

## **Post-Conflict Land Administration, Facilitator of Post-Conflict State Building**

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**Key words:** land administration, post-conflict land administration, post-conflict state building

### **SUMMARY**

Land and its administration are always negatively affected during conflicts and in post-conflict contexts. This has been confirmed both in the literature and in practice. This research has shown that if land and its administration are neglected or not properly addressed after the end of a conflict, they can be a cause for a renewed armed conflict and an obstacle in the rebuilding of a post-conflict society. The author's initial research on the topic revealed that there is a relation between land administration and post-conflict state building. Therefore, the main research objective was to identify which interventions in land administration and under which circumstances facilitate post-conflict state building.

In order to achieve the main research objective, a qualitative research approach with a fieldwork was applied on two main case studies: Kosovo and Rwanda. Findings from the main case studies were supported with three supportive case studies: Mozambique, Cambodia and Timor-Leste, by collecting data from the literature. Empirical data and literature were used to set the theoretical propositions as: (1) a framework for rebuilding post-conflict states, and (2) interventions in land administration for post-conflict state building. For the final discussions and for the analytical generalisation correlating analyses were performed in a three-dimensional matrix, where the theoretical propositions (1) and (2) formed a skeleton of the matrix and empirical data from the main case studies constitutes the third dimension. The research first derived general findings on land, conflict and post-conflict contexts and, finally, specific findings were presented as in the framework for rebuilding post-conflict states grouped as: institutional weaknesses, economic and social problems, and serious security problems.

Main findings from this research lead to conclusion that the identified interventions in land administration can be seen as facilitators of post-conflict state building.

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## **1. INTRODUCTION**

The recognition of the role of land and its administration in post-conflict contexts is attracting the attention of international practice, politics and scientific debates. Initial research on this topic started by reviewing the existing literature on the three interrelated topics: conflict and post conflict contexts, land and its administration in post-conflict contexts and post-conflict state building. The following gap in the knowledge was discovered: the relationship between land administration and post-conflict state building. This relationship was not appropriately addressed in the literature. The research continued on the examination of characteristics of conflict and post-conflict contexts in relation to land. Initially land and other resources in conflict and post-conflict contexts were explored in order to increase the understanding of this subject. With the recognition of the important role that land played in such contexts, examination continued in discovering how land was managed and administered in conflict and post-conflict contexts. As stated in the first section of this research, the findings from the section two set the base for the case studies; examination and collection of empirical data via fieldwork for our main cases of Kosovo and Rwanda. Third section of this research explored the conflict and post-conflict land administration in the case of Kosovo, where the relationship between land administration and post-conflict state building emerged. Furthermore, characteristics of post-conflict state building with focus on land issues were explored more in depth through the case of Rwanda in the section four. Fifth section integrated the collected evidence from the main case studies and supported this with findings from three supportive case studies: Mozambique, Cambodia and Timor-Leste, in which the same phenomenon was investigated based on the literature review. The collected evidence was integrated in a three-dimensional matrix which supported the analytical generalisation and discussions for increasing the understanding of the relationship between interventions in land administration and post-conflict state building.

The following Chapter 2 provides discussion of the main findings of each specific objective and Chapter 3 discusses the implication of these results for knowledge and literature, policy formulation and implementation, and benefits of the results for the practitioners. Finally, Chapter 4 provides recommendations for future research.

## **2. MAIN FINDINGS AND CONCLUSIONS FROM THE PHD RESEARCH**

This chapter synthesizes the main findings and conclusions from the performed research based on the four research sub-objectives proposed at the beginning. These sub-objectives were:

- Examine the characteristics of conflict and post-conflict contexts in relation to land;
  - Explore and identify specific interventions in land administration for post-conflict contexts;
  - Recognize the characteristics of post-conflict state building with focus on land issues;
- and
- Assess which interventions in land administration in post-conflict contexts took place and how those interventions could be recognised as a facilitator of post-conflict state building.
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Post-Conflict Land Administration, Facilitator of Post-Conflict State Building (8071)

Dimo Todorovski, Paul van der Molen and Jaap Zevenbergen (Netherlands)

FIG Working Week 2016

Recovery from Disaster

Christchurch, New Zealand, May 2–6, 2016

The following sub-chapters summarises the main findings based on each sub-objectives listed above. Sub-objective one is addressed in the second section of the PhD research. Sub-objectives two and three are observed in both section three and section four. Where, in section three the leading case is the case of Kosovo and this case is investigated to achieve the sub-objective two, and in section four the leading case is the case of Rwanda and this section reflects to sub-objective three. In addition sub-objective four is addressed in section of analyses and discussions - section five.

## **2.1 Examine the characteristics of conflict and post-conflict contexts in relation to land**

The most serious concerns in present-day conflicts are: the death of people, the destruction of houses and infrastructure and the displacement of population. This research confirmed that natural and other resources can act as a motive for the conflicts and can finances them (Ross, 2004); it was also confirmed that climate change has an impact on conflicts as well (Theisen, 2012). Compared to the conflicts of the last century, the number of people killed in conflicts nowadays has decreased but more civilians die in conflicts instead of military personnel (UNHCR, 2012). This research revealed that the destruction and the displacement had the greatest effect on land and its administration.

It was shown that in some cases land was a major cause or it was one of the many factors that influenced the eruption of an armed conflict. Other related types of conflicts identified here were secondary conflicts (Lewis, 2004) and land conflicts (Wehrmann, 2005). This research confirmed the recognition that land was identified as a critical gap in the international response capacities (OCHA, 2005) and that all conflicts have a land dimension (Putzel, 2009). It revealed that land issues required specific attention during the state building in post-conflict contexts. From the lessons learned from the researched cases it was shown that it was beneficial when land-related issues and specific land management and administration were included in the peace agreement documents integrated in the UN operations. Where this was not the case, development of the land segment occurred later, resulting in the complicating and slowing down of the post-conflict state building.

At the end of a conflict displaced people return to their places of origin in large numbers. This research has shown that together with this land-related issues like burned or destroyed houses and properties illegally occupied by secondary occupants are critical in the post-conflict contexts. The normative framework for addressing housing, land and property rights in context of displaced persons is summarised in COHRE (2007), known as the 'Pinheiro Principles'. In this research, land and property disputes and claims in post-conflict period were recognised as threatening issues. When left unaddressed, they were a cause for new violent situations and secondary conflicts. The cases researched in this research confirmed that land administration systems suffered mostly from the loss of land records and loss of land professionals. Having acknowledged the 'goal of land administration and its potential, land administration was deemed as an appropriate instrument for the implementation of the national land policy' (van der Molen, 2002), and this should be

embedded in a wider development plan of the state emerging from conflict (Todorovski et al., 2015d).

## **2.2 Explore and identify specific interventions in land administration for post-conflict contexts – the case of Kosovo**

To reach the second objective of this research, a fieldwork for data collection was executed in order to better understand the intervention in land administration in the period before and during the conflict and in the post-conflict period in the case of Kosovo. This research discovered that prior to the conflict administration of land became part of discriminatory practises which fuelled ethnic tension dramatically (Cordial and Rosandhaug, 2008). During the conflict, apart from the most regrettable casualties, major parts of the housing stock were destroyed and property rights were severely violated. At a technical level, in many cadastral offices the existing records were purposely taken away and transported to Belgrade (TOR, 2000). It reveals that at the end of the conflict, the land question was adequately included in the peace agreements, which led to involvement in land matters by UNMIK and the international community (UN, 1999c), in particular UN-HABITAT. This has initiated the development and implementation of the Kosovo Cadastre Support Programme (Anderson and Onkalo, 2004). During the phases of post-conflict development, of the emergency, the early recovery and the reconstruction phase, the international community, the UNMIK administration and local actors developed a system of housing and property rights and related land administration function. It was shown that developments were evident at an institutional and technical level, creating laws and bylaws, organisations, mandates, and offering building up the capacities both in staff and equipment. In addition, an efficient mechanism was put in place to solve the numerous housing and property rights claimed by returning displaced citizens (Cordial and Rosandhaug, 2008). It reveals that all this has created a good basis for further societal development.

All these developments revealed that housing and property rights and the related land administration functions might be seen as contributors to post-conflict state building. Therefore, we observed the interventions in housing and property rights and land administration from the perspective of post-conflict society's theory (Ball, 2001). Contributions from interventions in housing and property rights and land administration can be grouped under the three characteristics for rebuilding post-conflict states: improvement of institutional weaknesses, tackling social and economic problems, and enhancing the security situation. It was discovered that strengthening of the institutional weaknesses in the land sector (implementation programme, land administration and land claim organisations, land law, land policy and building the capacities) were identified as elements that contributed to strengthening of the institutional weaknesses of post-conflict Kosovo. In addition it was shown that interventions in housing and property rights and land administration, which contributed to the development of land associated sectors, were proven as elements that contributed to improving the social and economic problems of the post-conflict Kosovo. Finally, including the specific land administration and land management issues in the peace agreement and land dispute resolution the organisations supported the settlement of the disputes over land and reduced conflict tensions. This research verified that interventions in housing and property rights and land administration were identified as elements that supported reducing the security problems

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Post-Conflict Land Administration, Facilitator of Post-Conflict State Building (8071)  
Dimo Todorovski, Paul van der Molen and Jaap Zevenbergen (Netherlands)

FIG Working Week 2016  
Recovery from Disaster  
Christchurch, New Zealand, May 2–6, 2016

in post-conflict Kosovo. These findings led to the conclusion that indeed the interventions in land administration made a positive contribution in addressing each of the three characteristics of rebuilding post-conflict states (Todorovski et al., 2015b).

### **2.3 Recognize the characteristics of post-conflict state building with focus on land issues – the case of Rwanda**

Section four of this research was dedicated to identifying the characteristics of war-torn societies from theory (Ball, 2001; Takeuchi, 2014) and to relate that to housing land and property issues and land administration in post-conflict context. For this we used the collected evidence from the case of Rwanda (Manirakiza, 2014; Potel, 2014; Songo, 2014).

One of the characteristics of post-conflict state building are institutional weaknesses, which was initially addressed by applying specific land policies. Land policies have significant influence on the population and they contribute to creating legitimacy for the post-conflict state (Hilhorst and van Leeuwen, 2000; Huggins, 2009). It revealed that land policies led to the development of land laws and appointed organisations for enforcement of the policies and the laws. This research showed that land administration organisations and land claim commissions strengthened the governmental structure. Implementation of legal frameworks was most successful via appropriate implementation programs, as shown in the good practice in the case of Rwanda (Gillingham and Buckle, 2014).

Another characteristic of post-conflict state-building activities are ongoing social and economic problems. These problems were tackled from the beginning of the post-conflict period with the promotion of peace, social harmony and reconciliation; in the peace agreement document (R. PAD, 1993). Land-related issues, specifically in relation to a displaced population, were addressed in the same manner. Mediation and advice in allocation of land to returnees, or land policies supported by local authorities, and official land claim commissions for settling land disputes (Potel et al., 2015), as it was shown via the case of Rwanda supported the social situation. Improvement of the service provision, within the land administration sector, via appropriate implementation programs increased the security in land rights. A supportive implementation program in land administration strengthened the development of a land market and the overall economic situation of a post-conflict state (Gillingham and Buckle, 2014).

The security situation is always problematic in a post-conflict context, this was also a case in Rwanda (Prunier, 1997; Takeuchi, 2011). Land dispute resolution institutions were accepted and developed as contributors to overall security in a post-conflict Rwanda (Songo, 2014). Including land dispute resolution institutions in the peace agreement document and in the UN operational guides showed that this can speed up the development of such institutions. Availability of mediation methods or official land dispute resolution institutions was recognized as an element that supported the security situation after the conflict (Todorovski et al., 2015a).

This section of the research identified the characteristics for rebuilding post-conflict states and related them with housing and property rights and land administration. The conclusions from this section are that land related issues and land administration indeed play a substantial role in post-conflict state building in the case of Rwanda (Todorovski et al., 2015a).

## **2.4 Lessons learned from the supportive case studies**

In order to support the results from the analyses of the data from the main case studies, additional analyses of the same topic is performed in three supportive case studies: Mozambique, Cambodia and Timor-Leste. In the following three sub-sections the results from the analyses of the supportive case studies based on literature review are presented in the same structure as the results from the main case studies.

### **2.4.1 Case study Mozambique**

The conflict – civil war in Mozambique has characteristics of intra-state conflict which resulted with approximately 6 million internally displaced persons (IDPs) and refugees – more than any other country in Africa. In the general peace agreement document land issues are mentioned in relation to IDPs and refugees (PAD, 1992). Many IDPs went to the cities and stayed there during and after the conflict but also after the end of the war, many returnees find shelter in the cities and towns – displacement fosters urbanization (Todorovski et al., 2013). During and after the conflict land related issues to IDPs and refugees came on horizon. The situation got much complicated with big lease/concessions given by different governmental actors to national and international companies. Very soon multiple layer land claims and disputes were big challenge of the overall bad state performance related to land (Myers, 1994).

Big presence of international community and donors was evident in post-conflict Mozambique. Land issues were identified as a gap in the international response capacities and were not appropriately addressed by governmental actors in the post-conflict period. After the land was identified as a very important element for the future development of post-conflict Mozambique land issues come very high on the state political agenda. The National Land Policy was developed in 1995. The Land Law was developed in 1996 and came into force in 1997. Regulations for Land Law – rural land have been in force from 1998. In 2000 a technical Annex to the Land Law was adopted related to the processes of identifying and recording the rights of local communities and good-faith occupants (Cossa and de Wit, 2009). Nowadays, it is reputed as one of the best legal land frameworks in Southern Africa. The Government's implementation of the Mozambican Land Law has been criticised for the gap between theory and practice (LANDac, 2012). Land administration was identified as an important element in the post-conflict state building process and for the sustainable development of Mozambique. Therefore this state function went through a continuous development (Todorovski et al., 2013).

Developments in land policy, legislation and the establishment of organisations such as Ad Hoc Land Commission and National Directorate of Land and Forests - DNTF, dealing with land problems and administration reveal that this contributed to post-conflict institutional weaknesses in Mozambique. These developments resulted further in an improvement of the land registration and

land administration system which increased the security of land rights, provision of products and services, and establishment of real property market. Thus, we can conclude that these interventions in land administration supported agricultural productivity, economic development and reduced the social tensions in the case of Mozambique.

#### **2.4.2 Case study Cambodia**

Ideological misunderstanding and ethnic divisions could be identified as causes of the protracted civil war in Cambodia which resulted in the death of more than two million people. This conflict, which contained characteristics of intra-state, inter-state and one-sided violence, produced several million IDP's. All citizens of the bigger cities, including Phnom Penh, but also people from the rural areas were constantly displaced during the Khmer Rouge era (1975-79). Private property was abolished, and for the purposes of creating an 'ideal agrarian society' state infrastructure together with all state documentations and archives was destroyed (Robben, 2010). Displacement and creation of the agrarian society increased the land dimension of the conflict in the case of Cambodia. Cambodia is considered an agrarian state where 80% of the population is involved in agriculture (Törhönen, 2001). Effects of the conflict had a big impact on the land administration in Cambodia, where all land records, maps and documentation were lost as well as most land professionals and people educated in land were eliminated during the conflict.

Private ownership was abolished during the Khmer Rouge era. But even with its re-introduction after 1989, Cambodia faced technical, financial, legal and organisational obstacles in performing this very important state function. In the mid-90s developing partners in the land sector, the Governments of Germany and Finland started to provide assistance and support, and consequently things started to improve. The period from 1995 until 2001 is marked by many study projects. This resulted in the development of the Land Policy and new Land Law in 2001, followed by a multi-donor Land Management and Administration Project which started in 2002. The project finished in 2009 with the continuation as the second phase named Land Administration Sub Sector Program (Anttonen, 2010). Achievements of these projects were possible with involvement of multi-disciplinary stakeholders and they went in alignment with the Government Statement on Land Policy from 2001 in achievement of the national goals: economic development, poverty reduction and good governance. Effects from the conflict, prolonged rebuilding of the state and establishment of all post-conflict state processes (Joseph, 2013). This was also the case with the improvements in the land administration sector. Developments may be later but evident in the land sector of Cambodia, they contribute towards strengthening of the institutions, and towards economic and social development (Todorovski and van der Molen, 2014).

Land disputes and conflicts over properties occurred in Cambodia for a longer period after the end of the conflict. Conflicts over land have increased in Cambodia mainly because of the ambiguity of land rights. One of the typical land disputes involved unregistered lands that become the object of economic land concessions even though people live on the lands. Most frequent conflicts over land and properties were conflicts between the neighbours about their parcel boundaries and conflicts between villages. Cadastral commissions, the National Authority for Land Dispute Resolution, and the courts were the formal institutions that played an important role in dispute settlement. The functions of a commission were defined by the 'Organization and functioning manual' (2002).

Although the cadastral commission system has played a role in the facilitation of land disputes, it has not been able to keep up with the increasing number of land disputes. The National Cadastral Commission report (2008) pointed out that five years after the establishment of the commission, only 1/3 of land-claims have been solved (Sekiguchi and Hatsukano, 2013). Therefore we conclude that resolution of land disputes and claims is questionable as regards overall security in Cambodia.

### **2.4.3 Case study Timor-Leste**

The history of Timor-Leste in the period of 1974-1999 is marked with violations of human rights such as: self-determination, killing and disappearance, forced displacement and famine, detention and torture, violation of the laws of war, political trials, sexual violence, violations of the rights of the child, and violations of economic and social rights (CAVR, 2005). The land administration in Timor-Leste was heavily influenced by the colonial and conflict characteristics. The largest impacts on the land administration issues were: displacement, illegal occupation, destruction of infrastructure and houses, land records burned and destroyed, and land professionals fleeing the country (Fitzpatrick, 2002). The rule of law being essential to a state emerging from a conflict, we found that developments of the legal land framework, the establishment of organisations dealing with administration of land, and the participation of communities and the citizens in the land sector (USAID, 2012), contributed to the realisation of the rule of law in the case of Timor-Leste.

Legitimacy of state initially was supported by involvement of the UN mission in Timor-Leste UNITAET and international community; the land sector was supported by UN-HABITAT. The post-conflict governmental structure was supported by the creation and performance of the National Directorate for Land, Property and Cadastral Services (DNTPSC) an organisation responsible for land registration and administration, and the registration of disputed properties. DNTPSC, with the support of UN and international donors, significantly improved the legal framework and operational procedures. Training and education of the staff of DNTPSC was and still is supported by capacity building projects funded by international donors. Post-conflict land administration had a positive role in strengthening of the institutional weaknesses of Timor-Leste (Todorovski et al., 2015c).

Addressing land issues in the Agreement Document (AD, 1999) was a first step of involvement of specific land disputes mechanisms and land administration in the improvement of the economic and social situation. DNTPSC assisted with displacement and destroyed properties by providing cadastral products and services - when they became available. The project Strengthening Property Rights in Timor-Leste supported by USAID (USAID, 2012) and the National Recovery Strategy had a successful implementation, which to a high degree put an end to the long and difficult problems of the displaced people (Van der Auweraert, 2012). It is believed that the project and the strategy had a beneficial impact on social life in support of the overall difficult economic situation in Timor-Leste. Development of land administration, specifically the creation of the land records that had been destroyed and were unavailable, contributed to the service provision to all land-related sectors and significantly increased the security of the land rights. This was also seen as a support of the establishment of the land market within the overall economic development. As discussed here, interventions in land administration contributed to the improvement of the economic and social situation of Timor-Leste

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Post-Conflict Land Administration, Facilitator of Post-Conflict State Building (8071)  
Dimo Todorovski, Paul van der Molen and Jaap Zevenbergen (Netherlands)

FIG Working Week 2016  
Recovery from Disaster  
Christchurch, New Zealand, May 2–6, 2016

Land administration issues that contributed to the security situation in other post-conflict cases were creation and availability of functional land dispute resolution mechanisms. With the Law No. 1/2003 this duty for the case of Timor-Leste was briefly given to the DNTPSC, but further legal legislation, operations and procedures were not developed at that time. It was identified that within the registration process there was a possibility to map the disputed parcels. These maps were publicly displayed at easily accessible points in the communities. It is believed that this stopped the continuation of the illegal land and property transactions; with this conflicts over disputed properties were significantly reduced (Todorovski et al., 2015c). From the video statement of a village chief from Timor-Leste we can derive that registration of land in the land administration system and availability of lease agreements and land records, resulted in preventing conflicts over land. In the past these conflicts over land were a regular practice but nowadays, with availability of the lease agreements, this is reduced especially in inheritance cases (Mokokoane, 2014). These developments to some degree supported to the security situation of post-conflict Timor-Leste.

## **2.5 Assess which interventions in land administration in post-conflict contexts took place and how those interventions could be recognised as a facilitator of post-conflict state building**

The fifth section of the PhD research aimed at increasing the understanding of the relation of interventions in land administration in conflict and post-conflict contexts with post-conflict state building. In order to achieve this, a qualitative research approach was applied on two main case studies: Kosovo (in section three) and Rwanda (in section four), deriving empirical data from the cases. Findings from the main case studies were supported with three supportive case studies: Mozambique (Todorovski et al., 2013), Cambodia (Todorovski and van der Molen, 2014) and Timor-Leste (Todorovski et al., 2015c); where, collecting data was on the bases of literature review.

Thirteen elements of the post-conflict state building that influence or are influenced by land and land administration issues, grouped under the three main characteristics, were identified in the *(1) framework for rebuilding post-conflict states* taken from a theoretical perspective. These elements are presented the following Table 1:

<i>Institutional Weaknesses</i>	<i>Economic and Social Problems</i>	<i>Security Problems</i>
<ul style="list-style-type: none"> <li>- Legitimacy of the state / political leaders</li> <li>- Political system</li> <li>- Government structure</li> <li>- Legal framework (Policies, Law and Administration)</li> <li>- Building Capacities</li> </ul>	<ul style="list-style-type: none"> <li>- Displacement</li> <li>- Destroyed properties and infrastructure</li> <li>- Participation/Cooperation International community and local authorities</li> <li>- Citizen participation</li> <li>- Low economic activities</li> <li>- Lost/destroyed state records</li> </ul>	<ul style="list-style-type: none"> <li>- Peace and reconciliation</li> <li>- Conflicts over land and property</li> </ul>

Table 1: A framework for rebuilding a post-conflict state

Lessons learned from the cases were based on empirical data from the main cases and supported by the findings from the supportive case studies. Accordingly, the table containing (2) *interventions in land administration for post-conflict state building* was derived. The Table 2 was adopted as follows:

Interventions in land administration for post-conflict state building	Kosovo	Rwanda	Mozambique	Cambodia	Timor-Leste
National Land Policy	√	√	√	√	√
Cadastre / Land Law	√	√	√	√	√
Land administration organisations	√	√	√	√	√
Land-claims commissions	√	√	√	√	√
Implementation program / project	√	√		√	√
Ad hoc land policies: land sharing, state land for housing and village settlements		√			
Specific land management / administration issues in peace agreement documents	√	√			√
Land registration improved/created	√	√	√	√	√
Recover/create land records	√	√	√	√	√
Train/educate land professionals	√	√	√	√	√
Cadastre products and services for displaced population and destroyed infrastructure & houses	√				
Land dispute mechanisms (by mediation or adjudication)	√	√	√		√

Table 2: Interventions in land administration for post-conflict state building

For the final discussions and for the analytical generalisation correlating analyses were performed in a three-dimensional matrix, where the theoretical propositions (1) and (2) formed a skeleton of

the matrix and empirical data from the main case studies constitutes the third dimension (Todorovski, 2016). The three-dimensional matrix is as presented here as follows:

			Characteristics for rebuilding post-conflict states										Security			
			Institutional weaknesses					Economic and social problems								
			1	2	3	4	5	6	7	8	9	10			11	12
			Legitimacy of the state / political leaders	Political System	Government structure	Legal framework	Building Capacities	Displaced Population	Destroyed houses and infrastructure	Participation of IC and local authorities	Citizens participation	Low economic activities			Loss/destroyed state records	Peace / reconciliation
Interventions in land administration for post-conflict state building	12	Land dispute mechanisms	KR	KR	KR	KR	KR	KR	KR	KR	KR	KR	R	KR		
	11	Cadastral products and services					K	K	K		K			K		
	10	Train / educate land professionals			KR		KR	KR	KR	KR		KR	K	KR		
	9	Land records: creation / recovery	KR				KR	KR	KR	KR	KR	KR	R	KR		
	8	Land Registration improved / created	KR	KR	KR		KR	KR	KR	KR	KR	KR	R	KR		
	7	Land management / administration in	KR	KR	KR	KR	KR	KR	KR	KR		KR	R	KR		
	6	Ad hoc land policies	R	R			R	R	R	R			R	R		
	5	Implementation programmes	KR	KR	KR	KR	KR	KR	KR	KR	KR	KR	KR	KR		
	4	Land-claims commission	KR	KR	KR	KR	KR	KR	KR	KR		KR	KR	KR		
	3	Land administration organisations	KR	KR	KR	KR	KR	KR	KR	KR		KR	KR	KR		
	2	Land / Cadastre Law	KR	KR		KR	KR	KR		KR		KR				
	1	National Land Policy	KR	KR	KR	KR	KR	KR	KR	KR			KR	KR		

Post-Conflict Land Administration, Facilitator of Post-Conflict State Building (8071)  
 Dimo Todorovski, Paul van der Molen and Jaap Zevenbergen (Netherlands)

## Matrix 1: Interventions in land administration that facilitate post-conflict state building

Correlation analyses enriched the analytical generalisation in discussions on how interventions in land administration facilitate post-conflict state building. The research first derived general findings on land, conflict and post-conflict contexts and, finally, specific findings were presented as in the framework for rebuilding post-conflict states grouped as: institutional weaknesses, economic and social problems, and serious security problems.

*General findings on land, conflict and post-conflict contexts:* Our cases showed that in some cases land was a major cause or it was one of many fuelling factors that influence the eruption of armed conflict. Therefore, land issues required specific attention during the state building in post-conflict contexts. This confirms the recognition that all conflicts have a land dimension. From the lessons learned from the cases it was beneficial that specific interventions in land administration and land-related issues were included in the peace agreement documents integrated in the UN operations. Our findings showed that if this was not the case, development of the land segment occurred later, resulting in complicating and slowing down the post-conflict state building. Where applicable it was beneficial to quickly adopt ad hoc land policies, which strengthened the legitimacy of the state and supported the political stability. Developments in the land sectors with reference to land legislation, organisations with mandate for its enforcement, and participation by citizen and authorities involved, contributed to the rule of law in the specific post-conflict states.

In regard of *institutional weaknesses*, this research shows that development of a National Land Policy in post-conflict contexts resulted in a benefit to all related users. This was most efficient when it was developed within a broader National Development Strategy jointly created and accepted by all related stakeholders. The land policy needs to contain clear directions about the development of the land law and appointment of specific organisations with a mandate for enforcement of the law and the policy. In all researched cases the creation of specific organisations, such as land administration organisations and land-claims commissions, revealed that this supported the governmental structure and strengthened the weak post-conflict political system. In addition, capacity building was required and implemented in relation to the legal framework, the creation of organisations, the education and training of land professionals and equipment. Building capacities in all cases were supported by the assistance from international actors or development partners. Findings from this research have shown that the mentioned land-related activities are most effective and efficient when developed with international assistance and through implementation programmes. Interventions in land administration as discussed in the final analyses in section five of the PhD research, contributed to the improvement in the low legitimacy of the political leaders and legitimacy of the state as well. For one of our cases, Rwanda, findings showed that building the legitimacy of the state initially was based on the *ad hoc* land sharing policy, allocation of state land, and housing and village settlements.

In regard to *economic and social problems*, this research concluded the following. Addressing the specific land management/administration intervention in the peace agreement documents in three researched cases (Kosovo, Rwanda and Timor-Leste) and addressing land issues as regards displaced persons in all cases was a first step of involvement of land and its administration in the improvement of the economic and social situation in post-conflict contexts. In addition, the creation of specific land-claim commissions and land administration organisations supported the population and specifically the displaced people in settling the land disputes and reduced the social and security tensions. The aim of land administration organisations is the creation or improvement of the land registration and land administration system. Our cases showed that this was successfully realized, supported by implementation programmes or projects, which further contributed to a sustainable development and supported the real estate market. The success of the implementation programmes and projects, as was a case in the main case studies (Kosovo and Rwanda), reveals, that it influenced the economic development and reduced social tensions. Development of land administration, specifically in the creation of land records in four cases or recovery of the land records (as in the case of Kosovo), contributed to the service provision to all land-related sectors and significantly increased the security of land rights. This supported the establishment of the land market and improved the overall economic development. This research showed that when land records become available, provision of land products and services assisted the requirements in case of displacement and destroyed properties.

The *security situation* in post-conflict contexts by default is tense and fragile, with a large military presence. Addressing specific land management/administration (as in the cases of Kosovo, Rwanda and Timor-Leste) and land related issues in regards of displaced population in the peace agreement document, as was shown in all five cases of this research, to some degree contributed to address the difficult security situation. Land dispute and claim mechanisms (using mediation or adjudication methods) were adequately developed in each of our cases. In addition, this research revealed that these mechanisms are seen as instruments that supported the settlement of the disputes over land and reduced conflict tensions.

The main findings from this research presented here lead to the conclusion that the main research objective was achieved. Namely, the interventions in land administration that took place in post-conflict contexts were identified and it was elaborated how those interventions facilitate post-conflict state building.

### **3 IMPLICATION OF THE RESULTS**

This chapter discusses the implication of the results from the PhD research for their contribution in general and in addition specifically in regard of 1) knowledge and literature, 2) policy formulation and implementation and 3) the practitioners.

General implication of the results from this study for all is that the identified interventions for post-conflict state building coincide with interventions that are an integral part of the literature on contemporary land administration and successful development programs in those fields. Our list of

interventions additionally contains creation and availability of land dispute mechanisms, mainly because land disputes and conflicts over properties are more present in post-conflict contexts than in times of peace. Since disputes and conflicts over land are present almost in all societies globally, the ways that those were addressed and elaborated in the case studies of this research, would be beneficial and could be integrated in other well-performing land administration systems as well.

### **3.5 Knowledge and literature**

As discussed in several sections of the PhD research, land and its administration are increasingly recognised as important elements, in conflict and in post-conflict contexts in literature, but also in international community reports and policy documents, and in practitioners' reports. However, there is limited literature on land administration within post-conflict state building. This research adds the issues of interventions in land administration for post-conflict state building to the land administration literature, literature on peace and conflict, and post-conflict state building literature. The results from this research enrich the understanding of land administration as a facilitator of post-conflict state building.

Literature: EU-UN (2012), Unruh and Williams (2013b) and Takeuchi (2014), revealed research on land and conflict or land and property for peace building. This research tackled the gap in the knowledge and provided new literature contributing to two aspects. In regard of extending the knowledge for land professionals engaged in rebuilding post-conflict societies, the case studies showed that too few land professionals with relevant knowledge in land administration and related issues are engaged in post-conflict contexts. This research and its findings provide a solid base for increasing the knowledge body for the academia involved in this segment and for the land professionals in this regard. In addition, it enhances the knowledge about the post-conflict state building process by identifying which interventions in land administration can be applied and how they could support this process. This provides new literature for researchers and professionals in the fields of peace and conflict studies and post-conflict state building studies.

### **3.6 Policy formulation and implementation**

The identified need that land issues should be on the agenda of the international community and included in the negotiations for the peace agreement or National Land Policy of the states emerging from conflict was acknowledged once again in this research.

Policies and legislation lay the foundation for state building: the process of their formulation and implementation is closely related and strengthens the state building process. Our case studies showed that this is of particularly importance in post-conflict contexts. In regard of developing a national land policy, the policy should be developed as an integral part of the broader National Development Strategy. It is recognised that the rule of law is critical to states emerging from a conflict on their way towards stability and long-lasting peace. It is important that the rule of law is not only provided for in the law but is also practiced by the officials of the state, allows participation of the citizens and is enforced by the courts. Adaptations of the land policy led to development of land laws and to the establishment of organisations that have a mandate for their

enforcement. Our cases showed that development of the land policy in earlier stages of post-conflict, as soon as the basic conditions for this are met, would bring results and benefits for all sooner.

### **3.7 The practitioners**

Land administration and post-conflict state building are recognised as multidisciplinary topics involving scholars and professionals from many fields. Therefore, it is our belief that results and findings from this research would be beneficial for multiple practitioners engaged in fields related to land administration in post-conflict contexts. Specific benefits and recommendations would be: 1) the mentioning of land issues and specifically land management and land administration in peace agreement documents, as was proved a good practice in the findings from our case studies and 2) the enforcement of land policies and land law, which were proven to have the greatest benefit when supported with implementation programmes or projects at scale for their implementation.

## **4 RECOMMENDATION FOR FUTURE RESEARCH**

This research provided empirical data to fill the gap in the knowledge, where a positive relationship between land administration and post-conflict state building was recognised. However, recommendations for future research could broaden the potential of land administration as a whole or some of its components supporting post-conflict state building.

Firstly, availability of land dispute administration and resolution institutions are generally accepted as contributors to the overall security in a post-conflict situation. Absence of such institutions could result in a small-scale land conflict with a threat that they grow bigger and finally evolve into violent conflicts. Thus, future research could focus on development and testing in real-life alternative and fit-for-purpose land tools which would be more efficient in administration and resolution of land and property disputes in other post-conflict cases or contexts.

Secondly, this research was based on two main case studies and three supportive case studies, where, based on the case study selection criteria given in the first chapter, the case studies were entire states. Other conflict and post-conflict cases (for example: Colombia, Sudan, Ukraine and several states in Middle East) are showing that conflict sometimes affects only parts of these particular states. Therefore, the recommendation for future research is to investigate the same phenomenon under investigation here in such types of post-conflict contexts.

Thirdly, challenges in regard of displacement of population, as an effect of violent conflicts, are becoming alarming issues for the countries in conflict, transit countries and specifically for the final destination countries. Further research that would investigate housing and property rights and land administration and specific needs of displaced population, regarding circumstances and corridors where they migrate in relation to land is recommended.

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Post-Conflict Land Administration, Facilitator of Post-Conflict State Building (8071)  
Dimo Todorovski, Paul van der Molen and Jaap Zevenbergen (Netherlands)

FIG Working Week 2016  
Recovery from Disaster  
Christchurch, New Zealand, May 2–6, 2016

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FIG Working Week 2016  
Recovery from Disaster  
Christchurch, New Zealand, May 2–6, 2016

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FIG Working Week 2016  
Recovery from Disaster  
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