

Author: Shehaam JOhnstone

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Local government is constitutionally mandated to uplift the socio-economic conditions of their local residents.[1] This duty must be carried out in a manner that gives effect to both the founding values in the Constitution and the Bill of Rights.[2] Efforts by municipalities to comply with these constitutional injunctions is well documented within their strategic and policy documents.[3] Yet, continued attention is drawn to the unfavourable conditions in which informal traders operate.[4] This points directly to the regulatory role municipalities exercise over informal trading. This includes the: (i) enactment of by-laws, (ii) zoning of areas permitting or restricting informal trade, (iii) demarcation of stands or areas for the purposes of informal trading which requires lease agreements to be issued, and lastly (iv) the manner in which by-laws are enforced.

From a legal perspective the case of *Makwickana v EtheKwini Municipality* presented. It highlights how municipalities can constrain informal trading. It depicts how the municipal regulatory powers could potentially violate the constitutional rights of informal traders and worsen their vulnerable living and working conditions.

[1] Ss 152 and 153 of the Constitution of the Republic of South Africa, (hereinafter Constitution).

[2] S 1 and Chapter two of the Constitution.

[3] SALGA Making the informal economy visible: guidelines for municipalities in respect to adopting a more developmental approach towards the informal economy (2012) SALGA: Pretoria.

[4] HellenSuzmanFoundation Informal trading in Joburg (2015)

[5] Handed down by the Kwazulu-Natal Local Division, Durban: (11662/13) [2015] ZAKZDHC 7; 2015 (3) SA 165 (KZD) (17 February 2015).