

# **MEMORANDUM OF UNDERSTANDING**

**ENTERED INTO BY AND BETWEEN**

**NORTH WEST PROVINCIAL GOVERNMENT**

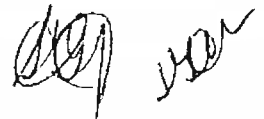
**Duly represented by Ms Maureen Modiselle in her capacity as the  
Premier**

**AND**

**THE NORTHERN CAPE PROVINCIAL GOVERNMENT**

**Duly represented by Ms Hazel Jenkins in her capacity as the Premier**

**REGARDING THE BA GA-MOTHIBI COMMUNITY**



**WHEREAS:** the Ba Ga-Mothibi Community lawfully resides in the North West Province in terms of the existing provincial boundaries;

**WHEREAS:** the Ba Ga-Mothibi community resides in the area bordering the Northern Cape Province in such a manner that it is easier for them to access public services in the Northern Cape Province;

**WHEREAS:** the Ba Ga-Mothibi Community has expressed a desire to be incorporated into the Northern Cape Province for ease of access to public services rendered by the Northern Cape Province ; and

**WHEREAS:** the provincial governments of both the North West Province and the Northern Cape Province accept that it is important to render public services to the Ba Ga-Mothibi irrespective of where the community may be located in terms of the Constitution of the Republic of South Africa, 1996;

**NOW THEREFORE** the parties to this Memorandum of Understanding agree as follows:

**1. The Future Location of Ba Ga-Mothibi Community**

The parties agree that the desire of the Ba Ga-Mothibi Community to fall under the jurisdiction of the Northern Cape Province is a matter of national competence that resides with the Ministry of Co-operative Governance and Traditional Affairs.

**2. Rendering of the Services**

2.1 The two Provincial Governments, which are parties to this memorandum, undertake to co-operate with each other to ensure that the Ba Ga-Mothibi community receives the necessary public service which are being offered in the areas falling under the Northern Cape magisterial locations provided that the North West Provincial Government continues to carry the costs of these services.

2.2 Affected government departments in both provinces shall have bilateral arrangements negotiated and concluded as soon as

*MS*  
*BM*

*MS* *BM*

possible for purposes of ensuring that the Ba Ga-Mothibi community gets uninterrupted effective public services.

### **3. Financial Implications**

- 3.1 The parties agree that the budget for the provision of services in the Ba Ga-Mothibi community still vests in the North West province and that the Northern Cape Province will only be able to assist if funds are made available by the North West Provincial Government in advance, in order to carry out the services.
- 3.2 The Provincial Treasuries of the North West Province and the Northern Cape Province shall work together, as a matter of urgency, to explore the possibility of the application of the principle of "*funds follow functions*" in the case of the Ba Ga-Mothibi Community.
- 3.3 Each affected sector department in the North West Province will provide to its designated counterpart in the Northern Cape Province, a comprehensive cost analysis, which will be verified by each affected sector department in the Northern Cape Province, of its operations in the area of Ba Ga-Mothibi.

### **4. Technical Arrangements Pertaining to the Process**

- 4.1 The Members of the Executive Council in the respective provinces, who are responsible for local government affairs, shall be responsible for coordinating the process flowing from the implementation of this agreement.
- 4.2 The Director General of the respective provinces, or their duly authorized representatives, shall jointly chair the inter-provincial meetings of officials convened in pursuance of the objectives of this agreement.

### **5. Political Oversight of the Process**

- 5.1 The political oversight over the process contemplated in terms of this memorandum shall vest jointly in the Premiers of the two provinces.
- 5.2 The Premiers shall be accountable to the Minister of Cooperative Governance with regard to their responsibility in the processes contemplated in terms of this agreement.

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**6. Disputes**

Any dispute arising out of the implementation of this agreement shall be dealt with in accordance with the spirit and principles of the Intergovernmental Relations Framework Act, 2005 [Act No.13 of 2005]

**7. Duration of the Agreement**

This agreement comes into force on the date of the signature by the party signing last and shall endure until the issue of the Ba Ga-Mothibi Community has been resolved in accordance with clause 1 herein.

Signed at Pretoria this 21 Day of January 2010

Mamus Madisell  
PREMIER – NORTH WEST PROVINCE

WITNESS:

1. [Signature]
2. [Signature]

Signed at Pretoria this 21 Day of January 2010

[Signature]  
PREMIER – NORTHERN CAPE PROVINCE

WITNESS:

1. [Signature]
2. [Signature]

[Signature]