“I am a Stone”: An Analysis of Digital Stories Exploring the Land-related Challenges of Township Informal Business Owners

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Abbreviations
ECD Centre  Early Childhood Development Centre
DST  Digital Story-telling
NPO  Non-profit Organisation
SLF  Sustainable Livelihoods Foundation
SONA  State of the Nation Address
ULMEG  Unlocking Land for Informal Micro-enterprise Growth

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Summary

In late 2017 the Sustainable Livelihoods Foundation undertook a participatory research process with nine township informal business owners from Cape Town. The aim of the research was to use Digital Storytelling (DST) to highlight the land-related challenges faced by the participants. This document provides a detailed analysis and discussion of the resultant digital stories (short, self-directed films) and the main issues and themes presented by the storytellers. These digital stories, individually and as a collective, articulate powerfully many of the challenges faced by informal business owners in the township context. Such challenges often have their roots in insecure land access and the inability to obtain security and to develop the business further. This insecure position often opens informal business owners up to abuse and harassment by officials, police, community members or landlords. The most common pressing challenges faced by the participants include the following:

- **Difficulty of Obtaining Land**: Half of the storytellers testified that they had great difficulty in securing title deeds to their own piece of land on which to start or grow their business. Those operating Educare centres and informal liquor outlets were particularly badly affected by this constraint.

- **Police Harassment & Business Criminalisation**: This is a constraint faced particularly by unlicensed liquor traders. As they recount in their stories, such harassment not only affect their livelihood profoundly, but also puts them and their customers at risk from what they regard as “real criminals”.

- **The Importance of being Legally Protected**: All but two of the stories raised – either directly or indirectly – the importance of being legally protected as a crucial prerequisite for running a small business. Many of the storytellers felt that their informal status and precarious socio-economic position put them at risk of abuse by state agents and criminals due to their inability to access legal support and protection.

- **Victimisation by Criminals, Landlords and Community Gatekeepers**: Several of the stories also illustrate that in the township context informal business and their owners can be victimised, not only by criminals, but also by landlords and various community members who take advantage of them or act as gatekeepers.

- **Impossible Registration, Building and Zoning Regime**: Six of the storytellers experienced extreme frustration and defeat due to very complicated, confusing and rigid regulations around business registration/licensing, building and renovation laws and zoning.
1. Introduction

South Africa’s newly installed President, Cyril Ramaphosa, gave his “State of the Nation” address (SONA) in Parliament on the 16th of February 2018. Among the many other issues he addressed, he pointed to the need for the government to better support small businesses, including township-based enterprises. He noted that the government would seek to “…reduce the regulatory barriers for small businesses.” Following a lively and robust Parliamentary debate on the SONA, and the new President’s widespread engagements with ordinary South Africans, Ramaphosa returned to Parliament on the 20th of February to give his reply to the debate. He shared that during his recent walking tours of the Cape Town townships he had met and heard from several persons wanting to establish small businesses, who complained to him of a number of their challenges. One would-be small business owner told him that data costs must fall, while another with a small manufacturing business in Gugulethu asked for government assistance to build a factory. Ramaphosa also reported on another man who emailed him the following:

Mr President, I am a small businessman trying to start a business the honest way. I have been sent from pillar [sic] to post for the last seven years between departments of water, energy and city of Tshwane. I have stood in queues for days and only get excuses or no response at all. My business will create jobs, but the government red tape is stifling our entrepreneurship. Please help.

Importantly, Ramaphosa noted that “The frustration that these entrepreneurs have to endure at the hands of the very state that is supposed to assist them is a matter of great concern.”

It is these very frustrations which gave rise to the research of which this report is one outcome. Over the last eight years, the Sustainable Livelihoods Foundation (SLF) has conducted in-depth research on the dynamics of informal enterprises in nine townships around South Africa. In the course of the many thousands of interviews conducted during this research with informal enterprise owners, the challenge to business formalisation and growth brought about by constraints relating to land access, ownership and use, and the rigid nature of official land use management systems, stood out.

SLF thus embarked on a detailed and multi-faceted study, called Unlocking Land for Micro-enterprise Growth (ULMEG), to explore these issues in more detail. A major aim of the ULMEG project was to understand the ways in which the obstacles created by rigid contemporary land use management system contribute to the perpetuation of post-apartheid spatial inequality and injustice instead of nurturing social and economic justice and growth within the township. In line with the SLF legacy of affording participants a “voice”, SLF sought to involve informal traders themselves in a participatory action research process, using Digital Storytelling to tell their stories and present their views on land-

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related challenges facing their businesses. The ten Digital Stories that were produced are one outcome of the ULMEG research process. A technical report on the contribution of prevailing land use management to post-apartheid spatial inequality was also produced, along with an exhibition showcasing alternative emerging land-use regimes in Katutura, Namibia. In addition, this report provides a detailed analysis and discussion of the stories and the main issues and themes presented by the storytellers.

2. The Digital Storytelling Process

Digital Storytelling (DST), also known as “personal storytelling for transformation” is “a creative, participatory audio-visual process that helps people tell a personal story through a collective process – using digital technology to communicate and amplify this story. The final story can be produced digitally as a short film sequence (usually 2–3 minutes) made up of static images and a first-person narrative.”

SLF has conducted a number of DST processes over the past five years, exploring issues such as the vulnerability of shebeen owners, community safety and violence in the Delft community, rights for Rastafari herbalists and health issues such as TB awareness and rights for community health care workers. The DST process documented in this report built on the experience and many lessons SLF has gained over the past few years.

The participants were purposively selected to reflect informal business sectors (e.g. liquor trading and early childhood development) in which land access, business registration and building/renovation present particular challenges. They were identified during SLF’s previous research in the Cape Town townships of Delft and Philippi. Although SLF sought to include young participants, the final group of storytellers come from the age bracket more typical of informal business owners in South Africa (between 30 and 60 years of age). Spaza shop owners were also a target group, but proved impossible to include because of various challenges relating to their time constraints and unwillingness to participate. Nine informal business owners were eventually mobilised (three men, six women), while Andrew Charman the lead researcher in the ULMEG project also chose to participate in the storytelling group. Table 1 provides details of the 10 storytellers and their stories.

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4 Ibid.
6 Some of the products of these DST processes can be viewed online via the SLF Vimeo account: https://vimeo.com/sustainablelivelihoods
Workshop Introduction

DST question prompt

Sharing stories

Personal empowerment
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- The egg-drop game
- Overcomming barriers through group work
- Personal visual narratives
- Using ‘story world’ to enact events
- Using clay figures and symbols to emphasise the mood
- Writing and reviewing the stories in a collective process
<table>
<thead>
<tr>
<th>Name of storyteller</th>
<th>Title of digital story</th>
<th>Type of business</th>
<th>Theme of digital story</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teresa (Delft)</td>
<td>“A Struggle for Land Ownership”</td>
<td>Educare</td>
<td>Crooked estate agents and their lawyers who never provided the story teller with the title deeds for the house, with the result that the Educare cannot expand or become registered.</td>
</tr>
<tr>
<td>Lelanie (Delft)</td>
<td>“Lelanie’s Educare”</td>
<td>Educare</td>
<td>Despite investing much in training and building appropriate structures, Lelanie’s Educare was unable to properly register and lost most of the children to a registered Educare which received donations and government support.</td>
</tr>
<tr>
<td>Chantal (Delft)</td>
<td>“The Challenge in Opening my Business”</td>
<td>Educare</td>
<td>Inability to properly register her Educare because of inability to buy her own land, due to cost and complication of the process.</td>
</tr>
<tr>
<td>Jerome (Delft)</td>
<td>“A Dark Day in my Life”</td>
<td>Educare</td>
<td>The value of being properly registered as an Educare so that you are protected when tragedy strikes a child.</td>
</tr>
<tr>
<td>Siphokazi (Happy Valley)</td>
<td>“Locked in a Nutshell”</td>
<td>Liquor trading</td>
<td>The safety issues associated with liquor trading and the inability to obtain a license in a residential area, which means that shebeeners and their customers are not protected by the law from real criminals.</td>
</tr>
<tr>
<td>Sylvia (Philippi)</td>
<td>“The Lamp that Won’t run out of Oil”</td>
<td>Liquor trading &amp; groceries</td>
<td>Being driven into liquor trading and facing the inability to obtain a license to operate from a shack. The constant battles with police and the fines and harassment, but the refusal to discontinue earning a living.</td>
</tr>
<tr>
<td>Beaula (Delft)</td>
<td>“Broken Heart”</td>
<td>Liquor trading</td>
<td>Inability to formalise her business and victimisation because she is a foreign national.</td>
</tr>
<tr>
<td>Joseph (Philippi)</td>
<td>“Joseph Takes a Risk”</td>
<td>Street Trader: Fruit and Vegetables</td>
<td>Street trading and the importance of being in a strong committee to obtain secure trading spaces and lobby for collective issues.</td>
</tr>
<tr>
<td>Zukisani (Philippi)</td>
<td>“Zukisani’s Business Challenges”</td>
<td>Hair Salon</td>
<td>The lack of secure land on which to open a business, and the unofficial and official gate-keeping and corruption which makes it more difficult to trade securely.</td>
</tr>
<tr>
<td>Andrew (Wynberg)</td>
<td>“A Story of Heritage”</td>
<td>Formal</td>
<td>Failure to obtain permission to expand business premises because of complex building plan and heritage laws.</td>
</tr>
</tbody>
</table>

Once the participants were identified, SLF held an inception workshop with them to share the purpose of the DST process and obtain their informed consent to participate. This was the first step in a rigorous process to ensure ethical compliance and transparency. Only one of the originally mobilised participants pulled out after the inception workshop due to his health challenges and time constraints. Participants were asked to commit to a five day workshopping process through which stories would be identified, worked with collectively and individually, and developed into short self-scripted and directed digital stories. Experienced facilitators and technical experts from SLF guided the storytellers
through this participatory process over the five days. The workshop was held in a specially equipped venue at the SLF headquarters in Wynberg, Cape Town. This allowed the facilitators to create a comfortable and suitable space in which to build rapport and a collective spirit for participatory research.

The prompt question which informs a DST process is very important, and must not be either too broad (so that the main research issue is obscured or left out), or too prescriptive. Again, the SLF facilitators’ experience of other DST processes allowed them to choose a question which enabled the storytellers to find the most appropriate story to tell. In this case, the prompt question was: “Tell us a story about something that has made it easier to run your business or something that has made it more difficult to run your business.” Unsurprisingly, most storytellers focussed on the challenges they faced. Working with the group and individually, through story circles, drama workshopping, creating model “story worlds”, and through positive feedback from peers who act as “listening friends”, the stories emerge.

Once the characters and key moments have been identified and the main point of the story is established, the participants script their stories. The script provides the foundation for the video making process. In order to visualise the narrative, individuals select the kind of imagery they prefer (photographs, drawings, clay models, plastic toys) and commence their voiceovers. By the end of the intense five-day workshop, the stories have been almost completely shot, edited and completed. Participants are helped to choose appropriate images and match them with the storyline by the facilitators. They are also provided with all the technical support that they need to complete their stories.

By the end of the process, participants should feel proud of their stories and look forward to sharing them with their families, friends, or with a wider audience for advocacy purposes (if they so choose) and provide consent. The options available to them for dissemination of their stories are made very clear in pre-and-post workshop information-sharing sessions. Participants can choose to sign an agreement stating that their video can be posted on the internet and shared through social media platforms. SLF has also introduced a document signed by the organisation stating that SLF will not use the stories for financial benefit of any kind. In this DST process all of the storytellers agreed to use their names on their stories, and many of them thanked SLF for providing them with the opportunity to share their challenges through DST. As Lelanie wrote in her credits: “Thank you to Sustainable Livelihoods Foundation for listening to our stories and giving us a chance to be heard.”

3. The Stories and their Key Messages

In this section, I present the 10 stories and highlight the main themes and issues emerging from them. I group the storytellers by business type, commencing with the Early Childhood Development (ECD) Centre owners and moving via the liquor traders to the street traders and lastly, to the story presented by the formal business owner.
Teresa – “A Struggle for Land Ownership”

In the year 2000 Teresa, whose husband spent much of the year away at sea, was able to buy a reasonably-priced house in Delft. Purchasing the property through what she thought was a legitimate property agent, she soon faced a double problem. The agency never provided her with proof of her purchase, and although she gave the owner of the house his desired amount, the agency continued to demand more money.

Teresa recounts, with pain still straining her voice, how after six months she returned home one day to find her furniture out on the street, the neighbours staring and the agency representative locking the door of her house. She had been summarily evicted. It is not clear in the story whether the agents had actual cause to evict Teresa and her children, but the experience caused Teresa much fear, stress and shame. She had been proud of purchasing her own property, and had suffered a humiliating public eviction.

Happily, neighbours sheltered Teresa and her belongings and when her husband returned from sea, they took the property agents to court “to fight for our property’s title deeds”. This move proved effective in the short-term, as the agents and their lawyers never appeared at court. When Teresa’s husband phoned the lawyers, they informed him that “the property is yours”, and they never heard from the agents again. But to this day, they have never been provided with the title deeds.

Teresa has recently established a small Educare centre, and has fulfilled her dreams of working with children. Although she started off by building a small Wendy house in the back yard to accommodate her group, Teresa’s desire has been to fully register her business and build all the appropriate infrastructure. However, as she points out; “I still do not have the title deed, and so lawfully I do not own the house”. She thus cannot commence with either the renovation of her house or the registration of the business. Teresa feels helpless, and caught in limbo, “not knowing what to do or where to get advice about ownership of the property”. She also knows that proving ownership of her house is but the first step, and that there are “many other complicated procedures” that she will have to go through to become registered. “Why”, she asks “is it so hard for a business to be registered in our community?”

Lelanie – “Lanie’s Educare”

Lelanie has a real passion for children, and gained much experience working as a volunteer with young children, and as a teacher’s assistant. Through this work she also got the opportunity to complete a course which qualified her to open her own ECD centre.

Lelanie duly opened her centre in her small wooden informal residence in Delft. At first, she used the lounge and her children’s bedroom as the space for the ECD centre. Despite her lack of proper facilities, local families recognised her passion for children and her expertise. She soon had 20 children in her centre and managed to raise funds to build “a bigger, proper structure”. At this time, Lelanie felt she was living her dream: she and her children were very happy. Each child wore a distinctive red tracksuit and she gave them proper stimulating educational activities to do. She however had not yet
been able to register her centre, especially due to the informal nature of her building and the complication of the process.

In July 2017 a new ECD centre opened up close by. “This is where my challenges started”, recounts Lelanie. The new centre is properly registered and “getting a lot of sponsors”. As a result, the newcomers were able to charge much lower fees. In no time, most of Lelanie’s children were pulled out of her ECD centre and placed in the new centre by their parents. She was left with only eight children. As she explains: “Each day it breaks my heart to see the children pass my centre. They look at me through the window and wave on their way to the other centre. And they are wearing my tracksuits.” Through this raw experience, Lelanie says, “I feel like I have lost everything I worked so hard for”.

Lelanie felt like giving up, but she was encouraged by her husband to try to get her centre registered. She duly applied for a piece of land on which she hopes to build a bigger and formal venue. However, she is finding it a very complicated and difficult process: “I have to go to the planning department and the zoning department and to get someone to draw up a plan for me. It is also very expensive and I have no one to help me.”

Lelanie feels that she cannot move forward with her career due to the obstacles in her way. She concludes: “The government needs to know how hard it is for people like us who are so passionate about our work to run even a small ECD”.

Chantal – “The Challenge in Opening My Business”

Chantal came to Delft in difficult circumstances. In 2013 she was diagnosed with cancer and had to stop working while she obtained treatment. The following year, her husband’s retrenchment meant that they were both unemployed and had to leave Parkwood for more affordable accommodation in Delft.

While on treatment, Chantal worked temporarily at a nearby ECD centre. Her mother-in-law then suggested that she open her own ECD centre, an option constrained by their lack of money. Chantal approached her parents for assistance but they could not assist either. However a little while later, in a seemingly miraculous intervention, her father’s manager provided her with all she needed to open her own centre.

Chantal felt that God had opened a door for her and she duly set up her ECD centre. Her husband found a job and he still assists her with running costs today. In 2016, Chantal registered her centre as a Non-profit Organisation (NPO) and she also tried to register with the Department of Social Services. This is where she started facing problems “because of the property which was not in my name”. To solve this problem, she decided to “get another venue for my business”. She tried to rent a piece of nearby land from the City of Cape Town, but they told her that she would need to buy the land.

As she shared: “It’s not just about the money. You need to have a business plan, a deposit, [you] need to tell them that you can build a structure on that land within one year. And you must have at least someone that can sponsor you in putting up the structure.” Chantal saw her ambitions disappearing: “As I read through the list, it felt like the doors are closed for people with small business.” This was
particularly disappointing after the previous blessings she had received: “Even though the one door had opened for me to start my business the next one closed in my face,” she shared.

Yet Chantal was not knocked down for long. She believes that she will make her dream work, “Not just [for] me, but for all the people like myself, to help them to rise in their own business.”

Jerome – “A Dark Day in my Life”

Jerome and his wife run an ECD centre in Delft. In contrast to those in the previous stories, they own the premises on which their centre operates, they have managed to build appropriate facilities and they are fully registered as an ECD centre. Jerome’s story underlines the importance of becoming registered, for the protection of both the children and the business operator.

The events of the “dark day” Jerome narrates could have happened anywhere. A parent dropped off their child for the day. The child had clearly been sick previously as Jerome and his wife had advised his parents to keep him at home, but on this particular day the parents brought to child to the centre and, apart from looking a bit pale, he seemed to be happy and energetic. The parents did not inform Jerome and his wife that their child had a bacterial infection and was due to see the doctor later in the day.

Tragedy struck later in the day when the toddler would not wake up from his midday nap. Jerome called an ambulance and tried his best to resuscitate him, but both his efforts and those of the emergency services were in vain. The little boy died and Jerome described how he “burst into tears, while I was trying harder to perform CPR”. His wife “was so traumatised that she just collapsed.”

Shortly after the child died some of his close relatives blamed Jerome for the death. The stress of this situation was so great that Jerome’s wife became paralysed in her right leg for six months. As Jerome narrates, “We felt like giving up everything, because of all the complaints the family had made against us.”

Fortunately, two important things saved them and their business. They are members of the local ECD forum, who offered them great support in the aftermath of the tragedy and the subsequent police investigation. They were also saved by the fact that, being fully registered, the health inspector visited them every month. He encouraged them not to give up, saying “that a few months prior, he reported that we had a good reputation”. The investigation concluded that the boy died of his bacterial infection and that Jerome and his ECD centre were not culpable. “Thankfully”, he says, “we are still a registered ECD centre”.

Beaula – “Broken Heart”

Beaula is the only trader in the group who is not from South Africa. She came with her family from Zimbabwe in 2007 and they did well until the widespread outbreak of xenophobic violence in 2008.
As she shares: “It was a difficult time for me knowing that life could be cut short in the violence.” This traumatic experience was not without its silver lining, however, as Beaula met a German family who offered her employment in Hout Bay. After three years the family returned to Germany, providing Beaula with a generous severance package, which she hoped to use to start her own business. The area of business chosen by Beaula was liquor trading.

Initially attempting to start her business in the informal settlement in Hout Bay, Beaula “felt squeezed” because “Hout Bay is a small place and there are so many shebeens”. Her brother advised her to move to Delft where “there would be less competition...and a chance for a bigger customer base.”

In 2014, Beaula relocated and started her business in the premises she rented from a local resident. However, conflict with her landlord soon followed. According to Beaula, her “landlord became jealous and often threatened to unleash her brothers on me, whenever she was not happy.” These brothers had a fearful reputation for violence which terrified Beaula. Her business suffered and she was eventually evicted without notice. This experience, says Beaula, left her “shattered”. She felt that the reason for her ill treatment was solely because she was a foreigner with little power to stand up for herself.

Beaula did not give up and found new accommodation near enough for her to maintain her existing client base. This new space offers the advantage of being big and she does not have to share it with anyone else. However, she still feels that she is victimised because of her status as a foreigner. Local youths terrorise her and her customers, throwing stones, mugging patrons and smashing her TV. They accuse Beaula of blocking their way to a favourite drug-smoking area. As she says, “I live in constant fear and I can’t report [to the police] because I’m running an unlicensed outlet.”

Beaula feels trapped in this undesirable situation. She cannot afford to buy her own house, but without title deeds she cannot obtain a trading licence and enjoy the protection of the law. Furthermore, she says: “I can’t just occupy any space and build a shack, because I’m not entitled [as a foreigner]”. She calls her film “Broken Heart”, because her situation “makes me feel the foreigner I am.”

**Siphokazi – “Locked in a Nutshell”**

Siphokazi’s story illustrates that it is not only foreign liquor traders who feel trapped in an impossible situation. A former operations specialist at Telkom, Siphokazi took a retrenchment package in 2016 and invested it in a new liquor business in the township of Happy Valley, near Kuils River.

Siphokazi always wanted to run her own business and saw her retrenchment as an opportunity to realise her dreams. She continued living in suburban Kuils River, but bought a property in Happy Valley, where business would be better. But at night, after she had gone home, criminals would constantly break in and steal her stock. She decided that she would have to move to Happy Valley to protect her business. Siphokazi realised that she “had to make a plan to separate my children from my customers, because I did not want my children to be exposed to a drinking environment.” She thus placed a repurposed shipping container next to her house which would operate as her drinking venue.

Her attempts to protect her children were, however, threatened when criminals tried to break into her house and rob them while she was in her shebeen. This was a highly traumatic experience for
Siphokazi and her children. But what was particularly troubling was the way in which Siphokazi’s decision to trade liquor without a license disqualified her from protection by the police. As she describes: “As they were telling me all this craziness, a police-van passed by. As much as I desperately wanted the police’s help I could not approach them. I just looked on holding my children as they passed my place. I was scared that the police would see me as a criminal that is trading without a liquor license.”

Siphokazi explains that the location of her shebeen makes it difficult to regularise her business: “This happened because I am running my business in a residential area, which makes it impossible for me to obtain a license.” She nevertheless “sincerely [wants] to do things right” and is applying for a trading license, which would allow her to put proper security in place to protect her and her customers, and to create jobs in the community legally.

Sylvia – “The Lamp that Won’t Run Out of Oil”

Sylvia lives in a shack in the Philippi informal settlement. Her truck-driver husband was retrenched in 2005 and the couple used his retrenchment package to start a small home-based grocery retailing business. This went well for three years and in 2009 Sylvia’s husband applied for a liquor license to expand the business. This application was denied “because the law prohibits the sale of alcohol out of a shack.” The same year, Sylvia’s husband fell ill and died, leaving her to raise their three young children and keep the business alive.

One particular issue that Sylvia found herself struggling with was that around that time more and more large and well connected foreign-owned spaza shops were established in her area. For various reasons these shop-keepers were able to offer “very low prices” with which she could not compete. Sylvia responded to this challenge in a way that many South African spaza owners have done: she began selling liquor despite not having a license. This, she explains, “started a big battle between me and the police”.

Sylvia’s stock was continually confiscated while she was constantly arrested, fined by law enforcement, taken to court and made to pay admission of guilt fines. Despite this massive drain on her time and resources Sylvia did not stop trading. One day, however, the police arrived as she was restocking and they confiscated her whole supply of liquor. This, she says, “was a knockout punch, and I was on the verge of giving up”. Feeling lonely and powerless, Sylvia sought guidance from her mother. With immense wisdom, her mother showed Sylvia a piece of paper and a stone, and advised her not to be “like a piece of paper that gets blown all over.” Instead, she said Sylvia “should be like a stone, be strong, so that I can provide for my children.”

With newfound resolve, Sylvia approached her ward councillor who allocated her a plot on which to run her business. Her mother provided her with the funds to restart. Sylvia then built a double story brick house which incorporated all the facilities needed to open a proper tavern, including three toilets and a loading zone. The same lawyer they had previously used assisted her with the plans and to apply for a new liquor trading license. She paid him R3500 to organise the license, but he disappeared: “It
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turned out that he scammed me, he never came back with the license, I called endlessly and eventually gave up.”

Despite being thrust back into the illegal position she tried so hard to escape, Sylvia has not given up liquor trading. She still gets constantly arrested and fined but, she vows, “I will not stop. I am steadfast, I am a stone”.

Joseph – “Joseph Takes a Risk”

Joseph worked for the Medical Research Council in Cape Town for 12 years. During this time his “small” salary was never raised and his three requests for an increase were ignored by his immediate boss. The boss promised Joseph that he would take up the issue with the Human Resources Department and Board of Directors, but Joseph feels that this man broke his promise. When the department was transferred to another city, Joseph was invited to join them, but he felt betrayed and angry that they would expect him to continue working for such as meagre wage. Joseph told his boss, “enough is enough”, and walked out of his job.

Although this was a stressful time for Joseph and his wife, they initiated plans to open their own business. After careful consideration Joseph decided to become a street seller, trading fruit and vegetables in a busy part of Philippi. He astutely observed where he might trade and who he should approach for permission to occupy a trading space. Rather than approach the City authorities, Joseph approached one of the traders near the place he hoped to occupy and asked who he must speak to in order to secure the spot. He was introduced to two committee members of the Philippi traders’ association, who granted him access to the space after he paid the R300 once-off joining fee. Joseph explained that “They allowed me to start trading and welcomed me at the same time”.

Joseph initiated his fruit and vegetable business and it grew well over the next three years. During this time, he was also able to establish himself within the traders’ association and was eventually invited to join the committee as its chairperson. “I was so surprised by this request,” he says, “because there are so many others who had been trading there for much longer than me.” Joseph was very happy to take up this position and is clearly happy in his business and in the new social context of his work, where he finds recognition and respect.

As with his fellow street traders, his business suffers fluctuations in earnings but, he says, “it is better at the end of the month.” On other challenges he and his fellow traders face, Joseph names “dust, rain [and] sun on our products due to lack of proper shelter for our business,” as one of their main concerns. Interestingly, he does not face threats of eviction or demands for trading permits from the City authorities, and access to land for trading appears to rest with the traders’ association. The disadvantage of this informal regime is that there is no infrastructure provision for the traders, who cannot build their own permanent structures because they are occupying public land.

Zukisani – “Zukisani’s Business Challenges”
Zukisani offers an interesting contrast to the experience of Joseph. He established his haircare business in a shack in Philippi in 2001. As his business grew, Zukisani started to save money towards the purchase of a repurposed shipping container, which would offer him a bigger space and a more visible venue accessible to passing foot traffic. It took him three years of disciplined saving to raise the R15000 required for the container.

In 2004, Zukisani received the container and, he says, “I was pleased when the container arrived at my chosen location.” However, shortly thereafter there “came the community leaders and the ward councillor, demanding that I remove the container.” Zukisani had clearly not followed the formal and informal protocols which determine who may install a container business in a particular place. He felt victimised, however as he says, “they singled me out among the few containers doing business along the road.” On reflection, Zukisani came to the conclusion that “they were jealous that my business was growing and the officials wanted to be bribed.”

Feeling exceedingly angry, Zukisani decided to approach the City of Cape Town Ombudsman, which investigates and facilitates the resolution of public complaints against the City. There was a representative of the Ombudsman available at the local civic centre. Zukisani explained his situation to her and asked her to mediate. Zukisani then had a stressful wait for the outcomes. As he relates, “Deep in my heart I knew that I didn’t own the land where my container was at, but I needed the container to remain there, so that I can continue putting food on the table.”

Zukisani then shares something that is echoed less explicitly in a number of the stories: “I was simply acting on the words of the former president - Thabo Mbeki: ‘vuka uzenzele (do it yourself)’. He adds: “I committed no crime, I am only trying to earn a living.” Fortunately for Zukisani, the Ombudsman found in his favour and told him “You can continue operating where you are.” Zukisani was overjoyed and over the last decade and a half this ruling has allowed him to continue trading in the same location. He reflects: “Even though there is no chance that I can buy the land I’m operating on. I am still operating on this land. I am still doing well.”

Andrew – “A Story of Heritage”

Andrew’s story concludes the series with a different perspective on the challenges even formal businesses face when wanting to expand and contribute to society, due to rigid planning and building regulations. Andrew describes how in the early 2000s he purchased a small run-down cottage in a seedy and neglected area of Wynberg and set about restoring it to its former glory. Investing much time and money in his renovations, Andrew was particularly proud of the ornate fireplace which he re-instated lovingly. He also converted the building to a respectable and productive use, where it had once gained notoriety as a “massage parlour” on a street with a bad reputation for sleaze and drugs. As he explains, he “set out to return the dignity to [the] cottage.” He repaired the vandalised electricity box because he “did not want free electricity”, and adds, “I was determined to pay my way and run the business by the books.”

Andrew started a development research company in the cottage, which grew to become a well-known and respected non-profit organisation, contributing to both employment and the development...
challenges facing poor people in South Africa. Due to the growth of the business, he decided to draw up plans for an extension to the back of the cottage, where meetings could be held and research displayed. This, he felt, would add value to the building, to the development of the area, to his business and to society: “I began to think about opportunities which I could ‘unlock’ from expanding the business.”

Excited and confident, Andrew visited the City of Cape Town planning department to seek authorisation for his proposal. After waiting for some time he was referred to the building inspector, who looked at the plans and informed him that he would need to ensure that four parking bays were available. Discouraged but still determined, Andrew joined the next queue to consult the heritage official. Regardless of Andrew’s story and his efforts to restore his building and develop the street positively, the heritage official refused to permit his plans. Andrew left with the words “Historical conservation…not possible” ringing in his ears.

As he recounts, the obstacles were insurmountable, and he felt angry because the City turned a blind eye to the many infractions of “All the businesses in my street that did not care for rules and regulations.” One of his neighbours, however, gave him a realistic piece of advice: “When dealing with government…it is much easier to ask for forgiveness, than to ask for permission.”

Armed with this piece of street wisdom, the man who wanted to do things by the book went ahead with a smaller renovation which would allow his business more space to expand. On his restored mantelpiece now sit many artefacts from the work Andrew has done – examples of living heritage which Andrew has created by following his dreams.
4. Citizen Voices on Land and Informal Trading in the Township

Table 2 summarises the major business-related challenges raised by all 10 storytellers. This section provides a brief discussion of the contribution made by the stories to these issues.

Table 2: Major issues arising from the stories

<table>
<thead>
<tr>
<th>Name / Issue</th>
<th>Teresa</th>
<th>Lelanie</th>
<th>Chantal</th>
<th>Jerome</th>
<th>Siphokazi</th>
<th>Sylvia</th>
<th>Beaula</th>
<th>Joseph</th>
<th>Zukisani</th>
<th>Andrew</th>
<th>Formal Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sector</td>
<td>ECD</td>
<td>ECD</td>
<td>ECD</td>
<td>ECD</td>
<td>Liquor</td>
<td>Liquor</td>
<td>Liquor</td>
<td>Street</td>
<td>Street</td>
<td>Street</td>
<td>Formal Business</td>
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<td>Difficulty of obtaining own land</td>
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<td>X</td>
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<td>Police harassment &amp; business criminalisation</td>
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<td>Importance of being legally protected</td>
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<td>X</td>
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<tr>
<td>Victimisation by landlords</td>
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<td>X</td>
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<tr>
<td>Victimised or affected by criminals</td>
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<td></td>
<td>X</td>
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<tr>
<td>Victimised by community &amp; gatekeepers</td>
<td></td>
<td>X</td>
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<td></td>
<td>X</td>
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<td></td>
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<tr>
<td>Impossible Licensing/registration Procedure</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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<td>Building Regulations</td>
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<tr>
<td>Rigid zoning regulations</td>
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</table>

4.1 Difficulty of Obtaining Land

Half of the participants stated that obtaining their own land on which to trade was a major challenge for them. Although Joseph is not among those who raised this issue, his position as a street trader on public land is clearly insecure and crucially, does not afford him and his fellow traders any way of building their own business infrastructure to protect their goods. The City of Cape Town is unlikely to provide them with these needs either in their chosen trading location, given their informal status.

The Educare owners Teresa, Lelanie and Chantal all illustrate the fact that without secure ownership of your own property, to become a properly registered ECD centre is impossible, especially because of the facilities which are required by law. As Teresa’s case shows, using informal mechanisms to secure land does not pay in the long term, because without a title deed no other building or business registration plans will succeed.

Beaula and Zukisani also struggled to access their own land, facing a number of business constraints as a result. As Beaula shared regarding her conundrum: “I can’t get a house of my own unless I have money to buy it. Without title deeds I can’t get a trading license”. She is thus subjected to constant raids and fines by the police, and feels victimised for being a foreigner. Zukisani also faced problems
when he placed his haircare business on public land, but he was able to use legal means to neutralise the corrupt community members and City officials who sought to remove him.

### 4.2 Police Harassment & Business Criminalisation

Unsurprisingly, all three liquor traders voiced concerns about the constant police harassment they faced in their chosen line of work. Siphokazi, Sylvia and Beaula not only faced the criminalisation of their businesses, but also raised worries that their inability to regularise their business puts them, their families and customers in severe danger from the “real” criminals who target them. While these criminals get away with their depredations, these informal liquor traders are unable to seek protection and redress from the police, because they themselves are seen as criminals. This is a situation which Siphokazi remains angry about: “The real criminals that mugged and broke into my house got away, as I hopelessly stood there in silence and in fear,” she testifies.

What is striking is that each of these liquor traders want very much to become licensed and operate within the law. They face severe barriers due to their inability to access land in areas where it is permissible to run a licensed tavern, and due to the fact that liquor trade is outlawed in places where the most business can be found (residential areas within townships). However, these traders see making a living in this way as a right which the government is not assisting them to realise. They have no intention of ceasing to trade liquor despite their vulnerable position and the constant arrests, fines and stock confiscations.

### 4.3 The Importance of being Legally Protected

All but two of the stories raised – either directly or indirectly – the importance of being legally protected as a crucial prerequisite for running a small business. Zukisani and his use of the City of Cape Town Ombudsman to secure his trading site is one of the clearest examples of the need for recognised legal protection in the running of an informal business. Another good example is that of Jerome, whose ECD centre would probably have closed but for being registered and having the health inspector’s testimony in his favour. As Jerome said, “If not for the health inspector, we would have given up and closed the doors.”

Other stories illustrate what happens in the absence of legal protection. The three shebeen cases are examples of businesses and individuals who suffer greatly from being forced to operate outside the law. In the cases of Teresa and Sylvia, supposedly registered agencies and lawyers duped them out of large amounts of money on the promise of assisting them to obtain legal documentation. This ate away their hard-earned savings and left them still vulnerable to further exploitation and distrustful of obtaining further support. The cases of Joseph and Andrew also illustrate how local street-level committees and informal rules provide forms of mutuality with similarly placed businesses in the absence of an enabling framework from the City authorities. However, their forced reliance on an informal status-quo still leaves them and their businesses at risk as they are operating in a grey area which constrains their choices and puts them at risk of future trouble with the authorities.
4.4 Victimisation by Criminals, Landlords and Community Gatekeepers

Six of the storytellers pointed to problems they faced due to victimisation by criminals, landlords or community members and gatekeepers. As comes through clearly in the stories, such victimisation is made possible as a direct result of the informal status of these business owners, and the fact that they do not own the land they are on, or cannot obtain a license. In the absence of legal protection and the security provided by secure title and business registration, they feel vulnerable to becoming targeted.

Both Siphokazi and Beaula point to the fact that their illegal status puts them in danger of violent crime from local criminals, from whom they cannot seek protection. In Beaula’s case, she feels particularly vulnerable to abuse, violence and crime because of her status as an immigrant. Only one (Zukisani) raised the issue of official corruption, but the constant police harassment faced by the shebeeners also opens them up to that possibility. Meanwhile another form of crime, fraud, also badly affects Teresa and Sylvia. The difficult and confusing land acquisition and licensing and registration process creates opportunities for scam artists to prey on vulnerable and desperate township residents who are hoping to regularise their livelihood endeavours.

Lastly, we see Jerome, Beaula and Zukisani all suffer various forms of victimisation by community members, customers or landlords, who act as gatekeepers in some instances. While Zukisani was able to seek protection from the Ombudsman, and Jerome was saved by the health inspector, Beaula remains vulnerable to sporadic outbreaks of xenophobic violence and to victimisation by landlords or customers if there is a conflict situation.

4.5 Impossible Registration, Building and Zoning Regime

Table 2 also shows that six of the storytellers had experienced extreme frustration and defeat due to very complicated, confusing and rigid regulations around business registration/licensing, building and renovation laws and zoning. Three out of four ECD owners faced particular challenges with becoming registered due to not owning their own land/property, and the expense of providing adequate facilities. For these women, the combination of these factors threatened to kill the “dream” they had to provide a crucial community service through their small business.

All three of the liquor traders also found it impossible to obtain licenses to trade given that they are trading in residential areas. Two of the three (Sylvia and Siphokazi) invested large amounts of money and demonstrate willingness to formalise their operations, but are forced to continue informal trading due to the rigid trading rules. As illustrated, most vocally by Beaula, building a regular local customer base is crucial, and so informal traders cannot move their businesses out of the residential areas in which they now operate.

The case of Andrew also illustrates how reasonable business expansion, and associated building renovations – which could enhance a run-down area – become impossible due to rigid and de-contextual heritage laws in built up areas of the City zoned for mixed use. Andrew’s story poses the important question: “What does heritage mean?” He suggests that a much more flexible City regime might combine the protection of old buildings and neighbourhoods of heritage value with measures aimed at increasing employment and renewing such areas. The story also points to the unintended outcome of rigid regulations, which lead property owners to go ahead with their own illegal and
unregulated renovations, as well as land uses which do not enhance the very areas the regulations seek to protect.

All of these business owners show very strongly that they regard their ability to make a livelihood in their chosen area as a right which they expect the government to respect and support. They also feel they are making a contribution to society in various ways, which should be recognised and supported in a democratic country. Indeed, many of them echo Zukisani’s argument that they are simply following the government’s call for people to “vuka uzenzele” (do it themselves), and they cannot understand why they must be punished for their self-reliance. The message here is that where inappropriate regulations get in the way of people’s dreams and livelihood options, they will not desist from finding ways to continue operating. They call on the government, through these stories, to find better ways of supporting small business operators such as themselves.

5. Further Insights on the Challenges of Running an Informal Business in a Township

The stories provide a few more valuable insights into the challenges of running a business in the township.

It is interesting to note that several of the storytellers (Siphokazi, Chantal and Beaula) moved from more suburban areas to townships in order to start their businesses, or moved to a specific township which they targeted because of the opportunities it offered. Similarly Joseph, when he decided to enter the informal sector, chose a street in Philippi on which to open his fruit and vegetable business rather than another option at a transport hub or in the inner city. Townships thus offer particular opportunities to small business owners, often linked to the needs of local residents who require affordable goods and services very close to where they live, preferably within residential areas. Policy on informal trade within townships needs to recognise this dynamic and facilitate trade in a way that enhances opportunities and benefits of such economic activity.

The stories also highlight the fact that entry into the informal sector is often because of the loss of formal job opportunities, as in the cases of Sylvia, Chantal, Siphokazi, Beaula and Joseph. Severance packages were used by several of these storytellers for start-up capital. But what is most striking is that these informal business owners are not simply trading as a “survivalist” activity, marking time while waiting for another formal employment opportunity to emerge. They speak of their businesses as a long-term “dream” they had, and they want to make a success of these businesses and develop them into sustainable enterprises. They have also invested a lot of money into them, raised through their family and their own savings. The stories thus also highlight the importance of family support – both financial and moral – as well as advice and linkages to other assistance. As the cases of Jerome, Chantal, Beaula, Lelanie and Jerome show, parents and siblings are important sources of support and strength, as are spouses.

Also important to these storytellers is the relationship they build with their patrons and clients. Beaula in particular emphasised her patrons at several points in her story and in her acknowledgements she states: “Many thanks to my patrons for still visiting my drinking place despite my absence”. This both highlights the importance of the intimate local relationships which are crucial for informal traders, and
also the significance of the business owner being available to these clients on an ongoing, everyday basis. Indeed, actions of state agents which constantly take informal business owners away from their businesses, such as arrests and the demands of complicated bureaucratic processes, threaten the survival of such businesses. For Beaula, the maintenance of the connection to her clients is particularly salient given that she is a foreigner who is vulnerable to criminal, communal and xenophobic violence. Her clients are her social and economic safety net, and to maintain their support she even uses a WhatsApp group to communicate with her regulars.

Conversely, the stories of Lelanie and Jerome illustrate what can happen when relationships with clients turn sour. In Lelanie’s case, the emergence of a registered ECD centre nearby, which did not subscribe to local de facto rules about pricing and could charge cheaper fees due to being state-subsidised almost killed her business. In her story, you can perceive the extent to which this betrayal by the parents hurt Lelanie when they chose to take their children to the new centre. Jerome and his wife were also blamed by the family of the boy who died, and struggled to recover from this blow. These experiences highlight the importance of structures such as the local ECD forum, which can offer support, mediation and enforcement of agreed rules among members. As Lelanie argued, “As ECDs in the Delft community, we need to stand together and help each other to fight for our children.” The threat for such ECD centres is not only from the many “mushroom crèches” which constantly emerge, but also from bigger, registered, centres which do not join the ECD forum. It is important to note that even the smaller ECD centres which are struggling to register see themselves not only as offering a social service, but also want to grow as sustainable businesses.

Another important insight provided by the stories is that separating business and residential premises in a South African township context is not an appropriate strategy, as criminals target business premises they know are empty at night. As Siphokazi testified when she opened a business but chose to go home after hours, “This made my business premises a playground for criminals as they knew that no one slept over there.” This calls into question zoning regulations which envisage businesses in particular areas and separate residences in other areas.

Finally, the stories all illustrate a very clear attitude among business owners that trading and making a living is a human right which the government has no business to prevent, but must rather support. Sylvia and Siphokazi articulate this point the best in their stories, with the latter seeing both the ability to trade freely and the right to protection as areas in which the government has failed her: “What happened to the democracy, freedom and opportunities that we were promised by our government?” she asks. The traders also feel strongly that god is on their side and wants them to succeed. They do not see a moral problem with their business activities, even in informal liquor trading, but see their work as something god blesses them to do. Even the storyteller operating a formal business (Andrew) articulates this sentiment when he says: “I will not ask forgiveness for growing the business and creating jobs”.

Indeed, the experiences of challenges and in some cases persecution, has made these traders even more determined to succeed. For example, Chantal says “I will rise” and she even wants to help others to overcome their business problems as well. Sylvia declares “I am a stone...I will not stop...no one will put this lamp out, except my creator.” For most, as Andrew says, their dreams have not been extinguished, and they hope to keep trying until they succeed: “What will be next? I often wonder, thinking of the future and how I can make it happen if I follow my dreams.”
These stories show that informal business owners continue to dream of advancing their business despite the hardships they face.