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

**Abstract**

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 power and equity. Through the illustrative case of Timor Leste, we present an analysis of how human rights principles play out in the settings in which rights are given meaning. Our approach reveals the reproduction of patterns of conflict and risk, and we draw out priorities for resilience practice: first, recognising and responding to the deep rooted narratives and practices that normalise inequality and marginalisation at different scales; and second, allowing for transformation towards more equitable social and political arrangements as a part of reslience 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.

**Introduction**

Since White’s famous dictum that “if floods are acts of god” then “flood losses are largely acts of man” (White 1945: 12), it has become widely accepted that dealing with the consequences of natural disasters is a human-environmental, or “socio-ecological” issue (see Cote & Nightingale 2012; Cook et al 2016: 317). Increasingly, resilience is recognised as an approach to addressing the complexity inherent in socio-ecological systems, focusing policy and practice attention on anticipation of, coping with, and recovery from, hidden stresses and unexpected shocks (Matyas and Pelling, 2015). Underlying resilience is the capacity of people, in their particular social, institutional and organisational contexts, to enact adaptations in anticipation of or in response to risks. This framing brings consideration of *the social* back into what hitherto has largely become a technical analysis of risk – and with this has come questions of 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 interlinkages between the human and the natural have been recognised for over a decade (for example, see Gallopín, 2006), integration of the cultural, social and political context into resilience remains an outstanding challenge (Archer and Dodman, 2015; M. Biermann et al., 2015; Ingalls and Stedman, 2016; Olsson et al., 2015).

In this paper we argue that a better understanding of this complex context is essential if the challenges of environmental change and disaster risk are to be adequately addressed in conflict and post-conflict settings. In particular, we draw attention to the significance of forms of social difference that are historically situated and (re)enforced through social, cultural and political norms and practices, and which 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, “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; Granderson, 2014; Yates, 2012) and how organisations, structures, politics and power shape adaptive capacity (and thereby resilience) through their influence on access to and control over resources and decision making (Dodman and Mitlin, 2011; Ensor et al., 2015; Walsh-Dilley et al., 2016). This in turn has led to a growing body of literature concerned with identifying the specific social and economic 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). Space for violence may open when “conflict entrepreneurs” capitalise on social and economic 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 South Africa, Peru or El Salvador; 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 refer 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 it’s location, or the cultural norms it embodies, reflect pre-existing points of difference between communities or resonate with tensions that are locally felt. While 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, for example, “along class, ethnic, gender, religious, or other cleavages” (Salehyan et al. 2012). This significance of social conflict is that it describes a pervasive if largely hidden fracturing of society, visible only when manifest in violent or nonviolent forms such as interpersonal or intercommunal violence, demonstrations, violent riots, or – more unusually – organised armed rebellion or conflict against a government (Hendrix et al. 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 risk. These risks, when experienced as shocks or longer term stressors, may directly undermine livelihoods and reduce the capacity of states to distribute social and economic support, thereby increasing the risk of violent conflict (Barnett and Adger, 2007; Hendrix et al. 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 against 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 provide preferential resource access to 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). Persistent critiques of the treatment of power and social relations in the socio-ecological resilience framing of these interventions is, therefore, a pressing concern (for example, Cote and Nightingale, 2012; Fainstein, 2015). Particular risks follow for policy and practitioners if this allows shifts in focus from the vulnerability of individuals and groups to the vulnerability of the system, or away from those “least able to marshal the resources necessary for developing resilient trajectories.” (Walsh-Dilley et al., 2016 p. 4).

Thus, our central question is: how can appreciation of socio-political context be embedded into 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, social and political environment leads to the inequitable distribution of resources and capacities of individuals within social-ecological systems (Christoplos, 2014; Ensor et al., 2015; Walsh-Dilley et al., 2016). Specifically, we use a rights-based analysis to expose processes and forms of marginalization and exclusion, many of which are either feedbacks or unintended consequences that arise in complex social relations, illustrated using the case of post-conflict Timor Leste where both social conflict and the risks from environmental change are sharply defined. While this approach has wide relevance, our particular focus is on resilience practice enacted through non-governmental organisations 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. Our analysis suggests three key themes for appreciating the role played by the socio-political context in shaping the distribution of resilience outcomes: inequality and subjectivity; processes of inclusion and exclusion; and issues of scale. A discussion of the significance of taking a situated approach to resilience, and of focusing 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 onto those least able to carry 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 of procedural and distributional justice (Fainstein, 2015). Critics argue that the ontologically footing of resilience in systems, derived from within physical (and specifically ecological) science, inevitably marginalizes social theory (Olsson et al., 2015), obscuring questions 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 race, caste, markets 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 et al., 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 social and physical elements, and the ability to mobilise them (Nelson et al., 2007; Smit and Wandel, 2006). Such actions emerge from contested processes and require access to natural, social, political and economic resources, demanding a focus on the play of power in politics, institutions and organisations at different scales (Ensor et al., 2015; Walsh-Dilley et al., 2016). Ingalls and Stedman (2016) draw on political ecology narratives to unpack the causes and effects of trade-offs that result, highlighting how relations of power legitimize or undermine different problem framings and assessments of value.

Here, we propose a rights-based analysis to investigate power relationships and expose the social-structural and institutional factors that contribute to the outcomes of resilience interventions (Ensor et al., 2015, Walsh-Dilley et al., 2016). This analytical approach draws on the theory and practice of rights-based approaches to development, which deploys human rights in the context of 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 non-governmental organisations (NGOs), this results in an overtly political reading of development, in which rights claims are mobilised as a means to shift the distribution of power through challenges to inequitable structures and relations (Ako et al., 2013). In turn, this focuses 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 over, the diverse resources (social, political and natural) underpinning the ability to exert control over the development process (Walsh-Dilley et al., 2016). A rights framing suggests not only that access to the resources for resilience form the basis of legitimate claims against power, but that the role of the state is to support, protect and render sustainable those claims for control over adaptation actions (Ben McKay et al., 2014; Uvin, 2007). This focus on 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 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 for many organisations from a focus on needs and service delivery, towards the tools and approaches 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 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 (for example, see the case studies collected in Gready and Ensor, 2005). Molyneux and Lazar, 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 a focus on charity and favours to being claimants with rights (Molyneux and Lazar 2003, p. 9). Summarising, 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)” (2004 p. 163) and means “empowering marginalised groups, challenging oppression and exclusion, and changing power relations … falling squarely in the political realm” (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 et al., 2012). While varying between agencies, the principles commonly include: accountability, equality (or non-discrimination), transparency and empowerment (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 the law real in political and social processes” (Gready, 2008 p. 741), enabling analysis of the causes and symptoms of exclusion and marginalisation, and attention to the dynamics of power, politics and social change (Chapman et al., 2005). The principles interconnect to provide this rights-based perspective. Equality implies equal rights before the law, but extends beyond this to examine the structure and dynamics of exclusion and discrimination. Transparency in decision-making is needed to reveal the degree to which equality is upheld in practice, providing a basis for the poor and marginalized to make claims against injustice. Accountability focuses on the ability of affected groups to hold power holders responsible for their decisions. Empowerment underpins each of these principles, focusing on the 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 the application of the principles as a critical lens, asking questions of the diverse settings that determine entitlements. Here, we follow Moser et al. (2001) in referring to these settings as “rights regimes”, which can be summarised as social, political, administrative, and legal. Each encompasses norms and practices that shape behaviour, learning and knowledge, and influences access to and control over information, resources and decision making (Ebbesson and Hey, 2013; Nelson et al., 2007), structuring opportunities for adaptation actions that influence resilience, as summarised 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 in relation to 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.

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| Rights regime | Description | Significance for resilience and adaptation |
| Social | Everyday interactions, encompassing a broad range of institutions, networks, organisations and actors (e.g. family, civil society, gender, ethnicity, customary norms). | Social relations mediate access to material and non-material resources and services, and influence how people interact with each other and their environment. |
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| 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 processes and norms through which decisions are made, and resources and services are secured. |
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| Administrative | Institutions and organisations of the state and related actors (e.g. government officers, policy processes, mechanisms of delivery and oversight of public and private actors). | 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, e.g. finance, and non-material, e.g. information services) |
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| Legal | Legal institutions and organisations, justice mechanisms and actors. | Legal regimes regulate access to and control over natural resources and services, decision making (including opportunities for accountability and redress) and material and non-material resources for adaptation. |
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*Table 1: rights settings, or “regimes” (Moser 2001), and their significance for resilience.*

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| Rights principle | Description | Critical questions for participatory qualitative enquiry |
| Equality | * Individuals and social groups may be marginalised from social, political or economic life (e.g. due to race, ethnicity, sex, sexual orientation, language, religion, etc.). * Gender is frequently significant in access to environmental resources. * Focus is on structure and dynamics of exclusion and discrimination. | 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 voice in decision making? |
|
| Transparency | * “Opaque” transparency provides information while concealing how decisions are made and what the results of actions are (Fox, 2008). * Full (“clear”) transparency reveals how institutions perform and how they behave in practice. * Processes, actors and power relations combine to determine transparency. | How, why and to what extent public actions and decisions are rendered transparent (visible and clear) to local people? |
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| Accountability | * Four elements (F. Biermann and Gupta, 2011): 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). * Mechanisms may be juridical (the justice system), formal (ombudsmen, elections or administrative consultations), or informal (systematic mobilization of shame, challenging socially acceptable discourses, grassroots mobilization, media advocacy). | What are the elements and mechanisms that form networks of accountability (i.e., the ability of affected groups to hold power holders responsible for their actions) between community members and public and private actors? |
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| Empowerment | * The power relations that affect people’s capacities, rights and responsibilities, delivering different potentials for people to make changes in their lives. * The focus is on the interplay of structure (limiting actions and shaping preferences) and agency (freedom to act, make decisions, and distribute resources) * Norms of structure and agency may be rooted in deeply held privileges or practices. | 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? |
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*Table 2: the application of rights principles in rights-based analysis.*

**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 from 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; Hohe, 2010; Siapno, 2006). Cultural and political relations are central to this picture. In the post-conflict context, 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). Further, climate change is likely to exacerbate the development challenges already faced by the nation.

We take as our starting point work reported by Ensor et al. (2015), adopting Timor Leste as an illustrative example, drawing from peer reviewed publications and widely published reports, and in particular on findings reported in a community-based climate change adaptation assessment undertaken during the period August 2012 to March 2013 (Park et al., 2012). This latter assessment was conducted in participation with farmers and fishers from communities across the island of Atauro, and 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 undertake a detailed analysis of “entry points” for actions on adaptive capacity in Timor Leste. Our analysis analysis builds on this prior work, but our focus is different. Here, we are concerned with how the intersection of principles and regimes identify conditions underlying marginalisation and exclusion that are, simultaneously, expressed in social conflict, and 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 into resilience practice in conflict and post-conflict settings. These themes – inequality and subjectivity; processes of inclusion and exclusion; and the significance of scale – each arise in relation to power and equity in the socio-ecological resilience literature (Matin et al.n.d.). We discuss these in the following sections.

Inequality and subjectivity

Grounding, or “situating” (Cote and Nightingale, 2012) resilience requires attention to the cultural, social, political and historical 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 narrative or discourse in rendering some people subject to forms of authority or control, which is, in turn, reproduced through institutions and can be ascribed into policy or practice. Subjectivities of individuals, often based on their ethnic, religious, gender or other attributes, can both 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 (Paton et al., 2010; Turner et al., 2008), as can dominant narratives that shift understandings of the self, risks and wellbeing. In the political rights-regime, these norms are reproduced, felt 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: 43) notes, “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, analysis of equality in social institutions reveals how patriarchal attitudes are reproduced through the internalisation of norms by both sexes, whilst 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. Analysis of equality in the political regime draws attention to the role played by state institutions in reproducing and legitimising inequitable governance at the local level, while assessment of accountability highlights how traditional authorities rule according to their views of rights and obligations. 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 focus of funding away from sector specific interventions and towards supporting the emergence of a free market agricultural system. Subjectivities can however, also more widely give rise to resistance (Nightingale, 2011). In Timor Leste this is clear in the mobilisation of subsistence and smallholder farmers following perceived threats from 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 response to the changing political-economy of environmental governance. Overall, the case of Timor Leste illustrates the work done by a rights-based analysis in unpacking a key issue for resilience in practice. As Ribot suggests (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 argue for inclusion in resilience practice of diverse social groups, based on gender relations, age, ethnicity, disability, sexuality, and other formal and informal social groupings that influence resource distribution and human-environmental relationships (e.g. Connell and Messerschmidt, 2016; MacGregor, 2009; Tschakert, 2012). These characteristics reflect knowledge and risk perceptions indispensable for resilience and the ability to enact adaptations (Annear et al., 2013; Armas et al., 2015; Davies et al., 2014; Evans, 2012; Matarrita-Cascante and Trejos, 2013; Oven et al., 2012). 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.

Analysis of empowerment in the social and political regimes draws attention to 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) form 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 (analysed in relation to the administrative regime) is a concrete example of a failure to account for different knowledges and perceptions of risk, privileging norms associated with globalisation (macro-economic growth; agricultural modernisation) 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 through Portuguese), and through laws drafted that increase the vulnerability of those in communities relying on local natural resources), while on the other hand 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 et al. 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” (2011 p. 489). 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 legitimacy, accountability 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 analysis of accountability suggests that proximity of the leadership to community members is valued for offering opportunities for responsive and effective representation. However, this is against a context in which local laws are described as arbitrary, lacking transparency, and open to abuse with “wide scope for the potential for bias, bribery, and other abuses” (Grenfell, 2006), and customary justice systems lack transparency. In the political regime this translates into concerns around opaque decision making, compounded by a lack oversight from above due to the isolation of communities from the centralised state authorities. On the other hand, analysis of the transparency and accountability in the administrative regime suggests 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 state Strategic Development Plan. More broadly, empowerment analysis suggests that while the state may be a partner in resilience planning, it lacks effectiveness due to poor implementation capacity as a result 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 links between key actors – including state actors – limiting the ability to respond to local concerns.

The Significance of Scale

Communities face multiple sources of vulnerability (Bennett et al., 2015), yet 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 to both reveal (for example, scale-specific qualities) and conceal (for example, marginalized or powerful actors at lower or higher scales) and as such must be critically engaged with in practice (Ingalls and Stedman, 2016). Tschakert et al. (2012 p. 2) draw 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: for example, where geographic communities exist at single scales, but communities of practice transcend scale (Begg et al. 2015; Chapin et al., 2015; Matin and Taylor, 2015). Rights-based analysis offers an inherently multi-scalar approach, with the focal rights-regimes directing attention not just to communities, but up to the state and down towards the individual scale, with the principles exploring the relationships that mediate interactions between them. As discussed in the previous sections, the Timor Leste analysis reveals many cases of cross-scale interactions. Actions of administrative and legal agencies at higher scales can increase marginalisation at local scale (for example, 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, results 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 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 recognize 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 result 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 structural and historical underpinnings of vulnerability that restrict access to or control over the resources needed for adaptation, or lock sections of society out of learning and decision making institutions (O’Brien, 2012). Thus, for marginalized communities, building resilience may require going beyond coping, flexibility and incremental change, to engage with processes of transformation in social and political relations (Béné et al., 2014; Pelling, 2011). Further, as Ribot 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” (Ribot, 2014 p. 674). 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 in the preceding sections 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 social, cultural and political context. Climate change will likely reinforce the livelihood impacts of forms of difference that are expressed in resource access, while 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 challenged (Cote and Nightingale, 2012). Women’s empowerment organisations, in which increased awareness of rights is married to practical steps 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 moreover also highlight the link between these approaches and peace-building, 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, in particular 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) 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 to organise and represent their interests may help 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 adequately deliver, enable or protect access to resources, due 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 enable claim making on the state, particularly when allied to awareness and capacity raising with both state and community institutions to build 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 the justice system lacks capacity, accessibility, legitimacy and transparency for many in rural communities. However, of particular significance in Timor Leste is the presence of existing civil society networks advocating for transparency and accountability in administrative decision making and recognition of the rights of subsistence fishers and farmers. 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, however, means NGOs or other intervening actors ceding power and decision making, negotiating their contribution in a struggle that is framed and owned by local activists.

**Conclusion**

In this paper we respond to calls for greater attention to *the social* in resilience, typified by Cote and Nightingale’s demand that resilience “engage with the insights and critiques from the social sciences about agency, power and knowledge” (2012, p.484). We agree with the view that resilience must be situated, to contextualise interventions. Resilience alone does not equip policy makers or practitioners to address the social, cultural and political context within which hazards become disasters. In post-conflict settings, a cause for particular concern are those forms of social difference that are reinforced through social, cultural and political norms and practices, and which underpin inequalities, sustain social conflict and may give rise to future violence.

Rights-based analysis has particular utility for meeting this challenge. As Carella and Ackerly (2017 p. 147) suggest, a rights-based approach offers an “experientially based, empirically verified and theoretically supported” form of analysis. With this paper we move beyond recent studies linking rights and resilience, focusing here on how human rights principles play out in the regimes in which rights are given meaning. We demonstrate the analytical significance of this approach for exposing the complexity of relations that are poised to reproduce entrenched patterns of vulnerability, conflict and risk 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, routines and practices 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 move resilience practice beyond risk management concerns, to incorporate the forms of support, capacity building, awareness raising and networking that can lead to profound shifts towards more equitable social and political 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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