CONFLICT TRANSFORMATION

EXPLORING THE GENERATIVE
POTENTIAL OF CONFLICT
IN INFORMAL SETTLEMENT
UPGRADING

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EXECUTIVE SUMMARY

Disagreements, contestation and conflicts are inevitable in informal settlement upgrading projects, as residents express different interests, needs, aspirations, priorities and trade-offs. Upgrading practitioners are at the coalface of conflict when it emerges and often need to address it in a way that does not disrupt relations of trust or cause substantial delays in the project. While there are many strategies for managing or resolving conflict, the generative potential of conflict is often over looked. Instead, practitioners often see contestation and conflict as something to be avoided, minimised or resolved as quickly as possible, out of fear that it may otherwise result in an 'unmanageable situation'. Practitioners can address conflict in a constructive way to bring about a meaningful change by: adopting a value-driven approach, identifying the type of conflict emerging, determining the interests of conflicting parties and placing relationships at the centre of working with communities.

This practice brief moves beyond a concept of conflict management towards a notion of conflict transformation in communities to suggest that strategies for addressing conflict can be constructive in bringing about a change. We unpack the generative potential of contestation and conflict while, at the same time, acknowledging that it can become unproductive in instances where it escalates into violence or where it is used as a deliberate strategy to stall or undermine the process.

INTRODUCTION

The dynamic characteristics of informal settlements create a challenging environment for upgrading interventions, which can easily accentuate existing levels of competition in a scarce environment and give rise to contestation and conflict.

Materially, there is a scarcity of resources, adequate social facilities, employment opportunities and basic infrastructure in informal settlements. Socially, there are intricate livelihood networks, social relations and different interests. Further adding to the complexity is the policy related to upgrading that adopts a linear rationality to projects that typically work out in intermittent and emergent ways. It is in this context that conflict emerges.

Various stakeholders in the upgrading process represent different interests, desires and aspirations which sometimes compete and manifest as tensions when working together to transform informal settlement living conditions. For example, women with young children may prioritise Early Childhood Development (ECD) facilities to enable them to engage in income-generating activities while their children are cared for; young men, however, may prefer a sports field with facilities to support their recreational needs. These tensions may give rise to contestations and conflicts in an upgrading project. Organisations working on informal settlement upgrading are at the coalface of this, and often have to respond to situations of conflict in a way that does not destabilise relations of trust, escalate to violence or derail project objectives.

Conflicts present a challenge to informal settlement upgrading practitioners, but they are also opportunities to innovate new ways of practice. Responding to conflicts entails finding a mutually acceptable solution, with the aim of achieving the initially intended output in a process. For many practitioners, it is experienced as a painstaking exercise that involves trade-offs and negotiated agreements. However, through this exercise, new collaborative relationships can develop with the potential to generate progressive transformations in upgrading practice to develop more inclusive and vibrant neighbourhoods.

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Conflict

A conflict can be defined as the incompatibility between objectives, interests or needs of individuals or groups of people

This practice brief moves beyond a concept of conflict management towards a notion of conflict transformation in communities to suggest that strategies for addressing conflict can be constructive in bringing about a change. It keeps in line with an understanding of conflict transformation that centres around people's needs and finds opportunities to bring about change in situations of conflict. It does not offer a step-by-step guide on how to work with conflict, but rather offers a people-centred framework to approach conflict in a constructive way.

POLICY PROVISIONS

Policy related to informal settlement upgrading in South Africa recognizes that conflict and contestations arise and makes some provision in this regard.

Intergovernmental Relations Framework
(Act no. 13 of 2005)

The implementation of housing policy in municipalities relies on intergovernmental partnerships and co-operation, hence Part 3 of the National Housing Code refers to the Intergovernmental Relations Framework Act of 2005 (Act No. 13, 2005). Under the Act, municipalities are to establish "cooperative governance structures", "systems" and "alignment mechanisms" to facilitate partnerships. These partnerships can serve to mitigate conflicts and contestations in the implementation of the UISP.

Upgrading Informal Settlements Programme (2009)

The UISP makes financial provision for foreseeable situations of conflict in upgrading. Grants for the UISP intend to cover fees for participation and conflict resolution where applicable. These fees would be included under social facilitation costs in cases where the municipality has appointed external capacity.

National Development Plan (2012)

The National Development Plan acknowledges the importance of informal settlement upgrading and underscores that municipalities should be experimental and innovative in their approaches to informal settlements. In this vein, it recommends that municipalities explore the use of social compacts to deal with conflict emerging at a local level.

MOVING FROM CONFLICT MANAGEMENT TO CONFLICT TRANSFORMATION

Responses to situations of conflict vary depending on the context and type of conflict. Practitioners and theorists use various concepts to describe these responses, including: conflict resolution, conflict settlement, conflict management, conflict prevention, conflict transformation, peace alliances, peacekeeping, peace-making and peacebuilding (Harders 2011).
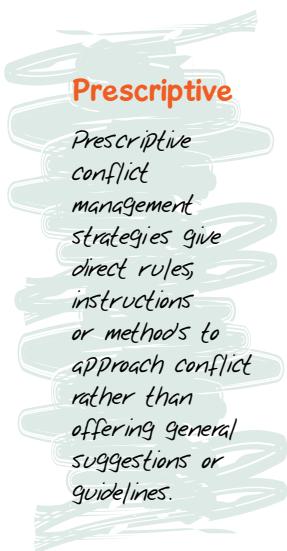
At a community-level, practitioners commonly use a 'conflict management' response, which is conceptualised in a way that does not quite capture the generative potential of conflict in the context of informal settlement upgrading. In contrast, the concept of 'conflict transformation' emphasises a response that accounts for the complexities and shifting dynamics of an upgrading project, and points towards the potential of conflict to bring about a constructive change.

In its most narrow definition, conflict management is a process of dealing with diverging opinions or interests or personalities to create a solution favourable for all. It aims to minimise the disruptions of conflicts and reach a settlement in a dispute – this is often associated with techniques to 'keep the peace' and seek to produce a win-win situation (Rahim 2002; Wani et al 2013). While some definitions of conflict management are more nuanced to include characteristics of transformation, this is generally not the case.

For example, Bloomfield and Reilly (1998) regard conflict management as an approach that addresses how to deal with conflict in a constructive way, how to bring opposing sides together in a cooperative process, and how to design a practical, achievable, cooperative system for the constructive management of difference. However, it does not quite capture the generative potential of conflict neither does it appeal to the context of informal settlement upgrading.

Prescriptive conflict management strategies can be a misfit in the dynamic and volatile context of informal settlement upgrading, where multiple stakeholders converge on various components of the upgrading process. They may offer some guidance and general principles to follow, but the shifting nature of upgrading projects means that conflict management strategies are often adjusted to suit the environment.

Prescriptive

Prescriptive conflict management strategies give direct rules, instructions or methods to approach conflict rather than offering general suggestions or guidelines.

Similarly, different municipalities have their own institutional processes to address conflict, for example, involving ward councillors, setting up a dispute resolution committee, or mediating through the project steering committee.

Conflict transformation theorists argue that contemporary conflicts require more than reframing of positions and identifying win-win outcomes. The very structure of parties and relationships may be embedded in a pattern of conflictual relationships that extend beyond the particular site of conflict. In the context of informal settlement upgrading, this could be the case when an NGO enters in to a community that has a historical distrust of the municipality's approach to informal settlements and the source of conflicts stem from factors unrelated to the upgrading project at hand.

Many communities express hurt and distrust towards municipalities due to broken promises, allegations of financial misconduct, partisan interference, etc. Therefore, when an NGO (acting in the role of an intermediary or social facilitator) tries to work with the community they may encounter deep-seated latent conflicts. The practice of conflict transformation would therefore engage with and aim to transform the relationships, interests, discourses and, if necessary, the very environment supports the continuation of conflict. In this regard, conflict transforms into an agent or catalyst for change (Miall 2004).

AN INTERSECTING FRAMEWORK: VALUE-DRIVEN APPROACH

Broadly speaking, there are typically three approaches used to address situations of conflict – each adopting a different strategy, method and rationale.

There is a human rights approach, a developmental approach and a conflict transformation approach. Individually, these frameworks are limited in some way or another. There are trade-offs in cases where one framework is chosen over another. Some practitioners may be mindful of the trade-offs and proceed to adopt a single framework; nonetheless, there is something valuable to learn in the synergy between all three frameworks offering an alternative approach.

MAIN APPROACHES TO CONFLICT

1. Human rights

Human rights activists take in to account the substantive rights of conflicting parties. The approach prioritises justice as a means to peace, and focuses on bringing perpetrators to book, restoring the rule of law and putting in place credible, legitimate and democratic institutions (CSVR & ZLHR 2013). According to this approach, there are sets of rules/laws, structures and institutions that need to be in place to overcome conflict.

2. Developmental

Development, according to a capabilities approach, entails capacity building, information sharing, assets values and orientation to enhance human freedom (Sen 1990).

Development workers tend to take an all-inclusive response and seek out a win-win solution (even benefiting perpetrators). In this way, they may unintentionally add to the conflict and even becoming targets of the antagonists (CSVR & ZLHR 2013). A developmental approach addresses human needs in response to conflict, empowers people and aims to progress towards achieving substantive freedoms for an improved quality of life (Sen 1990).

3. Conflict transformation (management)

Conflict transformation entails a process of mediation between parties/ role players, and aims to restore relationships.

These practitioners would be more concerned with bringing about peace on the road to justice and reconciliation. They draw their attention to ending violence and hostilities and creating a platform for meaningful dialogue and social reconstruction (CSVR & ZLHR 2013). It may entail forfeiting certain rights through compromise.

A common characteristic between the three approaches is that particular values and orientations form the basis of their interventions. At their core, these approaches stand for and work towards something. Values of truth, justice, peace or mercy may guide the process of addressing conflict, and the process may be oriented to achieve justice, freedom, or empowerment. Values and orientation are the characteristics that hang all other strategies, methods and rationale together.

Therefore, an intersecting framework between human rights, development and conflict transformation offers an approach to conflict where the values and orientation are most important. In addressing conflict, practitioners must establish their values and orientation and then all other rules, structures, processes and relationships will follow suite to produce tangible outcomes.

Values

Values are the intangible sets of beliefs we hold about life, which guide our everyday decisions — what we do and say.

FIGURE 1: Intersecting Framework to Approach Conflict

Source: Adapted from Ghalib Galant's presentation at the local community of practice meeting "At the cross-roads; in the cross-hairs'

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TYPES OF CONFLICT

When responding to conflict, it is important to name and identify the type of conflict that is emerging.

This allows for the establishment of appropriate measures to approach conflicts and bring about a substantive change. We can identify two broad categories of conflict at a local community level, in the context of informal settlement upgrading - namely, interpersonal and structural. Although arising conflicts are not always neatly defined in these categories, they are a reference point for approaching conflict.

Interpersonal conflicts occur between or amongst groups/individuals with different approaches to achieving a goal (Beheshtifar and Zare 2013). This category of conflicts can occur amongst residents, between residents and upgrading practitioners, or between residents and municipal officials (Warner and Jones 1998). These conflicts may be the result of competing goals that one or both parties believe to be mutually exclusive or they emerge due to lingering issues from past conflicts. They may also arise as disagreements due to personality differences (Beheshtifar and Zare 2013).

Structural conflicts exist between the formal and informal processes that come together in an informal settlement upgrading project – such as residents' informal approach versus municipal regulations and standards (Klug and Vadwa 2009). At times, these conflicts arise in the context of abrupt changes in policy, which create disagreements and uncertainty in project implementation. Structural conflicts also include those conflicts that occur where resource availability/allocation and needs do not align. Upgrading projects, by their definition, attempt to meet a variety of needs using limited resources (including financial, time and human resources).

The invisible category – Intrapersonal Conflicts

Intrapersonal conflicts occur in a person's mind, which makes them harder to identify, but they also have an impact on an upgrading project. These are the psychologically informed internal conflicts that an individual may have which shape their perceptions, values and attitudes towards a situation.

Intrapersonal conflicts can include a suspicion of "the other" and makes it difficult for someone to trust certain people. These internal struggles can be difficult to decipher but it is important not to overlook their potential to impede or advance an informal settlement upgrading project.

If we draw attention to the generative potential of conflict, and seek to transform conflict in a way that produces an innovative and progressive change, then it is important to identify the conflict more tangibly. This allows practitioners to recognise the kind of change that is emerging. For example, will there be a change in land ownership or resource allocation or project management or community leadership in response to the conflict?

CONTESTATIONS IN LANGRUG, STELLENBOSCH

In 2012, the Community Organisation Resource Centre (CORC) and the Stellenbosch Municipality entered in to a partnership agreement for the upgrading of Langrug informal settlement. CORC and its Alliance partners have had a sustained presence in the community over the past few years. In addition, there have been a number of other development interventions in the settlement involving other NGOs.

The project's successes have included many lessons for partnership, improvement in service delivery, community organising and social facilitation. In many ways, it was lauded as setting the precedent for transforming informal settlements through partnership. However, it also produced some unintended consequences and gave rise to conflict – one of which culminated in the destruction of a WaSH facility.

The Alliance identified various points of tension and conflict that contributed to a breakdown of trust between the community and the Alliance as well as the eventual destruction of the WaSH facility.

Some of these points include:

- The presence of several supporting organisations in Langrug, introduced by the Alliance, but not upholding the same principles of community participation.
- Misunderstandings around the roles and responsibilities of community leadership structures.
- Misrepresentation of who takes ownership in processes and projects.

In reflecting on their position in Langrug and the emergent contestations, the Alliance intends to take forward the lessons from this process and find alternative approaches to further proceeding in the community. In particular, they have committed to rebuilding trust and improving how they mobilise communities in different settlement contexts.

(Lande and Hendler 2018)

CASE STUDY:

CONFLICTS FOR TENURE ARRANGEMENTS IN NAIROBI, KENYA

Kwa-maji is one of many long-standing informal settlements in Nairobi, Kenya with 34 000 reported residents in 2011. It was one of the settlements identified as part of a citywide upgrading programme, in the aftermath of election violence in 2008. Two groups of residents – shack owners and tenants - inhabited the public land on which the settlement was established. Residents' primary concerns were tenure security, infrastructure and service delivery.

Residents worked together with local government and an external NGO to pursue long-term security of tenure, which would facilitate in situ upgrading. The various stakeholders had to build consensus on the most appropriate tenure system that would secure land rights. Residents deliberated around two options: individual and collective land titles.

Prior to the negotiations around tenure arrangements, the settlement had a history of ethnic, political and social conflict. These dynamics, together with other power relations between shack owners, tenants and landlords complicated community organizing, decision-making and negotiation. Conflicts over access to land and forms of tenure ensued.

Tenants who had patronage relations with their landlords would support their political interests, and others would be apathetic to their landlords' interests.

Shack owners had certain expectations about the impact of upgrading on their assets and source of income, whereas there was little incentive for tenants to get involved in a complex and uncertain struggle for land ownership.

Shack owners, who were the minority, had an interest in securing individual land titles despite the limitations that this would place on residents. In some areas, infrastructure standards such as road-width specifications were not viable under individual title arrangements. The tenants had a different preference and were more open to deliberate on alternative forms of tenure, including the establishment of a Community Land Trust.

Attempts to build consensus on the most appropriate tenure system were embedded in local conflicts. Residents had different narratives about the identity of those who were legitimate owners of land, underpinned by ideas of who belonged to the community. Negotiations over tenure reflected residents' different views of whose claims to land should gain recognition.

Eventually, project implementers worked with residents to provide secure tenure through collective title for all residents.
This decision was informed less by technical choices and more so by power relations and tensions which played out in the process.

Source: Rigon, A. 2016. "Collective or individual titles? Conflict over tenure regularisation in a Kenyan informal settlement", Urban Studies 53(13): 2758–2778.

CHALLENGES AND OPPORTUNITIES

As challenging as conflicts are, they also present opportunities for progressive change and innovation depending on the approach one takes towards them.

The tensions that give rise to situations of conflict are usually the consequence of a variety of seemingly irreconcilable differences and competing goals. Practitioners can learn to embrace diversity of thought, interests and ideas, instead of avoiding difference out of fear of producing tensions. Seeking homogeneity and suppressing factionalism rarely produces an integrated or well-rounded solution.

One of the ways to identify potential opportunities to transform situations of conflict is by determining the interests represented in the situation. In so doing, the opportunity exists to engage with groupings that may be invisible, yet have the capacity to hinder developments. It is necessary to establish the representation of interests at the onset of project. The case of the Phola Park development in the early 1990s exemplifies this well *(See text box on pg. 14)*.

Identifying the various interests of conflicting groups gives practitioners a sense of the complexity of an issue. Seeking to understand these complexities also recognises the agency of informal settlement residents and, in so doing, practitioners can find ways to address settlement vulnerabilities in a more inclusive way. This strategy requires a pro-active and skilful approach where practitioners include groups that may represent different interests and instil confidence in these groups to express their interests.

Homogeneity

Homogeneity refers to the quality of all thoughts, interests and ideas represented in a situation being the same.

This is merely an initial stage of the conflict transformation process. Wehrmann (2008) suggests that conflicts can become engines of change if they lead to negotiated outcomes and subsequent transformations in policies and practice. There needs to be some kind of transformative force to trigger the potential change into actuality – an influential person or a critical decision. At times, this force may be the least likely individual/group or a minor decision. It is worthwhile for practitioners to pay attention to the individual or group or decision that could contribute something new and catalyse the change.

Viewing conflict as not only a challenge but also an opportunity is a constructive approach to situations that oftentimes deflate morale and stall development progress within a community. The emergence of conflict is a potential force for positive social change. On the one hand, its presence indicates the existence of different interests in a single space. On the other hand, it signals a community adapting to a new political, economic of physical context (Warner & Jones 1998).

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LESSONS FOR IDENTIFYING INTERESTS IN COMMUNITY-BASED PLANNING: PHOLA PARK, JOHANNESBURG

In 1991, the community of Phola Park (an informal settlement within the township of Thokoza, Johannesburg) organized to resist a proposed re-zoning of the occupied land, which would lead to their eviction.

The community appeared to be socially cohesive in their united effort to remain on the occupied land, however, prospects of development in the area revealed divergent interests. Conflicts within the community only emerged in community-based planning processes.

As the planning process neared implementation, it became apparent that the community had conflicting interests. Four broad groupings came to the fore, three of which aimed to hinder development progress. The one group was the majority group of families who had a strong desire for the development process and willingly participated. The other three minor groups - consisting of single migrant labours from rural areas, non-South Africans and criminals - had different interests:

• The **single male migrant** labourers were the second largest group of residents, but had little interest in seeing the area develop because their homes were in rural areas. Their main reason for occupying the land was to find a job and save money. They participated less in workshop sessions, planning walkabouts or mass meetings.

• The group of **non-South Africans** occupied the most precarious position with some residents living as undocumented migrants from neighbouring countries. In their interest, a development process that entails registered title is a threat to their livelihood.

• **Criminals** in the area, by definition, had deviant interests. Development posed a threat to criminal activity as it would formalise (i.e. regulate) networks, establish safety mechanisms and offer surveillance in the area.

Although the community united against the re-zoning, it appeared that planning processes triggered latent conflicting interests. The strategically formed social coherence crumbled at the prospect of resources and development opportunities, especially considering the context of scarcity.

The Phola Park project showed how well intended and progressive interventions can change social relations and cause conflict. Practitioners should not take an organized community for granted and assume that decisions represent all interests equally. Rather, it is important to identify the interests of various groups before commencing a development project.

Source: Baskin, J. 1993. Communities, Conflict and Negotiated Development. Paper presented at the Centre for the Study of Violence and Reconciliation, Seminar No. 4, 23 June [Online] Available: https://www.csvr.org.za/publications/latest-publications/1636-communities-conflict-and-negotiated-development [2019, 23 April].

PLACING RELATIONSHIPS AT THE CENTRE

Conflict transformation requires processes of engagement where the outcome may not necessarily be a win-win situation.

Conflict transformation requires processes of engagement where the outcome may not necessarily be a win-win situation. The process hinges on sustained communication and a functional relationship between disputing parties. In informal settlement upgrading, the facilitator role often played by an NGO supports a relational process between all stakeholders. Relationships can be both personal and structural, but this section focuses on the personal relationships formed between individual stakeholders.

Relationships are important because they "involve the whole fabric of interaction within the society in which the conflict takes place" (Miall 2004). Considering how closely some practitioners work with communities and the length of upgrading processes, over time these interactions develop relationships. Although these relationships may not be naturally close, a cordial bond does form. When conflicts and contestation arise, they emerge in a relational context (which is why some conflicts can be deeply emotional and personal).

Relationship building is an instrumental strategy for working with communities despite the fact that it is not recorded as part of the process in social facilitation. As a soft-skill, relationship building receives marginal attention and municipalities often undermine the intentional efforts of social facilitators to reinforce trusting relationships. One practitioner describes this as "taking the time to drink tea" with residents in an informal settlement community. It is an undocumented part of the practice when working with communities.

The value of placing relationships at the centre of community engagements cannot be understated. It acknowledges the value and dignity of people and mitigates attentional violence. In situations of conflict, upgrading practitioners can leverage strong relationships to build the capacity of conflicting parties to negotiate, or act in facilitation roles. Strong relationships between stakeholder groups and individuals can foster forums for consensual negotiation around opposing interests.

Attentional Violence is a term coined by Otto Scharmer (2008) to describe an invisible/abstract form of violence. It is experienced and inflicted on a personal level when someone is not seen or recognised for who they are. For example, if community voices are stifled and communities are not recognised for their full potential in an upgrading project, then attentional violence is inflicted upon them.

CONCLUSION

It is important not to minimise the harmful threat that conflict can pose to people's lives, resource availability and community safety. This practice brief has primarily referred to low-level situations of conflict and is suggesting an alternative approach to conflict.

Contestations and conflict are inevitable when two or more people work together towards a common goal. Conflict should be an obstacle to work through, not something to avoid altogether. However, the scale and impact of conflicts varies and while conflict management tools are able to lessen the harmful effects of escalating conflict, it is the transformative potential in an approach that is encouraged in the context of informal settlement upgrading. Dealing with and working through points of contention is not merely a peacekeeping effort. It is a way for different stakeholders to work together productively for the aim of achieving a sound and reasonable goal.

Questions to consider when responding to conflict:

At the onset of emerging conflicts, it is important to establish a clear understanding of the situation and issues of contestation. This intends to guide the approach to conflict transformation suggested in this practice brief. The local community of practice meeting identified the following key questions to ask when responding to conflict:

- What are the interests represented?
- Is there a clear sense of purpose?
- Is there a sense of 'us' working towards something, a sense of identity and belonging? Who is 'us'?
- Are there shared values?
- Are there clearly defined stakeholder roles?
- Do stakeholders have a shared view of the issue?

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