

# What in Law is Resilience?

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*Law for Social-Ecological Resilience Conference*  
Stockholm, 17-19 November 2010

## Rationales of Environmental law:

- Prevention of harm
- Reparation of harm
- Justice (distributive, participatory, corrective)
- Sustainable development
- Social-ecological resilience?

## Issues of law and social-ecological resilience:

- Flexibility vs. the rule of law and legal certainty
- Justice and resilience
- Learning, adaptability and the law
- Scales, levels and the law
- Ecological boundaries and the law
- Prescriptive and enabling law (reflexive law?)
- Existing approaches and concepts of law

## Resilience factors and conditions:

- *Flexibility* in social systems and institutions to deal with changes
- *Openness* of institutions, extensive *participation* in local decision-making and administration
- Effective *multilevel governance*
- Social structure to promote *learning and adaptability*

## Design principles (Ostrom et al.):

1. Clearly defined boundaries
2. Proportional equivalent of benefits and costs
3. Collective choice management
4. Monitoring
5. Graduated sanctions
6. Conflict-resolution mechanisms
7. Minimal recognition of rights to organise
8. Nested enterprises

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## Resilience factors of international institutions:

Can local experiences and proposals be transposed to international contexts and institutions?

- Flexibility
- Transparency
- Cost-benefit
- Learning and adaptive management
- Monitoring and compliance control?
- Sanctions and conflict-resolution mechanisms?

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