

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

**Third parties**

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**Description**

An agreement between the Government of Nepal and the Samyukta Muslim Rastriya Sangharsha Samiti to amend the Interim Constitution.

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**Agreement document**

[NP\\_090316\\_GoN and Samyukta Muslim Rastriya Sangharsha Samiti.pdf \(opens in new tab\)](#) | [Download PDF](#)

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**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.

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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** Groups→Indigenous people→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→Indigenous people→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.

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**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: 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.

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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** 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.

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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** No specific mention.

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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.

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## **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.

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## **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## **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.

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## **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.

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## **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.

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### **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.

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### **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** 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.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

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#### **Implementation**

<b>UN signatory</b>	No specific mention.
<b>Other international signatory</b>	No specific mention.
<b>Referendum for agreement</b>	No specific mention.
<b>International mission/force/similar</b>	No specific mention.
<b>Enforcement mechanism</b>	No specific mention.
<b>Related cases</b>	No specific mention.

<b>Source</b>	Asian Study Center for Peace & Conflict Transformation (2011), From Conflict to Peace in Nepal: Peace Agreements 2005-2010.
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