigenous nationalities], 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 Government of Nepal shall take necessary initiative to ensure political, economic, social, cultural and educational rights of all Adivasi, Janajati, Madheshi, Tharu, Dalit and minority communities of the country, including Muslims.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

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	Page 1, 4: The Government of Nepal shall positively consider the request for declaring the birthday of Hajarat Muhammad Sallallahu Alaihi Wa Sallam and Muharram festivals public holidays.
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 No specific mention.

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 that all Adivasi, Janajati , Madheshi, Tharu, Dalit and minority communities of the country, including Muslims, have their own distinct identity. Hence, the existing constitutional and legal provisions that jeopardize or shadow their independent identity shall be amended by following the necessary procedure.

Page 1, 6: Expressing commitment on behalf of the entire Muslim community of Nepal to conclude the peace process of the country and to draft a people-oriented Constitution, the Joint Muslim National Struggle Committee has called off all declared programmes of struggle.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

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 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 No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces Page 1, 6: Expressing commitment on behalf of the entire Muslim community of Nepal to conclude the peace process of the country and to draft a people-oriented Constitution, the Joint Muslim National Struggle Committee has called off all declared programmes of struggle.

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	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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