

# Bringing rights into resilience: revealing complexities of climate risks and social conflict

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*Marginalisation and exclusion are expressed in social conflict and are determinative in distributing risk and resilience. This paper builds on recent literature that has adopted a human rights lens to explore how resilience practice can better account for issues of equity and power. Using the illustrative case of Timor-Leste, it presents an analysis of how human rights principles play out in the settings in which rights are given meaning. The approach reveals the reproduction of patterns of conflict and risk, and suggests two key priorities for resilience practice: first, recognising and responding to the deep-rooted narratives and procedures that normalise inequality and marginalisation at different scales; and second, allowing for transformation towards more equitable political and social arrangements as a part of resilience practice. Augmenting resilience with rights-based thinking can situate resilience practice, such that it responds to the complexity of social arrangements, reducing risk and social conflict.*

**Keywords:** equity, resilience, rights-based approach, risk, social conflict

## Introduction

Gilbert F. White (1945, p. 12) observed more than 70 years ago that if ‘[f]loods are “acts of God”’ then ‘flood losses are largely acts of man’. Since that time it has become widely accepted that dealing with the consequences of natural disasters is a human–environmental, or ‘socio–ecological’, issue (Cote and Nightingale, 2012; Cook et al., 2016, p. 317). Increasingly, resilience is recognised as an approach to address the complexity inherent in socio–ecological systems, focusing the attention of policy-makers and practitioners on anticipation of, coping with, and recovering from hidden stresses and unexpected shocks (Matyas and Pelling, 2015). Underlying resilience is the capacity of people, in their particular institutional, organisational, and social contexts, to enact adaptations in anticipation of or in response to risks. This framing reintroduces consideration of *the social* in what hitherto has largely become a technical analysis of risk—and with this has come questions concerning where power resides, and how resilience in practice distributes costs and benefits within or

between groups of individuals and communities. While the complex nature of the linkages between the human and the natural have been recognised for more than a decade (see, for example, Gallopín, 2006), the integration of the cultural, political, and social context into resilience remains an outstanding challenge (Archer and Dodman, 2015; Biermann et al., 2015; Olsson et al., 2015; Ingalls and Stedman, 2016).

This paper argues that a better understanding of this complex context is essential if the challenges of environmental change and disaster risk are to be addressed adequately in conflict and post-conflict settings. In particular, it draws attention to the significance of forms of social difference that are historically situated and (re)enforced through cultural, political, and social norms and practices, and that can underpin inequalities, perpetuate inequitable outcomes, sustain social conflict, and give rise to societal violence. Multiple literatures converge in underlining the importance of this focus: in studies of climate and environmental change, for instance, ‘vulnerability does not fall from the sky’ (Ribot, 2009). Social, cultural, and power relations shape how local risks are understood, prioritised, and managed in adaptation decision-making processes (Artur and Hilhorst, 2012; Yates, 2012; Granderson, 2014) and how organisations, structures, politics, and power shape adaptive capacity (and thereby resilience) through their influence on access to and control of resources and decision-making (Dodman and Mitlin, 2011; Ensor et al., 2015; Walsh-Dilley, Wolford, and McCarthy, 2016). This in turn has led to a growing body of literature concerned with identifying the specific economic and social dimensions of adaptive capacity (Marshall et al., 2013; Wise et al., 2014). Similarly, violent conflict is increasingly understood in terms of social relations—as socially produced and ‘an expression of social interaction’—rather than, for example, a direct consequence of resource scarcity (Van Leeuwen and Van Der Haar, 2016, p. 95). Space for violence may open when ‘conflict entrepreneurs’ capitalise on economic and social inequalities, and such spaces are sustained when post-conflict settlements fail to address the underlying structural relations that give rise to persistent poverty and marginalisation (as, for example, in El Salvador, Peru, or South Africa (Laplante, 2008); see also Darrow and Tomas (2005)). Appreciation of the social dimensions of violence has led to calls for aid and development interventions to tread more carefully, with practitioners understanding that their work is not neutral and will be interpreted on the ground through framings and patterns of meaning-making that make reference to underlying social conflict (Van Leeuwen and Van Der Haar, 2016). Thus, for example, while a new health post may be perceived as a universal good in one setting, it may foster a sense of preferential access to resources when the accessibility of its location, or the cultural norms that it embodies, reflect pre-existing points of difference between communities or resonate with tensions that are felt locally. Although we recognise that violent conflict emerges from diverse starting conditions (see, for example, the review in Barnett and Adger, 2007), we understand social conflict as a widespread societal phenomenon arising in tensions, such as ‘along class, ethnic, gender, religious, or other cleavages’ (Salehyan et al., 2012, p. 504). The significance

of social conflict is that it describes a pervasive if largely hidden fracturing of society, visible only when it manifests in violent or nonviolent forms, such as interpersonal or intercommunal violence, demonstrations, violent riots, or, more unusually, organised armed rebellion against or conflict with a government (Hendrix and Salehyan, 2012). Social, political and economic marginalisation and exclusion are, simultaneously, expressed in social conflict, and determinative in distributing risk and resilience.

This social analysis has particular pertinence for those concerned with addressing climate and disaster risks. When experienced as shocks or longer-term stressors, these risks may directly undermine livelihoods and reduce the capacity of states to distribute economic and social support, thereby increasing the possibility of violent conflict (Barnett and Adger, 2007; Hendrix and Salehyan, 2012). For example, the costs imposed by climate change may mean that weak states lose what little ability they have to provide opportunities to citizens via infrastructure or education services, undermining key functions that can mitigate the generation of violent conflict (Barnett and Adger, 2007). Yet, the indirect and unintended effect of interventions may be more profound. Adaptation, development, or disaster risk actions that support or accept existing power relations may result in preferential resource access by one group at the expense of another, further entrenching marginalisation, exacerbating inequalities, and setting the scene for heightened social conflict. Navigating existing disputes and systems of power and control are critical in accounting for conflict when planning adaptation and disaster risk reduction actions (Ensor and Berger, 2009). The persistence of critiques of the treatment of power and social relations in the socio-ecological resilience framing of these interventions is, therefore, a pressing concern (see, for example, Cote and Nightingale, 2012; Fainstein, 2015). Particular risks follow for policy and practitioners if a failure to address power and social relations allows shifts in focus away from the vulnerability of individuals and groups and towards the vulnerability of the system, or away from those 'least able to marshal the resources necessary for developing resilient trajectories' (Walsh-Dilley, Wolford, and McCarthy, 2016, p. 4).

Hence, the central question in this paper, is: how can appreciation of the socio-political context be embedded in resilience practice in conflict and post-conflict settings? To address this, we build on recent literature that has adopted a human rights lens to explore how resilience practice can expose how the institutional, political, and social environment leads to the inequitable distribution of resources and capacities of individuals within social-ecological systems (Christoplos, 2014; Ensor et al., 2015; Walsh-Dilley, Wolford, and McCarthy, 2016). Specifically, this paper adopts a rights-based analysis to expose processes and forms of exclusion and marginalisation, many of which are feedbacks or unintended consequences that arise in complex social relations, as illustrated by the case of post-conflict Timor-Leste, where social conflict and the risks presented by environmental change are sharply defined. While this approach has wide relevance, the particular focus here is on resilience practice enacted through non-governmental organisations (NGOs) and movements.

Following an introduction to rights-based approaches as a response to critiques of power in resilience thinking in the next section, the illustrative case of Timor-Leste is presented. Analysis suggests three key themes for appreciating the role played by the socio-political context in shaping the distribution of resilience outcomes: (i) inequality and subjectivity; (ii) processes of inclusion and exclusion; and (iii) issues of scale. A discussion of the significance of taking a situated approach to resilience, and of concentrating on the potential for transformation—that is, directly challenging structures and systems of power (Matyas and Pelling, 2015)—through rights-based resilience interventions, follows, prior to a brief conclusion.

## **Resilience and the rights-based approach**

The treatment of culture, power, and the structure of societal relations within resilience has long been a source of criticism: for some, the language of resilience inevitably shifts the responsibility for coping with environmental change to those who are least able to assume the burden, and in so doing recreates and reinforces unequal social relations (MacKinnon and Derickson, 2013; Robinson and Carson, 2015). For others, the failure of socio-ecological resilience thinking to integrate social theory has led to ‘a cloud of obfuscation’ around winners and losers and questions of ‘who is getting what’ in resilience practice, despite longstanding questions pertaining to distributional and procedural justice (Fainstein, 2015, p.166). Critics argue that the ontological footing of resilience in systems, derived from within physical (and specifically ecological) science, inevitably marginalises social theory (Olsson et al., 2015), obscuring the matter of ‘resilience of what and for whom’ and offering only superficial consideration of the social relations that underpin human-environmental, or social-ecological, systems (Cote and Nightingale, 2012, p. 475). In particular, too much attention is paid to agency alone, and not enough to how social-structural factors such as caste, markets, race, and the state limit the potential for action (Dagdeviren et al., 2015). Contemporary resilience exhibits ‘path dependence’ and, as such, is significantly determined by social histories (Dagdeviren, Donoghue, and Promberger, 2015), a finding that reinforces calls for ‘situated’ resilience research that pays much greater attention to embedded socio-cultural relations (Cote and Nightingale, 2012). Particular concern resides in relation to adaptive capacity, understood as the preconditions necessary for adaptation, comprising both physical and social elements, and the ability to mobilise them (Smit and Wandel, 2006; Nelson, Adger, and Brown, 2007). Such actions emerge from contested processes and require access to economic, natural, political, and social resources, demanding a focus on the play of power in politics, institutions, and organisations at different scales (Ensor et al., 2015; Walsh-Dilley, Wolford, and McCarthy, 2016). Ingalls and Stedman (2016) draw on political ecology narratives to unpack the causes and effects of the trade-offs that result, highlighting how relations of power legitimise or undermine different problem framings and assessments of value.

This study proposes a rights-based analysis to investigate power relations and to expose the social-structural and institutional factors that contribute to the outcomes of resilience interventions (Ensor et al., 2015, Walsh-Dilley, Wolford, and McCarthy, 2016). This analytical approach draws on the theory and practice of rights-based approaches to development, where human rights are deployed in struggles for social justice. The rights-based approach can be defined as the application of the norms and standards of international human rights law to development. In the practice of NGOs, this results in an overtly political reading of development, in which rights claims are mobilised as a means of shifting the distribution of power through challenges to inequitable structures and relations (Ako, Anyidoho, and Crawford, 2013). In turn, this concentrates attention on the diversity of contexts, or ‘rights regimes’ (Moser et al., 2001), in which entitlements are secured or denied, via rules and norms that are enforced within a plurality of (often overlapping) institutions and organisations that are employed and engaged at different scales. These regimes include informal processes at the local level, social and political networks of influence or contestation, and legal or administrative systems. Significantly for understanding resilience outcomes, this places the focus of a rights-based approach *not* on the legal interpretation of rights, but on how access to and control of diverse resources (natural, political, and social) underpin the ability to exert control over the development process (Walsh-Dilley, Wolford, and McCarthy, 2016). A rights framing suggests not only that access to the resources for resilience forms the basis of legitimate claims against power, but also that the role of the state is to support, protect, and render sustainable those claims for control of adaptation actions (Uvin, 2007; McKay, Nehring, and Walsh-Dilley, 2014;). This attention to claims and the re-centring of the state reflects the conclusions of Adger et al. (2012), who suggest that actions to renegotiate the social contract between citizens and the state should be seen as a central mechanism of adaptation and resilience.

The translation of human rights into rights-based approaches is rooted in a history of development discourse and practice that has seen a gradual shift among many organisations from a focus on needs and service delivery, towards the methods and tools necessary to enable poor communities to claim their own entitlements (Gready and Ensor, 2016). A rights-based approach is defined as much by what it is not as what it is: for example, human rights are routinely restricted to application in the legal realm, have been deployed as the basis for aid conditionality (Uvin, 2007), and have legitimised the privatisation of public resources with the effect of further entrenching societal inequalities (Bakker, 2007). By contrast, rights-based praxis demands a commitment to working alongside those for whom rights emerge as a response to power inequalities in contested processes (see, for example, the case studies compiled in Gready and Ensor, 2005). Molyneux and Lazar (2003, p. 9), in examining the role of rights in development projects in Latin America, describe the process of ‘changing mentalities’ in which those who express their needs move from thinking in terms of charity and favours, to seeing themselves as claimants with rights.

Summarising, Peter Uvin suggests that the function of rights-based approaches is to ‘promot[e] human dignity through the development of claims that seek to empower excluded groups and that seek to create socially guaranteed improvements in policy (including but not limited to legal frameworks)’ (Uvin, 2004, p. 163) and means ‘empowering marginalised groups, challenging oppression and exclusion, and changing power relations . . . falling squarely in the political realm’ (Uvin, 2010 p. 172).

To achieve these ends, rights-based practice is focused not on the canon of human rights law as such, but on principles that have been distilled from human rights law and which inform development action (Kindornay, Ron, and Carpenter, 2012). While varying between agencies, the principles commonly include accountability, equality (or non-discrimination), transparency, and empowerment (Gready, 2008). Through actions that further these principles in practice, rights-based development interventions seek to transform relationships of accountability by amplifying the voices of the poorest and building support for locally-defined entitlements. Rather than being about ‘doctrinal mandates, prescribing fixed rules for behavior’ (Miller, 2010, p. 918), the application of principles ‘render[s] the law real in political and social processes’ (Gready, 2008, p. 741), enabling analysis of the causes and symptoms of exclusion and marginalisation, and consideration of the dynamics of politics, power, and social change (Chapman et al., 2005). The principles interconnect to yield this rights-based perspective. Equality implies equal rights before the law, but extends beyond this to examine the dynamics and structure of discrimination and exclusion. Transparency in decision-making is needed to reveal the degree to which

**Table 1.** Rights settings, or ‘regimes’, and their significance for resilience

Rights regime	Description	Significance for resilience and adaptation
Social	Everyday interactions, encompassing a broad range of institutions, networks, organisations, and actors (such as civil society, customary norms, ethnicity, family, and gender).	Social relations mediate access to material and non-material resources and services, and influence how people interact with each other and their environment.
Political	Decision-making in institutions and organisations and the associated role of networks and actors in exercising authority.	Institutional and power relationships determine participation in decision-making, and the norms and processes through which decisions are made, and resources and services are secured.
Administrative	Institutions and organisations of the state and related actors (such as government officers, mechanisms of delivery, oversight of public and private actors, and policy processes).	State administrative functions have the potential to deliver, enable, regulate, or restrict access to the resources and services necessary to support resilience and adaptation (both material, such as finance, and non-material, such as information services).
Legal	Legal institutions and organisations, justice mechanisms, and actors.	Legal regimes regulate access to and control of natural resources and services, decision-making (including opportunities for accountability and redress), and material and non-material resources for adaptation.

Source: author, adapted from Ensor et al. (2015).

**Table 2.** The application of rights principles in rights-based analysis

Rights principle	Description	Critical questions for participatory qualitative enquiry
Equality	<ul style="list-style-type: none"> <li>• Individuals and social groups may be marginalised from economic, political, or social life (owing, for instance, to ethnicity, language, race, religion, sex, or sexual orientation).</li> <li>• Gender is often significant in access to environmental resources.</li> <li>• The focus is on the dynamics and structure of discrimination and exclusion.</li> </ul>	How, why, and to what extent are individuals and/or groups marginalised in formal and informal processes and actions, including access to goods and services, social relations, and having a voice in decision-making?
Transparency	<ul style="list-style-type: none"> <li>• ‘Opaque’ transparency provides information while concealing how decisions are made and what are the results of actions (Fox, 2008).</li> <li>• Full (‘clear’) transparency reveals how institutions perform and how they behave in practice.</li> <li>• Processes, actors, and power relations combine to determine transparency.</li> </ul>	How, why, and to what extent public actions and decisions are rendered transparent (clear and visible) to local people?
Accountability	<ul style="list-style-type: none"> <li>• Four elements: normative (required standard of behaviour); relational (linking those with rights to responsible actors); decision (whether the required standard has been met); and behavioural (application of sanctions) (Biermann and Gupta, 2011).</li> <li>• Mechanisms may be juridical (the justice system), formal (ombudsmen, elections, or administrative consultations), or informal (systematic mobilisation of shame, challenging socially acceptable discourses, grassroots mobilisation, media advocacy).</li> </ul>	What are the elements and mechanisms that form networks of accountability (that is, the ability of affected groups to make powerholders responsible for their actions) between community members and public and private actors?
Empowerment	<ul style="list-style-type: none"> <li>• The power relations that affect people’s capacities, rights, and responsibilities, delivering different kinds of potential for people to make changes in their lives.</li> <li>• The spotlight is on the interplay of structure (limiting actions and shaping preferences) and agency (freedom to act, make decisions, and distribute resources).</li> <li>• Norms of structure and agency may be rooted in deeply-held privileges or practices.</li> </ul>	Do people have a meaningful choice—that is, is there a real ability to choose to live differently? Can alternatives be seen or imagined, or are choices hidden by deeply entrenched social norms?

**Source:** authors.

equality is upheld in reality, providing a basis for the marginalised and poor to make claims against injustice. Accountability centres on the ability of affected groups to hold powerholders responsible for their decisions. Empowerment underpins each of these principles, concentrating attention on support for, or barriers to, establishing and securing rights claims for different individuals and groups.

Building on recent research, Tables 1 and 2 summarise how the foregoing offers a framework for rights-based analysis (Ensor et al., 2015). This framework requires that the principles serve as a critical lens, asking questions about the diverse settings

that determine entitlements. Here, the study follows Moser et al. (2001) in referring to these settings as ‘rights regimes’, which can be summarised as administrative, legal, political, and social. Each encompasses norms and practices that shape behaviour, knowledge, and learning, and influences access to and control of information, resources, and decision-making (Nelson, Adger, and Brown, 2007; Ebbesson and Hey, 2013), structuring opportunities for adaptation actions that influence resilience, as shown in Table 1. Table 2 illustrates how the rights principles give rise to a series of critical questions that can be explored in relation to each rights regime, through participatory qualitative approaches with communities and stakeholders at different scales. As will be illustrated in the following section, these questions—in relation to the principles—translate concepts with respect to the power and social relations that emerge from the resilience literature into issues that have meaning to, and can be explored with, communities on the ground.

## **Revealing power in resilience: an illustrative case study**

Timor-Leste provides an appropriate case with which to explore the efficacy of rights-based analysis, as both social conflict and the risks posed by environmental change are sharply defined. Timor-Leste has a history of decolonisation, occupation, and civil unrest that has resulted in fragmented attempts at nation-building and uneven and inequitable development. The physical and administrative infrastructure of the state was nearly wiped out during the Indonesian withdrawal in 1999 and the development context since has been characterised by extreme poverty and growing economic inequality, limited state resources and governance capacity, and heavy reliance on social institutions (Grenfell, 2006; Siapno, 2006; Hohe, 2010). Cultural and political relations are central to this picture. In the post-conflict setting, a “clash of paradigms” between traditional and liberal democratic ideas of legitimacy in Timor-Leste is widely considered to be an important issue for the stability of the nation-state as a whole’ (Cummins and Leach, 2012, p. 89). Further, climate change is likely to exacerbate the development challenges already faced by the nation.

This study takes as its starting point work reported by Ensor et al. (2015), adopting Timor-Leste as an illustrative example, and drawing on peer-reviewed publications and widely published reports, in particular the findings of a community-based climate change adaptation assessment undertaken from August 2012–March 2013 (Park et al., 2012). The latter was conducted in participation with farmers and fishers from communities across the island of Atauro, around the coastal sub-district of Batugade, and with local NGOs and district and national government representatives.

Ensor et al. (2015) adopted a rights-based approach to perform a detailed analysis of ‘entry points’ for actions on adaptive capacity in Timor-Leste. The current study builds on this work, but the focus is different. The concern here is with how the intersection of principles and regimes identifies the conditions underlying marginalisation and exclusion that are, simultaneously, expressed in social conflict, and are determinative in distributing risk and resilience. This analysis suggests that there

are three themes that are particularly significant if the socio-political context is to be embedded in resilience practice in conflict and post-conflict settings. These themes—(i) inequality and subjectivity; (ii) processes of inclusion and exclusion; and (iii) the significance of scale—each arise in relation to power and equity in the socio-ecological resilience literature (Matin, Forrester, and Ensor, 2018). These themes are discussed in the following subsections.

### **Inequality and subjectivity**

Grounding or ‘situating’ (Cote and Nightingale, 2012) resilience requires attention to the cultural, historical, political, and social conditions that give rise to resilience outcomes. In this regard, subjectivities are significant to resilience, exposing the processes through which groups become socially differentiated. In particular, subjectivities focus on the role of a narrative or discourse in rendering some people subject to forms of authority or control, which, in turn, is reproduced through institutions and can be ascribed into policy or practice. Subjectivities of individuals, often based on their ethnic, gender, religious, or other attributes, can inform their social identities and subject them to discriminatory values and practices, thereby undermining their resilience. The rights-based analysis of equality reveals subjectivities in multiple rights regimes in Timor-Leste. Customary practices, explored in the social regime at the community level, exclude women from positions of authority and control and discriminates against women in the distribution of land and inheritance rights. These deeply-held norms render women financially and politically dependent on men and devalue their knowledge and skills, in the process reinforcing norms and generating cultural dependence through practice. Such culturally-derived values and beliefs can form significant components of subjectivities that influence hazard mitigation (Turner et al., 2008; Paton et al., 2010), as can dominant narratives that shift understandings of the self, risks, and well-being. In the political rights regime, these norms are reproduced, experienced in terms of a pressure on women not to engage or participate in public decision-making. Indeed, efforts to ensure the participation of women and youth in community decision-making through legislation have been undermined by the socially-determined weak position of women at the local level. In relation to legal rights, the effect is to engender a perception that the law will not deliver for women, and a societal pressure discourages participation, reducing access to justice. As Ensor et al. (2015, p. 43) note, ‘these patterns of entrenched discrimination and inequitable social relations are inevitably reflected in adaptive capacity, shaping the distribution of risk and benefit in adaptation actions’.

The focus of subjectivity on the processes through which self-identification and labelling of others occurs is revealing for resilience, as these processes also allow ‘social and spatial inequities brought through change’, such as interventions or shocks, to be ‘labelled, legitimised and . . . explained by social actors’ (Manuel-Navarrete and Pelling, 2015, p. 2). In Timor-Leste, an analysis of equality in social institutions reveals how patriarchal attitudes are reproduced through the internalisation of norms by both sexes, while a focus on accountability exposes the nepotistic role of powerful

families in the distribution of resources, and the enforcement of customary norms via exclusion, shame, and social sanctions. An analysis of equality in the political regime draws attention to the part played by state institutions in reproducing and legitimising inequitable governance at the local level, while an assessment of accountability highlights how traditional authorities rule according to their views of obligations and rights. These findings are typical of the role of subjectivities in enabling authorities at different scales to demark some people as more powerful than others, fostering and perpetuating patterns of inequality and risk distribution. In the administrative rights regime, this is being played out in Timor-Leste through the exclusion or marginalisation of certain groups (in particular, subsistence farmers) from access to state support as reforms shift the attention of funding away from sector-specific interventions and towards supporting the emergence of a free-market agricultural system. More widely, however, subjectivities can also give rise to resistance (Nightingale, 2011). In Timor-Leste this is clear in the mobilisation of subsistence and smallholder farmers following perceived threats vis-à-vis the privatisation of land, water, and seed supplies. Responses including advocacy for the inclusion of peasant rights in domestic law suggest a flexing of muscle, rather than an internalisation of difference, in reaction to the changing political economy of environmental governance.

Overall, the case of Timor-Leste illustrates the work of a rights-based analysis in unpacking a key issue for resilience in practice. As Jesse Ribot points out (2014, p. 647), the consequences of disasters and environmental change are differentiated by ‘social relations of production, exchange, domination, subordination, governance and subjectivity’.

### Processes of inclusion and exclusion

Evidence from apparently disparate sources makes the argument for the inclusion in resilience practice of diverse social groups, based on age, disability, ethnicity, gender relations, sexuality, and other formal and informal social groupings that influence resource distribution and human–environmental relations (see, for example, MacGregor, 2009; Tschakert, 2012; Connell and Messerschmidt, 2016). These characteristics reflect knowledge and risk perceptions indispensable for resilience and the ability to enact adaptations (Evans, 2012; Oven et al., 2012; Annear, Keeling, and Wilkinson, 2013; Matarrita-Cascante and Trejos, 2013; Davies et al., 2014; Armas, Ionescu, and Posner, 2015). Important consequences for resilience outcomes flow from this perspective, not least whose values and interests are included, and the potential for aggravating social conflicts and undermining existing resilience, such as where adaptive responses taken by one group affect the vulnerability of others, or where powerful vested interests promote particular resilience strategies (Eriksen et al., 2011). These risks are evident in the different rights regimes in Timor-Leste.

An analysis of empowerment in the social and political regimes highlights the potential for powerful actors to secure their interests at the expense of weaker community members, with discrimination against women and people living with disabilities in particular, and an aggregation of decision-making power among local

elites with ritual and spiritual authority. The low status of women and patriarchal norms (discussed above) are a particular barrier to the representation of women's interests by women within *konsellu de suko* (suko council, the smallest political unit), where traditional (and exclusively male) authority dominates. The implementation of the state Strategic Development Plan 2011–2030 (analysed in relation to the administrative regime) is a concrete example of a failure to account for different types of knowledge and perceptions of risk, privileging norms associated with globalisation (agricultural modernisation, macroeconomic growth) over local norms of resource access and control, and thereby bringing subsistence and smallholder farmer organisations into conflict with the state. The legal regime, on the one hand, deepens these risks in relation to empowerment via a legal system that excludes the poorest and those relying on local languages (as all official systems operate in Portuguese), and through laws drafted that increase the vulnerability of those in communities relying on local natural resources, while, on the other hand, it seeks to ameliorate them through measures to identify and direct support to vulnerable groups.

Questions of inclusion and exclusion extend to consideration of the dynamics of decision-making. Larsen, Calgaro, and Thomalla (2011, p. 489) suggest that, 'if resilience theory is increasingly proposed as the preferred approach by which disaster risk reduction is framed and implemented, it needs to acknowledge and incorporate much more explicitly th[e] role of stakeholder agency and the processes through which legitimate visions of resilience are generated'. The resilience tools that underpin these approaches, such as vulnerability assessments and participatory decision-making, need to account for processes of inclusion and marginalisation, including accountability, legitimacy, and transparency of representation in formal and informal institutions, to secure equity in the processes that define resilience in a particular context. Particular issues emerge in Timor-Leste: the community leadership is acknowledged as an important stakeholder in decision-making, and an analysis of accountability suggests that the proximity of the leadership to community members is valued in offering opportunities for responsive and effective representation. However, this is against a backdrop of local laws being described as arbitrary, lacking transparency, and open to abuse with 'wide scope for the potential for bias, bribery, and other abuses' (Grenfell, 2006, p. 320), and customary justice systems lacking transparency. In the political regime this translates into concerns about opaque decision-making, compounded by a lack of oversight from above owing to the isolation of communities from the centralised state authorities. Yet, an exploration of accountability and transparency in the administrative regime indicates that if resilience processes engage the state, there is an absence of channels through which communities can make claims against the authorities, and interventions are experienced as arbitrary, as in the case of activities flowing from the Strategic Development Plan. More broadly, an empowerment analysis suggests that, while the state may be a partner in resilience planning, it lacks effectiveness owing to poor implementation capacity because of financial shortages (with prioritisation given to physical infrastructure investments over social and economic goods in the post-conflict period), and the cumbersome

and dysfunctional linkages between key actors, including state entities, limiting the ability to respond to local concerns.

### The significance of scale

Communities face multiple sources of vulnerability (Bennett et al., 2015), but the focus of resilience is too often ‘place-based’, overlooking the networks of relationships beyond the local scale that inform and sustain local outcomes (Pauwelussen, 2016). Indeed, the selection of a particular focal scale will always serve both to reveal (for example, scale-specific qualities) and conceal (for example, marginalised or powerful actors at lower or higher scales) and, as such, must be engaged with critically in practice (Ingalls and Stedman, 2016). Tschakert (2012, p. 2) draws attention to the significance of ‘multiscalar interactions, scalar dimensions of practice, and traversing scales’ in understanding and addressing equity in resilience and development. The multiple dimensions of scale may present potentials for scalar conflict and unwanted cross-scale effects, such as where geographic communities exist at single scales, but communities of practice transcend scale (Chapin et al., 2015; Matin and Taylor, 2015). A rights-based analysis offers an inherently multi-scalar approach, with the focal rights regimes directing attention not just to communities, but also up to the state and down towards the individual scale, with the principles exploring the relations that mediate interactions between them.

As discussed above, the Timor-Leste assessment reveals many cases of cross-scale interactions. The actions of administrative and legal agencies at higher scales can increase marginalisation at the local scale (such as where the poorest are excluded from access to justice, or planned privatisations would shift local resources into private ownership), while complex interactions across scales emerge where state-based institutions internalise, reproduce, and legitimise existing community-scale patriarchal norms and inequalities. Local norms can also have an effect across scales, such as where community pressure, financial resources, a distrust of processes, or a perception that the formal system cannot deliver justice, result in an unwillingness of some women victims of patriarchal norm motivated injustices at local levels to approach the formal legal system. The gap in accountability between the state and the communities, augmented by weak political processes, reduces opportunities for claims to be made against the state and circumscribes the potential for action on adaptation at the local level (through poor resource and information flows), or across scales (through a lack of opportunities for shared decision-making).

### **Situating resilience and realising the potential for transformation**

Rights-based approaches recognise that ‘transformation in legal, social and economic values, practices and norms are essential to development’ and that such transformation requires ‘capacity building, networking and learning’, as development (and disaster

risk reduction) is seen as ‘a problem of power and politics’ (Carella and Ackerly, 2017, pp. 143, 147). Profound system transformation may ensue where interventions respond to the political context, and work to empower marginalised communities or groups and support collective action. From a resilience perspective, these actions can challenge the historical and structural underpinnings of vulnerability that restrict access to or control of the resources needed for adaptation, or lock sections of society out of learning and decision-making institutions (O’Brien, 2012). For marginalised communities, therefore, building resilience may require going beyond coping, flexibility, and incremental change, to engage with processes of transformation in political and social relations (Pelling, 2011; Béné et al., 2014). Furthermore, as Ribot (2014, p. 674) notes, ‘a multi-scale, multi-stranded causal analysis of specific vulnerabilities can point to the multiple social scales at which solutions may reside: responses must then be forged in the crucible of politics’. Steps towards transformation thus address the underlying structural relations that not only give rise to persistent poverty and marginalisation, but also foster social conflict (Laplante, 2008).

The rights-based analysis of Timor-Leste above suggests opportunities to support transformation in each of the rights regimes and through inclusive actions at different, and frequently across, scales. Entrenched discrimination and inequalities are a particularly challenging target for resilience interventions, arising from norms and practices that are deeply rooted in the cultural, political, and social context. Climate change will probably reinforce the livelihood-related impacts of forms of difference that are expressed in resource access, whereas adaptation interventions will reproduce these subjectivities in the absence of deliberately targeted efforts to shift underlying discourses and narratives, alongside more readily observable practices. Institution-building alone, in which improved representation brings marginalised groups into decision-making, is unlikely to be enough if underlying and unspoken perceptions are not confronted (Cote and Nightingale, 2012). Women’s empowerment organisations, in which increased awareness of rights is wedded to practical measures to reduce financial dependency (through livelihood activities) and political dependency on men (through support for improved capacity for women’s representation), can, over time, challenge the processes identified above that close down accountability, reinforce norms, and generate cultural dependence. Studies of women’s empowerment in Timor-Leste suggest support for this multi-stranded approach to address subjectivities, but also, moreover, highlight the link between these approaches and peacebuilding, concluding that rights-based empowerment ‘mobilises insecure communities to deal with conflict and is transformative in creating practical changes, including women’s participation in decision-making across all levels of social, political, religious and cultural life’ (Porter, 2013, p. 10).

Support for marginalised groups to claim and secure recognition for their entitlements is central to rights-based development actions, especially when coupled with awareness-raising and capacity-building in the political regime among those decision-makers responsible for securing (or undermining) those claims (Gready, 2008). Multi-stakeholder fora have been proposed as an approach to containing politics in

ways that enable transformation through a focus on reworked relationships. For example, social learning platforms, in which multiple stakeholders look to understand their different perspectives and forge new knowledge through joint learning and action, have the potential to foster and underpin ‘more democratic governance’, as stakeholders engage in processes of defining problems and solutions, ‘examining the drivers of change, and discovering differential vulnerability among actors’ (Robards et al., 2011, p. 526). Engendering the capacity for such forms of learning ‘is key for transforming short-term disaster into longer term resilience’ (Walker and Westley, 2011, p. 3) and opens spaces for new understandings and actions to emerge.

In Timor-Leste, interventions that work with the community leadership while supporting women or marginalised rice farmers in organising and representing their interests may help to improve transparency and reduce discrimination in decision-making, unlocking an important opportunity for more inclusive responses to environmental change. In the administrative regime, similar responses are required to address the state’s inability to deliver, enable, or protect adequately access to resources, owing to low capacity and ineffective relationships with fishing and farming networks. Here, relationship-building between all actors through the development of stakeholder fora can help to enable the making of claims against the state, particularly when allied to awareness- and capacity-raising with community and state institutions to generate recognition of rights and duties. Similar strategies, engaging communities and state representatives to secure access to legally enshrined rights without recourse to litigation, are required in Timor-Leste, as for many members of rural communities, the justice system lacks accessibility, capacity, legitimacy, and transparency. Of particular significance in Timor-Leste, though, is the presence of existing civil society networks advocating for accountability and transparency in administrative decision-making and recognition of the rights of subsistence farmers and fishers. The efforts of these groups to transform the relationship between the state and subsistence communities should be acknowledged and supported by external actors, who can offer resources, such as information and knowledge, or access to decision-makers, that may not be accessible locally. This means, however, NGOs or other intervening entities ceding power and decision-making, negotiating their contribution in a struggle that is framed and owned by local activists.

## Conclusion

This paper responds to calls to pay greater attention to *the social* in resilience, typified by the demand of Cote and Nightingale (2012, p. 484) that resilience ‘engage with the insights and critiques from the social sciences about agency, power and knowledge’. It agrees with the view that resilience must be situated, to contextualise interventions. Resilience alone does not equip policymakers or practitioners with the conceptual or practical tools necessary to address the cultural, political, and social context within which hazards become disasters. In post-conflict settings, a key point

of concern is those forms of social difference that are reinforced through cultural, political, and social norms and practices, and which underpin inequalities, sustain social conflict, and may give rise to future violence.

A rights-based analysis has particular utility for meeting this challenge. As Carella and Ackerly (2017, p. 147) emphasise, a rights-based approach offers an 'experientially based, empirically verified and theoretically supported' form of analysis. This paper moves beyond recent studies linking rights and resilience, by concentrating on how human rights principles play out in the regimes in which rights are given meaning. It demonstrates the analytical significance of this approach in exposing the complexity of relations that are poised to reproduce entrenched patterns of conflict, risk, and vulnerability through resilience interventions. Situating resilience requires attending to this social complexity, alongside the more readily observable interconnections between human and environmental systems.

Looking across the rights regimes in Timor-Leste suggests that the application of resilience requires, first, attention to subjectivities and the deep-rooted narratives, practices, and routines that normalise inequality and marginalisation at different scales. And second, that actions on resilience must be understood to include actions in support of transformation, where transformation is required to address inequality. These insights take resilience practice beyond risk management concerns, to incorporate the forms of awareness-raising, capacity-building, networking, and support that can lead to profound shifts towards more equitable political and social arrangements. Interweaving resilience and rights-based thinking has the potential to deliver a politicised form of resilience practice that reduces, rather than reinforces, risk and social conflict.

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