

UNIVERSITY OF TWENTE.

# POST-CONFLICT LAND ADMINISTRATION AS FACILITATOR OF POST-CONFLICT STATE BUILDING; CASE CAMBODIA

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## OVERALL PHD CONCEPTUAL RESEARCH DESIGN

Identified Gap in Knowledge – LA in post-conflict environment in relation to post-conflict state building

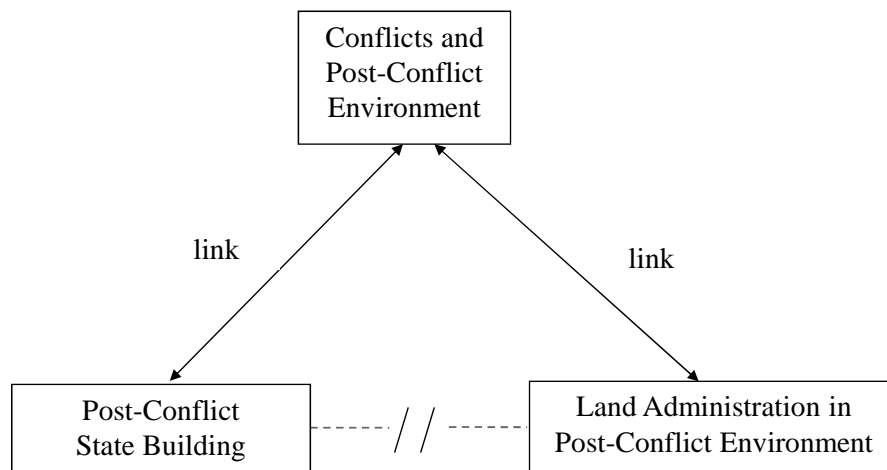


Figure 1: Conceptual Research design





## CAMBODIA – SUPPORTIVE CASE STUDY

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- Main Case Studies - with fieldwork:
  - Case Kosovo
  - Case Rwanda
  
- Supportive Cases (Literature) – Conference papers on:
  - Case Mozambique, FIG Working Week 2013
  - Case Cambodia, FIG Congress 2014



## CAMBODIA – HISTORICAL BACKGROUND

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- History with many conflicts in the past
- Administered by France as a part of the colony of French Indochina 1863-1953 (indipendance: 9 November 1953)
- WWII occupied by Japan
- King Sihanouk 1955 abdicate his crown, than as PM (Socioeconomic division and many conflicts, border Vietnam)
- Civil war outbreak 1967 – Khmer Rouge followers
- '70 General Lon Nol / till '75 Vietnam war effect bombing
  
- April 1975 Khmer Rouge overtake control of state – enter the most tragic period of country's history 'Year Zero'





## CHARACTERISTICS OF THE CONFLICT IN CAMBODIA

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- Causes of Conflict – ideological and ethnic divisions
- Changing nature of Conflict – extra-state / inter-state / intra-state civil war / one-sided violence
- Duration of Conflict – ...+ 4 years + 10 years + 4 years + ...
- Number of people killed in Conflict – 14% in WWI; 64% WWII; 90% in 1990's – in Cambodia more than 2 million
- Displaced persons – all which disagree with KR
- Phnom Pen – 'Ghost city '
- Destruction of all state infrastructure and state archives, including land register
  - Money and salary abolished, schools and factories closed, churches and monasteries forbidden
- 1978 provocations on border and 1979 Vietnam overtake



## CHARACTERISTICS OF POST-CONFLICT CAMBODIA

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- More traditional type of communism regime
- Soon face difficulties to rebuild totally destroyed state
- In 1989 Vietnamese troops withdraw – again conflicts
- Peace Agreement Document – Aug.1989-Oct.1991, land issues in very broad sense – right to land human right of IDPs
- 1993 general elections – riddled with conflicts
- 1998 second elections – situation improved
- Reason for those conflicts: Khmer Rouge still present
- Gen. Characteristic of war-torn societies:
  - (a) Weak Institutions;
  - (b) Economic and social problems and
  - (c) Very low security





## Land administration during the long Conflict period 1

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- Post colonial Cambodia laws and policies from colonial time – specifically in relation to land issues
- Wealthy urban elite big possessions/poor rural farmers
- Khmer Rouge: no private ownership / Collectivized land
- Land register, maps, geodetic networks destroyed
- Most professional and educated people in land – killed



## Land administration during the long Conflict period 2

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- Early 80's practically no institution or cadastre prof's
- Constitution 1989 private ownership re-introduced
- Result: Land grabbing in urban areas
- 1992 Land Law even worse, legitimize the land grabs (these reforms return endemic corruption)
- NO technical, financial, organizational and legal resource





## Land administration after the long Conflict period 1

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- Land administration start development after '91 Paris
- Land Title Department until '98 and after it was Gen. dept. of Cadastre and Geography under MLMUPC
- Late 90's ask for support in land sector: Germany in '95 and Finland '97 answered positively – until today
- Land Management Project – GTZ from '95
- Sys. land registration and cadastre system–FINNMAP 97
- 1998 only 10 % of parcels registered in old paper way



## Land administration after the long Conflict period 2

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- CCP 2000-2002: studies pilot prj. / land policy & legalization / capacity building
- Statement of Royal Government in 2001 support: land administration / management and distribution in alignment with economic dev., poverty reduction and GG
- From 2002 Gov. of Cambodia Germany Finland and WB LMAP prj. with 5 components
- Initially planned for 5 years but it was extended till 2009





## Results from LMAP – Prj. Reports, Documents, Papers...

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- 1,689,639 parcels surv. and reg., and 1,296,735 titles issued;
- around 1,000 Cambodian cadastral officers were trained, in 14 provinces;
- More than 8,000 Administrative Commission (AC) members trained;
- Around 5,000 geodetic ground control points for cadastral surveying and orthophoto;
- Around 60,000 km<sup>2</sup> of digital orthophotos were locally produced;
- More than 190,000 km<sup>2</sup> of digital orthophotos produced and procured
- Public Awareness and Community Participation established;
- A modern digital Cadastral Database and Geodatabase system was developed;
- Land-related policies and regulatory framework were developed;
- Faculty Land Management and Administration at the Royal University of Agriculture;
- As a capacity building, team building and training workshops,
- Mechanisms for land dispute resolution were developed ... (Anttonen 2010, 2012).



## POST-CONFLICT STATE BUILDING IN CAMBODIA

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- Gen.Characteristic of war-torn societies in Cambodia too
- **State Building: aims at harmonizing needs of the citizens and the state by considering political governance in order to meet each other's expectations**
- First challenge: Peace keeping process – **UNTAC and IC**
- Peace building requires Doing Justice and Rule of Law
- Only after elections 1998 – control over its full territory
- Biggest obstacle – corruption TI 2006/2011-164/182
- Still agrarian society 80 % - land issues big impacts





## POST-CONFLICT STATE BUILDING IN CAMBODIA

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- Effects from Khmer Rouge big impact to State Building
- Loss of archives/documents prolong and more difficult
- Land administration identified as very important element of state formation – attracted attention and int. support
- Developments of land administration, management and in land distribution in a broader concept of economic development for poverty reduction and good governance leads this paper to conclude:



## CONCLUSIONS

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Post-conflict land administration contributes to the process of post-conflict state building especially in two out of the three:

- strengthening the institutions and
  - social and economic situation





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## THANK YOU FOR YOUR ATTENTION

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