

**IN THE HIGH COURT OF SOUTH AFRICA, KWAZULU-NATAL LOCAL
DIVISION, HELD AT DURBAN**

Case No: 2026-022702

In the matter between:

**MUSEMA KWELI KAKOMERE
AND 83 OTHERS**

APPLICANTS

And

**ETHEKWINI MUNICIPALITY &
THE CITY MANAGER**

RESPONDENTS

And in the matter of the intended intervention by:

ALKEBU SOCIAL MOVEMENT INTENDED INTERVENING PARTY

NOTICE OF INTENTION TO INTERVENE (RULE 12)

TAKE NOTICE That Alkebu Social Movement (ASM) **hereby gives notice of its intention to intervene in these proceedings in terms of** Rule 12 of the Uniform Rules of Court, **read together with** section 38(d) and (e) of the Constitution of the Republic of South Africa, 1996, **in the** public interest and in the interests of persons whose rights are affected by the impugned administrative conduct.

1. THE INTERVENING PARTY

1.1 Alkebu Social Movement is a civil society organisation and public-interest institution engaged in the protection of civil rights, social justice, and the lawful administration of municipal governance affecting vulnerable communities.

1.2 ASM acts in the **public interest and in the interests of indigent informal traders**, many of whom rely on informal trading for their livelihoods.

1.3 ASM has received **numerous complaints from traders within the eThekweni Municipality** regarding enforcement actions, permit confiscations, administrative penalties, and trading relocations allegedly undertaken by officials within the **Business Support Unit and enforcement authorities including Metro Police**.

2. BASIS FOR INTERVENTION

2.1 ASM seeks to intervene in this matter because the issues raised in the present proceedings **extend beyond the individual applicants and reflect systemic administrative practices affecting a broader class of informal traders** within the jurisdiction of the eThekweni Municipality.

2.2 The proceedings involve the **exercise of municipal administrative powers relating to informal trading regulation, relocation, and enforcement**, which directly affect the livelihoods and constitutional rights of vulnerable traders.

2.3 ASM has engaged with numerous traders who allege that:

- Trading permits have been confiscated or cancelled;
- Excessive warrant penalties have been issued against indigent traders;
- Enforcement actions have been undertaken in a manner alleged to be arbitrary or disproportionate;
- Traders have been relocated or displaced without adequate administrative fairness.

2.4 These matters raise **serious constitutional and administrative law considerations**, including compliance with:

- **Section 10** – Human Dignity
- **Section 22** – Freedom of Trade, Occupation and Profession
- **Section 33** – Just Administrative Action

And the **Promotion of Administrative Justice Act 3 of 2000 (PAJA)**.

2.5 ASM brings this intervention in terms of section 38(d) and (e) of the Constitution, acting in the public interest and in the interests of a class of persons whose constitutional rights may be affected by the administrative decisions under review.

3. PUBLIC INTEREST CONTEXT

3.1 On **04 March 2026**, ASM organized a **peaceful civil rights march** in Durban concerning complaints by informal traders regarding enforcement actions and permit administration within the municipality.

3.2 During that march, ASM submitted a **formal memorandum to the Independent Police Investigative Directorate (IPID)** requesting a forensic investigation into certain enforcement practices involving municipal authorities and Metro Police.

3.3 ASM has also publicly engaged with stakeholders, including municipal leadership and media institutions, regarding concerns raised by traders.

3.4 The purpose of ASM's intervention is **not to duplicate the applicants' claims**, but rather to assist the Court by placing before it **broader systemic evidence relating to the regulation of informal trading within the municipality**.

4. ISSUES TO WHICH ASM'S INTERVENTION RELATES

ASM intends to assist the Court by addressing systemic issues affecting informal traders, including:

- 4.1. The administrative framework governing informal trading permits;
- 4.2. The lawfulness and proportionality of enforcement measures undertaken against traders;
- 4.3. The procedural fairness of decisions affecting relocation, permit cancellation, and trading rights;
- 4.4. The broader impact of these practices on the livelihoods and dignity of indigent traders.

5. RELIEF AND ASSISTANCE TO THE COURT

Should intervention be granted, ASM intends to place evidence and submissions before the Court relating to remedies which may include:

- 5.1. **Municipal system reform**, including review of confiscated permits, suspension or reconsideration of excessive administrative penalties, and transparent permit allocation processes;
- 5.2. **Development of constitutional precedent** regarding the regulation of informal economic activity and the protection of vulnerable traders;
- 5.3. **Compensation for traders**, where appropriate, who have suffered financial losses arising from administrative conduct that may be found to be unlawful;
- 5.4. **Long-term structural protections**, including possible oversight mechanisms to ensure lawful and accountable enforcement practices.

6. RULE 53 CONTEXT

6.1 ASM notes that the respondents have delivered the **Rule 53 record** relating to administrative decisions concerning consultation meetings, relocation processes, and enforcement actions involving traders.

6.2 ASM further notes that the respondents have filed a **Notice to Oppose the application**, confirming that the matter will proceed as a contested review.

6.3 ASM's intervention will assist the Court in evaluating the broader **administrative and constitutional implications** of the decisions under review.

TAKE NOTICE FURTHER That unless any party objects to this intervention within 10 days of service of this notice, ASM will apply to be admitted as an intervening party and to deliver such further affidavits and submissions as may be necessary.

5. ADDRESS FOR SERVICE

ASM appoints the following address for service of all documents in these proceedings:

Alkebu Social Movement

301 Harbour View, 47 Victoria Embankment

DURBAN 4001

031 301 0344

068 448 8767

info@alkebusocialmovement.co.za

DATED AT DURBAN ON THIS ___ DAY OF _____ 2026.

SIHLE HANDSOME DANISA

Chairperson

Alkebu Social Movement

Intended Intervening Applicant

**TO: THE REGISTRAR OF THE HONOURABLE COURT COURT
DURBAN**

**AND TO: KHATIJA KHALLIL ATTORNEYS
APPLICANT'S ATTORNEYS
19 ORMINSTON PLACE
GLENWOOD
DURBAN
OFFICE**

**AND TO: THE ETHEKWINI MUNICIPALITY
18TH FLOOR, EMBASSY BUILDING
199 ANTON LEMBEDE STREET
DURBAN**

**AND TO: THE CITY MANAGER - ETHEKWINI MUNICIPALITY
C/O LEGAL DEPARTMENT
18TH FLOOR, EMBASSY BUILDING
199 ANTON LEMBEDE STREET
DURBAN**

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And in the matter of the intended intervention by:

ALKEBU SOCIAL MOVEMENT INTENDED INTERVENING PARTY

FOUNDING AFFIDAVIT IN SUPPORT OF INTERVENTION

I, the undersigned,

SIHLE HANDSOME DANISA

do hereby make oath and state:

1. INTRODUCTION

1.1 I am the **Chairperson of Alkebu Social Movement (ASM)**, the intended intervening party in this matter.

1.2 I am an adult male residing in Durban, KwaZulu-Natal.

1.3 The facts contained herein are within my personal knowledge and are to the best of my knowledge both true and correct, unless otherwise stated.

1.4 I am duly authorised to depose to this affidavit and to bring this application for intervention on behalf of Alkebu Social Movement.

1.5 This affidavit is filed in support of ASM's **Notice of Intention to Intervene in terms of Rule 12 of the Uniform Rules of Court**, read together with **section 38(d) and (e) of the Constitution of the Republic of South Africa, 1996**, which permits any person acting in the public

interest or in the interests of a class of persons to approach a competent court where constitutional rights are implicated.

1.6 The purpose of this affidavit is to demonstrate that ASM has a **direct and substantial interest in the issues raised in these proceedings**, and that its participation will assist this Honourable Court in addressing **broader systemic issues affecting informal traders within the jurisdiction of the municipality**.

2. THE INTENDED INTERVENING PARTY

2.1 Alkebu Social Movement is a **civil society organisation and public-interest movement** engaged in advocacy, community organisation, and the protection of civil rights, particularly for vulnerable and economically marginalised communities.

2.2 ASM works with community members affected by governance decisions, administrative conduct, and enforcement actions that may affect livelihoods, dignity, and socio-economic rights.

2.3 A significant portion of ASM's work involves **supporting informal traders and survivalist entrepreneurs**, many of whom depend on street trading as their primary source of livelihood.

2.4 Informal trading forms part of the **informal economy**, which provides economic opportunities to thousands of individuals who would otherwise face unemployment and poverty.

2.5 ASM's engagement with informal traders arises from its broader mission to promote **lawful, transparent, and fair governance practices**, particularly where administrative decisions affect vulnerable communities.

3. BASIS FOR ASM'S INTEREST IN THIS MATTER

3.1 The present proceedings concern the **exercise of municipal administrative powers relating to informal trading regulation, relocation, and enforcement** within the eThekweni Municipality.

3.2 The applicants in this matter challenge administrative conduct affecting their ability to lawfully conduct informal trading activities.

3.3 While the applicants represent specific individuals, the issues raised in these proceedings **extend beyond the immediate applicants**.

3.4 Through its engagements with traders across the municipality, ASM has received **numerous complaints from informal traders who allege similar experiences**, including:

- Confiscation or cancellation of trading permits;
- Displacement from trading locations;
- Administrative penalties and warrants issued against traders;
- Enforcement actions undertaken in circumstances alleged to be arbitrary or disproportionate.

3.5 These concerns raise important questions regarding the **lawfulness, reasonableness, and procedural fairness of administrative decisions** affecting informal traders.

3.6 In many instances, the traders affected by such decisions are **indigent individuals whose livelihoods depend on informal trade**.

3.7 The impact of such administrative conduct therefore extends beyond regulatory compliance and touches directly on issues of **economic survival, dignity, and access to livelihood opportunities**.

3.8 These concerns indicate that the issues raised in the present proceedings may reflect broader systemic administrative practices affecting informal traders within the municipality.

4. PUBLIC INTEREST CONTEXT

4.1 On **04 March 2026**, Alkebu Social Movement organised a peaceful civil rights march in Durban in response to numerous complaints received from informal traders concerning enforcement practices and permit administration within the municipality.

4.2 During that march, ASM formally submitted a memorandum to the **Independent Police Investigative Directorate (IPID)** requesting that the relevant authorities investigate certain enforcement practices involving municipal officials and enforcement agencies.

4.3 The memorandum raised concerns relating to enforcement actions affecting traders and requested that oversight bodies examine whether such actions were undertaken lawfully and in accordance with applicable legal frameworks.

4.4 ASM's involvement in this matter therefore arises from **direct engagement with affected traders and the broader community**, and reflects its commitment to ensuring that administrative governance practices are consistent with constitutional principles.

5. CONSTITUTIONAL AND ADMINISTRATIVE LAW ISSUES

5.1 The issues raised in this matter implicate several important constitutional rights, including:

- **Section 10** of the Constitution, which guarantees the right to human dignity;
- **Section 22** of the Constitution, which protects the freedom to choose a trade, occupation, or profession;
- **Section 33** of the Constitution, which guarantees the right to lawful, reasonable, and procedurally fair administrative action.

5.1.1 Informal trading constitutes a lawful economic activity through which many individuals sustain themselves and their families.

5.1.2 Regulatory measures adopted by municipalities must therefore be rational, proportionate, and consistent with the constitutional protection of the freedom to choose a trade, occupation or profession.

5.2 Administrative decisions affecting informal traders must also comply with the requirements of the **Promotion of Administrative Justice Act 3 of 2000 (PAJA)**.

5.2.1 The Constitutional Court has recognised that economic exclusion and the denial of livelihood opportunities may directly implicate the constitutional right to human dignity.

5.2.2 Administrative decisions affecting the ability of vulnerable persons to earn a livelihood must therefore be approached with particular care and fairness.

5.3 Where administrative conduct affects the livelihoods of vulnerable individuals, it is essential that such conduct complies with the principles of:

- Lawfulness
- Reasonableness
- Proportionality
- Procedural fairness.

5.4 The present proceedings therefore raise issues of **broader constitutional significance**, particularly regarding how municipalities regulate informal economic activity.

5.5 The Constitution further requires that public administration be governed by the principles set out in section 195, including accountability, transparency, and responsiveness to the needs of the public.

5.6 Municipal regulatory and enforcement practices must therefore be exercised in a manner consistent with these constitutional standards.

5.7 Administrative decisions affecting the rights and livelihoods of informal traders constitute administrative action as contemplated in the Promotion of Administrative Justice Act 3 of 2000 (“PAJA”).

5.8 Such decisions must therefore comply with the constitutional requirements of lawfulness, reasonableness and procedural fairness.

5.9 Where enforcement measures, permit revocations, confiscations or relocations occur without lawful authority, adequate reasons, or fair procedures, such conduct may be subject to judicial review under PAJA.

6. HOW ASM WILL ASSIST THE COURT

6.1 ASM does not seek to duplicate the claims already advanced by the applicants.

6.2 Rather, ASM seeks to assist this Honourable Court by placing before it **broader contextual information concerning the impact of municipal administrative practices on informal traders.**

6.3 ASM’s participation will enable the Court to consider the **systemic implications** of the issues raised in the present proceedings.

6.4 Should intervention be granted, ASM intends to place evidence and submissions before the Court relating to matters including:

- The administrative framework governing informal trading permits;
- The practical impact of enforcement measures on informal traders;
- The broader consequences of administrative decisions affecting informal trading livelihoods.

6.5 ASM’s intervention is therefore intended to **assist the Court in reaching a just and informed determination** of the issues raised in these proceedings.

6.6 Where systemic administrative deficiencies are established, courts have the power to grant structural or supervisory relief to ensure that constitutional and administrative law standards are implemented in practice.

6.7 ASM’s participation may assist the Court in considering whether such systemic remedies may be appropriate in circumstances where regulatory frameworks affecting vulnerable communities require reform.

6.8 The issues raised in the present proceedings extend beyond the immediate interests of the individual applicants and raise broader constitutional questions concerning the regulation of informal economic activity, the protection of vulnerable livelihoods, and the standards of administrative justice applicable to municipal governance. For this reason, the participation of a public-interest organisation such as ASM may assist this Honourable Court in ensuring that the constitutional dimensions of the dispute are fully ventilated and that any relief granted appropriately addresses both the individual grievances before the Court and the broader systemic context within which they arise.

7. PREJUDICE

7.1 The intervention sought by ASM will **not prejudice the applicants or the respondents.**

7.2 ASM does not seek to alter the fundamental nature of the dispute before the Court.

7.3 Its participation will instead contribute additional perspective relevant to the **public-interest implications of the administrative conduct under review.**

8. CONCLUSION

8.1 The issues raised in the present proceedings extend beyond the interests of the individual applicants.

8.2 They raise broader questions concerning **municipal governance, administrative justice, and the regulation of informal economic activity.**

8.3 Alkebu Social Movement therefore respectfully submits that its participation as an intervening party will assist this Honourable Court in addressing these matters in a manner consistent with constitutional values.

8.4 For these reasons, ASM respectfully requests that this Honourable Court grant leave for Alkebu Social Movement to intervene in these proceedings.

SIGNED AT DURBAN ON THIS ____ DAY OF _____ 2026.

DEPONENT

Sign and sworn to before me at Durban on this ____ Day of _____ 2026.
The Deponent having acknowledged that he knows and understands the contents of this Affidavit which is deposed to in accordance with the Government Regulation and the administration of oath as more fully set in Government Notice 1648 dated 19 August 1977.

COMMISSIONER OF OATHS