

IRAQ LAND SECTOR ASSESSMENT

BACKGROUND PAPER

الاراضي العربية
مبادرة
Arab Land Initiative



ACKNOWLEDGEMENTS

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ABOUT THIS PAPER

This background paper was developed by independent consultants in collaboration with the Urban Training and Studies Institute of Egypt in preparation of the regional report *Governing Land in the Middle East* that covers eleven countries in the Middle East, namely Bahrain, Iraq, Jordan, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syria, United Arab Emirates and Yemen. Each paper explores and gives an indication of the country's capacities to deliver good land governance by measuring its performance on the core land administration functions: land tenure, land value, land use, land development and land disputes resolution. It also maps the existing learning offer on land governance, identifying the key institutions and the courses available. The background papers are part of the research work carried out by the Arab Land Initiative under the Arab Region Programme on Good Land Governance in Support to Inclusive Development, Peace and Stability funded by the Federal Ministry of Economic Cooperation and Development of Germany (BMZ). Its preparation was managed and coordinated by the Urban Training and Studies Institute (UTI) of the Housing and Building National Research Center (HBRC), Egypt, with support of UN-Habitat and the Global Land Tool Network (GLTN).

THE GLOBAL LAND TOOL NETWORK AND THE ARAB LAND INITIATIVE – GLTN is a multi-sectoral alliance of international partners committed to increasing access to land and tenure security for all, with a focus on the poor, women and youth. The Network's partners include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies. In 2016, GLTN Partners, led by UN-Habitat and the World Bank, launched the Arab Land Initiative to promote equal access to land, peace, stability and economic growth in the Arab region through good land governance and transparent, efficient and affordable land administration systems. The Initiative aims at empowering land champions from the region by developing capacities, increasing collaboration and promoting innovation, learning and sharing of best practices. It also supports the implementation of land gender-responsive and fit-for-purpose land tools and approaches at national and local level.

For more information, please consult the referenced documents, visit www.gltn.net or arablandinitiative.gltn.net

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Annex 1: Mapping Matrix for Existing Learning Offers and Related Curricula for Land Governance

ABBREVIATIONS

GIS	Geographic Information System
GLTN	Global Land Tool Network
ISIS	Islamic State of Iraq and Syria
NGOs	Non-Governmental Organizations
RERD	Real Estate Registration Department
USAID	United States Agency for International Development
USD	United States Dollar
UN-Habitat	United Nations Human Settlements Programme
UTI	Urban Training and Studies Institute

1. INTRODUCTION

The Republic of Iraq is known as the birthplace of the ancient Babylonian and Assyrian empires. The country was occupied by the Ottoman Empire in 1534, seized by the British in 1917, and remained under a British Mandate until becoming fully independent in 1958. The current land administration in Iraq, and most Middle Eastern countries, follows the rules and regulations introduced by the Ottoman Empire (Al-Ossmi and Ahmed, 2017).

Prior to Ottoman occupation, landownership and registration in Iraq were determined by tribal laws, which provided custody only to tribal lords operating under a feudal system. Land lots were registered to tribes, cities and villages as single plots under one deed. The Ottoman rulers changed that. In principle, all land under Ottoman rule belonged to the state, which did not need to prove ownership. Communities or individuals who owned land, however, needed to present land titles.

The Ottoman rulers introduced major land reforms. These included the main categories of land tenure guided by sharia law: privately owned land (*mulk*), community land (*musha*), land endowment (*waqf*) and state land (*miri*). State land incorporated the element of *heq tasarruf*, which gave individuals the right to use such land. Moreover, the country's land administration system was governed by several codes: the *Mecelle*, *Tapu* law, the law of disposition of immovable property, and the law of succession to immovable property. Many others were enshrined in the Code of Civil Procedures, the Land Commercial Code and the Peace Judges' Law. As the Ottoman occupation weakened, it could not pay its officers. In lieu of payment, the officers were registered as owners of *amiri* (state-owned) land with title deeds. Also, landownership shifted from the tribe to the family. They took these measures to weaken tribal groups (USAID, 2005; Al-Ossmi and Ahmed, 2017; UN-Habitat, 2018).

Under British control, people who had deeds for *amiri* land were considered mere tenants. The British also considered *tapu* as just one of the main land deeds, which served as proof of ownership used for auditing purposes. These audits led to the creation of the Real Estate Registration Department. Realizing the importance of tribes in Iraqi society, the British maintained the Ottoman land administration systems. This provided the British with legal and taxation power, while the land was transferred to feudal landlords (Al-Ossmi and Ahmed, 2015; UN-Habitat, 2018).

In 1932, the Land Rights Reconciliation Law, which amended land rights, came into being. This law stipulated three types of landownership: *Tapu* authorization or allocation of *amiri* land to selected individuals, pure *amiri* lands, and rights gained through *alezma* or adverse possession (USAID, 2005).

Following the end of British occupation and ten years after gaining full independence 1958, the Arab Baath Socialist Party became the ruling party in Iraq. The party abolished feudalism and tribalism and replaced *Tapu* with the Real Estate Registration Law. This new law limited the size of landholdings while encouraging collective ownership and agriculture production (Al-Ossmi and Ahmed, 2015; UN-Habitat, 2018).

With the fall of the Baathists in 2003, a new government formed a committee to deal with several knotty issues, such as land confiscated by the Baathist regime, returning refugees and their tenure insecurity, title deed forgery, appropriation of public property and encroachment on public land (USAID, 2005; Al-Ossmi and Ahmed, 2015).

The Iraq Property Claims Commission was established in 2003. Its brief was to restore land and property confiscated between 1968 and 2003 by Iraqi ruler Saddam Hussein. Other land issues included cancellations of agriculture contracts, problems of internally displaced persons and other returnees, occupation of public buildings and land, and informal settlements (IOM, 2015).

However, in 2013, conflict and displacement escalated with the rise of the Islamic State of Iraq and Syria (ISIS) or Da'esh. ISIS fighters stormed Anbar Governorate and Mosul, Iraq's second-largest city, creating about 500,000 refugees in two days. Following this, ISIS stormed Sinjar, a Yazidi-majority town, killing hundreds, abducting and enslaving thousands of Yazidi women, and forcing others to flee to the mountains. The Government of Iraq is still discovering mass graves in Sinjar. With the end of the ISIS occupation, the government must deal with the consequences of further displacement (IOM, 2015; UN-Habitat, 2018).

The social and political insecurity and multiple waves of forced displacement caused by decades of violence and occupation have created many land and property conflicts. This paper looks at the current challenges within the land administration system in Iraq in this context and offers an analysis of land governance educational opportunities offered across the country.

2. METHODOLOGY

Data used in the research presented here was collected through two surveys carried out in preparation for this paper: a capacity assessment survey and a survey mapping educational courses related to land issues in Iraq.

The targeted survey respondents consisted of a variety of actors, including academics, government officials and practitioners (see Figures 1 and 2). Their professional backgrounds are in architecture urban, regional, strategic and spatial planning; urban design; geographic information systems (GIS); civil, electrical and mechanical engineering. The participants represent Iraq's geographic north, central and south.

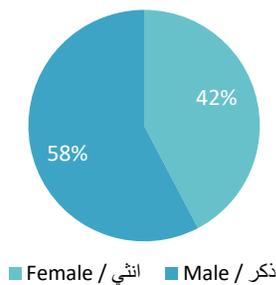


Figure 1: Gender distribution of participants.

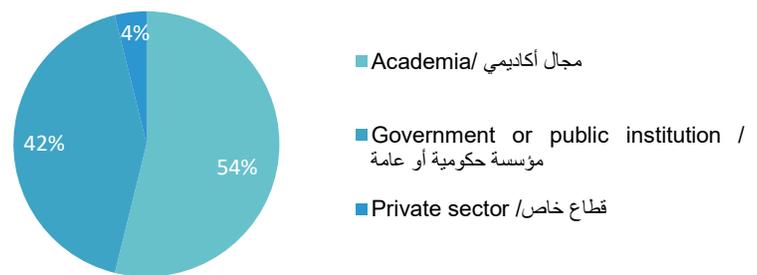


Figure 2: Participants from academia, government and public institutions and the private sector.

The first survey, a capacity assessment questionnaire, was conducted in April 2021; 26 people responded to the questionnaire. The second survey was conducted in May 2021, and covered the mapping of the educational courses offered (also described as learning offers). Questionnaires were distributed among academia in different Iraqi learning institutions and research centres (see Figure 3).

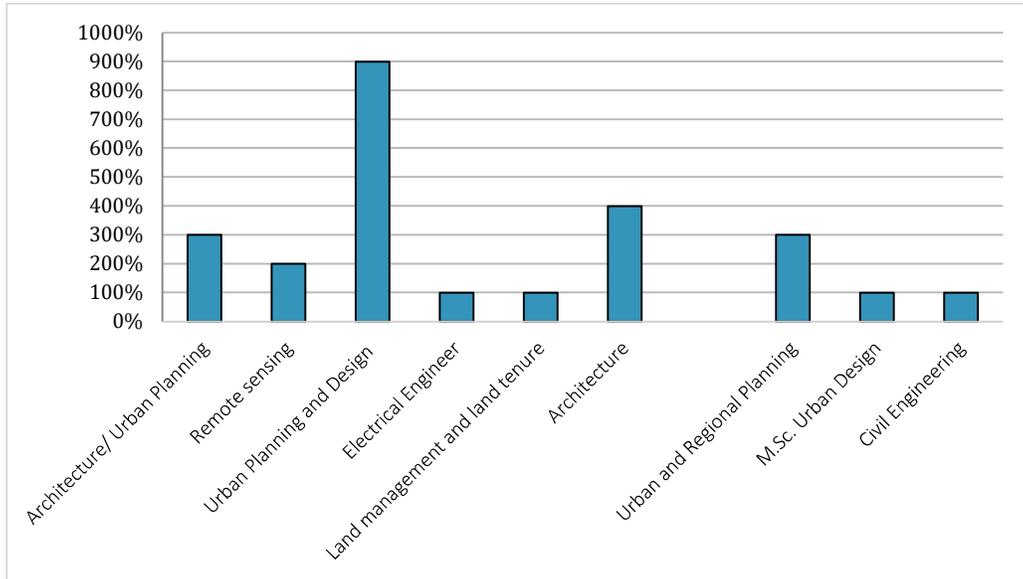


Figure 3: Participants' affiliation.

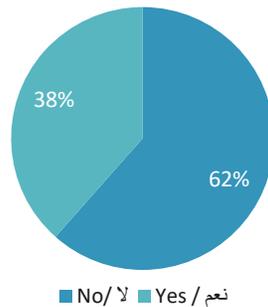


Figure 4: Proportion of respondents wanting their identities kept anonymous.

3. LAND-RELATED LEGAL FRAMEWORK

The statutory land administration system legally covers the entire country and remains highly centralized. Land administration and enforcement of rules governing land in more peripheral areas are difficult (UN-Habitat, 2018). Land tenure in Iraq has traditionally been organized into categories that include *mulk*, *waqf* or *awqaf*, *matruka*, *mewat*, and *miri*. Most land in Iraq is classified as *miri*, which is regulated by the state code. While this kind of land is technically state-owned, individuals can claim the right to *heq tasarruf* that allows them to use and transfer the land to others. Over time, the difference between absolute ownership rights and those of *tasarruf* has narrowed to the extent that they are now insignificant in ordinary business matters (Wiss and Anderson, 2009).

In 1974, the Real Estate Registration Law replaced the old Ottoman permanent title document. Like the old, the new title document – a handwritten copy of the original official record-book document – is sufficient proof of ownership. The Real Estate Registration Department (RERD) holds the original copy in its registry. The title document incorporates the following information:

- a) The complete name of the owner(s).
- b) The category of the property (residential, arable, commercial or industrial).
- c) The property type:
 1. Private Estate: Owned by the person whose name appears on the title document with no other partner.
 2. Public Estates: These belong to the state, divided into two parts: i) properties given by *Alezma* and ii) governmental estates entrusted to RERD. Both types of ownership affirm the state as part owner, with the individual accorded some ratio of land or period of use.
 3. Endowment (Inheritance): The property is registered in the Endowment Department and under its protection.

There is an additional type of agreement called *Musataha*, whereby a landowner (most often of a public estate) makes an agreement with another person to build on the land. The two sides agree to make use of the property for a stipulated period of time. At the end of the period, property ownership reverts to the landowner, and the building should be registered at the RERD (USAID, 2005).

Extract from: www.land-links.org/country-profile/iraq/

“The current land laws in Iraq include the following:

Resolution No. 333 Promulgating Law No. 42 of 1987. This legislation is concerned with the reorganization of agrarian ownership under reclamation projects. The law is focused on the reorganization of ownership of lands for agricultural projects. It also provides remedies for compensation to landowners for expropriation.

Resolution No. 176 of 1993 Promulgating Law No. 18 of 1993. Relative to the Body of Administration and Investment of Awqaf Properties. The resolution establishes the body that is legally, financially and administratively independent but connected to the Ministry of Awqaf and Religious Affairs. The

body administers and develops land and property received as an endowment and acts as a council for all issues in terms of the administration and investment in *awqaf* properties. The body is managed by a council comprising the minister, several experts, three lawyers and government officials.

Iraqi Company for Contracts for Land Reclamation (Law No. 116 of 1981). The law establishes the Iraqi Company for Contracts of Land Reclamation under the Council of Ministers. The company implements reclamation projects and acts as a contractor for such projects. The company carries out its duties in and outside Iraq. The company can sell and lease reclaimed lands. The company's properties are considered "state domain".

The Agrarian Reform Law No. 117 of 1970. Comprising five chapters and 52 articles, this extensive law covers a variety of agricultural landownership issues, including the maximum size of lands that can be owned privately without authorization. The Agrarian Reform Authority can requisition land above the stated limit and stipulate the forms of compensation that the owner of the requisitioned excess land is due. The authority takes over the responsibilities of survey committees regarding lands not yet surveyed and those lands against which survey decisions are still pending. The authority distributes agrarian reform lands to peasants individually and collectively.

Law of 2013 Confirming Ownership of the Agricultural Lands and Orchards Excluded from the Adjustment Acts. This law operates within the Municipality of Baghdad and deals with orchards and agricultural lands that were excluded from previous settlements or are otherwise of unresolved ownership status. The law focuses on urban development that takes place on agricultural and orchard lands that have become unsuitable for agriculture due to urban development. The law established the Land and Expropriation Committees, which were initially promulgated by the Agrarian Reform Law of 1970. The committees determine the rights over such lands and remove the definition of "agricultural land" if they were not officially designated as such in the city's old registers.

Law No. 2 of 1983 on Pasture. This law establishes the management of pasture lands by scientifically planning grazing and engaging in the protection of natural vegetation and water resources, as well as the organization of their use. The law covers state-owned lands reserved for pasture. The law states that the Ministry of Agriculture and Agrarian Reform is to regulate and organize livestock movements according to seasons and regions (USAID, 2018). The law prohibits the drilling of artisanal wells and cutting plants on pasture lands.

Resolution No. 150 of 12 October 1997 Concerning the Sale of Plots of Land for Housing Owned by the State to Farmers. The resolution stipulates that state-owned land not burdened by "disposal rights" shall be sold to farmers, pre-existing agricultural contracts are revoked, and pre-existing rights extinguished. The resolution limits allocation to farmers – not more than 1,000 m² with no house and 2,000 m² for a plot with a house.

Resolution Relative to Corporeal Compensation for Appropriated Real Estates and Amortization of the Right of Disposal of Vacant Agricultural Reform Lands, No. 90 of 1996. This law provides compensation for the alienation of agricultural land, with alternative land as a first priority and cash compensation as a secondary priority. The law also prohibits compensation in kind or cash for certain types of land.

Resolution to Prevent Alienating of Estate Property of Iraqi Citizens who leave Iraq, No. 21 of 1996.

The resolution stipulates that the transfer of real estate owned by Iraqi citizens who leave the country is to be prevented in all cases.

Resolution Concerning the Alienation of Real Property within the Boundaries of the Master Plan of Baghdad, No. 157 of 1994.

This resolution stipulates that the transfer of real estate within the boundaries stipulated in the Master Plan for Baghdad or the master plans of *Aqdiyas* and *Nahiyas* within the Governorate of Baghdad of a “certain type” (undefined) shall not be registered unless the person receiving the transferred property was recorded in the 1957 census or any previous census in one of the regions within the Baghdad Governorate before the creation of the Saladin Governorate. The rule does not apply in cases of inheritance of property due to death.

Resolution Concerning Agricultural Land. Unofficial title, No. 211 of 1991. The resolution stipulates that state-owned agricultural lands cultivated by the persons themselves or through others shall be considered property of the state with no compensation due and shall be registered in the name of the Ministry of Finance as “pure” property. The Ministry of Agriculture shall dispose of such lands in accordance with laws and regulations in force”.

For more information: www.land-links.org/country-profile/iraq/

4. INSTITUTIONAL FRAMEWORK AND STAKEHOLDERS

The **Land Administration Department of the Ministry of Justice** and the local **Real Estate Registration Department** are the government bodies responsible for land registration and titling. They are the only legal entities for registering different types of real estate ownership and for ensuring compliance with land-use and building construction standards. The General Directorate of Real Estate is Iraq’s head of all governorates’ real estate directorates. Each governorate has one or more real estate directorates, depending on its size and population. For example, Baghdad, the largest of the governorates, has about 10 directorates. Mosul has only two directorates, which correspond to the two sides of the city. The districts and the subdistricts of each governorate have the Office of the Real Estate Superintendent. All these divisions are similar in structure hierarchically (see Figure 5), up to the Ministry of Justice (USAID, 2005).

Extract from: www.land-links.org/country-profile/iraq/

Additionally, there are other ministries and local institutions related to land issues (Al-Ossmi and Ahmed, 2015):

The Ministry of Agriculture: The ministry supervises the implementation of legislation for agriculture regarding farm ownership, transaction of farmland and patterns of agricultural land possession rights. The ministry has been mandated, since the Agrarian Reform Law No. 30 of 1958, to pursue the best investment in agricultural lands and stability in agricultural relations for the country. The provincial agricultural directorates supervise agricultural land at provincial level.

The Ministry of Housing and Construction is the national housing authority. It works with local government units at the governorate level to establish housing programmes. A National Housing Office represents the ministry in the private sector. The ministry is responsible for implementing national housing plans.

The Ministry of Municipalities and Public Works: This ministry sets national policy relating to municipal matters, including the implementation of facilities for cities. Within this ministry, the General Directorate of Urban Planning deals with urban planning and development at the local level.

The Provincial Physical Planning Directorate: This is a local-level division of the General Directorate of Urban Planning and is the regulatory board for urban land use, working through the local municipality offices. The Physical Planning Directorate is tasked with monitoring and supervising the implementation of local land-use regulations and development.

The Municipalities Offices: These are the local government departments of the Ministry of Municipalities and Public Works. They deal with the implementation of development within cities and surrounding villages as designated by the cities' master plans.

For more information: www.land-links.org/country-profile/iraq/

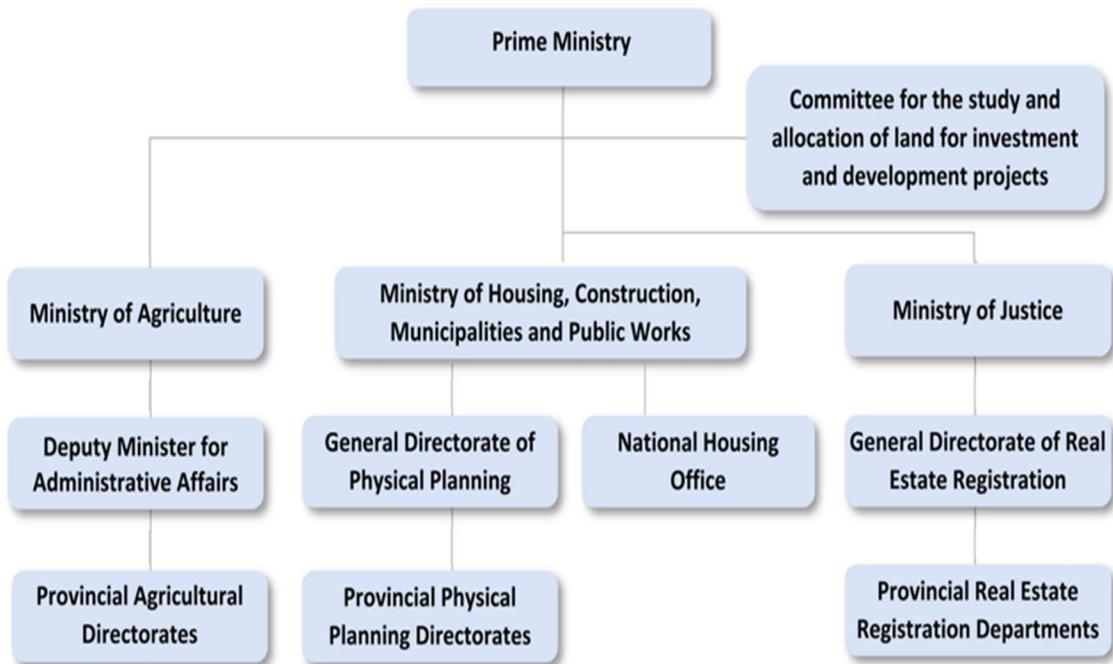


Figure 5: Government hierarchy. Source: UN-Habitat (2018).

5. ANALYSIS OF LAND MANAGEMENT AND ADMINISTRATION

Land management and administration is important to protect land property rights and use, which are essential for urban and rural development. This section presents the results of the assessment survey carried out in preparation for this paper regarding the five land administration functions: land tenure, land value, land use, land development and land disputes resolution.

5.1. Land Tenure

Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land and associated natural resources. Rules of tenure define how land property rights are to be allocated within societies, along with associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long and under what conditions.

The Iraqi Constitution guarantees ownership rights for citizens and limits the government's power to seize private property without the owner's consent. Asked about the proportion of the total adult population that has secure tenure rights to land, nearly half of survey respondents said yes. Most respondents were not able to provide sex-disaggregated information about the population with secure land rights, due to a lack of information. Some declared that they did not have this information because it did not exist, while others claimed that most probably some governmental entities have the statistics. Information on tenure documentation is scattered between different governorates and local land registries. There is no common platform that presents the data combined from all sources regarding types of ownership and who can afford to own land. One respondent suggested that this type of information can be gathered from the Real Estate Registration Directorate.

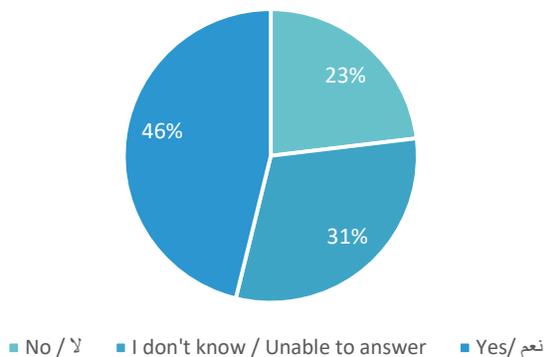


Figure 6: Availability of information about the proportion of secured land tenure rights.

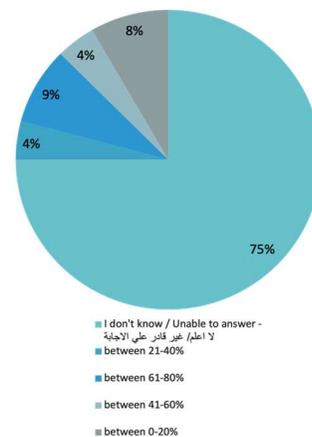


Figure 7: Share of female adult population perceiving their rights as secure.

Types of land tenure

Land tenure could be categorized into formal and informal. Formal land tenure includes private or public ownership, where individuals, groups or institutions have full ownership and formal rights of use over *amiri* land. Housing with formal ownership documents forms the majority, while informal housing is estimated to be about 15 per cent. While private ownership is generally considered the most secure type of tenure, this is not always the case, as evidenced by the forced displacement caused by recent conflicts in some Iraqi governorates. According to the law, displaced persons are eligible to receive assistance to rebuild their properties once they can prove ownership.

Forced eviction was deemed possible and likely or very likely by nearly half of the respondents. Forced evictions occur due to terrorism, anti-terrorism military operations, and tribal and sometimes social conflicts. For example, 140,000 people were forcibly evicted in Jurf Al-Sakhar and were not allowed to return, even though the area was liberated from Islamic State fighters. These displacements have contributed to land tenure insecurity and land-use conflicts.

Eviction is more common among people living on recently illegally occupied land than among other categories of people, but the destruction of informal settlements by government institutions is not common. Displacement and informality, however, put a strain on the already old and damaged infrastructure, leaving people without water, electricity and sometimes a sewage network.

Purchasing and affordability of land and properties

Responses to the questionnaire regarding the affordability of property show that the average Iraqi cannot afford the cost of buying urban land. Rural lands are also unaffordable for most people. Measures to control rising land prices should be introduced.

The survey showed a moderate public understanding regarding how to own or sell land. When asked about citizens' understanding of their land rights, more than half of the respondents said they had an average understanding. Awareness should be raised about land rights and land-related processes.

Recently, many countries have made it easier for their citizens to obtain loans and mortgages to buy land and other properties. The process in Iraq, however, is still fraught with difficulties. Most respondents stated that obtaining loans and financial support to purchase properties is either difficult or very difficult.

Official land regulations in Iraq make no gender distinction in the process for land acquisition. Men and women are provided equal buying opportunities under the law and are treated the same in their right to use lands or property as collateral.

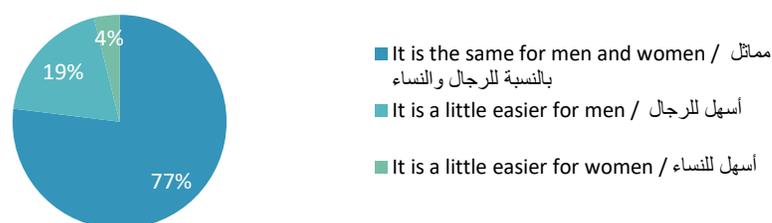


Figure 8: Is it easier for men than for women to access financing to purchase land or properties?

Cadastral system

The cadastral system is paper-based, dysfunctional and not well known by the average Iraqi. Half of the respondents said that there is no properly functioning system for land registration and most of them were not able to estimate its coverage. Respondents said that while urban areas are relatively well documented and mapped by the responsible authorities, rural lands are neglected and should be considered more seriously.



Figure 9: Is there a well-functioning cadastral system?

Half of respondents said that the procedure for creating new properties is difficult, while 42.3 per cent replied that it is neither easy nor difficult. Almost half of respondents find the process of altering existing properties and of transferring a property or its use from one party to another difficult. Over 70 per cent of respondents said that creating new properties, altering existing ones and transferring others from one party to another is expensive.

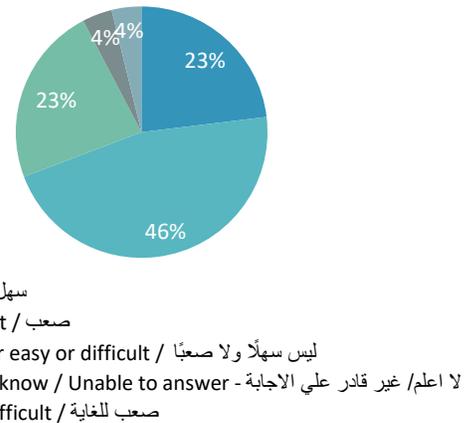


Figure 10: How easy is it to transfer property or use from one party to another?

The process of land registration or change in a cadastral record takes 2 to 12 months. This time-consuming process leaves some landowners unable to complete their registration, and it is costly. The value of the added tax imposed for registration also varies according to the location of the land, the land area and the type of property (residential or commercial).

Some respondents indicated that corruption by officials who use their power for private gain while carrying out their duties on land management and registration also affects the time and cost of land transactions.

Each municipality has its own cadastral department. Iraq has 18 provinces, including three in the Kurdistan Region. Each province includes a main city and districts. Municipalities in the main cities have their own cadastral system. Most survey respondents did not know the number of cadastral officers in the country, while the rest mentioned a range of 15–150 professionals for each office, which might be true, depending on the office size in relation to that of the city.

Land tenure information and spatial data infrastructure

The cadastre handles a large quantity of land-related information: data about boundaries, owner's name, plot number, land address, ownership, area, value, type, land use (agricultural, residential, or commercial), plot number, county, Real Estate Registration Department, plot boundaries, adjacent plots

and geographical coordinates. Cadastral information is used in decision-making processes related to confiscation of properties, urban expansion plans, establishment of housing projects, land distribution and investment, securing land tenure for slum dwellers and development in desert lands, etc. Some of those who use cadastral information in decision-making include the Office of the Prime Minister; the Ministry of Housing, Municipalities, Public Works; the Ministry of Planning; the Ministry of Finance; real estate registration offices; tax offices; investment authorities; the private sector; community-based organizations and non-governmental organizations.

Some land tenure rights are not included in the cadastre: informal, temporary, religious, and tribal or customary rights. Respondents could not give indications on the proportion of population covered by such type of tenure arrangements. There is a great scope for improvement in land data availability and management in Iraq, including using new technologies.

5.2. Land Value

Regarding the adequacy of methodology in assessing urban and rural land value, most respondents thought the existing system is inadequate. Land value is based on market speculation, as there is no institutional mechanism for defining such value and no system for recording information related to land values. Iraq has an institutionalized methodology to assess the value of buildings. The public registry office values buildings, yet the existing valuation methods are outdated and heavily rely on the discretion and the competence of registry office employees. Manipulation of land values for the purpose of decreasing taxes can occur.

Most respondents are aware of the taxation system for land and properties. Taxation is most effectively applied to urban lands, while rural land taxation is less effective, in part due to the wide variety of rural land tenure forms and different needs. Respondents had mixed feelings about the fairness of land and property taxation in Iraq and about the rigorousness in calculating it. There is lack of transparency and understanding regarding land-based taxation and the use of such revenues by public institutions.

5.3. Land Use

Control and enforcement of land-use decisions

Land use defines how people use and exercise rights over land. Adequate and updated land-use plans do not exist at the national level, according to nearly 60 per cent of respondents. However, where they do exist at the regional or local level, they are inadequate and not enforced.

Land-use plans at regional level are deemed inadequate. The greatest challenges in land-use management are related to the lack of documentation and outdated plans, particularly in rural areas. The absence of state mechanisms to control and enforce land-use decisions is the result of the insecure social and political situation over the last three decades.

Respondents said that land-use plans at the local level are adequate and updated, but enforcement is ineffective. According to some respondents, land-use plans focus mainly on residential and commercial investment. Nearly half of respondents said that plans for the main, fast-growing urban centres are available, but are somehow inadequate and seldomly enforced.

The vast majority of respondents believes that Iraq has an adequate building permit regulation system, though it is not always enforced. Some said that, recently, the weak monitoring system encourages the circumvention of building regulations.

Nearly half of the respondents were not aware of rural and agricultural land-use regulations. However, those who were flagged the low enforcement rates of those regulations and claimed that rural areas are neglected, mainly due to strict tribal rule and the lack of adequate capacity to control rural areas.

Conversion of land use from residential, commercial, and industrial inside the city or extension areas and its relation to environmental protection is a significant concern. On this issue, half of the respondents said there were not adequate environmental protection land-use regulations in place. They also described laws governing environmental protection as insufficient and in need of significant change.

Land-use information

The value of a digital database for facilitating all development processes and resolving land disputes cannot be overstated. More than half of respondents said that Iraq lacks a complete and accessible digital land information system recording land use. Respondents said it is difficult to access existing digital information libraries and to use them in development proposals and plans. There is a GIS database, but it is incomplete.

Natural resources are crucial to human survival, and there should therefore be a system in place to gather and distribute information about these resources. Responses to the questionnaire show a significant weakness in the provision of such an information system. Information exists, but it is not geolocated and linked with Iraq's existing development plans. Non-governmental organizations and the government should collaborate to develop such an information system, as it is the first step needed in understanding the country's potentials and threats.

5.4. Land Development

Land development is the application of resources to improve land and enable a different and more efficient land-use solution. These resources may include capital investments (for example, constructing buildings, services or infrastructure), labour (for example, clearing or draining land for agriculture) or administrative processes (for example, securing or revising planning permissions).

Most respondents indicated that they are aware of the mechanism for the public to acquire land in Iraq. However, only 42 per cent felt that the land expropriation mechanism is adequate, while the majority felt that it is not cost effective, and is generally seldom used.

The survey sought opinions on the degree of efficient regulations to control land subdivision and consolidation in urban areas. The majority of respondents said regulations are efficient, but not always fair and not frequently used. There was no convergence of opinions regarding the process and the regulations for land consolidation in rural areas.

Results of the questionnaire indicate there are adequate mechanisms and regulations that ensure construction is aligned with land-use regulations (65 per cent agreed with this statement). Half of the respondents believe that mechanisms to change land use by granting planning permission and building

permits are effective. However, most respondents do not believe that mechanisms to ensure that development costs are borne fairly between the public and private actors exist.

5.6. Land Disputes Resolution

Several types of disputes can arise over access to, use of and control over land and its resources. Such disputes can take on different scales: individual, family, communities or whole societies. Some land-related disputes can lead to violent conflict, especially when the rule of law is weak and tribal societal norms prevail. Others lead to land tenure insecurity and constrain the effective use of land resources. The size of a country is an important factor in resolving land-related disputes efficiently and for successful land governance.

Over the last decades, Iraq has faced many waves of displacements. Moreover, the Central Government and the Kurdistan Regional Government argue over the disputed territories, which are defined in Article 140 of the 2005 Iraqi Permanent Constitution. Particularly affected are the areas surrounding the provinces of Kirkuk and Ninewa, which were subjected to forced demographic change under the Arabization policy during the former Baath Party rule between 1968 and 2003. The question of landownership and governance in the disputed territories is contested and has become subject to strong politicization. This affects land security and rights and, consequently, leads to many land disputes between the Kurdistan and Central governments, which require high-level political negotiations to resolve.

Management and adjudication of land rights, parcel boundary disputes

According to survey results, 62 per cent of respondents said there is a well-structured formal system to resolve conflicts and disputes related to land rights and parcel boundaries in Iraq. However, 77 per cent said the speed at which disputes and conflicts are resolved is slow. The public has little familiarity with the procedure to access the formal dispute resolution system, and a widespread distrust of that system.

Although there is no gender discrimination in the laws and procedures, women generally face different and additional challenges in accessing the formal dispute resolution system compared to men, given that Iraq is a male-dominated nation. While some respondents acknowledged that women play an important role in Iraqi society, others maintained that women's opinions and participation is irrelevant. Traditionally, the resolution of land-related disputes is a male affair. This is in part because disputes resolved through the court system require the disputant's presence, and women's exposure to such attention is negatively perceived.

Other mechanisms, outside of the formal court system, are also available to settle land rights disputes. One non-judicial land dispute resolution method is the community governance system that relies on tribal norms and traditions. This system is run by powerful leaders, whether tribal or religious. Generally, the reasons the public shuns official channels are the high costs of the judicial process, the lack of technology, and the lengthy duration of the formal process. The proportion of land-related cases resolved through non-formal disputes resolution mechanisms is high, especially in rural areas. Usually, disputes are solved through personal negotiation, tribal law, or religious leaders and *mukhtar* (the municipal council). If these bodies fail to deliver a satisfactory settlement, then the cases are taken to court.

6. ANALYSIS OF EXISTING LEARNING OFFERS AND RELATED CURRICULA FOR LAND GOVERNANCE

6.1. Existing Learning Offers on Land-Related Topics

Based on the questionnaire and survey results, land-related studies have always existed in urban planning courses as part of the study course; there is not usually a special course dedicated to the topic. The research finds that urban planning is part of the general bachelor's and master's degree programmes in architecture and is taught from an introductory perspective, apart from a few programmes and courses. In general, the courses at different universities cover the following related aspects.

University of Duhok

Undergraduate | College of Spatial Planning

Public universities in Iraq, like the University of Duhok (www.uod.ac), provide courses on topics related to spatial and land-use planning for which students pay tuition. Two main courses related to land issues are offered at the undergraduate level:

Land tenure and land management

This academic course provides general knowledge related to land tenure aspects and management, including lessons from Germany and other countries. The course provides instruction on how government gains access to and control of land for the public interest using local laws and regulations, and the rights over land. The course qualifies the student to approach land tenure in a local context and involves students in the process of changing laws and regulations regarding landownership. This course encourages students to analyse political, economic and social factors related to land.

Theories of land-use planning and environmental management

This course introduces students to different theories of land use and discusses how each of the theoretical lenses shapes positive and negative spatial planning outcomes. One of the main outcomes is to provide the students with a deeper understanding of concepts related to land and the basic principles of land-use planning for various categories of land situations.

University of Mosul

Undergraduate | Remote Sensing Center, Mosul

This public university in Iraq provides fee-paying courses related to geospatial studies, surveying and mapping. The university receives donations from international organizations and institutions. Three geospatial undergraduate courses are offered:

Digital processing of satellite visuals

The course applies digital processing methods to multi-spectral space visuals, as the course includes a practical application on how to perform preliminary treatments of geometric and spectral corrections. The course includes training on ways to improve images and how to use the results in applied studies. The course topic also includes methods for converting images by processing images with mathematical

operations and applying spectral ratios to images, as well as analysing images with basic compounds. The last part of the role includes the processes of classifying digital images and their part in preparing land-use maps and land cover.

The use of GIS software in spatial analysis

This course helps in preparing objective maps using digital elevation data through the ArcMap programme and its applications in spatial analysis. The course topic is the derivation of regression maps, hill shadows, concavity and how to interpret the information in these maps in completing spatial analysis processes.

Classification of floor coverings in GIS software

This is a special course on the classification of ground covers, which is called land uses and ground covers, as well as deriving vegetation distribution maps, measurements of exploited and unexploited lands, and calculations of the impact of climate and its elements.

Nawroz University, Duhok

Undergraduate | Department of Architecture Engineering

Nawroz is a recognized private university that offers courses related to urban planning within the architecture study programme. The university offers one course at the undergraduate level:

Principles of planning

Provided at Nawroz University (www.nawroz.edu.krd), this course is a general introduction to the theory and practice of urban planning. It provides a historical overview of modern town planning and introduces students to planning problems and strategies in a wide range of cities and countries. Through examining international case studies, the students engage in discussion and analysis of current city planning issues. The course equips students with a better understanding of the urban planning profession and the impact of urban planners in developing effective and healthy cities.

University of Baghdad, Center of Urban and Regional Planning

University of Baghdad is a recognized institution that offers courses related to spatial and land-use planning. The facility offers two courses at the postgraduate level and two at the master's degree level:

High Diploma – Postgraduate | The Center of Urban and Regional Planning

Method of land use

This course deals with issues and methods of exercising land-use planning and developing land-use plans for urban neighbourhoods and small towns. The course also provides a brief presentation of the theory of land use and freedoms.

Introduction to urban and regional planning

The course aims to provide knowledge about the fundamental issues and policies in urban and regional planning. It also deals with the relations between rural and urban areas and government policies in the field of human settlements, land uses and others.

Master's degree | The Center of Urban and Regional Planning

GIS 1 (studio plan preparation and GIS skills)

This subject covers the application of urban planning projects as well as acquiring study skills related to the thinking progression and tools used in the planning process, whether statistical, mathematical or digital.

Fundamentals of urban and regional planning

This subject includes urban and regional planning theories, the history of urban and regional planning, designing of transport and traffic planning. The study includes urban housing planning, principles of urban and regional planning economics, in addition to principles of GIS.

Kufa University

Undergraduate | College of Physical Planning, Department of Urban Planning

This is a public university with an interest in spatial and land-use planning. It offers two courses at the undergraduate level:

Urban planning theories and models

Under the Faculty of Urban Planning (www.physicalplanning.uokufa.edu.iq), this course introduces students to the main theories of urban planning and the most important pros and cons criticized by these theories. The course includes analysis of land use and road networks through different theories. It analyses the city form, the different approaches to city classification and future urban growth.

Urban management

This course looks into urban land administration since the first appearance of human settlements, Islam and urban legislation elements of contemporary urban management legislation, and contemporary urban governance. Students also learn about the role of municipal councils in 15 development processes.

Sulaimani Polytechnic University, College of City Planning Engineering

Undergraduate

Sulaimani Polytechnic University is a recognized institution in Iraq where students are offered courses related to spatial and land-use planning. The university offers three courses at the undergraduate level:

Spatial planning/land use

This course at Sulaimani Polytechnic University (www.spu.edu.krd) deals with traditional, modern, post-modern and contemporary theories of urban planning to expose students to different approaches and strategies and deepen their knowledge of the process of city planning.

Urban management

This course is a guide to the different concepts of urban management and includes their application and case studies analysed by the students.

Theories of urban planning

This is a general introductory course on the theories and practices of urban planning. It provides a basic understanding of the major urban planning issues, concepts and tools.

ESRI

Consultancy firms and private companies | Geospatial studies, surveying, mapping

This private consultancy company specializes in geospatial studies, surveying and mapping. It introduces several GIS applications through trainings and courses.

6.2. Existing Research Efforts on Land-Related Topics

The efforts in researching land issues are not up to the level needed. Some institutions do focus on research topics related to various land issues. Baghdad University's Center of Urban Planning is one good example, where researchers at the master's and PhD degree levels work on specific related topics. In addition to the spatial planning programme at Dohuk University, it is clear that more programme offerings are needed to enhance the number of well-capacitated and well-qualified graduates to act as professionals in the field.

6.3. Synthesis of Stakeholders' Response to Potential Collaboration

Universities can provide a strong potential partner in offering specific land governance programmes or courses for professionals and local government authorities.

Local municipalities can welcome trainings and capacity-building programmes that can improve the quality of their services. There are capacity-building partnerships between local municipalities and international cooperation organizations. For example, the Deutsche Gesellschaft für Internationale Zusammenarbeit (German International Cooperation Agency, or GIZ) is working with the Dohuk Governorate in Kurdistan and with Duhok University to provide GIS software and training to municipality staff.

7. CONCLUSIONS AND RECOMMENDATIONS

Iraq's land sector has been affected by social and political insecurity and multiple waves of forced displacement. This has contributed to overall land tenure insecurity and land-use conflicts throughout Iraq. The land administration system needs to be reformed in order for it to manage land issues more effectively. Based on the findings of the research, this paper identifies a number of areas in which Iraq's land sector faces specific challenges, and offers recommendations on what steps should be taken to improve the sector.

Legal Reforms

The existing legal framework for land rights needs to be reviewed. Urban planning regulations and urban design guidelines should be made more effective in controlling land use in a way that better supports the urbanization process. Regulations for land valuation should also be formulated in a more transparent way that avoids corruption and promotes public trust. Consequently, there is also a need to develop assessment tools for determining market needs. Land disputes need to be better addressed, and

enforcement of land-use and building permission decisions should be improved. Integrating land dispute resolution in discussions on existing land laws and proposing new laws that address the specific types of disputes that people currently face is needed. Regulations to address and prevent the formation of informal, temporary, and displaced populations' settlements should also be enhanced. Furthermore, the administration and allocation systems should provide a mechanism for linking the allocation of land with the implementation of services and infrastructure.

Institutional Reforms

Transparency and awareness should be enhanced. This would require enhanced political awareness and the will of the decision makers who would guide the reform process. The relationship between the main stakeholders involved in land management and administration need to be redefined. Roles should be regulated and coordinated in a way that addresses all gaps. National and local levels should be linked within the institutional framework and regulated by law.

Gender

Gender in relation to land governance is a sensitive cultural issue that needs to be carefully addressed. This is one of the most crucial topics that would benefit from awareness campaigns, backed by political will and with reference to Islamic law. To tackle such topics, professionals in related fields need better preparation. This can be achieved by either offering special courses to university graduates or through continuing education or professional courses for practitioners. Workshops with civil society organizations or public sector (for example, the National Council for Women) should be organised to raise awareness about women's land rights.

Human and Financial Resources Development

Capacity is currently weak across all aspects of the land management system: land tenure, land use, land value, land development and land dispute resolution. Both human and financial capacities are insufficient to manage land sustainably across the various institutions with land-related functions.

Due to the political unrest and post-war conditions that Iraq currently endures, there is a clear lack of financial resources. One way to improve this shortfall in the short run is to encourage people to register their properties, thereby increasing property tax revenue.

Based on the survey analysis, capacity-building is required for land and property valuers, public officers and local municipality employees. Within each municipality and governorate, land and urban development are mainly managed by two offices, the Directorate of Urban Planning and the Directorate of Investment, and their staff should be adequately trained via workshops and individual trainings. Currently, the mentality of public land administration is not client-oriented and there is a lack of coordination between land-related stakeholders. Cooperative and innovative methods need to be followed to develop urban land management systems. Better preparation for public land administration professionals can be achieved by better preparing university graduates by providing specific courses or through professional or continuing education courses for practitioners. Capacity-building programmes should be based on training needs assessments for different categories of land professions. Different departments of architecture from different universities can be partners in this effort. Trained academics

specializing in urban issues can act as core trainers. This measure can be further enhanced by integrating land dispute resolution “legislation”, land tenure and land use and value into current curricula.

It is also important to develop a communication plan to raise the awareness of various stakeholders about different land governance issues and provide them with needed information. Such a plan should be implemented in collaboration with entities such as universities, municipalities, civil society organizations and think tanks, and coordinated on the national level.

Technical and Information-Management Reforms

The documentation system for land is outdated. There is no digital land information system that records land-use development, which is particularly needed for cities. Improvement to the cadastre system, which contains different types of information on land ownership and use, is a key benefit of land administration reform in Iraq. Digitization of land-related procedures is an important needed step to improve land governance. This requires more equipment, such as computers, scanners and printers, as well as capacity-building for staff to support the transformation process.

Training and Education

The results and findings of this assessment should be used to improve the learning offer and to design capacity-building programmes. Key relevant stakeholders should be identified and targeted, depending on their roles and mandate (the public sector, Parliament, the private sector, civil society organizations, donors, academia and the media), including for the implementation of land governance reforms.

Education around the five functions related to land governance (land tenure, land use, land value, land disputes resolution and land development) needs to be enhanced. Land dispute resolution and land tenure are the areas least covered by learning institutions, while land use and land development are the most frequently offered courses.

In addition to improving university-level programmes, established professional bodies should also be responsible for providing courses that meet international standards, with accredited certifications for professionals and local government authorities in order to improve their working capacity. Additionally, training, tools and new methods need to be introduced to the related institutions through international cooperation (e.g., UN-Habitat). This should include training on the following topics:

- Understanding land value criteria and their relation to the local context,
- How land can be both a cause of conflicts and part of conflict resolution,
- Land readjustment as an approach for formalizing the informal,
- Incentives for residents to enhance land registration,
- Controlling land development and corruption.

New programmes for land governance should be developed, as current learning offers do not meet market demands. University training – including undergraduate, postgraduate and professional short courses – should be expanded, as should collaboration between the public and private sectors on such training courses. It should be noted that civil society and non-public institutions, as well as stakeholders, are not directly or indirectly involved in learning offers.

Research and Data

Due to the geopolitical situation in Iraq, research should be conducted separately with each of the three regions (north, middle and south). However, stakeholders should cooperate in organizing cross-regional workshops to learn from each other by exchanging experiences. Links should be established with official statistical authorities to develop relevant surveys, which will contribute to the data and information infrastructure for land governance issues.

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ANNEXES

Annex 1: Mapping Matrix for Existing Learning Offers and Related Curricula for Land Governance

Organization	Type of Org.	Type of content	Name of the course/ learning offer	Duration	Type of course	Grade/Level	Certification	Funding	Payment	Information on the curriculum	Website and contacts
College of Spatial Planning/ University of Duhok	Public University	Spatial planning/ Land-use planning	Land tenure and land management	2-3h/week for one Semester	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Fees from students	Yes (users/ students pay)	General aspects of land tenure and management, including lessons from Germany and other countries, as well as how to access and control the land by the government through local laws and regulations to achieve public interest, and the rights over land. To equip students to approach land tenure in the local context, the change of laws and regulations regarding landownership. Encourage students to analyse the political, economic and social factors related to the lands.	www.uod.ac
	Public University	Spatial planning/ Land-use planning Social sciences, Project management, public administration, Land management	Theories of land-use planning and environmental management	3h/week for one semester	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Fees from students	Yes (users/ students pay)	Introduces students to different theories of land use and discusses how each of the theoretical lenses shapes positive and negative spatial planning outcomes. Its approaches provide students with a deeper understanding of concepts related to land and the basic principles of land-use planning for various categories of land use.	https://uod.ac/ac/c/csa/departments/spatial-planning/

University of Mosul/ Remote Sensing Center, Mosul	Public University	Geospatial studies/ Survey/ Mapping	Digital processing of satellite visuals	20h/ semester	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Donors, International organizations/ institutions	Yes (users/ students pay)	Apply digital processing methods to multi-spectral space visuals, as the course includes a practical application in how to perform preliminary treatments of geometric and spectral corrections, as well as training on ways to improve images and how to use the results of that in applied studies. The course also includes methods for converting images by processing images with mathematical operations and applying spectral ratios to images, as well as analysing images with basic compounds. The last part of the role includes the processes of classifying digital images and their role in preparing land-use maps and land cover.	Mosul University/ Remote Sensing Center
University of Mosul/ Remote Sensing Center, Mosul	Public University	Geospatial studies/ Survey/ Mapping	The use of GIS software in spatial analysis	10 days	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Fees from students, international organizations/ institutions	Yes (users/ students pay)	Preparing objective maps using digital elevation data through the ArcMap programme and its applications in spatial analysis. The topic of the course is the derivation of regression maps, hill shadows and concavity, and how to interpret the information in these maps in completing spatial analysis processes.	Mosul University/ Remote Sensing Center
University of Mosul/ Remote Sensing Center, Mosul	Public University	Geospatial studies/ Survey/ Mapping	Fundamentals of digital education	10 Hours	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Fees from students, international organizations/institutions	Yes (users/ students pay)	Fundamentals of digital education. The course topic explains the basics of e-learning, its features, pros and cons, how to manage the electronic class and design the electronic content, as well as learning about educational platforms and how to prepare for the electronic class and electronic exams.	Mosul University/ Remote Sensing Center
University of Mosul/ Remote Sensing Center, Mosul	Public University	Geospatial studies/ Survey/ Mapping	Classification of floor coverings in GIS software	40h/ semester	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Fees from students, international organizations/ institutions	Yes (users/ students pay)	A special course in the classification of ground covers, which is called land uses and ground covers, as well as deriving vegetation distribution maps, measurements of exploited and unexploited lands, and calculations of the impact of climate and its elements.	Mosul University/ Remote Sensing Center Mosul

Nawroz University, Duhok/ Department of Architecture Engineering	Private University	Spatial planning/ Land-use planning	Principle of Planning	3h/weekly for one semester	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Fees from students	Yes (users/ students pay)	The course is a general introduction to the theory and practice of urban planning. Historical overview of modern town planning and to introduce them to planning problems and strategies in a wide range of cities and countries. Through studying international case studies, the students will be engaged in discussion and analysis of current city planning issues. The course will provide the students with a better understanding of the urban planning profession and the impact of urban planners in developing effective and healthy cities.	www.nawroz.edu.krd
University of Baghdad, The Urban and Regional Planning Center	Public University	Spatial planning/ Land-use planning	Method of Land Use	30h/ semester	Academic	High Diploma/Postgraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Government	Yes (users/ students pay)	This subject contains the issues and methods of land-use planning, developing the land-use plan at the level of urban neighbourhoods and small towns, and providing a brief presentation of the theory of land use and the freedoms of its application.	iurp.uobghdad.edu.iq
		Spatial planning/ Land-use planning	Introduction to Urban and Regional Planning	30h/ semester	Academic	High Diploma/Postgraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Government	Yes (users/ students pay)	Basic and fundamental Issues and policies in urban and regional planning and the relations between rural and urban areas, and governmental policies in the field of human settlements, land uses and others.	iurp.uobghdad.edu.iq
		Spatial planning/ Land-use planning	GIS 1 (Studio Plan Preparation & GIS Skills1)	30h/ semester	Academic	Master	Yes (issued by a government-recognized institution and/or international education bodies)	Government	Yes (users/ students pay)	This subject covers the urban planning project as well as study skills in the planning and tools used in the planning process, whether statistical, mathematical or computer.	iurp.uobghdad.edu.iq
		Spatial planning/ Land-use planning	Fundamentals Of Urban & Regional Planning	30h/ semester	Academic	Master	Yes (issued by a government-recognized institution and/or international education bodies)	Government	Yes (users/ students pay)	This subject includes urban and regional planning theories, history of urban and regional planning, and designing of transport and traffic planning, as well as studying urban housing planning, principles of urban and regional planning economics, in addition to principles of GIS.	iurp.uobghdad.edu.iq

Kufa University/college of Physical Planning/department of urban planning	Public University	Spatial planning/ Land-use planning	Urban Planning theories and models	30h/ semester	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Government	No (it is free for users/ students)	Provide the most important theories of urban planning and the most important pros and cons, and critiques. Analysis of land use and road networks. Analysis of the form of the city and classification and the future urban growth.	www.Physicalplanning.uokufa.edu.iq
Kufa University/college of Physical Planning/department of urban planning	Public University	Spatial planning/ Land-use planning	Urban Management	30 h/ semester	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Government	No (it is free for users/ students)	Urban land administration since the first appearance of human settlements. Islam and urban legislation elements of contemporary urban management legislation contemporary urban governance. The role of municipal councils in the 15 development processes.	
Sulaimani Polytechnic University/college of city planning Engineering	Public University	Spatial planning/ Land-use planning	Principle of planning	30 h/ semester	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Government	Yes (users/ students pay)	Dealing with traditional, modern, post-modern, and contemporary theories in planning to expose students to different approaches.	www.spu.edu.krd
Sulaimani Polytechnic University/college of city planning Engineering	Public University	Spatial planning/ Land-use planning	Urban management	2h/week for one year	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Government	Yes (users/ students pay)	This course is a guide on how to cover the concepts of urban management.	www.spu.edu.krd
		Spatial planning/ Land-use planning	Theories of Urban Planning	2h/week for one year	Academic	Undergraduate	Yes (issued by a government-recognized institution and/or international education bodies)	Government	Yes (users/ students pay)	The course is a general introduction to the theory and practice of urban planning. Provides a basic understanding of the major urban planning issues, concepts and tools.	www.spu.edu.krd

ESRI	Consultancy firms and private companies	Geospatial studies/ Survey/ Mapping	GIS Applications		Professional	Anyone	-----	Private sector	Yes (users/ students pay) Also, it can be part of the package when an institute buys the software.	Introduction to several GIS applications through trainings and courses.	
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