

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)

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 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

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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 \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons Groups→Disabled persons→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.

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.

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 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→Racial/ethnic/national group→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.

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
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Groups→Indigenous people→Substantive
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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
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Groups→Social class→Substantive
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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 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.

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
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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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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.
