

Asiye eTafuleni hosted the 3rd Street Law Seminar on the 6th of July 2011. The Seminar was hosted in conjunction with the Office of the Public Protector and the Students for Law and Social Justice (SLSJ) at the Small Enterprise Development Agency (SEDA) eThekweni.

The seminar was based on areas of law that affect informal trade in Durban and the relevance of the Public Protector as an intermediary between ordinary people on the streets and the state, in resolving legal challenges they face on a daily basis. This 3rd Seminar was a repeat of the previous seminar's topic, however, to a different audience of informal traders.

It was unique in that the students did not present but were there to listen to some of the concerns and views of the informal traders in preparation for the remaining street law seminars scheduled this year. The purpose of this open and interactive session was to allow the students to prepare for the remaining street law seminars and for the students to investigate matters raised and try to resolve them by working together with the informal traders and the relevant officials.

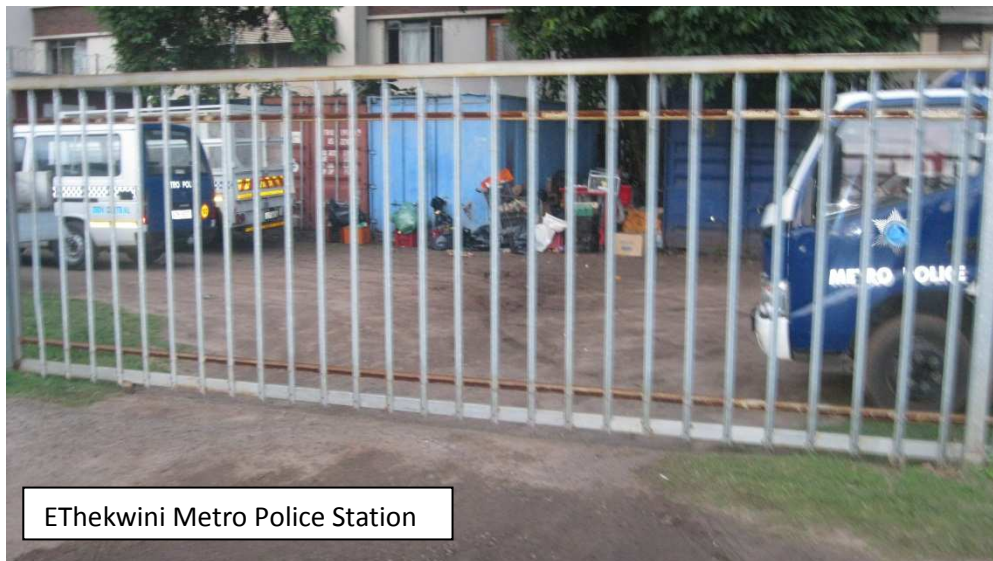
The SLSJ representatives were senior law students at the University of KwaZulu Natal Law Faculty. The students included: Shaista Singh, Senamile Mahlangu, Allan Naidoo, Noxlolo Dlamini, Moosa Ncalane and Ntokozo Hlongwane. Mr Siphiso Cishe, the representative from the Public Protector Office described the role and responsibilities of the public protector within the constitutional structure of the South African Democratic dispensation. He also described the following:

1. The complaints in which the office of the public protector has jurisdiction,
2. The investigative processes of the office in resolving complaints brought by the members of the public against the government and its officials,
3. The rights that all South Africans have in terms of the Constitution and their application (Chapter 2- Bill of Rights. the discussion included the rights to: equality, dignity, freedom and security of the person, freedom of association, assembly, picket and petition, and more importantly for informal traders – the right to freedom of trade, occupation and profession, and lastly;
4. The role of the Public protector in the protection of these rights in terms of Chapter.



The informal traders raised a number of concerns including the alleged discriminatory practices in the Bluff Bulk Market. The concern here was that the Bluff Bulk Market is selling goods to African informal traders at a significantly higher price as compared to Indian informal traders. They stated they have had to bribe the cashiers and sometimes use other Indian traders to buy for them. The students have since then uncovered the discriminatory practices and undertaken to lodge complaints with the equality court in Durban.

Another major concern was the confiscation of goods by Metro Police officials without issuing receipts as mandated by the eThekweni municipality bylaws on informal trade. The effect of this has been that due to the fact that the confiscation is not recorded, the goods are either presumably stolen by the police for their own good or sold; or when the trader appears at the police station to collect the goods, these goods cannot be recognised because the storage facility is not well organised (See pictures below).



Closer view:



Another consequence of this has been that the traders either fail or are reluctant to collect their perishable goods, as it seems uneconomic to pay a fine of up R 500 for goods worth less than R 100 as is the case on occasions. The result is that warrants of arrest are issued to informal traders for the failure to pay their fines or appearing at the Magistrate's court. SLSJ students undertook to investigate the legality of the procedure used by the Metro Police around the confiscation of goods, including speaking to the Head of Metro Police to intervene in this matter.

In conclusion, in light of the fact that this was the third seminar in the series and was a repetition of the previous topics, it was evident that the traders in attendance were informed and knowledgeable on the covered topics. The majority of traders appreciated the continued presence of institutions such as the Public Protector and the Human Rights Commission, as they have brought meaningful interaction that has enabled them to become more knowledgeable about laws. To them, this shows the foregone conclusion of the potential recognition of the informal sector and the fact that some institutions within the state are beginning to take the sector more seriously.