



LAND, HOUSING AND PROPERTY IN IRAQ

A REVIEW OF THE LEGAL, INSTITUTIONAL, AND ADMINISTRATIVE FRAMEWORKS

A WORLD IN WHICH EVERYONE ENJOYS SECURE LAND RIGHTS



الاراضي العربية
مبادرة
Arab Land Initiative



Land, Housing and Property In Iraq: A Review of The Legal, Institutional and Administrative Frameworks
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LAND, HOUSING AND PROPERTY IN IRAQ

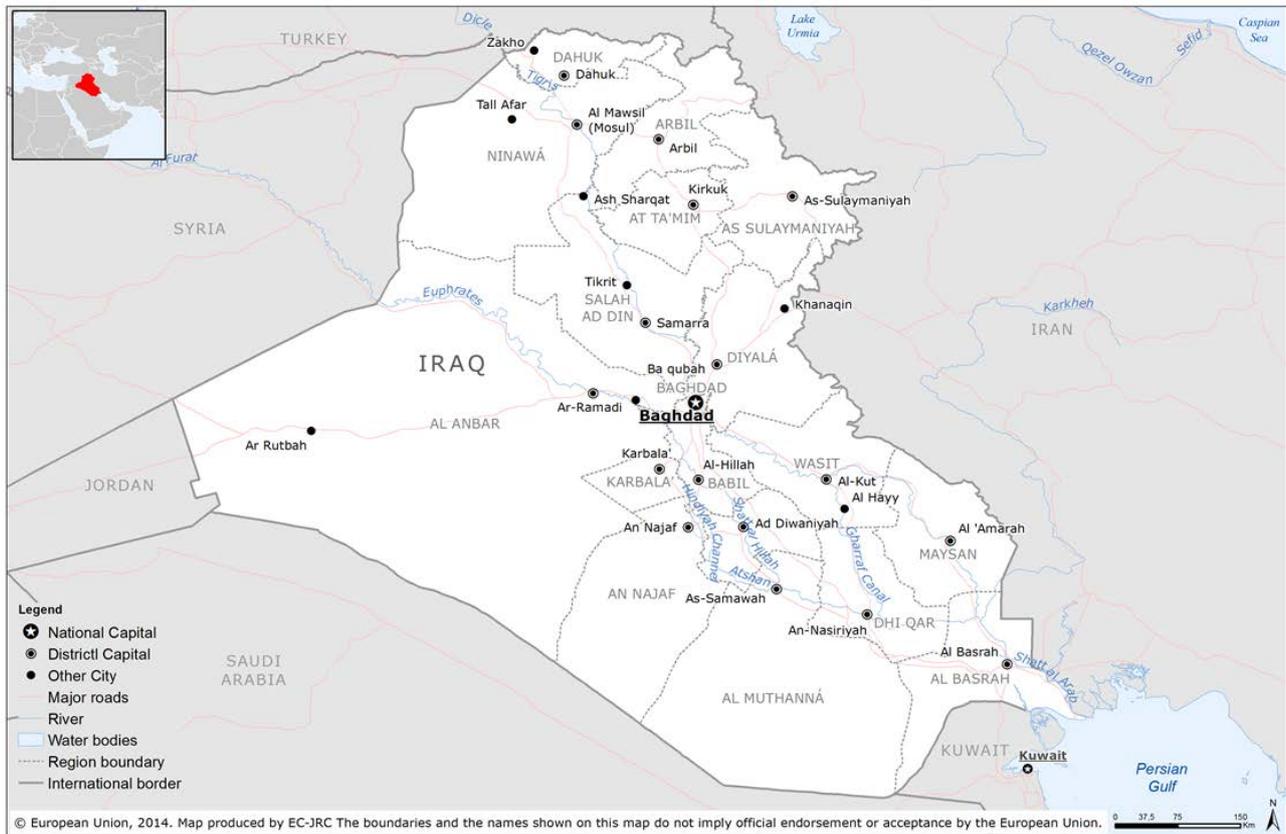
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MAP OF IRAQ



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ABBREVIATIONS AND ACRONYMS

A

ADs	Agricultural Directorates
ADR	Alternative Dispute Resolution

B

B.C.	Before Christ
BD	Buildings Directorate
BM	Baghdad Mayoralty

C

CASREMPNAM	Committee for the Allocation of the State's Real Estates to Ministries and Other Parties not Affiliated with a Ministry
CBS	Central Bureau of Statistics
CD	Contracts Department
CM	Council of Ministers
Covid-19	Coronavirus Disease 2019
CPA	Coalition Provisional Authority
CoI	Commission of Integrity
CoR	Council of Representatives
CRRPD	Commission for the Resolution of Real Property Disputes
CSO	Central Statistical Organization

D

DAI	Department of Agricultural Investments
DAL	Department of Agricultural Lands
DFCD	Department of Forests and Combating of Desertification
DGM	Directorate General of Municipalities
DGPM	Directorate of General Planning & Monitoring
DGPP	Directorate General for Physical Planning
DGRER	Directorate General for Real Estate Registration
DGW	Directorate General for Water
DIR	Department of Information and Research
DMA	Directorate for Mine Action
DNA	Damage and Needs Assessment
DTA	Directorate of Technical Affairs

E

EASO	European Asylum Support Office
EB	Encyclopedia Britannica
EIAs	Environmental Impact Assessments
EPICAS	Environmental Protection and Improvement Council Affairs Section
EPID	Environment Protection and Improvement Departments

F

FAO	Food and Agriculture Organization of the United Nations
FBSA	The Federal Board of Supreme Audit
FCoI	Federal Commission of Integrity
FICC	First Instance Civil Courts

ABBREVIATIONS AND ACRONYMS

G

GAAH	General Authority for Antiquities and Heritage
GCAL	General Commission of Agricultural Lands
GDID	General Directorate for Industrial Development
GDP	Gross Domestic Product
GDPP	General Directorate for Physical Planning
GDRER	General Directorate for Real Estate Registration
GDS	General Directorate for Survey
GID	Governmental Investment Directorate
GIS	Geographic Information System
GoI	Government of Iraq
GID	Governmental Investment Directorate
GLTN	Global Land Tool Network
GSCM	General Secretariat for the Council of Ministers
GUS	Governorate Urban Strategies

H

HD	Housing Directorate
HJC	Higher Judicial Committee
HLP	Housing, Land and Property

I

ICD	International Cooperation Directorate
ICC	Iraqi Civil Code
IDPs	Internally Displaced Persons
IFAD	International Fund for Agricultural Development
IHF	Iraqi Housing Fund
IMF	International Monetary Fund
IOM	International Organization for Migration
IPCC	Iraqi Property Claims Commission
IQD	Iraqi Dinar
ISIL	Islamic State of Iraq and the Levant
ISIS	Islamic State of Iraq and Syria

K

IKP	Kurdistan Parliament
KRG	Kurdistan Regional Government
KR-I	Kurdistan Region of Iraq
KRSO	Kurdistan Region Statistical Office

L

LACDIP	Land Allocation Committee for Development and Investment Projects
LADP	Local Area Development Programme
LDN	Land Degradation Neutrality
LIS	Land Information System
LRDD	Local and Regional Development Directorate

M

MAL	Municipalities Administration Law
MERI	Middle East Research Institute

ABBREVIATIONS AND ACRONYMS

MoA	Ministry of Agriculture
MoAWR	Ministry of Agriculture and Water Resources
MoCHMPW	Ministry of Construction, Housing, Municipalities and Public Works
MCTA	Ministry of Culture, Tourism and Antiquities
MoE	Ministry of Environment
MoF	Ministry of Finance
MoHE	Ministry of Health and Environment
MoIM	Ministry of Industry and Minerals
MoJ	Ministry of Justice
MoMD	Ministry of Migration and Displacement
MoP	Ministry of Planning
MPCB	Master Plan of the City of Baghdad
MoWR	Ministry of Water Resources
N	
NAPCD	National Action Programme to Combat Desertification
NDP	National Development Plan
NESAP	National Environmental Strategy and Action Plan
NGOs	Non-Governmental Organizations
NIC	National Investment Commission
NRC	Norwegian Refugee Council
P	
PM	Prime Minister
PPPs	Public–Private Partnerships
PRS	Poverty Reduction Strategy
R	
RCR	Revolutionary Commands Resolution
RERD	Real Estate Registration Department
RRP	Recovery and Resilience Programme
S	
SARP	Smallholder Agriculture Revitalization Project
SCRB	State Commission for Roads and Bridges
SDGs	Sustainable Development Goals
SJC	Supreme Judicial Council
SPD	State Property Department
U	
UNCCD	United Nations Convention to Combat Desertification
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN-Habitat	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
UNIDO	United Nations Industrial Development Organization

ABBREVIATIONS AND ACRONYMS

USAID
USD

United States Agency for International Development
United States Dollars

V
VGGT

Voluntary Guidelines on the Responsible Governance of Tenure

W
WB
WBG
WHO

World Bank
World Bank Group
World Health Organization

Land is a valuable asset. It is necessary for housing, business and economic activities, protection of the environment, agricultural production, preservation of culture, provision of services and infrastructure, and exploitation of mineral resources. Good land management is critical for the sustainability of social and economic investments and for an orderly expansion of cities and towns. The protection of housing, land and property rights of all segments of the population is essential to create the preconditions for social reconciliation, recovery and reconstruction and a long-lasting peace.

This report aims to improve the knowledge of a wide range of Iraqi stakeholders on housing, land and property rights, as a basis for land sector reform and improved delivery to the people of Iraq. It analyses the legal, administrative and institutional set-up of the land sector. It describes policies, laws, regulations, practices, trends and challenges pertinent to the key functions of land administration, namely land tenure, land value, land use, land development and land disputes resolution. The Annexes list the main land and property legislation applicable in Iraq (1932–2019) and its Kurdistan Region (1975–2012).

The collection of information and data was finalized in 2022. The changes that took place after this date are therefore not reflected in the report.

Legal and institutional framework and stakeholders

While the legal and administrative system that regulates Iraq's land sector has deep historical roots and strengths, it requires reforms and innovation to be able to respond to the needs of contemporary Iraqi society. The current legal framework is fragmented and imbued with contradictions that weaken its enforcement. Conflicts

and institutional fragility negatively impact access to adequate housing and the protection of housing, land and property rights in crises-affected areas.

Iraq has a federal system consisting of the Kurdistan region – comprised of three¹ governorates and recognized as a federal region by the Constitution (Article 117/1) – and 15 other governorates. The local administrative level is comprised of 251 municipalities.

Iraq's legal system is based on its long legal tradition with some influence from western models. Like most Arab countries, Iraq's legal system is burdened by a vast array of regulations and administrative restrictions, and numerous legal provisions are outdated (Amereller et al., 2010).

The current land systems in Iraq are greatly influenced by social and political insecurity and multiple waves of forced displacement over recent years, which have contributed to land tenure insecurity and land use conflicts. Iraq's land legislation is conflicting and fragmented, being a mixture of Ottomans laws, British Mandate laws, dissolved Revolutionary Commands Resolutions, Coalition Provisional Authority regulations and laws issued by the Iraqi Parliament. This fragmentation is increasing. Since the defeat of ISIS, Iraq has moved into the building and reconstruction phase, but the country has neither an Urban Planning Code nor a Building Code.

The **Iraqi Constitution** of 2005 protects property rights, guarantees suitable income and appropriate housing and provides that no Iraqi may be exiled, displaced or deprived from returning to the homeland. It provides in Article 136 for the setting up of the IPCC, under the Council of Representatives (CoR), to address property claims arising out of the Baath Period, from 1968 to 2003.

¹ This changed to four governorates in 2023, as Halabja, which previously only the KRI recognized as fourth governorate, became officially recognized by the Government of Iraq. However, the collection of information and data for the report was finalized in 2022 and changes that occurred after that are not reflected in the report, for consistency purposes.

EXECUTIVE SUMMARY

The Iraqi Government is organized into **22 ministries**, ten of which, in addition to the Council of Ministers (CM), engage in land-related functions. The CM, presided over by the Prime Minister, issues State land allocation resolutions such as the resolution for the allocation of residential land for housing of individuals affiliated with social safety nets and with special needs, and charges relevant ministries with sorting lands for allocation. The **General Directorate for Real Estate Registration** (GDRER) in Baghdad coordinates the formation and operation of sub-offices in all governorates' Real Estate Registration Department (RERDs). They are responsible for all land registration in Iraq in accordance with Land Registration Law No. 43 of 1971 as amended. The State Property Department (SPD) is responsible for the inventory and management of State lands and management of confiscated properties. The General Directorate for Survey (GDS) is the main governmental authority that represents the main source of all maps in Iraq. Governorates also have some important land functions. Powers and authorities overlap between the Federal Government and the local governments, which impacts overall planning, oversight, public participation and engagement of the private sector.

Land tenure

Land in Iraq has traditionally been organized into **categories** derived from Sharia law and is regulated by the Iraqi Civil Code. The Iraqi Real Estate Registration Law n.43 of 1971 determines four types of property and ownership: *mulk* or privately owned land, *mawakoufa* or endowed lands, *miri* or land owned by the state and *matrouke* or lands owned by the state with right of their use by local communities. In addition, there are communal lands that commonly surround villages that are used by their inhabitants for activities such as grazing and firewood collection.

In 1974, the Real Estate Registration Law replaced the Ottoman *tapu* system, establishing Real Estate Registration Departments (RERD) and creating an improved title-issuing service in a paper format. In 2005, the Iraqi State Board for Agricultural Lands started

working to create an updated and secure digital system of land registration.

In 1970s, the State nationalized almost all agricultural land and now owns an estimated 80 to 90 per cent of all land in Iraq. The main challenges for **State-owned land** allocation are the lack of transparency, confusion about procedures and rules, overlapping responsibilities, lack of coordination among ministries and lack of data and information about the land. State-owned land is registered in the real estate registry, but there is no unified State-owned land inventory system. Different ministries and directorates have developed their own land databases, which are mostly paper-based. However, lack of coordination between the relevant departments allows for encroachment and violations by contract holders on State land and property. Currently, the Iraqi State Land Inventory Committee (supported by the MoP) is working with UN-Habitat on the governorates' State land inventory activity project, the European Union-funded Local Area Development Programme, to improve State land inventory in Iraqi governorates. In 2018, a unified land inventory 'model' was developed in the governorates of Maysan and Najaf to assist local authorities in coordinating data collection and mapping of State-owned land (UN-Habitat, 2018).

The **agricultural land holding** system is a mixture of owner-operated, leasehold and sharecropping. The size of land holding depends on the type of land. Agrarian reform efforts since 1958 that expropriated land failed in redistributing land to small owner-operators, resulting in a fragmented system of lease arrangements between producers and the Ministry of Agriculture (Lucani and Saade, 2012). The nature of ownership limits development of the agricultural sector. Land fragmentation caused by changes in land tenure according to cultural rules, where holdings have become very small and uneconomical, is a major obstacle to increasing agricultural production.

The Real Estate Registration Office of the Ministry of Justice (MoJ) and the local Real Estate Registration Department (RERD) are responsible for **land registration and titling**

in the country. The Real Estate Registration Law No. 43 of 1971, as amended by Law No. 34 of 1989, regulates the competence of the RERD and various property registration matters. The current major challenge for the RERD is corruption and manipulation of real estate records (MoJ, 2015). Land sales occur mostly informally outside the registry system. This is in part related to the cost of registration, but also to the overall process and procedure. On ease of registering property, the Doing Business report of 2020 scored Iraq 57.3/100 and ranked it in 121st place, behind other countries in the Middle East region (World Bank, 2020).

A recent positive development in addressing **tenure security of displaced people** from the Kurdistan Region of Iraq, particularly Yazidis, has been the issuing of over 14,500 occupancy certificates to displaced persons and returnees by UN-Habitat. At the end of 2022, the Council of Ministers approved a decree that recognizes and grants land ownership and property rights to the Yazidi minority in 11 collective townships. This will formalize their land rights and means that their Occupancy Certificates can be transformed into full land ownership titles (UN-Habitat, n.d.).

Land and property valuation and taxation

The main legislation governing **property valuation** in Iraq is the “Estimation of the Real Estate and Its Benefits Value” Law No. 85 of 1978, as amended by Law No. 110 of 1980. The Law considers the real value of the property as the legal basis for assessment of property tax, property registration fees and the proportional stamp duty. Other Iraqi legislation indirectly concerned with property valuation includes the Rental Law No. 87 of 1979, as amended by Law No. 56 of 2000, and the Expropriation Law No. 12 of 1981, as amended by Law No. 6 of 1998. Special rules for valuation of acquired agricultural land and payment of compensation by the State to landowners are also laid out in the Agrarian Reform Law No. 117 of 1970 as amended. Overall, the land valuation system in Iraq is not appropriate. The country needs to improve the quality and transparency of the property valuation system (Zimmermann, 2010).

With regard to **taxation**, the primary tax legislation applicable in Iraq are the Income Tax Law No. 113 of 1982, and its amendments through 2003, along with supporting instructions and circulars issued by the tax authorities for federal (applies to Federal Iraq) and Income Tax Law No. 5 of 1999, which applies to the autonomous Kurdistan Region. There is no real property tax in the Kurdistan Region as decided in Federal Income Tax Law No. 112 of 1982 as amended (Dixit and Sharif, 2020). Rental of agricultural land is taxed by the Federal Income Tax Law No. 113 of 1982 as amended. It can vary from 3 to 15 per cent, depending on the taxpayer's status (i.e., resident or non-resident in Iraq).

The Real Estate Tax Law No. 162 of 1959, as amended by Law No. 1 of 2009, provides for a tax (10 per cent) on revenue derived from all real estate assessed on the annual revenue for all real estate property (PwC Worldwide Tax Summaries, 2023). Law No. 1 of 2009, amending Real Estate Tax Law No. 162 of 1959, exempted property that remains vacant for three consecutive months or more from this tax. Tax Law No. 26 of 1962 and its amendments requires a yearly basic tax of 2 per cent on the estimated value of vacant land if no construction or any other investment and economic activities take place.

The Real Estate Transfer Tax is assessed based on property value, based on the evaluation by financial authorities, in accordance with the “Estimation of the Real Estate and Its Benefits Value” Law No. 85 of 1978 as amended, or the property's price, whichever is higher. The property's owner (seller) pays the Real Estate Transfer Tax according to a determined fee schedule.

Overall, the tax administration system in Iraq is not efficient. Its key weaknesses are lack of a clear legal framework governing taxation, low tax compliance due to corruption and poor enforcement by tax administration authorities (IMF, 2017) and neglect of tax administration efforts driven by over-reliance on oil revenues, also illustrated by the lack of computerized tax information systems.

EXECUTIVE SUMMARY

Land use

According to the Ministry of Planning and Developmental Cooperation report/statistical bulletin of 2006, 27 per cent of Iraq's area is arable land, 9 per cent is prairies, 3 per cent is forests, 1.5 per cent is barren mountain land, 33 per cent is steppes and 26.5 per cent is water bodies and residential land. Statistical surveys indicate that the urban population constitutes about 69.8 per cent of Iraq's total population. The country is experiencing unprecedented urban growth, especially in the capital, Baghdad, which has a population of about 8 million (MoP).

Although one-third of Iraq's population, roughly 12 million people, live in rural areas and are dependent on agriculture for their livelihoods and jobs, the agricultural sector has faltered due to recent conflict, poor access to water, deteriorating soil quality, challenging legislative environment, low public and private investment in new technologies for equipment, irrigation, farming and fishing, poor marketing and logistics challenges. Local demand for agricultural products is not met by domestic production, and the availability of cheaper imported food products from neighbouring countries is putting farmers out of business.

The main land use management challenges are related to the lack of documentation and outdated plans, particularly in the rural areas. The absence of state mechanisms to control and enforce land use decisions results from the insecure social and political situation in recent decades and the multiple waves of displacement. There is limited citizens' participation in local land-use issues.

Land development

Urban planning is the responsibility of the General Directorate for Physical Planning (GDPP), a unit of the Ministry of Construction, Housing, Municipalities and Public Works (MoCHMPW). The GDPP prepares structure plans for governorates, as well as master plans and detailed plans for cities and villages.

The country's 40-year-old dysfunctional, centralized systems for **housing and land delivery** have historically been dominated by government interventions and characterized by a highly centralized bureaucracy. While access to housing was stated to be a basic right, it nonetheless needed to be rationed because the State was unable to meet the demand. Iraq's National Development Plan (2018–2022) sets its objectives in the housing sector. Significant progress has been achieved recently in some areas, including Baghdad. Access to housing finance is low, with only 11 per cent of adults having a bank account, suggesting a substantial unmet demand for financial services (Celiku et al., 2018).

The lack of affordable housing policies and weak access to housing finance pushed many of the lower-mid and low-income segments of the population to **informal housing**, leading in turn to an increase in informal housing construction to fill the housing gap. There are currently 3,687 informal settlements in 12 governorates in the country, with a total population of about 3.2 million. The capital, Baghdad, has the largest number of informal settlements, with 1,022 settlements, followed by Basra and Dhi Qar with 677 and 333 settlements, respectively (UN-Habitat, 2017). In 2015, the Iraqi Cabinet passed Resolution No. 279, which paved the way for implementation of the National Program for the Rehabilitation and Regularization of Informal Settlements (UN-Habitat, 2017). In 2019 the Iraqi Council of Ministers (CM) approved the National Housing Council's recommendations which included approval of the "Iraq Housing Reconstruction and Housing Development Strategy in the Liberated Areas," developed and finalized with support from UN-Habitat (Republic of Iraq and UN-Habitat, 2019).

The Iraqi Constitution of 2005 guarantees personal property rights: "Expropriation is not permissible except for public benefit in return for just compensation, and this shall be regulated by law". The **expropriation of private property for higher public benefit** is regulated by Law No. 12 of 1981, as amended by Law

No. 6 of 1998. Article 62 of the Expropriation Law decided that compensation rules stipulated in this law prevail over and supersede any other compensation rules decided by other legislation. Although Iraqi Expropriation Law provides for some guarantees against unfair expropriation of private property, it does not define 'expropriation' nor the concept of 'higher public benefit' that justifies the expropriation, which creates grounds for abuses. There is a need for coherence in the expropriation legislation and rules, as well as adaptation of international standards such as Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) Chapter 3.36 on expropriation.

In the **Kurdistan Region of Iraq**, land development is taking place in a context of infrastructure, public facilities and private buildings that have been severely damaged by many years of conflict and forced displacement, which destroyed over 4,000 villages. The key regional institutions in Kurdistan with interest in rehabilitation are the MoCHMPW, the Investment Board and to some extent the Ministry of Transport, with the MoP in control of financial allocations for development. In response to development challenges facing the region, the MoP adopted the Regional Development Strategy for Kurdistan (2012–2016) and KR-I Vision 2020, among others. Law No. 4 of 2006, the "Investment Law in the Iraqi Kurdistan Region", paved the way for foreign investment in the construction sector. The volume of local and foreign investments in the region since then has reached USD 26 billion, mostly in the oil, construction and real estate sectors (Zebari, 2013).

The influx of refugees from other regions of Iraq and from Syria caused shortages of food and housing, and consequently spikes in the prices of those basic needs (MERI, 2014–2015). With an annual housing demand of almost 60,000 and few affordable housing opportunities for low-income households, the housing market in KR-I was already under pressure before the inflow of internally displaced persons and refugees (World Bank, 2015). Rent prices in the KR-I have decreased since 2017, but the housing market is expected to recover, bringing

higher prices, with improved relations between Baghdad and Erbil (EASO, 2019).

Land disputes resolution

There is no comprehensive data on land disputes as the Ministry of Justice does not produce public statistics by case type. The inaccessibility of the land information system is problematic.

The **Civil Code** contains protections against coercion, fraud and deceit. Transfers of property made under such conditions are invalid. With respect to the land sale contract, the land buyer cannot sue for specific performance if the land sale was not registered at the real estate registry, as Article 508 of the Iraqi Civil Code No. 40 of 1951 as amended, considers any property sale outside the registry as null and void.

Concerning **adverse possession**, continual possession of unregistered land for fifteen years on the assumption it is one's own property prevents court action against the possessor. This right to acquire land by prescription recognizes the concept of *Alezma*, an Ottoman land system established around 1890. According to the Civil Code, this right does not give rise to title, but only immunity from actions to recover the land. The Civil Code leaves matters concerning inheritance rights to religious law.

Concerning **real estate renting**, a tenant may be evicted for non-payment of rent after only 15 days. If the leased estate remains uninhabited for more than 45 days, without excuse, the lessor may institute eviction proceedings. Concerning **property claims**, the Constitution provided for the Iraqi Property Claims Commission (IPCC) to address property claims arising out of the Baath Period from 1968 to 2003. The Commission was known as the Commission for the Resolution of Real Property Disputes (CRRPD), under Law No. 2 of 2006. After adjudication, the CRRPD can order restitution of the property to the rightful owner. Property claims arising out of the displacement of population after April 2003 must be resolved in the civil courts.

Alternative land-related disputes resolution approaches exist and can be strengthened. Tribal law plays a significant role in managing land and property issues, including dispute resolution. Iraq has a history of fusing different forms of law, a clear advantage now where the State has limited reach in certain areas. Iraq had a law on settlement of land disputes via a Commission since 1929. The Commission had jurisdiction to verify ownership of disputed land and resolve disputes between landowners and peasants cultivating the land, verify land ownership and order its registration. It would be worthwhile to explore the different Alternative Dispute Resolution (ADR) approaches already used by tribes and lineages that can be connected to statutory law in mutually supportive ways. This is important given that tribal disputes resolution mechanisms will be present in areas of return for IDPs (LANDLINKS, 2018; USAID, 2018). The ADR mechanisms also need to be incorporated more efficiently into the overall dispute resolution system (Oswald, 2003).

Housing, land and property rights

A combination of short- and long-term displacement within the country and the multiple causes of property loss, including expropriation by the Baath Regime, conflict and terrorism, sectarian violence, economic hardship and a general climate of fear have made HLP challenges extremely complex (Isser and van der Auweraert, 2009).

While HLP challenges affect the rights of all Iraqis who have lived through the conflict, **women** are at a heightened risk, making it harder for them to access or claim their HLP rights, return home or seek other solutions to their displacement. In 2019, a survey by the Norwegian Refugee Council (NRC) in Dohuk, Ninewa, Kirkuk and Anbar governorates found that displaced and conflict-affected women are more likely to live in poor or inadequate shelter, report a greater fear of eviction and less ability to claim their HLP rights. Overall, 9 per cent of displaced women reported their property as occupied by community or tribal leaders, militias and security forces. Despite protection for women's HLP rights in law, 43 per cent of Iraqis surveyed did not agree that women could own all types of property. One in five women surveyed

stated that under Iraqi law women were not entitled to property after a divorce, and 18 per cent that they had no inheritance rights. One in three women said that in reality women received nothing following divorce and 23 per cent stated that they had no inheritance rights in practice (Gorevan and Boswijk, 2020). Such information highlights the lack of information, awareness and data on the condition of women and how it relates to their housing, land and property rights.

The **Kurdistan Region of Iraq** received refugees from other regions in Iraq after the advance of ISIL in 2014 and from Syria after the start of the Syrian war in 2011. In 2018, NRC conducted a study of Syrian refugees in Erbil and Dohuk cities in KR-I and Anbar Governorate under Gol jurisdiction, which not only focused on local integration of Syrian refugees in Iraq, but also recognized the importance of other solutions for displaced Syrians, including voluntary return and third country resettlement (Durable Solutions Platform, 2019). Given that a considerable proportion of assessed Syrian refugees wished to integrate with locals in Iraq, more attention and critical engagement is needed to uphold their rights and long-term protection while supporting Iraq.

Conclusions

The legislative and institutional framework around housing, land and property rights in Iraq needs to be revised. Skilled **human resources** able to apply modern technologies need to be engaged, particularly in the modernization and digitalization of the land registration system. **Multi-stakeholder dialogue** and the contribution of civil society, private sector, and other non-government stakeholders in such processes is essential. Preliminary recommendations for improving the land sector for the consideration of national stakeholders are proposed.

Land tenure security and the protection of housing, land and property rights are the cornerstone of a functioning land sector. Iraq's land-related legislation needs to be reviewed and updated, to remove contradictions and bottlenecks and to introduce ameliorations. Some

suggestions include amending the Real Estate Registration Act to provide a simplified procedure designed to address multiple ownerships by heirs; revising the expropriation legislation to better define the cases in which it can be applied, the compensation entitlement and the due process; amending the real estate rental law to balance rights of owners and tenants and ensure its overall positive impact on investments and the provision of housing; harmonising legislations that regulate land and property registration and transactions; and improving the condominium law. The role of institutions with land-related mandates should be clarified.

The protection of non-registered housing, land and property rights should be granted through courts and Alternative Dispute Resolution mechanisms, which now only deliberate on registered rights. An arbitration code should also be introduced.

While land laws in Iraq are gender-neutral, practices often differ. Efforts need to be made to ensure that men and women are treated equally when it comes to housing, land and property. Access to land and housing for vulnerable groups, such as people affected by displacement, needs to be facilitated through a range of land tenure options.

The land and property **registration system** should be modernized, updated, and digitized. Errors and frauds should be corrected, and the operation and procedures of land registration should be improved. An audit of lost and destroyed records should be conducted and genuine records should be re-created; this would reduce disputes. The registry should be expanded to include new records from areas where people's rights of use have been verified and can be formalized in the land and property rights registry. Lessons can be learned from the process of formalizing the land occupancy rights of the Yazidi community in Sinjar, with the support of UN-Habitat. The registration of *tasarruf* land should be streamlined, digitized and made compatible and interoperable with

other records, to support better analysis and decision making.

The valuation of real estate does not produce fair and consistent market valuations. It is recommended to review and develop the legal and accounting frameworks for **land taxation, valuation and public finance**. This includes evaluation of the various taxes affecting land in terms of the effectiveness and relevance of their contribution to government revenue and impact on the land market, and their fairness and effective management. This analysis must be a joint operation involving officials from the land and tax administrations of MoF. Tax collection rates should be improved.

For improved **urban land management**, including addressing urban sprawl, it is important to set up and develop a policy, institutional and regulatory framework for management and disposal of State land (urban and rural) for investment, housing and public use, including the process of privatization of surplus State land in line with market principles. This needs to be accompanied by the creation and strengthening of institutions and a governance system for land management that are transparent and accountable with defined institutional roles at different levels. For a better planning and management of cities, professional capacity in land management, land-use planning, spatial planning and LIS needs to be strengthened through the development of programmes and cooperation with national and international universities (UN-Habitat, 2014b).

Roles and procedures for the **management of state land** should be clarified and a unified digital database – or a set of inter-operable databases – should be developed for all governorates, for its more transparent and efficient use. Urban State land should be identified and mapped, and an accessible land information management system developed. In dialogue with federal ministries, local authorities should have more weight in decision making for matters and projects implemented at the local level.

INTRODUCTION

1.1 OBJECTIVES OF THE STUDY

This report aims at improving knowledge and developing capacities of a wide range of Iraq stakeholders on land governance, land administration, and housing, land and property rights as a basis for guiding the reform of the land sector and improving its delivery to the people of Iraq.

The report analyses the legal, administrative and institutional set-up of the land sector. It describes policies, laws, regulations, practices, trends, and challenges pertinent to the key functions of land administration, namely land tenure, land value, land use and land development, and land disputes resolution.

It is 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) under the management of UN-Habitat and the Global Land Tool Network (GLTN).

1.2 RESEARCH METHOD

This report is prepared from land-related data about Iraq, including key land policies and legal and institutional/administrative frameworks, collected, analysed and assessed against internationally recognized best practices and land-related international frameworks. No field assessment was carried out as this research is a desk study. However, interviews with some stakeholders and key informants were held to get a sense of existing land challenges in the country. The report writing was concluded in late 2021.

Key challenges and limitations to this research included limited access to data, people and official institutions as the research is a desk study only and there were no validation visits to the country which was going through a complex hygienic (the Coronavirus Disease 2019 (COVID-19) pandemic), political and security

situation at the time of the research. Some of the challenges and limitations were mitigated through close cooperation and networking with national and international consultants in reviewing and assessing the materials used in the report and weighing its outcomes.

1.3 COUNTRY OVERVIEW

Iraq is one of the easternmost countries of the Arab world. Present day Iraq exists on land known to the ancient world as Mesopotamia. The territory was defined by its position between two rivers, the Tigris and the Euphrates. This location provided two major assets: fertile land, irrigated by river waters that produced a surplus of food, and a good placement for trade with other settlements. While these advantages made the region one of the key sites for the development of human civilization, the location also made the area desirable to outsiders and subject to repeated invasions over the course of its history (Constance, 2004). The country has a surface area of approximately 437,072 km² and has 36 miles (58 km) of coastline along the northern end of the Persian Gulf, giving it a tiny sliver of territorial sea. Followed by Jordan, it is thus the Middle Eastern State with the least access to the sea and offshore sovereignty (EB; Zamboanga.com, 2015).

About one-eighth of Iraq's total area is arable, and another one-tenth is permanent pasture. A large proportion of the arable land is in the north and north-east, where rain-fed irrigation dominates and is sufficient to cultivate winter crops, mainly wheat and barley. The remainder is in the valleys of the Tigris and Euphrates Rivers, where irrigation – approximately half of Iraq's arable land is irrigated – is necessary throughout the year. The cultivated area declined by about half during the 1970s mainly because of increased soil salinity but grew in the 1980s as a number of large reclamation projects, particularly in the central and north-western areas, were completed. In addition, droughts in Turkey frequently reduced the amount of Euphrates water available for irrigation in the south (Blake and others,

2023a) and the Ilisu Dam on the Tigris River in south-east Turkey, which shares the same watershed with the Mosul Dam, usurps most of the watershed and deprives the Mosul Dam of most of its current inflow (Al-Madhhachi, Rahi and Leabi, 2020).

Iraq's population was 40,222,493 people as of 2020. The country area is 43,505.2 (1,000 ha), the land area is 43,412.8 (1,000 ha), agricultural area 9,400 (1,000 ha) and its forest area is 825 (1,000 ha) (FAO, 2019). Modern Iraq, created by combining three separate Ottoman provinces in the aftermath of World War I, is one of the most religiously and ethnically diverse societies in the Middle East. Roughly two-thirds of Iraq's people are Arabs comprising Sunni Muslims and the more numerous Shia Muslims, about one-fourth are Kurds and the remainder consists of small minority groups (Turkmen, Assyrians, Yazidis, the Lur and Armenians) (Blake and others, 2023b).

Iraq's economy was based almost exclusively on agriculture until the 1950s, but after the 1958 revolution, economic development was considerable (Blake and others, 2023c). The revolutionary government began a programme of land reform, breaking up large estates and distributing agricultural land, which was concentrated in the hands of a few powerful landowners, to peasant families, thus limiting the size of private holdings. Petroleum is Iraq's most valuable mineral – the country has some of the world's largest known reserves and, before the Iran–Iraq War (1980–1988), was the second largest oil-exporting State. Oil revenues enabled the Baath Regime to set ambitious development goals, including building industry, reducing the quantity of imported manufactured goods, expanding agriculture (though the country has not attained self-sufficiency) and significantly increasing its non-oil exports (Blake

and others, 2023c). On 20 March 2003, invasion of Iraq by the United States ousted Saddam Hussein and the Baath Party which had controlled the country for more than 20 years.

The Republic of Iraq is a federal system made up of a federal level authority, the federal region of Kurdistan (with three governorates²), 15 other governorates, including Baghdad, and 251 municipalities. Iraq embraces the civil law system as do other countries in the Middle East (LANDLINKS, 2018), but its legal system is also mixed with Islamic law. Iraq's present Constitution was approved by referendum on 15 October 2005. It has 144 articles. Article 1 of the Constitution provides that Iraq is a single federal, independent and fully sovereign State in which the system of Government is republican, representative, parliamentary and democratic, and the Constitution is a guarantor of the unity of Iraq. Both Arabic and Kurdish are the official languages of Iraq (Article 4/1). The Turkomen language and the Syriac language are the other two official languages but only in the administrative units in which they constitute density of population (Article 4/4). Baghdad is the capital of the Republic of Iraq (Article 11). The federal system in Iraq is made up of a decentralized capital, regions and governorates, as well as local administrations (Article 116). The KR-I, along with its existing authorities, is recognized as a federal region by the Constitution (Article 117/1). Legislation enacted in the KR-I since 1992 shall remain in force and decisions issued by the Government of the KR-I, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the KR-I by the competent entity in the region, provided that they do not contradict the Constitution (Article 141) Constitute (n.d.).

2 This changed to four in 2023, with the recognition of Halabja as a governorate. However, information contained in the report dates to 2022. Changes that occurred after 2022 are not reflected, for consistency purposes.

Displacement in Iraq is chronic and complex. Since the 1960s, the country has produced the largest population of IDPs and refugees of any State in the Middle East. Modern Iraq has witnessed several waves of forced displacements. The most recent one was after the swift capture of large swathes of Iraq's Anbar Governorate in December 2013 and January 2014, when ISIL and associated groups proceeded to take control over much of Ninewa, Salah Al-Deen, Kirkuk and Diyala Governorates in Northern Iraq. In June 2014, they took over the country's second largest city of Mosul, which caused an unprecedented exodus of the city's minority population. Between January 2014 and August 2015, International Organization for Migration (IOM) tracked 3,171,606 IDPs dispersed across 103 districts and 3,522 distinct locations in Iraq, including an estimated 875,562 individuals in the Kurdistan Region of Iraq (KR-I) alone (28 per cent of the overall displaced population) (Jahn, van der Auweraert and Cvetkovski, 2015). This population's displacement was accompanied by widespread destruction, looting and confiscation of property belonging to the displaced population and cultural heritage and religious sites in areas under the control of ISIL and associated groups, in addition to the destruction and loss of civil documents, including property documents, among the displaced population (Jahn, van der Auweraert and Cvetkovski, 2015). Iraq hosts Syrian refugees too. According to United Nations High Commissioner for Refugees (UNHCR) statistics of December 2019, about 245,810 Syrian refugees live in camps and urban areas in Erbil (50.52 per cent), Duhok (35.90 per cent), Sulaymaniyah (12.41 per cent) and (1.17 per cent) in other urban locations (UNHCR, 2020). In December 2017, the GoI announced victory over the ISIL and the country is currently struggling to assist IDPs and returnees to secure their land and property rights

seriously endangered by the conflict and protracted displacements (Saieh, Brown and McCluskey, 2018).

The structure of the land rights system in Iraq has deep historical roots, going back to the Hammurabi Period (1810 B.C.–1750 B.C.). The current tenure system is significantly influenced by the Ottoman period in Iraq (1534–1704 and 1831–1920) spanning some 400 years, followed by the British Mandate period (1920–1932). In the Ottoman and British Mandate periods, the landholding structure was designed to reinforce political power through the provision of lands to individuals who were influential and supportive of the Government in place. The result was a great deal of land accumulation in few hands and a peasantry that possessed very few rights in land. In the Ottoman period, the land administration system known as TAPU (title deed) provided for both deeds and a land register, and lands were classified into categories. In 1974, the Real Estate Registration Law replaced the TAPU system, establishing RERD and creating an improved title issuing service (LANDLINKS, 2018; USAID, 2018). However, title, deed records and maps of plots of land are all kept in the Real Estate Registration Department (RERD) in a paper format. The GoI is considering issuing digital titles or deed records as part of the RERD automation under the E-Government project (RUDAW, 2020). In 2005, the Iraqi State Board for Agricultural Lands, with support from United States Agency for International Development (USAID), started working to create and implement an updated and secure digital system of land registration. Such a system is critical to the success of an emerging private agriculture sector in Iraq, ensuring that land ownership and use is clearly defined for continued sustainability and growth in agricultural production. It will also streamline capacity of the MoA to achieve efficient distribution of State-owned agricultural land to farmers (Geospatial World, 2005).

LAND MANAGEMENT AND LAND ADMINISTRATION FUNCTIONS

Land administration refers to “the processes of determining, recording and disseminating information about the ownership, value and use of land, when implementing land management policies” (Williamson and others, 2009).

The definition of land management is broader than that of land administration. It covers all activities associated with managing land and natural resources that are required to fulfil political objectives and achieve sustainable development. Land management can be considered as the processes by which a country’s resources are put into good effect (Enemark and Dijkstra, 2023).

In addition to a cross-cutting land disputes resolution, which is presented as a separate category in this report, land management and administration can be considered to comprise four key functions (Williamson and others, 2009):

- Land tenure and land rights (securing and transferring rights over land and natural resources, including public land).
- Land value (valuation and taxation of land and properties).
- Land use (planning and controlling the use of land and natural resources).
- Land development (implementing utilities, infrastructure and construction planning).

Table 1: Functions of land management and administration

Land management and administration cover the processes and institutions related to:

Land tenure:

- Securing access to land and the resources related to it, and their allocation, recording and security
- Cadastral mapping and legal surveys to determine parcel boundaries
- Use of transfer of property from one party to another through sale, lease or credit security
- Management and adjudication of doubts and disputes regarding land rights and parcel boundaries.

Land value:

- Assessing the value of land and properties
- Calculating and gathering revenues through taxation
- Managing and adjudicating land valuation and taxation disputes.

Land use:

- Control of land use by adopting planning policies and land-use regulations at the national, regional, and local levels
- Enforcing land-use regulations
- Managing and adjudicating land-use regulations.

Land development:

- Building new physical infrastructure and utilities
- Planning construction
- Acquiring land for the public
- Expropriating land
- Changing land use by granting planning permission and building and land-use permits
- Distributing development costs.

Source: Adapted from Williamson and others (2010), pp. 119–203.

2.1 LAND TENURE

The Global Land Tool Network defines land tenure as “the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land”. “More basically, tenure relates to how land is held, and property rights relate to who can do what on a plot of land” and for how long. (Durand-Lasserve, 2015).

2.1.1 Property and ownership types

Land in Iraq has traditionally been organized into categories derived from sharia law as follows:

- *mulk* (privately owned)
- *waqf* or *awaqf* (endowment/charitable trust land)
- *metrouke* (publicly owned)
- *mawat* (unused land) and
- *miri* (land that is State-owned but possessed by an individual).

While most land is classified as *miri*, this category is not well articulated in the sharia law, resulting to its regulation by State code. Moreover, while *miri* land is technically State-owned, it can be possessed and used by individuals who retain *tasarruf* rights, which are the rights to exploit, use and transfer the land. Over time, the difference between absolute ownership rights and *tasarruf* rights has narrowed to the extent that they are now essentially insignificant in ordinary business matters. The Iraqi Civil Code (ICC) which was enacted on 8 September 1951 and became effective on 8 September 1953 stipulates how property rights such as *tasarruf* are regulated and a couple of important aspects of *tasarruf* are worth noting. A person possessing *miri* land is entitled to *tasarruf* rights, which can be used as security for a loan. However, if a *tasarruf* holder leaves the land unused for three years without cause, rights to the land are forfeited. Upon the death of a *tasarruf* holder, the rights are passed on to the deceased's heirs. If the heirs do not accept the *tasarruf*, it is then auctioned off (LANDLINKS, 2018; USAID, 2018).

Chapter 3 of the Iraqi Real Estate Registration Law No. 43 of 9 March 1971 determines four types of property and ownership as follows:

- *Mamluka* or *mulk* land, a privately owned land governed by land rights laws (Article 5).
- *Mawakoufa* or endowment land, which is divided into two subcategories, namely (a) *waqf saheeh* or true or proper *waqf*, considered so because it was constituted by the allocation of a private land, owned in full by a person, to a religious institution (private *waqf*) and (b) *waqf gheir saheeh* or inaccurate *waqf* (Article 6), considered so because it related to the donation of a *miri*, i.e., State land whose property (“*raqaba*”) was returned to the State. This meant that the donor, who in this case gave only the products of these lands to a charitable or religious institution, and not the property (also called public *waqf*), did not have much merit. It is worthwhile to note that most of the *waqf* lands in the country were of this kind (Ishow, 1982).
- *Miri* land or “*Amiriya*” or “*Amiri*” (prince's lands) or the property “*raqaba*” belongs to the State. This category includes most of the cultivable land and is composed of three types, namely (a) Pure *miri* lands or *miri sirf*, where the property and products are fully owned by the State (State private domain). Additionally, these lands were neither conceded under the TAPU nor under the *lazma*. They remained under direct State control. (b) *Miri* lands delegated by TAPU or title, where the rights of use, enjoyment or exploitation over these lands are granted to private persons in title in accordance with land rights laws. The above-mentioned *waqf gheir saheeh* or inaccurate *waqf* in which endowment is restricted to fees and/or tenths are considered part of *miri* lands delegated or granted by TAPU. (c) *Miri* lands granted by *lazma*, which is land that belongs to the State, but individuals are granted right of use and enjoyment over it in accordance with both laws of settlement and *lazma* (Article 7).

Historically, the right of the lands' use was granted under *lazma* to members of a tribe or others who exploited these lands for at least 15 years. The right in accordance to *lazma* was defined as the right to inhabit and exploit a land (Ishow, 1982). The *lazma* tenure was a form of customary tribal tenure by which members of a tribe collectively owned their land. The *Lazma* Law No. 51 of 1931 formalized *lazma* tenure by permitting individuals who had possessed and worked the *tasarruf* in a parcel of land for a period of at least 15 years to register a *lazma* title. Even though the *Lazma* Law was repealed in 1959, properties still have *lazma* titles and are burdened by the restrictions on alienation that title imposes and the Real Estate Registration Law No. 34 of 1971, expressly recognizes *lazma* tenure (Article 7) (USAID, 2005b).

- *Matrouke* lands or abandoned lands, which are part of the public domain, are owned by the State, but the right of their use is left to local communities. They mainly include squares, gardens and walkways, markets, streets, roads, threshing floors, pastures, etc. (Ishow, 2005).

2.1.2 Other types of land tenure

In addition to the above-mentioned types of property and ownership, there are communal lands which are commonly used by village members for, among other activities, livestock grazing and firewood collection. The term was used at village level to denote either common undivided land or communal grazing land. 'Unit/plot tenure' refers to a form of residence rights that are close to ownership rights. Leases are also a form of tenure in Iraq, with varying terms and time periods (Al-Ossmi and Ahmed, 2015).³

2.1.3 Private and public land

The State owns an estimated 80 to 90 per cent of all land in Iraq. Law No. 53 of 1976, relating to the "Unification of the Different Categories of State Land",

transferred to the State the ownership of the following five types of lands: State private domain or *miri sirf*, *miri* land or land delegated or granted by TAPU, lands granted under *lazma*, the lands of inaccurate *waqf* or public *waqf*, and *matrouke* or abandoned land. The law also mandated that all the above-mentioned land types are to be registered under the name of the MoF in real estate records which should be accordingly and automatically adjusted to reflect this change without any additional procedures (Article 1).

Moreover, the State may recover the above five categories of land and terminate the right of *tasarruf*, that is, the right of an individual to use, exploit and dispose of *miri* land in the following cases: (a) creation or extension of a public interest project, (b) creation or extension of a collective cooperative or a State farm and (c) if the beneficiary does not take agriculture as the principal profession (Article 3). With the promulgation of Law No. 53 of 1976, the ownership of 99.20 per cent, that is, 7,974,000 ha of the land used for agriculture belonged to the State, and private property only comprised 0.880 per cent, that is, 64,500 ha. Thus, through Law No. 53 of 1976 and the Agrarian Reform Law No. 117 of 1970 as complemented by Law No. 90 of 1975 relating to Agrarian Reform in KR-I as amended, the State nationalized practically all the agricultural land of the country and has become, through legal measures, the owner of almost all the land.

However, Law No. 53 of 1976 has also simplified or reduced land types in Iraq to three categories, namely (a) *Amiriya* or *Miri* is state land and covers almost all the cultivable and non-cultivable land, (b) *Mulk* or *private land* is very limited and (c) *Waqf land* (endowed land) or the private *waqf* which is mainly religious endowment (Ishow, 1982). It is worth noting that before 2003 Iraq, like many Arab States, had a Ministry of Awqaf Affairs. However, under the Coalition Provisional Authority (CPA), the Ministry of Awqaf Affairs was replaced by three independent supervisory departments, one for

³ Refer to Annex 3, "Iraq basic land tenure categories, practices and legal source".

each of the major religious communities (Shia, Sunni and Christian). These departments operate independently of State administration.

The State Property Department (SPD) attached to the MoF by the Ministry of Finance Law No. 92 of 1981 is responsible for the State properties' inventory and management in addition to their sale, rental, allocation or ownership's transfer (Article 8/Paragraph 4) (MoF–Iraq). Law No. 21 of 18 September 2013 as amended by Law No. 21 of 5 September 2016 regulates the sale and rental of State movable and immovable property.⁴ There is also other applicable legislation such as the Investment Law No. 13 of 2006 as amended which include provisions relating to selling and letting of State lands for investment purposes and the Resolution No. 150 of 12 October 1997 concerning the sale of plots of land owned by the State to farmers for housing.

Accordingly, the private property in Iraq is *mulk* and all States' lands (*miri*) are considered State's funds (*amwal al-Dawla*) with no distinction between private and public land. Moreover, while most land is classified as *miri*, which is technically owned by the State, some beneficiaries of *miri* land are entitled to *tasarruf* rights as regulated by Book III of the ICC or other relevant State laws. The ICC provides that public property consists of the movables and immovables that belong to the State. Such property is not alienable or subject to attachment. However, such property can lose its status when it is no longer allocated for the benefit of the public or the purpose for which it was allocated is no longer attainable (Articles 71/1 and 2, and 72). While the Iraqi Code contains no provision defining private property, such property would be a *contrario sensu*, that is, property which can be owned by private individuals.

2.1.4 The agricultural land holding system

The land holding system in Iraq is a mixture of owner-operator, lease-holder and sharecropper. The size of land holding depends upon the type of land. According to the agricultural reform regulations of 1990, the maximum holding size is 75 ha in rain-fed areas (FAO, 2003). State-owned lands (*Amiri* lands) are divided into two types, namely State-owned lands that have never been occupied and lands exploited by individual owners or cooperatives with an official land registration title (Lucani and Saade, 2012).

In 2001, 67 per cent of the land belonged to the State: it was rented or distributed by MoA to private operators and about 32 per cent was privately owned. This situation might have changed significantly in the meantime. According to Iraq's Central Organization for Statistics and Information Technology, in 2001, there were 933 cooperatives with about 222,000 members. Land tenure legislation is inadequate. Agrarian reform efforts, from 1958 to date, that expropriated lands, largely failed in the task to redistribute lands to small owner–operators, resulting in a fragmented system of lease arrangements between producers and the MoA of the Gol (Lucani and Saade, 2012).

There is a dearth of reliable information on land tenure following decades of shifting and incoherent land policies, internal conflict and destruction of public records. Ownership is difficult to verify. The judiciary lacks the enforcement capacity to respond to unlawful evictions and the rights of the landless population. The lack of equipment and the general disruption of bureaucratic services have compounded the problem further (Lucani and Saade, 2012).

⁴ Law No. 21 of 2013 as amended repealed and replaced the old "Sale and Lease Law" (No. 32 of 1986) relating to the sale and lease of government properties and fixed assets.

Table 2: Agricultural land ownership by category (excluding Kurdistan Region)

Ownership Category		'000 Dunums	'000 Ha	Percentage of total
Private		10,136	2,534	32.1 per cent
Ministry of Agriculture	Land Reform Beneficiaries	5,932	1483	18.8 per cent
	Rented	15,271	3,828	48.4 per cent
State land		15	4	0.0 per cent
Endowment and others		187	47	0.6 per cent
Total		31,541	7,896	100 per cent
Private property: 2.5 million hectares = approximately 5.8 per cent of total land.				

Source: (Saade, 2010)

According to Lucani and Saade (2012), the nature of ownership is considered one of the main limitations for the development of the agricultural sector. Land fragmentation due to land tenure change according to cultural rules, where holdings have become very small and un-economical, is a major obstacle to increasing agricultural production in Iraq and is threatening its stability.

2.1.5 Land and property registration

The history

Land registration and property rights in Iraq have deep historical foundations dating back to the Hammurabi Period. However, the current land registration system owes more to the 400-year Ottoman occupation of Iraq and the subsequent interval under the British Mandate (USAID, 2005a).

Historically, land administration during the Ottoman period, known as the TAPU (title deed) system, included a land register and an issuance of title deeds (USAID, 2005a). The word TAPU or TABO (registration), which originated from the Turkish word "Tā'a" which is derived from another Turkish word "Tabmaq", means what the State received from beneficiaries of princely land in return for the right to utilize the land in planting. Ottomans classified land into several categories, including a category that provided individual property rights which was regulated by Ottoman Land Rights Law, "Mejelle", Declaration No. 24 of 1910 (Al-Saedi, 2010).

A year after the British occupation of Iraq in 1917, the commanding general announced in his Declaration No. 15 on December 18 1918, that the people who had title deeds for *Amiriya* lands in their possession were considered tenants on these lands. Institutions were to be established to examine those title deeds. At the same time, the British Authority distributed lands to some tribal leaders and feudalists who had supported the British occupation. Under the mandate, the British Government realized the importance of clear real estate registration and issued Declaration No. 24 of 1920. Under this declaration, two directorates for real estate registration were established in Diyala and Babil Governorates. After the Iraqi uprising of 1920 broke out, they soon stopped their mission (USAID, 2005a).

Thereafter, the Iraqi Government began to play a role in this process. The TAPU department attempted to apply the Ottoman land law, issuing an Arabic translation of the law in the annex of the Iraqi Gazette (No. 727) dated 28 January 1929. Soon after, the Government decided to examine the whole land policy before applying the law. With this in mind, Sir Arnest Dawsen, the British advisor of lands, was summoned. He submitted a report in January 1931 that incorporated his suggestions for reform. According to this report, the Iraqi Government issued the Land Rights Conciliation Law No. 50 of 1932, which was then replaced by Law No. 29 of 1938. It also issued *Alezma* Law No. 51 of 1932, which was later replaced by the amended law of *Alezma* Rights in *Amiriya* Lands No. 153 of 1959.

A new type of land right was created with the Land Rights Reconciliation Law of 1932. This was achieved through *Alezma* rights (adverse possession) to *Amiriya* lands. Now there were three types of rights to *Amiriya* lands: TAPU authorization/allocation of *Amiriya* land to selected individuals, rights gained through *Alezma* and pure *Amiriya* lands (or public land). This law is no longer enforced (USAID, 2005a).

Throughout the Baathist Period (1968–2003), individual property rights were maintained, but additional categories of group ownership were authorized. By 1974, the old TAPU system was replaced by the Real Estate Registration Law, which created an improved title issuance system and established RERDs throughout the country. Nevertheless, the term “TAPU” remains in common use when referring to land registration (USAID, 2005a).

The present land registration system

The Land Administration Department of the Ministry of Justice and the local RERD are the government organizations responsible for land registration and titling in the country (Title Registration System). The RERD records and validates real estate transactions and ensures that development of the land is in accordance with land-use policy. It is the only legal body in Iraq, which remains in effect to date, for registering different types of real estate ownership and for ensuring compliance with land use and building construction standards (USAID, 2005a).

The General Directorate for Real Estate Registration (GDRER) in Iraq is the head of all governorate real estate directorates. Its work is regulated by the internal regulation of the GDRER No. 1 issued by the Minister

for Justice on 18 October 2010. 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 ten directorates. Al Mosul has two directorates, which correspond to the two sides of the city. The districts and the sub-districts of each governorate have the Office of the Real Estate Superintendent. All these divisions are similar in structure hierarchically, up to the MoJ (USAID, 2005a).

The Real Estate Registration Law No. 43 of 1971 as amended by Law No. 34 of 1989 regulates the competence of the RERD and the following property registration matters: property registration types and the provision and procedures of registration, confirmation and modification, recognizing the settlement records as real estate records fit to establish ownership and the related contracting rights, rules governing real estate modification, type correction, portioning, procedure of correcting registration and the administrative and judicial registration delay and related effects, procedures, mechanism and powers governing foreigners’ ownership of property and the limits of such ownership and regulation of the legal status of property title deeds (Al-Saedi, 2010).

Article 333 of Law No. 43 of 1971 as amended expressly cancelled the Law relating to the Rules of Registration of Immovable Property in the TAPU (Land Registry) No. 59 of 1935 and the TAPU Regulation No. 64 of 1959. Moreover, according to the Real Estate Registration Law No. 43 of 1971 as amended, the title document held by the owner is a hand-written copy of the original, official record-book document. It is the only proof of ownership. The RERD holds the original in its registry⁵ (USAID, 2005a).

5 The Title Deed document incorporates the following information:

- (a) The complete name of the owner(s).
- (b) The category of the property — plot of land, residential, arable, commercial or industrial.
- (c) The type of the property (there are three types): (i) private real estates, which are owned by the owner whose name is registered in the Title Deed document with no other partner; (ii) public estates, which belong to the State and are divided into two parts, namely a. properties given by *Alezma* and b. governmental estates entrusted to the RERD (both types of ownership affirm that the State is a partner owner with the individual accorded some ratio or period of use) and (iii) endowment (inheritance), which is property registered in the endowment department and under its protection.

In some cases, a landowner enters into an agreement with another person to construct a building on the land and allowing that person to make use of the property for a limited period of time. This type of agreement is called “*Al Musataha*”. At the end of the agreed period, the property ownership reverts to the landowner and the building should be registered at the RERD (USAID, 2005a). Moreover, Article 3/2 of the Real Estate Registration Law No. 43 of 1971 as amended provides that any real estate’s disposition is only valid if it is registered in the RERD. Furthermore, Chapter 4 of the Real Estate Registration Law (Articles 263–278) provides for and regulates the registration of all kinds of property rights disposition by public moral persons in the registry.

There are two types of ownership transfers in Iraq: (1) transfer between individuals and (2) transfer between individuals and a governmental body or between two governmental bodies (USAID, 2005a).

(1) Transferring ownership between individuals:

- **Sell-Buy Process:** This is a long and rather complex procedure that takes place at the RERD. The process is intentionally complex to allow for accurate examination of everything, from checking ID cards to issuing the Title Deed (Articles 203–209).
- **Exchanging Properties.** In this process, no money is exchanged. Instead, owners agree to exchange properties and the new ownerships are registered at the RERD (Articles 210–211).
- **Living Inheritance:** The testator may make a bequest, but only up to one-third of one’s property, to whomever the testator would like. This should be registered at the RERD during his lifetime. The other two-thirds of his property are to be kept in his ownership. If the bequeathed property exceeds

one-third, the consent of other heirs is necessary for the validity of the will. This law has been in force for a long time and is based on Islamic law⁶ (Articles 249–255).

- **Donation:** This is the process of transferring a property ownership through donation to someone else, whether or not the person is a relative. It is a metaphoric sale of property where no money changes hands. However, the owner has the right to impose any sort of condition that the other party must accept. The condition is released either with the owner’s death or by the owner’s decision to rescind the previous condition (Articles 212–216).
- ***Al Takharuj:*** This is a transfer of one’s share of an inheritance to any of the other inheritors. This process usually takes place at a special court before a judge. Then the property can be registered at the RERD (Articles 246–248).

(2) Transferring ownership involving a governmental body (expropriation):

- **Judicial Expropriation:** Any State department may become the owner of a privately owned plot of land or a property via a Civil Court Decision. To expropriate a specific plot of land or property, the court is legally responsible for proving that no objection to the transfer exists. It should also have a stamped sketch of this property from the RERD with the names of the owners and their addresses. The RERD must be notified when money is exchanged. (Articles 268–271).
- **Administrative Expropriation:** Real estate ownership is transferred from one governmental body to another. The amount of money exchanged is agreed upon either through the ministers or sometimes through the PM if the transfer is between two different ministries.

⁶ Article 1108 of the ICC also provides that it is permissible to bequeath to the heir and the non-heir one third of the estate and greater with consent or permission of all heirs. The reason for this one third restriction is that the testator may not deprive other inheritors of their legal rights. A bequest in favour of an heir (for more than one-third) would be an injury to the other heirs as it would reduce their shares and would consequently induce a breach of the ties of kindred.

After the fall of the Ba'athist regime in April 2003, the MoJ began to face serious problems regarding real estate registration. Forged documents claiming title began to appear, causing difficulties for the RERD. The administration of the RERD, however, has established a new and more complicated policy to overcome this momentous problem. Another challenge to the RERD was old confiscations. During the former regime, many people were forced out of Iraq. Many of them have now returned, but their property had been given illegally to other Iraqi citizens (without following the legal sell-buy process). Thus, it is possible that both parties can possess legally registered title deeds to the same property (USAID, 2005a). The current main challenge for the RERD is corruption and manipulation of the real estate records. In 2015, the MoJ reported that its Inspector General uncovered fraud and manipulation amounting to IQD 69 billion in RERDs of 46 real estates at Al-Mada'en city, south-east of Baghdad. The fraud involved changing the owner's name in the records and overstating the value of the registered property to obtain more favourable loans from banks (MoJ, 2015).

In November 2016, the head of the Iraqi Parliamentary Integrity Committee reported that corruption suspicions at the GDRER exceeded IQD 100 billion and a joint committee with the Board of Supreme Audit and the Judiciary was set up to investigate the corruption threatening the property of Iraqi citizens. Government's efforts to combat corruption at the RERD and curb stealing of registered property included making backups of property journals kept at Al-Najaf Real Estate Directorate opened in 2011 and keeping them at the MoJ and the Central Bank (The Baghdad Post, 2016).

While the statutory land administration system legally covers the entire country, the system is centralized and administration and enforcement in more peripheral areas is difficult. Recent research among IDPs indicates that many Iraqis do value statutory documents and the State system, but more for proving tenure status in the future and less so for securing rights in the present (LANDLINKS, 2018; USAID, 2018).

Property registration mechanisms appear to be in place but need reform that will permit decentralization of some of the land-use rights functions, while retaining other cadastral features and real property registration at the national level. The objective is to devolve the rights of property taxation and control of land use to the local authorities, while jointly maintaining a standardized cadastral system. However, RERD offices are found in most locations but remain disconnected from local government revenue collection or land-use policy (USAID, 2005a).

A problem with land registration is that land sales take place (mostly informally) outside the registry system, so the land registry does not reflect the reality on the ground. This may be attributed, among others, to the costs of registration which is 3 - 6 per cent of the total value of transfer registration. The registry acts as a tax collector for the MoF and building inspector for municipalities. Registration transactions may not be completed without certificates of compliance from these bodies. It appears that MoF carries out no systematic collection of land taxes, which are periodic taxes meant to be collected regularly. Municipalities are weak enforcers of their planning and building regulations and supposedly use registration of transactions as a pressure point. Such requirements are an incentive for avoiding registry (UN-Habitat and UNIDO).

The Iraqi Real Estate Registration Law No. 43 of 1971 as amended outlines comprehensive rules for the registration of property at the RERD (Articles 107–133), but the procedures to be followed are cumbersome and time-consuming. The performance of the Iraq's RERD in property registration is average compared to those of other countries in the region. According to the 2020 World Bank Development Indicators, registering a property in Iraq requires 51 days and about five procedures, which places Iraq in an average position. The Doing Business report of 2020 reported that on ease of registering property in Iraq and comparative economies (Registering Property Score: from 0 to 100), Iraq scored 57.3 and ranked 121, behind other

countries in the Middle East region: Qatar (score: 96.2; rank: 1), Oman (score 73.0: rank: 52), Islamic Republic of Iran (score: 68.1; rank: 70) Jordan (score: 66.4; rank: 78), Iraq (score: 57.3; rank: 121), and Regional average (Middle East and North Africa – MENA) (score: 63.4) (World Bank, 2020). Thus, Iraq retreated on the same index for the year 2019, where it scored 67.64 and ranked 103 (World Bank, 2019a). Moreover, on the index related to registering property in Iraq and comparative economies – Measure of Quality (index 0–30) – Iraq scored 10.5 behind Islamic Republic of Iran: 16.0, Jordan: 22.5, Oman: 17.0, Qatar: 26.0 and the MENA: 14.6⁷ (World Bank, 2020).

The property registration system is not digitized. All past and newly issued land records and cadastral plans kept at the mapping agency at the Directorate General for Real Estate Registration (DGRER) are in paper format (not computerized format) and no aggregate data is available. Proposals have been made for digitization of records, electronic recording of transactions and certain organizational changes. The USAID initiated a Land Registration and Property Rights Project in 2005 (UN-Habitat, 2014a). A Turkish project, through the MoJ, was studying these matters but no progress in this respect has so far been reported. Implementing such modernization will necessitate changes to the Real Estate Registration Law (UN-Habitat and UNIDO). Currently, the GoI is considering digitalization of certain registry services as part of the Electronic Government Project (GSCM, 2015).

Not all privately held plots of land in the economy are formally registered at the immovable property registry or mapped despite the Real Property Registration Law No. 43 of 1971 requiring that all property sale transactions be registered at the immovable property registry to make them opposable to third parties (World Bank, 2020). Moreover, public land is not fully surveyed, demarcated and registered (Prettitore, 2010).

Some procedural aspects are problematic. For example, unlike the land registration procedure in Egypt, Syria and Lebanon, where verification of documents is done before the final registration of the property allowing for correction of mistakes and fulfilment of registration requirements before issuing of the title deed, the Iraqi Real Property Registration law made the verification of the documents subsequent to the issuing of the title deed. Thus, in case of a defective or non-complying registration, it requires either a lengthy procedure for administrative annulment of the registration by the Minister for Justice (Article 140 of Land Registration Law) or annulment of the registration by the judiciary (Article 139/a of the Land Registration Law) based on the petition of the aggrieved party which may affect other stakeholders' interests (Ahmed, 2012).

Acquisition of the right to property registration

The ICC defines a right *in rem* as the right of a specific person over a specific thing (Article 67/1). The primary rights *in rem* are ownership, usufruct, use, residence, *musataha*, servitudes constituting waqfs and long-term leases (Article 68/1). Moreover, certain other rights are secondary, namely the right of authentic mortgages, possessory mortgages and privileged rights (Article 68/2). The RERD is responsible for registering real estate dispositions and final judicial rulings related to primary and secondary rights *in rem* and the transfer of these rights to general successor (Article 3/1 of the Real Estate Registration Law), and real estate disposition is only valid when it is registered at the RERD (Article 3/2 of the Real Estate Registration Law).

The following reasons for the acquisition of the right to property ownership listed in Book III (Primary *in Rem* Rights), Chapter 2 (Reasons to Acquire Property Ownership), Part 1 (Property Right) of the Iraqi Civil Law ICC are reproduced in the Real Registration Law as valid reasons to acquire the right to property registration

⁷ Registering Property in Iraq – Measure of Quality – is based on: quality of land administration index (0–30), reliability of infrastructure index (0–8), transparency of information index (0–6), geographic coverage index (0–8), land dispute resolution index (0–8) and equal access to property rights index (-2–0).

at the RERD (Section II: Primary *In Rem* Rights Legal Dispositions):

- (a) By appropriation of unowned property (Articles 1098–1105 of the ICC)
- (b) By death which includes inheritance and bequeath (Articles 1106–1109 of the ICC)
- (c) By other *inter vivos* property ownership reasons, including adhesion, contract, right of pre-emption and possession, i.e., acquisitive prescription (Articles 1113–1168 of the ICC).

According to Article 1157 (1) of the ICC, a person in possession of a thing is presumed the owner of that thing unless the contrary is established. That presumption can become a reality through the process of acquisitive prescription, which is provided in Articles 1157 and 1158 of the ICC. An action by another to prove ownership of a thing or a right *in rem* will be barred after five years if a person continuously possesses property (or possesses a right *in rem* therein) which is not registered in the Land Registration Department and on the assumption that it is one's own property. However, the basis of the possession must be valid title or possession occasioned by "valid grounds." Valid grounds are defined as any of the following circumstances: acquisition of wetlands, transmission of property by inheritance or will, gifts and donations or sale. If a person continuously possesses (or possesses a right *in rem* over) a movable or immovable property that is not registered in the Land Registration Department on the assumption that it is one's own property, an action by another to prove ownership of that thing or the right *in rem* will be barred after fifteen years. As with all cases of possession, good faith is presumed. It is, therefore, easier to attain ownership of movable property than immovable property such as land or house. The regime of law governing Iraq's variants of acquisitive prescription makes acquisition of ownership through possession quite difficult. The shorter "good faith" prescriptive period is five years under the ICC. The longer "bad faith" prescriptive period is fifteen years. The result is that, under Iraqi

law, one may acquire property with bad title, but one must still possess it under the assumption that one is the owner of the property (good faith) (Stigall, 2008).

2.2 LAND AND PROPERTY VALUATION AND TAXATION

2.2.1 Property valuation

The main legislation governing property valuation in Iraq is the "Estimation of the Real Estate and Its Benefits Value" Law No. 85 issued on 29 May 1978 as amended by Law No. 110 of 1980. The Law provides the basis used by both the General Commission for Taxes of the MoF to levy property taxes in accordance with the Real Estate Tax Law No. 162 of 1959 as amended by Law No. 1 of 2009 and the RERD of the MoJ to levy tax and fees on properties' transfer registration in accordance with the Land Registration Law No. 43 of 1971 as amended, in addition to other relevant applicable legislation. Law No. 85 of 1978 considered the real value of the property as the legal basis for the assessment of the property tax, property registration fees and the proportional stamp duty.

Article 1 of Law No. 85 of 1978 as amended provides that a committee inspects the property to estimate its current value based on the request of the person charged with the payment of the tax or by the initiative of the financial authority. The property inspection is set up by the Minister for Finance in the capital, Baghdad, and all other regions. It is composed of (1) the manager of the RERD or his representative, (2) a representative of the General Directorate for Income Tax who has at least 2 years of experience in property valuation and (3) the applicant or a representative of the applicant. The inspection committee may use one or more technical experts if needed (Article 2).

Moreover, upon the inspection of the property, the committee takes into consideration the following matters for the valuation of the property: full details of the location of the real estate, the province where

it is located, its number, its type, class, contents of the building or plantations and the rights entailed by it, or any other information required by the nature of the transaction. The committee estimates the real value of the property, the right in-kind or its utility at the time of the inspection or at the date specified in the request for inspection, according to the location of the property, the degree of its construction, its shape, its area, its contents and the type of materials used in its construction, and all expenses disbursed on it, such as for renovations and improvements that actually increase its value.

If the property is agricultural land, the committee shall take into consideration in its valuation its fertility, plantations or constructions on it and the values of adjacent or similar properties or their selling prices. The committee may estimate the value of the land and facilities or planted plants separately and for a specified period, and the value of any of them at a previous date, if it is required for any official purpose, and it has the right to estimate the value as a whole or by any way that leads to the valuation of the property. However, if it is not possible for any reason to inspect the property, the committee shall record this in its report and may take the property value as declared by the parties to the contract, if it represents the real value, and issue a reasoned decision in this regard (Article 6).

The decision of the Valuation Committee may be appealed within seven days, starting from the date of the valuation report, by the RERD, the financial authority or the applicant, before a special appellate committee, constituted for this purpose by the Minister for Finance, who receives the appeal/objection through the RERD and decides it expeditiously. This decision regarding the valuation of the property is final (Article 9). The final valuation of the property as decided above is valid for all official and semi-official departments and individuals for five years and is used as a base by the Tax Authority to estimate the amount of taxes to be paid, unless the parties declare a higher price for the property (Article 10/1).

If, however, any change to the value of the property occurs during one year, either because of public works or change of its use (residential, commercial or agricultural), or any other reason, the RERD or the financial authority may decide to re-inspect the property to re-evaluate it (Article 10/3). Finally, Articles 10/2 and 11 of Law No. 85 of 1978 as amended provide for some exceptions where the above valuation of the property will not be binding, and a different valuation of the property may be adopted by judicial decisions related to the property or by decisions of RERD special committees in relation to mapping or delineation of the property or by the execution departments or by banks for credit purposes.

Other Iraqi legislation indirectly concerned with property valuation include the Rental Law No. 87 issued on 1 July 1979 as amended by Law No. 56 of 16 October 2000 and the Expropriation Law No. 12 issued on 16 February 1981 as amended by Law No. 6 of 8 June 1998.

The Rental Law No. 87 of 1979 as amended covers all built real estate located within the boundaries of the capital and municipalities, including real estate intended for housing that the State or the public moral persons let or rent. However, the law allows the Minister for Finance to exclude from the scope of its application some of the residential property leased by the State or public moral persons, with nature of investment and exploitation that require special rental rules to determine the amount of the rent and rights and obligations of the lessees. Such property includes residential places and other buildings constructed by the General Organization for Resorts and Tourism and such other organizations, in addition to rental to non-Iraqi physical or moral persons to which apply relevant special laws, otherwise, rental rules of the Iraqi Civil Law apply. The law determines the higher yearly amount of rent charged by reference to the total value of properties covered by its provisions. The total value of the property is comprised of the land and the value of the building at the time of its assessment by the financial authority (property tax departments) in implementation of the provisions of the Rental Law (Article 4/3).

Expropriation Law No. 12 of 1981 as amended is applicable for the acquisition, for public benefit purposes, of all properties of agricultural and non-agricultural values and orchards, disposal rights of Government-owned land, and other original specified rights relevant to property. The Expropriation Law determines the rules to be followed by the Valuation Committee constituted, pursuant to Article 13 of the Law, for the assessment of the monetary compensation of the expropriated property depending on its kind.⁸

Special rules for the valuation of acquired agricultural land and payment of compensation by the State to landowners are also laid out in the Agrarian Reform Law No. 117 of 1970 as amended.

Valuation supports property tax, compensation, and an efficient land market. The land valuation system in Iraq is not appropriate. There is a need to improve the quality and transparency of the land administration and property valuation system in the country.

2.2.2 Property taxation

The following are the main tax legislation applicable in the country:

- For Federal Iraq, “Income Tax Law No. 113 of 1982, and its amendments through 2003, along with supporting instructions and circulars issued by the tax authorities.
- For the autonomous Kurdistan Region, “Income Tax Law No. 5 of 1999”, along with supporting instructions and circulars issued by the tax authorities.

Kurdistan Region is an autonomous region of the Federal Republic of Iraq and has a separate legislative assembly, Kurdistan Parliament (IKP) and Government, the KRG. The Iraqi Constitution of 2005 expressly provides that all

legislation issued by Kurdistan after 1992 are valid and applicable. The Constitution has empowered the KRG and IKP to regulate any law regarding direct and indirect tax laws except customs laws which are under the exclusive power of central government. In the process of making any new legislation, if any dispute will arise between the central government and KRG, it should be interpreted and resolved by the Supreme Court of Iraq.

Federal Income Tax Law No. 113 of 1982 as amended applies to KR-I, to the extent to which it was not amended by Kurdistan Regional Government Law No. 26 of 2007 related to “the amendment of income tax law No. 113 of 1982” and in the absence of any relevant specific text in the Kurdistan Regional Government Income Tax Law No. 5 of 1999 as amended. Moreover, there is no Real Property Tax in KR-I as decided in Federal Income Tax Law No. 112 of 1982 as amended (Dixit and Sharif, 2020).

Tax on Rental of Agricultural Land

Article 2/3 of the Federal Income Tax Law No. 113 of 1982 as amended imposes a tax on net real income generated from rental of agricultural land as per specific rates stated in Article 13 of the Federal Income Tax Law as amended which are typically around 3–15 per cent and can vary depending on the taxpayer’s status (i.e., whether resident or non-resident in Iraq).⁹ An Iraqi individual who is present in Iraq for at least four months during a tax year is considered a resident. A non-Iraqi individual is deemed to be resident in Iraq if he/she is present for at least four consecutive months or a total of six months during the tax year, or if he/she is employed by an Iraqi entity (Article 10).

It is worth noting that Law No. 60 of 1 January 1961 as amended, which imposed a tax on agricultural land in Iraq, was repealed by the Decision No. 21 of 5 January 1980 issued by the Chairman of the Revolutionary Council.

⁸ See Annex 5 for an overview of the rules related to the assessment of monetary compensation for expropriated property laid out in the Expropriation Law No. 12 of 1981 as amended.

⁹ For applicable tax rates on income from rental of agricultural land rental, consult Law No. 113 of 27 December 1982 posted on the [Iraqi Legislation Database of the Iraqi Supreme Judicial Council \(SJC\)](#)

Real Estate Tax

The Real Estate Tax Law of No. 162 of 1959 as amended by Law No. 1 of 2009 provides for a tax on revenue derived from all real estate. According to the Law, a basic tax of 10 per cent is assessed on the annual revenue derived from all real estate property and is collected from the owner or the long-term (five years) lessee or, if not found, from the person occupying the real estate (Article 10/1). The annual revenue for each real estate property is discounted by 10 per cent for expenses and maintenance before assessing tax on that real estate (General Commission for Taxes, MoF, n.d.). Law No. 1 of 14 January 2009 amending Real Estate Tax Law No. 162 of 1959 exempted from this tax, property which remains vacant for three consecutive months or more.

Properties (vacant land) tax

The Properties (Vacant Land) Tax Law No. 26 of 1962 (valid as of 1 June 1962) and its amendments provide that a yearly basic tax of 2 per cent is assessed on the estimated value of all vacant land if no construction suitable for housing or any other investment purposes is built on it, or on vacant land not economically exploited in accordance with instructions issued pursuant to this law and as estimated by the Valuation Committee of the MoF. The estimation of the vacant land value is determined in accordance with the Real Estate Tax Law No. 162 of 1959 as amended and the vacant land tax is collected from the vacant land's owner or long-term lessee or the occupier (General Commission of Agricultural Lands, MoF). This tax is only payable for 15 years, starting from the date of vacant land ownership, after which no additional tax payment is due (Article 3/2). Vacant land owned by an official or a semi-official department, as well as a single up to 800 m² vacant land owned by a taxpayer, are exempted from this properties tax (Article 4).

Property transfer tax

Law No. 48 issued on 14 December 2015 cancelled Decision No. 120 issued on 8 August 2002 by the Chairman of the Revolutionary Council which cancelled

the property transfer tax provided for in Article 2/4 of the Federal Income Law No. 113 of 1982 as amended and reinstated the property transfer tax to Article 4/2 of the Federal Income Tax Law. The Real Estate Transfer Tax is assessed based on the property value or the right to dispose of it as evaluated by financial authorities in accordance with the "Estimation of the Real Estate and Its Benefits Value" Law No. 85 issued on 29 May 1978 as amended or the property's price, whichever is higher, and the property's owner (seller) pays the Real Estate Transfer Tax according to the fee schedule shown in Table 2 below.

Table 3: Property transfer tax

Statutory Tax Rate	On cumulative property value or price in Iraqi Dinar.
0 (exempted)	On the first 0 to 50 million
3 per cent	On the next 50 million
4 per cent	On the next 50 million to 100 million
5 per cent	On the next 100 million to 150 million
6 per cent	On 150 million and over
The property transfer tax as per Law No. 48 of 2015 is valid as of its date of publication in the Iraqi official Journal issue No. 4391 of 14 December 2015, pp. 5–7.	

The amount of the tax is apportioned among partners if the land is jointly owned and the tax is calculated according to fee schedule in the table above for the whole property, but the tax is charged only on the effectively transferred property shares. Moreover, property transfer between parents, offspring and siblings, or between spouses is exempted from the property ownership transfer tax.

The tax system in Iraq is not efficient. Its key weakness are (i) the lack of a clear legal framework governing taxation, (ii) the weak tax administration resulting from the reliance on oil receipts during good times which led to a neglect of tax administration efforts to raise non-oil revenue, illustrated by the lack of computerized information systems at the tax administration (there are wide tax exemptions, for example, the agricultural

sector is tax exempt) and (iii) low tax compliance by the taxpayers as a result of corruption and poor enforcement by tax administration authorities (IMF, 2017). Good tax administration greatly contributes to better land use and administration.

Because of land management issues, 74 per cent of agricultural land in Iraq cannot be used for agricultural purposes.¹⁰ Enforcement of the land tax could be used to force occupiers to let unutilized land go (Al-Anbaki, 2010).

Evaluation of the various taxes affecting the land in terms of the effectiveness and relevance of their contribution to government revenue and impact on the land market, their fairness and effective management is a necessary analysis that should be done by a joint operation involving officials from the Land and the Tax Administrations (GLTN, 2010).

2.3 LAND USE

2.3.1 Land-use classification

Current data on land distribution in Iraq is scant. Multiple waves of dislocation have significantly reworked land distribution in the country and, with returns and dislocations still ongoing, it is difficult to get a sense of current distributions (LANDLINKS, 2018; USAID, 2018). Much of the land suitable for cultivation and habitation is defined by access to the Tigris and Euphrates Rivers. Access to and protection of these national resources need to be balanced between individual property rights and broader social concerns for desirable land use. Land-use restrictions were centralized, with certain land areas classified for specific use (agricultural, residential or industrial). The restrictions on use were classified in the title and whenever a construction permit or transfer of property took place, the land use of a property came

under review of the authorities, which was arbitrary at times (USAID, 2005a).

The land uses in each country are divided into single, secondary, hierarchical or other classifications according to the planning requirements for land uses in the country. Three scholars from the College of Engineering at Diyala University in Iraq, Ismael, Mohammed and Yas, recently conducted research to prepare a proposal for the classification of land uses for Iraqi cities to be used as a reference and guide upon which to prepare and update the master plans for Iraqi cities. They conducted an assessment of land-use classification on major cities in Iraq (Basra, Amarah, Hillah, Ramadi, Al Muqdadia, Balad and Karabal) and concluded the following (Ismael, Mohammed and Yas, 2020):

- i. There is no clear classification, either primary or secondary, of the land uses in Iraqi cities. Each city has its own land-use classification, which it adopts, partially or in whole, for future land uses.
- ii. There is poor control over the distribution of land uses and a lack of consideration of technological developments and the spirit of the era characterized by the emergence of sustainable and environmentally friendly land uses, such as mixed land use, and the interest in sustainable transport modes.
- iii. The process of integration of land uses converges randomly, and the classification of land uses in Iraqi cities is unorganized.

The research proposed classifying land uses into seven major classifications as follows: residential, economic, mixed, public services, recreational, infrastructure and other land uses. These major land uses have been classified into 19 secondary classifications and more than 60 land uses in detail.¹¹

10 See Al-Anbaki, A., "Allocations of Agricultural Land to the Private Sector Reality and Investment Requirements" *Towards a Land Management Policy for IRAQ*" (2010) for challenges for investment in Iraq, which are, among others, desertification, salinization and the complete neglect of soil reclamation projects as a result of preoccupation with war and the pressure on land during the embargo. See also Saade, M., "Management of Agricultural Lands", *Towards a Land Management Policy for Iraq* (2010) for addition challenges, for example, lack of a clear, unified policy vision on land management and the mismanagement of land distributed to the beneficiaries of the land reform law. See also Sub-chapter 2.4.3: Effect of Conflicts on Land-use.

11 See Annex 4 for the suggested classification of land uses for Iraqi cities.

Figure I: Land degradation in Iraq

LAND DEGRADATION IN IRAQ		
<ul style="list-style-type: none"> 100,000 hectares are lost on average each year due to land degradation. 	<ul style="list-style-type: none"> Agricultural land dwindled from 23 per cent of Iraq's total land area in 1993 to 19 per cent in 2011. 	<ul style="list-style-type: none"> In 2009, Iraq cultivated 31 per cent less wheat and 49 per cent less barley than in 2005.

Source: United Nations, Iraq World Environment Day 2013 Fact Sheet (June 2013)

According to the Ministry of Planning and Developmental Cooperation report / statistical bulletin of 2006, the total vegetation area (prairies and forests) does not exceed 12 per cent, while deserts and barren lands constitute one-third of the total area (MoE, 2013):

- 27 per cent of Iraq's area is arable land
- 9 per cent is prairies
- 3 per cent is forests
- 1.5 per cent is barren mountain land
- 33 per cent is steppes and
- 26.5 per cent is waterbodies and residential land.

Table 4: Main indicators with respect to land in Iraq

	Year	Indicator
Annual population growth rate (percentage)	2017	2.88
Rural population (percentage)	2016	31.8
Population density/square kilometres	2016	88
Land area (square kilometres)	2003	438,317
Arable land area (percentage of total)	2003	12
Agricultural land (percentage of total)	2014	21.24
Pastoral lands (percentage of agriculture)	2007	42.3
Agricultural rain-fed lands (percentage of total land)	2014	0.54
Irrigated lands (percentage of agricultural)	2012	37.6
Forestland (percentage of total)	2012	1.9
Access to reliable water sources (percentage)	2005–2010 average	79; 91
Population, percentage urban, percentage rural	2010	56
Annual freshwater intake (billion m ³)	2000	66
Gross Domestic Product (GDP) per capita/United States Dollar (USD)	2012	3,528
GDP annual growth	2016	10.1
Oil production (million barrels per day)	2017	4.1
Oil export (million barrels per day)	2017	3.2
Total population (million inhabitants)	2017	38.6

Sources: Central Intelligence Agency, 2003 ; UN-Habitat, 2018

11 See Annex 4 for the suggested classification of land uses for Iraqi cities.

Figure II: Agricultural land along Tigris river



Source: Flickr/Tommi Godwin

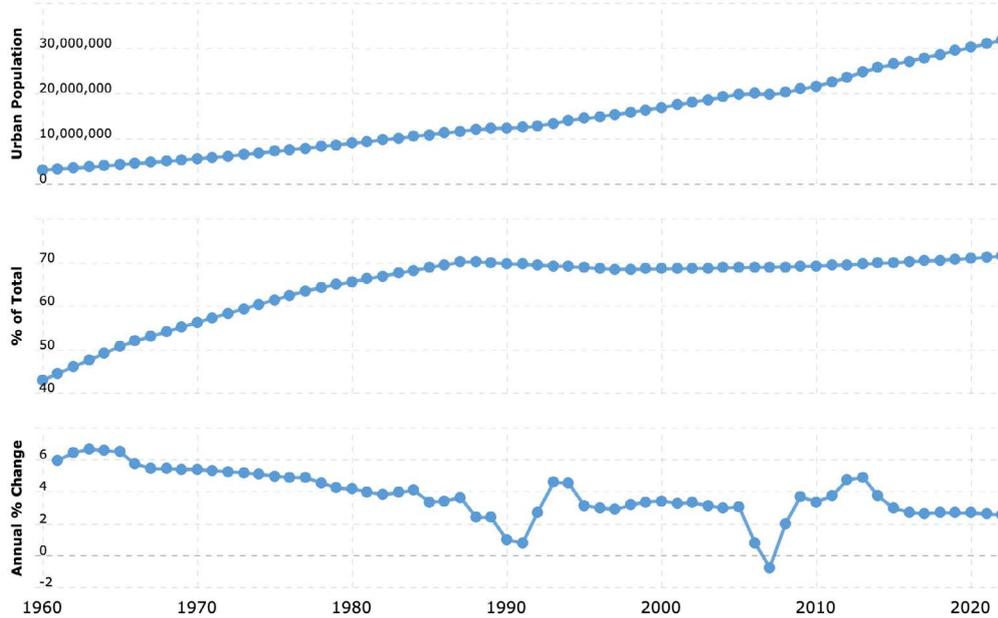
2.3.2 Urbanization in Iraq

Iraq's total land area is 438,317 km² (167,692 mi²). The country's population as of May 2020 was 40,066,235 people, with a population density of 93 people per km² (240 people per mi²) and 73.1 per cent of its population (29,422,695 people) living in the urban areas (Worldometer, 2020). Statistical surveys indicate that the percentage of the urban population in Iraq today is about 69.8 per cent compared to 30.2 per cent rural population. It is also estimated that urbanization is continuing at a high annual growth rate, with unprecedented growth of a number of urban centres,

especially in the capital, Baghdad, which has a population of about 8 million people, according to the CBS of the Ministry of Planning (MoP, 2019a).

Urban policy in Iraq started at the beginning of the 1970s in order to achieve a balance in the distribution of population and economic activities between the Iraqi governorates and to reduce the population size of the capital Baghdad, through the National Development Plans 1970–1974, 1976–1980, 1981–1985, 2010–2014 and currently the NDP 2018–2022 (Mahmud, 2014).

Figure III: Iraq's urban population (1960–2021)



Source: Macrotrends (2021), based on data from The World Bank

2.3.3 Effect of conflicts on land use

Land use in Iraq has been strongly influenced by its role in the economy, coupled with the country's military conflicts, population relocations and government interventions in the control over agricultural production (LANDLINKS, 2018). Current data provided by the Food and Agriculture Organization of the United Nations (FAO) states that one-third of Iraq's population, roughly 12 million people, live in rural areas and are dependent on agriculture for their livelihoods and jobs (Zwijenburg, 2019).

Agriculture is still the second largest contributor to GDP in Iraq after the oil sector. It is the main source of livelihoods for the poor and food-insecure people, and the largest source of rural employment. However, agriculture has declined over the years (United Nations in Iraq, 2013). According to the MoP, 39 per cent of Iraqi land is good agricultural land, 43 per cent is medium quality land and 18 per cent is limited productivity land. According to the Arab Organization for Agricultural Development, Iraq has a lower agricultural productivity

than the Arab average and lower than neighbouring Syria (UNESCO, 2019).

From a total national area of 47.3 million hectares, 34 million hectares (77.7 per cent) is not agriculturally viable under present conditions. Forests and woodlands cover less than 0.4 per cent of the country and are located along the country's northern border with Iran and Turkey. Approximately 9.5 million hectares (22 per cent) is devoted to agriculture. However, approximately half of this area is of marginal utility and is used exclusively for seasonal livestock grazing — primarily goats and sheep. Tree crops comprise approximately 340,000 ha of primarily grapes, olives, figs and dates, with the latter being the most prevalent. Most tree crop production is located in the vicinity of Karbala. Field crops include vegetables, cereals, pulses and fruit, with the areas under cultivation at any given time varying with market and weather conditions but averaging between 3.5 and 4 million hectares. Grains constitute 75–85 per cent of all cropped area — primarily barley and wheat (LANDLINKS, 2018; USAID, 2008).

According to FAO, crop production provides 75 per cent of income for farmers in Iraq¹² (Lucani and Saade, 2012). The agriculture sector was growing rapidly, nearly doubling in value between 2009 and 2013, before falling by 30 per cent after 2014. In 2014, agriculture was the 6th largest economic sector in Iraq, representing 8.4 per cent of non-oil GDP. In 2015, it was the 5th largest sector, contributing IQD 9.1 trillion to the GDP. The KR-I has better conditions for agriculture and higher agricultural productivity, yet in 2012 agriculture was the tenth largest economic sector, representing only 3.1 per cent of non-oil GDP in the region, amounting to IQD 0.8 trillion. Thus, agriculture is of primary importance to the governments of Iraq and KR-I, second only to the oil sector, according to the Gol (UNESCO, 2019).

The agricultural sector in Iraq has faltered due to recent conflict, poor access to water, deteriorating soil quality, challenging legislative environment and low public and private investment in new technologies for equipment, irrigation, farming and fishing. Swathes of agricultural land are not currently used for agriculture. Poor marketing and difficult logistics, including insufficient transport infrastructure, cold storage and storage facilities, can cause a loss of crops before they reach the market. Local demand for agricultural products is not being met; and the ready availability of cheaper imported food products from neighbouring countries is putting farmers out of business. Government support for inputs and services is diminished. Farmers and agricultural enterprises are uncertain of the future, and some have given up (UNESCO, 2019).

The 1991 Gulf War damaged the irrigation and transportation infrastructure to such a degree that agricultural productivity declined significantly.

Salinization then expanded across much of the irrigated areas in the country's central and southern regions, rendering them much less usable (LANDLINKS, 2018). Rural labour shortages after the 1991 war — with much of the shortage due to the departure of foreign guest workers — resulted in less area under agriculture. In an attempt to manage land use and agricultural productivity after the war, the Government raised the official price of major field crops and expanded the area to be put under cereal crop production in the north of the country. The Government also confiscated land from farmers who did not meet production quotas. Rising food prices and government incentives led farmers to expand cropped areas primarily by bringing under cultivation lands on fragile hillsides and marginal pastureland — with recorded areas under crop agriculture peaking in 1992 and 1993. A drought from 1999 to 2001 that affected much of the Middle East significantly impacted agricultural output in Iraq, with cereal production in the rain-dependent north particularly affected (USAID, 2018).

The war in Iraq against ISIL (January 2014–December 2017) was a devastating period for land use, environment, agriculture and water resources, among others. A recent assessment of damage on seven directly affected governorates between 2014 up to December 2017 carried out by the World Bank reported that damages incurred to the environment and forestry sector were estimated at IQD 85 billion (USD 73 million), resulting in reconstruction and recovery needs estimated at IQD 6.5 trillion (USD 5.5 billion). It is estimated that 2,371,350 ha of high-use land was rendered unusable due to landmines and that a further 10,569 ha was lost due to pollution by hydrocarbons and other chemicals. A combined total of approximately 688 ha of woodland was destroyed in Salah Al-Deen, Diyala and Anbar, and

12 Cropped land use in Iraq can be divided into: the central–south irrigated zone, which produces fruits, vegetables and cereals, and a northern rain-fed zone, which produces winter grain. A particularly productive area in the foothills of the Kurdish autonomous region produces about one third of the country's cereal production under rain-fed conditions. Other than this, rain-fed crop yield is generally low and varies with rainfall. The rest of Iraq's cereal production exists in the irrigated zone along and between the Tigris and Euphrates Rivers. In general, there is only one cropping cycle per year although there are some areas of multiple cropping of vegetables under irrigation. The irrigated areas in Iraq's central–south region have been affected by salinization throughout its history due to a saline water table. As a result, even a small over-irrigation brings the saline water to the surface.

it is estimated that total forest loss may have been as high as 387,750 ha (World Bank, 2018). Moreover, the estimated total damages to the agricultural sector were at IQD 2.4 trillion (USD 2.1 billion). This entails damages to fixed assets, which included damage to machinery and greenhouses as well as livestock assets. The cost of damaged agricultural machinery, which is critical for future production, stood at IQD 689 billion (USD 590.9 million). Estimated damages to other fixed assets, such as greenhouses and grain stores, cost IQD 13 billion (USD 11 million), while damages to plantations were estimated at IQD 212 billion (USD 181.8 million). Of the four affected governorates, damages were the largest in Ninewa at IQD 764 billion (US\$ 655 million), followed by Salah Al-Deen and Diyala Governorates with total damages estimated at IQD 559 billion (USD 479 million) and IQD 557 billion (USD 478 million), respectively. In addition, costs of damages to water resources were estimated at IQD 134 billion (USD 115 million) (World Bank, 2018).

With the rise of ISIS in 2014, the situation in the agricultural sector rapidly deteriorated due the influx of IDPs, destroyed irrigation equipment, looted materials and abandonment of agricultural lands under threat of violence from the conflict. In their 2017 report, FAO warned of the significant impact of the conflict on Iraq's agricultural sector. The report noted that harvested wheat, barley and vegetables were lost due to population displacements, looting and the burning of grain bins. It also pointed out that the highest ever damages to agricultural infrastructure were reported in liberated and ongoing conflict areas, including damage to food storage and crop processing infrastructure, as well as significant farm equipment losses (Zwijnenburg, 2019).

In early May 2019, it was reported that agricultural areas of central and northern Iraq were being set ablaze allegedly by remaining pockets of ISIL fighters, with the motive of punishing farmers who refused to pay protection money to them. Evidence showed that in the no-man's land between Kurdish positions

near Makhmour and federally controlled Hamrin, ISIS members torched crops to force farmers to pay taxes to them. In Diyala Governorate, similar tactics were used against Kurdish-populated villages. As these attacks were carried out without warning or demand for ransom, Kurdish farmers perceived this as a further attempt to drive them off their lands, as there had been numerous attacks targeting Kurdish farms in disputed areas near Tuz Khurmatu in Salah Al-Deen Governorate and near Khanaqin, Diyala Province. Similar incidents were also reported south of the Mosul Lake in Ninewa Governorate. Burning down crop fields or the "scorched-earth" tactic is not a new phenomenon as far as ISIS is concerned, as even in their pre-2014 insurgency phase, they often deployed this tactic to destroy the livelihood of Iraqi farmers. This tactic was also used by Shia militias to take revenge on Sunni families. The scorched-earth tactic still poses major problems for Iraqi food security, employment, socioeconomic opportunities and the environment. Throughout the ages, agriculture has been, and still is, crucial for rural economies. Crop production constitutes 74 per cent of the agricultural income in Iraq. Prior to the conflict with ISIS, there were already concerns expressed by the United Nations on environmental damage caused by climate change, deforestation and mismanagement, all of which impacted food security, while the International Committee of the Red Cross warned of the precarious status of Iraq's agriculture (Zwijnenburg, 2019).

Between 1970 and 2003, about 90 per cent of the marshlands were dried up or destroyed and most human settlements disappeared, particularly in Hawr Al Hawizeh. About 170,000 inhabitants were forced to flee or to relocate to other areas. Those who stayed suffered from poverty and deprivation. After 2003, the marshlands rehabilitation process was encouraged and supported. Many communities, institutions and organizations seek to restore the marshlands. As of 2019, thirty-eight per cent had been restored and work was underway to restore 70 per cent of the 1970 lands (MoP, 2019a).

2.3.4 National land-use strategies

The National Environmental Strategy and Action Plan for Iraq (2013 – 2017)

The National Environmental Strategy and Action Plan (NESAP) was prepared by the Ministry of Environment (MoE) in Iraq in collaboration with the United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP) and the World Health Organization (WHO). After the creation of the MoE in 2003, there was a need to develop programmes and plans to address the deteriorating environmental situation in the country. The NESAP aims at providing a distinguished quality guide to State institutions and society for environmental protection. Previous development plans excluded environmental protection projects from the priorities of other ministries and sectors for institutional and financial considerations. This Strategy, however, obliges the bodies concerned (as they have participated in the preparation process) to adopt environment protection procedures and implement relevant activities during the period (2013–2017) (MoE, 2013).

The NESAP sets the following ten strategic objectives to achieve, which are aligned with NDP goals (2010–2014) prepared by MoP: 1. protect and improve air quality, 2. protect and improve water quality, 3. control land degradation and combat desertification, 4. maintain marine and coastal environments, 5. protection and sustainable use of biodiversity, 6. develop and improve waste management, 7. reduce oil pollution, 8. reduce radioactive contamination, 9. integrate management of hazardous chemicals and 10. develop institutional and legal framework of environment sector (MoE, 2013).

The National Action Plan to Combat Desertification 2015

According to the official data for 2016, about 160,588 dunums of Iraq's total area is threatened by desertification (MoP, 2019a). The negative effects of desertification reached 92 per cent of the country's

land, resulting in biological production of the land declining by 70 per cent, causing the migration of farmers. The vegetation cover on the land reached its lowest, causing increased dust storms, increased soil salinity and decreased level of groundwater (Aliyas, 2016).

Iraq acceded to the United Nations Convention to Combat Desertification (UNCCD) on 28 May 2010¹³ (MoE, 2015b). Its National Action Programme to Combat Desertification (NAPCD) is in implementation of the 10-year Strategic Plan (2008–2018) of the UNCCD. The NAPCD was prepared by the MoE in cooperation with other relevant line ministries, with support from the UNEP, the Arab Centre Organization for the Studies of Arid Zones and Dryland, and the Arab Organization for Agricultural Development, and was financed by the Global Environment Facility. The NAPCD 2015 complements NESAP 2013–2017. The objectives of the NAPCD are:

- The rehabilitation of ecosystems, conservation of natural resources and reduction of their degradation
- Strengthening institutions, human resources and legislative frameworks
- Raising awareness of the desertification causes and its effects
- Spreading education at all levels.
- The NAPCD also has several relevant executive projects (MoE, 2015b).

The National Land Degradation Neutrality Strategy

Iraq suffers from severe land deterioration due to the effects of anthropogenic factors, such as unsustainable and marginal agricultural practices and the improper use of natural resources, and natural factors, such as soil salinity, sand dune movement, and sand and dust storms. Poor irrigation practices and drainage systems, many of which were damaged during the wars, have contributed to rising groundwater tables, and have led

¹³ Iraq acceded to the UNCCD by virtue of Law no. 7 of 2009 and this was published in the official gazette No. 4128 dated 6 July 2009 (MoE, 2015b).

to soil salinity-induced land degradation, with central and southern Iraq being the most affected regions. Soil salinity affects the production potential of roughly 70 per cent of the total irrigated area of Iraq, with large areas no longer suitable for agricultural production (MoA, 2017).

Ongoing soil salinity poses a major threat to food production and food security in Iraq. Furthermore, rangelands, which occupy a greater proportion of the country's total area than agricultural land and are a vital source of food and income in the country, have been severely degraded over the last decades due to overexploitation and the effects of recent wars, which resulted in the deterioration of vegetation, grass and fodder. High livestock densities also negatively affect vegetation and the soil surface, making the topsoil further exposed to wind erosion and the creation of dust storms. As arable land and vegetation are likely to continue declining due to soil salinity and sand and dust storms, as well as other natural and anthropogenic factors, Iraq faces many challenges related to food production and environmental resources management. The main goals of Land Degradation Neutrality (LDN) in the country are to minimize the effects of the global and local drivers of land degradation and to improve land productivity and increase food production (MoA, 2017).

Iraq has joined the LDN Target Setting Programme, established by the Global Mechanism of the UNCCD and its international partners, to minimize the effects of land degradation, combat desertification and conserve land resource productivity to meet food demands and to adopt the concept of LDN as part of its Sustainable Development Agenda for 2030 (MoA, 2017).

The MoA in Iraq is tasked with leading the implementation of the national LDN strategy in the country. In 2017, MoA sent the LDN target-setting National Report to the secretariat of the UNCCD to support the development of future projects to reduce land degradation and improve the state of ecosystems and the conditions of people affected by desertification in the country (MoA, 2017).

The National Programme to Combat Sand and Dust Storms in Iraq (2015–2020)

Iraq is one of the most affected countries in the Middle East regarding the occurrences of sand and dust storms. The frequency of the occurrence has increased drastically in the last decade and continues to increase. The MoE recorded 122 dust storms and 283 dusty days, with an estimated 300 dusty days and dust storms per year within the next ten years. The events of sand and dust storms are either regional or local. The main reason for increasing regional dust and dust storms is the drastic changes in annual rainfall and temperature, besides others such as drought, mismanagement of water resources and abandonment of agricultural lands. The main reasons for increasing local dust occurrences are haphazard driving, military actions and construction of roads. The dust and dust storms have very harsh impacts on human health, and economic, transportation and social events (Sissakian, Al-Ansari and Knutsson, 2013).

The National Programme to Combat Sand and Dust Storms was prepared by the MoE in cooperation with other relevant line ministries, with support from UNEP and FAO, and was financed by the United Nations Development Assistance Framework Trust for Iraq. Its objective is to address the root causes underlying the emergence of storms from their specific sources through the development of a monitoring and early warning system while enhancing institutional and societal capacities to deal with this phenomenon. This programme is also consistent with, and contributes to, relevant national strategies and policies, and is primarily responsive to citizens' needs. It also maintains developmental gains and their sustainability (MoE, 2015c).

The United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNDP jointly prepared the project, "Development of a National Framework for Integrated Drought Risk Management in Iraq." It is funded by United Nations Development Assistance Framework in cooperation with the Prime Minister's

Advisory Commission and the MoE, in collaboration with other relevant line ministries in Iraq and KR-I (UNESCO, 2014). Iraq acceded to the Climate Change Convention and Kyoto Protocol via Law 7/2008.

The National Biodiversity Protection Strategy and Action Plan (2015–2020)

Iraq acceded to the Convention on Biological Diversity in 2009 and its first National Report (the 4th for the Convention) was issued in July 2010. The National Biodiversity Strategy and Action Plan of Iraq is a guiding framework for conserving Iraq's biodiversity over the coming years.

The biodiversity and ecosystems in Iraq have suffered and still suffer many problems caused by natural and human factors and wrong policies. Several of the most serious biodiversity loss occurrences have been evaluated for various regions or habitats, for example, reduction in freshwater resources, plant cover and wildlife stocks, and loss of traditional agriculture and local races, native endemic species and cultural and heritage values.

The Strategy which was prepared by the MoE with the support of Global Environment Facility and UNEP is a guiding framework for biodiversity conservation; it sets out priorities which will direct the efforts to achieve healthy and resilient biodiversity and to provide a basis for living sustainably (MoE, 2015a). The National Biodiversity Protection Strategy and Action Plan (2015–2020) includes a number of programmes and projects which aim to protect biodiversity and attract attention to revive the marshes as a unique environment in the region.

The Smallholder Agriculture Revitalization Project 2017

The Smallholder Agriculture Revitalization Project is the first International Fund for Agricultural Development (IFAD) investment in the country. Iraq is included in the list of countries with the most fragile situations by IFAD. The two key indicators used by IFAD to define fragile situations in a country, namely (i) institutional capacity and (ii) conflict are not only present in the country

as a whole but the negative consequences of these factors have permeated to even those regions in the south where there is no active conflict situation. The overall rural sector performance is at a low level. Iraq's extreme fragility has affected its capacity to deal with rural development effectively, reducing institutional capacity and service delivery. Development outcomes are consistently lower in fragile situations and IFAD's mandate of rural transformation is threatened by this fragility (IFAD, 2017).

The Smallholder Agriculture Revitalization Project will be implemented over a seven-year period and will consist of two main components, namely (a) Climate Resilient Investments, which includes two subcomponents, namely (i) modernization/rehabilitation of irrigation infrastructure schemes and (ii) Knowledge management and institutional strengthening, and (b) Agriculture and Livelihood Diversification. The goal of SARP is to support about 16,000 rural households to overcome poverty and achieve food security through remunerative, sustainable and resilient livelihoods. Its development objective is to enable poor smallholder farmers to improve crop and livestock productivity, resilience to climate change and diversify incomes (IFAD, 2017).

The Strategy for Water and Land Resources of Iraq 2015–2035

Towards the end of 2014, the Ministry of Water Resources (MoWR) completed the preparation of the 20-year Strategy for Water and Land Resources of Iraq and investment plan. During its preparation, Iraqi experts, together with international experts, developed tools that were then used to compile plans for various scenarios of water supply and development of land in Iraq and the riparian countries. The plan included recommendations for infrastructure developments that have yet to be implemented to affect water-saving projects due to the war with ISIL as well as the financial crisis from reduced income due to low oil prices. This makes the situation even more dire for the country and the current situation is not sustainable. Iraq has to revise its strategy now in view of changing conditions since the plan was completed.

Iraq's water resources development and management plans initially evolved between the 1960s and 1980s. The USAID assisted the MoWR in developing a National Water Plan in 2005. The National Development Strategy (2007 to 2010) included regulations on integrated water management. The UNDP developed a strategic framework of assistance towards integrated water management and institutional development (Alwash and others, 2018).

United Nations' Recovery and Resilience Programme (2018–2020)

The Kuwait Conference (12–14 February 2018) showed the increased interest among the international community to support the reconstruction of Iraq and revealed high recognition of the role of the agriculture sector in the reconstruction process. The FAO is therefore leading the United Nations' work on the Restoration of Agriculture and Water Systems Component (i.e., Component 3 of the United Nations Recovery and Resilience Programme (RRP). The RRP is a two-year programme that aims at fast-tracking the reconstruction of society, building on efforts that are designed to help people see tangible and immediate improvements in their daily lives. The Programme includes six components that are national in scope and three components that target areas formerly controlled by ISIL (Anbar, Diyala, Kirkuk, Ninewa and Salah Al-Deen). These high-priority areas/subprogrammes aim at: (a) preventing violent extremism, (b) revitalizing communities, and (c) restoring agriculture and water systems. The planned contribution of FAO under the Restoration of Agriculture and Irrigation Water Systems Subprogramme will focus on sustainable reconstruction and rehabilitation of the agriculture sector in the conflict-affected areas of the five retaken governorates, with an estimated budget of USD 92.95 million (i.e., USD 55 million for the first year and USD 37.95 million for the second year) for irrigation rehabilitation, crop and livestock production and marketing, and food security and natural resources' information management-related projects (FAO, 2018).

Voluntary work: the project of planting one million trees

In 2016, the Ministry of Higher Education and Scientific Research launched a voluntary project to plant one million trees throughout Iraq for a period of five years. The project was launched on the basis of the establishment of agricultural colleges in public universities. Those who participated included most of the faculties of 22 universities, six institutes of agriculture, governorates, 25 municipalities, the Secretariat of Baghdad and the General Secretariat of the threshold Husseiniya. The project's objectives, included to spread the culture of afforestation and awareness of the importance of the tree and its outputs to preserve the environment and face climate change; and to train students in the faculties of agriculture to select the appropriate varieties of tree for the environment of each region.

Green Oasis in the Karbala Desert

The project started on 1 November 2018, with its first phase covering an area of 7,500 dunums at its completion. The project includes 14 axes, with each covering an area of between 80 and 120 dunums and being fed by a well. Five varieties of wheat are grown (MoP, 2019a).

Plan for Mine Action 2017–2021

There are more than 20 million landmines in Iraq, and the Iraqi Directorate for Mine Action (DMA) at the MoE is currently cooperating with United Nations Mine Action Service and Japan to remove them, through the Plan for Mine Action which is supported by United Nations Mine Action Service. (Al-Amiri, 2019).

2.3.5 Land use in Kurdistan Region of Iraq

Kurdistan Region of Iraq's demographics

The KR-I covers an area of about 40,000 km², which includes the three governorates¹⁴ of Duhok, Erbil and Sulaymaniyah. According to the CSO and KRSO 2014

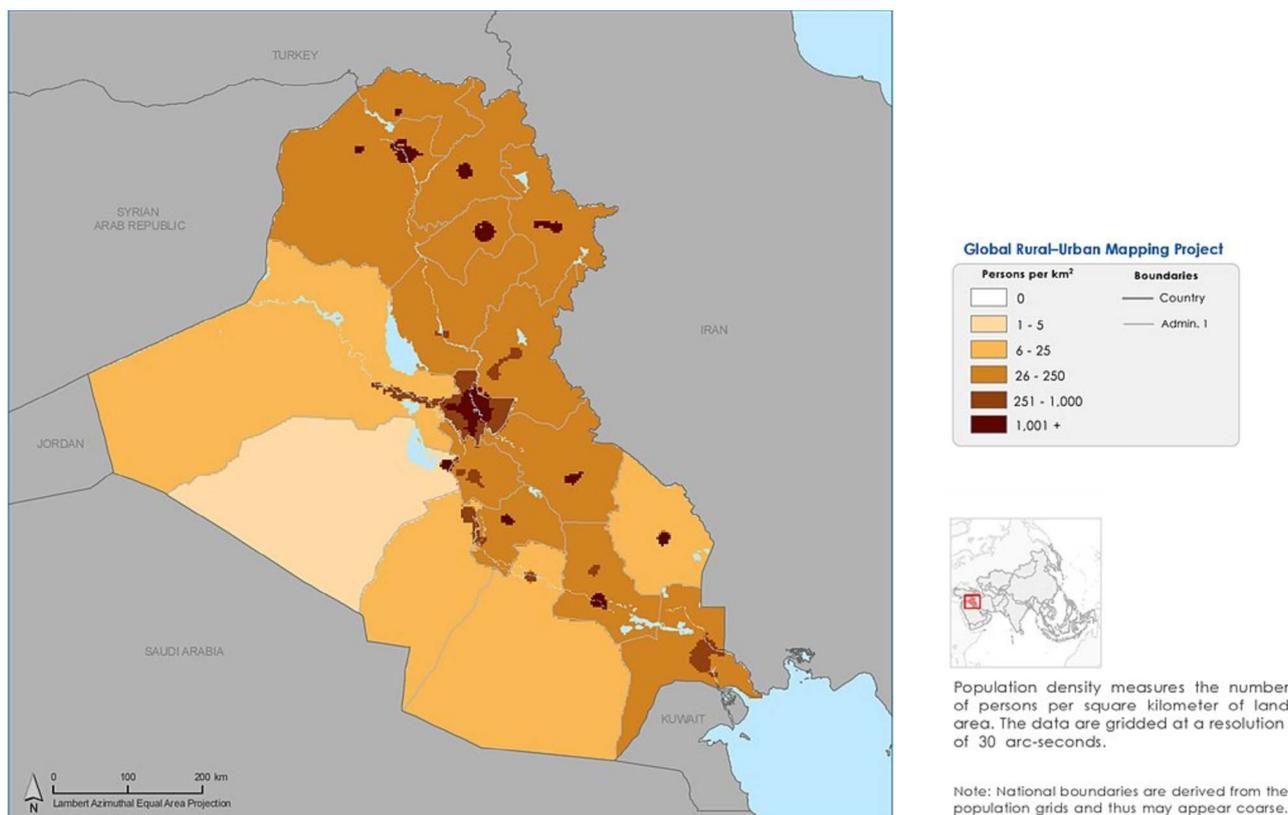
14. This changed to four in 2023, with the recognition of Halabja as a governorate. However, information contained in the report dates to 2022. Changes that occurred after 2022 are not reflected, for consistency purposes.

estimates, the KR-I has a population of 5,122,747 individuals. Erbil City is the capital of KR-I, the home of KRG headquarters and the capital of Erbil Governorate, which is located north-west of Iraq, and administered by the KRG. It is the fourth-largest city in Iraq and the largest and most populated city in KR-I, housing an estimated 821,000 individuals (KRSO, IOM and UNFPA, 2018).

Past figures and estimates indicate that the proportion of the urban population to the total population in all three governorates of the KR-I increased by over 24 per cent between 1977 and 1987. Thereafter it remained stable in Duhok at around 75 per cent, while it continued to grow steadily in Erbil and Sulaymaniyah,

reaching 84 per cent and 85 per cent, respectively, in 2014. Urbanization was prompted not only by economic factors, such as economic development in cities and higher urban wages, but also by the circumstances the country experienced, including the Iran–Iraq War (1980–1988), the 1991 Gulf War, and the events after the change of the political system in 2003 and the crisis that ensued. In particular, the Governorates of Erbil and Sulaymaniyah exhibit very high rates of urbanization (over 80 per cent) because these governorates' capitals and middle-sized cities have received great numbers of Iraqis who migrated either for economic reasons or due to forced displacement from other governorates (KRSO, IOM and UNFPA, 2018).

Figure IV: Iraq: Population Density, 2000



Sources: Center for International Earth Science Information Network (CIESIN) Columbia University, International Food Policy Research Institute (IFPRI), World Bank, and Centro Internacional de Agricultura Tropical (CIAT)

Effect of urbanization on land use

Urban growth is associated with changes in land use/cover pattern. Urbanization usually reflects positive socioeconomic and political growth, which leads to a developmental process in the innovation systems that alters socioeconomic actions and transforms the practice of using land in accordance with land-use policies. Urbanization has numerous environmental impacts, such as deforestation, which could result from construction works due to urban expansion, which in turn leads to desertification and drought. Erbil City has witnessed significant urban growth since 2000, and has passed an essential conversion phase. Earlier investigations show that total cultivated land decreases annually because arable land is transformed into relevant built-up land and open spaces due to the urban growth of Erbil City. Erbil City lacks a suitable land-use policy as the city planners are still adopting the conventional approach of land-use policies in order to support planning, management and decision-making. Rapid changes in the rates of urbanization or urban growth as experienced in Erbil City require advanced technological equipment like remote sensing and geographic information system (GIS) to facilitate better planning and make suitable decisions (Ibrahim, 2013).

The expansion of Kurdish cities not only creates wealth but also increases social complexity. The intertwining dynamic of urbanization and development calls for an urgent reflection on questions of sustainability. Urban well-being and long-lasting development can only be produced if ecological values, environmental respect, thoughtful energy consumption and traditional models of social interaction and lifestyle are taken into account. Urban expansion that is too aggressive might risk disrupting both existing social cohesion and local ecosystems. The cult of concrete and modular structures might threaten the existence of traditional building models and craft (Silva, 2010).

“Urban growth in Iraqi Kurdistan has not reached levels of overpopulation yet. Compared to extreme cases both in the Middle East and elsewhere (Cairo could be one of the many possible examples) Kurdish cities are far from reaching levels of overcrowding. The physical availability of land and the potential to develop towards open spaces and wastelands in the outskirts of Erbil, Dohuk and Sulaymaniyah could grant these cities the possibility to expand smoothly without excessive demographic pressure” (Silva, 2010).

Agriculture and forestry in Kurdistan region in Iraq

The KR-I is highly suited for agriculture as it boasts large areas of arable land and fertile soil. The varied topography and associated rainfall regimes have created three basic microclimatic zones: high rainfall (700–1100 mm), medium rainfall (400–700 mm) and low rainfall (under 400 mm). In terms of production, the high-rainfall zone contains mainly fruit orchards, while wheat occupies most of the medium-rainfall zone, and barley is the main crop in the low-rainfall zone. Winter wheat and barley are planted in autumn (October–November) and harvested in late spring (April–June) in accordance with the rainfall pattern (Baban, 2015).

The KR-I is rich in water resources with five large rivers, the Khapoor, Great Zab, Little Zab, Awaspee and Serwan, running through it. The total annual water-flow capacity stands at 30 billion cubic metres (Baban, 2006). About 60 per cent of the water sources of the above-mentioned rivers is from Kurdistan and 40 per cent is sourced outside of Kurdistan. The total arable land in Kurdistan is 1,535,794 ha. If the water is used properly, it could irrigate the entire land instead of the 11 per cent it currently irrigates. In addition to the five rivers mentioned above, KR-I has springs, groundwater and rainwater from the annual rainfall of 8 billion cubic metres (Baban, 2015).

Agriculture was systematically devastated throughout the Anfal years, as 4,500 out of 5,000 villages were destroyed; this was closely followed by internal conflicts, years of sanctions and the United Nation Oil-for-Food Programme established in 1995, which ignored local food production and allowed Iraq to buy large quantities of relatively cheap food products from neighbouring countries. Furthermore, the main cities in the region are located on the best available agricultural land. Consequently, agriculture and food production has also been affected by the rapid urbanization in the region, which is based on the current 'master plan' for cities. Furthermore, the region is experiencing an increase in water demand due to an expanding population, improvements in quality of life and development activities (Baban, 2015).

After 1991, the Government implemented several development projects in the different sectors but neglected the agricultural sector leaving its implementation to the local and international non-governmental organizations (NGOs) and to organizations that had a particular focus on agriculture. Abandoning irrigated horticulture and rice culture for rain-fed cereal production (wheat and barley) resulted in the weakening of livelihood systems and a decrease in the village economy as vegetable crops and rice were a better source of income than cereals and people were abandoning agriculture and/or leaving the villages for better paying and more stable jobs, such as some Government and civil service jobs (UNDP in Iraq, 2010).

With livelihood strategies of the past becoming no longer viable, agriculture in KR-I tends to disappear. The current agricultural landscape is mainly composed of fruit orchards, cottage gardens, traditional crops and rain-fed fields of cereals (and other crops). Livestock production used to be mainly composed of goats and sheep herds with some traditional cattle production in some areas. The current practices are favouring cattle

production. A traditional yet very efficient management system is applied in the forests and rangelands, integrating agriculture, forestry and grazing. This agro-sylvo-pastoral system is very well integrated in the landscape. It is currently threatened by the changes in practices. Planted forests are distributed in marginal lands and around the cities and villages. Out of 1.7 x 10¹⁰ m² of landscape in Kurdistan, almost 74.6 per cent is agricultural land, which includes cropland in plain areas, forests in mountain areas, natural rangeland and orchards, in the proportions of 34.5 per cent, 15.5 per cent, 20 per cent and 2.3 per cent, respectively. Sulaymaniyah and Erbil Governorates represent 6.8 x 10⁹ m² and 6.0 x 10⁹ m², respectively, whereas agricultural lands in Dohuk Governorate do not exceed 3.9 x 10⁹ m² (UNDP in Iraq, 2010).

In terms of rural development, KR-I, through the Ministry of Agriculture and Water Resources (MoAWR) with international support, has implemented a USD 100 million programme for agricultural development and integrated rural development aiming at the provision of small- and medium-scale farmer assistance, which would lead to sustainable human development through start-up activities. These activities include digging deep wells, providing seeds, fertilizer, plastic houses, sprinkler and drip irrigation systems, and rehabilitation of springs and kahrez systems. Several NGOs are also active in this respect. Farmers in rural and mountain areas need capacity-building to upgrade their farming practices in a manner that would help them to develop practices to become more economically and environmentally sustainable, including organic farming practices. Most of the agricultural activities in KR-I are only undertaken on a part-time basis (either seasonal or daily) (UNDP in Iraq, 2010).

With respect to agricultural acquisition, the agricultural sector is characterized by multiplicity of types and categories of acquisitions, in addition to reduced areas

of cultivable land, as a result of recurrent divisions caused by inheritance, and ensuing fragmentation of large agricultural land into very small and economically unfeasible properties. This situation poses a big obstacle in the way of agricultural development, on the one hand, and a source for its instability and subsequent wastage of great potential, on the other. Acquisitions are classified as follows (MoP-KRG, 2011):

- Owned property, namely the lands that are absolutely subject to private ownership, with owners having full rights to dispose thereof

- State-owned (public) lands
- Endowment lands
- Derelict (abandoned) lands, with ownership going to the State
- Wasteland or abandoned and unexploited lands.

The MoAWR statistics indicate that about 35 per cent of total agricultural land is privately owned and 65 per cent is public (Government-owned) and is leased out to farmers (MoP-KRG, 2011). Table 5 below shows Statistics indicating agricultural land in KR-I,

Table 5: Statistics indicating agricultural land in Kurdistan Region

Indicator	Year	Value
Planted area of rice in KR-I/dunums	2018	16,173
Production of rice in KR-I/tonnes	2018	13,486
Planted area of wheat (rain-fed; irrigated) in KR-I/dunums	2016–2017	2,659,086
Production of wheat (rain-fed; irrigated) in KR-I/tonnes	2016–2017	1,019,481
The cost of rain-fed wheat production per dunum (IQD 1,000)	2016–2017	121
Rain-fed wheat production yield per dunum	2016–2017	344
Number of farmers for winter crops in KR-I	2016–2017	68,704
Arable areas KR-I/dunum	2017	6,425,752
Arable areas in KR-I (rain-fed)/dunum	2017	5,120,036
Arable areas in KR-I (irrigated)/dunum	2017	1,305,716
Forest area in KR-I/dunum	2017	5,057,152
Pasture areas in KR-I/dunum	2017	6,937,764
Number of agricultural machinery	2015	
Tractors		16,529
Harvesters		1,251
Orchard areas in KR-I/dunums	2014	229,037
Number of farmers for summer crops in KR-I	2013	23,160
Summer planted area (19 crops) in KR-I/dunums	2013	245,604

Source: KRSO-MoP, KRG

Forests and rangelands: The total area of forests and rangelands reached 648,696 ha and 839,719 ha, respectively, distributed as follows: Erbil at 29 per cent, Duhok at 28.7 per cent and Sulaymaniyah at 42.3 per cent (MoP-KRG, 2011). However, the forestry sector in KR-I is not very well developed. The successive wars and drought events have severely affected the natural ecosystems. Natural forests are managed by local communities in a very traditional management system. Some forests are protected by law and guarded by the local “Peshmerga”. The protection is limited to a series of interdictions (such as grazing, harvesting, etc.) with no planning and management. Biological diversity has not been studied. Protected areas are not implemented. Planted forests are scattered in the landscape, mainly around villages and urban centres. They provide wood for construction and small industries. Local wood production in limited quantities is used by regional carpenters in the furniture industry. It is, therefore, unlikely to see investments in the field of wood production unless intensive forest plantations are implemented and developed in medium and high mountain areas. Even in the case of intensive forest plantations, the wood production in KR-I would never be able to compete with other wood sources. The economic value of the forests and other wooded lands in KR-I will mainly be dependent on services (such as ecotourism, landscape, amenities, environmental functions, etc.) and on non-wood forest products (such as aromatic, medicinal and culinary plants) (UNDP in Iraq, 2010).

The Forestry Law No. 10 of 2012 of KR-I aims at organizing the management, protection, maintenance and improvement of forests; increasing green space; protecting the environment and reducing the effects of climate change; encouraging agricultural investment in forestry; providing some raw materials required by the industry; preserving natural varieties and maintaining their genetic origins; and providing tourist and recreational areas (Ecolex, 2012).

Agricultural sector regulating legislation

The agricultural sector is one of the oldest sectors regulated by different legislation due to its importance as one of the earliest crafts practised by man, a basic source of living to large numbers of the population who work in it, and an important food provider for all populations.

The Agricultural Property Ownership Law of 1932 is the first law regulating agricultural ownership in Iraq. In September 1958, Agrarian Reform Law No. 30 was issued regulating agricultural ownership and setting the maximum limits for individual ownership of lands inside irrigated and rain-fed areas, as well as the minimum limit of areas permitted to be distributed to farmers within the same concept. In 1970, Agrarian Reform Law No. 117 was issued tackling many legal loopholes of the 1958 Law. In 1983, Law No. 35 on leasing out agrarian reform lands to companies and individuals was issued. These three laws constitute the major legislation regulating this sector, and they are still enforced and operational in the region (MoP-KRG, 2011).

In 2006, Investment Law No. 4 was issued allowing investment in the agricultural sector, besides other economic sectors. In 2007, the first amendment of Law of Agricultural Ownership Regulation in Iraq’s Kurdistan (No. 90 of 1975) was issued, followed by a law on regulating the process of agricultural land disposal in the KR-I in 2008 (MoP-KRG, 2011).

Despite taking into consideration irrigation systems, soil fertility level and type of crops, the negative impacts of the multiplicity of laws, legislations and instructions, as well as their tendency to limit area of agricultural acquisition, have been reasons for the agricultural sector’s underperformance and deficiency. The acquisitions, in general, are still below optimal economic standards (MoP-KRG, 2011).

Kurdistan Region Road Map for Sustainable Agriculture and Water Resources

In 2012, the MoAWR, responsible for developing government policy on food security and supply, supporting investment in agriculture as a key sector of the economy and developing and increasing water resources and canals, declared that its vision and objective were to achieve food and water sufficiency and security and to deliver a healthy and nutritious diet to all citizens; a diet based on local produce. A Road Map for Achieving Food and Water Sufficiency and Security (June 2012–May 2014) in Kurdistan was developed to achieve the vision of MoAWR (Baban, 2015).

The following are the strategic priorities of the Road Map of MoAWR:

Strategic Priorities in Agriculture, which include:

1. Achieving food self-sufficiency and security, 2. A holistic approach for managing all sectors in agriculture, including forestry, horticulture, plant and animal production, poultry projects, animal husbandry, irrigation projects, and research and development, 3. Provision of a basket of help to farmers and link to productivity, 4. Support agricultural applied research to deal with issues of increasing production, disease control, modern irrigation, water harvesting methods, and related climate change issues, as well as defining the role of research, training and extension, 5. Finalize the Agriculture Act's rules and regulations, 6. Provide sustainable sources of water for agriculture through increasing storage capacity, water harvesting and using effective irrigation methods, 7. Encourage and promote the private sector, and 8. Manage agricultural land issues.

Water Resources Priorities include 1. A holistic approach for sustainably managing all water resources issues, 2. Water self-sufficiency and security, 3. Develop legislation and laws for sustainably managing water in the Region, 4. Benefiting from the surface water and

reserving the groundwater, 5. Making use of modern methods and technologies, 6. Strengthening the relationship between the Ministry's research centres and Water resources and Engineering faculties within universities in the Region, nationally and worldwide, 7. Raising awareness regarding the sustainable use of water in all sectors, 8. Including all stakeholders in the decision-making process, 9. Encouraging private sector involvement, 10. Strengthening the role of the Region in planning and decision-making in Iraq, regionally and globally, and 11. Being prepared for natural disasters (Baban, 2015).

2.4 LAND DEVELOPMENT

Land development includes the following land administration processes:

- Building new physical infrastructure and utilities
- Planning construction
- Acquiring land for public use
- Expropriating land
- Changing land use by granting planning permissions, and building and land-use permits
- Distributing development costs (Williamson, 2009).

2.4.1 The National Plan for Reconstruction and Development of Damaged Governorates

In June 2017, the MoP published the General Framework of the National Plan for Reconstruction and Development of Damaged Governorates due to Terrorist and Military Attacks. The aim of this general framework is to guide the process of reconstruction in Iraqi cities devastated by four decades of war and internal conflicts and to assist governorates to make these cities liveable and prosperous again. The document of the MoP sets planning and reconstruction priorities in all sectors for a 10-year period for those governorates that have been severely damaged by conflict. The goals of the reconstruction plan are to replace and repair the material assets that were totally or partially destroyed. The document then follows a structured framework to

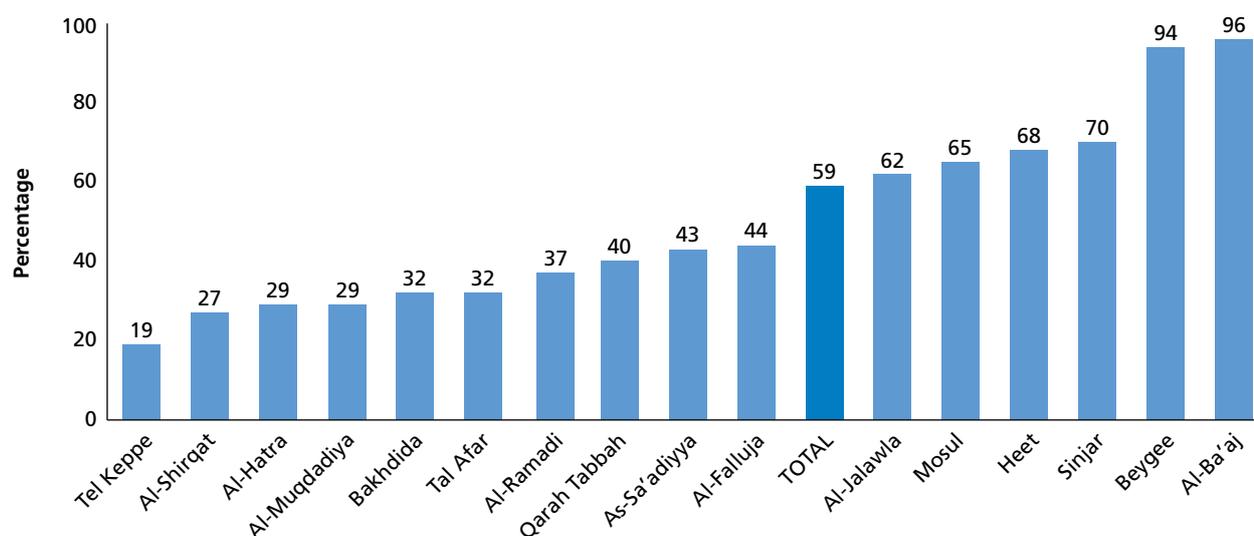
define and assess damages, losses and needs in affected governorates and localities, including social protection, mental and physical health, education, infrastructure and economic development. Unfortunately, the plan does not include a spatial dimension and there are no maps in the document. The plan relates proposed interventions to the vision and time frame. The reconstruction plan's target date for meeting the needs of its citizens is 2027. This target has yet to be linked with the two national 5-year (2018–2022 and 2023–2027) development plans in order to determine the technical and financial feasibilities of this time frame. To achieve the plan for reconstruction and development of damaged Iraqi cities, the Iraqi Government, along with international bodies, are launching a concentrated effort over the 2018–2022 period with a budget of USD 100 billion over 10 years (UN-Habitat, 2018).

The five governorates which experienced severe or moderate damage due to the conflict, namely Ninewa, Anbar, Salah Al-Deen, Kirkuk and Diyala, housed 27 per cent of the population and encompass 40 per cent of the country's cities. The conflict disrupted the preparation of their structure plans and the existing

master plans for their key cities could not be updated. The conflict in 2014 and 2015 inflicted severe damage to the built environment resulting in the destruction of civilian infrastructure, housing, public facilities and economic activities. The extent of the damage suffered varies widely across cities and governorates. In Ramadi, 37 per cent of the housing assets were damaged, of which 65 per cent were so severely damaged that 40 per cent of them are considered structurally unsound and have to be torn down and rebuilt. All 11 bridges were destroyed as well as 25 per cent of the schools, 3 hospitals, 5 clinics and 3 power stations. The remaining facilities are all damaged. In Mosul, over half (65 per cent) of the historic city was destroyed and the museum looted, a great loss for the invaluable historic and cultural heritage of Iraq and the world. The housing stock in Ninewa was the most affected, displaying 43 per cent of the total share of reported damage to housing assets (World Bank, 2018).

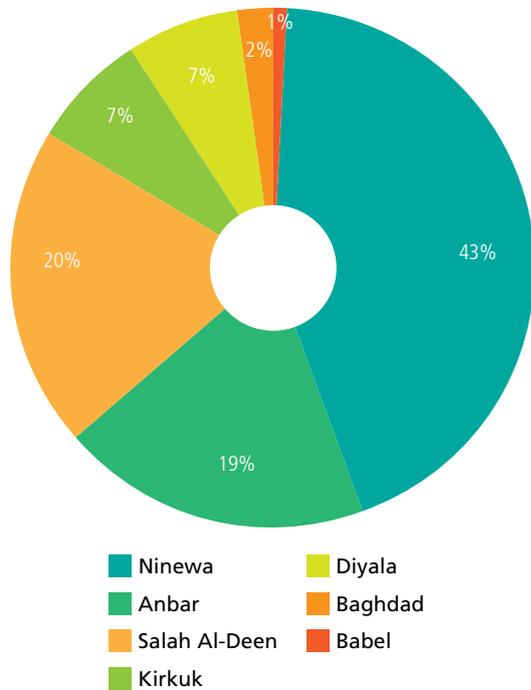
Figure V below shows percentage total of damage per city (housing assets), Figure VI shows the share of housing damage per governorate and Table 6 shows the housing damage in the seven governorates.

Figure V: Percentage total of damage per city (housing assets)



Source: World Bank, 2018

Figure VI: Share of housing damage per governorate



Source: World Bank, 2018

Given the scope and extent of the damage, all previously prepared plans are no longer valid and new plans will have to be prepared for each governorate and their key cities. Field surveys are needed to gauge the magnitude of the damage incurred in each city and the settlement in the governorate to arrive at detailed assessments of the works and investments entailed by the reconstruction (UN-Habitat, 2018).

The Federal Gol has given high priority to the reconstruction of cities affected by the conflicts and is supported by its international partners. In this context, the European Union-funded LADP-EU, originally targeted 12 governorates (including KR-I), but stretched some activities to all 18 governorates, including those affected by the conflict with ISIL, by contributing to better coordination and integration of sectoral and governorate planning processes through enhanced participatory processes that encouraged local ownership and commitment. Under the LADP-EU, the

Table 6: The housing damage in the seven governorates

Governorate	Urban Housing Damage (Affected residential area) Square Meter	Rural Housing Damage (Affected residential area) Square Meter	Damage Cost Iraqi Dinar Billion
Ninewa	26,494,995	8,863,789	8,001
Anbar	8,377,846	5,289,694	3,592.1
Salah Al-Deen	4,215,830	9,686,038	3,781.2
Kirkuk	1,038,491	4,398,375	1,354.5
Diyala	964,330	4,486,567	1,399.5
Baghdad	73,736	1,268,545	337.5
Babel	106,672	982,373	279.8
Total	41,271,900	34,975,381	18,745

Source: World Bank, 2018

UNDP is assisting local authorities in drafting Provincial Development Plans, Provincial Response Plans for conflict-affected governorates and Sustainable Energy and Climate Actions Plans, among others. UN-Habitat is assisting in the delivery of Iraq's national and GUS and in 2017 in respect of spatial planning capacity development, it engaged the local authorities of targeted governorates in conducting a spatial analysis of governorate and district-level indicators and indices; drafting a National Urban Strategic Framework and GUS for nine governorates divided into:

- i. a Ramadi Strategic Urban Recovery and Development Plan
- ii. a Plan for the Conservation and Development of the Historic Quarters of Basra
- iii. piloting the application of a more sustainable Urban Expansion Planning model in Maysan
- iv. designing a new MSc "Planning Sustainable Cities" in Kufa University
- v. developing Governorate Transportation Plans for the Governorates of Maysan, Babil and Kerbala
- vi. drafting an Industrial Spatial Development Vision for the Governorates of Diyala, Wassit and Muthanna
- vii. setting up a State Land Inventory in Maysan and Najaf
- viii. piloting Municipal Finance and Budget Execution in four municipalities in the Governorates of Basra, Muthanna, Maysan and Qadissiya (UN-Habitat, 2018).

2.4.2 Land, urban planning process and related legislation

Urbanization in Iraq occurred as a result of the slow shift of population from agriculture to industry and services, and within the past four decades as GDP and revenues from oil increased. Modern urban infrastructure was created, featuring new municipal and government buildings, new industries, and health and educational services. Nomadic communities and foreign workers flowed into these new centres. Over 70 per cent of the

Iraqi population lives in cities and towns of which about 42 per cent live in governorates centres and about 29 per cent in other urban areas. Baghdad alone hosts about 6 million people (about 23 per cent of Iraq's population). The Governorate of Baghdad has the highest urban population (93 per cent) followed by Erbil (82 per cent) and Sulaymaniyah (81 per cent) (UN-Habitat, 2009). Baghdad's recent population growth has been driven by conflict as well as other more familiar issues, such as displacement of people from the peripheral cities most affected by the recent violence. There are big spatial disparities between urban and rural areas in Iraq (UN-Habitat, 2003).

Most Iraqi cities have been developed with limited land-use planning and zoning. However, this has not always prevented unplanned physical growth. It is now the norm to find residential zones next to industrial sites, with all the potential risks this implies for human health and safety. Throughout the country, cities have encroached onto agricultural land, where the urban peripheries grow faster than the cities themselves. Spontaneous or squatter settlements tend to grow in the poorest parts of urban areas where local governments are short of the resources needed to provide basic services such as road networks, health care, sanitation and wastewater treatment plants.

With urbanization having reached the 70 per cent level, it is clear that the main challenges of the future should be tackled in the urban areas of Iraq (UN-Habitat, 2003). The UN-Habitat National Report of the Republic of Iraq for Habitat III 2016 identified the following issues regarding sustainable urban planning and design in Iraq (UN-Habitat, 2014b):

1. All cities and urban centres in Iraq have master plans and detailed plans that identify urban land uses and service areas, as well as growth and future expansion trends. There are almost 256 urban and municipal units in Iraq.

2. Most of these plans became outdated with the regime change in 2003 and have not been updated due to the circumstances in Iraq at the time (the war and blockade).
3. After 2003, a detailed plan for the modernization and expansion of these master plans for a target of 20 years from the date of preparation was developed, taking into account modern standards of services, improvement of the environment, sustainable development, areas of expansion and implementation phases. Efforts were initiated to update the master plans of 131 towns that constitute 51 per cent of the cities of Iraq, some of which were completed with others are in advanced stages.
4. The agency assigned to develop these plans is the Directorate General for Physical Planning (DGPP) in the MoCHMPW whose jurisdiction covers all towns (except for Baghdad and the cities of Kurdistan). The plans have been implemented through contracts with specialized international companies in partnership with Iraqi consulting offices to ensure the transfer of expertise and to be able to implement such a large number in a short time. Follow-up is undertaken by the Directorate and its branches in the governorates, amounting to 15 planning directorates in each provincial centre.
5. The implementing agencies of these master plans are the relevant municipalities, where there is a municipality in each town assigned with municipal servicing tasks and implementation of master plans.
6. The task of development and follow-up of the implementation of plans for the capital city, Baghdad, is assigned to the Design Department within the Baghdad Mayorality. This is done through study and review of the plans by a committee of architects and experts qualified in urban planning to ensure conformity with acceptable standards.
7. The task of plan development and implementation in KR-I is assigned to physical planning directorates and municipalities in the region.
8. In addition to the development of master plans, the Directorate is involved in the development of governorates' structural plans (in progress in 13 out of 15 governorates), as well as urban renewal and rural development projects and planning studies (UN-Habitat, 2014b).

Urban planning in Iraq is the responsibility of the GDPP. The GDPP prepares structural plans for governorates and master plans and detailed plans for cities and villages. Reclassification of land use is governed by regulations issued by MoCHMPW and the local Municipality Directorate. Baghdad Governorate is a special case: it decides land use within its boundaries (UN-Habitat and UNIDO).

The Master Plan of the City of Baghdad

The BM decides land use within its boundaries through developing and updating a MPCB. The MPCB was prepared in 1967 by the State planning office, Miastoprojekt Kraków, in socialist Poland. Together with its amendment that followed in 1973, the "Comprehensive Development Plan of Baghdad 2000" by Miastoprojekt Kraków and Polservice, provided the legal framework for the development of the Iraqi capital during the oil-boom era. The MPCB includes the total types of land use. It set the administrative boundaries for the city, the main lines of the city's reconstruction and the development strategies till 2000. The MPCB paid great attention to develop the suburban as part of the concept of "Greater Baghdad" of the city beyond its existing boundaries. It suggested the creation of new counter-magnets in the north and south to reduce the pressure on the city centre. Meanwhile, the city centre should play a big role in serving the Greater Baghdad area (Al-Hasani, 2012).

The MPCB was ratified by the Master Plan Law of Baghdad City No. 156 of 18 April 1972 as amended. Article 2 of the Law provides that the MPCB and all includes is binding on all physical and moral persons and all official and semi-official departments in Iraq. Moreover, the Baghdad Provincial Council shall request

the Higher Committee for Master Plan constituted by Article 3 of the Law to update the MPCB every 10 Years (Article 4). In November 2019, Baghdad Council requested the updating of the MPCB to 2030. Furthermore, no land use or any construction in violation of its terms (Article 13) is allowed within the boundaries of the MPCB. However, the practice as reported, indicates that land is allocated by State bodies without regard for land-use designations under master plans and without provision for necessary service infrastructure (UN-Habitat and UNIDO).

2.4.3 Urban planning and construction legislation

Iraq does not have an Urban Planning Code like other countries in the region (Syria and Egypt, for example) (Al-Fadhili, 2017). It also does not have a Building Code (Al-Taie, Al-Ansari and Knutsson, 2014). Currently, Articles 840–890 of Chapter Three of the Civil Code No. 40 of 1951 and its amendments provide the framework for the main requirement for the Akd Al-Mukawala (contract for works), which is used in construction contracts.

Physical Plans in Iraq were regulated by Law No. 25 of 1995 before it was repealed by Article 53 of Law No. 21 of 2008 of “Governorates not Organized into a Region”, which also cancelled the powers of Municipal Councils granted by the Municipalities’ Administration Law No. 165 of 1964 as amended.

The Law of Governorates not Organized into a Region

Currently 14 governorates are not organized into a region in Iraq. The underlying reasons for issuing Law No. 10 of 2018 are the wide scope of competencies and powers granted to the governorates and their administrations by the Constitution of 2005 and in order to organize these competencies and powers in accordance with the new federal and decentralized system of Iraq. The Law determines the powers of the Governorate Councils and Local Councils (District Councils and Subdistrict Councils).

The Governorate Councils have several functions in relation to allocation of lands (of ministries and parties not linked to a ministry) for the purpose of setting up service and residential projects in the governorate after the approval of the CM, with some exceptions specified in Article 7/11 of Law No. 21 of 2008 as amended. According to Law No. 21 of 2008 as amended, Local Councils (District Councils) have jurisdiction to approve the major designs of the district in coordination with the Governorate Council and under the general plan of the Federal Government and to send recommendations about them to the Governor (Article 8/7), to monitor public land use and to improve agriculture and irrigation within their boundaries (Article 8/9).

The Law of Municipalities’ Administration

Law No. 165 of 1964 as amended by Law No. 11 of 1974 determines the constitution of Municipal Councils and their powers, which include preparing basic designs for the municipalities and determining land use in it (Article 43). However, it is unclear what powers remain with Municipal Councils after they were expressly cancelled by Article 53 of Law No. 21 of 2008 as amended. They may have retained the executive power, i.e., only the implementation of the urban plan, since both the evaluation and monitoring powers were entrusted to the Governorate Councils and the governor but contested by the MoCHMPW citing that no jobs or properties were permanently transferred to the governorate.

Municipalities in Iraq are weak and lack the financial resources to fund their works and implement the plans. Moreover, Law No. 130 of 1963 relating to the income of municipalities is outdated and has not been replaced yet. Even though the decentralization of political authority to the governorates in Iraq is outlined by Law No. 21 of 2008, the devolution of powers has not been adequately coupled with the necessary administrative and financial decentralization measures to the subnational level. Most of the investment budget is allocated to sectors through line ministries and their branches in the provinces, while only a small percentage

goes to regional development through the local authorities. Local revenues are negligible compared to citizen needs for services.

Municipal finance, revenue collection and budgeting processes reflect the legacies of a centralist tradition of governance, not only revealed in the management approaches to policy, planning, budgeting and execution but also by a range of systemic inefficiencies and unsustainable subsidies (UN-Habitat, 2018).

Building Permits Regulation

Regulation No. 2 of 2016 was issued by the CM based on Article 80 of the Constitution and Article 98 of Municipalities Administration Law No. 165 of 1964 as amended. The regulation determines the procedures for issuing building permits for all kinds of construction activities by municipalities in BM and other governorates. It seeks to simplify the procedures and legal requirements for grant of building permits (Articles 2 and 3). It also provides that issuing building permits by municipalities is conditional on compliance with the master plans (basic designs) and land use specified in them (Article 4). Issuing of building permits by municipalities may not be denied unless for a justified reason (Article 4/5). The MoCHMPW may develop the technical terms for the issuing of building permits based on land use and update them (Article 7).

Determination of area of land designated for housing

The Resolution of the Revolutionary Commands Council No. 850 of 1979 as amended by the Revolutionary Commands Resolution No. 940 of 1987 specified that 200 m² is the minimum limit for sorting land for the purpose of building individual dwellings (Article 2). Moreover, Article 1 of the aforementioned RCR determined that after its promulgation, it shall not be permitted to build (or rebuild) a single dwelling within the residential areas specified in the master plan

of cities on a plot of land with a public area of more than 800 m² (Article 1). The Revolutionary Commands Resolution No. 850 of 1979 as amended also repealed the Road and Buildings Regulation No. 44 of 1935, which determined only the minimum land space for building residential dwellings (left the maximum limits for land space undetermined), resulting in construction of housing for a single family on an area of land amounting to hundreds or thousands of metres without observing the economic use of land destined for housings against common standards. The RCR was issued to rectify this situation. It also dealt with lands on which more than one house were built and permits land sorting whenever the minimum legal space or area is available.

The ownership of apartments and floors in buildings

Law No. 61 of 2001 regulates the common areas of buildings and governs the relationship between common owners. The Law lacks detail and does not adequately provide for registration of condominiums at RERD. Article 2 is ambiguous on this issue. The Law does not require a description of the units or specification of the allocation of common elements, which could lead to disputes among owners, which could be avoided if registered at RERD. Article 4 bases the share of the common elements on the value of the respective units rather than in a fixed way (size of the respective units, for example) (UN-Habitat and UNIDO).

Public Roads Law

The objectives of Law No. 35 of 2002 are: (i) Maintaining the safety of public roads, bridges, intersections and tunnels, and preventing encroachment over them. (ii) Determining protected areas of public roads, bridges, intersections and tunnels, and organizing their use. (iii) Determining the axial weights of vehicles that use public roads, their speed and their dimensions. (iv) Facilitating the procedures for expropriation of lands that public

roads, bridges, intersections and tunnels pass through, and organizing procedures for estimating their dependencies, such as foundations, plantations and crops, and how to compensate for them. (v) Regulating and granting permission to build facilities that serve public roads and determining their dimensions from those roads. (vi) Granting approval for other projects outside the boundaries of the BM and municipalities.

Actions of constitution on State- and Municipalities-owned lands

Revolutionary Commands Resolution No. 154 of 2001 considers any of the following actions, undertaken without proper license within the borders of basic cities urban plans, as an encroachment on State- and municipalities-owned lands, outlaws them and orders removal of violations: (1) any construction whether or not complying with basic cities urban planning, (2) any exploitation of constructions and (3) any land use.

Industrial investment

The objective of Law No. 20 of 3 August 1998 as amended by Law No. 35 of 11 May 2000 is to promote industrial investment in the private and mixed sectors and develop their activities. However, Paragraph 3 of its Article 9 allowed owners of agricultural land and disposal rights owners (*tasarruf*) to establish an industrial project on agricultural lands.

The Right of owners of land subjected to encroachment to receive its real value at the time when the ownership application is submitted

Revolutionary Commands Resolution No. 1474 of 1984 allows squatters on State land or land owned by BM located within the master plan who built residential dwellings on it before 1 January 1979 to own the encroached land in exchange of compensation to original landowners.

2.4.4 Agricultural and rural legislation

The Right of agricultural land and orchard owners to build residential dwellings

Revolutionary Commands Resolution No. 297 of 1987 allows owners of agricultural land and orchards to build residential dwellings for themselves and their children. Revolutionary Commands Resolution No. 344 of 1987 amended Revolutionary Commands Resolution No. 297 of 1987 and restricted this right to agricultural land and orchards located outside the Master Plan of Baghdad and municipalities.

Land sorting

Revolutionary Commands Resolution No. 222 of 1977 disallows the use of agricultural lands and orchards located within the borders of master plans under implementation for non-agricultural purposes if the master plans allocate them for agricultural usage. However, the RCR gives the municipality the power to convert agricultural land within the municipal boundaries to urban uses. Such land is to be registered in the name of the municipality for the purpose of implementation of master plans (UN-Habitat, 2014b).

The maximum area of constructed housing structures on agricultural lands and orchards

Revolutionary Commands Resolution No. 1178 of 1983 provides that the space of housing structures constructed on agricultural lands and orchards within an area of 5 acres may not exceed 300 m², regardless of the number of housing units constructed.

Construction on agrarian reform agricultural land

Revolutionary Commands Resolution No. 53 of 1984 allows the contracting person to build a house on agrarian reform agricultural land for self or children according to terms specified in the RCR.

Shores Utilization Law

The “Shores Utilization Law” No. 49 of 1987 as amended by Law No. 129 of 1987 regulates the exploitation of shore land areas of the Tigris and Euphrates Rivers and its neighbouring territories, as well as securing passage of flood water, and prevents pollution regardless of the type of relationship to property land rights.

Article 3 of the Law states the following: “It is not permitted to use any land covered by the provisions of this law for agriculture, planting or creating a project, or to build without the approval of the Ministry of Irrigation (now MoWR) and the MoA”.

The Law separated the land adjacent to the river into two parts: (a) the riverbank which is not exposed normally to floods even during high water levels and (b) the low elevation land below the riverbanks, which can be considered as a beach that can experience periodic floods. Article 4 of the law identified certain permissible uses of land behind the riverbank, which are orchards, cultivation of seasonal crops, and the construction of housing for owners of these parcels on the condition that no permanent structures can be erected less than 100 metres from the riverbank. The beaches which are the lower elevation exposed land area which can be exploited according to the Law for seasonal crop cultivation and the establishment of tourist public buildings on the condition that the beach width is not less than 150 m.

The Shore Utilization Law, however, gave waterfronts within urban areas a distinguished characteristic and authorized municipalities to regulate land uses within city limits in accordance with the vision and needs of their land-use master plans (Alwehab, 2013).

Pastures

Law No. 2 of 1983 manages pasturelands by planning grazing according to scientific approaches and engaging in the protection of natural vegetation and water resources and the organization of their use. The Law covers State-owned lands allocated for pasture.

The Law states that the MoA and Agrarian Reform is to regulate and organize livestock movements according to seasons and regions. The Law prohibits the drilling of artesian wells and cutting plants in pasturelands (LANDLINKS, 2018; USAID, 2018).

Environmental protection and improvement

The objective of Law No. 27 of 2009 is to protect and improve the environment by removing and treating the damage occurring to it and preserving public health, natural resources, biological diversity, and cultural and natural heritage in cooperation with the competent authorities in a manner that guarantees sustainable development and achievement of international and regional cooperation in this field.

The 2009 Law replaces and repeals the earlier 1997 Environmental Law. The new law expands the role of environmental regulation in Iraq, specifically in the fields of oil and gas remediation, environmental impact assessments (EIAs) and penalties for non-compliance.

The Law also sets up the Environmental Protection and Improvement Council Affairs Section (EPICAS), headed by the Minister for Environment and includes members from all relevant ministries in Iraq, to streamline the protection of the environment in the country.

Preventing encroachment on the Tigris River

Revolutionary Commands Resolution No. 121 of 2000 prohibited the construction or granting of any building permit within the river basin edge (trim line). Regulation No. 3 of 2000, issued by the Minister for Irrigation, ordered as of 6 March 2000 vacating 15-metre strip of land from the trim line inland. Thus, this 15-metre strip is considered as the river's right of way for the purposes of river monitoring, maintenance and dredging.

The river trim line stated in this regulation is the distance confined between both sides of the river basin, which allows the maximum water discharge within the city of Baghdad of 3,000 cubic metres per second in waterfront segments where riverbanks are not

veneered with stone. In segments where the riverbanks have stone cladding, the trim line is, therefore, the distance between the stone retaining wall edges of the riverbanks (Alwehab, 2013).

2.4.5 National Development Plans

Spatial development in Iraq is characterized by the concentration of economic activities in limited areas, especially in economically developed governorates: in the capital (Baghdad), Basra and Mosul. This leads to a series of problems such as high cost of living, difficulty in providing public services, difficulty in the provision of needed lands for housing and high population concentration in the capital city. Development plans (1974–1970) and (1976–1980) were confirmed on the distribution of development projects among governorates to reduce the differences in their levels of development. However, the absence of standards for the allocation of the projects of the NDPs during these periods has reflected on the reality of the spatial pattern of the investment distribution (Mahmud, 2014).

Most of Iraq's cities and its governorates are characterized by economic underdevelopment. Thus, the positioning of any project in these cities or governorates will have positive effects. However, this does not necessarily mean the presence of a spatial policy; it is often called the geographic distribution of economic projects. Planners, after 2004, added the spatial (regional) dimension to development plans to distribute development benefits among Iraqis, establishing a balance between the population's need for different public services and infrastructure and the capabilities of the production sectors, including a wide range of sectors. Balancing developmental decision-making based on the three dimensions of sustainable development (economic, social and environmental), using environmentally friendly technologies and proper handling of the negative environmental effects accrued over the past decades also focuses on social and humanitarian aspects. The new vision of spatial planning was included (Mahmud, 2014).

The National Development Plan (2018–2022)

The NDP (2018–2022) builds on the results of the NDP (2013–2017) which was based on the principles of diversity, decentralization, green investment, empowerment, equal opportunity and decent work, and integrated the Millennium Development Goals. The NDP (2018–2022) is guided by four main pillars, which represent the main concerns in overcoming the current development challenges, namely:

- Laying the foundations for good governance and associated pillars and components
- Developing the private sector as a vital anchor for progress and development
- Post-crisis reconstruction and development of affected provinces
- Reducing multidimensional poverty in the provinces.

The NDP (2018–2022) takes as a frame of reference the national goals of the sectoral strategies, national documents and international SDGs (2015–2030) in order to ensure that the identification of goals and priorities address Iraq's Vision 2030. The strategic goals of the NDP (2018–2022) are:

- Lay the foundations for good governance
- Achieve economic reform in all its financial, monetary, banking and commercial dimensions
- Accomplish recovery of the communities affected by displacement and insecurity
- Provide the conditions for an enabling environment for all forms of investment and strengthen the role of the private sector
- Increase the rate of economic growth in line with the potential and requirements of the Iraqi economy
- Increase the real per capita income
- Reduce unemployment and underemployment rates
- Make possible security for the poorest and most vulnerable groups
- Boost sustainable human development indicators

- Lay the foundation for decentralization to strengthen spatial development
- Align the general development framework with urban structures based on the foundations of urban planning and comparative spatial advantages.
- A great majority in Iraq do not accept vertical building, which is the government's desired solution to the acute shortage of residential land.
- The military operations resulted in mass displacement and significant destruction of urban facilities. Therefore, housing conditions deteriorated, especially in Ninewa, Salah Al-Deen, Anbar and Diyala. Many units are uninhabitable which adds a new burden to the housing deficit in Iraq (as outlined in the reconstruction pillars of the plan).

With respect to housing, the NDP (2018–2022) summarizes the main facts of the housing sector analysis as reported by “Iraq National Housing Policy” as follows:

- Continued housing deficit of 2.5 million units at the end of 2016 (50 per cent in Baghdad and Ninewa)
- Constant increase in occupancy rate within units and rooms
- Persistent gaps in housing provision among provinces and between rural and urban areas
- Rapid population growth and the need to meet the requirements of society's different segments in terms of housing types, affordability and funding
- Rapid growth of informal settlements inside and around cities. Data indicates that in 2007 the number of informal settlements in Iraq (excluding Kurdistan and affected provinces) reached 3,687 and the number of informal units reached 521,947 (16.5 per cent of housing units in Iraq) with 3,292,606 inhabitants. Baghdad has the largest number of informal units followed by Basra.

The NDP (2018–2022) also reports challenges in the planning and implementation in the housing sector. Challenges related to planning include:

- Poor management and distribution systems regarding lands for housing construction that fall within the basic design of cities.
- Division of units into small spaces which violates housing standards and increases pressure on infrastructural services.
- Multiple government agencies involved in land and housing sector, which makes it difficult to develop housing policies.

Challenges related to implementation include:

- Limited financing to housing projects, whether from the federal budget or commercial banks specialized in housing projects because of the complicated procedures and requirements in financing the housing sector.
- Slow implementation of the national housing policy.
- Inefficient coordination between ministries in infrastructure and social services projects.
- Services in residential areas are limited or non-existent and that hinders the completion of housing projects in most locations.
- Inefficiency of construction companies in the public and private sectors owing to the small number of specialized and experienced personnel and the inexperienced staff working in the housing projects.
- The local construction materials are limited and some imported materials do not conform to Iraqi specifications of ambitious housing projects.
- Lack of modern technologies and dependence on traditional building techniques.
- Poor implementation and management capacities in housing project, starting from preparing feasibility studies, designs and bills of quantity up to contracting stages and implementation follow-up, in addition to weak housing-related consulting firms.

The NDP (2018–2022) sets its objectives in the housing sector as follows:

1. Complete the ongoing and suspended residential projects (including the investment plan projects), estimated at 700,000 housing units in all provinces except Kurdistan.
2. Build 100,000 housing units using modern construction techniques in order to contribute to bridging part of the housing gap in all provinces, including those affected by terrorist and military operations.
3. Build 100,000 housing units fulfilling the requirements of secure return of those displaced due to terrorist attacks, military operations, informal settlements and transgressors and in accordance with the framework document of the National Plan for Reconstruction and Development of affected Provinces 2017.
4. Raise 50 per cent of real estate financing from private sector investments to bridge the housing gap based on feasibility studies supported by Building Information Modelling designs (MoP, 2018b).

With respect to spatial development, NDP (2018–2022) notes the following, among others:

6. The need for activation of urban management and planning in the provinces: Iraqi cities, in general, suffer from poor urban management and failure to introduce modern urban management approaches, especially modern technologies, master plans and other alternatives. Choice of cities for future urban development depends on availability of transport, development potential and comparative advantages with respect to agricultural, industrial and tourist provinces on the basis of which the urban development clusters and centres in each province are determined. Their relationship with neighbouring provinces must also be identified to achieve regional and national urban development within different categories,

each of which is comprised of neighbouring or provinces with similar characteristics.

7. Implementation of urban master plans: The implementation of urban master plans is still below expectation owing to fast and uncontrolled urban expansion and development of some cities, especially in relation to unregulated land distribution policies. This adversely impacts the efficient allocation of land and causes inconsistency with other uses, particularly landscaping. Infrastructure problems still prevail in most Iraqi cities, where land is distributed without necessary infrastructural services, which exacerbate urban management failures due to the inability to provide such services associated with land allocations for housing purposes. Consequently, many residential areas continually lack minimum basic services like electricity, water supply, sanitation, etc., in addition to the shortage or absence of financial allocations and inability to implement the planned utilization (for example, in provision of public services like schools, health centres, hospitals, etc.)
8. The importance of establishing new urban centres: New civic centres can be recommended to minimize the heavy pressure on certain development areas in the city of Baghdad, including the central business district in the middle of Iraq. This site is located between East Baghdad Railway Station and Palestine Street and consists of the security zone of the Ministries of Interior and Defence, and a number of departments belonging to the Ministries of Justice, Youth, Transport, Water Resources and Human Rights. This centre lies in a prime location in Baghdad downtown, where land prices are very high and the project can therefore be implemented through investment, like other global civil centres such as the Boulevard in Amman, Jordan, Solidere in Beirut and Shanghai in China. The transport network and Metro service can be established to connect various activities in this centre, which is funded by the investment returns.

Inadequate land utilization in liberated cities: Recent statistics show that 96 towns in seven provinces suffer from the consequences of destruction and war and from unregulated expansion. Destruction has affected houses, roads, public utilities and economic facilities, leading to unregulated land utilization, which requires an update of master plans prior to reconstruction.

As a model for such towns, a basic updated design was developed for Ramadi City, which sustained 80 per cent damage. Work has been underway by UNDP in cooperation with UN-Habitat in the development of local planning framework under the LADP-EU. Ramadi was chosen as one of the cities most affected by fighting and it stands as a model for how to approach similar cities in the future. The project also advances a joint planning approach to urban rehabilitation, city development and meeting priority needs – through joint consultation to assist local authorities in implementing effective strategies for optimal reconstruction results.

With respect to agriculture, the NDP (2018–2022) recognizes a number of challenges posing threats to agricultural development in Iraq and its projected future progress. These include the decrease in local agricultural production, limited capital investment in agriculture, heavy reliance on imports, environmental degradation and climate change, irrigation wastewater and outdated laws and legislations. Therefore, the NDP aims to lift growth in areas such as food processing and service sectors. Achieving high yields for cereals – especially wheat – as well as for fruits and vegetables was estimated to have the largest effects on economic growth and household income. Other pre-conflict recommendations to improve competitiveness of the agricultural sector included agricultural diversification, improvements in production and post-harvest technologies, extension services and rural infrastructure and reforms that would address land tenure issues and bolster value chains. The NDP recognizes that Iraq has a comparative advantage for some agricultural products, particularly ones that require fertile irrigated land, such as orchard fruits, vegetables, cotton, sorghum

and livestock. However, for decades, subsidized grain production has been emphasized in both rain-fed and irrigated areas despite it being more efficient to focus on grain production in rain-fed areas. The FAO supports the Iraqi Government's NDP and has developed the FAO Country Programming Framework (2018–2022) (FAO, 2018).

Iraq Reconstruction and Development Framework (2018–2027)

The Framework developed by the GoI in partnership with the World Bank Group fits within the articulation of the country's Vision 2030 and Iraq's NDP (2018–2024) and is closely aligned to the Government's Poverty Reduction Strategy (2018–2025) and its broader reform efforts.

Building on the outcomes of the comprehensive DNA, and other assessments and studies done by the Government, the Framework will cover the entire country, including both liberated and indirectly affected governorates. It addresses the distinct recovery and reconstruction challenges in the liberated areas while at the same time recognizing the reconstruction and development need for broader national reforms that benefit the entire country, including the governorates indirectly affected by the conflict. The Framework is proposed for a period of ten years starting with the launch of the NDP (2018–2022) (MoP, 2018a).

Based on the comprehensive DNA, the total recovery and reconstruction needs in the seven liberated and directly affected governorates amount to an estimated IQD 104 trillion (USD 88 billion).

The Framework includes five recovery pillars that relate to the strategic reconstruction and development objectives under which these priority outcomes can be coherently grouped together in an integrated manner: (1) Governance, (2) Reconciliation and peacebuilding, (3) Human and social development, (4) Infrastructure and (5) Economic development (MoP, 2018a; Celiku, Maseeh and Sharma, 2018).

The following are the framework's pillars which are relevant to this report:

- **Pillar 3:** Social and human development focuses on restoring and improving access to basic social services that have been disrupted by the conflict or that have suffered from additional pressure due to the influx of IDPs. Relevant local investment priorities under this pillar include, among others, the implementation of urban infrastructure and city management plans, rehabilitation of priority environmental hotspots and municipal services strengthening programmes (MoP, 2018a).
- **Pillar 4:** Under the pillar of infrastructure, the Government aims to rehabilitate and reconstruct infrastructure that is critical for adequate service provision. Infrastructural rehabilitation is also intricately linked to public works and cash-for-work programmes that can generate employment and promote the local construction business. Relevant local investment priorities under this pillar include, among others, the safe removal of explosive hazards from damaged and destroyed facilities, and the rehabilitation of roads and bridges as well as ports and airports, water and sanitation facilities, energy generation and distribution assets, and housing and accommodation (MoP, 2018a).
- **Pillar 5:** Economic development aims to stimulate national and local economic activity by focusing on non-oil sectors to create employment, develop productive capacities, generate sustainable income, and promote private sector development as well as sustainable tourism. A special focus would be placed on enabling women to participate in the economy and labour force. Relevant local investment priorities under this pillar include, among others, programmes to address food insecurity, modern irrigation projects, the rehabilitation of agricultural land, the rebuilding of damaged banking and payment systems and attracting investment in the agriculture and agribusiness (MoP, 2018a).

The National Poverty Reduction Strategy (2018–2022)

Iraq's Poverty Reduction Strategy (PRS) (2018–2022) seeks to improve the situations of the poor population through increasing their incomes or improving access to quality services. The Strategy aims to reduce the country's poverty levels by 25 per cent by 2022 as a medium-term target and then by 50 per cent in line with the Sustainable Development Agenda 2030. Its outcomes adopt both objectives from Agenda 2030 and those developed against evidence-based analysis of poverty. It will be implemented through annual programmes to achieve its long-term goals.

The time of preparation and implementation of this PRS coincides with the Government's aspiration to achieve SDGs through the Iraq's Vision 2030 and the new NDP for 2018–2022. The Strategy formulates a plan to contribute to improving standards of living, protection against risks and hazards, and to achieve economic empowerment needed to turn the poor into productive individuals who are economically and socially integrated, rather than being dependent on their communities or charity from others.

Iraq's Sustainable Development Vision 2030

The Vision 2030 was prepared by MoP. It presents a set of national priorities which form the ultimate development efforts. It sets goals to achieve these priorities as general steps for changing the future and starts from focusing on people as the makers and aim of this desired change. Thus, this vision acts as a road map for implementing Iraq's development goals over the next 12 years. Specific indicators were adopted to assess the implementation of the goals. They form standards for measuring the success and performance of development in Iraq. Iraq's Vision 2030 identified five national priorities: Man-building, good governance, a diversified economy, safe society and a sustainable environment (MoP, 2019a; MoP, 2019b). The following are the vision's goals relevant to this report:

- **Man-building priority** – Goal (1-2): Create decent and protected job opportunities for all unemployed people. Agriculture, including the agricultural businesses and services, will provide most of the future job opportunities. These sectors will require a more sustainable use and better management of water and agricultural resources and investments in infrastructure, including logistics and transport. In light of the absence of these incentives, the Government can start stimulating the private sector and generating job opportunities through public sector activities and reconstruction.

Goal (1-5): Provide decent housing and end informal settlements. Housing is one of the key services which the Government is responsible for providing due to its impact and relationship with the other life aspects. The housing policy should guarantee to provide decent and appropriate houses to all social classes. On the other hand, the housing programmes and initiatives have an impact on the economy and the financial situation of families, especially those in urban areas, and affect the construction industry and its ability to stimulate the economy and reduce unemployment. The other policies, including those on taxes, aid and support contribute to the success of housing policies. The significance of this sector in Iraq is increasing due to the acute shortage of appropriate housing units. This led the State to launch the National Housing Initiative to reduce the effects of informal housing. It is one of the policies which builds social security for all the population.

- **Good governance priority** – Goal (3-4): Develop the agricultural sector and achieve food security. Agriculture is a successful example in terms of private sector management. Most Iraqi farms were owned by the private sector. Agriculture was a major livelihood for the poor and the biggest employer of workers in rural areas. Grains (particularly wheat and barley) are Iraq's most important crops. They occupy 80 per cent of Iraq's cultivated areas. Wheat is the key product in the northern and central areas whereas the southern

areas include a mix of crops where irrigation is mainly used. Livestock and fish are key income sources for the population of the rural areas. They contribute 30–40 per cent of the agricultural production value and are important food sources for the countryside population. Decades of wars and sanctions affected the total food production. The agricultural activity in the main production areas was affected due to the shortage of agricultural outputs, fluctuating prices, low water supplies and lack of security. Since the occupation, Iraq lost about 40 per cent of its agricultural production in the governorates where agriculture is the main economic activity. The rationale behind focusing on agricultural development lies in it being the sector that employs the most labour and the possibility of expanding it by providing more arable lands. Creating job opportunities in this sector, where the poverty rate is high, provides income sources. Increasing agricultural production ensures food security for more than 2.4 million people who need food security aid. A prosperous agricultural sector is expected to contribute to higher growth. This requires securing major investments in this sector to overcome the challenges it faces and then achieving the intended development, increasing its contribution to the economic growth, diversity, and food security and generating job opportunities.

- **Sustainable environment priority** – Iraq's environment is highly fragile due to the absence of policies which take environmental sustainability into consideration. According to the Environmental Sustainability Index, in 2018 Iraq ranked 152 out of 180 countries covered by the report, highlighting the State's poor capacities to protect the environment, the lack of attention to the environment and neglect of the appropriate policy options to preserve it. Moreover, Iraq is recognized as one of the countries most affected by the harmful effects of climate change. The average temperature is expected to rise by 2°C and the rainfall is expected to fall by 9 per cent by 2050 due to climate change.

The rising temperatures and a shortage of water will negatively impact agricultural production, despite its significance to wide population sectors, due to years of conflict, mismanagement of water, infrastructure, production, and price controls and desertification. The FAO estimates show that about 60 per cent of cultivated lands were negatively affected by salinity. Around 20–30 per cent of these lands were abandoned and crop yields from the remaining lands fell by 30–60 per cent, much less the implications of the change in climate patterns in the period 2007–2009. The coverage fell by about 40 per cent in the agricultural lands. Drought and scarcity of water are increasingly recognized as key causes of displacement and unplanned urbanization. The shortage of water resources in Iraq will increase after Turkey and Syria develop irrigation projects on the Euphrates, particularly in light of the absence of international agreements which regulate water use in the three countries. The goals regarding sustainable environment are Goal (5-1): Reduce environment pollution and greenhouse emissions; Goal (5-2): Efficient use of water resources; Goal (5-3): Environmental conservation; Goal (5-4): Develop the consumption and production patterns to achieve environmental sustainability and Goal (5-5): Protect biodiversity and revive the Mesopotamian marshes (MoP, 2019b).

Sustainable Development Goals Application Iraq (2016–2030)

The 2030 Agenda for Sustainable Development and its 17 SDGs were adopted in September 2015 by all Member States of the United Nations. The 2030 Agenda is the road map to achieve the UN SDGs. The MoP in Iraq serves as the focal point for coordinating, monitoring and reporting on the implementation of the 2030 Agenda and the SDGs. It has established a National Committee for Sustainable Development to

coordinate economic, social and environmental action among national and local government actors, as well as with the private sector, civil society and local and international organizations to ensure that all groups and regions of Iraq can participate in and benefit from development progress. The Ministry strives to promote awareness and ownership of the SDGs and their integration in national and subnational plans, while eliciting support from development partners for their implementation¹⁵ (Sustainable Development Knowledge Platform, 2022). The FAO, through its subprogramme framework, will provide support to line ministries in Iraq to achieve SDG 2, “End hunger, achieve food security and improved nutrition and promote sustainable agriculture”, while supporting: SDG 1, “End poverty in all its forms everywhere”; SDG 5, “Achieve gender equality and empower all women and girls”; SDG 6, “Ensure availability and sustainable management of water and sanitation for all”; SDG 12, “Ensure sustainable consumption and production patterns” and SDG 15, “Protect, restore and promote the sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt biodiversity loss” (FAO, 2018).

Iraq was part of the 2019 voluntary national review of the high-level political forum on sustainable development (Sustainable Development Knowledge Platform, 2022) and submitted its 2019 voluntary national review report, which is the first for Iraq, on the actions taken and 2030 plan goals. The report provided an initial review of SDGs in 2030, national actions to emphasize compliance and challenges facing it (MoP, 2019a).

2.4.6 Land and housing market

Iraq’s population has tripled since 1970, growing from 10 million to over 33 million, with approximately 43 per cent of the population under the age of 15. It is

15. Iraq is part of the 2021 Voluntary National Review of the high-level political forum on sustainable development, see <https://sustainabledevelopment.un.org/memberstates/iraq>

estimated that the population will grow to almost 50 million by 2030. Rapid population growth and the movement of IDPs have contributed to a growing housing demand in Iraq, particularly in cities, where 71 per cent of the population live. According to the Iraq National Housing Policy, formulated with the support of the UN-Habitat in 2010, a minimum of 2 million additional housing units were required by 2016, but the country had only a fraction of the capacity to meet this demand (UN-Habitat, 2012). This prompted the Iraqi Minister for Construction, Housing, Municipalities and Public Works to describe the housing shortage in the war-ravaged country in 2013 as a crisis (Reuters, 2013), but the “housing crisis” existed long before the war against ISIL in the country.

The country’s 40-year-old dysfunctional, centralized system for housing and land delivery has been dominated by government interventions and characterized by a highly centralized bureaucracy. Housing was seen as a social (rather than a productive) activity and therefore the institutions and institutional frameworks reflect a paternalistic approach. While access to housing was stated to be a basic right, it had to be rationed because the State was unable to meet the demand. More importantly, access to and provision of housing was also seen as an instrument in controlling who lived where, and therefore allocation of housing, land and finance were used to benefit and reward sections of the population as much as they were designed to meet needs. In practice, the State could neither produce enough units nor meet the particular needs of individual, well-off households for whom housing meant more than just shelter (Ministry of Housing and Construction, 2006).

Government-built housing only met about 15 per cent of the housing needs in Iraq. Most government housing construction occurred in the 1960s and 1970s when the Government built multi-storey public housing (Type 5), and some ministries, universities and State-owned construction companies-built staff housing. Since the

early 1980s, the private sector has been providing 80-90 per cent of housing in the form of small-scale private contractors working for individual landowners—those households that purchased or were allocated a piece of land. However, as a result of the Government-controlled system, no large-scale private developers are constructing built-for-sale housing outside of the KR-I. The Government has effectively siphoned the supply of land and finance to would-be developers. By offering highly subsidized housing in the past, the State-led housing delivery system effectively discouraged the entry of speculative housing developers into the low- and moderate-income housing market and kept them from the developing the necessary experience and confidence to work under today’s difficult conditions (Ministry of Housing and Construction, 2006).

The housing shortage caused by rapid urban population growth has also created overcrowding and poor living conditions. Ten per cent of families and eleven per cent of citizens occupy housing units that “lack the minimum health and environmental conditions that must be available in any proper house.” Estimates have placed the percentage of Iraqis living in slum-like conditions as high as 57 per cent (UN-Habitat, 2012).

According to UN-Habitat National Report for Iraq 2016, the challenges to improving access of Iraqi citizens to adequate housing could be summarized in the following points (UN-Habitat, 2014b):

1. The severe shortage of land suitable for the construction of housing units in urban areas, especially in large cities.
2. Limited capital available to fund housing projects from the Federal Budget and the focusing of State efforts on empowering individuals and companies, without direct and extensive intervention in housing production until now.
3. Low abilities of Iraqi investors and developers and low number of qualified investors and developers in the housing area.

4. Degradation of the housing environment in city centres and old neighbourhoods of architectural significance and the absence of serious plans and procedures for the protection, redevelopment or renewal of these areas.
5. Increase in the number of households unable to secure adequate housing and the absence of programmes and procedures to turn these households into potential consumers of housing units in the housing market.
6. Limited supply of locally produced construction materials and some imported materials do not meet the Iraqi standards compared to the anticipated needs in the event of the implementation of ambitious housing projects.
7. The social preference of Iraqi households to live in individual housing units rather than vertical or apartment housing.
8. Lack of awareness of the importance of quality both in the materials used in the production of housing units and the production quality, which is reflected in the cost of maintenance and restoration of housing units and their sustainability.

Significant progress has been achieved recently in solving the housing problem; the country has come a long way in preparing for the advancement of this sector with an international company to implement a housing project of 100,000 housing units in the peripheries of Baghdad, namely Bismayah new residential town. Construction and housing companies planned to complete 42 housing projects with a total of 25,200 housing units by the year 2017, as well as affordable housing projects in Diyala, Salah Al-Deen, Anbar, Wasit and Diwaniyah with an average of 200 housing units per compound, in addition to housing projects for the poor under the poverty alleviation strategy in governorates with 200 units for each governorate that provided the land required for it. Housing complexes to be built by some private investors were also approved, totalling 65 residential compounds, with a total number of 10,226 housing units for these complexes, in 13 governorates (UN-Habitat, 2014b).

Nevertheless, considering the magnitude and extent of housing damage, housing recovery post-war in Iraq still has a long way to go. In December 2017, a DNA conducted by the World Bank Group in cooperation with the Iraq MoP on seven directly affected governorates, namely, Anbar, Babel, Diyala, Kirkuk, Ninewa, Salah Al-Deen and Baghdad revealed that the total damage to the housing sector in the seven assessed governorates is estimated at IQD 18.7 trillion (USD 16.1 billion). Approximately 138,051 residential buildings are impacted. Half of these structures are destroyed beyond repair. The housing stock in Iraq consists of apartment units, single family homes, low-income housing and villas. Mosul holds the largest share of total housing damage in the seven governorates with an estimated damage cost that ranges between IQD 6 trillion and IQD 8 trillion alone (USD 5.1 billion – USD 6.9 billion). Losses to the housing sector totalled IQD 1.8 trillion (USD 1.6 billion) (World Bank, 2018).

The banking sector for housing finance

The financial sector in Iraq is dominated by State-owned banks, which provide credits mainly to State-owned enterprises. As of September 2017, there were 70 banks operating in Iraq, including 7 State-owned banks, 44 Iraqi private banks and 19 foreign banks. The State-owned banks, particularly three – Rafidain Bank, Rasheed Bank and Trade Bank of Iraq (TBI) – account for the bulk of assets and credits, which hold around 90 per cent of the banking system's assets, 71 per cent of total deposits and extend 54 per cent of total credit in the Iraq banking sector. In 2018, total credit to the economy was estimated at 12 per cent of GDP, the lowest level in the MENA. Private banks are small and are mostly active in currency exchanges and wire transfers. Access to finance is very low in Iraq with only 11 per cent of adults having a bank account, suggesting that there is a substantial unmet demand for financial services. Capital markets in Iraq are underdeveloped and little reliable data is available for non-bank financial institutions (Celiku, Maseeh and Sharma, 2018).

The following four main obstacles have been identified for the limited engagement of private banks in the housing finance sector:

- The set-up, low capitalization and business focus of commercial banks in Iraq are currently not suited to allow for mortgage financing.
- The lack of collateral and trust in the legal environment regarding seizure of collateral, as well as general uncertainty about the security situation allow banks to refrain from taking long-term risks.
- Unfavourable banking regulations limit the ability of banks to extend their loan portfolio.
- The dominant role of the Government in providing loans at very favourable conditions to government-affiliated citizens makes it hard for any commercial bank to offer competitive products and establish a profitable business (Berger, 2012).

Obtaining a mortgage

There are the following main problems that hinder many families from being able to provide sufficient collateral to obtain a mortgage. Many Iraqi families do not possess land, have no formal land title or the value of their property as collateral is limited. Due to the second Gulf war and armed conflicts in the aftermath, a lot of property has been lost or damaged and can no longer be used as collateral.

Many private sector employees and the self-employed can hardly prove the amount and the regularity of their income, since there is little formal documentation (like tax statements, social security payments, etc.) Consequently, future income cannot usually be used as collateral, so only governmental salaries can effectively serve in getting housing credit.

Regarding using real estate as collateral, it is uncertain whether property can be seized to cover the loan amount in case of default due to the relatively weak justice system and the lack of a trustworthy legal basis and procedures for seizing collateral. The recent Iraqi Housing Fund (IHF) Law is an important step in the right

direction, but most interviewed partners have been very sceptical concerning the practical enforceability of housing laws, particularly regarding time and resources needed until legal procedures have been completed in an environment that is characterized by a low degree of security. More diverse and innovative types of collateral that would extend the share of the population eligible for obtaining credit – for example, social collateral, movable assets, instalments, foreclosure and income – should be explored and be made available by legal adjustments (Berger, 2012).

2.4.7 Informal housing and reconstruction

Another aspect of housing demand is the amount of housing that is affordable to households. Lack of affordable housing policies and weak access to housing finance pushed many of the lower-mid and low-income segment of the Iraqi population to informal housing. This led to an increase in informal housing construction to fill the housing gap.

Lack of policies for affordable housing

After 2003 and due to the political conflict, the Government could not start any housing programme. Most of the national budget was spent on the new Iraqi army and police which was essential for securing Iraq overall. Besides, there are new laws and regulations to be approved first in order to facilitate development programmes and allow national and international investors and companies to work in the country (Kahachi, 2015). For example, allocating serviced land by public institutions for housing purposes constituted one of the major obstacles in Iraq, especially before the issuance of the first amendment of Investment Law No. 13 of 2006 as land allocation was governed by the Public Property Rental and Sale Law No. 32 of 1986.

Weak access to housing finance

In Iraq, housing loans are available for the public through the Iraqi Housing Bank which provides loans of up to about IQD 35 million. The only collateral needed for this loan is the land on which the new house or

apartment building will be built. The loan is repaid in up to 15 years at an interest rate of 8 per cent per annum. Another type of housing loan is through governmental organizations to their employees, which is equal to about 100 times their monthly salary at a lower interest of about 4 per cent per annum. The third type of housing loans is through cooperatives and NGOs, such as Iraqi Engineers Guild, etc. However, these loans normally have special conditions, such as being a member of the guild for a certain number of years, etc.

It is observed that housing loans in Iraq are still offered at high rates of interest and the amounts are sometimes less compared to the actual prices of the housing units, especially for non-government employees. This has a major impact on the housing loans system efficiency in reducing housing demand and helping the low-income to gain their own housing unit. A preliminary assessment of the financial service in Iraq reveals that both public and commercial banks have hardly extended credit to the corporate sector. Public and private banks rarely offer mortgages and only offer expensive short-term loans, which are beyond the means of moderate- and low-income households (Nagy, 2006).

The National Programme for the Rehabilitation and Regularization of Informal Settlements

The problem of informal settlements has been exacerbated by the aggravated housing crisis in the country, which is increasing year after year, in addition to the lack of enforcement of laws and regulations that contribute to reducing this problem. It has become widespread and is hindering community development programmes. A mapping exercise carried out in 2017 by the MoP, in collaboration with UN-Habitat, found out that there are currently 3,687 informal settlements in 12 governorates in the country, inhabited by about 3.2 million Iraqis. The capital, Baghdad, was the city with the largest number of informal settlements, with 1,022 areas, followed by Basra and Dhi qar with 677 settlements and 333 settlements, respectively. The current identification of informal settlements covers 12

governorates, excluding the KR-I and the Governorates of Ninewa, Salah Al-Deen and Anbar, where the area identification work began recently (UN-Habitat, 2017).

In 2015, the Iraqi Cabinet passed Resolution No. 279, which included the endorsement of the road map that was submitted by the UN-Habitat and paved the way for the implementation of the National Programme for the Rehabilitation and Regularization of Informal Settlements in Iraq (UN-Habitat, 2017). In 2019, UN-Habitat completed and handed over to the local authorities two pilot informal settlements upgrading projects in Mosul and Ramadi (UN-Habitat, 2019).

Housing Reconstruction Strategy

On 25 June 2019, the Iraqi CM, chaired by the PM, approved the National Housing Council's recommendations proposed during its fifteenth meeting. These recommendations included the approval of the "Iraq Housing Reconstruction and Housing Development Strategy in the Liberated Areas", developed and finalized with support from UN-Habitat. Ministries and relevant authorities have been tasked to coordinate with each other to prepare detailed procedures and an operational plan to initiate the implementation of the Strategy. The CM also endorsed the national programme's road map to increase, maintain and effectively manage the country's housing stock. The road map was prepared and presented by UN-Habitat in harmony with the Iraq Housing Reconstruction Strategy (Republic of Iraq and UN-Habitat, 2019).

Figure VII: UN-Habitat in support of Iraq's housing reconstruction strategy



We must tackle the devastating social and economic dimensions of this crisis, with a focus on the most affected: women, older persons, youth, low-wage workers, small and medium enterprises, the informal sector and vulnerable groups, especially those in humanitarian and conflict settings.

*António Guterres
United Nations Secretary-General*

2.4.8 Land expropriation for public purpose

The Constitution of 2005 guarantees personal property rights. Article 23 of the Constitution provides that “Private property is protected. The owner shall have the right to benefit, exploit and dispose of private property within the limits of the law ...” and “Expropriation is not permissible except for the purposes of public benefit in return for just compensation, and this shall be regulated by law”. Moreover, Article 1050 of the Civil Code, requires for fair compensation to be paid in the case of expropriation of the property. The expropriation of private property in Iraq for higher public benefit is regulated by Law No. 12 issued on 16 February 1981 as amended by Law No. 6 issued on 8 June 1998. With respect to public benefit, it has not been defined in the Expropriation Law or in any other legislation. As for the estimation of the fair compensation, Article 62 of the Expropriation Law decided that compensation rules stipulated in this law prevail over and supersede any other compensation rules decided by other legislation such as rules mentioned in Paragraph (3/1) of Article 9 of the Agrarian Reform Law No. 11 of 1970 and other relevant legislation.¹⁶

The current Expropriation Law No. 12 of 1981 as amended does not define expropriation as did former Expropriation Law No. 54 of 1970, which defined it as a request submitted by the expropriating party to remove the ownership of an estate or rights attached to it for public benefit in exchange of fair compensation. Nevertheless, it mentions the following three types of expropriation (USAID, 2005a).

Consensual expropriation

This is by mutual agreement of the expropriating party and the property owner. In common ownership, all land co-owners must agree to the expropriation of the property and the nature of compensation (substitute land or monetary compensation and its amount) (Article 4). After the agreement of the parties on the expropriation, the Valuation Committee established pursuant to Article 13 of the Expropriation Law determines the amount of fair compensation and issues its decision, which becomes final if none of the parties appeal it before the Chairman of the Valuation Committee within 10 days from notification of the Valuation Committee’s decision. If the decision is appealed, all expropriation procedures are cancelled. If monetary compensation is offered, the amount must be deposited with the competent Real Estate Department within 60 days by the expropriating party, without prejudice to the right of the expropriated property’s owner to withdraw agreement to the expropriation of the property, if the legal delay is not observed.

Judicial expropriation

Any estate department may become the owner of a privately owned plot of land or a property via a Civil Court Decision. To expropriate a specific plot of land or property, the court is legally responsible for proving that no objection to the transfer exists. It should also have a stamped sketch of this property from the RERD with the names of the owners and their addresses. The RERD must be notified when money is exchanged (Article 9) (USAID, 2005a).

16. Refer to Annex 5, “Rules related to the assessment of monetary compensation for expropriated property according to the Expropriation Law No. 12 of 1981 as amended”.

Administrative expropriation

Real estate ownership is transferred from one governmental body to another. The amount of money exchanged is agreed upon either through the ministers or sometimes through the PM if the transfer is between two different ministries (Article 22) (USAID, 2005a).

Expropriation procedures

Expropriation procedures could be summarized in the following steps:

1. The expropriating party (any of the State departments or the mixed sector) submits a request for expropriation to the Civil Court of First Instance of the place of the property (the Court), attaching to it all supportive documents listed in the Expropriation Law.
2. The Court sets, within 10 days from registering the request for expropriation with it, a hearing date to examine the expropriation request and earmark the records of the property to be expropriated.
3. The Court summons all parties to a hearing to hear them, verify the purpose of the expropriation and evaluate its higher public benefit.
4. The Court refers the file to the Valuation Committee to examine the property and estimate the compensation value. The Valuation Committee is chaired by the Court and has the following membership: (a) Head of the Land Registry Office or his/her deputy, (b) Head of the Property Tax Department or his/her deputy, (c) Representative of the holder and (d) Representative of the property owner; if the property owner is a group of people and they do not agree to choose a representative or if some of them are absent, the Court assigns one of its experts.
5. The Valuation Committee determines the fair amount of compensation benefiting from relevant criteria determined in Articles 33–36 of the Expropriation Law and after asking the owner about the amount the owner wants and the expropriating party about the amount to pay.
6. Based on the amount of compensation determined by the Valuation Committee, the Court issues its decision which can be appealed by any of the parties before the District Court of Appeal within 15 days from notification of the decision to concerned parties.
7. After the Court's decision becomes final, the RERD is notified and the Court pays to the landowner(s) the amount of compensation deposited with it by the expropriating party. If the amount is not deposited within the legal term, the Court sends a warning to the expropriating party. After the elapse of 10 days, the property owner may start a lawsuit to cancel the expropriation in accordance with Article 75 of the Expropriation Law.

Assessment of the Expropriation Law

Although the Iraqi Expropriation Law provides for some guarantees against unfair expropriation of private property, as explained above, the Law neither defines expropriation nor clearly defines the concept of a “higher public benefit” that justifies the expropriation, thus leaving them open for interpretation and abuse by the administration. Moreover, Article (13/1) of the Expropriation Law made the judge, who decides the expropriation request, the head of the Valuation Commission at the same time, which contradicts the provisions of Article (91/5) of the Iraqi Civil Procedure Law and natural justice principles (Abed, 2018). Furthermore, 25 per cent of agricultural land can be acquired without compensation and only holders of formal rights are compensated. There is no reference to compensation for lost assets, income, means of livelihood or displacement from land of no legal right. Encroachers of State-owned lands are evicted without compensation and no alternatives are provided for the displacement of project-affected persons located on a State-owned land, especially when it relates to having no legal title to the asset/property that project-affected persons are using (World Bank, 2019b).

There is a need for creating coherence in expropriation legislation and rules as well as adaptation of international standards such as Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) Chapter 4.16 on expropriation.

Other relevant expropriation-related legislation

Law No. 42 of 1987 related to the reorganization of agricultural property within the framework of reclamation projects. The Law focuses on the reorganization of ownership of land subject to agricultural projects. It also provides compensation to landowners for expropriation.

Investment Law No. 13 of 2006 as amended by Law No. 50 of 2016. According to Article 12 of this Law, investment projects cannot be wholly or partially nationalized or seized, except pursuant to a final judicial judgment.

Resolution No. 157 of 1994 on the transfer of real property within the limits of the Baghdad Master Plan. This Resolution provides for the transfer of real estate within limits stipulated in the Baghdad Master Plan or the master plans of districts and sub-districts. It is not permissible to register real estate ownership transfers in Baghdad Governorate unless the person who received the transferred property was registered in the 1957 census or any previous census in Baghdad Governorate or one of its areas before the establishment of Salah Al-Deen Governorate. The resolution does not apply to inherited property.

Resolution on agricultural land – Unofficial Title No. 211 of 1991. The Resolution states that State-owned agricultural land, which is not cultivated by the holders themselves or others, is deemed property of the State without due compensation and must be registered in the name of the MoF as “pure-title” property. The MoA shall dispose of these lands in accordance with the applicable laws and regulations.

Resolution of the Revolutionary Commands Council No. 90 of 2 September 1996 regarding the Compensation for the Expropriation of Real Estate and the Acquisition of the Right to Disposal on the vacant Agrarian Reform Land. The Resolution provides for compensation for the expropriation of agricultural land, with alternative land as a first priority and cash compensation as a secondary priority (LANDLINKS, 2018). The Resolution also prohibits compensation in-kind or cash for certain types of land.

Resolution No. 21 of 1996 to prevent the alienation of real property of Iraqi citizens who left Iraq. The Resolution states that alienation of property owned by Iraqi citizens who have left the country must be prevented in all cases. It was cancelled by Dissolved Revolutionary Commands Council Resolution No. 165 of 1999.

Law No. 72 of 2017 regarding the confiscation of movable and immovable property of the true pillars of the previous regime. This Law was branded by many Iraqi jurists as unconstitutional because it violates Articles 23/2 and 13/2 of the Constitution.

Instruction No. 5 of 2018 related to setting up a committee for exempting from confiscation of one house belonging to individuals covered by Law No. 72 of 2017 and its application modalities.

Instruction No. 6 of 2018 related to facilitating the implementation of Law No. 72 of 2017.

2.4.9 State land allocation

One of the most important reasons for development in Iraq is the prevalence of State-owned land. The State owns more than 70 per cent of the total land in Iraq (Al-Sabah, 2019). The MoF holds the title to State land and is responsible for recording and protecting it, while Baghdad Municipality is the custodian of land and properties within its boundaries. The State Properties Directorate of MoF has the mandate to oversee the

sale, lease or assignment of government properties. The MoF distributes State lands by order to ministries and to MoCHMPW for municipalities. The ministries control and manage the land allocated to them. The MoF remains the owner of title to land distributed to ministries.

State land allocation's challenges and policy responses

Table 7 shows a list of some of the challenges concerning State land management in Iraq and indicated policy response (UN-Habitat and UNIDO, 2011).

Table 7: State land allocation's challenges and policy responses

Problems Reported	Policy Response
Lack of transparency in the allocation of state land. Land auctions are not conducted in accordance with the rules: announcements do not reach the public.	(1) A public open-access inventory and sale process. (2) Clear assignment of authority and institutionalized supervision.
Confusion about legal procedures and rules, and failure to comply with them. Land may be allocated without the consent or approval of the MoF.	General principle that the MoF, as the holder of title to land, must sign sale or lease agreements affecting State land, subject to clear delegation of authority or assignment to another ministry.
Overlapping responsibilities, lack of coordination among ministries, and confusing procedures and lack of information about them.	An institutional framework for coordination among ministries and standardized procedures for decision-making. The decision-making framework should be published and accessible.
Information is unavailable as to the location of State land and which ministry controls it.	An institutional framework that organizes State land information and makes it accessible.
Land is allocated by State bodies without regard for land-use designations under master plans.	(1) Coordination among ministries and procedures that prevent such decisions from being made. (2) Ensuring that master plans are realistic and meet needs for development.
Land is allocated by State bodies without provision for necessary service infrastructure.	Infrastructure needs, as a consideration in the allocation process, should be linked to urban planning and capital funding.
There are no principles or guidelines governing the incentives available to investors under the Investment Law, so that land can be given away or sold at concessionary prices to investors who do not need incentives. The availability of State land at less than its market value is an opportunity for unjust enrichment at the expense of the State.	For commercial and residential development, State policy should aim to maximize the return from allocation of State land, thus, open land auctions or other transparent market transactions should be the default position. Free land for industrial investment as an exception that must be justified on a case-by-case basis.
For low-income housing, free land distorts the market. It is difficult to ensure that the poor are the ones that benefit.	Servicing and wholesaling land, requiring social housing components in other projects and making development standards more accessible, e.g., reducing minimum plot sizes.
State land is occupied by squatters. The State is unable to address the issues of clearing the sites, upgrading the settlements or providing alternative housing to the occupiers.	Recognition that treating all squatters as illegal is inappropriate. Create legal basis and procedures for regularization or resettlement.
Corruption is a serious problem in Iraq. In this regard, the availability of State land at less than its market value is an opportunity for unjust enrichment at the expense of the State.	For commercial and residential development, State policy should be to maximize the return from allocation of State land. This means that open land auctions or other transparent market mechanisms should be the default position. Free land may make sense for industrial investment that creates jobs, but this should be treated as an exception that must be justified on a case-by-case basis.

State land inventory

State-owned land is registered in the real estate registry but there is no unified land inventory registry/system for State-owned land. Different Ministries and directorates have already developed a land database of their own – which is mostly in paper-based format. However, the lack of coordination and linkage between the relevant departments makes the inventory of real estate difficult and tiresome, allowing encroachment and violations by contract holders on State land and property (e.g., the real estate section at the Ministry of Industry and Minerals (MoIM) is composed of two sections: (1) Land section and (2) Buildings section. The strengths of the current inventory system lie in maintaining the inventory records from loss, manipulation and disruption. The weaknesses include not archiving and entering the information electronically (all information is paper-based). The lack of global positioning system devices is one of the factors that delays the progress of the inventory process and the digital and field documentation (resulting in weak mapping and reporting capacity). Issues that could be included in the policy of State land inventory for Iraq are, among others, descriptions of the property (e.g., type of real estate, number of properties and area size of real estate) and ownership of real estate (e.g., for public buildings, there is no indication regarding ownership or type of the contract) (UN-Habitat, 2018).

The Iraqi State Land Inventory Committee worked with the UN-Habitat on the governorates' State land inventory activity project, European Union-funded LADP-EU, and supported by MoP, to improve the State land inventory in Iraqi governorates. In 2018, a unified land inventory 'model' was developed in the governorates of Maysan and Najaf to assist the local authorities in coordinating data collection and mapping of State-owned land. The common database aims to provide detailed and accurate data on present land-use designation and its status – whether developed,

utilized or vacant – as well as land ownership, type of contract/lease (including revenue), existence of any natural resources to be protected or exploited, in addition to the delivery of services and infrastructure and land 'earmarking' for future purposes. This will allow decision-makers to make informed decisions on new urban expansions, the establishment of new urban centres, industrial facilities and refineries, new roads, railways and landfill sites, and eventually contribute to a better land management system. At the inception of this pilot process, the LADP-EU established a State Land Inventory Committee in each governorate tasked with setting up of the GIS unit responsible for collecting, recording and documenting land inventory data. The LADP team provided each committee with the latest satellite imagery (2018) and dedicated ArcGIS training sessions, which contributed to building the technical capacity of the inventory committee members and identifying the expected level of coordination and technical data capture (UN-Habitat, 2018).

In the course of the above project, UN-Habitat reported a few of the encountered challenges in regard to the State property. Numerous cases of land encroachments have been recorded – mainly illicit land purchases and sales without the appropriate documentation. There have also been cases of multiple contracts for a single State land parcel, including unapproved subdivision of *tasarruf* contracts – particularly for agricultural land located in sought-after peri-urban areas. Moreover, there is no clear policy to document and manage State-owned land. This has a critical impact on the drafting and implementation of city master plans. The lack of coordination and efficient control by the directorates concerned with land allocation has led to many infringements on urban expansion plans. The high number of cities with outdated master plans have made land management a difficult and complicated process that will take time to improve (UN-Habitat, 2018).

Main legislation regulating State's lands allocation

The following is a list of Iraqi legislation currently in force that may be of relevance to State's land allocation. More details about each of the below-listed legislation are provided in Annex 1 to this report.

- Selling and Leasing State Property Law No. 21 dated 18 September 2013 as amended by Law No. 21 of 5 September 2016.
- Investment Law No. 13 of 2006 as amended by Law No. 50 of 2015.
- Law No. 3 of 1960, the Law Granting Ownership of Governmental Lands and Buildings as amended for the 5th time by Law No. 139 of 7 November 1976.
- Law No. 53 of 1976, the Law of the "Unification of the Different Categories of State Land."
- Resolution of the Dissolved Revolutionary Commands Council No. 548 of 1979 relating to allocation of State land at its real value.
- The Agrarian Reform Law No. 117 of 1970.
- Law No. 35 of 1983 relating to the Lease of Agricultural Land (Agricultural Leases).
- Law of Reorganizing Agricultural Ownership No. 42 of 1987.
- Law of Renting Reclaimed Agricultural Lands No. 79 of 1985.
- Law No. 2 of 1983 on Pasture.
- Resolution No. 150 of 12 October 1997 Concerning the Sale of Plots of State Land for Housing to Farmers.
- Resolution of the Dissolved Revolutionary Commands Council Relative to Corporeal Compensation for Appropriated Real Estates and Amortization of the Right of Disposal of Vacant Agricultural Reform Lands No. 90 of 1996.
- Law No. 49 of 2015 – Confirm ownership of the agricultural lands and orchards excluded from the adjustment acts.
- The Expropriation Law No. 12 issued on 16 February 1981 as amended by Law No. 6 of 8 June 1998.
- The Cooperative Law No. 15 of 1992 as amended by Law No. 7 of 1 January 1999.
- The Law of Industrial Investment for the Private and Mixed Sector No. 20 of 3 August 1998 as amended by Law No. 35 of 11 May 2000.
- Law of the Organization of Industrial Services No. 30 of 1 July 2000.
- Resolution of the Dissolved Revolutionary Commands Resolution No. 120 of 1982.
- Resolution of the Chairmanship of the Council of Ministers No. 70 of 13 March 2019.
- Law No. 80 of 1970 relating to domain titling within municipalities' borders.
- Resolution of the Dissolved Revolutionary Commands Council No. 154 of 2001.
- Law No. 24 of 2013 relating to leasing of agricultural land and allocating disposal rights over them to graduates of agricultural institutes and to veterinarians.

2.4.10 Land development in the Kurdistan Region

The KR-I encompasses three Parezgakan¹⁷ (singular: Parezga, or governorates) namely Erbil, Sulaymaniyah and Dohuk. It covers a continuous land mass of nearly 40,600 km². The total population of the region was 3,910,329 as of 2003, 4,382,790 as of 2008, 4,698,790 as of 2009 and in the 2013 census agglomeration (ca.), the population was estimated at 5 million inhabitants, the bulk of which, 3 million (ca.), live in the capital cities of the three mentioned governorates. Thus, the average physiological bearing capacity or demographic density is 10 inhabitants per square kilometre. The statistics data for 2006–2007 indicate that 77.6 per cent of the total population live in the cities whereas 22.4 per cent are rural inhabitants. The population growth is estimated to be 3 per cent. Over 60 per cent are younger than 20 years of age (Mohammed, 2013).

17. This changed to four in 2023, with the recognition of Halabja as a governorate. However, information contained in the report dates to 2022. Changes that occurred afterwards are not reflected, for consistency purposes.

The infrastructure of KR-I has been damaged by many years of conflict and forced displacement at the hand of the previous Iraqi regime. For example, the former Iraqi regime destroyed over 4,000 villages in Kurdistan. Minorities in this northern region who were forcibly relocated, such as the Yazidi people, find it difficult to prove ownership or occupancy land rights, and cadastral and registry information or maps showing land and property often do not exist. This lack of tenure security hinders their ability to return and claim ownership of their land, or compensation for it.

The KRG has therefore faced multiple challenges in its attempts to reconstruct the Region and start a sustainable development process (MoP-KRG, 2011). Challenges to rehabilitation of KR-I may include different factors. In the countryside as a whole, the scattered settlements pattern represents many problems in terms of both economic development and the availability of services. This is due to the fact that all planned development of KRG have been concentrated mainly on the three big cities (Erbil, Dohuk and Sulaymaniyah) whereas the destroyed countryside and rural areas – inclusive of local municipalities' Qasa's and Nahia's – have been given little attention. As a result, the urban–rural imbalance worsened dramatically, exacerbating the situation in terms of overcrowding, congestion, housing shortage, lack of infrastructure, congestion of traffic roads, etc.

Rural–urban migration poses additional pressure. The present socioeconomic situation in the countryside provides no employment or other income-generating possibilities, except for a few agricultural or live-stock based ones – far below the level of demand – so people tend to migrate to the urban centres (especially to the three major cities of Erbil, Sulaymaniyah and Dohuk) in search, not only for employment opportunities, but also to access higher education, better housing, and other social services and facilities that are not found in their native home villages.

Further, the networks of urban municipalities, especially between the rural towns, between these towns and the

villages and among the villages themselves is primitive and incomplete. Since both urban–rural and rural–rural networks are deficient and poor, the provision of workplaces as well as services such as hospitals, secondary schools, cultural facilities is low and difficult to improve, especially in areas without urban centres (Mohammed, 2013).

City planning, transport, water supply and drainage have traditionally been regarded as municipal functions. There are also strong disparities among municipalities either in terms of territorial extension, population or in the financial and administrative resources needed to maintain their services.

The chief regional institutions in Kurdistan with interest in rehabilitation are the MoCHMPW, the Investment Board and partly the Ministry of Transport and the MoP, with control over financial allocations for development.

In response to development challenges facing the region, the MoP of the KRG, under its clear mandate, believed it was necessary to adopt a strategic planning approach to enhance the development process. The MoP, for the very first time, prepared a multi-year comprehensive Strategic Plan based on a clear understanding of the current status and vision for the future. This five-year Strategic Plan will be the reference for all future development and capital investment projects (MoP-KRG, 2011).

Development strategies in Kurdistan Region of Iraq

The Regional Development Strategy for Kurdistan 2012–2016

The Regional Development Strategy is multi-dimensional and interrelated; it includes all the sectors of the economy and attends to the social needs of the people of KR-I. More details about relevant sectors of the Regional Development Strategy are provided in Table 8.

Table 8: The Regional Development Strategy for KR-I (2012–2016)

Sector	Strategic challenges	Regional Development Strategy goals
AGRICULTURE	<ul style="list-style-type: none"> • Insufficient food security, especially in respect of main products and crops. • Poor competitive capabilities in the field of animal and vegetable production at both local and foreign levels. • Fragmented property ownership and small agricultural acquisitions impede development of agricultural processes, particularly in respect to use of mechanization and modern technologies. • Irrationalized use of fertilizers and pesticides. • Inadequate and unregulated resources allocated for scientific research, coupled with insufficient coordination among research authorities and insufficient integration of their activities. • Shortage of production of red meat, white meat and fish, in addition to their high prices compared to world prices. • Declining per dunum yield in respect to most crops. • Unplanned construction at the expense of old fertile agricultural areas. • A gap between scientific research results and pertinent implementation procedures. • Limited application of organic agriculture despite its positive impact on the environment and economic turnovers. • Failure to optimally make use of agricultural waste or apply pertinent research results. • Inadequate performance of training and agricultural extension centres. • Insufficient role played by women and NGOs in agricultural and rural development spheres. • Limited water resources available for agriculture, in addition to insufficient storage capacities existing at present, in comparison with actual needs. • Unregulated use of water in certain fields, in addition to water wastage by the three major sectors, namely agriculture, industry and households. • Poor involvement of water consumers in water management procedures and lack of water conservation guidance. • Failure to rationalize field irrigation procedures, especially flood irrigation. • Insufficient government investments, in addition to the unattractive nature of agricultural environment for private and foreign sector investors. 	<ul style="list-style-type: none"> • Improve economic environment. • Expand local agricultural sector's contribution to the realization of food self-sufficiency. • Increase areas of agricultural land and raise production and productivity levels. • Achieve optimal exploitation of water resources. • Protect agricultural lands. • Develop human resources and manpower in the agriculture and irrigation sector.
HOUSING	<ul style="list-style-type: none"> • Large housing deficit (about 250,000 housing units were needed as of 2016). There is also a need to renew and redevelop most of the housing in rural areas because most have been built with non-permanent building materials and are below the acceptable level of housing style. • Shortage of land available for housing in urban areas, particularly in large cities. • No sustainable system for the management of housing land which systematically converts land for this purpose. 	<ul style="list-style-type: none"> • Secure suitable housing for the largest number of families. • Reduce the degree of residential overcrowding and bed occupancy rate to acceptable limits. • Reduce the differences in the levels of residential satisfaction among the governorates and between urban and rural areas.

Sector	Strategic challenges	Regional Development Strategy goals
HOUSING	<ul style="list-style-type: none"> • Poor mechanisms and systems of securing residential land for developers (local and private sector companies, individuals and investors). • Limited capital to finance housing either by State budget or by the banking system, which is primarily based on providing loans for the purpose of housing unit construction in return for a mortgage. • Poor conditions of housing in city centres and old neighbourhoods with heritage features and poor procedures and plans to protect, redevelop and renew them according to the situation. • Increased number of households unable to obtain adequate housing, and a lack of programmes and procedures to transform these households to potential consumers of housing in the real estate market. • Increased number of segments targeted by free housing (martyrs, victims of genocides and political prisoners), which consumes part of the government resources in the field of housing during the Strategy period. • Families prefer to live in single housing units rather than in multistorey housing which aggravates the problem of securing land without violating agricultural land, especially those surrounding major cities. 	<ul style="list-style-type: none"> • Raise the efficiency of housing production and reduce its cost. • Increase the capacity of the Government to address the needs of special groups that do not have access to adequate housing. • Improve the quality of new housing, including energy efficiency and environmental effects. • Improve the ability of homeowners to improve and expand their existing houses.
ENVIRONMENT	<ul style="list-style-type: none"> • Continued spatial variability of development presented in limited developed parts of large and central cities seizing most economic activity, services and infrastructure, while the remaining parts (especially in districts, subdistricts and rural areas) are less developed. • Persistent intensified spatial concentration in limited number of large cities; Sulaymaniyah Governorate city centre attracts about 31.6 per cent of the total population, while that of Erbil is 29.9 per cent, together attracting about two-thirds (61.5 per cent) of total the population. • Continued migration from rural areas to cities and from small to large cities, resulting in exhausted productive human forces in rural areas and small cities, and pressured housing and public services in people-attracting cities. Data and statistics indicate that urban areas have 80 per cent of the region's population. • Decreased incomes, poor quality public services and poverty concentration in rural areas, in addition to the difficulties faced in and the non-economic feasibility of delivering key services like education and health care to rural villages of less than 200–300 inhabitants. • Persistent variation in levels of public services, infrastructure and people concentration among governorates on the one hand and more clearly between rural and urban areas on the other, which deepens the gap in levels of deprivation and meeting essential needs between developed areas and underprivileged areas. • Urban sprawl at the expense of agricultural lands and sometimes land-use violation, especially within the cities' master plans. • Increased desertification and deteriorated plant cover. • No master plans for rural settlements, which leads to unorganized use of lands (mostly agricultural lands). 	<ul style="list-style-type: none"> • Minimizing spatial variability of development. • Controlling population concentration in certain cities. • Limiting the phenomenon of dominating cities and promoting the growth of small and medium cities. • Prompting growth of rural areas and receding its development differences from the urban areas. • Minimizing the significant variation among governorates on the one hand and between a governorate's parts on the other in terms of public services and infrastructure. • Filling the gap in the degree of meeting key necessities as a prerequisite for integral development. • Adopting the principle of land-use master plan in rural areas for the purposes of rational land use. • Addressing desertification and plant cover deterioration effectively. • Exploiting the resources of distinguished areas like mountainous areas waterbodies, grazing lands and forests by intense use depending on their natural peculiarities. • Enhancing road network by building transverse roads for mesh connection among cities, especially small and medium ones. • Minimizing poverty and improving rural areas economics, as well as quality of life

Sector	Strategic challenges	Regional Development Strategy goals
ENVIRONMENT	<ul style="list-style-type: none"> • The necessary updating of long-term master plans of land use and developing new investment areas based on scientific foundations, which distribute investments spatially. • Poor coordination between economic and industrial development policies in particular and those of urbanization and people concentration. • Poor exploitation of available resources in developing rangeland, which leads to decreased numbers of cattle, sheep and goat herds. • Poor exploitation of waterbodies to improve the fish wealth. • Poor longitudinal and transverse connections between road networks and border crossings. • Poor exploitation of tourism resources, as well as historical, archaeological, natural and recreational tourism, despite their huge potential. • Polluted environment components, especially in cities, with no comprehensive systems for monitoring, controlling or following up environment quality implemented to accurately define the status quo of environment components. • Insufficient environmental legislations, laws or determinants and the need to update them to have them compliant with international developments, especially those of climate changes. • Poor financial, human and technical resources and expertise of the environmental establishments, especially at local level. • Exclusion of environmental dimension from development activities, which sets it apart from the economic and social dimensions and sets these dimensions apart from goals and mechanisms of sustainable development. • Poor and limited participation in international environmental activities. • Poor capacities and insufficient concern for EIAs, especially of strategic projects, in addition to the absence of expertise centres. • Poor concern for environment-friendly technology and clean energy supplies as well as poor environmental awareness at the level of citizenry in general and in particular, investors seeking personal economic benefit at the expense of adhering to environmental standards. • Using heavy products like black oil in operating electricity-generating stations, other industrial fields like bread stone oven and electricity generators in residential and trade quarters. Deteriorated green spaces as a result of negligence, insufficient irrigation processes and irrational tree cutting, which leads to increased open soil spaces; the key source of dust. 	<ul style="list-style-type: none"> • Developing environmental legislations and policies and institutional frameworks. • Minimizing health risks by controlling and preventing pollution. • Minimizing air pollution, especially in urban areas. • Improving drinking water management. • Developing the infrastructure of water supply and sewerage systems. • Minimizing greenhouse gas emission. • Managing natural resources sustainably. • Managing chemicals and wastes (domestic, hazardous and radiant) integrally. • Managing shared water and waterbodies (rivers, lakes and underground water) integrally. • Protecting biodiversity and ecosystems. • Considering environmental issues in economic and social development. • Considering the environment when performing activities by different sectors (public, joint and private). • Committing to the environmental determinants and considerations by the sectors of energy, industry, transportation, agriculture, forest and services. • Taking proper actions to control projects' pollution impact on environment. • Increasing funds allocated for environment preservation and improvement. • Providing decision-makers with environmental data. • Developing mechanisms for public participation in the decision-making process. • Improving environmental education. • Improving information management and environmental control. • Acceding to and abiding by the international conventions and agreements maintaining the Region's rights.

Kurdistan Region of Iraq's Vision 2020

In 2013, MoP of KRG developed its Vision 2020 for KR-I to provide a framework under which the individual ministries could develop their detailed policies and goals through 2017. This included five-year policy priorities (MoP-KRI, 2012). The Vision is 71 per cent aligned with SDGs by. It includes an ambitious programme to

diversify the economy of the Region to overcome the obstacles facing the private sector, support industrial and agricultural production, reduce dependence on imports, increase the scope of financial inclusion, reduce employment in the public sector and support small projects as well as emphasize the need for the region to develop the system of social protection and

anti-corruption (MoP, 2019a). The Vision includes all sectors health, education, labour, infrastructure, water and sanitation, communication, transport, housing and

agriculture, among others. Table 9 below summarizes the objectives of the Vision for sectors related to this report (MoP-KRG, 2013).

Table 9: Kurdistan Region of Iraq Vision 2020

Sector	Vision statement	Policy priorities
HOUSING	A vibrant private housing sector in which all residents of the Kurdistan Region have decent shelter.	<ul style="list-style-type: none"> • Improving land-use regulations, formalizing informal housing developments where possible, including establishing proper zoning and granting formal title to people who live in these developments. • Reforming land titling and ownership to make more transparent, the ownership records of each parcel of land so that the private market in residential land can function more effectively. • Encouraging development of mixed-income neighbourhoods, including through public-private partnerships and concessions to those real estate developers who agree to provide newly built housing to low-income families below market price when the housing is in mixed-income neighbourhoods. • Establishing a housing finance system, to review and improve the laws and regulations related to the financial system to make possible the widespread provision of long-term housing finance, such as mortgages, by NGOs or private financial institutions.
AGRICULTURE	Food security for the people of the Kurdistan Region, economic prosperity for farmers and prosperity through the exportation of our agricultural and food products.	<ul style="list-style-type: none"> • Improving the skills of Kurdistan farmers, including reviewing the current status and quality of agricultural training in all our universities, technical and vocational institutions, and any other institutions that can help with farmer training. • Improving the agricultural investment and making investment in agriculture easier to accomplish, for example, by streamlining procedures and providing rewarding opportunities for investment. • Improving irrigation to enable agricultural production and benefiting from international experience. • Rehabilitating and managing the land; continue to enhance programmes to rehabilitate Kurdistan Region's rural lands and rid them of mines and pollutants, map lands that have remained unplanned to put them into use as farmland and protect forests and rangelands in the region. • Developing infrastructure for the agriculture industry and working with the private sector to achieve this. • Improving the availability of agriculture data and information and helping to increase the flow of information to farmers. • Implementing legal reforms for the agricultural sector, revising the legal framework to allow for larger farms that can make better use of technology and diversifying production, reducing losses due to unfavourable weather conditions. • Minimizing price distortions for agricultural products. • Developing the Region's export potential.
ENVIRONMENTAL PROTECTION	A healthy and safe environment, with clean water, land and air, for posterity and that enables the economy to grow.	<ul style="list-style-type: none"> • Increasing environmental awareness; increase the awareness of the public of the benefits of a clean environment. • Developing energy-efficient buildings. Existing regulations and building codes for the construction industry do not impose any requirements for using either environmentally friendly inputs or using building techniques that minimize energy consumption. • Strengthening the region's laws, regulations and enforcement. Including reviewing and strengthening the region's laws covering water, soil and air pollution, developing the needed administrative capacity to enforce these laws and regulations, and putting in place effective monitoring systems. • Starting to conduct environmental impact assessments. • Developing a strategy to adapt to climate change. • Supporting environment protection groups. • Improving the urban environment.

2.4.11 Urban planning in Kurdistan Region of Iraq

The historical evolution of the urban development of Erbil City

Currently, Erbil is the fourth biggest city of Iraq after Baghdad, Basra and Mosul and it is the capital of KR-I. Erbil as a historical city has faced a notable growth in different periods after the establishment of Iraq State in 1920, especially after 2003 when it experienced its largest expansion rate (Sabr, 2014). After the establishment of the Iraq State in 1920, Erbil's urban form and its changes have been affected by a series of regulations regarding building and planning issued from Baghdad by the central government and then by those issued by KRG and local authorities in Erbil. The two prominent political, economic and social changes were after 1991 and then after 2003 (Sabr, 2014).

The Period 1991–2003

After the end of the war between Iraq and Iran in 1980, Iraq faced several economic problems and in 1990 occupied Kuwait, leading to the first Gulf war. This action brought a series of consequences to the country and resulted in Iraq being put under economic siege and the uprising in southern cities and Kurdistan cities in the north. Kurds finally could liberate their region, establishing autonomy and in 1992 the election resulted in the establishment of the first Kurdistan Parliament (IKP) and the first cabinet. Some new laws in different sectors were issued by the Parliament. These included the Municipalities' Administration Law No. 6 of 1993. This Law mainly borrowed its principles from the Iraqi Law No. 165 of 1964, but there were some changes to adapt to the new situation of KR-I and its new system.

This period witnessed stagnation in the building process due to the economic crises that faced the country generally and Kurdistan region in particular. However, some new developments and new neighbourhoods were built. Due to the unstable political and economic conditions in the country, as well as in Erbil City, when

the authority was incapable of providing fundamental services and controlling the urbanization and building process, some illegal and slum quarters appeared. These were characterized by irregular streets and block patterns.

Some official studies have been done on Erbil City. The first master plan for the city was approved in 1977 and the next in 1994. However, these two plans, although named 'master plans', were not supported by a comprehensive study and analysis, but were mainly a graphic drawing. Key to the city's development has been the period since 2003, after the fall of the regime, when KR-I was legally recognized as a federal region within the State of new federal Iraq (Sabr, 2014).

The period 2003–2013: The first master plan of Erbil City

The region and Erbil City as its capital witnessed considerable growth and development after 2003. The first master plan for the city was prepared from 2006 to 2009. This was followed by the preparation of the city centre's master plan preparing guidelines for the buffer zone of the citadel, the master plan for the first green belt ring, issuing of Investment Law of Kurdistan No. 4 in 2006 by the IKP which resulted in the building of many residential complexes in Erbil City, and some amendments of the building regulations which have led to a considerable change in the city's urban form.

Policies that affected the historical urban development of Erbil City

From 1920 to 2013, five different housing policies were adopted, influencing the formation and the transformation of the city's urban form. These may be summarized as follows:

- **Policy 1 (1920–2013):** Residential single plots are distributed on and allocated to people to build their own houses by themselves according to building permit regulations adopted by the municipalities in successive periods.

- **Policy 2 (1960–2013):** Residential campuses built by the Government and its public sectors. (They are exempted from the municipalities' regulations.)
- **Policy 3 (1991–2003):** Residential campuses built by organizations such as the UN-Habitat. (They are exempted from the municipalities' regulations.)
- **Policy 4 (2003–2013):** Residential campuses built by private companies. (They are exempted from the municipalities' regulations.)
- **Policy 5 (2003–2013):** Illegal quarters were built in certain periods. The Government with other organizations, then adopted some policies to develop them (Sabr, 2014).

Urban planning of small and medium cities in Kurdistan Region of Iraq

The urban format in KR-I suffers from an unbalanced structure, due to the imbalance in the distribution of different urban communities and the severe imbalance in the distribution of the population of these urban centres. The reason for this is that the Gol for a long time disregarded the establishment of urban regulations for the development and direction of investments to small and medium cities, especially in KR-I. Thus, the small and medium cities do not provide for the needs of its population to maintain stability in absorbing the surplus rural areas surrounding them (Ismael and Ngah, 2010).

The small and medium cities in KR-I take different forms according to their location in the mountainous region: (1) Intermountain cities, located in the middle of mountain ranges among valleys or plain areas (e.g. Zakho, Amadia and Hareer); (2) Piedmont cities (e.g. Dohuk, Akra and Shaqlawa); and (3) Pre-mountain cities, located in the plain areas before entering the mountainous region, like Erbil (Ismael and Ngah, 2010).

Main urban challenges facing small and medium cities in Kurdistan Region:

- Most cities are located in mountain valleys and the narrow plain areas between them. This situation forms one of the powerful natural limitations

for the cities' growth in Kurdistan; contour lines distinguish the direction of cities' growth. This makes it difficult to utilize the available land for developing projects to provide urban services, facilities and housing.

- The distribution of most cities in the mountainous region makes it difficult to connect them. Additionally, the difficulty in transportation between the cities, especially the lack of air and railway transport connecting them, and the relatively high-cost of transport leads to the cities depending mostly on the main roads for regional outreach.
- The cities lack unique urban functions and elements of physical attraction, despite the availability of basic aspects of development and the attractions in many of them, which if used properly will enrich construction activities and lead to economic recovery.
- These small and medium cities do not have a particular identity or characteristic because of the diversity and overlapping nature of their urban fabric (Ismael and Ngah, 2010).

Urban planning levels of Kurdistan Region's small and medium cities

Urban planning for Kurdistan's small and medium cities consists of regional planning concerned with the development of cities in the entire region and local planning at the level of the cities themselves.

Urban planning at the regional level includes:

- Work to achieve a balanced distribution of urban centres on the geographical scope of the regional level to alleviate urban congestion and urban population in some specific places.
- Encourage the trend towards the creation of new small- and medium-sized cities with reasonable spaces between them to allow for the establishment of independent economic activities.
- Convert the small- and medium-sized cities to growth poles and people-attracting urban

centres by highlighting each city's excellence and performance with regard to its functions or services.

- Strengthen transport and communication networks among the cities to achieve coherence and unity among them and within the region, which is important to sustainable regional development.

Urban planning at the local level includes:

- Improve the fabric and the structure of the cities, and deal with the urban deprivation appearance in each area of the city fabric, depending on its composition and urban nature.
- Support the connection between all areas and neighbourhoods in the city and protect urban unity in each city from split and disconnect which results from natural limitations.
- Raise the absorptive capacity of cities to increase their ability to provide space for land-use development through optimum utilization of contour lines. For example, residential land use may take place in the high contour line slope while the services and industrial use take place in the low-slope area.
- Improve the properties of buildings through removal and replacement of severely damaged buildings, repair or maintenance of other buildings and continued maintenance and utilization of areas and buildings of archaeological value.
- Provide basic urban facilities in the cities like subways, footpaths, parks, gardens, playgrounds and public amenities, including street lighting, parking lots, bus-stops and public conveyance (Ismael and Ngah, 2010).

2.4.12 Land and housing market in Kurdistan Region of Iraq

On 4 July 2006, the National Assembly of Kurdistan enacted Law No. 4 of 2006, the "Investment Law in the Iraqi Kurdistan Region". The enactment of this Law paved the way for the participation of foreign investment in the construction sector in KR-I. Statistics issued by the General Investment Commission in

the KR-I show that the volume of local and foreign investments in the region since 2007, when the law on private investment was issued, reached USD 26 billion, mostly in the oil, construction and real estate sectors (Zebari, 2013).

The KR-I experienced several waves of refugees between 2013 and 2015 due to military conflict in the neighbouring territory. In one of the waves, a surge of violence during Syria's civil war in 2013, especially in the zones populated by Kurds, led to the displacement of 250,000 Syrians who sought shelter within the boundaries of KRG. In parallel, the ongoing conflict in Iraq's Anbar and Ninewa Provinces in early 2014 also caused the arrival of 180,000 Iraqis. This was aggravated by the capture of Mosul, Iraq's second largest city, by Islamic extremists, which increased the number of IDPs up to 500,000. More than half of the displaced people established in Duhok Province, followed by Erbil. There is also a presence of displaced people in Sulaymaniyah and Kirkuk. In early August 2014, Arabs, Christians and Yazidi Kurds living in the western part of KR-I fled their towns after the advance of the Islamic State militants. It is estimated that about 200,000 people were displaced and sought refuge within KR-I. On economic grounds, it is conventionally claimed that the influx of refugees is, among others, the cause for food and housing price spikes in KR-I (MERI, 2014–2015). Providing adequate shelter for such a large population has proven an immense challenge for both KRG and the international humanitarian community. The Government has built 26 IDP camps across the three governorates of KR-I with a combined capacity for hosting 223,790 IDPs. The KRG has committed to funding three of these camps and the international community is expected to fund 20 camps, with three camps remaining unfunded (Karasapan and Kulaksiz, 2015). An adverse impact is also associated with 60 per cent of the displaced families living in host communities, which is exerting upward pressure on rents and increasing the vulnerability of poor households. As of 2015, an estimated 25,000 IDP households and 15,000 Syrian families were renting accommodation (World Bank, 2015).

A recent positive development has been the outcome of UN-Habitat's Urban Recovery Programme which has supported rehabilitation of damaged houses and infrastructure, focusing also on tenure security issues to facilitate the return of IDPs. This has included mapping, registering and verifying the land occupancy claims of Yazidi returnees. This uses the incremental approach of the Social Tenure Domain Model (STDM) to manage informal and alternative tenure documents and facilitate the recognition of informal rights and claims in the absence of functioning official land administration systems. Occupancy Certificates are issued when claims are endorsed by local authorities and community representatives. These protect occupancy rights until land tenure is secured. UN-Habitat has issued over 14,500 occupancy certificates to displaced persons and returnees in Sinjar. At the end of 2022, the Council of Ministers approved a decree which recognizes and grants land ownership and property rights to the Yazidi minority in 11 collective townships (mujamma'ats) in Sinjar district. This will formalize their land rights and means that their Occupancy Certificates can be transformed into full Land Ownership Titles, providing the legal framework to regulate the land rights of Yazidis (UN-Habitat, n.d).

Before the crisis, the World Bank reported that with an annual housing demand of almost 60,000 and little provision of affordable housing for low-income households, the housing market in KR-I was already under pressure before the IDP and refugee inflow. An estimated 845,000 Kurdish Iraqi households were present in 2012, a number that, according to the KRSO is expected to grow by 4 per cent per year. On the basis of these numbers, KRG and UN-Habitat have estimated that the annual housing requirement to accommodate this population growth is 30,390 units across all income levels. In addition, another 25 per cent of existing households will require new or improved housing to replace inadequate or overcrowded housing. This equates to 228,000 housing units across all income levels for the next 10 years. Annual housing

demand is, therefore 53,239 units. Annual demand for Government supported housing is 5,324 units. According to one government study, about 10 per cent of households are estimated to have limited incomes to the extent of not being able to meet their housing needs without government support. Limited-income families inhabit approximately 113,170 of existing housing units and the annual demand for social housing would accordingly be 5,324 units (World Bank, 2015).

The 2014 World Bank survey found out that the Syrian population in rented accommodations in KR-I was finding it increasingly difficult to afford their rent and rental support was relayed as the most important need for 43 per cent of respondents and among the top three for 68 per cent of respondents. The large number of displaced people settling in rental accommodations was projected to result in rent hikes. Going forward, rents were also expected to rise faster than the overall consumer price index, especially in Dohuk. The additional inflow of 40,000 families looking for accommodation was expected to push rent prices upward. The increase in demand for rental accommodation would disproportionately affect the poor in the host community. A large part of the displaced would be competing for accommodation affordable to the 10 per cent of the KR-I population that was estimated to be in the low- to very low-income bracket. Using existing poverty levels for Iraqis and Syrians as an indicator for the proportion that would target the lower cost options, the low-income resident households would have to compete with an additional 25,000, 30,000 or 38,000 families, equivalent to a 21, 27 and 33 per cent increase, respectively, from the existing low-income resident numbers depending on the inflow scenario. Home ownership may mitigate the impact of rent hikes on the host community. Only 13 per cent of the KR-I population rent their accommodation (only 10 per cent in Dohuk compared to 17 per cent and 12 per cent in Erbil and Sulaymaniyah, respectively). Although

disaggregated data on the share of individuals living in rental accommodation across income quintiles are not available, it would be reasonable to assume that vulnerable groups — such as the poor or female-headed households, which made up 11.6 per cent of households in 2012 — are the ones relying on rental accommodation and benefiting from the mitigation on rent hikes from the large proportion of homeowners (World Bank, 2015).

The IOM 2018 data showed that nearly all families in Erbil Governorate, the capital of KR-I, live in proper housing, such as an entire house occupied by a single household (92.1 per cent), a house shared by more than one household (6.3 per cent) or an apartment/flat (1.4 per cent). Rent prices in the KR-I decreased after the September 2017 referendum, but the housing market is expected to recover with the improvement of political relations between Baghdad and Erbil, which affects the prices in Kurdistan's housing market as well (EASO, 2019).

2.5 LAND DISPUTES RESOLUTION

2.5.1 Types of land conflicts

There is no comprehensive data on land disputes in Iraq and the MoJ does not produce public statistics by case type, which makes it impossible to map the frequency and types of land disputes in the country. Nevertheless, many current land-related conflicts in the country can be categorized into three broad types as follows (LANDLINKS, 2018; USAID, 2018):

1. Conflicts associated with the three contemporary periods of large-scale displacement (Baathist, coalition forces and ISIS)
2. The overlap and confusion between land rights for individuals and rights claimed by groups involving ethnic territoriality
3. A weak State presence and capacity in large areas of the country, and the filling of this vacuum with tribal, Islamic, militia and hybrid forms of managing land rights.

The first type comprises the large-scale displacement in the country, which leads to land and property conflicts in a couple of ways. Most important are those that result from returnees finding others on their lands (secondary occupation) or that demographic change along sect, ethnic or religious lines (forced relocation) has occurred in certain areas. Of secondary importance are returnees finding their land and property damaged or destroyed and who then seek other lands and properties from which to pursue livelihoods, which in turn causes conflict with the owners of those properties. While returnees who find their property unoccupied or who are able to settle adverse claims themselves and/or rebuild by themselves do so with little notice from Government or outside actors, it is those that encounter more difficult circumstances that enter into serious conflicts (LANDLINKS, 2018).

The second type of land conflict is that which is caught up on the assertions and defence of ethnic territoriality played out at the level of the household. This is most acute between areas claimed by both the Kurdish population and the current Federal Government. While the military efforts by both sides are important in this regard, equally important are the neighbourhood level land and property interactions by members of various ethnic groups to encourage dislocation or promote or prohibit return to certain areas by specific ethnic group members. The October 2017 takeover of Kirkuk by Iraqi forces alongside the Shia Popular Mobilization Units resulted in approximately 100,000 primarily Kurdish civilians fleeing the city, with their homes and properties looted and destroyed by other civilians. At the same time, the city itself resides on disputed land claimed by Arabs, Turkmen and Kurds (LANDLINKS, 2018).

The third type of land and property conflict is more tied to the relatively weak presence of State institutions in insecure or more peripheral areas, leaving these populations to engage in a variety of customary, tribal, religious and state hybrid approaches to land and property rights, often backed up by local militia enforcement (LANDLINKS, 2018).

The agrarian reform efforts of the 1970s have also generated land and property conflicts between those who lost land and those who currently own it. A 1970 law reduced the maximum size of landholdings to between 10 and 150 ha of irrigated land, and between 250 and 500 ha of non-irrigated land. Holdings above these maximums were often expropriated. In 1975, an additional reform law sought to break up the large estates of Kurdish and tribal landholders, resulting in expropriations and then disputes once the Baathist Regime ended. Additional expropriations worsened the Baathist Government's land rights, management and conflict problems, and resulted in the Government holding a large percentage of arable land which, subsequent to its fall, became contested (LANDLINKS, 2018; USAID, 2018).

A particular problem is the inaccessibility of the LIS in Iraq, particularly in the current period when there is a great need to locate property and other identity documents within the government system and then to generate copies of these for the purposes of claims before the State courts. This is made significantly difficult by the centralized LIS, which is in Baghdad, since an individual in Erbil or Mosul would need to make an application to retrieve the needed documents, which are reportedly contained on CDs in Baghdad (LANDLINKS, 2018; USAID, 2018).

2.5.2 Legislative framework

The ICC contains protections against coercion, fraud and deceit. Transfers of property made under such conditions are invalid. Possession gained through force or deception cannot result in any right for the possessor. Those who are dispossessed may take their claims to the civil courts of justice, who can order restitution of the property and compensation.

Land sale contracts

With respect to the land sale contract, unlike the Lebanese Decision No. 188 of 15 March 1926 and the Code of Obligations and Contracts, which consider that the land sale contract per se creates the obligation

on the part of the seller to register the land at the real estate registry to the name of the buyer and grants the latter the right to do so, the land buyer, according to the ICC, cannot sue for specific performance if the land sale was not registered at the real estate registry, even if the seller has undertaken at the time of the sale, separately or in the sale contract, to register the land to the name of the buyer at the land registry. This is because Article 508 of the Iraqi Civil Code No. 40 of 1951 as amended considers any property sale outside the registry as null and void. The seller can sell the land or the property to a second buyer or obtain a mortgage using the sold property as collateral and the first buyer's right is limited only to claiming the recovery of the paid amount plus legal interest from the time of the judicial claim until payment. Because of many disputes, resolution of the Revolutionary Commands Resolution No. 1198 of 2 November 1977 was issued and provided for the buyer's right to claim compensation in case the seller did not observe the obligation/undertaking to transfer the property to the name of the buyer at the real estate registry.

Moreover, Decision No. 1198 of 1977 as amended by Revolutionary Commands Resolution No. 1426 of 21 December 1983 allowed the buyer to claim ownership of the sold property through the court, in case the buyer has made any of the preparatory works consisting of either living in the sold house or building or planting on the sold land without a written objection from the seller. Despite the right to claim compensation and the ownership of the property introduced by the above Revolutionary Commands Resolution Decision No. 1198 of 1977 as amended, the protection offered to the buyer is insufficient. Consequently, it is necessary to amend Article 508 of the ICC and Article 203/1 of the Land Registration Law No. 43 of 1971 as amended to recognize the validity of the contract of sale as a consensual contract upon exchange of offer and acceptance before the registration of the property sale at the real estate registry. It is also necessary to recognize the right of the buyer to enforce the contract through the court and to compel the seller to register

the property in his or her name at the real estate registry (AL-Ammari, 2018). All RCR conflicting with the ICC should be repealed.

Adverse possession

Concerning adverse possession, the right of possession is recognized in the Iraqi Civil Code No. 40 of 1951 as amended. This right is separate from ownership and is distinct from the right of use, which is granted by an owner to another person. A person in possession is presumed the owner unless the contrary is established. If ownership is not registered in the Land Registration Department, a person who continually possesses it for five years cannot be usurped if possession is based on title or valid grounds such as inheritance or purchase. Continual possession of unregistered land for fifteen years on the assumption that it is one's own property prevents a court action against the possessor. This right to acquire land by prescription recognizes the concept of *Alezma*. It is to be noted that, according to the ICC, this right does not give rise to title, but only immunity from actions to recover the land (UN-Habitat and UNIDO).

Inheritance

With respect to inheritance, the ICC leaves matters concerning inheritance rights to religious law. Islamic inheritance law requires owners of land, including *tasarruf*, to leave at least one-third of their land to their heirs. This produces multiple ownership that makes it difficult to deal with inherited property, particularly where registration has not been updated over more than one generation. Some land may be "frozen" due to multiple ownership. Much of *tasarruf* land is registered in the names of ancestors. The complications for descendants in dealing with multiple ownership are a disincentive to use the registry system and encourage undocumented transactions, with the registry records falling out of date. The Real Estate Registration Law is not well equipped to address this problem. It is necessary to amend the Law to provide for a simplified procedure designed to deal directly with the issue of multiple ownership by heirs, where the current occupants

apply for renewed registration in their names. Notice requirements should be modernized and enhanced, not only for this procedure but also for all those under which new or renewed titles are issued (UN-Habitat and UNIDO).

Real estate renting

Concerning real estate renting, Law No. 87 of 1979 as amended, "The Law of Real Estate Renting", supersedes the provisions of the ICC on tenancies in application of the rule *lex specialis derogat legi generali* and thus prevents citizens from availing themselves of its protections. A tenant may be evicted for non-payment of rent after only 15 days. If the leased estate remains uninhabited for more than 45 days without excuse, the lessor may institute eviction proceedings. Such a legal scheme creates numerous problems for displaced persons. The amendment by Law 56/2000 gave greater rights to residential property owners to terminate leases as from October 2003. Law 56/2000 was itself amended by Coalition Provisional Authority Order 29/2003 to provide for better protection for tenants. Accordingly, the issues of rent control for residential tenancies and the balancing between property owner and tenant rights require further study and consideration by policymakers in Iraq (UN-Habitat and UNIDO).

Property claims

Concerning property claims, the Constitution provided for the IPCC, a special tribunal, to address property claims arising out of the Baath Period, from 17 July 1968 to 9 April 2003. The Commission was known as the CRRPD under Law No. 2 of 2006. After adjudication, the CRRPD can order restitution of the property to the rightful owner. If that is not possible because the property was sold after its confiscation or seizure, then the CRRPD can order the first seller, usually the State, to pay compensation. There was a large backlog in claims before the CRRPD and many of its decisions were not enforced mostly due to lack of resources to pay the compensation entitlements.

Property claims arising out of the displacement of population after April 2003 must be resolved in the civil courts.

The judiciary in Iraq is organized by Law No. 160 of 1979. It consists of the Civil Courts, Courts of Personal Status and Criminal Courts. In civil matters, the Iraqi court system is divided into a three-tier hierarchical system; Courts of First Instance, Courts of Appeal and a Court of Cassation. Cases in the Courts of First Instance are presided over by a single judge and may be appealed to a Court of Appeal, subject to some exceptions. The Courts of Appeals are divided into seven districts and are each composed of three judges. Appellate decisions may be appealed to the Court of Cassation. The Court of Cassation, as the highest court, is only competent to decide questions of law. It is located in Baghdad. A separate judiciary, with a separate Court of Cassation in Erbil, exists for the KR-I.

In addition to the above courts, a Supreme Federal Court was established by the Constitution. It is competent to determine the constitutionality of laws, interpret the text of the Constitution, rule in disputes between the Federal Government and the governments of the regions and handle other constitutional matters (Amereller, Jäger and Al-Janabi, 2010).

With respect to post-2003 displacement, Council of Ministers Decree 262 of 2008 provides a grant of IQD 1 million for returnees provided that their displacement record is “written off”. The Decree further allows a grant of rental assistance at IQD 300,000 per month for six months for displaced families that have been occupying the homes of the returnees provided that they vacate the home. There are time restrictions and the relief is only available to a subset of refugees. Prime Minister’s Order 101 of 2008 provides that anyone who occupies the home of a displaced person will be considered a participant in that person’s forcible displacement under the Ant-Terrorism Law (UN-Habitat and UNIDO).

On 19 March 2010, the Iraqi Parliament established the IPCC by Law No. 13 of 2010, which replaced the CRRPD. The objective of the Law is to guarantee the property of citizens illegally taken, to protect public funds and achieve a balance between the interest of the State and citizens (Article 2). Like the former CRRPD, the jurisdiction of the IPCC covers the following property claims arising out of the Baath Period, from 17 July 1968 to 9 April 2003:

- a. Confiscated and seized properties for political, racial, religious or religious reasons.
- b. Real estate seized without compensation or confiscated contrary to legal procedures excluding land taken over by virtue of Agrarian Reform Law or case of in-kind compensation in the governorates.
- c. State’s property allocated to members of the previous regime’s aids or cronies for free or for a nominal price. The IPCC may order their restitution to the Iraqi State represented by MoF.
- d. Expropriation cases decided by the CRRPD under Law No. 2 of 2006.
- e. Real estate unlawfully expropriated by orders of the previous regime or the decisions of Revolutionary Command Council (dissolved) (Law No. 13 of 2010).

The deadline to submit petitions to the IPCC was 30 June 2011 thereafter petitions were referred to civil courts. The MoF is committed to pay to victims amounts of compensations finally decided by the IPCC.

2.5.3 Compensation scheme for people affected by damages caused by conflicts

The Iraqi Compensation Scheme is based on Law No. 20 of 2009 on Compensating Victims of Military Operations, Military Mistakes and Terrorist Actions, Law No. 57 of 2015 (its first amendment) and Law No. 2 of 2020 (its second amendment), which aim

to compensate all war-affected victims, including compensation for damaged/destroyed property (Article 2/Fourth Law No. 20 of 2009). The five categories eligible for compensation as per Law No. 20 of 2009, Law No. 57 of 2015 and Law No. 2 of 2020 (Returns Working Group and UN-Habitat, 2020) are:

1. Martyrdom, missing, abduction, citation, loss or injured person
2. Persons with disabilities as a result of war
3. Injuries that require medical treatment
4. Damaged property (including vehicles, houses, agricultural lands, stores and inventory, and companies)
5. Disadvantages relevant to job or education.

For the first three categories, the laws provide for reparation in the form of a one-time grant, a monthly pension or a plot of residential land, to be awarded directly to the victim or to the family of the victim (in the case of martyrdom or loss). Article 1 of Law No. 2 of 2020 provides for the setting up of three central committees (one for KR-I) based in Baghdad attached directly to the General Secretariat for the Council of Ministers (GSCM) and each central committee is chaired by a judge appointed by the Higher Judicial Council (HJC) as per Article 2 of Law No. 2 of 2020. The central committee's job is to ratify, amend or cancel recommendations of compensation by subcommittees set up by Law No. 20 of 2009 in the governorates to receive requests for compensation by aggrieved persons (Global Protection Cluster, 2020).

Although considerable progress was made in compensating victims since this Act was passed, the implementation of the Law has its challenges. Some problems stem from the difficulties of implementing a reparations programme in the midst of the poor security situation in Iraq – that further deteriorated following the advance of ISIS in 2014 – and in a context where state institutions are still weak. For instance, in war-affected

areas, victims often faced difficulties in obtaining the documents needed to submit compensation claims from government offices. Moreover, while compensation money is distributed at the governorate level, many IDPs did not want to return to their governorates due to the volatile security situation.

Other factors hindering access to compensation are the complicated procedures that applicants must meet, the large number of compensation claims, and the mechanism's institutional structure; the two key institutions for receiving and assessing compensation claims, the Central Compensation Committee and subcommittees formed of representatives of various government ministries, headed by a judge, are considered bureaucratic and non-specialized. There is also no central funding system (compensation fund allocated) to make payments and other forms of reparation under Law 20 (Nuhanovic Foundation, 2009; Global Protection Cluster, 2020).

The UN-Habitat has provided direct technical support to Central Compensation Committees and subcommittees to draft the by-law of the Law No. 2 of 2020. Additionally, free legal assistance and counselling is provided to IDPs and returnees in some governorates in Iraq to aggrieved persons who wish to file their claims with the above-mentioned sub-committees for compensation (Returns Working Group and UN-Habitat, 2020).

2.5.4 Alternative land-related disputes resolution

In Iraq, recourse to ADR mechanisms to resolve disputes, including land disputes, is not well developed. It is submitted that ADR plays a major role in resolving HLP disputes in a manner that upholds international standards on HLP rights in post-conflict societies like Iraq. In this context, Iraqi lawmakers acknowledge the very significant role of tribal law as an alternative in managing land and property issues, including dispute resolution. To a certain degree, they see

tribal law (and those that operate them) as partners in the administration of land and property, and they acknowledge the relevance of efforts to bring tribal law and statutory law together in mutually supportive ways.

Iraq has a significant history of fusing different forms of law, a clear advantage in the present circumstances where the State can have limited reach in certain areas. Exploring the different ADR approaches that tribes and lineages already use, and that can be connected to statutory law in mutually supportive ways, would be worthwhile to support. This will be particularly important given that tribal dispute resolution mechanisms will be present in areas of return for IDPs well before functioning, efficient State institutions seen as legitimate by civil society (LANDLINKS, 2018; USAID, 2018).

ADR needs to be incorporated more efficiently into Iraq dispute resolution system. Making ADR available will speed the recovery of autonomous and sovereign civil order. Simply having conflict resolution structures in place and functioning will help convey a sense of order, which will support the peaceful progressive redevelopment of Iraq's cultures (Oswald, 2003).

Arbitration

Iraq does not have a Code of Arbitration like many countries of the region such as Bahrain, Egypt, Oman and Lebanon which have enacted such legislation based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law. The Code of Civil Procedures No. 83 of 1969 contains provisions relating to arbitration proceedings (Articles 251–276) (Amereller, Jäger and Al-Janabi, 2010). The following are key aspects of the arbitration rules (Norri and Karrar-Lawsley, 2013):

1. Arbitration agreements must be in writing (Article 252).
2. The Iraqi courts must stay a court action if an arbitration clause exists, provided the party wishing to rely on the clause makes its objection as early as possible (Article 253).
3. Arbitration is only valid in matters where conciliation is permitted (Article 254).
4. There are no restrictions on who may sit as an arbitrator but a judge must get permission from the HJC beforehand (Article 255).
5. There are no restrictions on who may represent a party.
6. There are no provisions allowing or forbidding a tribunal from making orders for interim measures.
7. Unless the parties agree otherwise, a tribunal has six months from accepting its appointment to render its award (Article 262). A party can apply to court for an extension of this time (Article 263).
8. Unless the parties agree otherwise, a tribunal must comply with the procedures set out in the Civil Actions Law (Article 265). Provided the agreement is clear, parties can therefore choose to apply the ICC Rules or any other arbitral rules they wish.
9. A tribunal must give reasons for its award (Article 270).

With respect to land disputes, the court system remains the main formal mechanism for resolving land disputes in Iraq, especially in matters subject to statutory protection or *in rem* land disputes which are within the exclusive jurisdiction of the courts as land ownership in the country is only transferred by registration at the real estate registry or exceptionally by court order pursuant to Resolution No. 1198 of 14 November 1977. Any related matter is within the exclusive jurisdiction of the court and therefore not arbitrable. Recourse to arbitration in investment disputes is more common.

Iraq Investment Law No. 13 of 2006 as amended contains a number of provisions on dispute resolution mechanisms and the applicable law. These include disputes between the investor and the Investment Authority, the investor and its employees, and with different authorities involved in the licensing process. In many instances, the Investment Law expressly allows for Iraqi and international arbitration. Executive Regulations to the Investment Law have been issued by Council of Ministers Resolution No. 2 of 2009 and

Resolution No. 7 of 2010 concerning the sale and lease of Government-owned land for investment purposes (Amereller, Jäger and Al-Janabi, 2010).

Iraq has two national arbitration centres: The Federation of the Chambers of Commerce Arbitration Centre¹⁸ and The International Commercial Arbitration Centre – Najaf¹⁹ (Norri and Karrar-Lawsley, 2013).

Mediation

There is no legal framework for mediation in Iraq. A mediation framework should be developed and its new techniques used to resolve HLP disputes in the country. Its efficiency was proved by UN-Habitat which, in 2020, reported success in peacefully resolving property and land dispute cases in Ninewa Governorate through mediation. Outstanding results of over 80 per cent of cases registered to solve property and land disputes in Hamdanyia and Telkeif Districts of Ninewa Governorate have been successfully solved through mediation process, facilitating reconciliation and peacebuilding in the region. Targeting HLP disputes, and with a special focus on the support to ethnic and religious minorities, mediation is one of the most innovative mechanisms in the country that aims at empowering members of the community to solve their conflicts in an amicable way (United Nations in Iraq, 2020).

It is interesting to note that Iraq has had a law on settlement of land disputes via a commission since 1929. Law No. 23 issued on 13 April 1929²⁰ by King Faysal provides for the setting up of a commission to resolve land disputes in area called Al Montafak Emirate which was a State between 1530 and 1918, hosting tribes in the middle and south of the country. The Commission had jurisdiction to verify ownership of disputed land and resolve disputes between a landowner and a peasant cultivating it and to verify land ownership and order its registration to the name

of the legitimate owner as revealed by its verification or to the State in a case where there is no owner.

2.6 HOUSING, LAND AND PROPERTY RIGHTS

The HLP disputes that are a result of armed conflict have long been recognized as challenges to post-conflict resolution and peacebuilding. In those environments characterized by high levels of displacement due to violent conflict, as the ISIL crisis in Iraq, HLP issues have strategically been used as a means to initially trigger displacement and, in the aftermath of conflict, as a tool to prevent returns, which can perpetuate grievances and create insecurity and fuel further political instability.

During the last decade, there has been growing recognition within the international community that addressing HLP violations after conflict is critical to sustained peace in post-conflict settings as well as for the provision of durable solutions for displaced families. For this reason, the United Nations, together with other international actors, have increasingly engaged in addressing HLP issues in its post-conflict operations in several countries, including Iraq.

The HLP rights are at the core of the main sets of principles to which the United Nations is committed regarding the return of individuals displaced due to conflict. The principle of durable solutions considers the restoration of HLP as one of the criteria which determines to what extent return can constitute a durable solution. In a similar vein, the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons approved by the United Nations Sub-Commission on the Protection and Promotion of Human Rights (OCHA/ IIDD, UN-Habitat, UNHCR, FAO, OHCHR and NRC/ IDMC (2007) state that “all displaced persons have the right to have restored to them any housing, land and/

18 For more information visit [The Federation of the Chambers of Commerce Arbitration Centre](#).

19 For more information visit [The International Commercial Arbitration Centre – Najaf](#)

20 For more information read [Law No. 23](#) issued on 13 April 1929 by King Faysal.

or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore” (Aymerich and Zeyneloglu, 2018).

2.6.1 Origins of the Housing, Land and Property Challenges

Unresolved HLP are the results of a combination of factors. The Arabization campaigns under Saddam Hussein’s rule whose origin dates back to the 1970s. The strategy of Saddam Hussein’s regime aimed to weaken the Kurdish presence mainly in the areas of Kirkuk and Mosul. A large-scale nationalization and land redistribution campaign was put in place from the 1970s, causing the displacement of hundreds of thousands of Kurds and other minority groups. Following the US-led invasion to Iraq of 2003, the damage to houses and property in the conflict of 2003 only exacerbated the situation and led to an estimated shortage of 1.4 million housing units.

The emergence of the ISIL in early 2014 drove Gol forces out of key cities in its Western Iraq offensive and was followed by the capture of Mosul and the Sinjar massacre. As early as September 2016, the damage and destruction of private property, directly associated with the ISIL crisis, was already considered “pervasive and profound” in at least four governorates of North and Central Iraq: Anbar, Salah Al-Deen, Diyala and Ninewa.

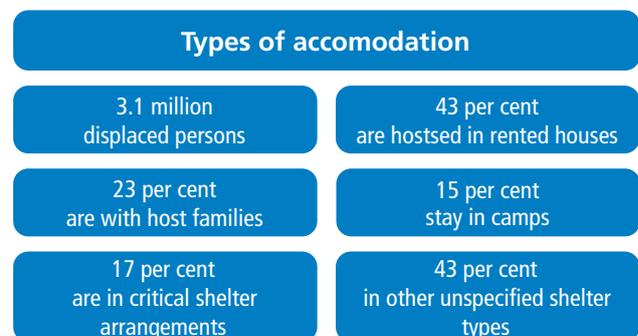
Displacement due to sectarian tension increased greatly after the bombing of the Samarra al-Askari Mosque in 2006. Eight months later, approximately 230,000 families had been displaced, mainly Sunni Arabs fleeing from Shia majority areas. Further, continued conflict in Syria which started in March 2011 increased the number of refugees in Iraq to 245,810 individuals as of 2019, of whom 39 per cent resided outside camps (UNHCR, 2020).

The land and property challenges faced by returnees of civil conflict include lack of security of tenure and

lack of formal property rights; missing, damaged, loss and outdated property records; unlawful seizure and illegal sale of property; claims of ownership and usage rights by the current occupants of their homes; forced eviction and relocations and secondary occupation of houses; destroyed and damaged property; business infrastructure that has fallen into disrepair; a general lack of affordable housing units; loss of HLP documentation; and discrimination against minorities and women with respect to HLP rights. Such land and property challenges are made all the more complex by the combination of short- and long-term displacement within the country and by the multiple causes of property loss, including expropriation by the Baath Regime, terrorism, sectarian violence, military operations, economic hardship, and a general climate of fear (Isser and van der Auweraert, 2009).

In May 2017, residential damage among returned IDP families was considered significant in at least five governorates: Anbar, Baghdad, Diyala, Ninewa and Salah Al-Deen. In the case of Diyala, 97.6 per cent of returned IDPs were living in houses that had been damaged during the conflict with 17.4 per cent of them in houses considered as having significant, severe or complete damage. The above-mentioned governorates, highly affected by the conflict, are also the ones that have seen the greatest number of returnees over the last two years (Aymerich and Zeyneloglu, 2018).

Figure VIII: Types of accommodation



Source: Global Protection Cluster, Housing, Land and Property, HLP Sub-cluster Iraq: Briefing note, December, 2016.

2.6.2 Housing, Land and Property rights of Women

While HLP challenges affect the rights of all Iraqis who have lived through the conflict, women are often at heightened risk of facing these barriers, making it harder for them to return home or to seek another durable solution to their displacement. In 2019, a survey carried out by the NRC in Dohuk, Ninewa, Kirkuk and Anbar Governorates found out that displaced and conflict-affected women who returned after displacement were consistently more likely than men to live in poor or inadequate shelter, with 11 per cent more likely than men to live in an overcrowded shelter. Moreover, they reported a greater fear of eviction, with 9 per cent more likely than men to fear eviction, 14 per cent of whom feared being evicted in the following six months. They also reported less ability to claim their HLP rights. Overall, 9 per cent, nearly 1 in 10 displaced women, reported their property as occupied by community or tribal leaders, militias and security forces. On the other hand, despite protection for women's HLP rights in Iraqi law, 43 per cent of the Iraqis who NRC surveyed did not agree with the statement that women could own all types of property. One in five women surveyed stated that under Iraqi law women were not entitled to property following divorce and 18 per cent stated that women had no inheritance rights. One in three women stated that, in reality women received nothing following divorce and nearly one in four women (23 per cent) stated that they had no inheritance rights in practice (Gorevan and Boswijk, 2020).

According to NRC, the following interlinked factors are the reasons for the difficulty for conflict-affected women in Iraq to protect and claim their property:

1. **The interplay between formal and customary norms regarding women's right to own and claim property.** In Iraq, the system of State law is complemented by the tribal justice mechanism, which, together with the norms of Sharia, form the pillars of Iraqi society. For example, the right to inheritance, relating to *mahr* (bride price), is essential to a women's economic independence. *Mahr* enables women to own a share of the property within the marriage, thereby making her a party to the marriage contract instead of an object for sale. Her right to receive and independently own *nafaqa* (alimony) greatly strengthens her ability to make decisions about her own life after a divorce. Localized customary norms are often restrictive with regard to a woman's right to independently hold *mahr* and *nafaqa* assets. In the course of its research, NRC found out that these customary and religious justice mechanisms, as opposed to the formal justice mechanisms, are often regarded as the most reliable and socially acceptable route to justice in relation to ownership of property (Gorevan and Boswijk, 2020).
2. **Perception and community knowledge of women's rights to own and claim property.** Iraqi women may not know how to claim their HLP rights: one-third of women asked by NRC do not know where to seek support to resolve a dispute and men were far more likely to list multiple remedies than women. Even when women do have this knowledge, without a male intermediary, their ability to access State institutions or tribal justice structures is very limited. It is not customary for a woman to approach a sheikh without her husband's approval. In fact, doing so may be considered grounds for divorce. On the other hand, sidestepping tribal authorities by making use of the formal justice system can result in public disgrace and shame, which in turn may cause her own family to react by expelling or evicting her from the family home (Gorevan and Boswijk, 2020).
3. **Lack of documentation of women's property rights.** Many of those fleeing conflict either lost or left behind their civil documents, title deeds and rental contracts or had these documents confiscated. The inability to access property documents was an issue particular to female

respondents surveyed by NRC, as they were six per cent more likely than men to report not being in possession of a written lease agreement. The practical implications of this lack of documentation cannot be underestimated; an ownership document may prevent illegal occupation of housing and land, and a formal lease agreement protects tenants from illegal/unlawful evictions (Gorevan and Boswijk, 2020).

4. **The treatment of women who are perceived to be affiliated with Islamic State.** Women who are perceived to be affiliated to Islamic State, often by virtue of marriage or other family ties to those alleged to be members of the group, have greater difficulty in resolving disputes and in obtaining the right documents. They are also more likely to be missing documents and face additional barriers to obtaining them, particularly women whose husbands are missing or deceased. For these women, issuing of official government documentation is often made conditional on a *tabrea*, which is a public denouncement of the affiliated relative and the crimes he is accused of by the woman. The term *tabrea* does not actually appear in legislation but has a strong cultural connotation effectively admitting guilt on behalf of an accused Islamic State's member. Engaging in this procedure leaves a woman exposed to social rejection, expulsion from both the spouse's and her own family and even violent repercussions from the accused's relatives and others. More fundamentally, the authorities, which are often relied upon by these women to claim their HLP rights and resolve disputes, are not seen as recourse by many of them, but as threats in themselves as these women fear reprisal from tribal and community members as well as from the State authorities (Gorevan and Boswijk, 2020).
5. **Measures to contain Covid-19**, such as the closing of businesses and government institutions, including courts, as well as far-reaching mobility restrictions through a comprehensive curfew, made the situation even worse. Loss of livelihoods

in particular, exposed vulnerable households to unsafe housing arrangements, and illegal increase in rent and eviction, while access to legal services for HLP dispute resolution were unavailable. An NRC assessment in April 2020 on the impact of Covid-19 containment measures found out that 66 per cent of respondents indicated that they were unable to pay their rent in the following three months. Moreover, 76 per cent of those who were unable to pay rent indicated that they did not know what to do to negotiate this situation with the property owners (Gorevan and Boswijk, 2020).

The NRC research formulated the following key recommendations to the Gol in respect of women's HLP rights (Gorevan and Boswijk, 2020): (1) Include women's access to HLP as a priority in the procedures for document recovery and reconstruction of the land registration infrastructure; (2) Take steps to end harassment and exploitation of women at government institutions that distribute civil documentation and HLP documents; (3) Raise awareness about women's HLP rights stipulated in national laws, including through a specific communication campaign; (4) Develop the capacities of justice administrators and officers on women's HLP issues. This should include formal, religious and customary officials; (5) Delink 'security clearance' processes from the procedures to obtain civil documentation; (6) Suspend all evictions and utilities cut-offs for the duration of Covid-19 public health measures, as well as the collection of rent, utilities, debts and mortgage repayments for vulnerable households; and (7) Develop and implement expedited judicial procedures for resolving HLP disputes, in particular given the increasing backlog of HLP cases generated by Covid-19 (Gorevan and Boswijk, 2020).

2.6.3 Housing, land and property legislative framework

The Government's efforts to deal with the diverse, pre-existing HLP issues can be grouped into legislative provisions addressing the legacy of the Arabization

policies under the Baath Regime, as well as conflict-induced HLP issues that have arisen after the fall of the Saddam Regime (Jahn, van der Auweraert and Cvetkovski, 2016).

The IPCC: The IPCC was established in 2003 to provide redress to victims of the land and property rights violations committed by the authoritarian Saddam Regime between 17 July 1968 and 9 April 2003. By the deadline of June 2007, a total of 167,096 claims had been filed. According to data obtained from the Director of the IPCC in August 2015, a final decision had been made on more than 90 per cent of the claims. The vast majority of the remaining decisions were linked to claims regarding Kirkuk Governorate, an ethnically and historically very complex region. As of August 2015, 14,000 claims had been approved for compensation payments, of which 12,227 had been paid out. The enforcement of the remaining claims was hampered by the lack of necessary resources to pay out all compensation packages.

Council of Ministers Decree No. 262 of 2008: The Decree catered for the immediate financial needs of returnees by granting IQD 1 million (approximately USD 85,017) to each displaced family returning to their place of origin, provided that their official displacement record was written off. It also granted a six-month rent assistance of IQD 300,000 (approximately USD 252) per month for displaced families occupying houses of returnees in Baghdad, provided that they vacated those houses.

Prime Minister's Order 101 of 2008: This Order stipulated that secondary occupants of houses belonging to the displaced population are considered as participants in such displacement and must hence vacate those houses and its contents within one month as of 1 August 2008. In accordance with the Order, the Ministry of Migration and Displacement

(MoMD) established three Returnee Assistance Centres to facilitate the recovery of property of returning families in Baghdad (Khark and Resafa) and Diyala. As of February 2011, 3,800 properties which had been subject to secondary occupancy had been restored to their original owners. However, it remains to be fully verified if these centres are still active.

Cabinet Order 54 of 2009: The Order established committees in Diyala Governorate (particularly effected by post-2006 sectarian violence) to support 27,500 returnee families from Diyala through funding reconstruction and provision of basic services, including compensation grants for damaged houses and provision of legal aid to obtain identity documents and recover property. A total of 3,000 housing units was built in 2009 and 20,000 temporary jobs were provided for IDPs. In addition, UNHCR and the Gol established "Protection Assistance Centres" which included mobile teams providing services throughout the country, and seven "Return Integration and Community Centres" in Baghdad and Diyala, which are, however no longer operational.

Law No. 20 of 2009: This Law relates to Compensating the Victims of Military Operations, Military Mistakes and Terrorist Actions. It applied retroactively from 2003 and oversaw compensation payments for death, disability and temporary injuries to victims of military operations, including compensation for property rights violations. The Central Committee to Compensate Victims of Combat Operations and Military Mistakes and Terrorist Operations was formed by the Gol to accept applications from beneficiaries and subsequently opened branches in most provinces, including the KR-I. Table 10 below shows statistics related to cases that have been submitted to Compensation Committee and financial allocation disbursed to beneficiaries for compensation.²¹

²¹ All data are provided by HLP partners in Iraq..

Table 10: Key figures on compensation scheme in Iraq

Claims submitted to Compensation Committee	
Year	Cases
2016	15,031
2017	9,229
2018	8,406
2019	14,419
Financial disbursement for Compensation	
Year	Amount in IQD
2016	70,110,547,589
2017	149,853,453,472
2018	103,569,770,977
2019	100,000,000,000

Source: Global Protection Cluster, 2020

Administrative measures: To prevent the loss of ownership of properties usurped by Daesh (Arabic acronym for ISIL), the Iraq MoJ “locked the land registry and suspended all transfers and registration of property ownership in cities and areas under Daesh control, particularly in Ninewa and Salah Al-Deen Governorates” in August 2014. They further declared all new transfers of ownership and registration of real estate in Anbar, Salah Al-Deen and Ninewa areas under Daesh control as void (Jahn, van der Auweraert and Cvetkovski, 2016).

2.6.4 Housing, land and property challenges of Syrian refugees

Iraq hosts approximately 250,184 of the 5.6 million (about 4.4 per cent) registered Syrian refugees in the Middle East region. The majority of them are of Kurdish ethnicity that arrived in Iraq following conflict in 2012 and 2013. Approximately 98.8 per cent of the Syrian refugees in Iraq are registered in the KR-I in Erbil, Dohuk and Sulaymaniyah Governorates. Most refugees in KR-I originated from Hasakeh and Aleppo Governorates in Syria. The remaining minority of Syrian refugees are registered in central and west Iraq. This includes Syrian refugees that originated from Deir ez-

Zur Governorate in Syria, which had fled cross-border to Anbar Governorate in West Iraq, under the Gol. Approximately 39 per cent (95,678 persons) of the total number of Syrian refugees in Iraq live in nine camps and 61 per cent (150,275 persons) in non-camp/urban areas (UNHCR, 2021).

When the influx of Syrian refugees to Iraq began in 2012, Iraq, and KR-I in particular, enjoyed relative economic stability and progress. People seeking refuge entered a welcoming environment in which both the KRG and host community were willing to support the refugee population. Later, steps were taken to reform the national legal and procedural system in terms of migration and asylum with the establishment of coordination systems and bodies (such as the MoMD and the Joint Crisis Coordination Centre at the Ministry of Interior of the KRG). In the KRG, relatively favourable policies were implemented towards Syrian refugees in KR-I, who were mainly Kurds, and residency permits were granted to them which entailed freedom of movement within the KR-I provinces and the right to free education in public schools on par with Iraqi nationals, as well as the right to work in the private sector. The refugees also had access to health services (Durable Solutions Platform, 2019).

However, the situation changed when the ISIL advanced in Iraq in 2014. Large parts of the western and northern territories of the country were occupied, including the second largest city, Mosul. The resulting large influx of IDPs put the KRG under immense strain, especially in the provision of public services. The rise of ISIL and the influx of people also led to the decline of foreign investment and increase in job competition in the KR-I (Durable Solutions Platform, 2019).

In August 2018, NRC conducted a study that covered Syrian refugees in Erbil and Dohuk cities in KR-I and Anbar Governorate under Gol jurisdiction, which not only focused on local integration of Syrian refugees in Iraq, but also recognized the importance of other durable solutions that should be available for displaced

Syrians, including voluntary return in safety and dignity and third country resettlement (Durable Solutions Platform, 2019).

Concerning preferred durable solutions, NRC study reported that 37 per cent of assessed Syrian refugee households wished to integrate locally and become part of the community in the long-term, 33 per cent of households wanted to resettle to a third country and 25 per cent of households wanted to return to Syria. The remaining 5 per cent reported not knowing their preferred durable solution. However, despite progress made by Syrian refugees in the sociocultural and economic dimensions of integration, the absence of citizenship (which can only be granted by the GoI) remains a significant barrier in achieving full integration. For refugees, it is paramount that there is political will to provide an adequate legal framework for integration or at least long-term protection of refugees (Durable Solutions Platform, 2019).

Overall, the NRC study demonstrated the progress made so far – and the potential for – Syrian refugees' local integration in Iraq. In particular, the shared Kurdish identity (in KR-I) and tribal links (in Anbar) between Syrian refugees and Iraqi residents facilitated the sociocultural dimensions of integration. The study also found evidence of successful economic integration;

though the host community's capacity remained fragile when faced with domestic challenges and tensions are likely to escalate if economic conditions deteriorate. Given that a considerable proportion of assessed Syrian refugees wished to integrate in Iraq, more attention and critical engagement is needed by governments and the international community to uphold the rights and long-term protection of Syrians while supporting Iraq in its current and future challenges. This includes developing legal and policy frameworks that incorporate Syrian refugees in Iraq's national agenda and programmes, as well as implementing macroeconomic policies targeted at benefiting both the displaced and host community to further increase Iraq's capacity to accommodate Syrian refugees in the long-term (Durable Solutions Platform, 2019).

In 2021, UN-Habitat started the process of documenting and safeguarding the evidence of housing, land and property rights of Syrian refugees living in north-west Iraq. The process is intended to facilitate the process of reclaiming properties that might have been illegally transacted or occupied during the conflict, to receive support for reconstruction of damaged or destroyed properties, and overall to lay the foundation for comprehensive dispute resolution, restitution and compensation mechanisms that might be put in place in Syria.

03

THE LAND-RELATED LEGAL FRAMEWORK

The legal framework of Iraq has a long legal tradition, partially influenced by continental European models. There are a mixture of Ottomans laws, British Mandate laws, dissolved RCR, CPA regulations and laws issued by the Iraqi Parliament. Like most Arab countries, the Iraqi legal system is burdened by a vast array of regulations and administrative restrictions. Numerous legal provisions are outdated (Amereller, Jäger and Al-Janabi, 2010) or conflicting, as the fragmentation of the legal framework has been growing with time. There are a number of databases covering legislative enactments in the country. However, there is no systematic law reporting. Knowledge of local practices of the courts and administrative bodies is key to understanding the Iraqi legal system and to anticipating court and administrative decisions.

3.1 THE IRAQI CONSTITUTION

Iraq has had two constitutions – the monarchical constitution of 21 March 1925 introduced by the British (amended on 29 July 1925 and on 27 October 1943) and the present constitution approved by referendum on 15 October 2005.²² The new permanent Constitution of 2005 consists of 144 Articles, divided into six Chapters as follows:

- Chapter 1: Basic Principles
- Chapter 2: Rights and Liberties
- Chapters 3 and 4: The Federal Authorities
- Chapter 5: Powers of the Regions
- Chapter 6: Final and Transitional Provisions

Islam is the official religion of the State and is a fundamental source of legislation. The Constitution guarantees the Islamic identity of the majority of the Iraqi people and the right of all minorities such as Christians, Yazidis, Turkmen, Shabaks and Mandaean Sabians to full freedom of religious belief and practice (Article 2)

(Hasan, 2009). However, the application of Islamic law in Iraq has been generally limited to family and inheritance law. The ICC expressly provides that statutes are the primary source of law, followed by custom and then by Islamic law (Amereller, Jäger and Al-Janabi, 2010). The law is sovereign, and the people, not the religion, are the source of its authority and legitimacy (Article 5). Moreover, Article 6 of the Constitution sets an important principle in the Arab region and provides that transfer of authority shall be made peacefully through democratic means as stipulated in the Constitution; and Article 13 provides for the supremacy of the Constitution, no law in Iraq that contradicts the Constitution shall be enacted. Any text in any regional constitutions or any other legal text that contradicts this Constitution shall be considered void (Hasan, 2009).

Property rights

Article 17/2 provides for the sanctity of homes. Homes may not be entered, searched or violated, except by a judicial decision in accordance with the law (Republic of Iraq, 2005).

Article 23 provides for the protection of private property and states that the owner shall have the right to benefit, exploit and dispose of his property within the limitations of the law (Ahmed, 2010). This Article also states that expropriation is only permissible for the purposes of public benefit in return for just compensation. Lesser rights in land, such as usufruct rights, are to private property for the purposes of constitutional protection. Under the ICC, every right having a material value is considered property (**Article 65**). Therefore, it must be acquired for public benefit and compensation must be just and fair. Moreover, **Article 23/3** provides that every Iraqi shall have the right to own property anywhere in the country. No other may possess immovable assets, except as exempted by law. Ownership of property

²² In between, there were several interim constitutions. After the fall of the monarchy in 1958, a series of interim or provisional constitutions followed in 1958: The National Revolutionary Commands Council Law No. 25 of 1963 and 1964, and National Revolutionary Commands Council Laws No. 61 of 1964, No. 173 of 1964 and No. 137 of 1965, 1968 and 1970 (Revolutionary Commands Council Resolution 792 of 1970 amended by Revolutionary Commands Council Resolutions 567 of 1973, 247 of 1974, 928 of 1979, 385 of 1980, 836 of 1982, 196 of 1985, 1130 of 1985, 700 of 1987, 630 of 1988, 83 of 1991, 336 of 1991, 398 of 1991, 15 of 1993, 460 of 1992 and 112 of 2000). In 1990/1991, draft constitutions were drafted but do not appear to have been promulgated (gipi).

for the purposes of demographic change is prohibited (Constitute, n.d.).

Constitutional protection for private property is a cornerstone of private sector development. Article 25 provides that the State shall guarantee the reform of the Iraqi economy in accordance with modern economic principles to ensure the full investment of its resources, diversification of its sources, and the encouragement and development of the private sector (Constitute, n.d.).

Article 27 deals with public assets and the provisions related to the preservation of State properties, their management and conditions for their disposal, and the limits for these assets not to be relinquished shall all be regulated by law. The protection of the State assets is the duty of each citizen (Constitute, n.d.).

Article 111 states that “Oil and gas are owned by all the people of Iraq in all the regions and governorates.”

Article 113 provides that antiquities, archaeological sites, cultural buildings, manuscripts and coins shall be considered national treasures under the jurisdiction of the federal authorities and shall be managed in cooperation with the regions and governorates, and this shall be regulated by law (Republic of Iraq, 2005).

Article 136 states that:

- The IPCC shall continue its functions as an independent commission in coordination with the judicial authority and the executive institutions in accordance with the law. The IPCC shall be attached to the Council of Representatives.
- The CoR shall have the right to dissolve the Commission by a two-thirds majority vote of its members. It is to be noted that the IPCC is a special tribunal established to address property claims arising out of the Baath Period, from 17 July 1968 to 9 April 2003. Its jurisdiction and work are now governed by Law No. 13 of 2010 issued pursuant to Article 136 of the 2005 Constitution.

The right to adequate housing

Article 30/1 states that “The State shall guarantee to the individual and the family – especially children and women – social and health security, the basic requirements for living a free and decent life and shall secure for them suitable income and **appropriate housing** (Constitute, n.d.).

Article 30/2 provides that “the State shall guarantee social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphanhood or unemployment, shall work to protect them from ignorance, fear and poverty, and shall provide them **housing** and special programmes of care and rehabilitation, and this shall be regulated by law (Constitute, n.d.).

The right to be protected from displacement

Article 44/2 provides that no Iraqi may be exiled, displaced or deprived from returning to the homeland.

The right to safe environment

Article 33 of the Constitution states that “Every individual has the right to live in a safe environment” and that “The State undertakes the protection and preservation of the environment and biological diversity” (The Associated Press, 2005).

Article 114/3 highlights that formulating an environmental policy to ensure the protection of the environment from pollution and to preserve its cleanliness is a shared responsibility between the federal authorities and regional authorities, in cooperation with the regions and governorates that are not organized in a region (Constitute, n.d.).

Gender

Article 14 states that “Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status”. Unfortunately, there is no practical enforcement of this principle at present. The various parties of the Government and

Parliament hold different views on women's rights, and many are firmly attached to traditional views that oppose the empowerment of women. Even if some factions support women's rights to a certain degree, they are often unable or unwilling to assert their views and antagonize those who differ (Ahmed, 2010).

Article 16 states that "Equal opportunities shall be guaranteed to all Iraqis, and the State shall ensure that the necessary measures to achieve this are taken" (Republic of Iraq, 2005).

Article 23 guarantees the protection of private property without distinction based on gender, stating that the owner "shall have the right to benefit, exploit and dispose" of it within the limits of the law. Consequently, Iraqi women are legally permitted to buy and hold property under their own names, although due to the current cultural, social and political situation, few women are able to exercise this right. Women also have full legal freedom to use their income and assets. They can open bank accounts in their names and receive bank loans or mortgages without the involvement of their husbands or male relatives. In practice, however, women are socially obligated to give up some or all of their income to help support their unemployed husbands and relatives. Women are also legally able to bid for and sign contracts without male involvement, and they can enter into business partnerships with men without major social restrictions. Still, they face obstacles, including the societal perception that men are better at running businesses, making critical decisions under pressure and taking on the risk necessary to succeed. The 1959 personal status code guaranteed equal inheritance rights to men and women in most cases, but subsequent amendments restored the share of sons and husbands. Women face barriers to accessing legal services with regards to HLP rights. They face pressure to give up their inheritance in favour of brothers or other family members, and in some cases, male relatives will forge a woman's signature or otherwise deceive the court to obtain her share. Even in cases where women

are aware of their legal rights, they are often reluctant to bring the matter to the courts; they would rather resolve the dispute privately (Ahmed, 2010).

Article 41 provides that Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices, and this shall be regulated by law. However, this effectively conflicts with Article 14's call for equality before the law. Article 41, which has not been put into effect pending possible revisions, raised significant concerns among women's advocates as it threatens to strip women of many of their previous legal rights and place them under the control of religious authorities and tribal customs (Ahmed, 2010).

Decentralization

Iraq has achieved a significant level of political decentralization comprised of a partial federal and partial unitary State. The 2005 Constitution provides for a federal structure with respect to regional government(s) and a unitary structure with respect to the governorates. To date, none of the governorates that are not organized into a region have chosen to form a region. Authorities of regions are not subject to federal statutory changes; governorate authorities are determined by federal legislation. For governorates, the Constitution characterizes the governance structure as administrative decentralization. However, the progress achieved in the realm of political decentralization needs to be matched with institutional and fiscal decentralization (World Bank, 2016).

Studies of decentralization of land reform administration in the late 1960s and early 1970s concluded that, properly carried out, decentralization increased officials' knowledge of local conditions, motivated community leaders to take an active role, created better communications between local residents and leaders, and between local and national officials, and increased community solidarity and interest in land reform projects (Rondinelli, Nellis and Cheema, 1983).

Article 1 of the Constitution provides that the Republic of Iraq is a single federal, independent, and fully sovereign State in which the system of Government is republican, representative, parliamentary and democratic, and the Constitution is a guarantor of the unity of the country (Constitute, n.d.).

Article 116 provides that the federal system in the Republic of Iraq is made up of a decentralized capital, regions and governorates, as well as local administrations.

Article 117/1 states that “this Constitution, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region,” and **Article 117/2** states that “this Constitution shall affirm new regions established in accordance with its provisions” (Constitute, n.d.).

Chapters 3 and 4 of the Constitution deal with the federal authorities of the State. According to Article 47 of the Constitution, the federal powers consist of legislative, executive and judicial powers. The legislative power resides in the CoR and the Federation Council. The Federal executive power resides in the President of the Republic and the CM. The judicial authority is independent. Judges are independent and there is no authority above them except that of the law.

Article 110 contains a comprehensive list of matters for which the Federal Government has exclusive authority. These include:

- foreign policy
- national security policy
- fiscal and customs policy
- issues of citizenship, naturalization, residency and the right of asylum
- telecommunications and mail policy
- policies relating to water sources from outside Iraq.

Chapter 5 of the Constitution deals with powers of the regions. **Article 114** determines shared competencies, between federal and regional authorities. **Article 114/3** regards the formulation of environmental policy to ensure the protection of the environment from pollution and to preserve its cleanliness, in cooperation with the regions and governorates that are not organized in a region (Constitute, n.d.). **Article 114/4** relates to development and general planning policies (Constitute, n.d.). **Article 114/7** regards the formulation and regulation of the internal water resources policy in a way that guarantees their just distribution, and this shall be regulated by a law (Constitute, n.d.).

Article 117 of the Constitution acknowledges the region of Kurdistan and its existing regional and federal authorities (Roy, 2011). Other regions may be formed in accordance with the Constitution and relevant laws to be enacted by the CoR (FBSA, 2017).

Article 121 sets out the powers and authority of these regions. According to this provision, the regional authorities have the right:

- to exercise executive, legislative and judicial authority in accordance with the Constitution, except for those powers stipulated as exclusive powers of the Federal Government (Mansour, 2016).
- in case of a contradiction between regional and national legislation regarding a matter outside the exclusive powers of the Federal Government, to amend the application of the national legislation within that region (Constitute, n.d.).
- to an equitable share of the national revenues sufficient to discharge its responsibilities and duties.
- to establish offices in the embassies and diplomatic missions of Iraq.

3.2 LAND-RELATED LAWS, DECREES AND DECISIONS²³

Although British forces invaded Basra in 1914 and influenced the legal tradition until the end of Iraq's monarchy, Iraq has always maintained a civil law tradition and the legal system is based on codes of law, with a limited influence of judicial case law. According to the Iraqi Constitution of 2005, draft laws are presented by the President of the Republic and the CM (Article 60/1 and Article 80/2). Moreover, ten members of the CoR or one of its specialized committees are entitled to propose laws (Article 60/2).

The CoR is the only body competent to enact federal laws (Article 61/1). The President ratifies and issues the laws enacted by the CoR. Such laws are considered ratified after fifteen days from the date of receipt by the President (Constitute, n.d.). The President also issues Presidential decrees (Article 73/7).

The CM also has a legislative function and issues Regulations, Instructions and Resolutions for the purpose of implementing the law (Article 80/3) (Talib and Rady, 2015).

The Dissolved Revolutionary Command Council issued Resolutions many of which are still valid to date.

The American-run CPA introduced a series of Regulations as well after the fall of the Baath Regime on 9 April 2003 and before the handover of sovereignty to the Iraqis by 30 June 2004.

With respect to KR-I, Article 141 of the Constitution provides that "Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the Government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution" (Constitute, n.d.). The competent authority to promulgate laws in KR-I is the IKP which was established in 1992.²⁴

²³ Refer to Annex 1 to this study on a compilation of main land-related Iraqi legislation or legal framework regarding land and property administration and management in Iraq, and Annex 2 on main legal framework regarding land and property administration and management in KR-I.

²⁴ Refer to Annex 2 for land-related legislation in KR-I.



INSTITUTIONAL FRAMEWORK AND STAKEHOLDERS

The Iraqi Government is currently organized into 22 ministries, reduced in 2015 from 33. Article 86 of the Iraqi Constitution of 2005 provides that a law shall regulate the establishment of ministries, their duties, jurisdictions and the powers of the minister. The following ten ministries, in addition to the CM, are engaged in various land-related functions: the MoJ, the MoF, the MoA, the MoCHMPW, the MoWR, the MoIM, the Ministry of Culture, Tourism and Antiquities (MCTA), the MoP, the Ministry of Health and Environment (MoHE) and the MoMD.

4.1 KEY INSTITUTIONS

The key entities with roles in land management are listed below and their main functions are described in Table 11.

- The CM issues State land allocation resolutions such as the resolution for the allocation of residential land for housing of individuals affiliated with social safety nets and with special needs, and charges relevant ministries with sorting lands for allocation. The Council is presided over by the PM.
- The GDRER in Baghdad coordinates the formation and operations of sub-offices of all governorates' RERDs. They are responsible for all land registration in Iraq in accordance with Land Registration Law No. 43 of 1971 as amended. The GDRER is under the MoJ.
- The SPD is responsible for the inventory and management of State lands, in addition to management of confiscated properties the sale of which is assigned to the MoF. The SPD is under the MoF.
- The Agricultural Directorates (ADs) are responsible for distributing agricultural State land pursuant to Agrarian Reform Law No. 117 of 1970, agricultural land leasing and protection of agricultural land. The ADs are under the MoA. The MoA also has some specialized departments affiliated to it such as the Department of Agricultural Lands (DAL), the Department of Agricultural Investments (DAI) and the Department of Forests and Combating of Desertification (DFCD).
- The Directorate General of Municipalities (DGM), the GDPP, the Directorate General for Water (DGW), the Directorate of General Planning & Monitoring (DGPM), the CD, the IHF, the Housing Directorate (HD), the State Commission for Roads and Bridges (SCRB), the Buildings Directorate and the Buildings Research Directorate are all under the MoCHMPW.
- The General Directorate for Survey (GDS) is the main governmental authority that represents the main source of all maps in Iraq and is under the MoWR.
- The General Directorate for Industrial Development (GDID) is involved in the process of allocating land for industrial projects established under the Investment Law No. 20 of 1998 and other relevant investment legislations. The GDID is under the MoIM.
- The General Authority for Antiquities and Heritage (GAAH) is affiliated to the MCTA.
- The CSO, the Governmental Investment Directorate (GID), Sectors Planning Directorate, International Cooperation Directorate (ICD) and the Local and Regional Development Directorate (LRDD) are under the MoP.
- The Directorate of Technical Affairs (DTA), the EPICAS, the Environment Protection and Improvement Departments (EPID) and the DMA are under the MoHE.
- The Department of Migration Affairs and the Department of Information and Research (DIR) are under the MoMD.
- The Committee for the Study and Allocation of Land for Investment and development projects.
- The Committee for the Allocation of the State's Real Estates to Ministries and Other Parties not Affiliated with a Ministry.
- The National Investment Commission (NIC) is under the PM.

- The First Instance Civil Courts (FICC) are under the Supreme Judicial Council (SJC).
- The IPCC is an independent judicial commission but affiliated with the CoR.
- The Federal Board of Supreme Audit (FBSA) is an administratively and financially independent institution with a legal personality. It is the highest financial control body which is attached to the CoR.
- The Federal Commission of Integrity (FCoI) is an independent agency but attached to the CoR.
- Municipalities established under Municipalities Administration Law No. 165 of 1964 as amended and BM.
- Governorates (the Governorate Council & the Governor) have some important land functions pursuant to Unregulated Governorates Law No. 21 of 2008.

Table 11: Main functions of each sub-entity and agency

Institution	Role and Function
The Council of Ministers	The CM has authority to issue State land allocation resolutions such as the Resolution for Setting up a Higher Committee for the Allocation and Distribution of Residential Land for Housing of Individuals Affiliated with Social Safety Nets and with Special Needs No. 70 of 2019 and tasks relevant ministries with sorting lands for allocation. The CM is presided over by the PM. The CM is the only body legally empowered to allocate properties belonging to the dissolved entities of ministries and entities not affiliated with a ministry pursuant to Law No. 21 of 2005.
The Ministry of Justice (MoJ)	<p>The Directorate General for Real Estate Registration (DGRER)</p> <p>The DGRER is the main institution in charge of land and property registration in Iraq (State-owned property included). The DGRER in Iraq is under the MoJ. It is the central Directorate for all provincial RERDs. Each governorate has one or more real estate directorates, according to its size and population. For example, Baghdad, the largest governorate, has about ten directorates and Mosul has two, one for each side of the city. Districts and subdistricts of each governorate have an office of the controller. There are 66 sub-offices, 36 of which are in the KRG.</p> <p>Copies of all registrations are held in paper format at the RERD Central Office since 1991 with the exception of the records for the KR-I. The Cadastre is mainly in charge of: (a) Developing schedules for demarcation, drafting, land measurements and betterments; (b) Supervising works related to optional demarcation and drafting and (c) Monitoring the work of those considered by the General Directorate of Land Registry and Cadastre as its affiliated sworn surveyors or engineer. The DGRER is headed by the Director General, under whom there are six offices, each headed by a Director. The six offices are further divided into specialized offices. The DGRER is comprised of the following departments:</p> <p>The Legal/Audit Department: The substantive work of the RERD is conducted through this Department by its control of registration operations in the branch offices. The word "audit" in its title refers not to financial matters but to the audit of the legal procedures and rules to be followed in the registration of properties in Iraq. The following offices carry out the work of this Department.</p> <ul style="list-style-type: none"> • The Registries Office maintains a second copy of all registration records generated throughout Iraq. Currently, these records are maintained in paper format. It has been estimated that about 30 per cent of the duplicate records have been destroyed or looted during conflicts and wars in the recent years. • The Planning and Follow-up Office receives statistical reports monthly from the branch offices and compiles the office's monthly and annual statistical reports. The office also follows up on citizens' complaints.

Institution	Role and Function
	<ul style="list-style-type: none"> • Four separate offices handle legal matters affecting the RERD. The Claims Office defends the Registry against lawsuits brought against the RERD. The Studies Office, which includes the section known as the Relations Unit, processes requests and questions arising from government offices outside the RERD. The Investigation and Inspection Office conducts internal investigations into allegations regarding the employees of the RERD failing to follow the correct procedures in processing registration transactions. The Confiscations Office deals with the inspection, confiscation and seizure of private properties. • The Department also houses the Computing Section which is responsible for all technical activities in the RERD, including installing and maintaining all computer and technical services needed by the RERD. In addition to its work in computerization, the Computer Section supervises the Microfilm Office. This office is responsible for microfilming all property records held in all RERD Offices throughout Iraq. Currently, microfilming efforts have stopped. Destruction of records following the Gulf War and the most recent conflict has also hampered efforts to preserve all records by microfilming. • The Advisory Board is responsible for, among others, (a) preparing special instructions for the implementation of Law 43/1971 and (b) studying requests for the cancellation of registration. <p>The Financial Affairs Department: This Department coordinates all financial matters in the RERD. There are four offices in this Department. The Pay Roll Office, the Payment Office which includes the Registers and Accounting Organization section, the Warehouse (which maintains and disburses supplies and forms used in the Financial Affairs Department) and the Balance Office (which prepares the annual financial statements of the Department).</p> <p>The Technical Affairs Department: The Department oversees the maps, drawings and plats used by the RERD. The Drawings and Maps Department maintains all the maps the RERD receives from other government sources, such as the cadastral maps from the MoA. The Technical Studies Office studies mapping-related questions raised by the employees of RERD or by those outside the RERD. The Technical Audit Office functions much the same as the Investigation and Inspection Office in the Legal/Audit Department; it investigates claims regarding the employees of RERD failing to follow the correct procedures with respect to mapping issues.</p> <p>The Accounts Auditing Department: This Department handles all financial audits pertaining to the RERD. The work of this Department is divided among the following three offices: the Financial Inspection Office, the Follow-up Office and the Financial Auditing Office.</p>
<p>The Ministry of Finance (MoF)</p>	<p>The State Property Department (SPD)</p> <p>The Law of the Ministry of Finance No. 92 of 1981, established the SPD as one of the departments attached to the MoF and expanded its duties to include: (a) to prepare an inventory of State lands and organize them (according to type and location), (b) to manage and administer State lands (sell, lease or assign) and (c) to manage seized and frozen funds and real estates which the MoF is charged to sell (Article 8/4).</p> <p>The MoF is mandated to record, administer, protect and consolidate State land and property, while the BM Properties Directorate is the custodian of land and properties within its boundaries.</p> <p>The Ministry distributes State lands (by order) to ministries and municipalities (through MoCHMPW). The Ministry expropriates lands according to the Expropriation Law 12/1981 applied to urban and agricultural land, as well as to freehold and other rights by virtue of the Consolidation of State Land Categories Law 53/1976.</p>

Institution	Role and Function
<p>The Ministry of Agriculture (MoA)</p> <p>The MoA oversees the implementation of legislation relating to agriculture in relation to farmland ownership, agricultural land transactions and types of tenure rights.</p>	<p>Agricultural Directorates (ADs) in the governorates</p> <p>There are 15 ADs in the governorates which are attached to the MoA. The ADs carry out contracting, renewal and assignment of agricultural lands with all sites visits and needed follow-up. They also develop, implement and follow up the investment plan and set up agricultural development plans for the regions.</p> <p>The Department of Agricultural Lands (DAL)</p> <p>Formally the General Commission of Agricultural Lands (GCAL), the DAL is one of the departments of MoA which monitors the implementation of the agricultural legislation and all activities related to the regulation of agricultural properties. The total area of agricultural land under the administration of the DAL is about 22 million dunums and is classified as follows: (a) Governmental lands, (b) Private Lands, (c) Lands owned by the Government and given to individuals through <i>tasarruf</i> and (d) Endowment land.</p> <p>The DAL includes the following sections:</p> <ul style="list-style-type: none"> • Agricultural Contracts Section: it reviews all the contracts according to Law 35/1983 concerning the investment in agricultural lands by natural and juridical persons or individuals. The total units of land area rented according to the Law are approximately 10,000,000 dunums. It also reviews the contracts relating to Resolution 364/1990 and the contractors according to Law 117/1970, where the total units of land area rented accordingly is 2,000,000 dunums, and Resolution 376/1990 and Resolution 233/1987 relating to the compensation of Al-Qadisyia Dam lands. • The Technical Section: responsible for preparation of maps. • Ownership Regulation Section: responsible for (a) the implementation of Law 30/1985, (b) the lands of agrarian reform according to Law 117/1970, (c) replacement of decisions according to Law 276/1973 (d) Law 138 /1971 relating to the compensation for the purposes of MoWR and (e) the decisions of monetary compensation according to Law 90/1996 and Law 117/1970. • The Verification Section: responsible for the confirmation of land rights according to Law 117/1970, Law 95/1975, Resolution 702/1973, Resolution 1571/ 1978, Instructions 28/1971 and Resolution 1189/1978, and for providing the information to the RERD. • The Assignment Section: responsible for the assignment of lands to the governmental agencies and the implementation of Laws 1/1974, 115/1980, 155/ 1982, 455/1983, 995/1985, 350/1985, 732/1980 and 220/1974. • The Legal Section. • The Distribution Section: responsible for the ownership transfer to successors according to Regulations 69/1972 and 2/2000. • The Registration Section: responsible for regulating the ownership at the RERD according to Law 1189/1978. • Other sections: these include Planning, Computing, Accounting, Auditing and Administration. <p>The Department of Agricultural Investments (DAI)</p> <p>The most important activities carried out by the DAI are to organize and activate investment activities and ensure their follow-up in the field and on two levels (plant and animal). These activities include investment operations in cattle stations, poultry projects for the production of eggs and meat (broilers), major poultry slaughterhouses, feed plants, horticultural plants, and glass and greenhouses, in addition to investment in the rugged desert land through drilling wells and benefiting from renewable groundwater.</p>

Institution	Role and Function
	<p>The Department of Forests and Combating of Desertification</p> <p>The following are the objectives of the DFCD: (a) Strengthening food security systems and building capacities at the local level. (b) Development of degraded vegetation and natural pastures. (c) Protection of economic and strategic projects from creeping sand and reducing land degradation. (d) Strengthening the ecosystem by establishing desert oases and benefiting from rain-harvesting activities to increase vegetation cover. (e) Production and cultivation of seedlings of trees and shrubs that are tolerant to drought and salinity through an integrated methodology for the conservation of natural resources and sustainable development of water and soil. (f) Adaptation to climate change and minimization of its negative impacts. (g) Establishment of artificial forests for their great impact on reducing environmental pollution, increasing the proportion of oxygen and protecting the soil from erosion and degradation, and for their economic importance in wood production, as tourist facilities, and in reducing global warming and mitigating the effects of climate changes.</p>
<p>The Ministry of Construction, Housing, Municipalities and Public Works</p> <p>The Ministry, originally known as the Ministry of Municipalities and Public Works, was established through Resolution 11/1994 (based on Law of Municipalities 165/1964 and Law 80/1970) and took oversight of municipalities and governorates from the Ministry of Interior. As at the time of writing this report, the Ministry was undergoing restructuring.</p> <p>It is allocated land by MoF according to Law 80/1970 for extending the boundaries of municipalities. It, in turn, distributes or sells lands through public auctions.</p> <p>It leases land for commercial and public buildings and green areas in the municipalities to the private sector or authorities according to Article 12 of Law 32/1986 as amended. Prime residential land is treated as "commercial" land and is allocated through auction. Industrial land leases are set by Law 20/1998.</p> <p>It also approves physical master plans for municipalities, as well as allocating land to the appropriate sectoral Ministries for infrastructure and service.</p>	<p>The Directorate General of Municipalities (DGM)</p> <p>The DGM carries out the following duties according to the Municipal Administration Law No. 165 of 1964 as amended, in addition to the implementation of the Roads and Building System Law No. 44 of 1935 as amended: (a) Implementing cities' master plans. (b) Opening, paving, covering and maintaining streets, as well as the development and maintenance of sidewalks and side moulds. (c) City cleaning, waste removal and treatment at sewage sites. (d) Establishment of the different service facilities, such as markets, commercial and industrial shops, Allawi of various kinds and others after the release of lands for various commercial, industrial and residential uses. (e) Establishing recreational facilities, public parks and playgrounds, and organizing intermediate islands. (f) Street furnishing, engineering procedures to regulate traffic, numbering cities, and constructing bridged intersections and multistorey parking buildings. (g) Follow-up of property and real estate of municipalities' institutions such as agricultural crops selling centres, shops, squares, etc.). Municipalities' institutions own properties distributed throughout governorates. They lease them to various State institutions according to the Law of Selling and Renting State Funds.</p> <p>The Directorate General for Physical Planning</p> <p>The DGPP is one of the general technical directorates of the MoCHMPW and has a total of 15 sub-departments in all the governorates (except for the KR-I) and it undertakes the following regarding planning: (a) Preparing and updating the master plans for all cities and towns (except for the cities located in the KR-I and the city of Baghdad) according to which the main urban uses of the lands are defined. (b) Preparing, updating and amending the sectoral and detailed designs, according to which the detailed uses of lands are determined within the limits of basic and municipal designs and include uses (residential, commercial, industrial, educational, health, public and service buildings, recreational, green and tourism, road networks and other infrastructural networks), (c) Preparing structural plans and development studies at the governorate level. (d) Preparing spatial rural development plans. (e) Preparing plans and designs for urban development and renewal of heritage areas, ancient cities and city centres. (f) Preparing studies and research in the field of urban planning, and new cities and administrative boundary studies for governorates, districts and subdistricts.</p>

Institution	Role and Function
	<p>The Directorate General for Water (DGW)</p> <p>The DGW is responsible for making safe drinking water available in all governorates except for the BM. It is also responsible for implementing, managing and maintaining water projects for reconstruction and maintenance of water networks.</p>
	<p>The Directorate of General Planning & Monitoring (DGPM)</p> <p>The DGPM technically supervises the directorates of planning and monitoring in the 15 governorates in the Federal Iraq. It is responsible for monitoring and follow-up of implementation of plans and preparing regular monitoring reports. It also monitors the implementation of construction projects and prepares annual and strategic plans.</p>
	<p>The Contracts Department (CD)</p> <p>The CD is in charge of all contracts concluded by the MoCHMPW including any State land contracts related to it.</p>
	<p>The Iraqi Housing Fund (IHF)</p> <p>The IHF aims to finance housing projects by granting mortgages without interest to enable Iraqis, except those in KR-I, to build housing. The IHF seeks to achieve its goals by the following means: (a) Lending money to authorized banks in Iraq according to specific guarantees and mechanisms to enable them to lend the money as long-term loans to the citizens to assist them to build housing or to companies to enable them to build housing complexes. (b) Refinancing the mortgage in favour of the licensed banks in Iraq. (c) Financing housing projects, lending to citizens and public companies specialized in building complexes or residential apartments, and participating with real estate companies established under Iraqi law to finance housing complex projects in which housing units are to be sold in instalments to citizens according to instructions issued by the Minister for Construction and Housing. (d) Contracting authorized banks in Iraq, whereby the banks undertake all procedures for granting and recovering building loans, provided that the banks bear legal responsibility for their activities performed during the granting and recovery of the loans, according to a commission agreed upon. (e) Investing part of its money by depositing it with the licensed banks in Iraq for the purpose of covering its administrative and operational expenses. (f) Investing in lands and real estate in a manner that is consistent with achieving its goals.</p>
	<p>The Housing Directorate (HD)</p> <p>The HD was established by Revolutionary Commands Resolution No. 39 of 2001 to represent the MoCHMPW in the activities related to the housing sector, and its tasks were defined, among others, as follows: (a) Propose the annual, interim and long-term plans necessary for housing in coordination with the concerned authorities. (b) Provide consultations in the field of housing studies for the State, socialists, mixed, cooperative and private sectors in a manner that guarantees the implementation of housing projects. (c) Implement the general housing projects mentioned in the annual housing plans.</p>
	<p>The State Commission for Roads and Bridges (SCRB)</p> <p>The SCRB takes charge of the following missions, among others: (a) Supervision of the designing of public road projects of different types (including expressways) situated outside the borders of BM and municipalities, bridges, intersections and tunnels. It has the right to design some roads, bridges and small intersections. (b) Supervision of maintenance, furnishing and operation of the above-mentioned projects. (c) Execution of emergency maintenance (as needed) for roads and bridges. (d) Acquiring lands for the above-mentioned projects, protecting their right of way and forbidding trespassing them. (e) Making feasibility studies for roads, bridges, tunnels and interchange projects.</p>

Institution	Role and Function
	<p>The Buildings Directorate</p> <p>Building Directorate is one of the offices of the MoCHMPW. It is the governmental party that is responsible for executing the projects of investment plan and general State budget in the public building sector by contracting governmental companies or private sector companies (Iraqi, Arabian and foreign). The State Commission for building has a resident engineering office which supervises and monitors, checks all execution of work and quality according to conditions and specifications, and approves bills of quality through highly experienced engineering staff in all specializations (like architecture, construction, electrical, mechanical and sanitary) in all governorates.</p> <p>The duties of the Building Directorate include: (a) Executing projects assigned to the State within the annual investment plan through governmental companies or experienced offices, or Iraqi, Arabian or foreign contractors. (b) Supervising the progress of work in projects assigned to the State and following up on them through ongoing and present periodic reports of their own. (c) Taking orders regarding projects assigned to the State financially and technically through its authorities. (d) Giving technical advice to the governmental companies assigned by the state the responsibility of executing its own projects.</p> <p>The Buildings Research Department</p> <p>It includes the sections for building materials research, construction research and roads research, and several laboratories such as the soil and asphalt laboratories.</p>
The Ministry of Water Resources	<p>The General Directorate for Survey (GDS)</p> <ul style="list-style-type: none"> • The GDS is the main governmental authority that represents the main source of all maps in Iraq. • It provides technical support to DGRER in cadastral mapping and boundary surveys. • It is also responsible for the definition of administrative boundaries (municipalities, districts, provinces and international borders).
The Ministry of Industry and Minerals (MoIM)	<p>General Directorate for Industrial Development (GDID)</p> <p>The GDID is involved, along with the legal department, in the process of allocating land for industrial projects established under the Investment Law No. 20 of 1998 and other relevant investment legislations.</p>
The Ministry of Culture, Tourism and Antiquities (MCTA)	<p>The General Authority for Antiquities and Heritage (GAAH)</p> <p>The GAAH was established by Law No. 45 of 2000 to preserve the antiquity and heritage in the Republic of Iraq for being substantial aspects of the national wealth. The Antiquity Authority holds its own registrations to register the archaeological monuments (buildings and sites) besides inserting the data, documents and the attachment rights relating to neighbouring real estate and publishing it in the official gazette to secure permanent protection and restoration (Cultural property news, 2018). The GAAH enjoys financial and administrative independence, but it is linked to the MCTA. The GAAH has the Department of Museums and the Department of Heritage, and others.</p>

Institution	Role and Function
The Ministry of Planning (MoP)	The Central Statistical Organization (CSO) <ul style="list-style-type: none"> • The functions of the CSO include carrying out the statistical commission on various economic and social activities, providing a database of the population and manpower provided by the general census of the population and the provision of a range of studies and research on various economic and social activities. • In 2018, the CSO, with support from UN-Habitat, the World Bank Group and Kuwait Fund for Development, prepared an important report titled "Damages Assessment Survey for the Economic Activities due to the Terrorism Works and Fighting ISIS (The Infrastructure and Residential and Governmental Buildings)" (Main National Platform for Construction and Development, n.d.). The report assesses damages to government buildings, agricultural assets and residential buildings, among others, using information available at the GIS centre from 2010.
	The Governmental Investment Directorate (GID) <p>The GID performs the following tasks, among others:</p> <ul style="list-style-type: none"> • Contributing to the MoF in preparing the strategy for the financial framework for the State's general budget and preparing the foundations and principles adopted in preparing the budget. • Contributing to the Sectors Planning Directorate in setting the features of the government investment programme and in coordination with the MoF, ministries and governorates. • Contributing to preparing instructions and powers to implement investment projects in coordination with the concerned departments. • Determining the financial ceilings for the allocations to developing regions in governorates in light of population ratios based on population estimates issued by the CBS and the ration cards distributed. • Determining the financial ceilings for the annual allocations for ministries and entities not affiliated with a ministry in light of spending capacity and stage priorities, in addition to being guided by what was stated in the NDP.
	The Sectors Planning Directorate <p>The Sectors Planning Directorate performs several tasks and aims to achieve the following goals:</p> <ul style="list-style-type: none"> • Setting development of economic and social plans (short and long-term) to serve the development goals of the State. • Preparing government's investment programme. • Supporting the development of local and regional efforts and assigning the provinces in various fields. • Evaluating the performance of investment projects during the follow-up implementation. • Evaluating the results of feasibility studies and technical projects submitted by the authorities concerned. • Preparing studies, research and working papers achieved in various sectors and service activities.

Institution	Role and Function
	<p>The International Cooperation Directorate (ICD)</p> <p>The ICD performs the following tasks, among others:</p> <ul style="list-style-type: none"> • Contributes to the review and approval of projects funded by donor countries and institutions, as it is involved in the meetings of the Committee of the International Partnership and committees related to the purpose of the statement of opinion in the technical-funded projects, as well as to participate in conferences and meetings related to providing development assistance to Iraq. • Develops and builds the foundations for a partnership between Iraq and the international community based on the principle of national ownership, i.e., the Iraqi Government takes a leadership role in guiding the international community about the priorities of reconstruction and development in Iraq. • In the strategic framework for development assistance of the United Nations, the circuit operates as a review of the strategy presented by the UN. The Directorate worked to review the Strategy provided by the UN on 13 August 2008. It is designed to guide the UN's assistance towards the promotion of development policies at all levels in Iraq, as well as supporting the foundations of reconstruction and sustainable development, and providing assistance in the provision of durable solutions to humanitarian issues and the consolidation of the partnership between the United Nations and other development partners. • Reviews follow-up strategies and general orientations for donors in Iraq. The Directorate plays a key role in reviewing strategies and general directions for the programme countries and donor organizations and lenders, and directs the way in achieving development goals and objectives, as well as to ensure harmony with the plans and priorities of government programmes. • The Directorate, in coordination with the American Embassy, prepares and reviews the mechanics of the receipts of projects funded by the American grant. At present, the department follows up on the details of the receipts for completed projects that have already been sent to the ministries, in addition to the follow-up of the receipts of projects that are still underway, in coordination with the office of Financial Supervisory Service, and the follow-up and coordination of Government in the GSCM. • Regarding loans, it follows up on the implementation of the terms of loan agreements with international institutions, donor countries and lenders to Iraq. It urged the ministries to implement the implications of the Iraqi Government's contributions to the projects financed by the loans. • In the area of technical cooperation, it communicates with international organizations for the purpose of completing the activities related to capacity-building.
	<p>The Local and Regional Development Directorate (LRDD)</p> <p>The LRDD performs the following tasks, among others:</p> <ul style="list-style-type: none"> • Reducing the disparity between the provinces (ensuring balanced spatial development). • Focusing on economic development in urban and backward/underdeveloped areas. • Determining the development indicators in all provinces using techniques (such as GIS) and in coordination with the Centre for Information Systems of the CBS. • Updating the database development in all provinces. • Assessing the pattern of spatial distribution within the curriculum and sectoral investment plans. • Building the urban system of Iraqi cities, in cooperation and coordination with the relevant authorities. • Implementing development strategies for the provinces.

Institution	Role and Function
	<ul style="list-style-type: none"> • Expressing an opinion and advice in all matters presented to the department in the field of spatial development, sustainable development, local planning, and other areas. • Developing strategies and development policies, as well as spatial dimensions of the overall, sectoral and spatial development within the investment plan. • Preparing strategies and policies of urban and rural development. • Locating all development projects in coordination with the concerned authorities through the Committee of the allocation of land for development projects and investment in the Ministry of State for Provincial Affairs (Reverso, n.d.). • Prioritizing the overall sectoral and spatial development at the provincial level as a guide in the distribution of investments to achieve the objectives of the development plans in general, and spatial planning in particular, for the purpose of reducing the development disparities among the provinces, on the one hand, and between urban and rural areas, on the other. • Assessment of the reality regarding the spatial development pattern at the aggregate and sectoral levels and pointing out the less developed areas at the country level. • Diagnosis and identifying potential determinants of development in Iraq and the comparative advantages for the purpose of development of each province and proposing axes and patterns of development in these hubs. • Studying the urban system in Iraq and the potential for development plans in the correct spatial structure of the distribution of human settlements served, especially in major cities. • Checking structural drawings in the provinces, a responsibility of the Directorate of Urban Planning in the MoCHMPW, which determines land-use patterns at the county level and in light of the spatial development strategies developed by the Department of Regional Development and Local Communities in the MoP. • Planning developmental trends for privacy areas or areas with specific problems such as mountainous countryside or the different regions of the marsh. • Securing the objectives of sustainable development through the adoption of principles and standards available when preparing development plans and participating in the activities and events of national and regional sustainable development. • Studying areas and parks and the new industrial cities and evaluating them. • Following up on studies of the spatial development strategy for all of Iraq's provinces, in collaboration with the planning units in the provinces. <p>The LRDD consists of the following sections:</p> <ul style="list-style-type: none"> • Department of Regional Land Use • Department of Regional Development Policies • Department of Sustainable Development • Division of GIS • Local Planning Department • Department of Preparing the Investment Programme for the Provinces • Division of Archive and Secretarial
<p>Ministry of Health and Environment (MoHE)</p> <p>The Ministry is mandated to prepare an environmental policy and to set up a regulatory framework to protect the environment against causes of pollution.</p>	<p>The Directorate of Technical Affairs (DTA)</p> <p>The DTA prepares annual reports of the status of the environment in Iraq and supervises the Environmental Directorates in the governorates and provides them with technical assistance. It also assesses the environmental impact of investment and development projects through its EIAs and Land-use Section and follows up on environmental agreements ratified by Iraq such as the Convention to Combat Desertification and others.</p>

Institution	Role and Function
	<p>The Environmental Protection and Improvement Council Affairs Section (EPICAS)</p> <p>The EPICAS carries out field visits to Environmental Directorates and follows up on the work of Environmental Protection and Improvement Councils in the governorates. It has two sections: Council Affairs and Affairs of Environmental Protection and Improvement of Environment in the governorates.</p>
	<p>The Environment Protection and Improvement Departments (EPID)</p> <p>There are four departments: (a) EPID for the Northern Region, (b) EPID for the Central Region, (c) EPID for Euphrates Region and (d) EPID for the Southern Region.</p>
	<p>The Directorate for Mine Action (DMA)</p> <p>The DMA, in cooperation with international donors and agencies, conducts surveys on areas with minefields in various governorates of Iraq and has implemented several mine-clearance projects. It provides care for mine survivors and has established for this purpose a database of mine survivors and people with disabilities and raises awareness of the Iraqi society about the danger of landmines. The DMA issues a monthly report about its demining projects and achievements.</p>
The Ministry of Migration and Displacement (MoMD)	<p>The Department of Migration Affairs</p> <ul style="list-style-type: none"> • It follows up on the plans of the MoMD for displaced persons. The MoMD supports the sheltering process of IDPs and is focused on the return of displaced populations to their place of origin. The MoMD, with support from UN-Habitat, prepared the Iraq National Strategy: Long-Term Shelter Solutions for People Affected by Displacement June 2012. • The Department of Migration Affairs is composed of the following sections: (a) Migration and Development Section, (b) Foreign Immigrants' Section, (c) Organization and Governmental Coordination Section, (d) External Migration Section and (e) Scientific Competencies Section.
	<p>The Department of Information and Research (DIR)</p> <p>The DIR prepares IDPs-related studies and surveys.</p>
Land committees (LCs)	<p>The Land Allocation Committee for Development and Investment Projects (LACDIP)</p> <ul style="list-style-type: none"> • The LACDIP was established by Diwan Resolution No. 113/2011 of the Cabinet of Ministers to study all requests for land allocation for investment projects submitted by Ministries, governorates and citizens and to make recommendations thereof. • The LACDIP is under the GSCM. It was headed previously by the State's Minister for Governorates' Affairs before this Ministry was cancelled in 2015. • The LACDIP operated outside the municipal boundaries; at the country level.
	<p>The Committee for the Allocation of the State's Real Estates to Ministries and other Parties not Affiliated with a Ministry.</p> <p>This Committee was established in 2006 to allocate State lands under MoF to other ministries or parties not under a ministry based on their requests to set up projects or use State lands for government buildings or governments' sites.</p>
The National Investment Commission (NIC)	<p>The National Commission Investment and the Investment Commissions (NIC)</p> <ul style="list-style-type: none"> • The NIC and the Investment Commissions in the Regions and Governorates report to the PM. • Investment Law No. 13 of 2006 as amended established the NIC. According to Article 9/6 of the Investment Law, one of the mandates of the NIC is to facilitate access of investors to land to establish projects and to coordinate this respect with other relevant authorities.

Institution	Role and Function
<p>The Supreme Judicial Council (SJC)</p> <p>According to Law No. 112 of 2012, the SJC is the supreme administrative body that is entrusted to handle the affairs of judicial bodies in Iraq and is based in the capital, Baghdad. The SJC supervises all civil and commercial cases, etc., and issues judgments and laws.</p>	<p>First Instance Civil Courts (FICC)</p> <ul style="list-style-type: none"> • The FICC are under the HJC and have jurisdiction in land cases, especially with respect to judicial expropriation based on the Expropriation Law No. 12 of 1981 as amended, as its Article 10 provides that the competent court to decide requests for compensation is the FICC of the situs of real estate (land). • There are 119 FICCs. The FICC sits as a single judge. It decides on actions and matters within its powers as determined by the law. The Civil Procedure Code determines the powers of this court.
<p>The Iraqi Property Claims Commission</p>	<p>The Iraqi Property Claims Commission (IPCC)</p> <ul style="list-style-type: none"> • The IPCC is a judicial committee established, in accordance with Article 136 of the Iraqi Constitution of 2005, by Law No. 13 of 2010 which cancelled the CRRPD established by Law No. 2 of 2006. • The objective of Law No. 13 of 2010 is to guarantee the rights of citizens whose properties have been illegally confiscated and compensate them, to protect public funds and address the imbalance between citizens' interests and the State's interest. • Law No. 13 of 2010 applies to real estate covered by its provisions for the period between 17 July 1968 and 9 April 2003. • The deadline to submit petitions to the IPCC was 30 June 2011, thereafter petitions were referred to civil courts. • The MoF committed to pay amounts finally decided by IPCC. • In 2013, the Federal Supreme Court decided that Article 25 of Law No. 13 of 2010 was unconstitutional because all individuals have the right to petition the IPCC for compensation not just those who were treated unfairly by the former CRRPD.
<p>The Federal Board of Supreme Audit</p>	<p>The Federal Board of Supreme Audit (FBSA)</p> <ul style="list-style-type: none"> • The FBSA is an administratively and financially independent institution with a legal personality. It is the highest financial control body which is attached to the CoR. • The FBSA is entrusted with the mission of protecting public funds, detecting acts of fraud and manipulation, combating administrative and financial corruption, and effectively contributing to the enhancement of the national economy (FBSA, 2017). • It undertakes control over public funds wherever they exist by auditing the works of entities subject to the Board's control and audit across Iraq. • Law No. 31 of 2011 as amended by Law No. 104 of 2012 regulates the work of the FBSA.

Institution	Role and Function
<p>The Federal Commission of Integrity</p>	<p>The Federal Commission of Integrity (FCoI)</p> <ul style="list-style-type: none"> • The FCoI is an independent governmental body responsible for fighting corruption. It was established as a Commission on Public Integrity, pursuant to statute promulgated by Iraq Governing Council and according to delegation of the dissolved CPA in Order 55 of 2004. • In 2005, Iraq's permanent constitution considered the Commission on Public Integrity an independent commission, subjected to the Parliament and changed its name to the Commission of Integrity (CoI) according to Article 102, which states "High Commission for Human Rights, High Independent Electoral Commission and Commission of Integrity are hereby considered an independent authority, subjected to the CoR and the law of Iraq". • The FCoI is designed to prevent corruption using legal means in implementing its functions. • The Commission consists of six directorates: investigations, legal affairs, prevention, education and public relations, NGOs and administration. The Commission is chaired by an employee holding ministerial position, appointed by the PM; the commissioner may not be removed, unless approved by the Parliament as to other ministers. • In May 2020, the CoI announced that it carried out two seizure operations in Babel Governorate which resulted in two properties being returned to State ownership, and the cashing of a loan in violation of the regulations and instructions (fraud) being suspended.
<p>Municipalities and the Baghdad Mayoralty</p>	<ul style="list-style-type: none"> • Municipalities have many powers with respect to protecting and allocating State lands within their borders as outlined in the Municipalities Administration Law No. 165 of 1964 as amended. They may build residential units in their boundaries and sell or lease them to their inhabitants at a reasonable price, prepare municipalities' basic designs, decide land use within their borders, issue construction licenses, and have important powers to curb and sanction buildings violations and encroachment over States lands within their boundaries. However, they are weak and lack financial resources. Moreover, when the Unregulated Governorates Act No. 21 of 2008 was issued, they lost their authority except the executive power since both the evaluation and monitoring powers were entrusted to the Governorate Council and the governor. It is essential for decentralization, to strengthen municipalities' role through increasing municipal taxes and fees in exchange of services provided with a more precise follow-up of the budget and amending or clarifying some of the laws and administrative orders organizing their work in accordance with the constitution, and to solve the conflicts of powers and interests with the other administrative levels. • Municipal institutions own and manage properties throughout the governorates and lease them to others based on Law 21 of 2013 relating to the sale and lease of public assets, as amended. • The BM, its constitution, powers and powers of municipalities attached to it are governed by Law No. 16 of 1995, "the Law of Baghdad Mayoralty".

Institution	Role and Function
Governorates	<ul style="list-style-type: none"> • Law No. 21 of 2008, as amended by Law No. 10 of 2018 (relating to the Governorates not Organized into a Region), determines the powers of the Governorate Council and Local Councils (District and Subdistrict Councils). The Governorate Councils have several functions in relation to allocation of lands (of ministries and parties not linked to a ministry) for the purpose of setting up service and residential projects in the governorate after approval of the CM with some exceptions specified in Article 7/11 of Law No. 21 of 2008 as amended. According to Law No. 21 of 2008, Local Councils (District Councils) have jurisdiction to approve the major designs of the districts in coordination with the Governorate Council and under the general plan of the Federal Government (Article 8/7) and to monitor public land use and to improve agriculture and irrigation within their boundaries (Article 8/9). • The goal of Law No. 21 of 2008 is to empower the governorates through decentralization (to effectively kick-start the decentralization process). It was revised in 2011, 2013 and 2018, but has yet to be fully implemented. Its passing pushed forward various administrative reforms, affecting six different federal ministries. However, the decentralization process has been poorly executed with some federal ministries reluctant to see it enacted, while the war against ISIS and the ensuing financial crisis in 2014–2015 significantly hampered decentralization initiatives.

4.2 OTHER LAND STAKEHOLDERS

Other land sector stakeholders are listed below.

- **State-owned banks**
 - Agricultural Cooperation Bank²⁵
 - Real Estate Bank²⁶
- **Private banks**
 - Investment Bank of Iraq²⁷
 - National Bank of Iraq²⁸
 - Credit Bank of Iraq²⁹
- **Alternative Disputes Resolution Centres**
 - The Federation of the Chambers of Commerce Arbitration Centre
 - The International Commercial Arbitration Centre – Najaf
- **Civil Society Organizations**
 - Iraq Engineers Union³⁰
 - Iraqi Bar Association³¹
 - Iraqi Jurists Union³²
 - NGOs such as Nature Iraq³³ and the Iraqi Environment Upgrading and Development Organization³⁴
- **Religious Communities**
 - The Office of Shiite Endowment³⁵
 - The Office of Sunni Endowment³⁶
 - The Office of Christian, Ezidian and Sabian Mandaean Religions Endowments³⁷
- **Academic institutions**
 - University of Baghdad³⁸ (the Institute for Urban and Regional Planning for Postgraduates Studies)³⁹
 - University of Anbar⁴⁰

25 For more information visit [Agricultural Cooperation Bank](#)

26 For more information visit [Real Estate Bank](#)

27 For more information visit [Investment Bank of Iraq](#)

28 For more information visit [National Bank of Iraq](#)

29 For more information visit [Credit Bank of Iraq](#)

30 For more information visit [Iraq Engineers Union](#)

31 For more information visit [Iraqi Bar Association](#)

32 For more information visit [Iraqi Jurists Union](#)

33 For more information visit [Nature Iraq](#)

34 For more information visit [Iraqi Environment Upgrading and Development Organization](#)

35 For more information visit the [Office of Shiite Endowment](#)

36 For more information visit the [Sunni Endowment](#)

37 For more information visit the [Office of Christian, Ezidian and Sabian Mandaean Religions Endowments](#)

38 For more information visit [University of Baghdad](#)

39 For more information visit the [Institute for Urban and Regional Planning for Postgraduates Studies at University of Baghdad](#)

40 For more information visit [University of Anbar](#)

- University of AL-Muthanna⁴¹) the Faculty of Agriculture)⁴²
- University of Samarra⁴³ (the Faculty of Archaeology)⁴⁴
- University of Diyala⁴⁵ (the College of Agriculture)⁴⁶
- University of Kerbala⁴⁷ (the Faculty of Agriculture)⁴⁸
- University of Misan⁴⁹ (the College of Agriculture)⁵⁰
- University of Thi-Qar⁵¹ (the College of Agriculture and Marshes)⁵²
- Other relevant academic cooperation: The Dutch Wageningen University and Research will support six Iraqi universities to develop climate-smart agriculture and efficient water management in Iraq (Lee, 2020).

4.2.1 Other stakeholders in Kurdistan Region of Iraq

In the Kurdistan region, additional land stakeholders include academic institutions such as the following:

- Salahaddin University in Erbil⁵³ (College of Agricultural Engineering Sciences).⁵⁴
- University of Sulaimani.⁵⁵
- University of Duhok⁵⁶ (College of Spatial Planning)⁵⁷. There has been cooperation between the TU Dortmund University, a technical university in Dortmund, Germany and University of Duhok on the subject of “Planning Education and Spatial Planning in Iraq” since 2000. This partnership has led to the establishment of a Bachelor of Science Study Programme at the University of Duhok that graduated the third cohort of spatial planners with a BSc Joint Certificate in the summer semester of 2019 (Lawrence and others, 2019).

4.3 KEY STAKEHOLDERS’ INTERACTION

Urban planning in Iraq is based on several regulations, laws and legislations which were changed over time by conflicting resolutions. This caused confusion to authorities responsible for their implementation and led to lack of control over the different areas. Thus, it resulted in lack of quality urban planning in the country and overlapping of responsibilities between executive departments and institutions.

Urban planning is the responsibility of the GDPP, a unit of the MoCHMPW. The GDPP prepares structure plans for governorates and master plans and detailed plans for cities and villages. The MoCHMPW has approval authority for such plans. Although municipalities are responsible for implementing the urban plans according to the Law on Municipalities No. 165 of 1964, they have no access to revenue sources that could fund infrastructure, making it difficult to implement the plans. The framework of municipal functions is outdated and incompatible with sound territorial/regional and urban development schemes. Moreover, the Investment Law No. 13 of 2006 as amended deprived owner municipalities of the rights of disposition, supervision and surfacing cancellation,

41 For more information visit [University of AL-Muthanna](#)

42 For more information visit the [Faculty of Agriculture at University of AL-Muthanna](#)

43 For more information visit [University of Samarra](#)

44 For more information visit the [Faculty of Archaeology at University of Samarra](#)

45 For more information visit [University of Diyala](#)

46 For more information visit the [College of Agriculture at University of Diyala](#)

47 For more information visit [University of Kerbala](#)

48 For more information visit the [Faculty of Agriculture at University of Kerbala](#)

49 For more information visit [University of Misan](#)

50 For more information visit the [College of Agriculture at University of Misan](#)

51 For more information visit [University of Thi-Qar](#)

52 For more information visit the [College of Agriculture and Marshes at University of Thi-Qar](#)

53 For more information visit [Salahaddin University in Erbil](#)

54 For more information visit [College of Agricultural Engineering Sciences at Salahaddin University-Erbil](#)

55 For more information visit [University of Sulaimani](#)

56 For more information visit [University of Dohuk](#)

57 For more information visit the [College of Spacial Planning](#)

and allowed free-of-charge expropriation of municipal property by the Investment Authority. Furthermore, in 2008, Law No. 21 on “Governorates not Organized into a Region” was issued and decided the transfer of powers of the MoCHMPW to governorates, but it has not been executed yet because the governorates are unprepared and it is causing conflict between municipalities and governorates related to their land selling and renting powers.

Powers and authorities overlap between the Federal Government and the local governments, which directly or indirectly impact the overall process of planning, oversight, public participation and engagement of the private sector. There is also little role for the private sector in formulating policy where public consultations are important.

There is a need for drafting and adopting a national law for urban planning that states the structure of the institutions that are in charge of urban planning at the Federal level and in governorates, and the

planning functions of each. There is a further need for mechanisms for drafting and adopting plans and monitoring their implementation, and procedures to be taken in case of violation of the master plans. Moreover, it is necessary to create and strengthen institutions, build a governance system for land management that is transparent and accountable, and to define institutional roles and responsibilities at different levels (UN-Habitat, 2016).

On the other hand, the promulgation of the new law on Renting and Selling of State Funds No. 21 of 2013 has caused conflict of powers between the Ministry, governorates and municipalities and although MoF is the official custodian of State-owned land in Iraq, different ministries sell and rent out State-owned land under their control without obtaining approval of MoF beforehand. This reflects lack of clarity about the powers, overlapping ministries’ mandates and lack of coordination inter-ministries and between ministries and other State land stakeholders concerning State land management and administration.

CONCLUSIONS

Land is a valuable asset. It is necessary for housing, business and economic activities, protection of the environment, agricultural production, preservation of culture, provision of services and infrastructure and exploitation of mineral resources. Good land management is critical for the sustainability of social and economic investments and for an orderly expansion of cities and towns. The protection of housing, land and property rights of all segments of the population is essential to create the preconditions for social reconciliation, recovery and reconstruction and a long-lasting peace. While the legal and administrative system that regulates Iraq's land sector has deep historical roots and strengths, it requires reforms and innovation to be able to respond to the needs of the contemporary Iraqi society. The legislative and institutional framework needs to be revised. Skilled human resources able to apply modern technologies should be engaged in different areas of the land sector. Multi-stakeholder dialogue and the contribution of civil society, private sector and other stakeholders in such processes is essential.

This chapter puts forward a few preliminary recommendations to improve Iraq's land sector, for consideration of national stakeholders and their development partners.

Land tenure security and protection of housing, land and property rights

Iraq's land-related legislation needs to be reviewed and updated, to remove contradictions and bottlenecks and to introduce ameliorations. By way of example, the following legal reviews are recommended to improve land tenure security and the protection of housing, land and property rights.

Amend the Real Estate Registration Act to provide a simplified procedure designed to address the issue of multiple ownerships to heirs.

Revise the expropriation legislation. Expropriation is only permitted for public purpose, which is not defined in the law, and is evaluated by the court against advance payment of fair compensation; eviction must be mandated by a court decision. There is a need to revise the expropriation legislation to create coherence and to adapt them to international standards such as the VGGT Chapter 3.36 on expropriation.

Amend the Real Estate Rental Law. The Real Estate Rental Law establishes a leasehold interest for the tenant whenever a property is sold by judicial sale (foreclosure). This gives the tenant (defaulting mortgagor) a tenancy for up to five years at a legally prescribed rent of 5 per cent of the value of the property per year. Without the ability to exercise ownership rights, mortgage foreclosure sales do not attract buyers and the banks are forced to become property managers. The result is that there are effectively no mortgages issued for single family homes. On the other hand, the Rental Law should be revisited to ensure a balance between the right of property owners and tenants.

Improve the enforcement of unregistered contracts. The discrepancy between several relevant land legislations must be removed and certain amendments should be made to the Civil Code No. 40 of 1951 as amended (Articles 508 and 1127), the Land Registration Code No. 43 of 1972 as amended (Article 203/1) and the Revolutionary Command Council Resolution No. 1198 of 1977 as amended. This is to afford more protection to buyers and allow them to petition the court in all cases for specific performance of the sale contract concluded without registration in case the seller has withdrawn from the contract (e.g., in order to sell to another buyer at a higher price). Currently, penalties are limited to demonstrated damages. Inability to enforce contracts is very disruptive to the market.

Review Law No. 61 of 1 January 2000 relating to “Regulating the Ownership of Apartments and Floors in Buildings”. Iraq’s condominium law has a number of weaknesses that cause confusion over the ownership rights relating to individual units. For condominiums to be a successful housing alternative for the long-term, the system must be a reliable and understandable.

Draft a comprehensive legislative framework for land or a new coherent land code that determines the implementing agencies and the role of each (State custody, allocation and distribution of land, property rights and claims, implementation of services, prioritization, etc.) (GLTN, 2010). *Waqf* land should also be addressed within the general framework of the legislation (GLTN, 2010).

Iraq could develop an Arbitration Code, like many countries of the region, which is necessary for promoting ADR as a means for resolving land disputes. Access to courts and ADR in land and property disputes is currently ensured for all formal real rights owners. However, non-registered land rights are not equally nor adequately protected.

Efforts need to be made to ensure that men and women are treated equally when it comes to housing, land and property. While land laws in Iraq are gender-neutral, practices often differ.

Access to land and housing for vulnerable groups, such as people affected by displacement, needs to be facilitated through a range of land tenure options. Policies need to be developed to address informal uses of land for economic purposes and housing in a manner that maintains the balance between public and private benefits and that discourages and reverts the sprawl of informal areas.

Land and property registration

In 2009, UNDP reported that land and property transfers are recorded in Iraq’s Central Land Registry Office, however the system was outdated, not digitalized, contained redundancies, and had lost a significant number of records in fires in regional offices. At the time, there was a backlog of 35,000 transfers waiting to be recorded. Efforts are being made to modernize the registration database, but it will be necessary to ensure that new bottlenecks and opportunities for corruption are avoided in the updated system. In 2015, the estimated backlog of transfers waiting to be recorded amounted to approximately 35,000 records and a commission of senior judges was requested to investigate the legitimacy of the transactions (Jahn, van der Auweraert and Cvetkovski, 2015). The following land and property registration recommendations should be considered.

The operation and procedures of land registration should be improved (USAID, 2005b). The land registry should be updated and digitalized. This would enhance its reliability. It is estimated that up to 30 per cent of the records of privately owned properties are either lost, destroyed, inaccurate or forged. Major improvements resulting from automation would include protection from forgery and falsification of ownership records and sale of the same property to multiple persons; allowing the backup of records and limiting the risk of documentation loss, as it has happened during previous conflicts; and, provision of updated information about housing, land and property for easy analysis and promoting evidence-based decision making.

The land registry should implement a LIS based on GIS to improve its operations. It could be utilized by a wide variety of agencies to store and analyse attribute data such as utility, crime, agricultural and social data. The land register should be complemented by systematic cadastral mapping and standardized parcel identifier in the land registry and maps.

An audit of lost records should be conducted.

There is a mechanism for the land registry to correct erroneous records where ownership is disputed, and a similar mechanism should be fine-tuned to deal with the issue of lost or destroyed records in an effective manner.

The registry should be expanded to include new records from areas where people's rights of use have been verified and can be formalized in the land and property rights registry. Lessons can be learned from the process of formalizing the land occupancy rights of the Yazidi community in Sinjar, with the support of UN-Habitat.

The registration of *tasarruf* land should be streamlined. There have been two unsuccessful attempts to regularize *tasarruf* rights, but additional intervention is still needed, particularly considering the large amount of *tasarruf* land (USAID, 2005b). It would be important that such registration system is digital, compatible and interoperable with the updated and digitalized land and property registry described above, to support better analysis and decision making.

Land and property taxation and valuation

The valuation of real estate for the purposes of taxation is governed by the Real Estate Value Assessment Law No. 85 of 1978. The Law provides for committees of officials that decide values. The process is said not to produce fair and consistent market valuations. In Iraq, the difficulty is exacerbated by the lack of readily available market information on which to base estimates of value. In such an atmosphere, valuations usually become prescriptive and disconnected from real market values. When this happens, the system loses its integrity, as the principle of an *ad valorem* tax is lost, despite having to maintain an institutional regime to support it.

It is recommended to review and develop the legal and accounting frameworks for land taxation, valuation and public finance. This includes evaluation of the various taxes affecting land in terms of the effectiveness and relevance of their contribution to government revenue and impact on the land market, their fairness and effective management. This analysis must be a joint operation involving officials from the Land and Tax Administrations (in the MoF) (UN-Habitat, 2014b). Tax collection should by MoF should be improved.

Land use and planning

Iraq should develop modern urban planning and building codes. Outdated master plans exist for all the main cities and towns. For improved urban land management, including addressing urban sprawl, it is important to set up and develop a policy, institutional and regulatory framework for management and disposal of State land (urban and rural) for investment, housing and public use, including the process of privatization of surplus State land in line with market principles. This needs to be accompanied by the creation and/or strengthening of institutions and a governance system for land management that is transparent and accountable with defined institutional roles and responsibilities at different levels. It would be useful to utilize the principles of Public–Private Partnerships (PPPs) in land management and administration.

Mechanisms need to be developed for coordination and consultation between the central and local levels of Government on issues related to State-owned lands in a manner that enhances the principles of decentralization. It is important to develop an institutional and regulatory framework for conversion of peripheral land surrounding human settlements to urban uses, taking into account the protection of productive agricultural land and associated water rights.

Iraq should develop programmes toward improved land planning and professional capacity.

This should include strengthening planning and management of cities, professional capacity in land management, land-use planning, spatial planning and LIS, and be developed in cooperation with national and international universities (UN-Habitat, 2014b).

Urban land governance and legislation

Urban State land should be identified and mapped, and an accessible land information management system developed.

There needs to be a shift from centralized to decentralized management of urban land. The land disputes resolution system also needs to be strengthened. In dialogue with federal ministries, local authorities should have more weight in decision making for matters and projects implemented at the local level.

Coordination within the system should be increased

by activating the provincial planning and development councils, improving coordination between federal ministries and local authorities, and building the capacity of local cadres to ensure performance of the roles required in planning, implementation, supervision and control. Coordination and integration between the planning directorates of the MoP and the relevant ministries and local governments, including in developing provincial plans, should be strengthened in a participatory manner.

Management of State land

State land and property exceed 70 per cent of the total land in Iraq and therefore deserves a serious overhaul of its administration and management system (Al-Sabah, 2019). There is confusion and ignorance about the procedures and rules concerning dealings in State land. The MoF is the holder of the titles and as such its approval should be acquired for any sale or lease unless this authority has been specifically delegated or assigned to another ministry. It is not clear, however, whether this is the case for land allocated to other

ministries such as MoCHMPW. In practice, land is often allocated without the approval of the MoF. It is reported that there are overlapping responsibilities, lack of coordination among ministries, and confusing procedures and lack of information about them.

Information on the location of State land and which ministry controls it is unavailable. Land is allocated by State bodies without regard for land-use designations under master plans and without provision for necessary service infrastructure. There is a lack of transparency in the allocation of State land. Land auctions are not conducted in accordance with the rules, as announcements do not reach the public. Table 12 summarizes the main challenges associated with State land management and administration in Iraq and the recommended policy response⁵⁸.

In 2018, UN-Habitat, in line with the overall objectives of the LADP and the priorities expressed by the MoP, developed a land inventory model in the governorates of Maysan and Najaf to assist local authorities in coordinating data collection and mapping of State-owned land. During the programme, the main challenge reported about State land management in Al-Najaf Governorate was the lack of a unified land inventory system for State-owned land despite State-owned land being registered in the real estate registry. Different ministries and directorates have already developed their own land databases, mostly in paper-based format, but the lack of coordination and linkage between the relevant departments makes the inventory of real estate difficult and tiresome to use, allowing encroachment and violations on State land and property by contract holders (UN-Habitat, 2018).

Overall, roles and procedures for the management of state land should be clarified and a unified digital database – or a set of interoperable databases – should be developed for all governorates, for its more transparent and efficient use.

⁵⁸ The table is based on a discussion paper on State Land Management dated 16 November 2011 presented at “Towards a Land Management Policy for Iraq” Conference co-hosted by UN-Habitat and the World Bank in 2010. The information presented in the table was edited and updated by the author(s).

Table 12: Main challenges associated with State land management and administration in Iraq and the recommended policy responses

	Challenge	Recommended policy response
1	Lack of transparency in the allocation of State land. Land auctions are not conducted in accordance with the rules: announcements do not reach the public.	(1) A public open-access inventory and sale process. (2) Clear assignment of authority and institutionalized supervision.
2	Confusion about legal procedures and rules, and failure to comply with them. Land may be allocated without the consent or approval of the MoF.	General principle that the MoF, as the holder of title of State land, must sign sale or lease agreements affecting State land, subject to clear delegation of authority or assignment to another ministry. The Law on selling and leasing of State-owned land No. 21 of 2013 as amended must be reviewed, exceptions to public auction must be reviewed or removed and provisions of the Law should be strictly enforced against all stakeholders.
3	Overlapping responsibilities, lack of coordination among ministries, and contradicting and confusing procedures and lack of information about them.	An institutional framework for coordination among ministries and standardized procedures for decision-making. Decision-making framework should be published and accessible.
4	Information is unavailable as to the location of State land and which ministry controls it.	An institutional framework that organizes State land information and makes it accessible. (A unified and clear State land inventory must be established.)
5	Land is allocated by State bodies without regard for land-use designations under master plans.	(1) Coordination among ministries and procedures that prevent such decisions being made. (2) Ensuring that master plans are realistic and meet needs for development.
6	Land is allocated by State bodies without provision for necessary service infrastructure.	Infrastructure needs, as a consideration in the allocation process, should be linked to urban planning and capital funding.
7	There are no principles or guidelines governing the incentives available to investors under the Investment Law, so that land can be given away or sold at concessionary prices to investors who do not need incentives. The availability of State land at less than its market value is an opportunity for unjust enrichment at the expense of the State (corruption).	For commercial and residential development, State policy should aim to maximize the return from allocation of State land. Therefore, open land auctions or other transparent market transactions should be the default position. Free land for industrial investment as an exception that must be justified on a case-by-case basis. Fight against corruption by specialized State agencies such as the Integrity Commission must be streamlined. The Commission's personnel are subjected to intimidation and political influence. Besides, the lack of good relations between the Commission and law enforcement agencies impedes the implementation of follow-up efforts.
8	State land is occupied by informal settlements. The State is unable to address the issues of clearing sites, upgrading settlements, or providing alternative housing to the occupiers.	Recognition that treating all people living in informal settlements as illegal is inappropriate. Legal basis and procedures for regularization or resettlement should be created.
9	Public land is not fully surveyed, demarcated and registered.	Surveying and registering all lands in Iraq.
10	Discriminatory policy and practices against minorities.	Continued discrimination on land rights for minorities, with particular minorities being allowed to register their land rights in Iraq. The discrimination should end to allow them to register their land rights as other Iraqi citizens do.

ANNEX 1: MAIN LEGAL FRAMEWORK REGARDING LAND AND PROPERTY ADMINISTRATION AND MANAGEMENT IN IRAQ⁵⁹

S/N.	Legislation's full reference	Summary of contents
1	Law No. 50 of 23 May 1932 on "Land Rights Settlement Law"	This Law is composed of 36 articles. Its objectives are: (a) Identify land types and returns. (b) Confirm land-related rights such as the right-of-way and special rights like disposal and cultivation. (c) Identify the returns of such rights and relations. (d) Identify land boundaries and area and fix the locations of the land-related rights. The settlement mandate includes the power to settle and investigate land revenues whenever the Minister for Finance requests.
2	Law No. 40 of 8 September 1951 on the "Civil Code"	This Law is composed of 1267 articles. It is the Civil Code of Iraq. It was principally authored by 'Abd al-Razzaq al-Sanhuri, who was then working as the dean of the Iraqi Law College. The content of this new Civil Code was taken largely from the Egyptian law, which mirrored the French Civil Code, the then-existing Iraqi laws (such as those from the Ottoman <i>Majalla</i> and other Ottoman legislation) and Islamic law. The Civil Code covers the area of land tenure comprehensively. Structurally, the Civil Code is divided into a preliminary part and two main parts, with each main part composed of two books. The preliminary part contains definitions and general principles that find application throughout the rest of the code. Part I of the Code addresses obligations in general and subdivisions of the area of law, such as contracts, torts and unjust enrichment. Part II addresses property, ownership and real rights. The Civil Code also tackles the issue of public property in detail and clarifies the reasons for acquiring ownership by appropriation, inheritance and bequeathal.
3	Law No. 3 of 3 January 1960 on "Granting Ownership of Governmental Lands and Buildings"	This Law is composed of eight articles. It sets forth the rules by which State land may be conveyed to foreign governments, communities or charities. Governorates and State banks may also receive properties under this Law. If the properties are not used for the purposes for which they were granted, or if the properties remain unused for five years, or if the amount of land granted is in excess of what is needed for the permitted use, the property (or the excess over what is needed for the use) can be given back by the State.
4	Law No. 54 of 4 October 1962, the "Housing Law"	This Law is composed of 16 articles. The Law sets the conditions to benefit from State housing built in accordance with the Law of Economic Plan. The beneficiary will get the housing unit at the cost price plus one per cent yearly interest. The Law sets the rules governing the units' sale contracts, cases of the contracts' dissolution and modalities for payment of the price by instalments.
5	Law No. 165 of 22 November 1964 on "Municipalities' Administration"	This Law is composed of 103 articles. The Law defines the following, among others: the rights and duties of municipalities, their composition, the municipality of Baghdad as BM, the classifications of municipalities based on the number of inhabitants, cancellation of a municipality by decision of the Minister for Municipalities, the basic design for the municipality including land use in it, division of the cities into sectors, housing projects for the inhabitants and employees, granting of construction licenses to developers and the duties of the head of the Municipal Council. The Law further decides the application of the civil service law on all municipalities' staff and council members and its chairman.

⁵⁹ The list of the legislations is in order from the oldest to the newest. About 70 land legislations have been assessed, but only 42 legislations are listed. Access to unlisted legislations is possible. Legislations are compiled from the [Iraqi SJC Legislations database](#) (available in Arabic only).

S/N.	Legislation's full reference	Summary of contents
6	Law No. 80 of 22 April 1970 relating to "Domain Titling Within Municipalities' Borders"	<p>This Law is composed of 11 articles. The Law allocates to municipalities State lands located within their borders and charges the Minister for Finance to change their kinds. It was issued to enable the municipalities to implement master plans and included provisions identifying the type of excluded lands and those owned by the municipality.</p>
7	Law No. 117 of 30 May 1970, the "Agrarian Reform Law"	<p>This Law is composed of 51 articles. The Law included provisions concerning the following:</p> <ul style="list-style-type: none"> • Identification of the land owner as the proprietor of the purely owned land and the holder of the usufruct in the assigned land by the property registration department granted pursuant to the State Land Disposal Law. • Identification of the Agrarian Reform Land as the appropriated, owned or princely agricultural land or any other land assigned by virtue of the agrarian reform or any other legal method. • Determination of agricultural property maximum limits: the area of the agricultural land owned, assigned by the property registration department or granted by virtue of the State Land Disposal Law shall not exceed the following: (a) rain-fed land: 1,000–2,000 dunums and (b) irrigated land: 40–600 dunums. • The Law authorized the Agrarian Reform Authority to appropriate any land in violation of the above-mentioned limits. • It authorized the appropriation of any interpenetrating land or lands managed by the Agrarian Reform Authority in case its interest requires such a procedure. • It identified special provisions for Dhi Qar and Maysan Provinces concerning lands assigned by the property registration departments. • It specified parties eligible for compensation. • It identified the area of land that can be registered in the name and full ownership of the confirmed rights holder in case it was so registered at the property registration department, endowed or assigned by the mentioned department. • It considered public properties, unassigned land and un-endowed land as pure princely properties. • It highlighted the fact that any land assigned by the property department, granted by virtue of the State Land Disposal Law or incorrectly endowed and it was proven that the owner did not plant it himself or through others for two consecutive seasons without any acceptable legal excuse, shall be registered as pure princely property. • The Agrarian Reform Authority allocated lands to farmers individually and collectively as follows: (a) rain-fed: 100–200 dunums and (b) irrigated: 4–6 dunums. • Article 23 stipulated the registration of the allocated lands and which allocation decision was final, pursuant to Articles 18 and 19 and in the name of the recipient 5 years from the reception date.

S/N.	Legislation's full reference	Summary of contents
8	Law No. 43 of 9 March 1972, the "Land Registration Law"	<p>This Law is composed of 335 articles.</p> <ul style="list-style-type: none"> • This Law addressed registration types and the provisions and procedures of registration, confirmation and modification, and considered the settlement records as real estate records fit to establish ownership and the related contracting rights. • It comprehended the provisions governing the registration of real estate modifications, type correction, partitioning, procedures of correcting registration and the administrative and judicial registration delay and the related effects. • It regulated the procedures, mechanisms and powers governing foreigners' ownership of property and the limits of such ownership. • It regulated the legal status of property title deeds.
9	Law No. 90 of 9 June 1975 relating to the "Regulation of Agricultural Ownership in the Autonomous Kurdistan Region"	<p>This Law is composed of 17 articles. It was issued by the dissolved Revolutionary Command Council and applies to agricultural lands and orchards located within the KR-I covered by the Autonomy Law No. 33 of 1974. The Law sets the maximum individual ownership of agricultural lands and orchards in KR-I. The maximum limits varied as follows:</p> <ul style="list-style-type: none"> • 40–120 dunums in irrigated land • 300–500 dunums in rain-fed land • 40 dunums in float irrigation orchards • 500 dunums in rain-fed orchards <p>Natural water resources were also considered as public wealth owned by the State. The Law also provides that the Higher Agricultural Council may decide to seize any agricultural land or orchard, if necessary, to establish large economic agricultural units in accordance with the Agrarian Reform Law and to compensate the owner(s).</p>
10	Law No. 53 of 31 May 1976 on "Consolidation of State Land Categories"	<p>This Law is composed of 15 articles. Before the promulgation of this Law, land types ranged between pure princely, unplanted, assigned by the property registration department, granted by virtue of the State Land Disposal Law and incorrectly endowed. Each of these types meant a different legal position and caused a considerable amount of complication which impeded the achievement of the required transformation. The State owns such land and the right of the parties concerned does not exceed disposal and usufruct. This required the unification of State-owned property which became unified under one type (State-owned) and individuals retained the disposal rights in accordance with Law No. 31 of 1976, thereupon, illegal land ownership was resolved and the State kept the right to reacquire the land pursuant to the public interests and settle a fair compensation in return of the disposal rights without the need for appropriation. This process was called extinguishing the disposal right.</p> <p>The most important provisions of the Law are Article 8, which grants the disposal right of State-owned land to the actual farmers who plant the land themselves or through a family member under the legal guardianship of the head of the family, and Articles 3 and 4, which restrict the appropriation of the disposal right of State-owned land to be extinguished.</p>

S/N.	Legislation's full reference	Summary of contents
11	Resolution of the Dissolved Revolutionary Command Council No. 1198 of 14 November 1977 relating to the "Undertaking to Transfer Real Estate Ownership is Valid Only for Compensation in Case of Breach"	This Resolution is composed of four articles. It provides for remedies in the event of a breach of certain contracts for the sale of real property. This Resolution was amended by Resolution No. 1426 of 1983. These two resolutions together changed Article 1127 of the Civil Code by setting a limit on the amount of damages that may be recovered upon breach of a sales contract. This limit is set at the difference between the value of the property at the time of the contract and the value at the time of the breach. If the buyer lived in the property or constructed buildings on the property, without opposition from the seller, then the measure of damages is increased by the value of the buildings on the property. On the other hand, the buyer may not compel the seller to transfer the ownership of the property to his name through the court save in two cases only: (a) when the buyer has made any of the preparatory works consisting of either living in the sold house or (b) making constructions or planting on the sold land without written objection from the seller.
12	Law No. 85 of 29 May 1978 relating to "Real Estate Value Assessment Law"	This Law is composed of 14 articles. It governs valuation of real estate for the purposes of taxation, property registration and compensation, among others. It provides for committees of officials that decide values with possibility of appealing before a special appellate committee, constituted for this purpose by the Minister for Finance, which receives the appeal/objection through the RERD and decides it expeditiously; its decision regarding the valuation of the property is final. However, the process is said not to produce fair and consistent market valuations.
13	Resolution of the Dissolved Revolutionary Command Council No. 548 of 21 May 1979 relating to "Allocation of Land Subject to Encroachment to People who Built Housing on it"	This Resolution is composed of 11 articles. It allowed allocation of State land at its real value, according to the conditions specified in this Resolution, to individuals who informally built before 1 January 1979 on lands owned by the State or the municipality or located within its borders.
14	Law No. 87 of 1 July 1979, the "Law of Renting of Real Estate"	This Law is composed of 28 articles. It sets the maximum percentage of value which may be charged as rent for properties. It further affects the market for leased property by specifically prohibiting, in Article 27, the leasing of residential property by one who owns property which may be inhabited. Furthermore, Article 20 provides that it is illegal to keep a property vacant for more than 90 days; if the owner keeps the property vacant for more than 90 days, the Real Estate Rental Tax Department may rent it according to the terms of the Real Estate Renting Law. Under Article 15, the judicial sale (foreclosure) of a residential property creates a leasehold estate for the tenant (defaulting owner) who may rent for at least five years at the low rents discussed above. Criticism directed to this Law is that by its terms it seeks to prevent the operation of a free market in rental of residential real estate. Moreover, it interferes with mortgage enforcement in the case of residential tenancies. It establishes a leasehold interest for the defaulting mortgagor upon foreclosure, for up to five years at a legally prescribed rent of 5 per cent of the value of the property per year. Without the ability to exercise ownership rights, mortgage foreclosure sales do not attract buyers and the banks are forced to become property managers. In these circumstances, banks will not finance owner-occupied houses.

S/N.	Legislation's full reference	Summary of contents
15	Resolution of the Dissolved Revolutionary Command Council No. 859 of 23 July 1979 relating to "Fixing the Space Limits of the Area of Land Designated for Housing"	<p>This Resolution is composed of 10 articles. According to this Resolution, the minimum area of the plot allowed for subdivision was 120 m² in the centre of provinces (cities) regardless of the urban area category and 100 m² in towns and suburbs. Section 7 of this Resolution aborted any text in the System of Roads and Buildings No. 44 of 1935 as amended which contradicted the Resolution. This meant that the density differences in urban area categories in cities are going to be vanishing and the whole city is treated as one urban area. The Resolution also prevented building a single house on a plot with an area exceeding 800 m² in all existing urban area categories and in new developed urban areas. The Resolution made a shift in changing the urban form and building types of houses in all Iraqi cities generally, including Erbil City. Moreover, this legislation allowed the building of more than one house on one plot if each house has an area of not less than 120 m² regardless of the dimension of the plot. This means that it is highly possible that unbuilt or vacant plots which have an area equal to or more than 240 m² in already existing urban areas can be subdivided into two or more plots. As a result, two or more houses can be built on such a type of plot.</p>
16	Law No. 12 of 16 February 1981, the "Expropriation Law" as amended	<p>This Law is composed of 66 articles.</p> <ul style="list-style-type: none"> • It simplifies the expropriation procedures to accelerate the process in order to enable the State bodies and the public and joint sector to achieve their goals and implement plans and projects. • It is applicable for the acquisition for public benefit purposes of all properties of agricultural, non-agricultural lands and orchards, disposal rights of Government-owned land and other original specified rights relevant to property. • It establishes the principle of equal compensation as it was enacted based on unified principles and foundations aiming to achieve fair compensation in return for different expropriated properties and guaranteeing the rights of expropriated parties without prejudicing public interests. • It contributes to the approximation and estimation of the farmer's land ownership right to State property disposal right. • It sets rules to organize amicable appropriation through negotiations with the property owner and administrative appropriation in case the property is owned by both the public and joint sectors. • It determines in rules to be followed by the Valuation Committee, constituted pursuant to Article 13 of the Law, for the assessment of the monetary compensation of the expropriated property depending on its kind. • It applies to disposal right extinguishment; the court shall decide the compensation (cash) upon issuing a decision to extinguish the disposal right according to the current prices during the time of the inspection. • For the purpose of implementing the Irrigation Law No. 138 of 1971 should the MoWR ask the competent court to appropriate land located within the comprehended project pursuant to the provisions of Law No. 12 of 1981 in return for a compensation estimated by the court according to the current prices during the time of the inspection. • Appropriating agricultural land and orchards and extinguishing the disposal rights upon the request of the ministry or the municipality shall be carried out in consistency with the effective legal provisions in return for a cash compensation (shall not take the form of an in-kind compensation).

S/N.	Legislation's full reference	Summary of contents
17	Resolution of the Dissolved Revolutionary Command Council No. 120 of 1 February of 1982 relating to "Banning of Sale of State Land or State-owned Residential Units"	This Resolution is composed of five articles. It disallows any form of allocation of land or housing units from State land to any person (his or her spouse or any of his or her underage children) who already acquired (benefited) from State land or housing unit through cooperatives.
18	Law No. 2 of 1 January 1983 on "Pasture"	This Law is composed of 17 articles. Its objective is to manage pasturelands by planning grazing according to scientific approaches, engaging in the protection of natural vegetation and water resources, and the organization of their use. It covers State-owned lands allocated for pasture. It states that the MoA and Agrarian Reform is to regulate and organize livestock movements according to seasons and regions. It also prohibits the drilling of artesian wells and cutting plants in pasturelands.
19	Law No. 35 of 30 March of 1983 relating to the "Lease of Agricultural Land"	This Law is composed of 10 articles. It regulated the lease of agricultural land. The GCAL, under the MoA, is responsible for State land that is leased for agricultural use, under Law 35 of 1983. Article 1 of the Law provides for the following: A: The MoA and MoWR may rent areas of agricultural reform lands in excess of the farmers' need for Iraqi and Arab agricultural companies or individuals for a period of not less than five years and not exceeding twenty-five years. B: The MoA and MoWR may renew the lease contract for a period of five years at a time, according to the conditions deemed necessary at the time of the renewal, including adding new obligations to the tenant, which include the obligation to cultivate a certain type of plantation or care for the land according to specific methods, etc.
20	Law No. 79 of 7 October 1985 relating to "Renting of Reclaimed Agricultural Lands"	This Law is composed of 12 articles. It applies to agricultural lands reclaimed in whole or in part by the State. The MoA and MoWR shall draw up plans for organizing, managing and investing in reclaimed lands, laying out the details of the agricultural cycle and penalizing crops in the aforementioned lands according to the project designs and the prescribed water share. Land leasing takes place in accordance with Law No. 35 of 1983, taking into account the area of the irrigation unit in the project. The term of the lease may not be less than five years and may not exceed twenty years, subject to extension by decision of the Minister for Agriculture.
21	Law No. 42 of 1 June 1987 on "The Reorganizing Agricultural Ownership"	This Law is composed of 20 articles. It aims to reorganize ownership of agricultural land projects that are suitable for exploitation in accordance with modern scientific methods, whether by partially reclaiming them by changing the way they are irrigated or through an integrated scientific reclamation. The MoA takes measures to reorganize the property in the agricultural lands covered by the reclamation project when the implementing agency begins the reclamation work. Land owned or whose disposition rights are held by individuals or <i>waqf</i> land covered by the provisions of this Law is considered acquired by the State on the date of the first publication of the statement in the daily newspaper, save for orchards to which the land reclamation Law applies.

S/N.	Legislation's full reference	Summary of contents
22	Law No. 58 of 17 June 1987, the "Brokerage Law"	This Law is composed of 24 articles. It regulates the activities of brokers in Iraq. It covers four types of brokerage activities: real estate, vehicles, agricultural and industrial products, and public auctions. The Law requires brokers to be licensed. The licences are to be issued by the chambers of commerce, which are local NGOs. Licences are valid for one year. Minimal standards for licensing are set forth in the Law, including a requirement of Iraqi citizenship in order to be a broker. The rules further provide that no individual may engage in more than one type of brokerage activity. Brokerage fees are set according to a two-step scale and may not exceed the sum of IQD 1,500. The Law implies that one broker may handle a transaction alone (in other words, assist both buyer and seller), and that barring an agreement to the contrary, the parties to the transaction must split the fee equally. Brokers must keep copies of the papers/records associated with the transactions in which they engage, failure to which may result in a jail term not exceeding three years. The Law may be supplemented by regulations issued by the Minister for Commerce.
23	Law No. 15 of 29 June 1992, the "Cooperative law"	This Law provides principally the bases for establishing and managing cooperatives, rights, obligations and some safeguards. The State may convey property or lease to cooperative organizations the real estate that it needs for its purposes for free or for a nominal promotional fee.
24	Resolution of the Dissolved Revolutionary Command Council No. 90 of 2 September 1996 relating to "Corporeal Compensation for Appropriated Real Estates and Amortization of the Right of Disposal of Vacant Agricultural Reform Lands"	This Resolution is composed of eight articles. It provides for compensation for the alienation of agricultural land, with alternative land as a first priority and cash compensation as a secondary priority. It also prohibits compensation in kind or cash for certain types of land.
25	Resolution of the Dissolved Revolutionary Command Council No. 150 of 27 October 1997, concerning the "Sale of Plots of Land Owned by the State to Farmers for Housing"	This Resolution is composed of eight articles. It stipulates that State-owned land not burdened by 'disposal rights' shall be sold to farmers, and pre-existing agricultural contracts are revoked and pre-existing rights extinguished. It provides limits of the allocation to farmers — not more than 1,000 m ² with no house and 2,000 m ² for a plot with a house.
26	Law No. 20 of 3 August 1998 relating to the "Industrial investment for the Private and Mixed Sector"	This Law is composed of 22 articles. Its objective is to promote industrial investment in the private and mixed sectors and to develop their activities. Relevant State departments allocate needed State-owned lands to industrial projects of the private and mixed sector, within the basic cities' organizational plans. They also provide them with the necessary services and lease land to projects' owners for comparable rent and the lease contract remains in effect during the period of entry into force of the incorporation licence of the project, as an exception to the provisions of the Law on the sale and rental of State funds No. 32 of 1986 (repealed).
27	Law No. 61 of 1 January 2000, on "Regulating the Ownership of Apartments and Floors in Buildings"	This Law is composed of 15 articles. It is Iraq's condominium law. It regulates the ownership of common areas of buildings and governs the relationship among common owners. The word "floor" is defined in the Law as an independent real estate unit. The word "apartment" is also defined as a real estate unit independent from the "floor". This is somewhat confusing.

S/N.	Legislation's full reference	Summary of contents
28	Law No. 30 of 1 July 2000 relating to the "Organization of Industrial Services"	This Law is composed of 26 articles. Its objective is to promote industrial projects, settle industrial services projects in industrial complexes, develop existing ones and provide the necessary services to them to enable them to advance the tasks assigned to them. Iraqi cities have industrial zones containing numerous air-polluting craft industries like metal melting, pottery, electric and gas welding, etc. Currently, the organization of industrial services is of urgent importance due to the overlapping of residential and industrial areas. More precisely, residential areas have expanded into some industrial areas which were, at the time of establishment, remote, outside city centres and considered fit for industrial activities. This Law helps setting up industrial services inside industrial complexes insulated from residential areas.
29	Resolution of the Dissolved Revolutionary Command Council No. 154 of 9 July 2001 relating to "Considering Certain Actions Encroachment on State and Municipalities lands"	This Resolution is composed of 12 articles. It considers any of the following actions, undertaken without proper licence within the borders of basic cities' urban plans, as encroachment on State- and municipalities-owned lands, outlaws them and orders the removal of violations: (a) any construction whether or not complying with basic cities' urban planning, (b) any exploitation of constructions and (c) any land use.
30	Law No. 55 of 18 November 2002 on "Antiquities and Heritage"	This Law is composed of 53 articles. It aims at preserving the antiquities and heritage in Iraq for being substantial aspects of the national wealth and demonstrating the antiquities and heritage to the people of Iraq and the international community so as to expose the notable role of the Iraqi Civilization and its contribution to the Civilization of Humanity. The Law determines the tasks of the State Board of Antiquity and Heritage to achieve the above-mentioned objectives. Moreover, it decides that the Antiquity Authority is entitled to hold its own registrations to register the archaeological monuments (buildings and sites), besides inserting the data, documents and the attachment rights related to the neighbouring real estate and publishing it in the official gazette to secure permanent protection and restoration. The Antiquity Authority is entitled to take over a private property which possess antiquities (taking a private property for public use) in accordance with the Possession Law No. 12 of 1981, regardless of the value of the extent of antiquities in the real state in the case of evaluating the reparation for possession. The Authority is also entitled to evacuate individuals and property from the antiquity and heritage areas and their forbidden zone, when they might represent a threat upon the presence of the antiquity or heritage area. The Law further decides that all the antiquity and historical sites, including those owned by individuals or public property, should be registered in the name of the MoF and allocated for the purposes and possession of the State Board of Antiquity and Heritage. The Law also regulates excavations for antiquities and sets penalties for its violation.

S/N.	Legislation's full reference	Summary of contents
31	Law No. 13 of 17 January 2007, the "Investment Law"	<p>This Law is composed of 37 articles. Its purpose is to promote investment by the private sector. It was approved by the Iraqi Parliament in October 2006 and became effective in January 2007 in all sectors, except for investments in the production and extraction of oil and natural gas and investments in the banking and insurance sectors, with the minimum capital of the project being covered by its provisions being USD 250,000 or its equivalent in Iraqi dinars. Under the Investment Law, Iraqi nationals can acquire State land and foreigners are entitled to lease land for up to 50 years as licensed by the NIC.</p> <p>The Law was amended twice as follows:</p> <ul style="list-style-type: none"> • The first amendment was issued by Law No. 2 of 2010, and its most important parts included: <ol style="list-style-type: none"> 1. Allowing non-Iraqis to own land freehold exclusively for housing projects. 2. Extending the benefits of the Investment Law to strategic partnerships with public companies owned by the State. 3. Granting a legal entity to investment commissions in governorates that are not organized into a region, in order to enable them to perform their tasks more effectively. 4. Specifying lands owned by the State and restricting their use, placing them at the disposal of the NIC for the purpose of allocating them for investment projects. • The second amendment was by Law No. 50 of 2015 (dated 4 January 2016) and its most important provisions are: <ol style="list-style-type: none"> 1. Adding the developer concept, who could be defined as each natural or legal person obtaining an investment licence in cities' construction and investment zones or any other sector suggested by the NIC after obtaining the approval of the CM, and adding the subordinated developer concept, who could be defined as each natural or legal person to whom a part of the investment project (of the suggested sectors) ownership is transferred to be developed. 2. Encouraging Iraqi and foreign investors through facilitating easy conditioned loans provided that the investor implements 25 per cent of the project. The loans are also granted to the housing projects' implementers and to the final beneficiary. This privilege was previously restricted to Iraqi investors only. 3. The new amendment allowed Iraqi and foreign investors to own State land allocated for housing projects against estimated fees if the land was within the fundamental cities' designs and without fees if it was out of the fundamental cities' plans. 4. Iraqi investors have the right to own State land allocated for industrial projects and to conclude a partnership contract with a foreign investor to finance and administrate. 5. Establishing industrial investment projects and warehouses for the agricultural sector on agricultural lands inside and outside the fundamental cities' designs. 6. Investing in the halted strategic and federal projects in all sectors for the purpose of completion and rehabilitation.

S/N.	Legislation's full reference	Summary of contents
		<p>7. The amendment obliged the ministries, independent entities and provincial municipalities to provide the estates/lands suitable for establishing investment projects and in case of non-committal to this provision, the CM shall have the right to transfer the estate/land ownership to the NIC without any fees and the Commission shall, in turn, have to allocate the estates/lands for investment projects.</p> <p>8. The amendment exempted estates/lands allocated for investment projects from the provisions of some laws and decisions for their role in hindering investment such as the Law No. 21 of Selling and Leasing State-owned land of 2013 and others.</p> <p>9. The PPPs are also covered by the provisions of this amendment.</p>
32	Law No. 21 of 31 March 2008 on "Governorates not Organized into a Region"	This Law is composed of 55 articles and was last amended by Law No. 10 of 2018. It is the law of decentralization in Iraq. Governorates enjoy legal and moral personality; they are financially independent and monitored by the CoR. The law determines the powers of the Governorate Councils and Local Councils (District and Subdistrict Councils). The Governorate Councils have several functions in relation to allocation of lands (of ministries and parties not linked to a ministry) for the purpose of setting up service and residential projects in the governorate after approval of the CM with some exceptions specified in Article 7/11 of the Law, as amended. According to this Law, as amended, the Local Councils (District Councils) have jurisdiction to approve the major designs of the districts in coordination with the Governorate Councils and under the general plan of the Federal Government and to send recommendations about them to the Governor (Article 8/7), and to monitor public land use and to improve agriculture and irrigation within their boundaries (Article 8/9). The Law is reported to have taken a lot of the powers granted to municipalities by Law No. 165 of 1964.
33	Law No. 20 of 28 December 2009 on "Compensating Victims of Military Operations, Military Mistakes and Terrorist Actions"	This Law is composed of 21 articles. Its objective is to compensate all war-affected victims, including compensation for damaged/destroyed property, but it is not possible to join compensation disbursed in accordance with this Law with any other compensation granted under any other law. Article 1 of Law No. 2 of 2020 provides for the setting up of three central committees (one for KR-I) based in Baghdad attached directly to the GSCM and each central committee is chaired by a judge appointed by the HJC as per Article 2 of the Law. The central committee's job is to ratify, amend or cancel recommendations for compensation made by subcommittees, which were set up by Law No. 20 of 2009 in the governorates to receive requests for compensation by aggrieved persons.
34	Law No. 13 of 9 March 2010 relating to the "Property Claims Commission"	This Law is composed of 28 articles. It was issued to preserve the rights of citizens whose properties were illegally taken, to protect and preserve the public money and to tackle the imbalance between the interests of citizens and the State. The provisions of this Law apply to all properties comprehended by decisions issued during the period between 17 July 1968 and 9 April 2009 identified in the first paragraph of Article 3. The Law also identified properties excluded from some of its provisions. It regulated the mechanism of forming legal committees in charge of examining lawsuits, procedures and appeals against the body concerned with compensation settlement, in addition to the penal provisions which addressed the existing gaps or resulted from the enforcement of the previous Law No. 2 of 2006.
35	Law No. 27 of 26 March 2010 on the "Protection and Improvement of the Environment"	This Law is composed of 39 articles. Its objective is to improve and protect the environment, including the protection of waterbodies, from pollution by dealing with damaged/degraded resources. It creates a Council for the Protection and Improvement of the Environment. It is located within the MoE to operate in cooperation with other ministries. It stipulates that EIAs shall be completed for new projects within the country.

S/N.	Legislation's full reference	Summary of contents
36	Law No. 30 of 25 January 2010 on "Forests and Woodlands"	This Law is composed of 27 articles. Its objective is to prevent deforestation in order to protect waterways and springs.
37	Law No. 59 of 15 October 2012 on "Modern Farming Villages"	<p>This Law is composed of 10 articles. It aims to achieve the following:</p> <ul style="list-style-type: none"> Regulate the establishment of modern villages. Regulate the rental contracts for the residential dwellings that the ministry is building in the modern villages in cooperation with the competent authorities. Benefit from the existing agricultural expertise and work energies and invest them according to advanced scientific foundations. Contribute to reducing unemployment. Contribute to achieving food security. Increase green areas, combat desertification and improve the environment. <p>The above objectives may be achieved through the following:</p> <ul style="list-style-type: none"> Allocating agricultural lands and cooperating with the competent authorities to provide the water share and provide possible support to the beneficiaries of this Law. Creating various modern and advanced agricultural production methods in accordance with the Law. Cooperation and coordination between ministries and universities to prepare studies to ensure the success of modern village projects. Employing the specialized workforce from graduates of colleges and institutes of agriculture and veterinary medicine. Using advanced modern irrigation systems. <p>The Law applies to graduates from colleges and institutes of Agriculture and to graduates of faculties of veterinary medicine.</p>
38	Law No. 24 of 26 August of 2013 relating to "Leasing of Agricultural Land and Allocating Disposal Rights Over Them to Graduates of Agricultural Institutes and to Veterinarians"	This Law is composed of 10 articles. It regulates the lease of agricultural lands and allocates the ownership of the right to dispose of them to agricultural graduates and veterinarians, who are not appointed in the departments of the State and the public sector, to set up agricultural projects (plantations and animal breeding) which follow modern methods of cultivation.

S/N.	Legislation's full reference	Summary of contents
39	Law No. 21 of 18 September 2013 relating to "Selling and Leasing State Property"	<p>This Law is composed of 44 articles. It repealed the previous Selling and Leasing State Property Law No. 32 of 1986. It was amended by Law No. 21 of 5 September 2016. The MoJ issued Instructions No. 4 of 2017 to facilitate the implementation of this Law, as amended.</p> <p>The Law, as amended, applies to all State lands' allocations except those listed in Article 1 of Instructions No. 4 of 2017 of the MoJ, whose sale and lease are regulated by special legislation. The Law, as amended, does NOT apply to the sale and lease of the following:</p> <ul style="list-style-type: none"> • First: governmental housing units originally prepared for housing employees and/or to serve the facility for which they were constructed. • Second: the agrarian reform lands defined in Article 1 of the Agrarian Reform Law No. 117 of 1970, which is under its administration, unless the MoF is allowed to dispose of them. • Third: Land allocated for investment as quarries and covered by the Regulation of Mineral Investments Law No. 91 of 1988. • Fourth: Lands leased for the purposes of industrial projects to which the Industrial Investment Law No. 20 of 1998 for the Private and Mixed Sectors apply. • Fifth: Endowment funds that do not meet the description of State funds. • Sixth: Residential complex projects to which special regulations apply to their sale and payment modalities. • Seventh: Any other State funds to which a special legislation regulating their sale and lease has been enacted. <p>Article 5 of the Law, as amended, provides that non-Iraqi citizens may not purchase State land under this Law without prejudice to the Investment Law No. 13 of 2006 as amended.</p> <p>Articles 12–16 of the Law, as amended, outlines the rules for the allocation of State lands (through sale or rent) which are binding to all concerned official parties (ministries, governorates, municipalities, etc.) However, Article 40 of the Law, as amended, provides that when necessary, the CM may exceptionally decide to sell the State's movable and immovable property without observing the rules laid out in the Law.</p> <p>Article 2 of Instructions No. 4 of 2017 to facilitate the implementation of the Selling and Leasing State Property Law requires that for the sale of the real estate, the real estate has to be registered at the competent Real Estate Department in the name of the concerned ministry or party.</p> <p>According to Law No. 21 of 2013 as amended, land may be sold or leased for residential, commercial or agricultural purposes. Public auctions are required to be held under prescribed procedures (Articles 12–15). Ministries that control land are bound by these procedures. Each has a sale and lease committee that manages the auction process. As part of the process, the land is valued by an assessment committee consisting of three directors or other high-level officials, plus a real estate agent and importantly, a representative from the MoF.</p>

S/N.	Legislation's full reference	Summary of contents
		<p>Articles 24 and 25 of the Law provides for certain exceptions to the public auction requirement as follows:</p> <ul style="list-style-type: none"> • First: The immovable property may be sold without public auction by decision of the competent minister or the head of the entity not associated with the ministry at an appropriate rate (not less than 50 per cent) of its real price and in accordance with comparable prices of neighbouring properties as estimated by the Valuation Committee and agreed to by the minister in case the property will be used for official purposes of the department. • Second: It is permissible to sell residential real estate to the State and public sector departments without public auction at the real prices according to the prevailing comparable prices of similar neighbouring properties as per the price determined by a committee to be approved by the concerned minister or the head of the department not associated with the ministry for sale to its staff. • Third: The municipality may, after the approval of the Minister for Municipalities and Public Works and the secretariat of Baghdad, sell lands allocated for housing without public auction and for the real price according to the prevailing comparable prices of similar neighbouring properties as valued by the competent committee to Iraqi citizens who did not obtain a housing unit or a plot of land from the State housing units or cooperative societies. • Fourth: The competent minister may decide to sell residual plots which cannot be sorted and the Minister for Finance may sell or lease agricultural lands located outside road borders.
40	Law No. 49 of 6 December 2015 relating to “Confirming Ownership of the Agricultural Lands and Orchards excluded from the Adjustment Acts”	This Law is composed of 5 articles. It operates within the Municipality of Baghdad and deals with orchards and agricultural lands that were excluded from previous settlement acts or are otherwise of unresolved ownership status. The Law focuses on urban development that takes place on agricultural lands and orchards that have become unsuitable for agriculture due to urban development. It establishes 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 in the old registers of the city they were not officially designated as ‘agricultural land’.
41	Law No. 83 of 2 January 2018 on “Irrigation”	This Law is composed of 16 articles. It regulates water management, use, preservation and pollution by the beneficiaries. It provides for the need to obtain a licence from the MoWR to use a pump for water. It states that the MoWR has the responsibility to monitor and protect lakes, rivers and man-made waterways. It also sets the penalties for the abuse and pollution of water resources.
42	Resolution of the Chairmanship of the Council of Ministers No. 70 of 13 March 2019	The objective of this Resolution is to reduce inequality between classes. The Resolution charges the MoCHMPW to sort and distribute serviced lands for housing to individuals with special needs, those covered by social protection nets and other citizens at a reduced sale price to be paid in instalments provided that they did not benefit before from State land in accordance with Resolution No. 120 of 1982. It also charges the MoCHMPW with preparing controls for the implementation of this resolution in coordination with the GSCM. This Resolution is in line with Iraq’s PRS 2018–2022.

ANNEX 2: MAIN LEGAL FRAMEWORK REGARDING LAND AND PROPERTY ADMINISTRATION AND MANAGEMENT IN KR-I⁶⁰

S/N.	Legislation's name and reference	Summary of contents
1	Law No. 90 of 9 June 1975 relating to the "Regulation of Agricultural Ownership in the Autonomous Region of Kurdistan"	This Law is composed of 14 articles. It applies to agricultural lands and orchards located in KR-I. It sets the maximum limits for agricultural land ownership in the Region in accordance with the Agrarian Reform Law No. 117 of 1970. Moreover, the Higher Agricultural Council may decide to take any agricultural land or orchards to set up large agricultural economic units stated in the Agrarian Reform Law.
2	Law No. 4 of July 2006, "Investment Law in Kurdistan Region-Iraq"	This Law is composed of 25 articles. It was passed to promote and manage investment in the Region. It provides for the setting up of the Board of Investment in the Region and defines its structure and tasks. The Board of Investment, in coordination with relevant ministries, specifies sites and lands within the master plan of cities where investment projects will be set up. Foreign investors are allowed to own or lease any property in the Region for investment projects. The Law provides for many tax and custom exemptions for investors and for legal guarantees. It also provides for arbitration to settle investment disputes.
3	Law No. 1 of 31 March 2008 relating to the "Regulation of Disposal Rights in Agricultural Lands"	This Law is composed of nine articles. Its objective is to allocate agricultural land and disposal rights to peasants to increase their loyalty to the land and the agricultural production, and to encourage producers to invest their funds in big agricultural projects and to use modern technologies. It provides that disposal rights shall be granted to peasants on agricultural Emiri lands in accordance with the Agrarian Reform Law. The person benefiting from a disposal right in accordance with this Law shall continue to plant the land assigned to him and if, without a valid reason, he stops cultivating and planting the land for three consecutive seasons, the decision to grant him the disposal right shall be revoked. Disposal rights shall not be granted beyond the permissible space limits stated in the Agrarian Reform Law.
4	Law No. 4 of 5 May 2008 relating to the "Protection and Promotion of Agricultural Product in Kurdistan Region-Iraq"	This Law is composed of 14 articles. It lays down the obligations of livestock owners and stakeholders on all lands, forests and orchards to promote, protect and use them and all water resources in accordance with the Region's plan. The MoA should also give support to peasants to cultivate the land and use modern technologies in agriculture. If the agricultural landowner, owner of the disposal right or peasant, without a valid reason, neglects cultivation and planting of the land, the Governor may charge the General Directorate of Agriculture in the Region to plant the land which shall be returned to the owner at the end of the season without the right to claim any compensation for usage of the land.

⁶⁰ The list of legislations is in order from the oldest to the newest. The list includes legislations issued to the autonomous KR-I as well legislations issued by the IKP. Access to unlisted legislations is possible. Legislations are compiled from the [Iraqi SJC legislations database](#) (available in Arabic only) and the website of the [IKP](#) (available in Kurdish and Arabic only).

S/N.	Legislation's name and reference	Summary of contents
5	Law No. 7 of 3 June 2008 on "Securing Housing Provision for Citizens in the Region of Kurdistan-Iraq"	This Law is composed of 11 articles. It charges the Ministry of Construction and Housing to build housing units and apartments to be titled to the low-income citizens of the Region and the Ministry of Municipalities shall allocate residential plots free-of-charge to the Ministry of Construction and Housing for this purpose. Applicants for ownership of the housing units are required not to solely possess a residential apartment or a housing unit and not to be a beneficiary of any housing project in KRG or of mortgage loans provided by the regional Government. The MoF shall provide the Ministry of Construction and Housing with the financial allocations needed to build the apartments and housing units and the Ministry of Construction and Housing is committed to deliver ready apartments or housing property for the applicants within a period not exceeding two years from the date of the advance payment. The residential apartments or housing units shall be registered in the name of the ownership applicant at the RERD, exempted from any registration fee, as absolute property under mortgage to the Government equivalent to the remaining loan amount.
6	Law No. 8 of 11 June 2008 relating to the "Environmental Protection and Improvement in Kurdistan Region of Iraq"	This Law is composed of 48 articles. It aims at protecting and preserving the environment, particularly considering the problems of urban expansion and population increase and lack of awareness among the population. The main objectives of the Law are maintaining the environment of the Region, protecting, improving and preventing it from pollution, protecting the environment and public health from dangerous activities and harmful works, and maintaining and developing the natural resources.
7	Law No. 10 of 10 October 2012, the "Forestry Law of Kurdistan Region of Iraq"	This Law is composed of 24 articles. It aims to protect and increase the space of forests, encourage agricultural investment in forests, improve the environment, provide certain materials to the industry, maintain certain plant species originated in the Region, and ensure availability of touristic places. It defines forest protection measures, forest utilization, fire prevention and control and sanctions against violators.
8	Law No. 12 of 21 November 2012 relating to "Allocation of Residential Dwellings Located in Villages Within Municipal Boundaries in the Kurdistan Region"	This Law is composed of 11 articles. Residential dwellings located inside villages not assigned to owners until the passing of this law shall be allocated to them without prejudice to municipalities' master plans as per the following limits: <ul style="list-style-type: none"> • Land up to 400 m² is allocated at a nominal price. • Land above 400 m² and up to 800 m² at 50 per cent of the district's prevailing price and at 10 per cent of prevailing price at the township. • Land space above 800 m² is registered under the name of the municipality for free. Committees to receive petitions for land allocations shall be set up in administrative units by relevant ministries. Appeal of decisions of such committees is possible before a committee constituted in accordance with Article 2 of this Law within 30 days from the date of the service of the decision on the petitioner.
9	Law No. 3 of 10 October 2012 relating to "Governorates of Kurdistan Region of Iraq"	This Law is composed of 41 articles. It defines powers and responsibilities of councils of administrative units, their presidents and members to promote the principle of administrative decentralization and improve service delivery to citizens. It defines the structure and mandate of the Governorate Councils, the District Local Councils, the Township Local Councils, and conditions for and the work of memberships at such councils. It also defines the duties and powers of the Governor, the district manager and township commissioner, as well as the finances of governorates and dissolution of councils.
10	Law No. 3 of 30 April 2012 relating to "Public Roads in Kurdistan Region of Iraq"	This Law is composed of 27 articles. It applies to all public roads located outside municipalities' borders, intersections, tunnels, bridges, squares and facilities servicing them. It regulates expropriation of lands by the Ministry of Construction and Housing in KR-I to set up public roads and compensation of relevant persons in accordance with the Expropriation Law No. 12 of 1981 as amended. The law includes sanctions for violations of public roads and their use.

ANNEX 3: IRAQ BASIC LAND TENURE CATEGORIES, PRACTICES AND LEGAL SOURCE

Land type	Contributing	Practices	Legal source
<i>Amiriya (Miri)</i>	State land; owned by governorate.	The Ottoman era and still exists under State regulations	<ul style="list-style-type: none"> • Ottoman land rights • State regulations of ownership
<i>Mulk</i>	Rights gained through TAPU title, allowing various degrees of freedom in the use of the property	Private ownership and governed by land rights laws; still exists	<ul style="list-style-type: none"> • Ottoman land rights • State regulations of ownership
<i>Waqf</i>	Mainly religious endowments, translation of private ownership within an endowed land governed and regulated by Islamic law	The Ottoman era; still exists	<ul style="list-style-type: none"> • Ottoman land rights • The British Mandate land rights • The recent State regulations laws
Empty land	The dead land (<i>mawat</i>) is undeveloped land located a distance away from any town or village.	The Ottoman era	<ul style="list-style-type: none"> • Ottoman land rights • The British Mandate land rights • The recent State regulations laws
Land rights use for a fixed term	Rights of use and benefit from land	The Ottoman era; still exists.	<ul style="list-style-type: none"> • Ottoman land rights • State regulations of ownership
	Rights of use and benefit for a fixed term of years during which the land and property are still owned by grantor.	The Ottoman era; still exists	
Communal lands	The term was used at village level to denote either common undivided land or communal grazing land.	The Ottoman era; still exists	State regulations of ownership laws: Civil Code Article 68 (1958) and Civil Code Book 1 (1929)
Unit/plot	User residence ownership rights	Still exists under the new State regulations	<ul style="list-style-type: none"> • Ottoman land rights • Pastoral lands, as opposed to cultivated land
Leases	Rights of use and benefit for specific amount and period	Still exists under the State renting regulations	<ul style="list-style-type: none"> • Ottoman land rights • State regulations of ownership such as Law 87/ 1979.
Sell-Buy Process	Long complex transaction procedures that take place at the RERD	Still exists under the State renting regulations	Issuing the Title Deed to be examined accurately at the RERD

Source: Al-Ossmi, L., and Ahmed, V., "Land Tenure Security According to Land Registration Systems in Iraq", July 2015.

ANNEX 4: SUGGESTED CLASSIFICATION OF LAND USES FOR IRAQI CITIES

	Primary Classification	Secondary Classification	Detailed Classification	
1	Residential land use	Single unit	Low-density	
			Medium-density	
			High-density	
		Multistorey building	Low-density	
			Medium-density	
			High-density	
2	Economic land use	Commercial	Wholesale	
			Retail	
			Stores and warehouses	
			Industrial	Light industries
				Medium industries
				Heavy industries
		Car service		
		Stores and warehouses		
		Investment	Hotels	
			Restaurants and cafes	
			Offices and companies	
			Car showrooms	
			Financial and professional services	
			Investment sites	
		3	Mixed land use	City centre
District centre				
Quarter centre	Recreational land use and economic land use			
Neighbourhood centre				
4	Public services land use	Government services	Administrative (ministries, institutions and departments)	
			Service facilities	
		Security services	Military and security (police and others) and service security facilities	
			Community services	Education
		Health		
		Places of worship and cemeteries		

	Primary Classification	Secondary Classification	Detailed Classification		
5	Recreational and entertainment land use	Agricultural areas	Agricultural areas		
			Gardens		
			Landscapes		
			Natural areas		
			Green square		
			Parks		
			Green open spaces		
			Orchards		
		Water areas	Water areas		
			Lakes		
			Waterways		
			Fountains		
		Recreational facilities	Youth and sports		
Cultural (theatres, museums, libraries, galleries, etc.)					
Resorts, clubs and entertainment halls					
Recreational facilities					
6	Infrastructure	Transportation	Roads and highways		
			Local and international transport stations		
			Airports		
			Railway stations and tracks		
			Metro and monorail		
			Parking		
			Bicycle paths and sustainable transport modes		
		Infrastructure facilities	Electricity, water, sewage, municipal services, communications and fuel		
			Buildings, Stations, Stores, Warehouses and Routes		
			7	Vacant areas	Derelict
					Unused land
					Lands dedicated to future development
					Protected landscape
Buffer zones					
Unmodified land					
Land not applicable for development					
Special areas	Land use not classified elsewhere				
	Insulation facilities				
	Slums				

Source: Ismael, Mohammed and Yas (2020)

ANNEX 5: RULES RELATED TO THE ASSESSMENT OF MONETARY COMPENSATION FOR EXPROPRIATED PROPERTY ACCORDING TO THE EXPROPRIATION LAW NO. 12 OF 1981 AS AMENDED

Section III: Compensation – Chapter II: Monetary Compensation

• Article 31: Compensation for farmlands

First: The value of the land is estimated by Iraqi dunum (equivalent to 2,500 m²) and according to the prices of 1973 by referring to the selling procedures of the Land Registry Office as a basis to fairly compensate as follows:

- a. If the land is an absolute property and was transferred to the property owner in or before 1973, the compensation is determined according to the prices of 1973, plus 4 per cent of the amount for each year till the date of inspection and estimation, considering that compensation should not exceed the prevailing price, and that a part of a year (if it is more than six months) is considered as a year.
- b. If the land is transferred to the property owner after 1973, the compensation is determined according to the price registered in the property record (adding to it the percentage mentioned in Item (a) above) and the prevailing price during the inspection and valuation.

Second: In order to define the prevailing price during inspection and valuation, other factors shall be referred to, such as land production, location, distance from markets, fertility, irrigation and planting methods, and other land qualifications identified locally.

Third: (a) The compensation for disposing of lands owned by the Government is estimated by considering the lands' value as it is considered an absolute property according to the basis mentioned in First and Second items of this Article. The compensation received by the Government is defined according to the percentages laid down in Article 5 of the Law No. 53 of 1976 on Unifying Government's Lands Types.

(b) The value of facilities built on the land owned by the Government and decided for disposition is estimated according to rules mentioned in this Law if these facilities have been established for planting purposes, including the house of the landowner and the house of the land workers or if these facilities have been established according to valid legislation. These facilities may be demolished if they are not built for planting purposes or if they are proved to have been built contrary to valid legislations.

Fourth: The land shall be covered by the provisions of this Law if it is used for cultivating or could be used for cultivating based on its status acquisition request regardless of its area, location and type mentioned in the land registry. This rule applies for cultivated lands which do not match the orchards' conditions mentioned in the Agrarian Reform Law of 1970.

• Article 32: Compensation for Orchards and Planted Species

First: Trees planted on this land are considered orchards, thus, they are estimated as in Article 31. However, the utilities are valued according to the rules mentioned in Article 33.

Second: The value of the trees is valued according to the prevailing prices in the area as of the date of inspection and valuation taking into consideration the tree species, age, and whether or not they are fruitful, as well as other known qualifications.

• Article 33: Compensation for Property

This includes residential, industrial and commercial properties, as well as land for constructing buildings. These properties are valued according to their prevailing prices during inspection and valuation, regardless of their value after implementing the project. The following rules apply:

First: When estimating compensation, the following factors are taken into consideration: location of the property, level of construction, area, assets and type of construction materials, as well as revenues attained by the property.

Second: The following references could be accounted for when valuing a property: the value of the property as estimated by the Land Registry Office, values of neighbouring or equivalent properties, or their selling prices, or their annual lease value, either actual or estimated for tax purposes.

Third: The value of land and the value of buildings and other utilities and property (if any) are estimated separately.

Fourth: The estimation is made using the cubic metre or by using a standard measurement unit. The Valuation Committee can make an estimation in whole (according to a previous decision) or by any other normally accepted method in order to have a fair compensation.

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ABOUT THIS PUBLICATION

This report analyses the land sector in Iraq by looking at its legal and institutional set up, its stakeholders, and the key land administration functions: land tenure, land value, land use, land development, and land disputes' resolution. The most important legislation is annexed and a set of preliminary recommendations for consideration by national stakeholders complement the report.

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