

29 June 2022

To: Senzi Malaza

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

Per Email: [senzim@cogta.gov.za](mailto:senzim@cogta.gov.za) ; [zakithin@cogta.gov.za](mailto:zakithin@cogta.gov.za)

Dear Ms Senzi Malaza,

**RE: SUBMISSION ON THE DRAFT AMENDED LOCAL GOVERNMENT: MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS, 2001**

This submission is made by the Equal Education Law Centre (EELC).

The EELC is a public interest law centre with a team of activist lawyers and researchers working to advance the struggle for quality and equality in education through legal research, advocacy and strategic litigation.

Recognizing the significance of Early Childhood Development (ECD), both in its own right and in terms of its impact on educational outcomes further down the line, the EELC has been conducting pioneering work on ECD-related issues for several years. For some of our writing on ECD, visit [www.eelawcentre.org.za/media/articles-by-the-eelc/](http://www.eelawcentre.org.za/media/articles-by-the-eelc/).

We make this submission because we consider that ensuring universal access to holistic, quality ECD services must be a priority at all levels of government.

Our submission is made as part of a broader campaign calling for Real Reform of the ECD sector supported, as at the date of this submission, by over 200 organisations. The EELC is a founding member of Real Reform and we sit on the legal sub-committee. Real Reform's objective is to ensure an enabling legal, policy and regulatory environment for ECD so that all children can thrive. For more information, visit [www.ecdreform.org.za](http://www.ecdreform.org.za).

**The Equal Education Law Centre is managed  
By the Equal Education Law Centre Trust.**

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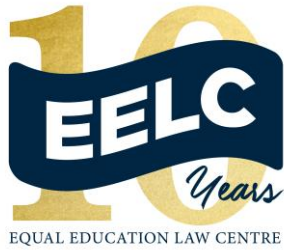
Adv. Michelle Norton SC  
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If there is an opportunity to make oral submissions on this issue in the future, we would be pleased to do so.

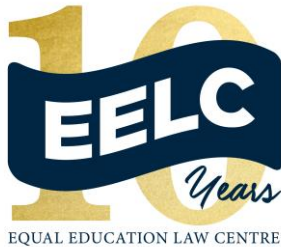
Yours faithfully

A handwritten signature in black ink, appearing to read 'Tarryn Cooper-Bell'.

**EQUAL EDUCATION LAW CENTRE**

Per: Ms Tarryn Cooper-Bell

[tarryn@eelawcentre.org.za](mailto:tarryn@eelawcentre.org.za)



## **SUBMISSION ON THE DRAFT AMENDED LOCAL GOVERNMENT: MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS, 2001**

### **1. Introduction**

1.1 Early childhood development (ECD) refers to the period of childhood between birth and 6 years old, where significant emotional, physical, and cognitive development takes place. It is the most critical developmental stage in a person's life. It is the foundation not only of individual development but also the human resource development of our nation. We cannot say we are investing in the future of our society when families do not have access to affordable and quality early learning programmes for their children in their communities.

1.2 Research shows that providing ECD services improves the physical and mental health of children and reduces reliance on the healthcare system; enhances school readiness and related outcomes such as improved enrolment, retention, and academic performance; and reduces high-risk behaviours like unsafe sex, substance abuse, and criminal and violent activity. For these reasons, municipalities should prioritise investment in ECD through its inclusion in IDPs.

1.3 Municipal integrated development plans (IDP) are crucial instruments of development planning in the local sphere. As municipalities plan their approach to local development, the support, protection, and promotion of the right to ECD should be included in these plans.

### **2. Amendment of regulation 2(1)(f), proposed by COGTA**

2.1 IDPs must by their nature include a significant number of development priorities. However, we submit that the draft *Amended Municipal Planning and Performance Management Regulations, 2021* now being proposed by COGTA can and must be further strengthened to ensure that ECD service provision is always included in IDPs.

2.2 This can be achieved with a simple addition:

| Wording of regulation 2(1)(f)(iv) proposed by COGTA   | Proposed <u>addition</u> to strengthen the regulation   |
|---|---|
| <p>2(1) A municipality’s integrated development plan must at least include-</p> <p>...</p> <p>(f) the municipality’s developmental strategies which-</p> <p>...</p> <p>(iv) seek to address gender equality, youth development, protection of children, social cohesion and the rights of persons with disabilities;”</p> | <p>2(1) A municipality’s integrated development plan must at least include-</p> <p>...</p> <p>(f) the municipality’s developmental strategies which-</p> <p>...</p> <p>(iv) seek to address gender equality, youth development, <u>early childhood development</u>, protection of children, social cohesion and the rights of persons with disabilities;”</p> |

2.3 This addition would effectively secure the inclusion and emphasis of ECD service provision as a core development priority, in all IDPs and as a minimum requirement, from which all financial and other planning must then flow.

### 3. Conclusion

The legal framework applicable to ECD places important duties on local municipalities in relation to ECD service provision. However, if ECD is not consistently included in municipal IDPs, ECD services will not be properly prioritised in development planning and budgeting. COGTA can, through a simple and effective addition to the draft *Amended Local Government: Municipal Planning and Performance Management Regulations 2001*, ensure that every municipality in South Africa supports, protects, and promotes the right to ECD for all children.