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**Traders Action Group
Town Centre Mitchell's Plain**

Te: 021 761 7650 Fax: 021 761 7650

Attention: Pat Jayiya

Co-Chairperson Constitutional Review Committee: Parliament

WHO ARE WE?

A group comprising of traders and hawkers, existing explicitly to promote the traders standard of living and creating a harmonious environment where their needs will be responded to, their constitutional rights and freedoms be respected and where the ideals of democracy will flourish.

WHY WE ARE REFERRING THIS MATTER:

Suspicion of corruption, violation of fundamental rights and freedoms and denial of constitutionally guaranteed public participation; CBD upgrade Mitchell's Plain.

(a)

THE MEDIATOR

The City of Cape Town Appointed a consultant, Mr., Waleed George of Golden Rewards to transform the informal traders in preparation before the official handing over of the upgraded CBD to become part of a management body for the broader CBD. Mr. George's role would be that of mediator between the four trader associations in the CBD of Mitchell's Plain. According to Labour relations, the mediator has no decision-making function, yet we suspect that from the outset Mr. George engaged in activities that not only exceed his powers and duties, but resulted in prejudice and omission of his duties. We have questions we dearly want Mr. George to answer.

1.

Nuronesa "Nora" Elujoba objected to the means applied when two new associations were

Elujobas Progressive Traders Association was excluded when the Umbrella Body made this decision. Progressives objection was that the general trader membership formed, the Umbrella body and they should decide if it should be expanded. The move was kept secret from the general tradership Mr. George replied that he brought the Somalians, one of said two associations on board of the Umbrella body, when in fact, he has no decision-making function.

2.

When Edward Kruger, formally of Progressives now a founder member of Traders Action Group (TAG) attended his first Task team meeting as a progressive executive on 1 March 2005, he was requested by Jasmine Harris, secretary of the Umbrella Body, to leave the room. When Nora Elujoba asked why he should leave, Mrs. Harris stated, in her precise words "Because he will inform the traders of what was said in the meeting and it is not their business to know" This statement by Mrs. Harris was omitted from the minutes. Why?

3.

In that same meeting, an emotional Mrs. Khulsum Baker, Vice-Chairperson of the Umbrella Body, violently threw her head-scarf to the floor, shouting: "If I do not get my way, I will break-up the Umbrella Body". Mr. George failed to record Mrs. Bakers Outburst in the Minutes. Why?

4.

In that very same meeting of 1 March 2005, Nora of Progressive and Nazcema Brown of M. Plain Stall Holders Ass objected to Plain Business Ass comprising of Somalian refugees, joining the Umbrella Body, on account of them undermining the South African traders by charging far less for the same goods. Mr. George incredibly, recorded "That there were no objections when inviting the two new associations on board of the Umbrella Body." Why?

5.

When Edward Kruger, in the meeting of 19 April 2005, reported that certain issues of the minutes of 01 March 2005 were incorrect, he went a step further and accused Mr. George that Golden Rewards is either incompetent to perform the job assigned to them or they deliberately deceive the City of Cape Town by submitting wrong minutes to the mayor. This statement by Mr. Kruger was also not recorded by Mr. George.

6.

Jamine Harris, in the meeting of 19 April 2005 said that Allie Meniers of Progressives told her that he is a murderer and that the Umbrella Body is an illegal Body. She allowed she "feels inscure when sitting around the table with a murderer" this complaint by Mrs. Harris was not recorded in the minutes.

7.

In that same meeting of 19 April 2005 Mr. George advised the Forum (Umbrella Body) to hold meeting, after Nora complained that the Umbrella Body does not hold meetings, yet the minutes of that meeting as is recorded by Golden Rewards states: "Mr. George indicated that he was not aware of any meetings other than meetings held and that Umbrella Structure gets together under this forum and at public meeting organizations could invite all their members."

8.

A Signed letter from progressives, addressed to the Umbrella Body, was hand-delivered to Mr. Kenny Brinkhuis, chairperson of the Umbrella Body. Contents of this letter challenged the legality of the Umbrella Body, as well as the means applied to its expansion. A copy of this letter mysteriously ended upon the Mayors desk, resulting in Mr. Brinkhuis responding in the Meeting of 19 April 2005 that letter has tarnished their image and Mr. George adding that "damage has been done". Mr. George went on to say that he "wants to get certain information Re: Contents of letter, would bring to next meeting and it would be on agenda. " Next meeting came and went with nary a word referring to letter. Mr. George also suggested, according to minutes of 19 April 2005

meeting, that "Mr. Brinkhuis, Nora, Hashiem (DA Costa) and Ivan Anthony (latter two local government employees) to sit together re: contents of letter. Mr. George and Hashiem to facilitate meeting and that Plain Business Ass and Fifth Avenue Traders (two new associations) should abstain from such a meeting. By the time of writing this report, said meeting never took place. Mr. George omitted to record that Nora would inform him of how many of her members to attend meeting. We are of the belief that the meeting never took place to ensure that Mr. Brinkhuis and the Umbrella Body Escape Accountability

9.

Edward Kruger and Mrs. Shahieda Mohammed, as well as Mrs. Aziza Petersen, on 4 May 2005, wanted to sit in on the Planning Group meeting as observers, but were asked to leave as no observers were allowed. Why did Mr. George refuse hawkers permission to attend a meeting as observers, when only issues related to hawkers were on discussion? Why the secrecy?

10.

On one particular Tuesday in June 2005, three meetings were scheduled to take place: 0900-meeting between Umbrella Body and Taxi association on conflict over informal shop in Taxi Terminal.

11:00 – Task team meeting

13:00- meeting with a delegation from Progressives on their letter which "accidentally " landed on Mayor Mfeketo's Desk.

10.A

9:00 and 11:00 meetings did not materialize.

13:00 meeting was declared a "chairman-only" meeting.

C.

Edward Kruger was, as secretary of Progressives refused permission to sit on meeting, yet several of those present were not the chairpersons of their respective associations.

D.

Both Council officials, Hashiem Da Costa and Ivan Anthony, were absent from meeting.

E.

Minutes of 19 April 2005 Meeting states Mr. George saying "That Plain Business Ass. and Fifth Avenue Traders should abstain from such a meeting, " whereas in fact both associations were represented in this special " Chairperson- only" meeting.

F.

According to Nora, leader of Progressives, Mr. George presented her with a few options. A visibly bewildered Nora, already suffering from bad health informed the executive of Progressives, as well as her personal advisor, Mr. Benjamin Petersen, as to how Mr. George told her to either change the letters contents, allow himself and Mr. Brinkhuis to help her restructure the letter or face the consequences in the form of appearing before a Council disciplinary committee and being branded a trouble-maker which could result in her associations exclusion from all future talks. Nora succumbed to the pressure. Tag believes Mr. George, assisted by Mr. Kenny Brinkhuis, masterminded the intimidation of Nora which, according to statutory law, is a criminal offence.

11.

On what criteria did Merle Johnson, recording secretary of Golden Rewards, succeeded in becoming the co-ordinator or informal trading?

12.

TAG is still dumfounded when Mr. George said in the meeting of April 2005 that a number of bays would be left open for season- traders, when in fact due to overcrowded conditions, scores of new traders will end up on a waiting list.

B.

CITY OF CAPE TOWN

1.

On 15 July 2005 Tag faxed a memorandum to Mayor Nomaindia Mfeketo and then provincial minister of finance, economic development and tourism, Ms. Lynne Brown. The Mayor acknowledged receipt of our letter though any action from her office apparently stopped there. Two attempts by telephone to arrange an appointment with her honourable Mayor remained what it was: futile attempts.

2.

Minister Browns office, through further correspondence informed us that our matter was receiving attention, but after reshuffling of the provincial government, her portfolio, together with our correspondence, was handed over to Mrs. Tasneem Essop. A visit by Edward Kruger to Minister Essop's office was made especially remarkable by the friendliness, courtesy and excellent quality of service displayed by Ms Essop's highly competent staff. Minister Essop sent us a fax wherein she regretted that our matter did not fall within a Provincial Government, but rather a local government competency. She informed us that she took the liberty by forwarding our correspondence to Mr. Paul Williamson: head of Informal Trading and Development. Ms Essop also supplied us with his contact number. The Batho Pele principals ensure us access to and courtesy from any public servant when we have a grievance or encounter any problem. On three occasions TAG contacted Mr. Williamson by means of a telephone, to set up a meeting with him and each time he came up with excuses. By the time of writing this report, Mr. Williamson never responded to our grievances. Why?

3.

In the meeting of 31 May 2005, Mr. Allister Graham, project manager CBD Mitchell's Plain, said Council made R 5 million available for the upgrade of the Town Centre and the upliftment of the hawkers, so 'they could acquire more goods which will enable their businesses to be in view with the new market'. When confronted by Mr. Edward Kruger

on this matter during the M.P. Hawkers Association's meeting on 20 September 2005, Mr. Graham denied the part referring to the upliftment of the hawkers, claiming he never said those words. We need to know the purpose behind him contradicting his own words.

4.

The constitution of South Africa guarantees the people freedom of association and the right to form an association, organisation or political party. In the meeting of 1 March 2005 Mr. Ismail Isaacs, an historical trader in Town Centre, was denied his fundamental right to form an association. According to the minutes of that meeting 'it is reported that the City is not going to entertain another organisation.' Who empowered Council to have the last say regarding our democratic rights which is guaranteed by the constitution?

5.

In early July 2005 the City sent the Umbrella Body on a workshop. They returned informing the hawkers of the decisions taken at the workshop. The hawkers were from day one, excluded from decision-making and never consulted on their needs, which in itself is a transgression of section 195 (1) (e) of the Constitution.

6.

Mr. Allister Graham in the meeting of 31 May 2005, said the A and B type structures in the new market is not part of the demarcation. So what become of them? Why are Mitchell's Plain's people kept in the dark on how to apply for space in those structures? Rumor has it that all space has already been taken. The entire development is an initiative by President Thabo Mbeki for the citizens of Mitchell's Plain to obtain economic and cultural prosperity. Therefore TAG believes that the South African citizens of Mitchell's Plain should have priority over all matters linked to the new market and structures.

7.

When the City proceeded with its schedule by staging the workshop, without investigating our claims of oppression and exploitation, it expressed it's disregard for

public needs and opinions. Is there a reason why Mr. Williamson acted in a manner that is inconsistent with the constitution?

8

With the market earmarked to formally open by mid-February, why is it all quiet on the tender front?

9

Why did the City, at the workshop, give the Umbrella Body three months to draw up a constitution before they could become part of the management body?

10

City Council
TAG needs to know why it happens that whenever a shop closes in Town Centre, the space is rent out to a foreigner. Mitchell's Plain residents are very unhappy about this and demand answers from those responsible.

C MITCHELL'S PLAIN UNITED HAWKERS FORUM (UMBRELLA BODY)

1.

The Umbrella Body was established in 1995 and only two elections took place since its inception, the last being in 1997. The seat of chairman was never contested in an election, meaning for the last eleven years the Umbrella Body has the same chairman. The Umbrella Body never interacts or consults with the traders or hold meetings where they can be held accountable.

2

Certain members of the executive of the Umbrella Body rent out bays for personal gain.

3

What did Nora Elujoba referred to when she told Edward Kruger to delay his taking action until she received Progressive's share which she will hold onto, but he and Shahieda Mohammed will benefit from? Was it the money Mr. Graham denied ever mentioning?

4

Mrs Khulsum Baker, the vice-chairperson of the Umbrella Body, in the dying moments of 2004, mid-December to be precise, overturned a few stands with goods on it during a conflict with the Somali's. According to general knowledge in Town Centre, the Somali's countered with a R100 000-00 lawsuit. Less than three months later, during a task team meeting, a jolly Mrs Baker, in obvious felicitous spirit, triumphly pronounced that "we welcome you (referring to Somalians) with open arms". Section 195(1) (G) of the Constitution obliges Mrs Baker to provide the traders with information regarding this matter. Did the Somalians applied blackmail as a means of inclusion into the Umbrella Body structure, as is speculated in some trader circles? As yet, no response from Mrs Baker regarding this issue.

5

With the last general meeting being held in 1999, where a vote of no-confidence was brought against the Umbrella Body, TAG wants to know who mandated the Umbrella Body to form a Section 21 company?

6

When Jasmine Harris, in the meeting of 1 March 2005 told Edward Kruger to leave the room because he will tell hawkers what was said in the meeting, she confirmed that the Umbrella Body deliberately excluded the general trader membership from participating in decision-making. This is a transgression of section 195 (1) (E) of our sovereign authority, the constitution.

7

Mr. Kenny Brinkhuis, the ten-year long chairman of the Umbrella Body, is for the past nine years no more an informal trader. With two businesses in the Mitchell's Plain Industrial area, he is also the PRO for the Industrial Hive. Why, according to record is he representing M.P. Stallholders Association, when he is not a hawker? We believe that to be a fraudulent claim, as well as giving false information.

8

Black traders who reside in Khayelitsha are very unhappy because they have no representation on the executive committee of the Umbrella Body, whereas a refugee group, Plain Business Ass., has proportional representation.

9

Town Centre Traders want Mr. Brinkhuis to explain his role during the catastrophe when the Station Plaza, earmarked for the traders, slipped from their grasp. The Station Plaza is now made up of at least seventy percent South African and 30% foreign shop-owners, all from the private sector. TAG wants Mr. Brinkhuis to inform the hawkers where the Taxi and Hawkers Association hails from, since the hawkers had no idea such an organisation even existed.

10

Mr. Brinkhuis, during the 1999 general meeting said that "as long as I am chairman, no-one will get me off." The next and final complaint explains his cocky behaviour clearly.

11

On 18 August 2005, during a progressive meeting Mr. Brinkhuis, addressing Edward Kruger, stated that "We have connections with politicians," implying that whatever measures TAG follow, it will always encounter a cul-de-sac.

There only remains one question: Is this document portraying the norm of future democracy in South Africa?

TRADERS ACTION GROUP DEMANDS

TAG has been in consultation with the hawkers and traders in Town Centre, Mitchell's Plain, regarding their needs and opinions and came up with the following demands:

WE DEMAND:

1

The resignation of Mr. Kenny Brinkhuis as chairman of the Mitchell's Plain United Hawkers Forum, and his abstention from all informal sector affairs.

2

That elections be held as soon as possible, which will be monitored by neutral observers to ensure it be fair and just.

3

That the City of Cape Town, whose indifferent attitude gave rise to the shocking conditions prevailing in Town Centre, accept liability for any expenses arising from said elections.

4

A commission of enquiry into the secret goings-on surrounding the development of Mitchell's Plain CBD.

5

A commission of enquiry into Mr. Brinkhuis involvement where the Station Plaza subsequently slipped out of the traders reach.

6

Due to undemocratic practices implemented, that the legality surrounding the inclusion of the two new associations, be declared unconstitutional, null and void.

7

That National Government should consider bringing about legislation that will curb the influx of cheap foreign products, especially Chinese, which causes injury to the future economic stability of South African Traders and shop-owners.

8

In conclusion, as guaranteed by the Batho Pele White Paper, for Redress!!!

Edwards Kruger

Marilda Ely

Traders Action Group

Mitchell's Plain

Aziza Petersen

