INFORMAL TRADE IN JOHANNESBURG

YOUR RIGHTS
INFORMAL TRADE IN JOHANNESBURG
YOUR RIGHTS
How to become a registered informal trader

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ACRONYMS

DED

Department of Economic Development

GDP

Gross Domestic Product

IFT

Informal Trading Forum

JMPD

Johannesburg Metro Police Department

JPC

Johannesburg Property Company

PAJA

Promotion of Administrative Justice Act

SAITF

South Africa Informal Traders Forum

SANTRA

South African National Traders Retail Association

SEWA

Self-Employed Women's Association

The City

The City of Johannesburg
This is a guide about the rights of informal traders who make a living in Johannesburg. It explains your rights and the laws and policies that protect them, and gives practical advice on how to engage with the City of Johannesburg (the City) and its officials.

The guide has been developed in consultation with informal traders, and draws on their experiences and insights. It has been developed to support awareness raising among traders about your rights so that you can act to protect them.

The guide begins by setting out how you can become a registered informal trader. It then sets out the legal relationships between registered informal traders and the City. We then move on to discuss the City’s powers in regulating informal trade. Finally, we set out the legal steps you can take if you feel you have been treated unfairly by the City.

The informal economy and the people who work in it are important parts of South Africa’s economy as a whole. The informal economy provides 8% of the national Gross Domestic Product (GDP) every year, and 27% of people working in South Africa work in the informal economy.
Purpose

This guide has two aims:

1. To inform you of your rights so that you know when they are being infringed, and to set out the options you can consider when your rights are infringed.

2. To help you, as well as informal trade organisations, in your engagements with the City by making all of the relevant rights, policies, and by-laws easily accessible, and by informing you of the City’s responsibilities.

Rights which all informal traders have under the Constitution include:

- The right to have their inherent dignity respected and protected (Section 10 of the Constitution).
- The right to administrative action by the government that is lawful, reasonable and procedurally fair (Section 33 of the Constitution).
- The right to not be arbitrarily deprived of their property (Section 25 of the Constitution).
- The right to access to courts (Section 34 of the Constitution).
- The right not to be discriminated against (Section 9 of the Constitution).

These rights apply to everyone, regardless of the lawfulness of their presence in South Africa.

People who work in the informal economy do not receive the same protection from local government as formal businesses do. Because of this, it is often assumed that when work is informal, it is not protected, and that informal workers do not have rights as a result. This is not true. Informal workers enjoy the same constitutional rights as everybody living in South Africa. They have a right to a local government that works, which provides basic services and which promotes social and economic development.
Traders who are citizens have an additional right:

- **The right to choose a trade, occupation or profession (Section 22 of the Constitution).**

The Supreme Court of Appeal has ruled that asylum seekers and refugees, and others lawfully in the country, may not be denied the right to work.

These rights are given effect in the **Businesses Act**, the **Promotion of Administrative Justice Act** and the **National Small Business Development Act**.

In Johannesburg, the proper management of informal trading, in accordance with these rights, is set out in the City’s **Informal Trading Policy**. The policy’s mission is to provide opportunities for informal traders to benefit from economic growth. Its mandate is to create stable and properly functioning informal trade management.

Despite these rights and policies, however, informal traders in Johannesburg and their organisations often find it difficult to have meaningful engagements with the City. They struggle to have their voices heard.

Street traders also struggle on a daily basis when officials abuse the law and infringe on street traders’ rights when they force bribes from traders. Traders may also be denied the business environment that the City undertakes to provide, because of the poor management of informal trading.

Find a list of organisations and their contact details at the end of this guide.
HOW TO BECOME A REGISTERED INFORMAL TRADER
Registration of informal traders is done through smart cards and lease agreements, which recognise a trader’s right to do business and afford him or her the rights and access to demarcated trading space, infrastructural facilities and services, and ensures that informal trading is in compliance with the municipal by-law. Traders who do not apply for a trading stand are in contravention of the by-law and are liable to prosecution.

You can apply for registration as an informal trader at the Johannesburg Property Company (JPC).

You will need to provide JPC with the following documentation and information:

- Your biographical information - age, gender etc.
- ID document for South African traders, or proof of permission to be in the country for foreign national traders. For foreign nationals, a smart card will only be valid for the period that your immigrant residence or asylum permit is valid. It can then be renewed after your residence permit has been extended.
- Details about the goods and/or services that you trade, or want to trade in.
- Your present trading location, if any.
- Your preferred trading location.

After applying there is a 60 day processing period. If your application is unsuccessful, reasons for the declined application must be given to you by JPC.
If your application is successful, you will be issued with a smart card.

A smart card verifies you as a trader. It contains your personal information, provides information of your allocated trading space, and it categorises the goods you sell or the type of your business. Your smart card also manages your billing and payment information. Your smart card may be taken away from you if you break the law while running your business, or if you have not complied with the conditions of your smart card.

Your smart card is proof that you can use a trading stand. You must have it with you at all times, and be ready to show it to any JMPD officials who ask to see it.

If you are asked for your smart card and you do not have it with you, you are contravening the by-law. JPC can also issue a smart card to anyone who you employ at your business.

DECLINED APPLICATIONS

If your application is declined, contact JPC to find out why. You are entitled to the reasons for an unsuccessful application. You can contact JPC yourself directly, through your block leader, or through an informal trader organisation.
The allocation of trading stands is done on a one-trader, one-stand basis. That means that each registered trader is only entitled to one trading stand. In order to use a trading stand provided by the City, you must also sign a **lease agreement** with JPC. Your lease agreement is a contract between you and JPC. It gives you the rights to occupy a trading stand and to conduct your business there. You must have it with you at all times, and be ready to show it to any JMPD officials who ask to see it. If you are asked for your lease agreement and you do not have it with you, you are contravening the by-law.

JPC should also allocate you overnight storage space for your goods. **JPC will consider a number of factors when allocating you your trading stand.**

**These include:**

- Your preferred business location.
- Your current place of trade.
- The goods or services that you will trade, and your projected income.
- The availability of trading stands.

In the event that a trader has been displaced from a designated trading stand through no fault of their own, they will be prioritised in the allocation of new trading space. Existing traders will be prioritised, but must apply for a smart card, a stand and enter into a lease. The City must clearly mark the boundaries of the trading stand you are allocated.
As a part of your lease agreement, you are required to pay a monthly rental for your trading site. This is paid to JPC. Rents are determined by the services and infrastructure development made available to you.

This means that if you are allocated a trading stand in a linear market, where there is more infrastructure, your rent will be higher than if you are allocated a trading stand on a sidewalk.

**Rental costs may not be increased within a period of one year from date of their determination.**

Increases in rent may only take effect after 30 days’ notice to affected traders, during which you are entitled to approach the City and motivate for a lower rent increase, or no rent increase at all. Notice can take the form of announcement posters placed in and around places where traders conduct their business.
THE RELATIONSHIP BETWEEN THE CITY AND TRADERS

The city’s duties

Informal traders’ duties
Once you have registered as an informal trader, and have signed a lease agreement with JPC for your trading stand, the City has duties to provide you with certain infrastructure and services. The City, in coordination with the JPC and the DED, must strategically design infrastructural development for informal traders, prioritising the development of the least developed markets. They must accommodate and provide structural support for registered informal traders.

**The City’s duties**

**These include:**
- **Sheltered trading markets or stands** that are clearly demarcated.
- **Storage facilities.**
- **Provision of sanitary amenities.** This includes access to water, access to toilets, litter bins, and refuse removal.

As part of the City’s Informal Trading Policy, voluntary training and mentorship programs must also be made available to you if you express an interest in them. These are in place to share advice on improved methods of trading to enhance productivity, cost effectiveness, trading sustainability, and overall improved business skills.

**The training curriculum may include:**
- Policy and legislation.
- Business legalities.
- Regulation and bylaws.
- Lobbying and advocacy.
- Personal and life-skills.
- Business growth and success factors.

JPC, in collaboration with the Department of Trade and Industry, also offers incubation processes in which informal traders with basic business training are linked with others who share a vision to identify new locations and products to be offered for sale. The criteria for the selection of beneficiaries takes into account the needs and expectations of targeted informal traders.
Participation in the incubation program may require traders to discontinue their individual businesses in favour of joint efforts with fellow program colleagues.

There are various ways in which you can engage with the City regarding issues that are important to your businesses.

**ENGAGING WITH THE CITY**

**Informal Trader Organisations**

One effective way of engaging with the City is through an Informal Trader Organisation. Because these organisations represent many traders, and because they have been successful in the past in holding the City accountable, they are able to influence the City’s decisions and processes in the best interests of their members.

**Informal Trading Forum**

The Informal Trading Policy provides for the establishment of an Informal Trading Forum (ITF). The ITF must serve as a mediating forum for consultation and resolution between informal traders and the City and its management agencies.

The ITF must include representatives of informal trade organisations, representatives of inner city market committees, business owners, property owners and developers as well as other interested parties.

**City of Joburg Ombudsman**

The ombudsman has been established to intervene in complaints against the City which have not been resolved using the normal channels. The ombudsman must mediate and conciliate disputes, investigate acts of maladministration or corruption and ensure that the rights of traders are upheld.

You must make any complaints to the ombudsman in writing, either at his offices or by email. You can call the ombudsman call centre to follow up on your complaint.

Contact details for the ombudsman can be found at the end of this guide.
As a registered informal trader, you also have duties. The by-law, which regulates the ways in which informal traders can conduct their business in Johannesburg, spells these duties out.

### Informal traders’ duties

- May not display your goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of the building.
- Must move your property, if asked by an official, to allow work to be done on public roads, public places or on services (like telephone or electrical services).
- May not attach any of your property to a building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any street furniture in or on a public road or public place.

### According to the by-law, you:

- May not sleep overnight at your place of business.
- May not erect shelter structures at your place of business unless they are approved by the Council.
- May not place your property on a public road or public place. You may place your vehicle or trailer on a public road or public space if you use it to run your business, so long as it does not interfere with pedestrian traffic.
- May not trade on a sidewalk that is less than four metres wide.
- May not place or stack your property in a way that makes it dangerous to any person or property.
May not create a nuisance, damage or deface the surface of any public road or public place, or any public or private property, create a traffic and/or health hazard while conducting your business.

May not make an open fire on a public road or public place.

May not interfere with the ability of pedestrians to view the goods in a shop.

May not obstruct access to a pedestrian crossing or a parking or loading bay.

May not obstruct access to street furniture and other facilities for public use.

May not carry on business in contravention of a notice or sign erected or displayed by the Council.

May not accumulate, dump, store, or deposit any litter on any public road or place, other than in bins approved or supplied by the Council.

May not place your property on a public road or public place, unless it can be easily moved to storage at the end of the day.

May remove your property from any public road or place at the end of the day, unless it is a structure permitted by the Council.

May not store your property in a manhole, storm water drain, public toilet, and bus shelter or in a tree.

May not conduct your business in a place or area in contravention of any prohibition or restriction approved by the Council.

**ARBITRARY BY-LAW ENFORCEMENT**

JMPD officials might enforce the by-law arbitrarily and in a way that restricts your rights. Sometimes they do this to extort money. Both of these are illegal.

If this ever happens to you, contact your block leader or informal trader organisation immediately. If you ever see officials breaking the law, try and take photographs of the incident with your cell phone. Keep these photographs for possible future reference.

Show the official this guide to prove to them you are aware of your rights and the by-law. Always ask the JMPD official which by-law you have broken, and how you have broken it.
THE CITY’S POWERS

What powers does the City have?

When can the City exercise these powers?
The City also has the power to police informal trade, and to enforce the law in instances of illegal or prohibited informal trade. This is done by the JMPD, and includes the removal and impoundment of goods. Any law enforcement action taken against illegal or prohibited informal trading must be rational and consistent with the law.

For example, the JMPD cannot punish informal traders for smart card related infringements before JPC has the necessary processes in place to ensure that smart cards are issued properly. That would be irrational.
When can the City restrict or prohibit informal trade?

If the City wants to restrict or prohibit informal trade in an area, it must follow a specific process. If it does not follow this process, then the restriction or prohibition is illegal, and can be undone by a court.

The process for restriction or prohibition is as follows:

1. Before the City considers restricting or prohibiting trading in an area, it must investigate how this will affect informal traders. When the City is doing this investigation it must consider two things:
   - Whether what the City wants to do can be achieved by more effective supervision or control of informal trade in the area. This could include negotiating with informal traders or informal trade organisations. If the City could achieve its aims in this way, it is not allowed to prohibit trading in the area.
   - Whether restricting or prohibiting trading in an area would mean that traders would go out of business. For example, sometimes informal traders trade in areas where there are many pedestrians. If traders are prohibited from trading in those areas, it could mean that they would not have as many customers and that some could go out of business.

2. After this investigation, the City can resolve to take steps to restrict or prohibit trading in an area. This is done by passing a resolution in the city council.

3. The City must then draw up a plan to show which areas it wants to restrict or prohibit informal trade.

4. The City must then publish a notice in a local newspaper. Public notices like this are also often published on the City’s website: www.joburg.org.za.

This notice must say that the municipality wants to restrict or prohibit informal trade in a specific area, give reasons for why it wants
to do this and say that the plan it drew up is available at a specific place so that anybody can go and inspect it. **It is important to look at the plan so that you can understand how the plan will affect you.** The City must then give at least 21 days for people to inspect the plan, consider it and let them make objections to the plan.

**An objection is a written statement** that you can make to say that you do not agree with the plan. If the restriction or prohibition will negatively impact on your trade, you can make an objection saying that. **The City must consider every objection made against the plan.**

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**OBJECTIONS**

The plans that the City makes for informal trading are very important for you, and will often have a direct impact on how you run your business.

You are entitled to see these plans, and to object to them if the plans will negatively affect your business. Your objection must be a written statement.

**Ask your trader organisation to help you with this process.**

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Only after the City has considered every objection made against the plan can it prohibit informal trade in the area.

After the City has resolved to restrict or prohibit trading in an area, the Premier of Gauteng has the power to change or undo the resolution. The Premier must do this within 60 days after the decision of the City is published in the Government Gazette. The Premier must speak to the City before she or he can do this.

Only once all of these steps have been followed can the restriction or prohibition be enforced. The City must then mark any areas where it has restricted or prohibited trade through clearly visible signs.
When can the JMPD remove and impound property, and what are they allowed to remove and impound?

The City often enforces the law by impounding or confiscating goods of traders it thinks have broken the law. But there are limits on when and how the City can do this.

Your property can only be removed, confiscated, or impounded if:

1. It is being used in your business and

2. It is found at a place where informal trade has been restricted or prohibited by the City, as outlined in the process above. This includes if your property is outside of your demarcated trading stand in areas of city where trade is allowed.

Only JMPD officials can remove, confiscate, or impound your property. They can do this if you are at your stand, as well as if someone else is looking after your stand. They can only confiscate whatever property of yours is either outside of your demarcated trading stand, or happens to be in an area of the city where informal trade is not permitted. Nobody can confiscate any of your property which is within your demarcated trading stand.

If your goods are ever confiscated, the JMPD may not dispose of your confiscated goods without giving you notice, and the right to be heard (which is dealt with in the next section).

All confiscations, and any decision taken by a JMPD official, must be reasonable and proportional. This means that a JMPD official should give you fair chance to rectify any offence you might have made before they confiscate your goods. It also means that a JMPD official cannot confiscate all of your stock in order to punish you for only some of your stock being misplaced.

Your smart card, or any trading permit you might have, cannot be taken away from you in terms of the informal trading by-law. Only the JPC is entitled to withdraw your permit, after giving you a hearing, if it is found that you have broken the law while conducting your business, or you have broken the conditions of your permit.
What are the procedures for removals and impoundments?

If, after having given you a hearing, the City nonetheless decides that your property should be confiscated or removed, the official carrying out the removal must issue you a receipt that records the property/goods that are removed. The receipt must include the following information:

- Itemised list (in detail) of the property/goods that are to be removed/impounded.
- The address where the impounded property will be kept and the period of such impoundment.
- The terms and conditions for the release of the impounded property.
- The impoundment costs to be paid by you.
- The terms and conditions relating to the sale of unclaimed property by public auction.
- When possible, provide the name and address of a municipal official to whom any representations regarding the impoundment may be made and the date and time by which this representation must be done. This means that if your goods are confiscated or impounded, you must be given the name and address of an official who you can go to if you want to lay a complaint.

REMOVAL RECEIPTS

You are entitled to a detailed list of whatever property of yours is ever confiscated, as well as information regarding where it will be taken and who you can contact to make a complaint about the confiscation if necessary. All of this information is important if you want to get your property back.

Show the official this guide to prove to them you are aware of your rights.

Contact your block leader or informal trader organisation immediately to notify them of the confiscation.

Request to accompany the officials to the place of impoundment, so that you know where your property has been taken.

What are the procedures for issuing and paying fines?

The City has not published a by-law regarding fines. This means that all fines issued by the JMPD are limited to the requirements of the Businesses Act.

The JMPD can issue you a maximum fine of R1000, as well as an additional fine of R10 for every day that you continue to contravene the by-law.
WHAT CAN YOU DO?

The City may exercise its powers in a way that is unfair to you, or negatively affects your business. There are a number of things you can do to ensure that you are protected against these abuses of power.

You have the right to be heard

You can join an informal trader organisation

You can make appeals

You can take the City to court
removal, confiscation, and impoundment, like any enforcement of the by-law, is an administrative action.

Administrative actions are decisions taken by government departments or officials that affect your rights. Impoundment and confiscation are administrative actions.

As a result, you are entitled to a hearing before your goods are confiscated and impounded. This means you have the right to explain to an official why a confiscation of your goods might be wrong. If the JMPD officer persists with the confiscation, they must notify you that they will confiscate your property, and explain to you why they are confiscating it.

This notice must tell you 4 things:
- What they are confiscating.
- When your goods are being confiscated.
- Who is confiscating your goods – the name of the officer.
- And on what basis they are confiscating your goods.

THE RIGHT TO A HEARING
If your goods are confiscated, you have various opportunities to be heard.

Demanding the right to be heard gives you a better chance of getting your goods back, and is a good way to hold JMPD officers accountable.

Once your goods have been confiscated, you have the right to be heard again. You can go directly to the JMPD offices (see the end of this guide for contact details).

If an officer does not give you notice or reasons for confiscating your goods, you have the right to written reasons for the confiscation. You must request these within 90 days of your goods being confiscated. The officer must then respond to you within 90 days of your request, and give you adequate reasons for the confiscation. Following this process will be easier with the help of an informal traders’ organisation.

You are entitled to tell the City why the impoundment or confiscation of goods is wrong, and to challenge the reasons given for it.
Informal trader organisations are the most effective way to protect your rights. Members can rely on their organisations to assist them if they have any enquiries, or if their rights are being infringed upon. A number of informal trader organisations are active in Johannesburg. These organisations play the important role of representing informal traders in discussions with the City.

These organisations are also responsible for block leaders and committees, which play an important role in the management of informal trade. They work closely with JPC officials, engage in daily informal trade matters, and are the most important way in which informal traders learn of important information. This includes the details of meetings and news about informal trade management.

Informal trader organisations are well organised, and have the ability to mobilise effectively. The City takes these organisations seriously as a result. SAITF and SANTRA’s victory in the Constitutional Court after Operation Clean Sweep shows that informal trader organisations have developed the capacity to hold the City to account.

You can join an informal trader organisation

By joining an informal trader organisation, you will ensure that:

- Your interests are well represented to the City.
- You have someone to contact if your rights are being abused.

An informal trader organisation can assist you with:

- Engagements with the City.
- Written objections and appeals.
- Making representations.
- Organising legal representation.

See on page 56: Joburg Traders Victorious in South Africa’s Highest Court.
BENEFITS OF ORGANISATION, MOBILISATION, AND UNITY: INTERNATIONAL EXPERIENCE

International experience suggests that there are many benefits to informal traders mobilising through informal trader organisations, as well as to joining forces through organisations. Unity between traders and organisations often means a fuller enjoyment of rights. Some of these benefits include:

- Negotiating better working conditions and access to finance, infrastructure, and services.
- Negotiating better prices for their goods and services.
- Achieving improved support systems for members.
- Improving engagements with local government.
- Successful and sustained organisation among informal workers has had very positive results in different parts of the world.

The Self-Employed Women’s Association (SEWA) in India was founded in 1972 with only 600 members. Since then, SEWA has organised and mobilised around issues of development and employment for its members.

It now has 1.4 million members, and played a crucial role, with other organisations, in the process which resulted in the Street Vendors Act of 2014. This is now one of the most inclusive and progressive policies for street traders around the world.
There are two appeal processes you can follow:

1. You can appeal any decisions made regarding your trading space or your monthly rental. This includes if your application for a trading space is declined. These appeals must be made to JPC, and must be processed within 60 days.

   **APPEALS**
   You are entitled to appeal against declined applications for trading space, any decisions regarding your trading space and rent, as well as any decision that directly affects your business. The JPC and DED are compelled to consider your appeal.

   Contact your informal trader organisation to assist you with your appeal, which you should make in writing. It is important for you to keep a record of any appeals you make, and the responses you receive. These will be helpful if you choose to ask a court to review any decisions that have affected you.

2. The Businesses Act allows you to appeal any decision which has been taken by the JPC and directly effects on your business. These appeals must be made to the DED, and must be processed within 21 days.

   Confiscation is often used to punish traders before they are given a chance to demonstrate that they are not breaking the law. However the courts have ruled that informal traders must be given notice of administrative actions, and given a chance to prove that they are not breaking the law. This can be done through representations, or in a court.

   See on page 52: Durban Trader Stands Up Against City By-Laws.
A Durban street trader, John Makwicana, who lost R775 when his goods were confiscated, won a massive victory for informal traders when the Durban High Court ruled that by-laws which give officials unrestricted power to impound and confiscate their property are unconstitutional.

Makwicana had been trading legally since 1996. Like many traders, his stock was unfairly confiscated by metro police. His goods were impounded and later “disappeared”.

The judge ruled that the confiscation of traders’ goods without notice was a violation of their rights.

The municipality was ordered to compensate Makwicana for his goods, and the responsible official was ordered to pay a portion of his legal costs.

The judge ruled that the eThekwni by-law violated traders’ rights to access property and trade, and amounted to discrimination, and said the City of eThekwni needed to bring them into line and “remedy the attitude of officials” who needed to be empathetic to street trading.

The case showed the abuse street traders often suffer at the hands of city officials, and showed that by-laws effectively allowed them to punish traders before a court of law had determined guilt. The judge urged the City to meaningfully engage with traders when it reformed its By-Law.
If your goods are confiscated and the steps on p38-41 of this guide have not been followed, then the confiscation and the officer responsible for it are in contravention of PAJA.

Because confiscation is an administrative action, you have the right to have it reviewed by a court. This means that if you are unsuccessful in challenging any unfair confiscation of your goods, there is another step available to you: you can ask for a court to review the confiscation and declare whether it is lawful or not. It is important to seek legal advice if you want to do this.

PAJA

The Promotion of Administrative Justice Act (PAJA) promotes the right to just administrative action, in line with the Constitution. PAJA ensures that administrative procedures are fair, and it gives people the right to ask for the reasons for any administrative action. It also gives people the right to have administrative action reviewed by the courts.

Administrative action that is fair is a Constitutional right that everybody should enjoy. It ensures that those in power can be held accountable for their actions. Remember that the confiscation of your stock or property and the issuing of fines are all administrative actions.

If the City restricts or prohibits trade in a certain area without having followed the procedures outlined on p34-37 in this guide, they have acted illegally. In such instances, you can ask a court to overturn the City’s decision.

If you choose to pursue legal actions against the City, it is best to seek the assistance of a legal organisation offering pro bono assistance (free legal assistance) and/or an informal trader’s organisation.

You can take the City to court

Find a list of pro bono legal organisations that can help you at the end of this guide.
JOBURG TRADERS VICTORIOUS IN SOUTH AFRICA’S HIGHEST COURT

In October 2013, the City of Johannesburg evicted 8000 informal traders from the inner city as part of Operation Clean Sweep. The operation was designed to rid the city of ‘crime and grime’, and violently and illegally removed traders from their places of business, depriving them and their families of income for three months.

The City argued that illegal informal traders gave rise to disorder and criminality. However, the traders were in possession of permits from the City which allowed them to trade.

After failed attempts by the traders to engage with the City, two trader organisations, the South African Informal Traders Forum (SAITF) and the South African National Traders Retail Association (SANTRA), sought legal assistance in the matter.

SAITF and SANTRA brought an urgent application to the High Court to have Operation Clean Sweep set aside, and for the City to allow traders to return to their places of business and to re-erect the structures it destroyed during the operation. However the High Court ruled that the matter was not urgent and dismissed it from the urgent roll.

The traders approached South Africa’s highest court, the Constitutional Court, to hear the matter urgently. The court found that the ability of people to earn money to support themselves and their families is an important part of the right to human dignity and that Operation Clean Sweep had forced informal traders to face “humiliation and degradation”.

The City did not dispute this, and did not dispute most of the informal traders’ evidence during the proceedings.

The traders were victorious in the Constitutional Court and were allowed to return to their places of business. The court said that the harm the traders were facing was immediate and that the City had violated their rights to trade freely and their right to dignity.
IMPORTANT CONTACT DETAILS

Informal trader organisations

Municipality and municipal agents

Legal organisations

Other useful organisations
Informal trader organisations

SAITF contact persons
Brian 073 287 8967
Phumlani 078 471 9727
Sam 084 649 5896

SANTRA contact persons
Edmund 076 968 8801
Livingstone 083 476 3782
Jeff 082 594 9997

ATO contact person
Matron 079 556 8170

One Voice of all Hawkers Association contact persons
Zakareeha 076 380 7148
Frans 082 357 8087

ACHIB contact persons
Victor 071 031 3790
Rhumbi 061 007 6312

GIDA contact person
Julekha 078 628 1213

NUT contact person
Hygins 082 689 3119
**Johannesburg Metro Police Department (JMPD)**
JMPD Metropolitan Police Department  
Block A, Rm. 1/2/3, Village Road, Between Elof and Loveday Street  
Selby  
Telephone: 011 838 0130  
By-laws call centre: 011 375 5911  
Anti-corruption line: 0800 203 712

**Johannesburg Property Company**
1st Floor, Forum 2  
Braam Park  
33 Hoofd Street  
Braamfontein  
Telephone: 010 219 9000

**Department of Economic Development**
15th Floor Jorissen Place  
66 Jorissen Street  
Braamfontein  
Telephone: 011 358 3430

**City of Joburg Ombudsman**
Isle of Houghton  
Wildview  
Houghton Estate  
Telephone: 010 288 2800  
Call Centre: 087 980 0058  
Email: complaints@joburgombudsman.org.za  
info@joburgombudsman.org.za
Centre for Applied Legal Studies (CALS)
DJ du Plessis Building
West Campus
University of the Witwatersrand
Braamfontein
Telephone: 011 717 8600

Lawyers for Human Rights (LHR)
4th Floor Heerengracht Building,
87 De Korte Street corner Melle Street,
Braamfontein
Telephone: 011 339 1960

Legal Aid South Africa
41 Fox Street
Edura House
Johannesburg
Telephone: 011 870 1480
Toll-free: 0800 110 110

Legal Resource Centre (LRC)
15th & 16th floor
Bram Fischer Towers
20 Albert Street
Marshalltown
Johannesburg
Telephone: 011 836 9831

ProBono.Org
1st Floor West Wing
Constitution Hill
1 Kotze Street
Braamfontein
Telephone: 011 339 6080

Socio-Economic Rights Institutes of South Africa (SERI)
6th Floor Aspern House
54 De Korte Street
Braamfontein
Telephone: 011 356 5860
Other useful organisations

**Inner City Resource Centre**
Focus House Building  
86 City Hall Street, Cnr Plein Street  
3rd floor, Office 301/304  
Johannesburg CBD  
Telephone: 011 492 1046

**StreetNet**
Unit 101 Dinvir Centre  
First floor, 123 Joe Slovo Street  
Durban  
Email: coordinator@streetnet.org.za

**Centre for Urban and Built Environment Studies (CUBES)**
John Moffat Building  
Yale Road  
University of the Witwatersrand  
Braamfontein  
Telephone: 011 717 7688
Hard copies of all the following materials are available at SERI’s offices. The address and contact details are available on p65 of this guide.

Protecting the Rights of Informal Traders (SERI) available here:
http://seri-sa.org/images/Informal_traders_pamphlet_FINAL.pdf

‘The End of the Street?’ Informal Traders’ Experiences of Rights and Regulations in Inner City Johannesburg (SERI) available here:

Informal Trading By-Law (City of Joburg) available here:

Informal Trading Policy (City of Joburg) available here:
6th floor Aspern House
54 De Korte Street
Braamfontein 2001
Johannesburg
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