

No. 48079

**South Africa
and
Brazil**

Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Federative Republic of Brazil on consultation and cooperation in the area of intergovernmental relations. Pretoria, 9 July 2010

Entry into force: *9 July 2010 by signature, in accordance with paragraph 8*

Authentic texts: *English and Portuguese*

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**Afrique du Sud
et
Brésil**

Mémorandum d'accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République fédérative du Brésil concernant la consultation et la coopération dans le domaine des relations intergouvernementales. Pretoria, 9 juillet 2010

Entrée en vigueur : *9 juillet 2010 par signature, conformément au paragraphe 8*

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[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA**

AND

**THE GOVERNMENT OF THE FEDERATIVE
REPUBLIC OF BRAZIL**

ON

**CONSULTATION AND COOPERATION IN THE
AREA OF INTERGOVERNMENTAL RELATIONS**

Introduction

The Government of the Republic of South Africa and the Government of the Federative Republic of Brazil (hereinafter jointly referred to as the "Participants" and in the singular as a "Participant");

CONSIDERING the ties of friendship and mutual cooperation that bind the Participants and desiring to deepen and consolidate their relations; and

EMPHASIZING the democratic values and considering the efforts of the Participants to promote development in their countries in recent decades;

HEREBY reach the following understanding:

Paragraph 1 Purpose

The Participants will endeavour to strengthen the exchange of experiences and mutual cooperation in the area of intergovernmental relations with a view to promoting economic development and democratic participation.

Paragraph 2 Definition

For the purposes of this Memorandum of Understanding (hereinafter referred to as the "MOU"), the term "intergovernmental relations" refers to:

- (a) the relationship between the central, federal or national government of either Participant and its federative or sub-national entities, such as local and regional or provincial governments which have been legally established, and their representatives vested with legitimacy, and formally recognized by the central, federal or national government;
- (b) the relationship between the central, federal or national government and the Congress or Parliament of the states of the Participants, in all instances, whenever legally established and within the respective constitutional provisions in force in the territory of each Participant; and
- (c) the relationship between the central, federal or national government with civil society and private sector maintained by means of advisory councils legally in force.

Paragraph 3
Competent Authorities

The Competent Authorities responsible for the implementation of this MOU will be:

- (a) on behalf of the Government of the Federative Republic of Brazil, the Secretariat of Institutional Relations of the Presidency of the Republic; and
- (b) on behalf of the Government of the Republic of South Africa, the Department of Cooperative Governance and Traditional Affairs.

Paragraph 4
Activities

(1) The Participants will cooperate with the purpose of exchanging experiences and transferring knowledge in the area of intergovernmental relations, through the following activities:

- (a) exchange of data and information;
- (b) working meetings;
- (c) technical visits or political missions;
- (d) organisation and hosting of seminars, conferences and related activities;
- (e) training programmes and professional training and development;
- (f) provision of advisory services and technical assistance;
- (g) exchange of governmental officials, technicians, experts and consultants; and
- (h) sending of equipment and materials considered essential to the development of programmes and implementation of projects.

(2) In addition to the activities referred to in sub-Paragraph (1) the Participants may cooperate through decentralized means, involving other levels of government as contemplated in the definition of intergovernmental relations.

(3) In addition to the activities referred to in sub-Paragraph (1) any other form of cooperation may be agreed upon, in writing, by the Participants.

Paragraph 5
Areas of Cooperation

The Participants will cooperate primarily in the following areas:

- (a) exchanging experiences in the implementation of participatory public policies at local level, relating to:

- (i) participatory budgeting;
- (ii) urban planning;
- (iii) solid waste management; and
- (iv) other participatory-oriented policies; and

(b) exchanging experiences in the implementation of major international events relating to intergovernmental relations and local administration.

Paragraph 6 Settlement of Disputes

Any dispute between the Participants arising out of the interpretation, application or implementation of this MOU will be settled amicably through consultation or negotiations between the Participants, through diplomatic channels.

Paragraph 7 Amendment

This MOU may be amended by mutual consent of the Participants, through an exchange of Notes between the Participants, through diplomatic channels.

Paragraph 8 Entry into effect, Duration and Termination

- (1) This MOU will enter into effect on the date of signature thereof and will remain in operation until terminated in accordance with sub-Paragraph (2).
- (2) This MOU may be terminated by either Participant giving 90 days written notice in advance through diplomatic channels to the other Participant of its intention to terminate this MOU.
- (3) The termination of this MoU will not affect the completion of any programmes undertaken by the Participants prior to the termination thereof, or the full execution of any co-operative activity that has not been fully executed at the time of termination, unless otherwise agreed upon in writing by the Participants.