

Country/entity	Uganda
Region	Africa (excl MENA)
Agreement name	Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement
Date	29 Jun 2007
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Ugandan Conflicts (1970 -)

Uganda has long experienced tensions along ethnic, religious and national lines. On independence in 1962, Ugandan politics were defined by smaller monarchies, among which the Southern Kingdom of Buganda dominated the national sphere. Resistance to this system was the campaign platform of the Uganda People's Congress (UPC) led by Milton Obote, who won the 1962 elections. Tension between the Buganda's ruler King Mutesa II and Obote with his then-ally Idi Amin, led to Obote changing the constitution, abolishing the monarchic system and thus, centralizing power. However, a split between Obote and Amin eventually led to a military coup d'état in 1970, which brought Amin the presidency where he instituted his genocidal regime.

Despite economic collapse, President Amin was only removed from power following a failed attempt at invading Tanzania in 1979, whereby the Tanzanian counter-attack alongside forces loyal to former-President Obote toppled Amin. Authoritarianism continued under the new regime, after Obote won the 1980 elections under dubious circumstances, and in 1985, Obote was once again deposed in a coup. Out of the fray, Yoweri Museveni and the National Resistance Army (NRA) captured the presidency in 1986 and began instituting economic and democratic reforms.

Resistance to Museveni, however, continued with various insurgencies across the country including by former-supporters of President Obote or President Amin. Other insurgencies based on chiliastic beliefs based on the return of Jesus Christ, most notably the Holy Spirit Movement, fought in the late 1980s before splintering into several smaller factions. One such faction later became the Lord's Resistance Army (LRA) led by Joseph Kony. Many of the 22 or more insurgency groups estimated to contain more than 40,000 insurgents, operate from across the Ugandan border and are based in either South Sudan or the Democratic Republic of Congo.

Close
Ugandan Conflicts (1970 -
)

Stage Framework/substantive - partial

Conflict nature	Government
Peace process	Uganda peace process
Parties	Dr. S.P. Kagoda, Permanent Secretary Ministry of Internal Affairs, Acting Head of the Government of Uganda Delegation and Mr Martin Ojul, the leader of the Lord's Resistance Army/Movement.
Third parties	Agreement witnessed by: H.E. Lt. Gen. Riek Machar Teny-Dhurgon (PHD, Vice President of Southern Sudan and Mediator of the Souther Sudan and Mediator of the Government of Uganda- Lord's Resistance Army/Movement Peace Talks. H.E Japheth R Getugi, for the Government of the Republic of Kenya. H.E Ali Siwa, for the Government of the Republic of Tanzania.
Description	Agreement dedicated to establishing multi-level accountability mechanisms for the conflict, including mechanisms such as: truth recovery, prosecutions, and the commitment to deal conscientiously with ICC arrest warrants, in the spirit of 'complementarity' and reconciliation through custom based justice.

Agreement document [UG_070629_AgrmtAccountabilityReconciliation.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth Groups→Children/youth→Substantive
Page 5, Article 3: PRINCIPLES OF GENERAL APPLICATION
...
3.4. In the conduct of accountability and reconciliation processes, measures shall be taken to ensure the safety and privacy of witnesses. Witnesses shall be protected from intimidation or persecution on account of their testimony. Child witnesses and victims of sexual crimes shall be given particular protection during proceedings.

Page 10, Article 12 CHILDREN
In the implementation of this Agreement it is agreed to:
(i) Recognise and address the special needs of children and adopt child sensitive approaches.
(ii) Recognise and consider the experiences, views and concerns of children.
(iii) Protect the dignity, privacy and security of children in any accountability and reconciliation proceedings.
(iv) Ensure that children are not subjected to criminal justice proceedings, but may participate, as appropriate, in reconciliation processes.
(v) Promote appropriate reparations for children.
(vi) Encourage and facilitate the participation of children in the processes for implementing this Agreement.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

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

Social class No specific mention.

Gender

Women, girls and gender Page 5, Article 3. Principles of General Application

...

3.4 Child witnesses and victims of sexual crimes shall be given particular protection during proceedings.

Page 9, Article 10. GENDER

In the implementation of this Agreement, a gender-sensitive approach shall be promoted and in particular, implementers of this Agreement shall strive to prevent and eliminate any gender inequalities that may arise.

Page 9, Article 11. WOMEN AND GIRLS

In the implementation of this Agreement it is agreed to:

- (i) Recognise and address the special needs of women and girls.
- (ii) Ensure that the experiences, views and concerns of women and girls are recognised and taken into account.
- (iii) Protect the dignity, privacy and security of women and girls.
- (iv) Encourage and facilitate the participation of women and girls in the processes for implementing this agreement.

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 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 4, Article 2. COMMITMENT TO ACCOUNTABILITY AND RECONCILIATION

2.4. The Parties agree that at all stages of the development and implementation of the principles and mechanisms of this Agreement, the widest possible consultations shall be promoted and undertaken in order to receive the views and concerns of all stakeholders, and to ensure the widest national ownership of the accountability and reconciliation processes. Consultations shall extend to state Institutions, civil society, academia, community leaders, traditional and religious leaders, and victims.

**Traditional/
religious leaders** Page 2. PREAMBLE

...

DRIVEN by the need for adopting appropriate justice mechanisms, including customary processes of accountability, that would resolve the conflict while promoting reconciliation and convinced that this Agreement is a sound basis for achieving that purpose;

Page 4, Article 2. COMMITMENT TO ACCOUNTABILITY AND RECONCILIATION

2.4. The Parties agree that at all stages of the development and implementation of the principles and mechanisms of this Agreement, the widest possible consultations shall be promoted and undertaken in order to receive the views and concerns of all stakeholders, and to ensure the widest national ownership of the accountability and reconciliation processes. Consultations shall extend to state Institutions, civil society, academia, community leaders, traditional and religious leaders, and victims.

Public administration No specific mention.

Constitution No specific mention.

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 Page 4. 2. COMMITMENT TO ACCOUNTABILITY AND RECONCILIATION.

...

2.3 The Parties believe that a comprehensive, independent and impartial analysis of the history and manifestations of the conflict, especially the human rights violations and crimes committed during the course of the conflict, is an essential ingredient for attaining reconciliation at all levels.

Bill of rights/similar No specific mention.

Treaty incorporation Page 2 PREAMBLE

...

Committed to preventing impunity and promoting redress in accordance with the Constitution and International obligations and recalling, in this connection, the requirements of the Rome Statute of the International Criminal Court (ICC) and in particular the principle of complementarity:

Civil and political rights

Human rights and equality→Civil and political rights→Fair trial
Page 5. Article 3. PRINCIPLES OF GENERAL APPLICATION

3.3. With respect to any proceedings under this Agreement, the right of the individual to a fair hearing and due process, as guaranteed by the Constitution, shall at all times be protected. In particular, in the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law.

Legal representation

3.7. Any person appearing before a formal proceeding shall be entitled to appear in person or to be represented at that person's expense by a lawyer of his or her choice. Victims participating in proceedings shall be entitled to be legally represented.

3.8. Provision shall be made for individuals facing serious criminal charges or allegations of serious human rights violations and for victims participating in such proceedings, who cannot afford representation, to be afforded legal representation at the expense of the State.

Page 6, Article 4. ACCOUNTABILITY

4.1. Formal criminal and civil justice measures shall be applied to any individual who is alleged to have committed serious crimes or human rights violations in the course of the conflict. Provided that, state actors shall be subjected to existing criminal justice processes and not to special justice processes under this Agreement

4.2. Prosecutions and other formal accountability proceedings shall be based upon systematic, independent and impartial investigations.

4.3 The choice of forum for the adjudication of any particular case shall depend, amongst other considerations, on the nature and gravity of the offending conduct and the role of the alleged perpetrator in that conduct.

4.4. For purposes of this Agreement, accountability mechanisms shall be implemented through the adapted legal framework in Uganda.

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

Rights related issues→Protection measures→Protection of groups

Page 5, Article 3: PRINCIPLES OF GENERAL APPLICATION

...

3.4. In the conduct of accountability and reconciliation processes, measures shall be taken to ensure the safety and privacy of witnesses. Witnesses shall be protected from intimidation or persecution on account of their testimony. Child witnesses and victims of sexual crimes shall be given particular protection during proceedings.

Other

Page 11 Article 14. OBLIGATIONS AND UNDERTAKINGS OF THE PARTIES

...

The Government:

...

14.4. Introduce any amendments to the Amnesty Act or the Uganda Human Rights Act in order to bring it into conformity with the principles of this Agreement.

14.5. Undertake any necessary representations or legal proceedings nationally or internationally, to implement the principles of this Agreement.

Rights institutions

NHRI

Rights institutions→NHRI→Mentions of NHRI

Page 7, 5. LEGAL AND INSTITUTIONAL FRAMEWORK

...

5.5. The Parties consider that the Ugandan Human Rights Commission and the Uganda Amnesty Commission are capable of implementing relevant aspects of this Agreement.

Regional or international human rights institutions

No specific mention.

Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Reform to specific laws
Page 7, Article 5 LEGAL AND INSTITUTIONAL FRAMEWORK

5.1 The Parties affirm that Uganda has institutions and mechanisms, customs and usages as provided for and recognised under national laws, capable of addressing the crimes and human rights violations committed during the conflict. The Parties also recognise that modifications may be required within the national legal system to ensure a more effective and integrated justice and accountability response.

5.2. The Parties therefore acknowledge the need for an overarching justice framework that will provide for the exercise of formal criminal jurisdiction, and for the adoption and recognition of complementary alternative justice mechanisms.

5.3 Alternative justice mechanisms shall promote reconciliation and shall include traditional justice processes, alternative sentences, reparations, and any other formal institution of mechanisms.

5.4. Insofar as practicable, accountability and reconciliation processes shall be promoted through existing national institutions and mechanisms with necessary modifications. The Parties shall consult on the need to introduce any additional institutions or mechanisms for the implementation of this Agreement.

5.5. The Parties consider that the Uganda Human Rights Commission and the Uganda Amnesty Commission are capable of implementing aspects of this Agreement.

Page 8

6.3. Legislation shall introduce a regime of alternative penalties and sanctions which shall apply, and replace existing penalties, with respect to serious crimes and human rights violations committed by non-state actors in the course of the conflict.

6.4 Alternative penalties and sanctions shall, as relevant: reflect the gravity of the crimes or violations; promote reconciliation between individuals and within communities; promote the rehabilitation of offenders; take into account an individual's admissions or other cooperation with proceedings; and, require perpetrators to make reparations to victims.

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 7, Article 5 LEGAL AND INSTITUTIONAL FRAMEWORK

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5.5. The Parties consider that the Uganda Human Rights Commission and the Uganda Amnesty Commission are capable of implementing aspects of this Agreement.

State of emergency provisions No specific mention.

Judiciary and courts Page 3, PREAMBLE

Guided by the Objective Principle of the Constitution, which directs that there shall be established and nurtured institutions and procedures for the resolution of conflicts fairly and peacefully; and further recalling the Constitutional duty on the courts of Uganda to promote the reconciliation.

Page 7, Article 6. FORMAL JUSTICE PROCESSES

6.1. Formal courts provided for under the Constitution shall exercise jurisdiction over individuals who are alleged to bear particular responsibility for the most serious crimes, especially crimes amounting to international crimes, during the course of the conflicts.

6.2. Formal courts and tribunals established by law shall adjudicate allegations of gross human rights violations arising from the conflict.

Prisons and detention No specific mention.

Traditional Laws Page 3 DEFINITIONS

"Ailuc" refers to the traditional rituals performed by the Iteso to reconcile parties formerly in conflict, after full accountability,

"Culo Kwor" refers to the compensation to atone for homicide, as practiced in Acholi and Lango cultures, and to any other forms of reparation, after full accountability.

"Kayo Cuk" refers to the traditional rituals performed by the Langi to reconcile parties formerly in conflict, after full accountability.

"Mato Oput" refers to the traditional rituals performed by the Acholi to reconcile parties formerly in conflict, after full accountability.

"Tonu ci Koka" refers to the traditional rituals performed by the Madi to reconcile parties formerly in conflict, after full accountability;

Page 5, Article 3 PRINCIPLES OF GENERAL APPLICATION

3. 1. Traditional justice mechanisms, such as Culo Kwor, Mato Oput, Kayo Cuk, Ailuc and Tonu ci Koka and others as practiced in the communities affected by the conflict, shall be promoted, with necessary modifications, as a central part of the framework for accountability and reconciliation.

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	<p>Page 11 Article 14. OBLIGATIONS AND UNDERTAKINGS OF THE PARTIES</p> <p>...</p> <p>The Government:</p> <p>...</p> <p>14.6. Address conscientiously the question of the ICC arrest warrants relating to the leaders of the LRA/M.</p> <p>14.7. Remove the LRA/M from the list of Terrorist Organisations under the Anti-Terrorism Act of Uganda upon the LRA/M abandoning rebellion, ceasing fire, and submitting its members to the process of Disarmament, Demobilisation, and Reintegration.</p> <p>14.8. Make representations to any state or institutions which has proscribed the LRA/M to take steps to remove the LRA/M or its members from such list.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	<p>Page 11 Article 14. OBLIGATIONS AND UNDERTAKINGS OF THE PARTIES</p> <p>... 14.7. Remove the LRA/M from the list of Terrorist Organisations under the Anti-Terrorism Act of Uganda upon the LRA/M abandoning rebellion, ceasing fire, and submitting its members to the process of Disarmament, Demobilisation, and Reintegration.</p>

Transitional justice

Transitional justice general Page 4, Article 2. COMMITMENT TO ACCOUNTABILITY AND RECONCILIATION
...
2.3. The Parties believe that a comprehensive, independent and impartial analysis of the history and manifestations of the conflict, especially the human rights violations and crimes committed during the course of the conflict, is an essential ingredient for attaining reconciliation at all levels.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
Page 11 Article 14. OBLIGATIONS AND UNDERTAKINGS OF THE PARTIES
...
The Government:
...
14.4. Introduce any amendments to the Amnesty Act or the Uganda Human Rights Act in order to bring it into conformity with the principles of this Agreement.

Courts Transitional justice→Courts→National courts
Page 6, Article 4. ACCOUNTABILITY
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4.2. Prosecutions and other formal accountability proceedings shall be based upon systematic, independent and impartial investigations.
4.3 The choice of forum for the adjudication of any particular case shall depend, amongst other considerations, on the nature and gravity of the offending conduct and the role of the alleged perpetrator in that conduct.
4.4. For purposes of this Agreement, accountability mechanisms shall be implemented through the adapted legal framework in Uganda.
Transitional justice→Courts→International courts
Page 2, PREAMBLE
... Committed to preventing impunity and promoting redress in accordance with the Constitution and International obligations and recalling, in this connection, the requirements of the Rome Statute of the International Criminal Court (ICC) and in particular the principle of complementarity:

Page 11, Article 14 OBLIGATIONS AND UNDERTAKINGS OF THE PARTIES,
... 14.6. Address conscientiously the question of the ICC arrest warrants relating to the leaders of the LRA/M.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting

No specific mention.

Victims

Page 2 PREAMBLE,

Conscious of the serious crimes, human rights violations and adverse socio-economic and political impacts of the conflict and the need to honour the suffering victims by promoting lasting peace with justice;

...

Page 5-6, Article 3 PRINCIPLE OF GENERAL APPLICATION

3.4. In the conduct of accountability and reconciliation processes, measures shall be taken to ensure the safety and privacy of witnesses.

Witnesses shall be protected from intimidation or persecution on account of their testimony.

...

3.7 Victims participating in proceedings shall be entitled to be legally represented.

Page 8, Article 8 VICTIMS,

8.2. The Parties agree that it is essential to acknowledge and address the suffering of victims, paying attention to the most vulnerable groups, and to promote and facilitate their right to contribute to society.

8.2. The Government shall promote the effective and meaningful participation of victims in accountability and reconciliation proceedings, consistently with the rights of the other parties in the proceeding. Victims shall be informed of the processes and any decisions affecting their interests.

8.3. Victims have the right of access to relevant information about their experiences and to remember and commemorate past events affecting them.

8.4. In the implementation of accountability and reconciliation mechanisms, the dignity, privacy and security of victims shall be respected and protected.

Page 9, Article 9 REPARATIONS

9.1 Reparations may include a range of measures such as: rehabilitation; restitution; compensation; guarantees of non-recurrence and other symbolic measures such as apologies, memorials and commemorations. Priority shall be given to members of vulnerable groups.

9.2 The Parties agree that collective as well as individual reparations should be made to victims through mechanisms to be adopted by the Parties upon further consultation.

9.3 Reparations, which may be ordered to be paid to a victim as part of penalties and sanctions in accountability proceedings may be paid out of resources identified for that purpose.

Missing persons

No specific mention.

Reparations

Transitional justice→Reparations→Material reparations

Page 9, Article 9 REPARATIONS

9.1 Reparations may include a range of measures such as: rehabilitation; restitution; compensation; guarantees of non-recurrence and other symbolic measures such as apologies, memorials and commemorations. Priority shall be given to members of vulnerable groups.

9.2 The Parties agree that collective as well as individual reparations should be made to victims through mechanisms to be adopted by the Parties upon further consultation.

9.3 Reparations, which may be ordered to be paid to a victim as part of penalties and sanctions in accountability proceedings may be paid out of resources identified for that purpose.

Reconciliation

The Agreement on Accountability and Reconciliation between GoU and LRA/M deals with accountability and reconciliation in its entirety, especially Article 2 and 7.

Page 4, Article 2 COMMITMENT TO ACCOUNTABILITY AND RECONCILIATION

2.1. The Parties shall promote national legal arrangements, consisting of formal and non formal institutions and measures for ensuring justice and reconciliation with respect to the conflict.

2.2. The Accountability processes stipulated in this Agreement shall relate to the period of the conflict. However, this clause shall not prevent the consideration and analysis of any relevant matter before this period, or the promotion of reconciliation with respect to events before this period.

2.3. The Parties believe that a comprehensive, independent and impartial analysis of the history and manifestations of the conflict, especially the human rights violations and crimes committed during the course of the conflict, is an essential ingredient for attaining reconciliation at all levels.

2.4. The Parties agree that at all stages of the development and implementation of the principles and mechanisms of this Agreement, the widest possible consultations, shall be promoted and undertaken in order to receive the views and concerns of all stakeholders, and to ensure the widest national ownership of the accountability and reconciliation processes. Consultations shall extend to state Institutions, civil society, academia, community leaders, traditional and religious leaders, and victims.

2.5. The Parties undertake to honour and respect, at all times, all the terms of this Agreement which shall be Implemented in the utmost good faith and shall adopt effective measures for monitoring and verifying the obligations assumed by the Parties under this Agreement.

Page 8, Article 7 RECONCILIATION,

7.1. The Parties shall promote appropriate reconciliation mechanisms to address issues arising from within or outside Uganda with respect to the conflict.

7.2. The Parties shall promote collective as well as individual acts and processes of reconciliation shall be promoted at all levels.

7.3 Truth-seeking and truth-telling processes and mechanisms shall be promoted.

Implementation

UN signatory No specific mention.

Other international signatory Agreement witnessed by: H.E. Lt. Gen. Riek Machar Teny-Dhurgon (PHD, Vice President of Southern Sudan and Mediator of the Souther Sudan and Mediator of the Government of Uganda- Lord's Resistance Army/Movement Peace Talks. H.E Japheth R Getugi, for the Government of the Republic of Kenya. H.E Ali Siwa, for the Government of the Republic of Tanzania.

Referendum for agreement No specific mention.

International mission/force/similar

No specific mention.

**Enforcement
mechanism**

Page 7, Article 5 LEGAL AND INSTITUTIONAL FRAMEWORK

Legislative and policy changes

5.6. The Government will introduce any necessary legislation, policies and procedures to establish the framework for addressing accountability and reconciliation and shall introduce amendments to any existing law in order to promote the principles in this Agreement.

Page 10, Article 13. RESOURCES

The Government will avail and solicit resources for the effective implementation of this Agreement

Page 10-11, Article 14. OBLIGATIONS AND UNDERTAKINGS OF THE PARTIES

The Parties:

14.1 Expeditiously consult upon and develop proposals for mechanisms for implementing these principles.

14.3. Adopt an appropriate policy framework for implementing the terms of this Agreement.

14.4. Introduce any amendments to the Amnesty Act or the Uganda Human Rights Act in order to bring it into conformity with the principles of this Agreement.

14.5. Undertake any necessary representations or legal proceedings nationally or internationally, to implement the principles of this Agreement.

14.6. Address conscientiously the question of the ICC arrest warrants relating to the leaders of the LRA/M.

14.7. Remove the LRA/M from the list of Terrorist Organisations under the Anti-Terrorism Act of Uganda upon the LRA/M abandoning rebellion, ceasing fire, and submitting its members to the process of Disarmament, Demobilisation, and Reintegration.

14.8. Make representations to any state or institutions which has proscribed the LRA/M to take steps to remove the LRA/M or its members from such list.

The LRA/M:

14.9. The LRA/M shall assume obligations and enjoy rights pursuant to this Agreement.

14.10. The LRA/M shall actively promote the principles of this Agreement.

Page 11, Article 15. ADOPTION OF MECHANISMS FOR IMPLEMENTING THIS AGREEMENT

15.1. The Parties shall negotiate and adopt an annexure to this Agreement which shall set out elaborated principles and mechanisms for the implementation of this Agreement. The annexure shall form a part of this Agreement.

15.2. The Parties may agree and the Mediator will provide additional guidance on the matters for the Parties to consider and consult upon in the Interim period, in developing proposals for mechanisms for implementing this Agreement.

