

<b>Country/entity</b>	Nepal
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Agreement between the GoN and Tamsaling Samyukta Sangharsha Samiti, Nepal
<b>Date</b>	11 Apr 2009
<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>	<p>On behalf of GoN Talks Team: Janardhan Sharma 'Prabhakar', Talks Coordinator and Minister, Peace and Reconstruction</p> <p>On behalf of TSSS, Nepal Talks Team: Suryaman Dong Tamang, Tamang National Liberation Front</p> <p>Bir Bahadur Lama Tamang, Democratic Tamang Association</p> <p>Dilman Pakhrin Tamang, Nepal Tamang Association</p> <p>Parsuram Tamang, Tamsaling National Party</p> <p>Furnyamgel Moktan Tamang, Autonomous Tamang Association (Unified)</p> <p>Dup Wangdel Moktan Tamang, Tamang Huel Council</p> <p>Tek Bahadur Tamang, Tamang Liberation Organization</p> <p>Dhan Prasad Tamang, Nepal Tamang Ghedung</p> <p>Kumar Yonjon Tamang, General Secretary</p> <p>Kaman Singh Lama, Advisor</p>
----------------	---

**Third parties**

-

<b>Description</b>	An agreement between the Government of Nepal and Tamsaling Samyukta Sangharsha Samiti on a series of inclusion issues for minority groups.
--------------------	--

---

<b>Agreement document</b>	<a href="#">NP_090411_GoN and Tamsaling Samyukta Sangharsha Samiti.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
---------------------------	--

---

**Groups**

<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→Substantive

Page 1, 9: As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, Adivasi, Janajati, classes, and regions, among others.

Groups→Racial/ethnic/national group→Other

[Summary: Although the agreement refers to the Tamang ethnic group, as a listed indigenous nationality officially recognized in Nepal, they have been coded under Indigenous Peoples]

**Religious groups**

Groups→Religious groups→Rhetorical

Page 1, 3: Respecting the aspirations of the Tamsaling Sangharsha Samiti and the core spirit of secularism as enshrined in Nepal's Interim Constitution 2007, an amendment proposal shall be submitted by building political consensus, including on national animal.

**Indigenous people** Groups→Indigenous people→Rhetorical

Page 2, 18: Acknowledging the oppression, discrimination and exclusion of the Tamang ethnic group by the State in the past, the Government expresses its commitment to take initiative for the utmost development of the Tamang ethnic group. The GoN assesses the struggle waged by the Tamang community, an oppressed Adivasi, against the long-standing oppression, especially the People's War and its role in the People's Movement, in a favourable manner.

Groups→Indigenous people→Anti-discrimination

Page 1, 2: Ending cultural discrimination, all castes and ethnic groups shall determine a common cultural policy with the participation of the parties concerned to continue and grant recognition to own cultures.

Groups→Indigenous people→Substantive

Page 1, 4: The Government is committed to implementing Article 33 (d1) of Nepal's Interim Constitution 2007 in the context of the Tamang ethnic group as well.

Page 1, 5: Ending the ethnic humiliation of the Tamang ethnic group at the Pipa Goswara [Office of Attendants] of the past and the current Logistics Battalion, the policy of making the national army of Nepal inclusive by creating diverse battalions shall be effectively put into practice.

Page 1, 7: In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.

Page 1, 9: As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, Adivasi, Janajati, classes, and regions, among others.

Page 1, 10: A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namobuddha.

Page 2, 13: A model development programme implementation cost shall be allocated in the budget and programme for the forthcoming year for the uplift and development of all oppressed communities, including Tamang.

Page 2, 14: A special programme on employment shall be implemented in the forthcoming year, keeping in mind the oppressed communities that have been left far behind, including Tamang, and the programme shall be gradually accomplished.

Page 2, 12: The Government shall take initiative to establish the traditional knowledge, biodiversity, intellectual property of Adivasi Janajati.

**Other groups**

No specific mention.

**Refugees/displaced persons** No specific mention.

**Social class** Groups→Social class→Rhetorical  
Page 1, 2: Ending cultural discrimination, all castes and ethnic groups shall determine a common cultural policy with the participation of the parties concerned to continue and grant recognition to own cultures.  
Groups→Social class→Substantive  
Page 1, 9: As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, Adivasi, Janajati, classes, and regions, among others.

---

## **Gender**

**Women, girls and gender** No specific mention.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

---

## **State definition**

**Nature of state (general)** Page 2, 16: The programmes to build nationalistic sentiments among people shall be carried forward with special priority.

**State configuration** Page 1, Untitled Preamble: The first round of talks between the Government Talks Team formed by the Government of Nepal (GoN) and the Talks Team of the Tamsaling Samyukta Sangharsha Samiti, Nepal [Tamsaling Joint Struggle Committee, Nepal] to discuss the 26-Point demands presented by the said Samiti was held on April 11, 2009 and an agreement in support of the federal democratic republic and a new people-centric constitution was reached as follows.

Page 1, 9: As stipulated in Nepal's Interim Constitution 2007, the State Restructuring Committee shall be formed as soon as possible with the representation of oppressed ethnic groups, Adivasi, Janajati, classes, and regions, among others.

**Self determination** No specific mention.

**Referendum** No specific mention.

<b>State symbols</b>	Page 1, 3: Respecting the aspirations of the Tamsaling Sangharsha Samiti and the core spirit of secularism as enshrined in Nepal's Interim Constitution 2007, an amendment proposal shall be submitted by building political consensus, including on national animal.
<b>Independence/secession</b>	No specific mention.
<b>Accession/unification</b>	No specific mention.
<b>Border delimitation</b>	No specific mention.
<b>Cross-border provision</b>	No specific mention.

---

## Governance

<b>Political institutions (new or reformed)</b>	Governance→Political institutions (new or reformed)→General references Page 1, 1: The Government shall present Points 1, 2, 4, 5, 6, 11, 16 and 17 that belong to the jurisdiction of the Constituent Assembly as recommendation, along with its affirmative commitment, to the Constitution Drafting Committee.
<b>Elections</b>	No specific mention.
<b>Electoral commission</b>	No specific mention.
<b>Political parties reform</b>	No specific mention.
<b>Civil society</b>	Page 2, 19: The Tamsaling Samyukta Sangharsha Samiti, Nepal withdraws the shutdown programme called for April 12, 2009.
<b>Traditional/religious leaders</b>	No specific mention.
<b>Public administration</b>	No specific mention.
<b>Constitution</b>	Governance→Constitution→Constitution affirmation/renewal Page 1, 4: The Government is committed to implementing Article 33 (d1) of Nepal's Interim Constitution 2007 in the context of the Tamang ethnic group as well. Governance→Constitution→Constitutional reform/making Page 1, 1: The Government shall present Points 1, 2, 4, 5, 6, 11, 16 and 17 that belong to the jurisdiction of the Constituent Assembly as recommendation, along with its affirmative commitment, to the Constitution Drafting Committee.  Page 1, 3: Respecting the aspirations of the Tamsaling Sangharsha Samiti and the core spirit of secularism as enshrined in Nepal's Interim Constitution 2007, an amendment proposal shall be submitted by building political consensus, including on national animal.

---

## **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, 5: Ending the ethnic humiliation of the Tamang ethnic group at the Pipa Goswara [Office of Attendants] of the past and the current Logistics Battalion, the policy of making the national army of Nepal inclusive by creating diverse battalions shall be effectively put into practice.

---

## **Human rights and equality**

**Human rights/RoL general** No specific mention.

**Bill of rights/similar** No specific mention.

**Treaty incorporation** Page 1, 7: In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.

**Civil and political rights** No specific mention.

**Socio-economic rights** Human rights and equality→Socio-economic rights→Work  
Page 1, 8: Notwithstanding the fact that education, health and employment are mentioned as fundamental rights of the people in the Interim Constitution 2007, and considering their non-implementation, laws shall be framed and implemented in this regard.  
Human rights and equality→Socio-economic rights→Health  
Page 1, 8: Notwithstanding the fact that education, health and employment are mentioned as fundamental rights of the people in the Interim Constitution 2007, and considering their non-implementation, laws shall be framed and implemented in this regard.  
Human rights and equality→Socio-economic rights→Education  
Page 1, 8: Notwithstanding the fact that education, health and employment are mentioned as fundamental rights of the people in the Interim Constitution 2007, and considering their non-implementation, laws shall be framed and implemented in this regard.



## **Rights related issues**

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

---

## **Rights institutions**

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

---

## **Justice sector reform**

<b>Criminal justice and emergency law</b>	No specific mention.
<b>State of emergency provisions</b>	No specific mention.
<b>Judiciary and courts</b>	No specific mention.
<b>Prisons and detention</b>	No specific mention.
<b>Traditional Laws</b>	No specific mention.

---

## **Socio-economic reconstruction**

<b>Development or socio-economic reconstruction</b>	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 1, 6: Initiative shall be taken for christening the traditional habitats of Adivasi Janajati in their own languages. The Government has a clear policy of imparting education in mother tongue and additional provision shall be made for its implementation in the budget for the next fiscal year.</p> <p>Page 1, 10: A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namu Buddha.</p> <p>Page 2, 13: A model development programme implementation cost shall be allocated in the budget and programme for the forthcoming year for the uplift and development of all oppressed communities, including Tamang.</p> <p>Page 2, 14: A special programme on employment shall be implemented in the forthcoming year, keeping in mind the oppressed communities that have been left far behind, including Tamang, and the programme shall be gradually accomplished.</p> <p>Page 2, 15: The construction of the Tamsaling Ring Road has already started and shall be continued over the next year with priority.</p>
<b>National economic plan</b>	No specific mention.
<b>Natural resources</b>	Page 1, 7: In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.
<b>International funds</b>	No specific mention.
<b>Business</b>	Page 1, 10: A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namu Buddha.
<b>Taxation</b>	No specific mention.
<b>Banks</b>	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→Tangible  
Page 1, 10: A Development Regional Committee shall be formed with the participation of the Tamang community for further development and conservation of cultural heritage and tourist destinations such as Swoyambhu and Namo Buddha.  
Land, property and environment→Cultural heritage→Intangible  
Page 1, 6: Initiative shall be taken for christening the traditional habitats of Adivasi Janajati in their own languages. The Government has a clear policy of imparting education in mother tongue and additional provision shall be made for its implementation in the budget for the next fiscal year.  
Land, property and environment→Cultural heritage→Promotion  
Page 1, 2: Ending cultural discrimination, all castes and ethnic groups shall determine a common cultural policy with the participation of the parties concerned to continue and grant recognition to own cultures.  
  
Page 2, 11: The State shall determine a policy for the conservation and promotion of both tangible and non-tangible cultural heritage.  
  
Page 2, 12: The Government shall take initiative to establish the traditional knowledge, biodiversity, intellectual property of Adivasi Janajati.

**Environment** No specific mention.

**Water or riparian  
rights or access** Page 1, 7: In the context of the Government of Nepal having ratified the International Labour Organization Convention no. 169 and Nepal being a state party to the United Nations Universal Declaration on Indigenous Nationalities 2007, the Government shall codify necessary laws to ensure the ownership of local communities on the natural resources, rivers and streams, and minerals by indigenous nationalities.

---

## **Security sector**

**Security  
Guarantees** No specific mention.

**Ceasefire** No specific mention.

**Police** No specific mention.

<b>Armed forces</b>	Page 1, 5: Ending the ethnic humiliation of the Tamang ethnic group at the Pipa Goswara [Office of Attendants] of the past and the current Logistics Battalion, the policy of making the national army of Nepal inclusive by creating diverse battalions shall be effectively put into practice.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	Page 2, 19: The Tamsaling Samyukta Sangharsha Samiti, Nepal withdraws the shutdown programme called for April 12, 2009.
<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.

---

## **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>	No specific mention.
<b>Missing persons</b>	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** Page 2, 17: A five-member monitoring committee shall be formed within a week to assist and 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.

---