

## **IMASA AND EFFECTIVE CITIZENSHIP.**

The recent judgments involving the City of Tshwane and the City of Matlosana once again demonstrate the important and constructive role that the Institute of Market Agents of South Africa (IMASA) continues to play as an active and effective representative body within South Africa's fresh produce market sector. Through persistent litigation, constitutional advocacy, and the strategic use of mandamus proceedings, IMASA has consistently acted to uphold the rule of law, protect producers and market agents, and enforce accountability against municipalities that fail to comply with their statutory and fiduciary obligations.

The Gauteng High Court judgment in *City of Tshwane Metropolitan Municipality v Interaction Market Services Tshwane (Pty) Ltd and Others* reaffirmed earlier findings that the municipality had failed to maintain critical infrastructure at the Tshwane Fresh Produce Market, directly resulting in severe damages suffered by market agents and producers. The Court further recognised the significance of the prior mandamus proceedings instituted by IMASA, which compelled the municipality to develop and implement infrastructure plans and address long-standing failures affecting the market system. The judgment strongly criticised the municipality's continued non-compliance with court orders and emphasised that state organs cannot ignore judicial directives without undermining constitutional governance and the rule of law.

Similarly, the North West High Court ruling against the City of Matlosana represents another significant success for IMASA's ongoing efforts to safeguard the integrity of South Africa's agricultural produce market system. The Court confirmed that funds held in market trust accounts are not municipal funds, but trust monies belonging to market agents and producers, and that the unlawful withholding of such monies caused substantial prejudice across the agricultural value chain. The Court granted extensive relief, including the removal of municipal officials from operational control of the Freshmark payment system, the appointment of an independent oversight mechanism, and the continued enforcement of 48-hour payment obligations to market agents.

These cases collectively illustrate how IMASA has evolved into an important form of effective active citizenry within the agricultural sector. Rather than merely advocating in principle, IMASA has consistently utilised lawful constitutional mechanisms to compel accountability, enforce compliance with court orders, and protect the commercial and fiduciary interests of producers, agents, and the broader food supply chain. Its litigation record demonstrates a sustained commitment to transparency, lawful governance, institutional accountability, and the protection of trust monies within fresh produce markets.

In an environment where municipal failures can severely disrupt food security, farmer sustainability, and commercial confidence, IMASA's interventions have become increasingly important in preserving the stability and credibility of South Africa's fresh produce market system. The organisation's successes in mandamus and contempt-related litigation reflect not only legal victories, but also a broader public interest contribution toward ensuring that public institutions remain accountable to the Constitution, to the courts, and to the stakeholders they are legally obliged to serve.

**ENDS**

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