

Perishable commodity trading by informal traders: A South African conundrum

Godfrey Thenga

University of South Africa, Pretoria, South Africa.

Corresponding author: tshabg@unisa.ac.za

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Abstract: The right to venture in trade is enshrined in the Constitution of South Africa, national legislation and various international policies. This right is vested in everyone within the borders of South Africa, whether a South African or a migrant. Trading involves transacting in imported or locally manufactured goods alike. In the context of the South African informal trading, during trading, the issue of trading in counterfeited products and expired products continues to ignite hatred between communities and small business traders. Spaza shop owners are not known, and the profits are expatriated and used to fund terrorist organisations. The migrants become a soft target and often receive a backlash from a section of the community. This study explored hatred and hate by community members towards the selected migrants who are informal shop traders in Gauteng province, South Africa. The study will also assess the competency of public and private law enforcement and environmental health inspectors in enforcing the laws. A desktop qualitative approach was adopted using a systematic literature review. The increasing nature of violence towards migrants in South Africa makes a case for immediate increased enforcement of the laws and for equipping the intelligence agencies. The public law enforcers are understaffed and overwhelmed to maintain law and order in the informal business sector, where migrants operate. There is poor coordination of private and public intelligence to assist in defusing tension and halting violence. The findings revealed that foreign-run Spaza shops benefit the communities. The informal traders and largely selected migrants become a scapegoat for trading in poisonous goods and contributing to the death of innocent people. There is a growing fear of competition by selected community members that spaza shop owners are engaging in uncompetitive behaviours that are taking them out of business. There is a concerted effort to displace informal businesses that are owned by foreign nationals in the townships and villages to allow local communities the opportunity to run them.

Keywords: Hatred, human rights, informal business, intelligence, Law enforcement, migrants, violence

Introduction

More has been reported on the positive impact small and medium-sized businesses have on the economy of a country. Informal created an uncountable number of jobs (Benhassine McKenzie Pouliquen & Santini, 2018:1-2). Spaza shops predates democracy in South Africa and have played a critical role in empowering communities socially and economically by extending credit to customers, stocking customers' preferred products and offering competitive pricing. In 2002, the annual turnover from small businesses was over 600 US dollars (Schutte, Labuschagne, Georgescu & Pop, 2019: 59-61). Informal entrepreneurship trading falls under a small business setup. In South Africa, informal trading takes the shape of spaza shops, street selling, flea market selling, inside transportation selling, events selling and even public gathering selling. The sellers do not have the required permits to sell their wares, and some do not have business permits to operate as sellers. The spaza shop seller are required to register their businesses with the CIPC as street vendor and tuck shop operator, tax clearance certificate, municipality certificate-certificate of acceptance The consumables that are up for sales are not limited to sanitary wares such as imported surgical tools and equipment (pads, bandages, condoms: Viagra (infections), snuffs, and food locally procured and imported. Some of the genuine products they sell are mixed with adulterated goods, thereby making supply chain interception difficult, as it becomes almost impossible for the consumer to identify genuine products from fake goods. The sellers comprise the majority of legal and illegal economic migrants and a few local citizens. The migrants are

mostly from the continents of Asia and Africa. They comprise the Bangladeshi, Pakistani, Indian and Chinese nationals from Asia and nationals from Africa include the Somalis, Zimbabweans, Zambians, Basotho from Lesotho, Mozambicans, Ethiopians, Nigerians, and Malawians. Whereas those who operate Spaza shops in the townships and villages comprise the Bangladeshi, Pakistani Somalis, and nationals. The Somalis are a majority at 58% followed by Ethiopians at 28% and the remainder is a share of South Africans and other nationals (Mncedisi, 2023:9). They are often pushed out of their countries by hard socioeconomic conditions and migrate to countries they believe will better their lives. Frequently, the selling is carried out in contravention of municipal laws. The locals are not employed in the Spaza shops to create employment and reduce poverty in the communities (Mncedisi, 2023:8). The microenterprises do not employ many people as they want to maximise profit.

They sell a mixture of genuine goods and fake or unregistered and unregulated goods. Many of the shops sell chemicals together with food under the same roof, with a high chance of chemical reactions. They do not separate their stock and infections, and reinfection is highly likely to occur. Many of the spaza shops do not follow the Occupational Health and Safety Act, as their shops do not comply. Some of the Spaza shops counterfeit some of the goods and sell them to unsuspecting customers (Gamchi, Mohammadi, Wassenhove & Farahazi, 2025:3). They import and procure locally alike. The conditions of some of the shops are unhygienic, as many of them live inside the shops where the selling wares are kept.

Some do so to protect their stock against criminals who break into shops and steal stock or even rob them of their cash. Some unscrupulous community members would invade the spa shop to conduct inspections on whether there are expired/fake, or counterfeited goods being sold, even when they do not have the expertise to do so. In the process, ransack the shops and steal stock. Some of the groups shut down their businesses in the township and call for their deportation for sending remittances to fund illegal organisations in their home countries, whereas certain groups demand that the government evict them from the township as they sell poisonous goods to allow the locals to run the Township spaza shops. The Spaza shop managers face a myriad of problems in their daily operations. The law enforcement harassment and victimisation are another challenge that they have to contend with. Law enforcement frequently ransacks their goods in the shops under the guise of looking for fake or expired goods. Some of the local police collect bribes for protection against criminals. Their entrepreneurial trade should not be the allure of victimisation and abusers. In the context of convenience shops, the law enforcement comprises the South African Police Service (SAPS) and Municipal police officials who inspect permits to operate and illegal immigrants, environmental health inspectors who check for health-hazardous goods and permits to trade and the immigration officers from the Department of Home Affairs who search for illegal immigrants and the validity of permits to stay in the country. Spaza shop owners stock products that are for the target customers of a specific community. They operate long hours and cater for customers who work both at night and those who work during the day. The workers operate and work long hours without rest.

The paper commenced with an introduction, literature on the concepts of perishable commodity trading and spaza shops or tuck shops, followed by a theoretical framework, methodology, findings and discussion. Finally, the study made recommendations and an overall conclusion for the research.

Materials and Methods

Research approach and design

As noted earlier, the study aligns with the objectives, and it is a descriptive research design, and a qualitative desktop approach was employed (Yin, 2016: 6-8). The study utilised a systematic literature review to acquire information for the study. The study used literature and secondary sources to answer the research objectives based on socioeconomic perspectives (Kumar, 2019). To that effect, the study drew on authored literature as an informed assessment of the conducted research to allow for genuine ideas to be processed for use in this study. Peer-reviewed academic journals, books, legislation, International literature and conventions, websites, National and international NGOs' and NPOs websites – to determine what authors have written on the topics of the study. The topics are aligned with the research objectives, and the sources are in line. Only relevant sources were selected for the study based on the topics. Literature was reviewed repeatedly to ensure the accuracy of the data. Moreover, a document review of public records was conducted of existing records.

Literature has revealed the magnitude of the problem of trading in hazardous and unregulated goods. The drive by citizens to take out migrants from business and the stiff competition for scarce resources are real. Overall hatred for migrants could be ascribed to unhealthy competition for scarce resources. A formalised data collection involved repeated examination of records to answer the objectives of the study. Descriptive research answers questions related

to who, what, where, when and how about people in this context to provide an accurate description of the problem. The researcher used the qualitative data analysis as outlined by Mezmir (2020: 22-24). Data analysis was done using document analysis and conceptual analysis. It was imperative to investigate the reasons for the problem and come up with suggested solutions for implementation so that the problem can be eradicated.

Data preparation: data was obtained from the literature, and was prepared to identify inconsistencies.

Theme identification: The research has identified common and related data that have recurrent themes. Thematic analysis was used – recurring themes and patterns related to policing, intelligence, spaza shop, hate, migrants, foreigners, drug peddling, smuggled goods, counterfeited goods, fake goods, adulterated goods, expired goods, money laundering, terrorism financing, looting, corruption, bribes, organised crime were identified, and valuable information on the challenges faced by migrants who operate informal businesses in Gauteng province, South Africa.

Data preparation: reporting of relevant findings was made.

The study uses sociological theories to explain the problems associated with migrants' informal business trading and the myriad problems of operating their businesses harmoniously in the townships and villages in Gauteng province, South Africa.

Literature Review

Theoretical framework

In South Africa and other developing countries, a growth in unemployment in the past two decades has led to growth of the informal sector owing to the growing population (Horn, 2011:1). A huge number of youths in South Africa are facing unemployment and struggle to participate in the economic activities (Nshimbi, 2020:76). Progressively, over the three decades, South Africa has experienced an increased population growth and migration of people from rural and villages to cities and towns (Hlongwane & Vyas-Doorgapersad, 2023:39). On the same token, the country has noticed a surge in migrants run spaza shops in cities, towns, rural and villages. Spaza shops are colloquially called tuck shops or informal convenience stores, or community based. Entrepreneurship

The sociological theories will be used to explain the phenomenon of informal business trading, leaning on spaza shops or inconvenient informal shops or informal business entrepreneurs and also the hatred meted out at migrants. A Sociological perspective theory serves this study the best as it explains why certain human behaviours are exhibited towards other humans and what motivates such actions. A Rational Choice theory involves the belief that crime is inevitable; the more vulnerable the target, the more likely it is that crime will occur (Jubaer & Hassan, 2021:20-21). This theory explains why the informal business entrepreneurs are being targeted by the criminals, even when they operate their businesses in the communities and mostly in the vicinity of criminals who target them. The fact that the shop owners/managers do not have sufficient law enforcement protection makes them vulnerable to crime and criminal attacks. The rational choice theory explains that crime is likely to occur when the vulnerable target has no protection from those who are supposed to render protection to them. The target is open to abuse without sufficient security, which is the case with many migrants, spaza shop owners or managers operating in South Africa. Spaza shop managers run businesses, and in the process, they are engaged in competition with everyone participating in the sector. Lundy and Darkwah (2018: 513-524), argue that competition for resources can drive social inequality and conflict between groups, which in turn may lead to prejudices and hostility as advocated by Realistic Conflict theory. The spaza shop owners/ managers operate businesses that compete with each other, as often they sell similar goods and serve the same customers. Although informal business owners or managers may be serving customers in different locations. The theory explains the reason behind the unbecoming behaviour of some community members against migrant spaza shop owners or managers. South Africa is one of the countries with high inequality amongst people, and when groups sense that the next group is living a better life and competing better than the other, conflict is likely to arise. Intergroup conflict theory supposes that conflict arises between different groups due to perceived threats, competition for resources or differing values. The anger generated may contribute in retribution for other groups as they perceive deprivation develops a sense of unfairness resulting in anger and resentment (Siddiqui, 2025:215). In contrast, the competition and innovation theory states that competition for scarce resources can drive innovation and efficiency as individuals and businesses seek to gain an advantage (Berghall, 2016: 122).

The human capital theory explains the role that education, skills and experience play in immigrants' entrepreneurship (Marginson, 2017:287-288). This theory explains that migrants' acumen sets them apart from others, thereby making them successful in managing spaza shops. Since migrants operated spaza shops in South Africa, the shopping experience has changed drastically, with a variety of goods. The shops open early and close late at night to cater for a

diverse range of people, such as those working odd hours at night, and those staying at home. The shops operate for long hours with fixed opening and closing times to allow people who work far from their homes to experience shopping. However, working long hours is in contravention of the country's labour laws, and poor law enforcement exacerbates the situation, as there is insufficient inspection conducted to enforce the laws. In the majority of the shops, the workers are migrants who do not speak local languages or even English. The stockists procure goods that communities need – thus, they can study the target market and supply differentiated goods. The shops are within communities, and some prices are affordable. The shop owners or managers do offer a credit facility to known customers without the provision of security for the loan, which is in competition with credit lenders in the country. The human ecology theory presupposes that competition for resources can be a key factor in group dynamics and conflict, especially during periods of migration and social change, which may arise as it can be sparked by competition for scarce resources (de Haas, 2010: 1587-1588). To counter the potential conflict, a country should educate its populace not to tamper with or destroy the environment, as it has the potential to produce good food for sustainable development. For the environment to yield positive yields, the soil should be of good quality to enable the production of good-quality produce (Hlongwane & Vyas-Doorgapersad, 2023:37).

Formal and informal traders

The informal traders existed side by side with the formal sector (Ngiba, Dickinson & Wittaker, 2009:462). The informal sector consists of businesses such as spaza shops and street sellers who operate outside of the regulations (Horn, 2011:3). Oftentimes, the informal traders operate their businesses in undemarcated, undesigned and undeclared spaces (Ndhlovu & Mhlanga, 2023:95). Informal business trade in violation of the laws and regulatory processes and outside of municipality by-laws (Mackle, Bromley & Brown, 2014:1885). Informal business is unregulated and, in the context of South Africa, it refers to street trading, street vending, house-to-house selling, open area selling and spaza shop selling (Horn, 2011:2-3). A similar case happens in the neighbouring jurisdictions such as Zimbabwe, Eswatini, Lesotho and Mozambique, where street traders are marginalised, stigmatised and even harassed by authorities (Bandaiko & Arku, 2024: 6-8). In Mozambique, street vending in urban areas is mostly dominated by women (Mramba, 2025:10). Street traders in Harare, Zimbabwe, are accused of contributing to pollution of the city rather than contributing positively to the upliftment of people and the socio-economic situation in the country (Bandaiko & Arku, 2024: 1-3). The informal businesses that are not registered with the government in compliance with the country's policies, and or unregulated violate the laws. In GHANA, informal traders pursued their livelihood activities using public spaces (Ndhlovu & Mhlanga, 2023:97). The parasitic view of informal traders is a narrative that is peddled by haters on the continent. The informal traders are viewed as the opposite of the formal traders and engage in tax avoidance and evasion, and trump government regulations (Moyo, 2022:480-482). They are accused of not paying utility bills and enjoy free ride as they incur no expenditure on renting spaces (Mramba, 2025:6). Spaces offer interconnected and overlapping socio-economic practices and enable the informal traders to serve the domestic as well as tourist market alike (Ndhlovu & Mhlanga, 2023:97). The tourism sector plays a major role in the developing country by contributing to job creation and community development (Makono & Mearns, 2025:87). The informal traders generating adequate income with their operation to feed households (Glen & Mearns, 2020:131-132; Horn, 2011:6). Moreover, informal business traders is the face of South Africa's culture and add immense value to tourism as they offer unique wares to the tourism. Goods reflect a sense of the environment and give tourism access to local flavour (Makono & Mearns, 2025:89). However, many of the street traders sell appeals of branded goods, a mixture of genuine and fake goods (Gamchi et al., 2025:3).

During the COVID-19 pandemic of 2020, the informal traders faced hardship as they could not generate income from selling goods as the government implemented lockdown measures as an attempt to limit the spread of the virus. The informal traders did not obtain financial support or recognition. In addition to facing closure of their businesses and fines from the government, their businesses were disrupted by law enforcement authorities (Rwafa-Ponela, Goldstein, Kruger, Erzse, Karim & Hofman, 2022:7). The discourse surrounding street vending is unpalatable and mostly turns to shape countries' policies. Public perception also contributes to policy formulation influences such as urban informality, dirtiness and pollution (Bandaiko & Arku, 2024: 3). Street traders are stigmatised, criminalised, and further viewed as economic parasites and accused of not contributing to the tax revenue (Bandaiko & Arku, 2024: 1). Some folks accuse street traders as not paying taxes to the government and operating without business licenses and permissions (Mramba, 2025:1). Government implement intolerant policies on traders to discourage them from participating in their trade and consider formalising their businesses. Operate outside formal regulations processes (Mackle, Bromley & Brown, 2014:1885). Informal traders are exposed on daily basis to vehicle carbon monoxide emissions and smoke containing pollutants (Hariparsad & Naidoo, 2019:1). The informal traders are known to be infringing on government policies.

For instance, in India, the informal traders avoid paying taxes, which is a behaviour that is synonymous with tax dodging, as many think tax is a burden to them (Mramba, 2025:1). Studies show that when the informal sector is huge, overall productivity suffers as informal traders are less efficient than formal ones. Informal traders can be forced to formalise when the government reduces tax and regulation burden (Mramba, 2025:6). State resources and formal employment opportunities shrank the formal sector work economics condition in Africa (Horn, 2011:1).

Counterfeited/expired goods trading

Both street vendors and spaza shop traders trade in imported goods and a mixture of unregulated products. Some of the goods are smuggled into the country. The goods do not follow safe transportation of goods, and in the process, the packaging is compromised as the goods are hidden from authorities. The manufacturers and suppliers of goods are not operating in South Africa but export goods to local traders. There is a parallel supply chain with genuine goods, and goods are both distributed offline and online (Distribution – offline channel or online channel (Gamchi et al., 2025:7). They turn to mix genuine and counterfeit goods, popular merchandise and trademark goods of international businesses such as Coca-Cola, Pepsi, Palmolive brands. Deceptive counterfeit products are for misleading consumers who cannot distinguish genuine from fake goods, whereas non-deceptive counterfeit products can easily be distinguished from authentic ones (Bian, Liang, Zhao, Liu & Lai, 2025:1-3 and Agreement on Trade-Related Aspects of Intellectual Property Rights, 1995, Article 61). A lot of the goods being sold are unregistered and unregulated, and are sold in the informal market by street vendors and spaza shop managers or owners. In some of the products, there is no best-before date, and even their handling or storage is compromised. Substandard goods and goods violating the local jurisdiction's laws. Many informal businesses sell counterfeited and trademark-violating goods as the prices turn to be affordable to many people (Chuchu, Chinomona & Pamacheche, 2016:328).

Some of the informal businesses are owned by people who cannot be traced within the country by the authorities. Some of the sellers are undocumented foreign nationals – the country has no records of their presence. This, in effect, makes investigations difficult. To compound the problem, the investigation is not looking at manufacturers of the goods, as many are in foreign countries; instead, the investigators only seize and destroy a few items found on the scene. Organised crime is prevalent in the sector, as some of the criminals work in groups to raid migrants' informal businesses under the pretext of inspecting expired goods. Vigilante groups such as 'Dudula and Put South Africa First movements' and Political parties such as the Patriotic Alliance and South Africa First Party and All Truck Drivers Foundation target migrant businesses to demand protection fees and or goods for free ride. The looting spree of 2021 highlighted the weakness in policing and intelligence, where criminals were stealing from shops and law enforcement was outclassed by criminals who similarly are targeting foreign nationals. Some of the criminals demand a protection fee from spaza shop owners or managers so their shops do not get raided and looted in the process (Shumba, Trinos & Gopal, 2023: 47). The criminals incite community anger and violence towards migrant informal entrepreneurs by spreading misinformation to incite community anger towards foreign nationals. Genuine goods manufacturers should adopt traceability techniques and information sharing mechanisms to reinforce product authenticity without introducing excessive complexity or cost (Gamchi et al., 2025:2). The consumption of unregulated goods has led to a series of deaths from foodborne illnesses in the townships and villages. To curb the problem of selling contaminated goods, the government has introduced the by-law for the township economies on 7 November 2024, under the Local Government Municipal Systems Act, No. 32 (2000). The law promotes social and economic upliftment of communities and health and safety issues. To operate a spaza shop in South Africa a citizen will have to register a business with the Companies and Intellectual Property commission (CIPC), if it is a business of selling food a certificate of acceptability (Health and Safety) from municipality must be obtained, Obtain a zoning permit to ensure that the location complies with municipality town planning regulations and also a trading permit, The spaza shop must be registered at the local municipality office and issue permit and license and the applicant must have a valid identification. Over and above all of the above, a migrant wanting to run a spaza shop must produce a work permit or a valid asylum permit (Section 22 of the Refugees Act, No. 130 (1998), which explicitly allows them to run a business. Registration of spaza shops is intended to formalise the sector and ensure compliance with business and food safety laws; however, with a manpower shortage, enforcement may not be practical.

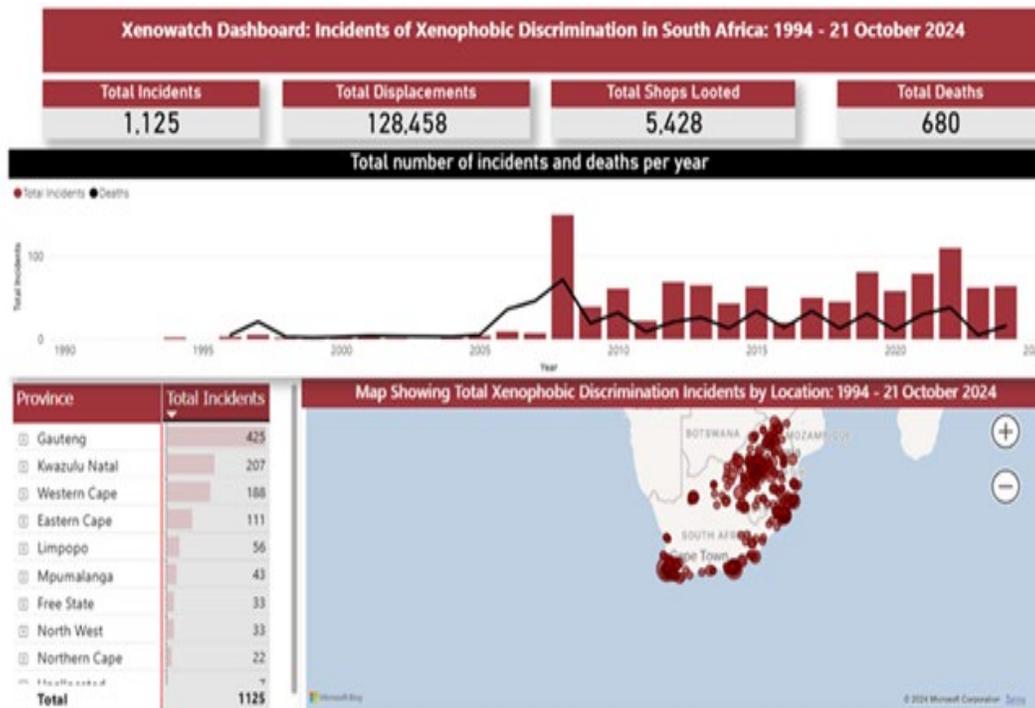
Vigilantism, violence and law enforcement

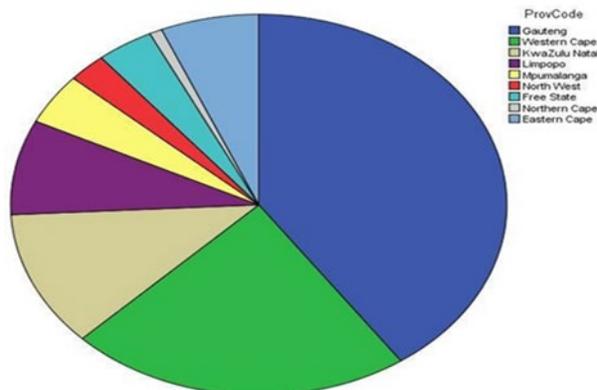
The South African Police Service is the only national police agency in the country empowered by legislation to police crime at a national, provincial or local sphere of government in terms of 205(1-3) of the Constitution, No. 106 (1996). The objects of the police are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law. The SAPS's legislative mandate is in terms of section 13 of the SAPS Act, No. 68 (1995). The SAPS can investigate crime, uphold the law and order

and protect property. The other law enforcement agencies include the Municipal Police Service (MPS), which is responsible for enforcing laws, traffic policing and crime prevention within a municipality's designated jurisdiction. They further include effecting arrest, seizing questionable goods, and issuing fines for by-law contraventions. The immigration officers operate nationally to enforce immigration laws, and environmental health inspectors enforce health regulations and policies, and labour inspectors are tasked to enforce labour laws nationally. However, there is no proactive enforcement by law enforcement. The police do not conduct sufficient spontaneous sting operations (Naude, 2015:257). There is a shortage of staff members in the various law enforcement agencies owing to budget cuts, corruption and mismanagement of resources. The shortage of staff members is noticed in the police, environmental inspectors, labour inspectors and immigration officers. Corruption and bribery are widespread within law enforcement, which inhibits fair treatment of people and puts into question law enforcement's legitimacy and integrity. Not sufficient forfeiture of criminals' assets. Insufficient consequence management of those abusing state powers aggravates the abuse. Shortage of law enforcement members and a high level of corruption, which leads members to turn a blind eye to crime, contribute to no proactive enforcement on the part of law enforcement. There is a need for a multiagency approach to policing (European Police College, 2015: 14).

There is insufficient information sharing as different law enforcement agencies work in silos. There is no computerised record-keeping or registry to promote intelligence and curtail repeat offending. Migrants' owned informal businesses finance the prohibited extreme terrorist organisations such as Al-Shabaab, Al Qaeda, Hamas, ISIS, Hizballah, and Boko Haram through money laundering and racketeering activities. Some accuse the migrants of prohibited drug dealing and smuggling. Migrant informal business traders are occupying the rural villages and communities to annex the land and occupy the land to establish military camps to cause instability in the country.

Figure 1: Hotspots xenophobic statistics of migrants who were attacked between 1994 – 2024





Source: (Xenowatch, 2025)

The above statistics indicate the provinces in South Africa that experienced attacks towards migrants. The Gauteng province is the leading province in the attacks owing to overpopulation and the preferred destination of many migrants, as well as the allure of informal business interests.

Legislative landscape

In terms of section 22 of the Constitution – The Bill of Rights, ‘every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law depending on the trade involved. The Constitution requires the state to promote the constitutional imperatives enshrined in Section 9 of the Constitution, No. 108 (1996). For non-citizens, this means asylum seekers and refugees, a separate section 22 (Work permit or a valid asylum seeker permit explicitly allowing one to run a business) of the Refugees Act, No. 130 (1998), or valid visas required to engage in self-employment, such as operating a small enterprise.

The South African constitution guarantees the right to equality before the law, freedom from unfair discrimination and freedom of trade. Every person is allowed to practice a trade unhindered, provided it is done within the bounds of the law.

Unfair discrimination is prohibited in terms of Chapter 2 of the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 (2000), whereas sections 5 and 6 punish harassment and the dissemination of information that unfairly discriminates, respectively. The information that discriminates could be a hate crime and or hate speech in terms of sections 3 and 4 of the Prevention and Combating of Hate Crime and Hate Speech Act, No. 16 (2023). Moreover, section 1 of the Harassment Act, No. 17 (2011), punishes harassment conduct. Some of the discriminatory acts are conducted on social media. Sections 3, 15 and 15 of the Cybercrimes Act, No. 19 (2020) punish interception of data, instigation of violence, damage to property and threatening violence or property damage to others, respectively.

Section 4 of the Prevention of Organised Crime Act, No. 121 (1998), makes it a crime to engage in money laundering and involvement in criminal gang activity. Similarly, section 45(1B)f(i) and (ii) of the Financial Intelligence Centre Act, No. 38 (2001), makes it a crime to engage in money laundering and any terrorist or related activity, respectively. Sections 5 and 6 of the Protection of Constitutional Democracy Against Terrorist Act, No. 33 (2004), prevent harassment and the dissemination of information that unfairly discriminates against people, respectively.

Sections 2 and 3 of the Protection of Constitutional Democracy Against Terrorist Act, No. 33 (2004), punish terrorism and state that anyone who engages in a terrorist activity is guilty of the offence, and anyone who is associated or connected with terrorist activities is guilty of an offence of terrorism. Section 33 of the Constitution, No. 108 (1996) is the right to just administrative action given effect by the Constitution (Administrative Justice Act, No. 3 (2000)). It seeks to attain transparency, openness and good governance in the judicial process by allowing people to challenge the decisions of the authorities through the court process. Sections 30 and 32 of the National Environmental Management Act, No. 107 (1998), are for the enforcement of provisions and access to court through legal action for failure to comply, respectively. The National Environmental Management Act, No. 107 (1998), empowers environmental management inspectors to prevent environmental damage in terms of section 28 (duty of care) of the Act. The regulation of incidents involving hazardous substances. Section 34(1)(b) and (d) of the

Immigration Act, No. 13 (2002) empowers the immigration officers to arrest and detain illegal foreigners without a warrant. In terms of sections 65 and 69 of the Basic Conditions of Employment Act, No. 75 (1997), labour inspectors possess the powers to enter the workplace, inspect records, interview employees and employers, issue compliance orders and refer cases to the Commission for Conciliation, Mediation and Arbitration (CCMA). Labour inspectors can also enforce the Occupational Health and Safety Act in terms of section 55 of the Occupational Health and Safety Act, No. 85 (1993).

Findings

Many informal traders trade in adulterated, counterfeited and expired goods in contravention of the laws. Unregistered and unregulated goods are sold in the spaza shops, street markets and other undesignated places where the population is big and even in busy streets. Counterfeited and trademark-violating goods are traded knowingly and unknowingly by the informal traders. This is both intentional and unintentional counterfeited goods. Some manufacturers are not located in South Africa and operate in foreign countries, and export goods to South Africa.

They do the practice of knowing that the goods are adulterated. Some of the manufacturers operate a parallel supply chain with genuine goods. South African traders also sell some goods. It is a case of selling goods not knowing they are laced with dangerous substances/poison (pesticides and insecticides, amongst others as the goods are imported). There is involvement of organised crime in the trade as smuggling of unregulated, unregistered and expired goods is sold in spaza shops and on the streets. Organised crime takes place against migrants in the form of extortion, payment of bribes and confiscation of their stock or wares by criminals. Money laundering by managers of spazas and some remittances are repatriated to the country of origin.

There is no trace of foreign nationals deliberately killing South Africans - South African traders also sell similar goods as traded by migrants, as they stock goods from the same suppliers – It is a case of selling goods not knowing they are laced with dangerous substance/poisons such as turboforce.

Some of the traders capitalise on the weak and poor enforcement of the laws in South Africa. Poor policing strategies are aggravated by a shortage of trained health inspectors/environmental inspectors, police, intelligence services, immigration officers and labour inspectors. Informal traders are victimised by law enforcement. There is widespread corruption in the law enforcement sector. The law enforcement agencies are working in isolation, and there is minimal sharing of criminals' information owing to mistrust amongst law enforcers, as some are on the payroll of criminal syndicates. There is insufficient consequence management within law enforcement. There is not enough forfeiture of assets from criminals who were convicted of a crime. There is a competing economic interest between certain community members and migrants who run informal businesses. Misinformation and hatred are rife in the informal trading sector, partly owing to hatred, stiff competition and exclusion of local communities from operating businesses. Some communities circulate hate messages about migrant traders on social media in violation of the promulgated media laws.

The local communities are not financed to run spaza shops and are left out without any government empowerment or training on how to generate income from running a small business for survival.

Recommendations

There is a need for innovative solutions to coordinate hate information from a central registry. The government should lead in educating the communities about hate crimes and hate speech. Education awareness programmes on hate crimes and hate speech should be held with the affected communities. Sanctions for hate crimes and speech should be higher. The government should constitute a multidisciplinary team of law enforcers that investigates and traces the instigators of hate crimes and hate messaging in communities. Law enforcement must develop comprehensive strategies, including deploying intelligence services to source information from private individuals and culprits in the affected communities. Investigation on trading in prohibited goods should be targeted such that manufacturers of contaminated goods in South Africa are traced and closed, and distributors are penalised.

Law enforcers should be trained and deployed to take action against informal businesses that violate the law. There is an urgent need to increase and capacitate law enforcers, including intelligence services, to share information and deal with crime in the country. There should be rigorous consequences management for crime within law enforcement, which will assist in restoring legitimacy and public trust. The socio-economic and cultural dimensions that make people gullible to misinformation must be addressed through community empowerment initiatives, such as providing skills to the youths, running businesses, and acquiring artisan skills, so that they participate in the economy (socio-economic inclusion). Given high statistics on youth unemployment, the government should finance the locals to be

trained to operate spaza shops and participate in the economy meaningfully. The government should enforce the law on running business operations and only allow migrants who meet the criteria set.

Additional law enforcers should be appointed to fight organised crime. Training should be offered to the law enforcers, prosecutors and judiciary about hate crimes and hate speech. The government should regulate informal trading and empower local communities to participate in informal businesses. Inspections should be conducted to ensure compliance with the laws.

Conclusions

Trading in counterfeited products, expired goods, and adulterated goods is against the law and punishable in South Africa. Misinformation and circulating hate and false information about migrants fuels criminality against migrants. Misinformation takes place both online and physically, and must be proactively policed to protect lives and property. Hate crime and hate speech are violations of human rights and are punishable in South Africa. Instigating violence against informal traders and looting their business stock shows the extent of their vulnerability. The Law enforcement is understaffed and does not keep pace with population growth. The situation is exacerbated by a limited budget. Mistrust amongst law enforcers and no sharing of criminals' information to assist in preventing crime or speeding up the investigation is problematic. Law enforcement agencies, including the intelligence services, should enforce the laws within the available resources.

Unhealthy competition and the drive to push away migrants from operating as informal business traders spark most of the violence. The government should regulate the sector to be more inclusive of local communities through government financing support, training the youths on managing small businesses, and other initiatives to absorb unemployed youths. The government should conduct monitoring and evaluation in the spaza shop sector and ensure that they are operated within the ambit of the laws in the country.

SDGs:

Food security (SDG 1 & 2)

Climate conditions (SDG 13)

Consumption and production (SDG 12)

Decent work (SDG 8)

Collaboration between government, businesses and other stakeholders for developing and implementing sustainable practices in the perishable goods sector (SDG 17)

Data accessibility statement

The datasets used and/or analysed during the current study are available from the corresponding author on request.

Ethics and consent

Ethical approval through the author's Research Ethics Committee (University of South Africa College of Law Ethical Clearance Review Board) was sought and obtained before beginning this project.

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Competing interests

There are no ethical conflicts or competing interests in completing this research.

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