

**REPORT ON STREETLAW SEMINAR – 18 October 2010**  
**Compiled by Asiye eTafuleni**



On the 18 October 2010, about 14 trader leaders from different informal trader organisations and street committees from Warwick attended a Street Law seminar that was organised by the NGO Asiye eTafuleni and facilitated by UKZN Law students. Topics that were discussed during this seminar were the following:

1. General Law presented by Sindi Masango (3<sup>rd</sup> year Law student);
2. Law and People working in the Informal Economy presented by Sindi Masango;
3. Community organising and Law presented by Mkhululi Nonjola (4<sup>th</sup> year Law student);
4. Citizen arrest and Law presented by Sheena Ross 4<sup>th</sup> year Law student and Bhongo Nota (3<sup>rd</sup> year Law student);
5. Gender equality and Law presented by Bhongo Nota.



*Above: Presentations being led by UKZN Law Students on right and Trader Leaders actively engaging in the discussions to the left*

The seminar started from 10 am and went on for about four hours. Each law student presented a topic, and traders were allowed to ask questions and have a discussion after each presentation. Below is the summary of presentations and discussions.

**1. General Law:**

There is a perception that Law is only accessible to rich people and not to poor communities. Because of this, there are institutions that have been set up to assist poor communities to have easy access to Law. Such institutions are the Legal Aid, here people can have access to lawyers free of charge, however Legal Aid does not handle civil disputes. Lawyers for Human Rights is also another institution where people can have access to lawyers free of charge when they have human rights related matters. Also there are community Law clinics and Legal Resource Centre (LRC) where people are able to get assistance with different types of legal matters. The Constitution is the highest Law of the land and has full authority. It was advised that each trader leader must have a copy of a constitution; free copies can be obtained from a High Court in any province.

**Discussion:**

Leaders raised that there has been several discussions about the new IPID which is a body that is aimed to handle community complaints. It was clear that they welcome this structure but raised concerns that like all other government initiatives, this might be poorly managed which will lead to malfunction. It was also raised that Ombudsman does not serve the interests of the complainants as he is highly influenced by the City officials and it has been observed that on many occasions, cases that are referred to the ombudsman at most are left unresolved. It was agreed that the Police Commissioner will have to be involved in monitoring Police conduct when they are dealing with informal traders' disputes/conflicts.



*Above: Discussions in progress between the Law Students and Trader Leaders*

## **2. Law and People working in Informal Economy**

There is a general frustration with the City's informal trading by-laws amongst the traders. The feeling is that these by-laws are outdated and are not aligned to our current constitution. It was agreed that these by-laws will need to be looked at and those which are found to be restrictive to traders need to be challenged. In many instances, it seems that the City favours big and more established businesses and excludes informal traders. A classic example here is the Early Morning Market case, where the City wants to demolish a market that is 100 years old and which is used by over a 1000 informal traders as their source of livelihood, and in its place the City intends to build a Shopping Mall. It was clear from the discussion that traders need a platform where they could air their concerns and these challenges.

### 3. Community organising and Law

Our constitution states very clearly the importance of community organising and how this could be achieved. It also states how organisations can manage certain activities like campaigns, strikes, etc. Section 33 of Information Access Act of 2004, give right to the community to question the state on issues they need clarity on. Here, organisations need to be credible and their leaders need to be democratically elected following a strict process stated by the constitution. Chapter 9 institutions like the Human Rights Commission were set up to ensure that human rights of all people are protected from abuse from the state.

During this discussion, a concern was raised querying why is most policies start from the Local level, then to Province and then to National. There was a general feeling that it was better if this was the other way round, as this will ensure consistency and adherence by all stakeholders. Concerns about the Business Support Unit were raised. Complaints were that this department which was created to support small business and informal business seemed to do the opposite. Informal traders felt that they were at most prejudiced by this department's initiatives and activities. A suggestion came that traders' organisations will have to write letters to relevant Chapter 9 institutions to raise their concern about these structures, with the hope that they will intervene in resolving some of the issues. It was also clear that the current structure of forming committees was not the best and constitutional way to organise informal traders since none of them have constitutions.

### 4. Citizen arrest and Law

Traders were informed of the correct way to conduct a citizen arrest. Although citizens are encouraged to act when they see a criminal act being conducted by other people, this is generally not recommended as people might get harmed or even killed when they are trying to catch criminals. Mostly criminals are dangerous and also carry dangerous weapons. It was advised that when one sees a criminal act, the first thing is to call the local police before attempting to catch the criminals.

### 5. Gender equality and Law

The 1996 Constitution of South Africa makes a clear provision for gender equality. There have been few amendments in legislature to ensure that the rights of women in customary and polygamy marriages are protected.

## **Conclusion**

Traders indicated that this seminar was very informative and a useful tool to gain more information on legal matters. However there was a general feeling that these discussions must continue. There was a suggestion that a forum need to be created with all stakeholders to discuss in these issues in greater detail. It was also agreed that traders must initiate forming this forum using the assistant of institutions like the LRC and the UKZN Law Clinic.



*Above: Showing the participants of the meeting which included Law Students, Trader Leaders and Asiye eTafuleni staff members*