

# **Post-conflict land administration as facilitator of the post-conflict state building; case Cambodia**

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

## **SUMMARY**

Challenges that land administration faced during the conflict and in the post-conflict period deserve deeper exploration, specifically the role that land administration had in the overall process of post-conflict state building in the case of Cambodia.

Cambodian history witnesses many conflicts in the past, the Khmer Rouge regime (1975-1979) is considered to be the one of the most homicidal and authoritarian regimes in the present history. There are estimations that more than two million people died in horrifying circumstances and destruction of all existing state infrastructure and state archives occurred in this period. During the Khmer Rouge era, money and salaries have been abolished, schools and factories were closed, monasteries and churches forbidden. Citizens of Phnom Penh were deported in the rural areas but also residents from other cities and rural population were systematically dislocated from their properties.

These events had big effect on the land administration in the country. All land-related documents, including the land register, maps and geodetic networks were systematically destroyed as well as most of professionals and educated people eliminated during the tragic 1975-79 period. During the Khmer Rouge regime the private ownership was abolished and remained unrecognized also during the following 10 yearlong Vietnamese government (1979-1989). After the Vietnamese occupation ended the private land ownership was re-introduced. Unfortunately there were technical, financial, organisational and legal constrains to implement the old fashion and paper based land registration. This resulted with only 10 % of registered privately-possessed parcels in the period until 1998. In mid and late 90's the Kingdom of Cambodia identified land sector as very weak point of its performance. At that time and until nowadays Cambodia is considered as agricultural country where land plays one of the mayor roles for everyday life of 80% of its population. Since then a lot of efforts capacities and resources are dedicated on development of this fundamental state function. Development of land and land related issues like land policy, land administration and management etc. were and still are supported by development partners, the Governments of Germany and Finland.

Characteristics of war-torn societies are: weak institutions, economic and social problems and low security. These characteristics were also present in post-conflict Cambodia. Developments that were evident in the land sector helped tackling at least two of these characteristics; they contributed towards strengthening the institutions and to the economic and social development. All this suggests that land administration could be seen as a facilitator of the overall process of post-conflict state-building in Cambodia.

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## **1. INTRODUCTION**

The history of the Kingdom of Cambodia witnesses very difficult periods with many conflicts of most serious kind. It was a protectorate of France and administered as a part of the colony of French Indochina from 1863 to 1953. Although it was occupied by the Japanese empire during the Second World War, Cambodia gained its independence from France on 9 November 1953. During the post-colonial independence period, Cambodian politics was marked by King Sihanouk - who abdicated his crown in 1955 but continue to lead the country as a Prime Minister. The coming period was instable from socioeconomics divisions within the country, many conflicts along the border with Vietnam and effects from the Cold War in the region. A civil war outbreak in the north-west of the country in 1967, which has been started by the followers of the Communistic Party of Kampuchea – commonly known as Khmer Rouge (Red Khmers). The situation becomes even more complicated when an army General Lon Nol took over the control over government in 1970. During the Vietnam War (until 1975) bombing campaign from US military troops affected the territory of Cambodia which resulted with casualties and destruction. General Lon Nol was on power until April 1975 when Khmer Rouge movement extended the civil war to the whole territory, overtakes control of the state, and with this Cambodia has entered the most tragic period of the country's history.

In the post-colonial period Cambodia maintained policies and laws from the colonial time specifically in the relation with land. But the way that these laws were interpreted and practiced created wealthy urban elite with big land possessions and poor rural farmers who owned very little land. During the ultra-communist Khmer Rouge regime the private ownership was abolished and remained unrecognized also during the following 10 yearlong Vietnamese-backed government (1979-1989). From the year 1989 the private ownership of land was re-introduced in Cambodia after decades of turmoil, anarchy, confusion and collective ownership (Anttonen 2006). Unfortunately the existing land registration system at that time was paper based, inefficient and could not support countries land management requirements. A study conducted from 1997 till 1999 within the Cambodian Cadaster Project (CCP), technically coordinated between the Government of Finland and Government of Cambodia, showed that the land register covers about 10% of all parcels (Törhönen 2001).

This paper based on literature review aims to answer the question: can post-conflict land administration be seen as a facilitator of the overall post-conflict state building process in the case of Cambodia? The paper starts with exploring characteristics of conflict and post-conflict Cambodia in Chapter 2, land administration issues during the conflict, in the post conflict period are addressed in Chapter 3 and the role of post-conflict land administration as facilitator of the post-conflict state building in the case of Cambodia are observed in Chapter 4. Chapter 5 draws some conclusions about the topic elaborated in this paper.

## **2. CHARACTERISTICS OF CONFLICT AND POST-CONFLICT ENVIRONMENT**

## IN CAMBODIA

In April 1975, Khmer Rouge defeated the Lon Nol regime in a civil war that took the lives of six hundred thousand people (Robben 2010). Khmer Rouge revolution forces take over the control over country; they enter Phnom Penh, deported its residents in the country side and establish a new state: Democratic Republic of Kampuchea. The period from 1975-1979 is the most tragic period of Cambodian history. The new formed state was meant to be 'ideal agrarian society' with one of the goals to accomplish this via destroying all previous state administration infrastructures including: health, education, commerce, religion etc. After evacuation of Phnom Penh residents they continue with relocation of the residents of other cities and rural population as well. It all ended with systematic killing of all who disagree on social, economic and ideological Democratic Kampuchea. By January 1979, when Vietnamese troops overthrew Pol Pot's Khmer Rouge, 1.7 million out of a population of eight million Cambodians had been starved to death or assassinated by Khmer Rouge cadres (Robben 2010).

During the Khmer Rouge era, money and salaries have been abolished, schools and factories were closed and monasteries forbidden. All Cambodians with above a Grade 7 education had been killed, along with people who wore glasses; justification was: those 'educated people' who had participated in an unjust system. The Khmer Rouge activists were killing all ethnic Vietnamese, ethnic Chinese, Muslim Chams, Buddhist monks, and "enemies of the state" (all deemed to be "intellectuals") (Dutton, Boyanowsky et al. 2005).

This post-colonial society was completely reformed, new leaders declared the 'Year Zero' and introduced agrarian totalitarian communism like nowhere else in the world. The individual ownership to land was banded, cities emptied and people forced to live in communities. The state infrastructure was literally destroyed, for example, the land registration records were all lost (Törhönen 2001). Not only with killing all ethnic Vietnamese, Khmer Rouge military troops from time to time were directly attacking Vietnamese villages in the territory of Vietnam, which escalated at the end of 1978 and provoked a war between Vietnam and Cambodia. In 1979, Vietnamese forces overthrow the Khmer Rouge from the main parts of Cambodia, introducing more traditional type of communism. The Vietnamese established People's Revolutionary Council which rename the country the 'People's Republic of Kampuchea'. The newly renamed country was under Vietnamese occupation but governed by Heng Samrin and Hun Sen, which were Cambodians, for ten years. Vietnamese very soon faced a difficulty to rebuild all economic, political, social and state structures which were totally destroyed by Khmer Rouge regime. In this period Vietnamese faced economic embargo from the international community, and Khmer Rouge forces received the economic and military support. Reasons for this could be that Vietnam was politically and economically closer to Russia at that time and Khmer Rouge closer to USA and Western Europa countries (Joseph 2013).

Having enough problems at home in 1989 the remaining Vietnamese troops were withdrawn and country was renamed in 'State of Cambodia'. Hun Sen was the leader of country and he commands army and militia. Even after ten years, the Khmer Rouge still occupied some parts of the country and many areas are dangerous because of enormous amounts of land mines.

In several occasions UN General Secretary underlined the need for starting the negotiations in order to come to an end to the conflict events that were going on in Cambodia. Based on this call and on invitation of the Government of the French Republic, the Paris Conference on Cambodia was convened which was held in two sessions, first in July August 1989 and the second in October 1991. At the first session of the Conference, Cambodia was represented by the four Cambodian Parties. The Supreme National Council of Cambodia, under the leadership of its President, H.R.H. Prince Norodom Sihanouk, represented Cambodia at the second session of the Conference (UN 1991). Eighteen states took active participation in these two sessions which resulted with signing of the: Final Act of the Paris Conference on Cambodia, on 23 October 1991. At the second session, the Conference adopted the following instruments:

- Agreement on a comprehensive political settlement of the Cambodia conflict, with annexes on the mandate for UNTAC, military matters, elections, repatriation of Cambodian refugees and displaced persons, and the principles for a new Cambodian constitution;
- Agreement concerning the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia; and
- Declaration on the rehabilitation and reconstruction of Cambodia (UN 1991).

The land issues in relation to property rights are mentioned only in the first agreement in the third part which addresses briefly the right to property as a basic human rights of refugees and displaced persons not elaborated in more details (UN 1991). Overall implementation of the agreements was difficult because of the presence of the Khmer Rouge on the political scene (UU-DPCR 2014).

In 1993, general elections were facilitated by the United Nations Transition Authority in Cambodia (UNTAC) which was marked as start of a long and difficult democratization and normalization process. The first multiparty government was riddled by conflicts and was unable to unify the country. Khmer Rouge also participated in the 1993 elections as a political party. In 1993 State of Cambodia evolved into a Kingdom of Cambodia. Only after the second elections in 1998, the situation has improved and the new coalition government has started reforms that were unmanageable before. The Khmer Rouge weakened into guerrilla group in the jungle, and finally gave up all resistance in 1998. For the first time in 30 years the legitimate government of Cambodia had gained control of its whole territory (Törhönen 2001).

Technically observing the long civil war was over in 1991 with signing the Final Act of the Paris Conference on Cambodia. Because the period until 1993 was very unstable, even though UNTAC was present on the ground, a lot of small scale conflicts and tensions occur, we could observe this period as emergency post-conflict period. After the elections in 1998 government of Cambodia had legitimate control over the whole territory which suggests that we could observe the period from 1993 – 1998 as early recovery post-conflict period. The period after 1998 could be accepted as a reconstruction post-conflict period. These observations on the post-conflict phases are based on the security situation on the ground and in relation with activities undertaken as described in (FAO 2005) and this phases should not

be understood as absolute, fixed, time-bound or having clear boundaries (NEPAD 2005).

As a summary about the characteristics of the conflict in Cambodia we could conclude that causes of the protracted civil war were ideological misunderstandings and ethnic divisions, which resulted with a death of more than two million people, majority citizens. While wars from present times seem to kill fewer people than past conflicts, greater numbers of civilians appear to be exposed and vulnerable to violence (UNHCR 2012). Cambodia has since 1946 included extra-state, inter-state, intra-state conflicts and one-sided violence (UU-DPCR 2014). Number of internally displaced persons (IDP) by use of force could be associated with all which were not followers of Khmer Rouge were displaced. Another characteristic was that the capital city Phnom Penh was almost fully emptied, later it was called 'a ghost city'. Forming of an 'ideal agrarian society' and for this purpose destruction of the state infrastructure and majority of the state documentation and archives were burned or destroyed in another way, still has effects on Cambodia and its people even nowadays. Displacement and creation of agrarian society led that the conflict in Cambodia, like many other conflicts has a strong land dimension (Todorovski, Zevenbergen et al. 2012). When Vietnamese forces occupied Cambodia in 1979, very soon they faced the problems of re-establishment of economic, political, social and state structures. UNTAC and international community presence were very much visible in the emergency post-conflict period. This period is very unstable and with many tensions, one of the reasons is the still active presence of Khmer Rouge as a political party. All post-conflict phases are prolonged concerning the time component. Post-conflict period is seen and accepted as a 'window of opportunities' and the Cambodian government is using this to introduce reforms and development instead of pure restitution.

### **3. LAND ADMINISTRATION IN CAMBODIA – DURING AND AFTER THE CONFLICT**

*Land administration in Cambodia during the conflict and in the emergency period—until 1993*  
Events discussed in Chapter 2 of this paper had a big effect on the land administration in the country. Working definition for land administration used for this paper is: 'the process of determining, recording and dissemination of information about tenure, value and use of land when implementing land management policies' (UN/ECE 1996).

All land-related documents, including the land register, maps and geodetic networks were systematically destroyed as well as most of the professionals and educated people with a land background were eliminated during the tragic 1975-79 period (Anttonen 2006). There were practically no institutions or cadastral professionals in the country at the beginning of the 1980's. During the Khmer Rouge regime private ownership was abolished and remained unrecognized also during the following 10-year-long Vietnamese government (1979-1989).

The Khmer Rouge, which came to power in 1975, collectivized all land and destroyed all land records, including cadastral maps and titles. All records of land ownership were lost during the war. The right to own land was re-established in 1989, allowing farmers to claim possession rights of plots up to five hectares after five years of continuously cultivating fields, and households to gain ownership title to residential plots up to 2,000 square meters (Onkalo 2006).

The new constitution in 1989 restored private property rights in Cambodia and this was widely considered to be a starting point of the establishment of market economy. But the re-introduction of private property rights caused a massive land grabbing in urban areas, especially in Phnom Penh. In 1992 the government introduced a more comprehensive Land Law in an attempt to unify the existing legislation (from 1989), but on contrary having several inconsistencies in the Land Law it caused confusion and contradictory. It was ineffective to deal with the land grabs it actually served to legitimise the land grabbing that happened after the Vietnamese departure (UN-ESA 2007). Some observers believed these reforms represented return to the endemic corruption that helped to characterise the post-colonial era (Joseph 2013).

#### *Land administration in Cambodia in early recovery post-conflict period 1993-1998*

Cambodia's land administration sector started development after Paris peace agreement with international support (Onkalo 2006). After the end of the Vietnamese occupation and re-introduction of private land ownership, in the early- and mid-1990's the Royal Government of Cambodia made an effort for a large campaign of registering private-possessed land parcels, but turned out to be technically, financially and practically unable to process this task. Cambodia's land sector was not able to process effectively and efficiently the 4.500.000 registration applications filed in the Cadastral Offices through the existing sporadic land registration system. During the first 10 years of private land ownership, only around 550,000 land parcels were registered. Institutions involved were the Land Titles Department (until 1998), and newly established General Department of Cadastre and Geography (GDCG) of the Ministry of Land Management, Urban Planning and Construction (MLMUPC, from 1998 onwards) (Anttonen 2006). Lack of national policies related to land, inadequate organizational structure, lack of educated professionals and equipment hindered and delayed establishment of land register (Onkalo 2006).

In mid and late 90's the Kingdom of Cambodia identified land sector as very weak point of its performance, respectively the Royal Government of Cambodia requested the Governments of several European countries to provide support in the development of the land administration sector. The Governments of Germany (from 1995) and Finland (from 1997) answered positively to this request and since then they were and still are considered as development partners in Cambodia's land sector. They contributed in development of land related issues like land policy, land registration, land administration and management etc.

Germany supported Land Management Project implemented by German Agency for Technical Cooperation) (GTZ) from 1995, which apart from supporting systematic land registration focused also on land management issues. The development of systematic land registration and cadastral system started in 1997 with the financial support of the Government of Finland, technical assistance of FM-International Oy FINNMAP and supervision of The National Land Survey of Finland under the Cadastral Mapping and Land Registration Pilot Project (Anttonen 2006).

The study performed by Oy FINNMAP about the state of land registration in Cambodia in 10 pilot provinces in 1999, showed the enormity of land problems and the insecurity of tenure is

a concrete obstacle, for up to 90% of the population. In 1999 there were about 1250 employees in the 24 provincial, and one national, land register offices in Cambodia. There was supposed to be a sub-office in every district hosting a chief, a conservator officer and a technical officer but in practise, the office composition varies from non-existent in remote rural areas to the busy, well manned offices in urban offices. Cambodia lacks educated people in all levels especially in the land sector. Figures from pilot provinces show that 6-30% of the staff was educated with adequate education (Törhönen 2001).

*Land administration in Cambodia in the reconstruction post-conflict period from 1998 on*

The activities in the first years of the reconstruction post-conflict period within the land administration domain are marked with studies and fact identification missions of the development partners, via GTZ and Oy FINNMAP, in several pilot provinces in Cambodia. For example the overall objective of CCP 2000-2002, was to facilitate and accelerate the introduction of security of tenure on land creating and to introduce a fair and just land registration system. CCP also facilitated the land policy and land legislation development and improved the human resources and technical capacities of the Cambodian Cadastral Administration in general (Anttonen 2010).

The need for the development of a successful modern Cadastre in Cambodia can be seen recognised officially by the Royal Government in 2001, which in its Statement on Land Policy identified the key areas of Land Policy; 1) land administration, 2) land management and 3) land distribution. This statement goes in alignment with achievement of the national goals of *economic development, poverty reduction and good governance...* The objectives of these initiatives regarding land are: to strengthen land tenure security and land markets, and prevent or resolve land disputes; to manage land and natural resources in an equitable, sustainable and efficient manner and to promote land distribution with equity, etc. The Statement of Royal Government on Land Policy was passed in May 2001 (RGC 2001). The enactment of the long-prepared new Land Law took place in August 2001 and the necessary Sub Decrees on Systematic and Sporadic Land Registration and Cadastral Commission (Land Dispute Resolution) to effectively implement the Land Law were drafted and passed in May 2002 (Anttonen 2010).

During the first five years 1997-2002 the focus on joint activities of the host country and developing partners was on legal and technical development, testing, piloting and then practical implementation of a systematic registration procedure and system suitable for the Cambodian conditions.

By 2002 the Governments of Cambodia, Finland and Germany together with the World Bank prepared a comprehensive five-year multi-donor Land Management and Administration Project (LMAP). The specific objectives of the LMAP were to improve land tenure security and promote the development of efficient land markets. These objectives are to be achieved through: a) development of national policies, the regulatory framework, and institutions for land administration; b) land registration and issuance of titles in urban and rural areas; and c) establishment of an efficient and transparent land administration system. (Anttonen 2006). Proposed Project Components of the comprehensive multi donor supported (MLMUPC, WB, Gov. Finland, Gov. Germany) LMAP approach are:

- Component 1: Development of land policy and regulatory framework
- Component 2: Institutional development including decentralisation and new educational programs.
- Component 3: Systematic Land titling program and development of a land registration system
- Component 4: Strengthening mechanisms for dispute resolution
- Component 5: Land management and land use planning (Zimmermann 2002).

The LMAP was initially planned to last for five years but this period was exceeded and project ended in 2009. Main measurable indicators targets and goals of LMAP could be summarised as:

- More than one million land parcels were systematically adjudicated and surveyed (result: 1,689,639) and more than 800,000 land titles issued (result: 1,296,735);
- around 1,000 Cambodian cadastral officers were trained, equipped and supervised in 14 provinces;
- More than 8,000 Administrative Commission (AC) members were trained for legal local-level decision-making in land registration;
- 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 under the project;
- Public Awareness and Community Participation established;
- A modern digital Cadastral Database and Geodatabase system was developed;
- Land-related policies and regulatory framework were developed;
- The new Faculty of Land Management and Administration at the Royal University of Agriculture was established;
- As a capacity building, team building and training workshops, on-the-job and hands-on training, international study tours; and
- Mechanisms for land dispute resolution were developed for the Cadastral Commissions in out-of-court dispute resolution (Anttonen 2012).

While the LMAP project covered most of the key areas of the land administration, one important component was left out: land valuation. From 2008 onwards, the Government of Canada started to support MLMUPC in this important work (WB 2011).

Another characteristic of the case of Cambodia is that approximately 80% of its territory is a state owned land, making this regime type one the most significant in Cambodia. This regime covers two sub-types, namely state public land and state private land. The difference about these two types is that state private land ‘may be a subject of sale, exchange distribution or transfer of rights’ (Joseph 2013). Zimmerman draws following lessons learned from Cambodia’s management of public land as: Tackling of the huge overall state land problem in a post-conflict and post-transition country by enabling legislation (incl. by-laws) in state land inventory and mapping, reform of economic state land concessions, distribution of state land (social concession) land policy formulation, country-wide reform of the land sector, inter-institutional arrangements (land policy board), delegation of power to provincial committees, implementation and capacity building with international support. However; state



land problems reflect power relation at the highest level of the government. Tackling the problems goes far beyond project measures (Zimmermann 2008).

In 2009 the next four-year phase after LMAP entitled the Land Administration Sub Sector Program (LASSP) 2009-2012 started. LASSP continues to develop, implement and improve the main areas of the work started under LMAP like: development and improvement of needed land-related policies and legal framework, institutional development, land titling program and development of the land registration system. LASSP includes also the start of the development of an official Land Valuation system; One-Window Cadastral Services; public awareness of land registration and information dissemination; modern land registration system towards a modern digital multi-purpose cadastral system and Land Information System. Also the development of Public-Private Partnerships (PPP) for Land Administration, improved sporadic registration countrywide, registration of condominiums (co-owned properties) and state land registration issues are within the LASSP scope and are to be launched during the program (Anttonen 2010).

After the conflict and until nowadays Cambodia is considered as agricultural country where land plays one of the mayor roles for everyday life of 80% of its population. Since then a lot of efforts capacities and resources are dedicated on development of this fundamental state function. Issues elaborate in this chapter go in support to function of the Government of Cambodia as initially stated in the Statement on Land Policy 2001 in achievement of the national goals of economic development, poverty reduction and good governance.

#### **4. POST-CONFLICT STATE BUILDING IN CAMBODIA**

The Kingdom of Cambodia is a constitutional monarchy with a monarch chosen by the Royal Throne Council, as head of state. The head of government is still Hun Sen, who is currently the longest serving leader in South East Asia and has ruled Cambodia for over 25 years. General characteristics of the post conflict environment in Cambodia were present as in many other cases and they include: weak institutions, economic and social problems and low security (Ball 2001).

At the end of the conflict, after the Final Act of the Paris Conference on Cambodia was signed in 1991, a process of state building started. State-building is defined 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). The first challenge that post conflict states are facing is keeping the peace. Peace keeping was made possible with the support of UNTAC and the international community, and in continuation of this first democratic elections took place in 1993. Khmer Rouge was still active on the political scene which witnessed difficulties in post-conflict keeping the peace, democratic processes and overall post-conflict state building. By 1998 Khmer Rouge withdraws from politics and weakens into small guerrilla groups in the jungle. Only after the second multiparty elections in 1998 a new Government of Kingdom of Cambodia establishes control over its full territory. After the second elections political situation is more stable and processes of post-conflict recovery continued. One of the factors that was and still is big obstacle in the overall state building is the 'endemic corruption' (Joseph 2013). The problem

of the corruption has been highlighted by the country's low ranking under Transparency International (TI). Cambodia was first time included in TI ranking in 2006 (TI 2006) and it was 151 from 163 ranked countries. After five years Cambodia still ranked very low, 164 out of 182 countries (TI 2011).

Cambodia is still dominantly an agricultural society and issues of land have crucial impacts on most people's life (Torhonen and Palmer 2004). Governmental formation changed several times during the post-conflict period. This was also a case with the institutions dealing with administration and management of the land in Cambodia. For example at beginning until 1998 it was Land Titles Department and then newly established GDCG of MLMUPC, from 1998 onwards. The main guiding performance principles of the developing partners in Cambodia, for example Finnish developing partner aims at development co-operation policies for poverty reduction, social stability and economic development as well as protection of environment and promotion of human rights, equity and democracy. These guiding principles coincide with the national state building principles of post-conflict Cambodia.

We could derive that the effects from the Khmer Rouge era 'ideal agrarian society' and the destruction of all state infrastructure, documentation and archives has very big impact on the Cambodia's post-conflict state building, firstly in prolonging the process and then in making it more difficult than in other post-conflict cases. It is also a case with the land sector, weak performance was identified in mid-90's (which is the middle of the early recovery period) and first bigger activities in sense of improving this sector could be observed from around 2000 (which is already the reconstruction period). Land administration is identified as very important element for the post-conflict state building process and for the sustainable development of post-conflict Cambodia which attracts appropriate attention from Governmental perspective. Developments may be slow but evident in the land sector of Cambodia and this goes in supports of at least two characteristics of the post-conflict environment; they contribute towards strengthening of the institutions, and economic and social development. Having said this land administration could be seen as one of the elements of the overall process of post-conflict state-building.

## 5. CONCLUSIONS

Ideological misunderstanding and ethnic divisions could be identified as causes of the protracted civil war in Cambodia which resulted with a death of more than two million people, majority citizens. This conflict, which contains characteristics of intra-state, inter-state and one side 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. This period is seen as most tragic period of the history of Cambodia and it is considered to be the one of the most homicidal and authoritarian regimes in the present history. Private property was abolished, and for the purposes of creating 'ideal agrarian society' state infrastructure together with all state documentations and archives was destroyed. After the Khmer Rouge era neighbouring Vietnam forces occupied Cambodia and established more traditional communism regime state government which immediately faced the effects from the previous regime while re-established basic state functions. In 1989 Vietnamese troops withdraw from Cambodia and with this event post-conflict period starts,

where all phases are prolonged comparing to other post-conflict cases. This is beginning of very difficult democratisation and normalization process and it witnesses' big international presence. With support of UNTAC first democratic elections take place in 1993 but only after the second elections in 1998 Cambodia's Government has full control over its territory. Reason for this is that only after 1998 Khmer Rouge follower weaken in to small jungle gorilla and leave the political scene.

Displacement and creation of the agrarian society increased the land dimension of the conflict and post-conflict Cambodia case. Effects of the conflict had a big impact of the land administration in Cambodia, all land records maps and documentation were lost as well as most land professionals and people educated in land domain were eliminated during the conflict. Private ownership was abolished but even with its re-introduction after the Vietnamese occupation ended in 1989 Cambodia faced technical, financial, legal and organisational obstacles in performing this very important state function. After mid-90's when developing partners in the land sector, Governments of Germany and Finland, started to provide assistance and support things started to improve; period from 1995 until 2001 is marked with many studies projects, fact finding missions and pilot projects in some of Cambodia's provinces. This resulted with development of the Land Policy and new Land Law in 2001 and continuation was multi-donor LMAP which started in 2002. LMAF finished in 2009 with continuation as second phase named LASSP. Achievements of these projects were possible with involvement of multi-disciplinary stakeholders and they go in alignment of the Governmental Statement on Land Policy from 2001 in achievement of the national goals: economic development poverty reduction and good governance. Effects from the conflict prolonged building of the state and establishment all post-conflict state building processes, including land administration. Developments may be slow but evident in the land sector of Cambodia and this goes in supports of at least two characteristics of the post-conflict environment; they contribute towards strengthening of the institutions, and economic and social development. Having said this land administration could be seen as one of the elements of the overall process of post-conflict state-building.

## REFERENCES

Anttonen, J. (2006). Can a Successful Modern Cadastre Be Developed in South-East Asian Developing Countries? - South-East Asian Experience with the Focus on Cambodia. XXIII FIG Congress, Shaping the Change, Munchen, Germany, FIG, International Federation of Surveyors, 2006.

Anttonen, J. J. (2010). Successful Capacity Building of the Cambodian Land Administration: Finnish Technical Assistance Combined with the Local Khmer Expertise, Traditions and Culture. FIG Congress 2010, Sydney, Australia,, FIG, International Federation of Surveyors,

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2010.

Anttonen, J. J. (2012). Multi-Donor Efforts for Improving Land Administration Systems in Developing Countries: Lessons Learnt from the Cambodian Land Management and Administration Project. FIG Working Week 2012, Rome, Italy, FIG, International Federation of Surveyors, 2012.

Ball, N. (2001). The Challenge of Rebuilding War-Torn Societies. Turbulent Peace. A. Croker, Hampson, F. O. and Aall, P. Washington, D.C., U.S. Institute of Peace.

Dutton, D. G., E. O. Boyanowsky, et al. (2005). "Extreme mass homicide: From military massacre to genocide." Aggression and Violent Behavior **10**(4): 437-473.

FAO (2005). Access to rural land and land administration after violent conflicts. Land tenure studies. Rome, Italy, FAO

Joseph, C. D. (2013). Land Tenure and Human Security During Post-Conflict Development (Thesis, Doctor of Philosophy). Otago, New Zealand, University of Otago

NEPAD (2005). African Post-Conflict Reconstruction Policy Framework New Partnership for Africa's Development (NEPAD) Secretariat, Governance, Peace and Security Programme, South Africa

OECD (2008). Concepts and Dilemmas of State Building in Fragile Situations, from Fragility to Resilience, Organisation for Economic Co-operation and Development.

Onkalo, P. (2006). Cadastral Survey Methodologies and Techniques in Developing Countries: Case Cambodia and Kosovo. Shaping the Change, XXIII FIG Congress, Munchen, Germany, FIG.

RGC (2001). Statement of the Royal Government on Land Policy. Phnom Penh, Cambodia, Royal Government of Cambodia.

Robben, A. (2010). "Why Did They Kill? Cambodia in the Shadow of Genocide." Ethos **38**(1).

TI (2006). "Corruption Perceptions Index 2006." from [http://archive.transparency.org/policy\\_research/surveys\\_indices/cpi/2006](http://archive.transparency.org/policy_research/surveys_indices/cpi/2006).

TI (2011). "Corruption Perceptions Index 2011." from <http://www.transparency.org/cpi2011/results>.

Todorovski, D., J. Zevenbergen, et al. (2012). Can Land Administration in Post-Conflict Environment facilitate the Post-Conflict State Building? – a Research Problem. Knowing to manage the territory, protect the environment, evaluate the cultural heritages, Rome, Italy, FIG.

Torhonen, M. and P. Palmer (2004). Land Administration in Post Conflict Cambodia. Symposium on Land Administration in Post Conflict Areas. Geneva, Switzerland, FIG, International Federation of Surveyors

Törhönen, M. P. (2001). "Developing land administration in Cambodia." Computers, Environment and Urban Systems 25(4–5): 407-428.

UN-ESA (2007). The report of land and human development in Cambodia, UN-ESA.

UN (1991). "Peace Agreements: Cambodia." Retrieved 03 June, 2013, from <http://www.usip.org/publications/peace-agreements-cambodia>.

UN/ECE (1996). Land Administration Guidelines. New York and Geneva, United Nations Economic Commission for Europe (UN/ECE).

UNHCR (2012). The State of World's Refugees; in Search of Solidarity – a synthesis, UNHCR.

UU-DPCR (2014). "Cambodia (Kampuchea)." Retrieved 06.03.2014, from <http://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=27&value=>.

WB (2011). Implementation completion and results report on Land Management and Administration Project. Washington DC, USA, World Bank

Zimmermann, W. (2002). Ensuring land access in Post Conflict Situations; case Cambodia. Phnom Penh, Cambodia, GTZ.

Zimmermann, W. (2008). Effective and Transparent Management of Public Land: Experiences, Guiding Principles and Tools for Implementation. FIG/FAO/CNG International Seminar on State and Public Sector Land Management, Verona, Italy, FIG/FAO/CNG.

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