the Premier of the province where the Khoi-San council is situated to ensure uniformity in the provisioning of such administrative support.

(b) The provincial government of a province where a branch of a Khoi-San community has been recognised is responsible for the financial expenditure in relation to the attendance of Khoi-San council meetings by the relevant branch head. 5

Partnerships and agreements

24. (1) The national government and provincial governments may, through legislative or other measures, regulate partnerships and agreements as contemplated in this section.

(2) Kingship or queenship councils, principal traditional councils, traditional councils, Khoi-San councils and traditional sub-councils may enter into partnerships 10 and agreements with each other, and with—
- *(a)* municipalities;
- *(b)* government departments; and
- *(c)* any other person, body or institution.

Added only in final draft.

(3) Any partnership or agreement entered into by any of the councils contemplated in 15 subsection (2) must be in writing and—
- *(a)* must be beneficial to the community represented by such council;
- *(b)* must, in addition to any other provisions, contain clear provisions on the responsibilities of each party and the termination of such partnership or agreement; 20
- *(c)* is subject to a prior decision of such council indicating in writing the support of the council for the particular partnership or agreement;
- *(d)* is subject to ratification by the Premier of the province in which the relevant council is situated and will have no effect until such ratification has been obtained; and 25
- *(e)* may not bind the state or any person, body or institution who is not a party to such partnership or agreement.

(4) Any partnership or agreement contemplated in subsection (2) must—
- *(a)* be based on the principles of mutual respect and recognition of the status and roles of the respective parties; and 30
- *(b)* be guided by and based on the principles of co-operative governance.

(5) Any council contemplated in subsection (2), may enter into a service delivery agreement with a municipality in accordance with the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and any other applicable legislation.

(6) A Premier must— 35
- *(a)* monitor all partnerships and agreements as contemplated in this section and may take the necessary steps to ensure the effective and efficient implementation or termination thereof; and
- *(b)* provide the Minister with copies of all partnerships or agreements contemplated in subsection (3)*(d)*. 40

(7) *(a)* A Premier, when considering the ratification of any partnership or agreement as contemplated in subsection (3)*(d)*, must be satisfied that the provisions of subsection (3)*(a)*, *(b)*, *(c)* and *(e)* have been complied with.

(b) If a Premier is of the opinion that a partnership or agreement does not comply with the provisions of subsection (3)*(a)*, *(b)*, *(c)* or *(e)*, the Premier must refer such 45 partnership or agreement to the parties who entered into such partnership or agreement, together with his or her reasons for not ratifying the partnership or agreement, and request them to rectify any shortcomings as referred to in his or her reasons.

(8) The provisions of subsection (3)*(d)* are not applicable to any partnership or agreement between the parties referred to in subsection (2), entered into in terms of any 50 other national law: Provided that any council who is a party to such a partnership or agreement, must provide copies thereof to the Minister and relevant Premier.

Allocation of roles to kingship or queenship council, principal traditional council, traditional council, Khoi-San council, traditional sub-council and traditional and Khoi-San leaders 55

25. (1) A department within the national or provincial sphere of government, as the case may be, may, through legislative or other measures, provide a role for a kingship or queenship council, principal traditional council, traditional council, Khoi-San council, traditional sub-council and traditional and Khoi-San leaders in respect of any functional