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How do interventions in land administration in post-conflict situations facilitate state building?

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In earlier research in the area of land administration in conflict and post-conflict contexts the relation between land administration and state building was recognised. This paper aims at increasing the understanding of this relation. Available literature is explored to learn more about the concepts of state building, and land and its administration in post-conflict contexts. The most suitable methodology to increase the understanding of the relation under investigation here is a qualitative research approach using a multiple case study for data collection. In doing so, the cases of Kosovo and Rwanda are used as the two main case studies, and the cases of Mozambique, Cambodia and Timor-Leste are used as supportive case studies. The empirical data from the main case studies and data collected through literature review from the supportive case studies has been used to derive lessons learned from those cases. For analyses of the collected data a three-dimensional matrix has been generated, which is supported by the findings from our cases results in analytical generalisation of the relation. Discussions and analysis of collected evidence indicate how interventions in land administration facilitate post-conflict state building.

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

INTRODUCTION

Land and its administration are always negatively affected by armed conflict, and if they are not addressed properly in the post-conflict period they can be a reason for new disputes or a cause for renewed armed conflict. These issues become more complex after the end of the conflict, when the post-conflict contexts are characterized by: Human casualties, destroyed infrastructure and houses, and displaced population. Awareness about the importance of addressing land in such a circumstance has increased in the last 15 years, both in literature and in practice. A research in the area of land administration in conflict and post-conflict contexts has identified that a relation exists between land administration and state building (Todorovski et al., 2015a, 2015b). Therefore, the aim of this paper is to increase the understanding of this relation. This paper is guided by the following research question: How do interventions in land administration in post-conflict situations facilitate state building?

In the following section the theoretical perspectives on the topics of state building and of land and its administration in conflict and post-conflict contexts are explored based on literature. The methodology section elaborates the methodology chosen, the strategy for case selection and the selected cases which will be used to

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increase the understanding of the identified relation. The 'Lessons learned from the cases' section presents the analysed empirical data and discussions from two main case studies, with support from the analyses of data from literature on three additional supportive case studies. In the 'discussions and analyses' section the correlating analysis is performed and represented in a three-dimensional matrix. Lessons learned from the cases together with the matrix are used to increase the understanding of the relation between land administration and state building in post-conflict contexts. Based on this, the paper ends with drawing conclusions and proofs about the identified relation.

THEORETICAL PERSPECTIVE: POST-CONFLICT STATE BUILDING, LAND AND ITS ADMINISTRATION IN POST-CONFLICT CONTEXTS

In order to better understand the relation between (1) post-conflict state building and (2) land and its administration in post-conflict contexts, a theoretical perspective on these two topics is elaborated from the available literature.

Post-conflict state building

Peace building

Peace building is defined as Actions undertaken by international or national actors to institutionalize peace, understood as the absence of armed conflict and at least a modicum of political process' (Call and Cousens, 2008).

After the end of an armed conflict, sometimes a new state is formed or an old one resurrects from the ruins of conflict; both have to go through the process of rebuilding the post-conflict state. The rebuilding of the post-conflict states is a complex and delicate undertaking (Brahimi, 2007). The first challenge in rebuilding the post-conflict states is the process of keeping the peace, the so-called peace building process. Peace building processes are a risky and sensitive affair, involving many stakeholders, where the situation on the ground is uncertain and changes on a daily basis. Especially in the early stages of the post-conflict period, possibilities of eruption of a new conflict are a big threat to the peace. Peace building is a relatively new concept that has been further developed since its first introduction as a UN tool in the 'An agenda for peace' document. At the beginning, UN activities were focusing on peace-making and peace-keeping - basically security-related actions (UN, 1992).

It is believed that the 'Brahimi Report' (2000) improved the effectiveness of UN peace-keeping operation and since then a more inclusive peace building concept has been introduced (UN, 2000). Moreover, the Brahimi report inspired the creation of the Peacebuilding Commission during the 2005 World Summit as a result of its recommendation to establish a body capable of dealing with transitional administrations and failing states (Stahn, 2005). Nowadays, the views of Call and Cousens (2008) are widely accepted as is done in this paper as well. The process of peace building requires some form of 'doing justice' and therefore the application of the rule of law becomes a necessary perspective for looking at the given post-conflict environment. To develop stability and long lasting peace, it is recognized that the rule of law is critical to states emerging from a long period of conflict and misrule. It is important that the rule of law is not only provided for in the law but is also practised by the officials of the state, allows participation of the citizens, and is enforced by the courts (Rugege, 2013).

In post-conflict situations many different actors are involved and each of them has a specific role to play (Songo, 2014). In such situations, international actors with available resources and skills should facilitate local processes and create a space for local actors, who are the main workforce. Together, they should define and consolidate their policies to build responsive, resilient, and robust institutions (Chesterman et al., 2005).

The mid-1990s have seen a change in peace building activities, where instead of mainly focusing on security activities, increased involvement of the development actors and donors is experienced which included institutional building (Takeuchi, 2014). Some scholars examined specifically the institution building during periods of colonial occupations and after the conflicts, deriving lessons learned for understanding contemporary state building (Matsuzaki, 2011). After the 9/11 event, security and development are being linked and the concept of rebuilding the post-conflict states is seen as a holistic approach - post-conflict state building (Scott, 2007).

State building

Organisation for Economic Co-operation and Development (OECD) defines the state building as: 'A purposeful action to build capacity, institutions and legitimacy of the state in relation to an effective political process to negotiate the mutual demands between the state and societal groups'(OECD, 2008).

State building is a truly inter-disciplinary topic, which draws interest and discussions from the specific scientific fields. Interestingly the literature on state building has been largely driven by the international relations and political science fields. From the security and peace-keeping literature, the terms 'peace building' and 'state building', are considered the same, and they occur in post-conflict contexts (Scott, 2007). Fukuyama defines state building as 'the creation of new government institutions and the strengthening of existing ones' (Fukuyama, 2004). This research focuses on the development of the land administration in post-conflict contexts. Following the logic of development

studies the definition of state building from (OECD, 2008) is adopted. Both practitioners and literature in development studies are guided by this definition as well (Dabo et al., 2010; Takeuchi, 2014).

Post-conflict state building

Although there is no generally accepted list of 'core functional domains' of the state, which should be developed in the post-conflict period (mainly because each post-conflict state is unique in itself), several concepts appear in literature. Addressing post-conflict state building, CSIS/AUSA (2002) produced a framework of four core 'pillars' including: (1) security, (2) justice and reconciliation, (3) economic and social well-being, and (4) governance and participation (CSIS/AUSA, 2002). This concept has been adopted by New Partnership for Africa's Development (NEPAD, 2005) while designing their own post-conflict state building framework adding to the list the fifth (5) pillar: 'Co-ordination, management and resources mobilization'. Emphasizing on the administrative aspect of post-conflict state building, Ammitzbøll and Blair (2011) presented a framework of five core state functions or 'domains': Security, political governance, economic governance, administrative governance and juridical governance. In another variant, Ghani et al. (2006) constructed a list of ten essential state functions.

Van Gennip (2005) elaborated in greater detail on the four 'pillars' version from CSIS/AUSA as follows: 'Security or the establishment of a safe and secure environment through the establishment of legitimate and stable security institutions; justice and reconciliation which incorporates an impartial and accountable legal system, a means to deal with past and current crimes, and a humane prison system; economic and social well-being achieved through the provision of emergency relief, restoration of basic services, laying the foundation for a viable economy and sustainable development; and finally, governance and participation, by building viable constitutional structures, capacity building in state institutions and public administration and the nurturing of an articulated civil society capable of participating in governance and relieving the state of some of its myriad burdens' (van Gennip, 2005). Later, his concept was adopted by NATO Parliamentary Assembly's Economic and Security Commission. What is common for these post-conflict state building concepts is that they are developed from or for the security organizations' perspective.

Observing rebuilding states in post-conflict contexts, Ball (2001) distinguishes three basic characteristics of war-torn societies. The first characteristic comprises institutional weaknesses, like non-participatory and malfunctioning political and judicial systems, strong competition for power instead of attention to governing, a limited legitimacy of political leaders, and no consensus on which way society should go. The second characteristic comprises economic and social problems: Displacement, destroyed or decaying economic and social infrastructure, an increase of the illegal economy, people reverting to subsistence activities, hatred among population groups, and tensions and disputes over land and property. Finally, these societies have to cope with serious security problems: Huge quantities of small arms freely circulating among the population, political influence of the armed forces, demobilization and disarmament, and - significant for the issue under review here - conflicts over land and property (Ball, 2001).

If one observes the definitions of peace building (Call and Cousens, 2008) and the definition of state building together (OECD, 2008), one can also come to another concept of post-conflict state building. Where basic elements would be: Security, strengthening of the capacities of institutions and legitimacy of the state, and improvement of the society citizen relationship - the economic and social development. The concept generated here and the overview of the concepts of post-conflict state building showed that they share a similar conceptual reasoning, and have a lot of similarities and use a similar terminology.

Having this overview of the concepts and mainly guided by Ball (2001), because her concept is most acceptable and logical to link to the collected data from our case studies, we apply those three characteristics. Based on elements identified by Ball (2001) with adding a few extra elements from the other concepts that we investigate in this paper, we further detail each of those characteristics with thirteen elements in Table 1: A framework for rebuilding post-conflict states. In the section 'Discussions and analyses' the contents of Table 1 will be used as a theoretical proposition for the correlating analyses in order to support the discussion of findings from the main case studies.

One key issue in this peace building and state building conundrum is land and property, mentioned in second and third characteristic of war-torn societies (Ball, 2001), which form a basis for people's lives in many ways. Land and property issues provide a policy space in which public institutions and local people aim to improve their daily lives (Kato, 2014). It is therefore evident that tackling land and property problems in post-conflict situations cannot be done in isolation but better be done as an integral part of state building (Takeuchi et al., 2014).

How is land managed and administered in post-conflict contexts?

During a conflict people are killed, buildings and physical infrastructure are destroyed, legal frameworks are set aside, public registers are destroyed, markets do not function any more, properties are taken, and lands are occupied (van der Molen and Lemmen, 2004). Destruction of infrastructure and properties, and displacement have large impacts on land and its

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

Institutional weaknesses	Economic and social problems	Security problems
- Legitimacy of the state / political leaders - Political system - Government structure - Legal framework (Policies, Law and Administration) - Building Capacities	- Displacement - Destroyed properties and infrastructure - Participation/Cooperation International community and local authorities - Citizen participation - Low economic activities - Lost/destroyed state records	- Peace and reconciliation - Conflicts over land and property

Administration in such contexts (Hollingsworth, 2014;Takeuchi et al., 2014).These issues become more complex after the end of the conflict when people in large numbers come back to their places of origin and usually find their houses and properties burned, destroyed, or illegally occupied by secondary occupants (Leckie, 2000; Pantuliano, 2009). This is a critical moment of the post-conflict period and these problems could spawn disputes over land and properties or even a new armed conflict (Lewis, 2004). Other land-related issues that come up in conflict and post-conflict contexts are: Landlessness, access to land, non-functional land administration systems, forced transactions, emergency occupation of land, and housing and property rights (Zevenbergen and Burns, 2010). Disputes and claims over land are a very frequent problem in post-conflict settings. Therefore, land dispute resolution mechanisms are viewed as a conditional tool for a good peace process (Unruh, 2001; Unruh and Williams, 2013a). In the majority of cases, land is seen as politically too sensitive or technically too complicated to be tackled in the early stages of the post-conflict period (EU-UN, 2012).

Land plays a specific role in conflict and post-conflict contexts; therefore it is important to acknowledge how land is administered in these circumstances. Land administration is considered as 'the process of determining, recording and disseminating information about tenure, value and use of land when implementing land management policies' (UN/ECE, 1996). Land administration is the appropriate instrument for implementing national land policies, with a number of functions like support for the establishment of a land market, land use planning, land tax administration and management of state land (van der Molen, 2002). Post-conflict situations lead to a dysfunctional land administration system characterised by: Limited prioritisation of land policy, discriminatory land law, poor institutional and regulatory framework that allows the grabbing of public and private land by powerful individuals and groups, poor management information systems for updating records as well as weak state capacity that is incapable of helping internally displaced people and refugees (Augustinus and Barry, 2006). The most obvious blow for land administration in post-

conflict contexts follows from the loss of staff and records. Staff can be killed (forced to), leave the area or not be able or willing to return to their jobs within land administration systems (Zevenbergen and Burns, 2010). Incomplete, out of date or contested land records can pose a threat to tenure security and the overall peace situation. The issues about land records in a post-conflict situations that require appropriate attention are: Inadequate land records, fragmented responsibility for land records, lost, stolen, fraudulent and altered land records, and woman and children's property and inheritance rights (Todorovski, 2011).

Housing and property rights and land administration are always negatively affected by conflicts and if not addressed properly in a post-conflict context they could be a reason for new disputes or causes for renewed armed conflict (Todorovski et al., 2012b). Looking back in history, the peace agreements contained only limited references to land issues, mainly in relation to displaced people and their basic human right to return to their properties with dignity (PAD, 1991, 1992; R. PAD, 1993). Only in the cases of Kosovo and Timor-Leste specific land management and land administration activities were integrated in the peace agreement and UN operations (AD, 1999; UN, 1999c). As seen in practice and literature, there is an identified need that land issues are put on the agenda of the international community and that they are tackled in peace agreement documents or national land policy of the states emerging from a conflict (EU-UN, 2012).

In order to appropriately tackle the land and property problems in post-conflict contexts, it is necessary to be aware of the fragility of the particular post-conflict state. Addressing land and land administration in such contexts should therefore be coherent with the state building efforts. International engagements on state building are highlighting two important areas of this process: Supporting the legitimacy and accountability of the states and strengthening the capability of the state to fulfil their core functions (OECD, 2008). Takeuchi et al. (2014) argue that tackling land and property problems has important implications for post-conflict state building in general, and particularly for legitimacy building and that regulating land and property rights and land administration is one of the fundamental functions

of the state.

METHODOLOGY

This paper is focusing on increasing the understanding in the relation land administration and state building in post-conflict contexts. Observing this phenomenon we consider it a contemporary practice context, where, the boundaries between the phenomenon and the context are not clear. Yin (2003) defines a case study as: 'An empirical inquiry that investigates a contemporary phenomenon within its real life context, especially when the boundaries between phenomenon and the context are not clearly evident'. The qualitative research methodology examines the how, what and why of various research topics (Thomas, 2003). Therefore, the qualitative methodology using multiple case studies is most suitable for this research.

In this paper we are answering the 'why' question based on the identified concepts in the theory that land and land administration are always negatively affected by conflicts and during the post-conflict period. If these issues are not addressed properly they could be the cause for a new conflict instead of supporting the rebuilding of the post-conflict state. Answering the 'what' and 'how' questions is done in order to identify, what and how the phenomenon of land administration supported post-conflict state building in our cases. These answers provide the evidence for the further analyses in this paper.

Analyses of the case study results should be done through analytical generalisation, where case studies results are generalizable against theoretical propositions (Yin, 2003). To strengthen the relevance of analytical generalisation, it is important to make a right selection of the case(s) to be investigated. The phenomenon under research here is multidisciplinary, with different characteristics of each discipline, and different phases of developments in different cases. Therefore a 'strategy of maximum variance' (Hutjes and van Buuren, 1992) for cases selection is most suitable. This strategy includes the variety of phase development of the phenomenon that is explored. In this regard, selection of the cases is based on the presence of the specific features of: (1) Conflict and post-conflict contexts; (2) Land administration in post-conflict contexts, and (3) Post-conflict state building in each case. About conflict and post-conflict contexts, conflict and post-conflict contexts specific issues with maximum variance related to refugees and internally displaced persons (IDPs) should be present in the main cases. Concerning conflict and post-conflict contexts land administration in post-conflict contexts characteristics like land administration systems with or without land records and presence or absence of land professionals should be present. Regarding the subject of post-conflict state building in each case.post-conflict state building in the main cases, a situation with a newly formed state after the conflict and the existing one coming out from the conflict should be present in main cases. For the two selected main case studies, a field work activities were performed in order to collects primary and secondary data. This process is supported with a literature review on three additional supportive case studies - exploring the same phenomena in the different cases.

To better understand the interventions in land administration in conflict and post-conflict contexts, a qualitative research approach (obtaining data via a case study) was applied in Kosovo (Todorovski et al., 2015b). In Rwanda, data collection was executed in three separate fieldwork activities in Eastern Rwanda (Manirakiza, 2014; Potel, 2014; Songo, 2014). To support the analyses of the data from the main case studies, additional analyses of the same topic is performed in three supportive case studies: Mozambique (Todorovski et al., 2013), Cambodia (Todorovski and van der Molen, 2014) and Timor-Leste (Todorovski et al., 2015c). Data from both main and supportive

case studies are analysed and discussed with respect to the three characteristics for post-conflict state building. These discussions identified the relation between land administration and state building in post-conflict contexts. In the following section a summary of discussions about the identified relation is presented for each case. Based on the theoretical perspective from section two and guided by the lessons learned for the cases a table of interventions in land administration for post-conflict state building is created at the end of the following section.

For the purpose of discussions and analyses of the evidence collected from our cases, correlation analysis is performed in order to derive an analytical generalisation about the phenomenon. Correlation is a technique for investigating the relationship between two continuous variables and measures the strength of the association between those two (UWR, 2015). This is done by using a three-dimensional matrix. The rows of the matrix represent the thirteen elements from the framework for rebuilding a post-conflict state (Table 1). The columns of the matrix represent the different interventions in land as identified in the following section and summarised in Table 4. Together these two tables form the skeleton for the matrix, which is enriched by evidence collected in the field on the main case studies. The results from the case studies together with the matrix will be a fundament for the analytical generalisation about the phenomenon.

LESSONS LEARNED FROM THE CASES

The structure for presenting the collected evidence for each case will be: (1) Background factors about land, conflict and post-conflict contexts; and then (2) Specific elaboration of the interventions in land administration with focus on the post-conflict state building using the structure from Table 1: (a) Institutional weaknesses, (b) Economic and social problems and (c) Security problems.

Lessons learned from the main case studies

In the following two sub-sections the summary of the discussions from analyses of the empirical data from the main case studies are presented.

Case study Kosovo

Background factors of the land, conflict and post-conflict context: Before the conflict in Kosovo, the administration of land became part of discriminatory practices which fuelled ethnic tension dramatically. Having the administration of land as a fuelling factor for the conflict is an important element to acknowledge; it will require a careful approach when the post-conflict agenda is set up. This was definitely visible in the example of Kosovo. During the conflict, one third of the housing stock was destroyed, and property rights were severely violated. At the technical level, in many cadastral offices the existing records were purposely taken away and transported to Serbia. Specific land management and land administration issues were included in the peace agreement document (UN, 1999c).

Institutional weaknesses: The legitimacy of the state in the case of Kosovo was fully realised via the intervention of the United Nations Interim Administration Mission in Kosovo - UNMIK (UN, 1999c), with the land sector supported through the involvement of UN-HABITAT. Establishment of a land-claims commission organisation such as the Housing and Property Directorate, Housing and Property Claim Commission and Kosovo Cadastral Agency as governmental entities contributed to the post-conflict government structure. Within the Kosovo Cadastre Support

Table 2. Interventions in land administration in post-conflict Kosovo (adopted from Todorovski et al. (2015b).

Interventions in land administration in post-conflict Kosovo		
Institutional weaknesses	**Economic and social problems**	**Security problems**
- Legitimacy of the state (international community and UN, and UN-HABITAT for the land sector) - Political stability (supported by UN-HABITAT for the land sector) - Government structure (authorities dealing with land-claims and land administration) - Legal framework (Land Policy, Land Law, Improvements in Land Registration) - Building Capacities in housing and property rights and land administration	- Displacement - providing cadastral products and services - Destroyed properties and infrastructure - providing cadastre products and services - International community and local authorities participation/cooperation for land issues - Citizen participation in land related affairs - Recovery of land records - Implementation programmes in land sector (with aim to uphold rule of law, reduce conflicts, uncertainties and support economic development)	- Including land in a peace document (to some degree supports security situation as well) - Land dispute resolution (adjudication method) - Displacement-land relation (reducing secondary conflicts)

Programme a training programme was developed and employees were trained and educated (Onkalo et al., 2002). In Kosovo, first a specific organisation and implementing programmes were created with a mandate for development of the housing and property rights and land administration, which later led to the development and adoption of the Land Administration Policy (2003) and the Law on Cadastre (UNMIK, 2003). Developments were evident at an institutional and technical level, creating laws and bylaws, organizations, mandates, and building the capacities both in staff and equipment.

Economic and social problems: Addressing land issues in the UNMIK document (UN, 1999c) was a first step of involvement of a specific housing and property rights and land administration in the improvement of the economic and social situation of Kosovo. This assisted the solution of displacement and destroyed properties by providing cadastral products and services. The availability of land dispute resolution mechanisms supported the displaced people in settling the land disputes and reducing the social and security tensions (UNMIK, 2006). An efficient mechanism was put in place to solve the numerous housing and property rights claimed by returning displaced citizens, and this created a good basis for further societal development. Furthermore, the creation of the Kosovo Cadastral Agency and the development of the land policy and the land law resulted in improvement of the land registration and land administration system (Smith, 2002). The development of the land administration function in Kosovo was supported by the implementation programme which contributed to a sustainable development and supported the real property market. The success of the programme suggests that it influenced the economic development and reduced social tensions. Development of land administration, specifically in the recovery of the land records that were removed from Kosovo, contributed to the service provision to all land related sectors and significantly increased the security of land rights. This is also seen as supporting the establishment of the land market within the overall economic development of Kosovo (Anderson and Onkalo, 2004).

Security problems: Addressing specific housing and property rights and land administration issues in the UNMIK mission document (UN, 1999c) was the first involvement of specific land issues in support of the security situation. In Kosovo land dispute resolution mechanisms through the mentioned organisations, supported the settlement of the disputes over land and reduced conflict tensions (Todorovski et al., 2015b).
For better illustration of the interventions in land administration in post-conflict Kosovo Table 2 is created.

Case study Rwanda

Background factors of the land, conflict and post-conflict context: In the case of Rwanda land issues were considered a major cause used to increase ethnic division leading to violent conflict (Magnarella, 2005). This is an important fact for consideration, because in such a case land requires attention in post-conflict state building activities, as was the case in post-conflict Rwanda. The conflict in Rwanda ended with a genocide in which 800,000 people died, and destruction of houses and infrastructure took place (Prunier, 1997). The Arusha peace agreement document for Rwanda paid limited attention to land mainly in regards of displaced population (Bruce, 2007; R. PAD, 1993). This could be a reason for later developments of the land issues in the reconstruction phase of the post-conflict period. Rwanda had more than two and a half million refugees. Displacement had a large impact on the land and its administration (Potel et al., 2015).
In the early stages of the post-conflict period in Rwanda, the political stability was realized with military intervention (Takeuchi, 2011). Taking in the long run the development in the housing, land and property (HLP) and land administration sector contributed to political stability integrated in the broader National Development Strategy. It was found that the developments of a legal framework, the establishment of organizations, and the participation of the citizens in the land sector (Songo, 2014) contributed to the realization of the rule of law in the case of Rwanda.

Institutional weaknesses: In Rwanda it was found that building the legitimacy of the state initially was based on the land sharing policy, allocation of state land, and housing and village settlements (Hilhorst and van Leeuwen, 2000; Huggins, 2009). Establishment of organizations such as land-claim commissions, different Ministries responsible for land, and Rwanda Natural Resources Authority as governmental entities, contributed to the post-conflict government structure. In Rwanda first a land policy was developed, which later led to the development and adoption of land laws and appointment of a specific organization with a mandate for enforcement of the law and land policy (Songo, 2014). The Land Tenure Regularisation Programme contributed to building capacities in equipment and technology, and to the training and education of professionals involved in land administration sector (Gillingham and Buckle, 2014).

Economic and social problems: Addressing land issues in the Peace Agreement Document (R. PAD, 1993) in a context of social harmony and national reconciliation was a first step of involvement

Table 3. Interventions in HLP and land administration in post-conflict Rwanda (adopted from Todorovski et al. (2015a)).

Institutional weaknesses	Economic and social problems	Security problems
- Legitimacy of the state (strengthened by ad hoc land policies) - Political Stability (supported with land policies) - Government structure (authorities dealing with land-claims, land administration) - Legal framework (Land Policy, Land Law, Land Registration) - Building capacities in land administration	- Land issues in context of peace, social harmony and national reconciliations - Displacement-land relation (land sharing, state land, housing and village settlements) - Community participation in land sector - Citizen participation in land sector - Implementation programs for land administration (with aim to develop agriculture, reduce social tensions and improve economic situations)	- Land-claim commissions (mediation or adjudication method) - Including land in PAD (to some degree supports security situation as well)

of HLP and land administration in the improvement of the economic and social situation. This commitment, from the PAD, could be further identified in the actions of local authorities when they supported the acceptance of displaced people at a local level, and assisted in the land sharing and village settlement processes. Where required, sector authorities mediated and advised on the land sharing and distribution of the state land between returnees from different periods. This mediation is seen as a successful land dispute tool, and when this failed the official three level land-claim committees were involved (Potel et al., 2015). Development of the land policy and land law resulted in an improvement of the land registration and land administration system in Rwanda. Development of the land administration was supported by the Land Tenure Regularisation Programme which contributed to sustainable development and supported the real property market. Initial success of the Programme suggests that it influenced an increase of the agricultural productivity, economic development and reduced social tensions. Development of land administration contributed to the service provision to all land-related sectors and significantly increased the security of the land rights (Gillingham and Buckle, 2014). This is also seen as supporting the establishment of the land market within the overall economic development of Rwanda (Todorovski et al., 2015a).

Security problems: The security situation in early post-conflict Rwanda could be described as tense and fragile, with a large military presence (Prunier, 1997; Takeuchi, 2011). In Rwanda, mediation and advice by sector authorities on the land sharing and distribution of state land, supported settling the land disputes and reduced conflict tensions over land significantly. The three level land-claim committees were available as official authorities in Rwanda (Manirakiza, 2014). Addressing land issues for the benefit of displaced people in the PAD (R. PAD, 1993), facilitating land redistribution, land sharing and the village settlement program by the communities members and local authorities, and resolving the land disputes and claims (Potel, 2014) could therefore be identified as elements of the security situation in post-conflict Rwanda.

Table 3 illustrates the interventions in HLP and land administration in Rwanda, and how did they fit within the overall post-conflict state building.

From the developments as described and evaluated in this case study it can be derived that in Rwanda the post-conflict context fostered the development of the HLP and land administration and vice-versa these interventions can be seen as facilitators of the post-conflict state building.

Lessons learned from the supportive case studies

In order to support the results from the analyses of the data from the two 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.

Case study Mozambique

Background factors of the land, conflict and post-conflict context: The main causes for the 16- year civil war in Mozambique were big political and ideological disagreements. One of the many surrounding factors to the conflict was the way the state dealt with and managed the state land, more specifically the government's village settlements programmes (FAO-LSP, 2004).

The conflict in Mozambique had the characteristics of an intra-state conflict which resulted in approximately 6 million people being displaced; more than half were IDPs. Mozambique had more displaced people than any other country in Africa. Many IDPs went to the cities and stayed there during and after the conflict; many refugees after their return also found shelter in existing towns and cities; an example where displacement fosters urbanization (Todorovski et al., 2013). In the General Peace Agreement land issues were mentioned only in relation to displaced people (PAD, 1992). Land issues were negatively affected by the conflict, and they grew in complexity after the end of the conflict. The situation got more complicated with big lease/concessions given by different governmental actors to national and international companies. It is estimated that in period of two years after the end of the conflict, 40 million hectares of land (more than half of Mozambique 's total area) had been granted in concessions or 'sold' to commercial enterprises. A study was conducted by the Ministry of Agriculture, Ad Hoc Land Commission and USAID to support the development of the Land Policy in the period of 1992-94 (Myers, 1994). However, interventions on the land issues happened later in the early recovery period after the conflict.

Institutional weaknesses, economic and social problems: After land was identified as a very important element for the future development of post-conflict Mozambique, land issues came 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 land legal framework 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) that were 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.

Security problems: The Ad Hoc Land Commissions (formed in 1993) for managing and solving the competitive claims over land in short period of time started to face challenges of multi-layer competitive claims which were dating from colonial times, the post-independence and civil war periods. Because of the volume and seriousness of claims the Ad Hoc Land Commission continued to deal with large scale land-claims and claims that were very complex. Therefore, informal mediation and conciliation processes were most commonly used by the population to resolve disputes. Elders, traditional leaders, neighborhood heads, district officials and many NGOs provided informal dispute-resolution services (LANDac, 2012). Land-related disputes were also dealt with by the formal court system (district courts, provincial courts and a supreme court). However, procedures are lengthy and costly and the judicial system is also plagued by corruption (AfDB, 2008). It is believed that the mediation and consultation, and the formal court system reduced the conflicts over land and properties.

Case study Cambodia

Background factors of the land, conflict and post-conflict context: 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, the majority of whom were citizens. This conflict, which contains 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 (1975-1979). 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 was eliminated during the conflict.

Institutional weaknesses and economic and social problems: 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, fact-finding missions and pilot projects in some of Cambodia's provinces. 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 (LMAP) which started in 2002. LMAP finished in 2009 with the continuation as the second phase named Land Administration Sub Sector Program - LASSP (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 and this supports at least two characteristics of the post-conflict environment, they contribute towards strengthening of the institutions, and towards economic and social development (Todorovski and van der Molen, 2014).

Security situation: 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 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 (NALDR), 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 has been solved (Sekiguchi and Hatsukano, 2013). Therefore we conclude that resolution of land disputes and claims is questionable as regards overall security in Cambodia.

Case study Timor-Leste

Background factors of the land, conflict and post-conflict context: 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.

Institutional weaknesses: Legitimacy of state initially was supported by involvement of the UN mission in Timor-Leste UNITAET and international community; the land sector was

Table 4. Interventions in land administration for post-conflict state building.

Parameter	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 PAD	√	√			√
Land registration improved/created	√	√	√	√	√
Recover/create land records	√	√	√	√	√
Train/educate land professionals	√	√	√	√	√
Cadastre products and services for displaced population and destroyed infrastructure and houses	√				
Land dispute mechanisms (by mediation or adjudication)	√	√	√		√

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).

Economic and social problems: 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 (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.

Security situation: After the conflict ended in 1999, the peace-keeping process in Timor-Leste was realized with involvement of UNTAET and UN security forces. However, their presence was not enough to stop the escalations of the social unrest into the crisis in 2006. With the establishment of the second UN mission UNMIT, where international police forces were included, the overall security situation was on a higher and acceptable level. HLP and 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.

Interventions in land administration for post-conflict state building

The theoretical perspective identified some aspects as regards to land administration in post-conflict contexts that need attention in such contexts. Based on the identified aspects from literature together with analysed and discussed data from our case studies, we derive various interventions in land administration for post-conflict state building, that were found in at least one case (Table 4). The interventions in Table 4 are presented in no apparent order.

ANALYSES AND DISCUSSION

Here, some general findings on land, conflict and post-conflict contexts are presented; secondly, correlating analysis is performed represented in a three dimen-sional matrix; and finally this paper shows how the first two elements strengthen the analytical generalisation at the end of this section.

General findings on land, conflict and post-conflict contexts

Our cases showed that in some cases land was a major

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

1 National Land policy	2 Land / Cadastre Law	3 Land administration organisations	4 Land-claims commission	5 Implementation programmes	6 Ad hoc land policies	7 Land management / administration in PAD	8 Land Registration improved / created	9 Land records: Creation / recovery	10 Train / educate land professionals	11 Cadastral products and services	12 Land dispute mechanisms			Kosovo (K) Rwanda (R)
K R	K R	K R	K R	K R	R	K R	K R	K R			K R	Legitimacy of the state / political leaders	1	
K R	K R	K R	K R	K R	R	K R	K R				K R	Political system	2	
K R		K R	K R	K R		K R	K R		K R		K R	Government structure	3	
K R	K R	K R	K R	K R		K R					K R	Legal framework	4	
K R	K R	K R	K R	K R	R	K R	K R	K R	K R	K	K R	Building capacities	5	
K R	K R	K R	K R	K R	R	K R	K R	K R	K R	K	K R	Displaced Population	6	
		K R	K R	K R	R	K R	K R	K R	K R	K	K R	Destroyed houses and infrastructure	7	
K R	K R	K R	K R	K R	R	K R	K R	K R	K R		K R	Participation of IC and local authorities	8	
K R	K R	K R	K R	K R	R	K R	K R	K R	K R	K	K R	Citizens participation	9	
		K R					K R	K R		K		Low economic activities	10	
	K R	K R	K R	K R		K R	K R	K R	K R		K R	Loss/destroyed state records	11	
K R		K R	K R	K R	R	R	R	R	K		R	Peace / reconciliation	12	
K R		K R	K R	K R	R	K R	K R	K R	K R	K	K R	Conflicts over land	13	

(Right-side grouping, rotated: Institutional weaknesses | Economic and social problems | Security — all under "Characteristics for rebuilding post-conflict states")

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.

Correlating analysis

In this sub-section correlation analysis is performed using a three dimensional matrix. In the matrix, the theoretical propositions are characteristics for rebuilding post-conflict states (Table 1) and the interventions in land administration for post-conflict state building (Table 4). The matrix is empowered

with evidence collected in the field on the main case studies, where these evidences will be analysed. Each position is filled when the specific intervention in the specific case contributed to the specific element of state building, as given in Matrix 1. As an example of how the actual filling in of the positions in the matrix will take place a description for one activity will be demonstrated as follows.

Intervention of 'national land policy' (the Policy)

Intervention of the Policy did not have identical developments in both Kosovo and Rwanda but it

had a lot of similarities. As shown in our main cases, it supported the characteristic 'legitimacy of the state/ political leaders'. The Policy was created by the authorities to fulfil the needs of all stakeholders dealing with land from state's side, local authorities and citizen's participation - this strengthened the relationship between state and societal groups. Development of the Policy in such a way, integrated in a broader National Development Strategy, contributed to strengthening the weak 'political system' and 'governmental structure' as well. The Policy contained guidelines for a further 'legal framework' development, and directions for the creation of authorities and mandates to organisations to enforce the law and policy. The actual development of the Policy supported 'building capacities' of the state and it included parts for further activities in this regard. As an element that required appropriate attention in post-conflict context the 'displaced population', this issue had adequate attention in the Policy. The Policy had reference to 'destroyed houses and infrastructure' but it did not directly support this element – that is why this position is empty in our matrix. During the development of the Policy 'participation of the international community, national and local authorities' and 'participation of citizens' was required and this had prospective to continue in the future as well. Since the Policy did not directly support the 'low economic activity' and did not contain precise references in our main cases to 'lost/destroyed state records' it has empty positions in our matrix. Our cases show that the Policy had attention and contributed to the process of 'peace building and reconciliation' and in regard of 'conflicts over land'.

Rows and columns are shaded to highlight the outcomes from the correlating analyses in the matrix.

Observing Matrix 1, we can see that nine out of twelve interventions are ticked for more than two thirds of the positions. The columns of 'ad hoc land policies' and 'cadastral products and service' have lowest number of ticked positions - interventions that occurred in each case separately. Nine interventions that have the highest number of ticked positions appear in the following order: 'Implementation programme or project', 'land administration organisations', 'land-claims organisations', 'land management/administration in PAD', 'land registration' 'land dispute mechanisms' followed by 'national land policy' 'creation/recovery of land records' and 'land/cadastre law'.

Further, observing the Matrix 1, we can also see that eight out of thirteen elements of the characteristics are ticked for more than two thirds of the positions. Therefore we derive that the characteristics: 'displacement', citizen participation', 'building capacities of the state', 'participation of IC and local authorities', 'conflicts over land', 'legitimacy of the state/ political leaders', 'lost/destroyed state records' and 'destroyed houses and infrastructure' benefit most from the interventions in land administration. The characteristics with ticked positions in more than 50% are: 'political

system', 'governmental structure', 'legal framework' and 'peace and reconciliation'. Only the characteristic 'low economic activities' is ticked in about 30% of the positions.

Analytical generalisation

As regards the first set of characteristics, institutional weaknesses, we come to the following findings. Our cases have shown that development of a National Land Policy in post-conflict contexts resulted in a benefit to all related users, when it was developed within a broader National Development Strategy, jointly developed and accepted by all related stakeholders. Land Policy contained clear directions about development of the Land Law and appointment of specific organisations with a mandate for enforcement of the law and the policy. In all our cases creation of specific organisation such as land administration organisations and land-claims commissions supported the governmental structure and strengthened the weak post-conflict political system. Building capacity was required and implemented as regards: legal framework, creation of organisations, education and training of land professionals and equipment. Building capacities in all cases were supported with assistance from international actors or development partners. Our cases 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 described in this part contributed to 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.

From the second set of characteristics, economic and social problems, we derive the following. Addressing the specific land management/administration intervention within the peace agreement documents of the three cases, 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. Creation of specific land-claim commissions and land administration organisations supported the population and specifically the displaced people in settling the land disputes and reducing the social and security tensions. The aim of land administration organisations was 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 property market. The success of the implementation programmes and projects shows 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. When land records become available, provision of land products and services assisted the requirements 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 (in three cases) and land related issues in regards of displaced population in the peace agreement document, as was shown in all our cases, to some degree contributed to address the difficult security situation. Land-claims mechanisms (using mediation or adjudication methods) were adequately developed in each of our cases. These mechanisms are seen as instruments that supported the settlement of the disputes over land and reduced conflict tensions.

Conclusions

This paper aimed at giving an answer to the research question: How interventions in land administration facilitate post-conflict state building? This was done initially by identifying thirteen elements in the framework for rebuilding post-conflict states based on theoretical perspective. Lessons learned from the cases were based on empirical data from the main cases and supported by the findings from the supportive case studies in structure of the three characteristics. Accordingly, interventions in land administration for post-conflict state building were acknowledged. Correlation analyses enriched the analytical generalisation in discussions on how interventions in land administration and how those facilitate post-conflict state building. From the analyses of the finding we conclude that developments in the land sector with interventions in land administration and housing and property rights are identified as elements that contributed to strengthening the institutional weaknesses - the first characteristic. Interventions in land administration and housing and property rights which contributed to the development of land associated sectors lead us to identify them as elements that contributed to improving the economic and social problems - the second characteristic. We identified that interventions in disputes over land and properties and land administration supported settlement of these disputes, reduced conflict tensions and to some degree improved the security problems in post-conflict contexts - the third characteristic for rebuilding a post-conflict state. All of the above, leads to conclusion that identified interventions in land administration facilitate post-conflict state building.

Conflict of Interests

The authors have not declared any conflict of interests.

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