



## **IMPLEMENTATION PROTOCOL**

**ENTERED INTO BY AND BETWEEN**

**THE MSUNDUZI LOCAL MUNICIPALITY**

**[Insert Authorised Signatory Name]**

**AND**



Annexure A  
Precedent Workplar

**THE KWAZULU-NATAL DEPARTMENT OF CO-OPERATIVE  
GOVERNMENT AND TRADITIONAL AFFAIRS**

**[Insert Authorised Signatory Name]**

**AND**

**THE KWAZULU-NATAL DEPARTMENT OF HUMAN SETTLEMENTS**

**[Insert Authorised Signatory Name]**

**AND**

**THE HOUSING DEVELOPMENT AGENCY**

**[Insert Authorised Signatory Name]**

**THE KWAZULU-NATAL DEPARTMENT OF RURAL DEVELOPMENT  
AND LAND REFORM**

**[Insert Authorised Signatory Name]**

**AND**

**THE KWAZULU-NATAL DEPARTMENT OF PUBLIC WORKS**

**[Insert Authorised Signatory Name]**

**AND**

**THE KWAZULU-NATAL PROVINCIAL TREASURY**

**[Insert Authorised Signatory Name]**

**AND**

**THE DEPARTMENT OF NATIONAL TREASURY**

**IN RE: THE GREATER EDENDALE AND VULINDLELA INITIATIVE**

## CONTEXT

The National Development Plan (NDP) aims to eliminate poverty and reduce inequality by 2030. South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, **enhancing the capacity of the state** and promoting leadership and partnerships through society.

The NDPs 2030 objectives:

- Encouraging citizens to be active in their own development, in strengthening democracy and in holding their government accountable
- Uniting South Africans of all races and classes around a common purpose to eliminate poverty and reduce inequality
- Focusing on key capabilities of both the people and the country
- Capabilities include skills, infrastructure, social security, strong institutions and partners both within key international partners
- Raising economic growth, promoting exports, and making the economy more labour intensive
- **Building a capable and developmental state**

If we are to address the tripe threat of poverty, inequality, and unemployment, a capable state is needed in playing a transformative and developmental role. This required well-run and effective coordinated state initiatives, staffed by skilled public servants, capable of delivering consistently high-quality services for the public. These can be achieved through various means, chief amongst which is **improving the relations between all three spheres of government**, particularly looking at how responsibilities are divided, shared and monitored at local, provincial and national levels.

Specific leadership from The Departments of Public Service and Administration, Cooperative Government and Traditional Affairs, National Treasury and Performance Monitoring and Evaluation is required. The NDP stipulates that these departments need to work closely in ensuring alignment between powers and functions, planning and processes and budgetary allocations.

The Kwa-Zulu Natal Provincial Growth and Development Strategy (PDGS) is underpinned by Nine Spatial Principles which should be pursued within all levels of spatial planning at district and local level. These spatial principles are namely:

Sustainable Communities

Economic Potential

Environmental Planning

Sustainable Rural Livelihoods

Spatial Concentration and Urban Development

Local Self- Sufficiency

Coordinated Implementation

Accessibility

Balanced Development

In alignment with the PGDS, The Provincial Spatial Development Framework looks at addressing the following:

**Cooperative Spatial Planning and Governance** improving integration of planning and governance amongst spheres of government and departments including support to local municipalities

**Effective Development Partnerships-** the formulation and implementation of effective mechanisms to involve private sector and communities in planning processes. Unlocking or fast tracking provincially significant developments and investments such as bulk regional infrastructure or large scale foreign investment into developments which will have significant regional and local economic benefits.

**Catalytic Interventions-** Interventions that include major strategic capital investments into regional economy, dedicated spatial targeting instruments (eg Provincial Housing Development Areas, Urban Development Zones, Special Economic Zones, Agri-Parks)

**Monitoring of Spatial Transition and Performance-** SMART indicators to be developed to measure progress on delivery on Provincial Spatial Targets.

All of the above are critical components driving economic development, spatial planning, and cooperative governance at the municipal level, particularly on the catalytic initiative known as The Greater Edendale and Vulindlela Development Initiative (GEVDI)

The success of GEVDI will require **a highly coordinated, systematic and collaborative approach by the various levels of government**, the private sector and civil society, as well as an understanding of the respective roles and responsibilities needed to achieve the common vision of spatial transformation. It also calls for leadership and strong political will to oversee and support the implementation of its initiatives.

## **GEVDI DEVELOPMENT PRACTICE AND AGENDA**

Embedded in a highly volatile and contested landscape its mandate is defined in the Integrated Development Plan, where GEVDI is introduced:

*“As a revolutionary transformative approach from the apartheid form of planning of historically repressed and neglected township into an urban Pietermaritzburg place of high quality representing the single biggest investment in the City’s future.”*

GEVDI was established for the prime purpose of advancing the development of an inclusive, livable, productive and sustainable Edendale Vulindlela Complex both as an integral and integrated component of Msunduzi Municipality and the city landscape.

The GEVDI vision is centred on the adoption of an urban growth and management model premised on Compact and Sustainable Cities, the application of New Urbanism, Nodes and Corridor Development and Smart Growth as primary planning concepts in the reconstruction and development of the Edendale and Vulindlela Complex.

The principles adopted are:

- Promote a Connected and Compact City;
- Promote Integration and Inclusivity [Ensure a City for All] and finally
- Regenerate and Expand within a Sustainable Framework [Realising the Potential

GEVDI is, intrinsically and further defined within the above Agenda and Enquiry as:

- An active agent of change
- An ambassador of a development manifesto

The Integrated Urban Development Framework (IUDF) sets out the policy framework for transforming and restructuring South Africa's urban spaces, guided by the vision of creating 'liveable, safe, resource cities and towns that are socially integrated, economically inclusive and globally competitive, where residents actively participate in urban life'.

To support this vision, the IUDF proposes an urban growth and management model premised on compact and connected cities and towns. This will require a highly coordinated, systematic and collaborative approach by the various levels of government, the private sector and civil society, as well as an understanding of the respective roles and responsibilities needed to achieve the common vision of spatial transformation. It also calls for leadership and strong political will to oversee and support the implementation of the IUDF.

Pertinent to GEVDI is the Neighbourhood Development Partnership Grant. (NDPG) funded through National Treasury. Its primary focus is to stimulate and accelerate investment in poor, underserved areas by providing technical assistance and capital grant financing for municipal projects that have either a distinct private sector element or an intention to achieve this.

With the implementation of the Urban Network Strategy [UNS] the key focus on the NDPG has moved towards strategic spatial targeting and larger scale spatial interventions in the larger urban areas in South Africa. In this regard, the UNS emphasizes the importance of coordinated public intervention in defined spatial locations within the city, in order to maximise the leverage of public resources [including other strategic spatial, housing and transit orientated grants] and private investment in order to bring about the transformation of the urban form. The NDPG is driven by the notion that public investment and funding can be used creatively to attract private and community investment to unlock the social and economic potential within target areas.

GEVDI and its Strategic Focus Areas reflect a number of elements that primarily speak to urban regeneration and creating a sustainable and liveable environment.

Strategic Focus Areas:

- Integrated Planning and Spatial Transformation
- Social Equity and Inclusive Economic Development
- Land Transactions and Human Settlements
- Infrastructure and Resource Efficiency
- Sustainable City Framework and Precinct Management

Urban regeneration includes infrastructure upgrading, equitable provision of social amenities and public facilities, promoting economic development and investment, and developing the area as a safe and secure environment to live and work in. One of the major challenge is the transformation of the area from a typical apartheid township into a sustainable human settlement that responds to the development needs of the local people and generates economic development opportunities

### **Defining the Principles and Strategic Drivers**

It is fundamental that the GEVDI Performance Management System be, built on sound principles to capture its development philosophy and ethos, which may be recorded as follows:

[a] **Strategic Driver: Eradicating poverty**

The aspirations of the poor may present considerable delivery challenges but as a developmental local government, Msunduzi Municipality should strive to work with the most marginalised communities, to promote social, economic and spatial inclusion. This principle means:

- Enabling the poor to access basic livelihoods, inter alia by helping them to secure social grants, facilitating skills development and basic employment opportunities, and supporting 'self-help' projects, start-up microenterprises and community-based co-operatives;
- Accommodating the poor, by working to ensure that they can find and retain decent low-cost rental housing opportunities, without needing to resort to living in informal settlements and inner city slums.
- A key priority is the assimilation of the poor, ensuring they are not relegated to the margins of the city, but can instead find residency in mixed-income residential spaces;
- Empowering the poor politically through meaningful participatory governance; and enabling them to feel part of the city and to minimise the experience of social exclusion; and
- Making allowances for the poor in terms of how the built environment – and the use of public space – is managed – e.g. through developing more innovative, supportive regulatory approaches for the management of informal trading, spaza shops and backyard dwellings.

## **Goal**

The goal is to primarily address the poorest within the society to ensure that there is a coordinated response between all actors, to target vulnerable groups and address issues of poverty where they exist.

### **Desired Outcome:**

- Strong economic growth, sustainable job creation and poverty alleviation.

Sustainable jobs, uplifted education standards and skills development

Strategic Driver: Building and growing an inclusive and diverse economy and empowerment

The apartheid legacy has resulted in a highly unequal economy that excludes the majority of residents. This has also created labour market distortions that continue to benefit racial minorities. Facilitating shared growth, and engaging more citizens in economically productive activity, will serve to benefit all. Undertaking entities that contribute to strong economic growth, sustainable job creation and improved skills is a key mandate of the municipality. The creation of an inclusive and diverse economy will ultimately impact on the well-being of all citizens and assist in penetrating the competitive economic market.

## **Goal**

The goal is to establish Msunduzi as a learning city which uses knowledge management techniques and processes to enhance the skills base of the citizenry as well as share good practice with other municipalities. Moreover, to develop the economic wealth of the Msunduzi Region for the material well-being of all its citizens.

### **Desired Outcomes:**

- A skilled and capable citizenry, within the Msunduzi Municipal Area, that shares in and contributes to the economic expansion and growth of the region.
- A skilled work force that delivers effective and quality services to the citizens of Msunduzi Municipality.
- A learning city.

[c] Strategic Driver: Building sustainable human settlements and quality living environment

Building sustainable human environments must be aligned to national imperatives and therefore address the triple challenge of; 'breaking through the Apartheid City', creating more liveable environments and confronting post- Apartheid urban exclusion. In line with national legislation, GEVDI is committed to creating a quality living environment that is sustainable and accessible to all citizens.

## **Goal**



The goal of this plan is to promote access to equitable, appropriate and sustainable levels of household infrastructure and community services, and facilitate access of housing.

**Desired Outcome:**

- Appropriately serviced and well maintained, quality living environments.
- High levels of resident satisfaction in terms of infrastructure provision and service delivery
- Increased housing delivery

[d] Strategic Driver: Ensuring resource security and environmental sustainability

A healthy urban environment is critical for the well-being of all residents, and those who work and play in the city which is committed to transitioning to a low-carbon economy. Increasing energy costs will also further disadvantage the poor, exacerbating conditions of energy poverty in the city. The management of scarce resources is the collective responsibility of all who live and work in the city. For success, this principle requires the development of compacts between the City, business, individual citizens and communities, with joint action representing the only option for adequately addressing resource security.

**Goal**

The goal of this plan to lead, direct and manage the spatial, built and natural environment to ensure the sustainable and integrated growth and development of our Municipality for the benefit of all its citizens.

**Desired Outcome:**

- Citizens will be able to access and use resources to meet their needs without compromising the amenity for others and the resource base of the Municipality in the present and in the future.

[e] Strategic Driver: Achieving social inclusion and embracing cultural diversity and heritage

Social inclusion should be promoted at all levels of society through addressing key obstacles, including issues relating to access to service infrastructure and social safety nets. The establishment of partnerships for social inclusion across civil society and business would be ideal in addressing this principle. Building bridges across diverse communities is an important feature of social inclusion, and ensuring that trust is restored within and between communities.

### **Goal**

To create a city where people interact creatively to stimulate economic growth, social cohesion and unity in diversity.

### **Desired Outcome**

- People living vibrantly and productively in an attractive healthy environment.

#### [f] Strategic Driver: Promoting good governance and Financial Accountability

Good governance is central to all of the principles outlined above. It is the basis on which all other principles will be realised. GEVDI should ensure financial sustainability – and deepening participation. Financial sustainability is critical to meet the long-term demands for capital infrastructure. In addition, building more innovative mechanisms through which citizens and communities can be empowered to participate more effectively and meaningfully should be promoted. Recognising that communication is critical for deepening participation, Msunduzi Municipality should transform the manner in which it communicates with citizens and stakeholders.

### **Goal**

The goal is to ensure a strong, caring and democratic institution to promote and support a consultative and participatory local government.

### **Desired Outcomes:**

- All citizens embracing, practicing and benefiting from the concepts of Good Governance;
- A stronger, more efficient public service which is capable of developing and implementing policy and delivering better services to all people at all levels;
- Better and more transparent public management;
- More participative and responsive Municipality, particularly at all levels;
- A Municipality which prevents, and fights corruption and waste at all levels;
- Municipality where all inequalities of the past are eradicated

#### Strategic Driver: Land Reform and Security of Tenure

Land tenure reform is about securing and protecting customary and informal land rights that were left vulnerable by earlier land policies and apartheid. It serves to recognise locally held rights and to transfer power over those rights to the land rights-holders. Security of tenure is improved when land rights are recognised as legitimate by relevant stakeholders, and legal by the State. Having secure tenure leads to improved opportunity for development and helps communities to rise out of poverty.

## **Goal**

The goal is to redress issues of access to land and improve security of tenure, resulting from the historical legacy of apartheid and imbalances of the past

### **Desired Outcome:**

- Equal distribution and access to land and housing
  - Reduced land invasion
  - A sound land administration, providing security of tenure and addressing injustices
- (a) GEVDI and the re-development of the Greater Edendale and Vulindlela Region has taken on a new dynamic in which the different spheres of government have given the Msunduzi Municipality their assurances and commitments in realising the objectives set by GEVDI with respect to the above.
- [b] The Municipality has entered into various memoranda of agreements with national and provincial departments which gave rise to the establishment of a high level “steering committee” known as the Greater Edendale Land Legal Committee, (the “LLC”).
- [c] The major role players have met recently (18<sup>th</sup> January 2019) and agreed that this committee must be re-constituted so as to reflect and confirm the intergovernmental nature of the committee and to confirm the commitments made and to drive the GEVDI initiative in a meaningful manner with appropriate annual budget commitments.
- [d] The role players have accordingly resolved to re-constitute the above named committee as the “Greater Edendale and Vulindlela Intergovernmental Steering Committee”.
- [e] This committee will accordingly obtain its authority and mandate from the enabling memoranda of agreements but also from Section 35 of the intergovernmental Regulations Framework Act, Act No 13 of 2005, (“Act 13 of 2005”)
- [f] The principles of co-operative government and inter-governmental relations contemplated in section 41(1) of the Constitution requires that all spheres of government and all organs of state within each sphere must –
- Respect the constitutional status, institutions, powers and functions of government in the other spheres;
  - Not assume any power or function except those conferred on them in terms of the Constitution.

- Exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and
- Co-operate with one another in mutual trust and good faith by –
  - (i) fostering friendly relations;
  - (ii) assisting and supporting one another;
  - (iii) informing one another of, and consulting one another on, matters of common interest;
  - (iv) co-ordinating their actions and legislation with one another;
  - (v) adhering to agreed procedures; and
  - (vi) avoiding legal proceedings against one another.

[g] Organs of state may enter into an implementation protocol in terms of section 35(1) of Act No. 13 of 2005, if the implementation of a policy, the exercise of a statutory power, the performance of a statutory function or the provision of a service, depends on the participation of organs of state and different governments who must co-ordinate their actions.

(1) Section 35 of Act No 13 of 2005 that specifically provides that:

*“35.(1) Where the implementation of a policy, the exercise of a statutory power, the performance of a statutory function or the provision of a service depends on the participation of organs of state in different governments, those organs of state must co-ordinate their actions in such a manner as may be appropriate or required in the circumstances, and may do so by entering into an implementation protocol.*

**The Parties:**

**A. Recognising** the numerous challenges facing Edendale which include informal land tenure, high levels of poverty, unemployment, population growth, AIDS, lack of formal spatial planning, inadequate provision for services and infrastructure and a proliferation of informal settlements;

**B. Having regard to** Msunduzi's initiative known as the Greater Edenvale and Vulindlela Development Initiative (GEVDI) established to address the aforementioned challenges;

**C. Recognising the** different roles, powers and responsibilities of the Parties in achieving the objectives of GEVDI;

**D. Having regard to** the principles of co-operative government and inter-governmental relations contemplated in section 41(1) of the Constitution requires that all spheres of government and all organs of state within each sphere must –

"(e) respect the constitutional status, institutions, powers and functions of government in the other spheres;

(f) not assume any power or function except those conferred on them in terms of the Constitution;

(g) exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and

(h) co-operate with one another in mutual trust and good faith by –

(i) fostering friendly relations;

(ii) assisting and supporting one another;

(iii) informing one another of, and consulting one another on, matters of common interest;

(iv) co-ordinating their actions and legislation with one another;

(v) adhering to agreed procedures; and

(vi) avoiding legal proceedings against one another."

**D. Acknowledging that** organs of state may enter into an implementation protocol in terms of section 35(1) of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) ("IRFA"), if the implementation of a policy, the exercise of a statutory power, the

performance of a statutory function or the provision of a service, depends on the participation of organs of state in different governments who must co-ordinate their actions;

**E. Acknowledging that** in terms of section 35(2) of the IRFA organs of state must consider an implementation protocol when –

- "(a) the implementation of the policy, the exercise of the statutory power, the performance of the statutory function or the provision of the service has been identified as a national priority;
- (b) an implementation protocol will materially assist the national government or a provincial government in complying with its constitutional obligations to support the local sphere of government or to build capacity in that sphere;
- (c) an implementation protocol will materially assist the organs of state participating in the provision of a service in a specific area to co-ordinate their actions in that area; or
- (d) an organ of state to which primary responsibility for the implementation of the policy, the exercise of the statutory power, the performance of the statutory function or the provision of the service has been assigned lacks the necessary capacity.";

**F. Acknowledging that** In terms of section 35(3) of the IRFA (3) an implementation protocol must –

- "(a) identify any challenges facing the implementation of the policy, the exercise of the statutory power, the performance of the statutory function or the provision of the service and state how these challenges are to be addressed;
- (b) describe the roles and responsibilities of each organ of state in implementing policy, exercising the statutory power, performing the statutory function or providing the service;
- (c) give an outline of the priorities, aims and desired outcomes;
- (d) determine indicators to measure the effective implementation of the protocol;
- (e) provide for oversight mechanisms and procedures for monitoring the effective implementation of the protocol;
- (f) determine the required and available resources to implement the protocol and the resources to be contributed by each organ of state with respect to the roles and responsibilities allocated to it;
- (g) provide for dispute-settlement procedures and mechanisms should disputes arise in the implementation of the protocol;
- (h) determine the duration of the protocol";

**G. Desiring to** enter into an implementation protocol to co-ordinate the actions of each other to realise the objectives of GEVDI.

**THEREFORE THE PARTIES AGREE AS FOLLOWS:**

**1. INTERPRETATION AND DEFINITIONS**

In this Agreement, unless the context indicates otherwise the following expressions will bear the meanings assigned to them –

**"Edendale"** the Greater Edendale and Vulindlela District;

**"CoGTA"** means the Kwazulu-Natal Department of Co-Operative Government And Traditional Affairs

**"DRDLR"** means the Kwazulu-Natal Department Of Rural Development And Land Reform

**"Human Settlements"** means the Kwazulu-Natal Department of Human Settlements

**"IRFA"** means the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005);

**"GEVDI"** means the Greater Edendale and Vulindlela District Initiative

**"HDA"** means the Housing Development Agency

**"Msunduzi"** means the Msunduzi Local Municipality

**"Parties"** means parties to this Agreement

**"Public Works"** means the Kwazulu-Natal Department of Public Works

**"Treasury"** means the Kwazulu-Natal Provincial Treasury

**"National Treasury"** means the National Department of Treasury

**"Workplan"** means a Workplan in the format of Annexure A

**XXXXX**

## **2. PURPOSE OF THE PROTOCOL**

2.1. The aims of this Protocol are to:

2.1.1. Assist the Parties in coordinating their actions in Edendale to facilitate formal land tenure to the occupants in the area;

2.1.2. Provide additional capacity and support to Msunduzi to realize the objectives of GEVDI.

2.1.3. **XXXX**

2.2. The objectives of this Protocol are to:

2.2.1. Raise necessary funding for GEVDI;

2.2.2. Expedite statutory and other approvals from the Parties;

2.2.3. **XXXX**

2.3. The Parties agree to act in common pursuit of the aims and objectives which shall be implemented by ensuring:

2.3.1. the consideration of matters pertaining to GEVDI by a party are dealt with as a priority;

2.3.2. Information relevant to GEVDI is shared with the relevant Parties to this protocol timeously;

2.3.3. **XXXX**

## **3. ROLES AND RESPONSIBILITIES**

3.1. The principal concerning this Protocol is Msunduzi. the roles and responsibilities of Msunduzi are:



3.1.1. Arranging meetings with the Parties where necessary which includes:

- 3.1.1.1. Setting a date;
- 3.1.1.2. Securing a venue;
- 3.1.1.3. Setting an agenda;
- 3.1.1.4. Taking minutes;
- 3.1.1.5. XXXXX

3.1.2. Distributing quarterly updates to the Parties on the progress of GEVDI;

3.1.3. Coordinating correspondence and information between other Parties to this Protocol;

3.1.4. **XXXX**

3.2. the roles and responsibilities of CoGTA are to:

- 3.2.1. assist Msunduzi in the facilitation of the coordination of this protocol;
- 3.2.2. assist Msunduzi with the administration of this Protocol;
- 3.2.3. assist with regards to Spluma Municipal Support
- 3.2.4. assist with Planning by-laws
- 3.2.5. assist to capacitate, strengthen and develop the initiative
- 3.2.6. assist with internal municipal planning tribunal

3.3. the roles and responsibilities of Human Settlements are to:

- 3.3.1. provide funding for the acquisition of private land in Edendale;
- 3.3.2. assist with expropriations where necessary;
- 3.3.3. assist with housing administration and accreditation
- 3.3.4. assist with housing needs, planning and research
- 3.3.5. monitor housing developments and implementation
- 3.3.6. assist with housing asset management and property management
- 3.3.7. assist with Operation Sukuma Sakhe Programmes
- 3.3.8. assist with the Social and Economic Amenities Programme
- 3.3.9. assist with the DOHS Expanded Public Works Programme
- 3.3.10. assist with access to Rural Housing Loan Fund (Vulindlela)
- 3.3.11. Shared Services

3.4. the roles and responsibilities of HDA are to:

- 3.4.1. Provide project management during construction of any structures;
- 3.4.2. Assist Msunduzi in dealing with housing development in Edendale;
- 3.4.3. Donation of State Land
- 3.4.4. Effect MOU Agreement

3.5. the roles and responsibilities of DRDLR are to:

- 3.5.1. Land acquisition: expropriation and funding
- 3.5.2. provide funding for tenure recitification;
- 3.5.3. prioritise the appointment of Land Titles Adjustment Commissioners for Edendale area in terms of the Land Titles Adjustment Act 111 of 1993;
- 3.5.4. assist with SPLUMA and relevant Planning BY-laws
- 3.5.5. compliment GEVDI Skills development programmes (agricultural graduate programmes; recognition of prior learning (RPL)
- 3.5.6. (compliment GEVDI economic development programmes ; agro-processing,
- 3.5.7. Shared Services

3.6. the roles and responsibilities of Public Works are to:

- 3.6.1. assist in facilitating reversion transfers of properties on which public service and social infrastructure is located
- 3.6.2. Assist with Community Development Workers programme
- 3.6.3. Compliment the municipal Expanded Public Works Programme
- 3.6.4. Shared Services

3.7. the roles and responsibilities of Treasury is the:

- 3.7.1. Approval of requests for funding by the Parties for GEVDI;
- 3.7.2. Monitoring of the spending of funds;
- 3.7.3. Monitoring of Neighbourhood Development Partnership Grant programme and implementation
- 3.7.4. Assist in using this Tool to leverage further partners
- 3.7.5. Shared Services

#### **4. INTERGOVERNMENTAL FORUM (GEVDI Intergovernmental Strategic Committee GISC)**

- 4.1. The Parties shall establish an Intergovernmental Forum.
- 4.2. The members of the Intergovernmental Forum shall consist of a representative from each party and any other party agreed by the Forum.
- 4.3. The Forum shall be chaired by the representative of Msunduzi.
- 4.4. Members of the Forum shall meet monthly.
- 4.5. Minutes from the Forum shall be distributed to the members no later than one week after a meeting is held.
- 4.6. The Forum shall be responsible for:
  - 4.6.1. Decisions relating to GEVDI;
  - 4.6.2. Allocation of resources;
  - 4.6.3. The adoption of a Workplan;
  - 4.6.4. XXXX
- 4.7. XXXX

## **5. WORKPLANS**

5.1. The Forum shall adopt a Workplan, which shall be supplemented by individual Workplans of the Parties.

## **6. GOOD FAITH AND REASONABLENESS**

6.1. In their dealings with each other for the purposes of this Protocol, the Parties:

6.1.1. Undertake to act in good faith and reasonably; and

6.1.2. Warrant that they shall not do anything that might prejudice or detract from the powers or functions of each other.

6.2. This Protocol does not limit any statutory powers or functions of the Parties.

## **7. COMMUNICATION**

7.1. The Parties undertake to communicate the contents of this Protocol to their colleagues, employees, agents, representatives and/or any other necessary person who, in the course and scope of their responsibilities, may need to be aware of the contents.

## **8. COMMENCEMENT AND DURATION**

8.1. The Protocol commences upon the signature of all the Parties and remains in place until cancelled in writing by any of the Parties or their successors in law.

## **9. DISPUTE SETTLEMENT**

9.1. In the event of a dispute arising out of this Protocol the Parties may refer the dispute for resolution as contemplated in the IRFA.

## **10. DOMICILIUM AND NOTICES**

10.1. The Parties choose their *domicilium citandi et executandi* for all purposes arising from this agreement, as follows:

**MSUNDUZI: XXXX**

**CoGTA: XXXX**

**HUMAN SETTLEMENTS: XXXX**

**HDA: XXXX**

**DRDLR: XXXX**

**PUBLIC WORKS: XXXX**

**TREASURY: XXXX**

10.2. Either party, upon written notice to the other party, may vary its physical address or facsimile number, to any other physical address or facsimile number, within the Republic of South Africa.

10.3. Any notice given by either party to the other party, which–

10.3.1. is delivered by hand during the normal business hours of the addressee at the addressee's *domicilium* will be deemed to have been received by the addressee at the time of delivery;

10.3.2. is posted by prepaid registered post from an address within the Republic of South Africa to the addressee at the addressee's *domicilium* will be deemed to have been received by the addressee on the seventh day after the date of posting; and

10.3.3. is sent by facsimile during the normal business hours of the addressee to the addressee's *domicilium* will be deemed to have been received on the date and time of successful transmission thereof.

## 11. GENERAL

- 11.1. This agreement, together with its appendices, constitutes the sole record of the agreement between the parties in regard to the application of SALA, and neither party will be bound by any representation, express or implied term or promise not recorded herein, or reduced to writing and signed by both parties.
- 11.2. No variation, modification, addition, alteration, erasure or abandonment of any clause of this agreement or consent to deviation from the agreement will be valid unless such variation, modification, addition, alteration, erasure or abandonment of any clause of this agreement or consent to deviation is recorded in writing and signed by both parties.
- 11.3. Each clause of this agreement is severable from each of the other clauses and if any clause in this agreement is found to be void, invalid or unenforceable for any reason, the remaining clauses will remain in full force and effect.
- 11.4. The provisions of this agreement are binding upon the successors-in-title of the parties, and the rights and obligations of each party arising out of or pursuant to this agreement will devolve upon and bind its successors-in-title.

SIGNED AT XXXXXXXX ON THIS \_\_\_\_ DAY OF \_\_\_\_\_

**AS WITNESSES**

\_\_\_\_\_  
XXXXXXXXX

MSUNDUZI

\_\_\_\_\_  
WITNESS 1

\_\_\_\_\_  
WITNESS 2

SIGNED AT XXXXX ON THIS \_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
XXXXX

HUMAN SETTLEMENTS

\_\_\_\_\_  
WITNESS 1

\_\_\_\_\_  
WITNESS 2