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An Assessment of Land Registry and Cadastre System with Emphasis on the Community Tenure Trust in Iraq after Events of 2003

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Abstract:

This paper investigated the crucial changes occurred in Iraq after 2003 and how they impact the development of Land Registry and Cadastre System (LRCS) with emphasis on the Community Tenure Trust (CRT). The methodological approach identified and tackled sources of barriers to CRT shared land tenure and equity rights through literature reviews and the text analysis of semi-structured interview responses from key stakeholders in a nominated city in Iraq. Findings indicated that current sources of barriers to CRT development occur within two bilateral hierarch levels impacting its capacities as a rigid responsible for LRCS, which was locally established during the previous administration era, and for local practitioners in jurisdiction level for localised authorities. This study opens a further debate on the weaknesses of the current land tenure and users right delivery procedure, efficiency of system structure, and the need for an improved capacity for innovation through more sustainable policies particularly in current sources of barriers to CRT development, however with system performance in Iraq after events of 2003.

Keywords: land tenure; land registry; cadastre system; land registry and cadastre system; LRCS; community tenure trust; CRT.

1. Introduction

According to the Iraq study group report (2006) the challenges are complex and have rapidly developed into one of the most complex undertakings ever faced, violence is increasing in scope and lethality in Iraq. After the Iraqi regime was toppled in 2003, a nonstop period of instability was followed by potentially grave consequences in the country; a living in ethnic conflict is still triggering massive crises in Iraq (see IPPC, 2010 and 2015; IOM, 2016, 2017, and 2018). With eroded trust in the Iraqi authorities, the Iraq's legal system of land registry and cadaster system was further deteriorated, particularly by the events followed the war in 2003. Consequently, Iraqi legal system crisis is continuing and contributed to a number of factors. According to UN-Habitat reports (2010b and 2012) the chaos of looting, multiple ownership claims and destruction of public records have increased, causing more influence on the Iraqi real estate assets. Recently, the chaos of looting and corruption of public records that followed the systematic collapse have also enlarged (see Al Rashid, 2005; USAID, 2005; Stigall, 2008; UN-Habitat, 2005b, 2006, 2010a, 2010b and 2012; Marr, 2012; Shaikley, 2013; Thabit, 2014; Al-Ossmi, 2016 and 2017; IOM, 2020; UN-Habitat, 2020a).

In Iraq, it appears research on the Land Registry and Cadaster System (LRCS) with emphasis on the Community Tenure Trust (CRT) is not addressed holistically (Al-ossmi, 2016). Moreover, in current critical situations where they are included, the administrative data is sometimes distorted, lacking in-depth grasp of how conventional options could be hindering another possibility with the possible to progress to (LRCS) and (CRT) conveyances. According to the Iraqi land registry law (No. 43, Art.2, Chapter 2, 1971), Land Registry and Cadaster System (LRCS) was constituted to register real estate dispositions and deal with the verdict contained on the property rights regarding the activities of transaction and transfer of those rights to the others. Perhaps, these trends could be indications of deep rooted problems with (LRCS) System and approach to (CRT) needs. Regarding the Iraqi real estate assets, facilitating disputes at which some form of property is a dominant question requires understanding of how property rights are considered, how property is acquired, the allowable property rights, and how such rights are constituted or even lost. Rebuilding a legal system of land registry and cadaster system and restoring property rights should require a systematic acquaintance of the legal

administration that governs the ownership and usage of property. This article, therefore, provides a closer look at Iraqi legal system of Land Registry and Cadaster System (LRCS) with emphasis on the Community Tenure Trust (CRT). Linked to the issue of legal reconstruction, and asset restitution and property rights, the main characteristics, applicable instructions, fundamental concepts, and historical heritages are discussed in order to illuminate the legal landscape and performers guide legislators, and in this currently captivating yet troubled case of Iraqi.

In order to shed more light on these Iraqi issues, this research focused on the (LRCS), which literature has reliably touted as a viable alternative to old-style possibilities. Shedding light on these possibilities involved the examination of connections between concerned policy makers in the sector of land registry and cadastre system and restoring property rights and the prevailing shortfalls in (CRT) levels. With this in mind, the author has elsewhere detailed the sources and general outlay of Iraqi civil law associated to the land registry and cadaster system and restoring property rights and, thus, shall repeat little of that relative information here. This article therefore, seeks to focus greater attention on the laws of property (LRCS) and (CRT) torts as they are understood in Iraq, discuss their applicability and pinpoint these developing issues of (LRCS) and (CRT) during the current situations in Iraq.

The investigation process involved key literature reviews, perception mapping of concerned stakeholders; including experts in both (LRCS) delivery platforms and (CRT) of beneficiaries. Furthermore, in order to mitigate systematic data shortages, particularly when non mainstream and dissatisfactory processes are concerned, a modified pathway methodology based on a survey was employed. This was done in an attempt to derive meaning within (LRCS) constructionism and implications for relevant stakeholders including (CRT) legatees.

2. Literature Review: the LRCS in Iraq

Despite continual government change, the directorate of Ottoman sultanate records was the first office in Iraq responsible for the registration of real estate transactions, which was established in 1870 during the Ottoman era, and that the Iraqi laws of tenures was issued according to the Ottoman land law issued in 1858, and became effective in Iraq by the virtue of the Constitution of 1925 (Al-Mahmood 2014). However, the legal body of the Iraqi Land Registry and Cadastre (LRC) system was established since the beginning of the national government in Iraq. In 1927, it was linked to the Ministry of Agriculture and Irrigation, and then was transferred to the Finance Ministry under Law No. 4 of 1930 (IPPC, 2015). By 1970s, the old form of the Ottoman Civil Code ‘*TAPU*’ system was replaced by the real estate registration laws, and established the Real Estate Registration Departments (RERDs) throughout Iraq (UN-Habitat, 2012 and 2020a). Today, according to the Iraqi Ministry of Justice (2020) there are 18 land registry and cadastral directorates, and 130 cadastral sub-offices potentially govern the LRCS in Iraq.

In order to fulfil the national registration tasks, the Iraqi General Directorate of Land Registry and Cadastre (GDLRC) was constituted by the Ministry of Justice Law (No. 18, Art.16, 2005), which created an improved title deeds system and a national cadastral system, including a geographic information system (GIS) and possible archival. Statutorily, according to the Iraqi Ministry of Justice (2019) the Iraqi laws of assets registration in the land registry were varied, such as laws (No. 59/1955), (64/1959), (165/ 1964), Governorates laws (159/1969), and (43/1971), effectively supporting and administering an asset registration. In 1980s, according to the amendment 182 of (law No. 31/1982) ministerial reports also showed that an extension amendment to the Iraqi LRC system was delivered.

In fact, the transferring the ownership of real estate property in Iraq is achieved by legal system within the Title Deed Document (TDD) in the REROs and its fabric registry(i.e., Inheritance, mortgage, foreclosure, taxation, etc.). According to the Iraqi Ministry of Justice Report (2020), there are two types incorporate: transfer between individuals, and transfer between individuals and a governmental body or bodies. Generally, transferring by two governmental ownerships and between individuals is included: sell-buy process, exchanging properties, inheritance, and donation, whereas transferring ownership involving a governmental body contains: Judicial expropriation via a civil court decision, and administrative expropriation; when real estate ownership is transferred from one governmental body to another (see USAID, 2005; UN-Habitat, 2010a, 2010b and 2020a and 2020). Procedurally,

the process depends on the Title Deed Documents (TDDs) from the seller as a proof of his/ her legal ownership, and all details of seller and buyer and transaction aspects are issued in the permanent Title Deed Sample known as DS-25 (Al-ossmi, 2017). Afterwards, all official papers of the selling application form have to be signed by both the seller and the buyer as the application is registered at the permanent Real Estate Registry (Iraqi Ministry of Justice Report, 2020).

There are clear indications that key internal causes involved primarily with LRCS supply difficulties are somewhat linked with the lack land/ housing provision. The continued failure of the state and the society, the 2016 Global Human Index shows that among (188) of the middle developed countries of the world, Iraq is ranked (121) with a value of (0.649). The MOP (Ministry of Planning) showed that the population density in Iraq is 88/ km², and around 68.2% of the Iraqi population is urban. The size of the family, employment opportunities, the economic conditions of Iraqi families are usually indicators to determine the type of providing shelter, and might contribute to difficulties faced in construction issues. It is important to mention that the indications on average of 73.3% of Iraqi families have their houses in Baghdad, while the rest live in a rented house (The Ministry of Planning, 2012). Furthermore, after the regime fall in 2003 it is important to understand how institutional framework reacts is quite instructive on the significance of challenges, which might have intended consequences on CRT. Although no recent survey has provided an assessment of housing quality in Iraq, housing quality has decreased in the past couple decades. In the Iraqi large urban centres about 30 to 35 present of housing stock is below the standard previously set by criteria of the public housing authority scheme of (1981-2000), (see Ministry of Housing and Construction, 1982; Iraq K N, 2012; Huda, 2015; Kahachi, 2015; Al-ossmi, 2017; Al-Shaibani and Popov, 2019; UN- Habitat. 2020a).

Although the residential policy was officially adopted after 2003 by national agency for land and housing policy (MOP, 2010), the national housing policy in Iraq is mostly muscled out by local limited capacity to create the integrated and sustainable residential policy. The series of 3 wars impact was apparently massive. The import point here is that also sheds light on the reality of the housing lack in Iraq during this economic siege period. The national housing statistics showed that total number declined in period 1981 to 1996, the dramatic fall of the income was corresponding with the insecurity circumstances, which have escalated by the population increase and declining the number of the rebuilding and restoration building permits (see ICBS, 1980s, 1990s, 2002, 2014, 2015). According to the Iraq national housing policy (2010) the housing shortage identified by about 2.8 million housing units, the Iraq national housing policy in 2010-2016 strategy failed to bridge the gap in the housing policies after 2003 at securing housing and development of the housing sector in Iraq encouraging the Slum and informal settlements crisis in Iraq (Figure 1).



Figure 1: Shows the output of the housing shortage in Iraqi urban areas

As literature sheds light on what gives the impression to the real situation of the existing system in Iraq and all these external and internal challenges that it deals with within a present critical period to adequate and meet up with the urgent housing targets of user's needs. As literature sheds light that there are indications that key players involved primarily with LRCS problems are somewhat unlinked with the lack of CRT. In practice, these additional laws had also provided for local incomes including a real estate tax. It is crucial to mention here that the general negative influence has resulted from a series of external factors such as these wars of 1980, 1991 and 2003. However, the Iraqi LRCS constructionism issued a set of legal managements for registration of real estate and all provided additional procedures and gave additional protections to the end-users' rights and then CRT legatees. In practice, the responsibilities are well carried out by the LRCS aspects at the Iraqi legal level.

3. Research Methodology

For this article's methodology, the weaknesses of local research approach to the current challenges of actors and barriers, Iraqi social complexities, attitudinal legalities cannot be unravelled without addressing the hierarchical administrative systems within the Iraqi networks in a post-modern period. Methodologically, this structure is the rule inherent in stakeholder experiences to the LRCS actions based on what they had about CRT, and how to clearly determine which users' realism is seen as acceptable in the Iraqi local social concept. Adopting a full-bodied literature review, the semi-structured interview and a stern analytical process helped achieve the LRCS in implementing the end-users' rights and then CRT legatees in this critical period in Iraq elements. This focused on the identification of the bounds of ability to discover the insensible meanings held by individual's users about CRT and the associated consequences of LRCS arrangements. To this end, achieve the end goal of specifying influential factors which impinge on actions and the study focus.

Data generated (as responses by samples) on this article were written out, recorded and reviewed. NVivo 11 Software (2017) was utilised to help the author to organise the gathered recordings finished text analytical methods. This helped directly increase validity and reliability and strength of the research outcomes generated from the raw of materials context. This article is a pioneer to enhance the influence of the current challenges that face the LRCS in implementing the land end-users’ rights and then the Community Tenure Trust (CRT) legatees in this critical period in Iraq. It reveals the full range of success and failure factors at both levels, and then for increasing the validity and reliability of the findings. In general, this research used mixed methods approach included multiple data collection techniques and dealt with different types of participants in order to reduce the opportunity for bias.

3.1. Administration Categorisation

The LRCS participants were classified according to their mode of operation in the Iraqi system and government organisational activities, i.e. these 14 samples' classification (agents/ stakeholders) are coded by (*AB_n*) and are informed by the concepts of the background and experience in LRCS and to CRT contexts. Due to the anonymous treatment of interview respondents, the respondents of organisation representations were identified with representative descriptors of; (*AB₁, ... AB₁₄*) initially represented the respondents that fulfilled key informant selection. The LRCS representations categorisation represents mostly active managers involved in the government agencies that typically derive their finance from the Iraqi central government to implement their LRCS policies. And, actively participated and engaged in LRCS implementation, experienced the difficulties and barriers, and made decisions to overcome. Also samples are divided into two levels; the Agency in Iraqi ministries and the local authorities (nominated regional government of Thi-Qar). In fact, these leading organisations whose activities are centred on community ownership and management initiatives which come to the progress level of the CRT (Table 1).

Table 1: The profiles of LRCS stakeholder respondents

Codes	Agency	Background	LRCS Experience	CRT Experience	LRCS Representation
<i>AB₁</i>	MoJ	Housing Development	> 5yrs	5yrs	Administration Organization
<i>AB₂</i> <i>AB₃</i> <i>AB₄</i>	MoH&C	National Policy Management, Housing finance	> 10yrs	2-10yrs	Administration Organization
<i>AB₅</i> <i>AB₆</i>	MoM&PW	National Planning and Regeneration	7-10yrs	1-5yrs	Housing and construction Agency
<i>AB₇</i> <i>AB₈</i> <i>AB₉</i>	SCH IREB	Housing finance Urban planning, Spatial Development Committee, Housing Funds	> 5yrs	6-10yrs	Planning Authority Administration Organization
<i>AB₁₀</i>	PPC	Municipality Housing Development	6-10yrs	3-6yrs	Local Authority (regional government of <i>Thi-Qar</i>)
<i>AB₁₁</i> <i>AB₁₂</i>	LRCO	Municipality Council Housing	2-5yrs	< 5yr	
<i>AB₁₃</i> <i>AB₁₄</i>		Municipality Council Consultancy	5yrs	2-5yrs	

3.2 Interview procedures, data gathering and analysis

Data analysis is based on 14 interviews conducted between 1st June and 23 July 2020, combining qualitative data adapted to the context and restrictions during the COVID-19 pandemic. As a result of a recent global critical situation resulted by COVID-19 pandemic impact, security aspects or in case the targeted participant was absent, the data gathering process included phone and the Google meet interview sessions and were audio recorded. Moreover, LRCS stakeholder responses to sample open-ended questions focused on the following three themes:

- The perception of stakeholders' satisfaction with the system performance; the policies succeeding impact LRCS implementation processes and the enabling capability of concerned stakeholders in regards to the CRT.
- Consequences of the success/ failure factors of LRCS sector, and how do they influence the current role of basic administrative units in Iraq.
- Assessment of how the LRCS policies of the Iraqi system are shaping and implementing strategies in regards to the CRT current level.

Interview invitations (available on request) were constructed on the questionnaire used by Crang, M. (2002). Furthermore, prior to official commencement, interviews were written and conducted in Arabic, supported by a help of colleague an expert qualitative research to refine the interview procedures and discussing coding accuracy. Ethics approval was granted by the Human Research Ethics Committee at the University of Thi-Qar (THI-QAR Ref no: 108/2020). As mentioned previously, the LRCS participants were selected to ensure varied levels of seniority, expertise and administration roles, and were not limited to the housing government sectors. Interviewees were LRCS stakeholders 50% of overall at the National agencies level; Ministry of Planning (MOP), Ministry of Construction and Housing (MOCH), and the Ministry of Municipalities & Public Works (MoM&PW), State Commission for Housing (SCH), and Iraqi Real Estate Bank (IREB), while the rest ratio was nominated at the Local authority level (regional government of Thi-Qar was nominated); the Physical Planning Committee (PPC), and the Land Registry and Cadastre Offices (LRCOs) in *Al-Nassiriya* city Municipality. Using QSR International's NVivo 11 Software (2017) helped systematise the set of transcripts recordings through its text analytical techniques, and to increase the robustness of data capture, after this controlling research's bias. The descriptive data in this stage of data collection was carried out objectively to build the interpretation on the meanings, the descriptive expressions and the points of view, which were presented without reflecting researcher bias, rather than a simple summary.

Finally, individual semi-structured interviews were conducted with 14 government officials, experts and policy makers and implementers from two ranges of National agencies and the Local authority levels whom are familiar with the LRCS aspects and then relevant to the Community Tenure Trust (CRT) current level. Nevertheless, a total of 14 government officials were approached. Two officials from the National agencies declined meanwhile one did not reply to be interviewed.

4. Results

Building on the three themes mentioned previously, (subsection 3.2), we categorised the ways in which the national policy of LRCS was broadly professed to offer the CRT levels using five categories:

- Land/housing policies: availability of facilities in the national policy of LRCS, which can indirectly influence response to the perceived living requirements.

- Enabling approach housing finance: reviewing legal currently limiting framework laws encourage commercial banks to enter the Housing market for commercial housing finance providers, targeting to provide low-interest loans to low income/ vulnerable categories.
- Modifying building affordable standards, to encouraging more extensive use of loans for housing extension and improvement.
- Promote private sector involvement in land/housing investments and engagement in sustainable construction and development policy.
- Upgrade stem infrastructure; increase capital investments and improve maintenance/ management for land/housing affordability in LRCS.

As declared before, using the general analytical processes for analysing qualitative data in this section, the interviewees were coded and shown in Table (1).

4.1 Interview findings

In order to capture the enabling capacity of LRCS stakeholders regards to the CRT dilemma. This section investigated the responses to questions asked which centred on the system performance impact LRCS implementation processes enabling capacity of government's ventures in regards to the CRT.

- *The policies succeeding impact LRCS implementation processes and the enabling capability of concerned stakeholders in regards to the CRT.*

In response to connection between the LRCS implementation processes and the CRT, AB1 revealed that the linked problems are not directly linking with the legally efficiency of the existing system. It is not surprising therefore that challenge of the post-war sphere has a massive impact on the LRCS and the administration role of the utilisation of the land administration functions, since its influence can engage insecurity impacts such as the damage and losing of the documents and these related rights in regards to the CRT. AB1 highlighted:

'[...] as you know our agencies' performance has been struggling under specific challenges of the post-war sphere, our records and the most of Cadastre maps are lost or damaged by war and vandalisms after the fall the regime in 2003, the problem is that the majority of our records in our system were papers and not in a digital form'..

[...] That is, all these previous negative impacts of interim refugee issues, land dispute resolutions, a multiple claims of tenure, and informal occupation against the public and even government land/properties.....our system still crosses the hard external and local difficulties, you can see that our records is still vulnerable to any similar events'.

Overall, this reply pointed that the country is still engaged in the sequences of series of wars and the terrorist attacks, and thousands of people displaced their lands lived in camps and mostly lost most of their documents. This point was buttressed by responses from AB2 and BA3 who concluded that, which can be considered as a potential factor. This finding in justifiable and supports Al-ossmi (2017) and Al-Shaibani (2019) assertions of Iraq housing policies hence that the current situation is undoubtedly in crucial gap to increase the current political and institutional willingness and then the LRCS performance. AB4 and AB5 on the contrary, believe this is justifiable because the system is well-grounded legitimacy and government policies have been well equipped forward and professionally managed their portfolios during these 16 years.

Moreover, AB1 further stated on this issue and recommendations put forward that the LRCS performance:

'...The system needs to be rebuilt toward decentralisation authorities in "the new Iraq", and emphasis also that it can be linked effectively with the benefits of local authorities, needs to rationalise its portfolio plans by consolidating it with other organisations and even the private entities'

AB3 :[...] orienting criteria for allocation of government-produced housing units towards an effective cooperation within the system agenda in order to give priority to low-income households and especially to low-income households...multifamily housings.' .

This point in itself might be contributing to low capability of concerned stakeholders in regards to the CRT on a comprehensive scale. Recommendations put forward by AB1 on this issue included improving co-ordination between, land management agencies and housing providers/ developers to safeguard provision of appropriate levels of services in all neighbourhoods. This is because; develop guidelines applicability based on a focus on providing technical advice to governorate officials in the use of outsourcing, management contracts, and budgeting processes. Alternative views were reflected in that Iraqi institutional legislation is concerning the various rights which save the users' rights since the owner has unlimited rights of possession by the current system. AB2 states:

'[...] the Iraqi LAS is built on multiple systems of tenure, thus, the land tenure security is various arrangements based upon state laws [Statutory tenure], Customary laws [Traditionally instructions], and the religious law [Islamic Sharia]. '

Significant responses on the potentials on a broader scale compared to its current guidelines credit of CRT suggested that it will help in the development and management of shelter-related infrastructure or new housing units developed under government sponsored programs by both categories of stakeholders who confirmed the existence of these problems with strong divisions in their outlooks (MOF, MOP, PC, LAs).

In this regard AB5 in affordable housing supply suggests that; government will develop guidelines to give low-income families, and especially low-income households headed by women, flexible and low mortgage plans with affordability guarantee for subsequent homeowners, priority access to improve compliance with minimum housing standards. Moreover, these regulatory frameworks for housing management and maintenance are often driven by setting up technical assistance services, using innovative and community-based methods, policy of profit and interests, and training municipal officials in verifying compliance with building codes and cooperative managers in outsourcing maintenance of residential condominium buildings.

- *Consequences of the success/failure factors of LRCS policy.*

This section analysed the responses to questions on these institutional factors influence on LRCS obtaining and authorising, and then the possible implications of the overdependence of the Iraqi LRCS sector in this theme. In response to this theme, both categories of stakeholders emphasis that there is a deep shortage in housing units pointed out that this is continues from the previous periods. Respondents hint that this problem is more than a case of policy implementation or government limitations. AB6 for example pointed out that:

'...[...] in a context like an Iraqi, where conflict still prevails, the discussion gives fragments of a story, the LRCS sector was successfully experienced during the 1980s and 1990s, contributed effectively in the Iraqi housing market helping people to build their housing units ' .

The present Iraqi LRCS sector has a fiscal in nature which is developed for the national tax collection purpose by the revenue record. To remedy this situation, AB6 for example pointed out a point that government will revise the regulatory agenda encouraging the advantage of privatization cooperative:

'[...] hence; many of LRCS strategies were planned under the control of the central agenda of the Iraqi state and are arranged as government strategies..... [...] reviewing standards of land/housing provision to allow flexibility roles for local government in review of land/housing

projects...[...].with emphasis on orienting proposed projects which will particularly utilize locally appropriate engagement to prepare and implement pilot projects of the housing provision prototypes by (MMPW, MB)'.

Moreover, the role of 'social-cultural influences' as enablers appear to be a limitation on in the LRCS implementation. Islamic rules of Sharia/Tribes/ family's values still dominated; its negative shadow is clear by these values of gender discriminations and inequitable rights. The fallouts were reflected in the long period of sector-ethnic conflicted values which triggered the rapid re-influence of tribalism in Iraqi system, and centred on the civil/ ethnic conflicts notions about access to lands which still hinder the existing system. AB2, AB3, AB4, AB6 confirmed this point:

'...[Under the Islamic- social-cultural values.]. Iraqi [LRCS] system used to accept these inequitable rights and dealt with these local authorities as part of the overall solution towards the implementation issues..'

When respondents were asked why the privatization cooperative succeeds in the LRCS strategies, there were majority views among participants' responses in local agencies indicated that the central role of national agencies could be viewed as being a unorthodox and rigid bureaucratic system, and consequently status of LRCS policy in the privatization could fill up a role that achieve local agencies goals by more cooperative and flexibility capabilities to the private developers, which could fill the recent gap of the housing units' provision in the existing system. AB7 stressed that:

' ...[that is] attempting to fill up a role that the National agencies at the level of locals [and] less costly and simply extend more environmentally sustainable in the existing system will be emphasized'.

They also observed that coordination among institutional operation and capacity planning may be handling reasons to deal with current deprivation in the housing market. AB8 explained this point by saying:

' ..[to be clear with you] the national investment strategy does not encourage non-government developers to engage in the housing and construction aspects... An advantage of benefits will be established with the public sectors and service local providers.... [that] because the current laws in our agencies failed to encourage the investors to deal in housing markets, instead it still prevents a cooperative engagement from out the system'.

This assertion supports Huda (2015); Al-ossmi (2017); UN- Habitat (2020), that although the Iraqi former regime was adopted a socialist approach in its handling of the housing and construction sector, the state was aware about the role of non-governmental sectors, and the private developers, which could fill the recent gap of the housing units' provision. Therefore it is obligatory for national authorities to take into consideration to increase the role of local agencies in the LRCS making policy and project implementation processes. In order to increase the quality of the housing stock, AB6, AB8 and AB10 stated further revelations include the financial notion that:

' [MOCH] will encourage local authority with more extensive use of housing extension, low interest government funds and improvement loans... MOCH to propose to MOJ and MOF creating of a pilot lending of housing improvement and extension loans in revenue funding '. '[...] hence; using low interest government funds of commercial banks in participating in mortgage lending to make housing loans to low income households'.

Responses from National agencies asserted that the national agencies [sectors] are too busy to their policy of LRCS trying to fix regulations, undertake organizational restructuring, and the state of collaboration opportunities, all play a prescriptive dominant role for housing provision where people are actually located in informal settlements, and up to 16 years. Most of the respondents headed towards those negatively influential impacts that affect the current LRCS policy is temporary and can be avoided; hence the LRC organisational system (legality performance) is consistently qualified. AB3, AB4, AB9, and AB10 recited the same cases in which this idea has worked within their agencies, and fits with reviewed literature. Also AB12 cited cases in which LRCS has worked within an organisational cooperation by both national and local agencies:

‘[Efficiency]... of the LRCS approach in the existing system is not associated with the lack of asset management approach, but it is directly linked to external factors ...[...]...since the events that followed 2003, has not solved effectively yet.’.

Similarly, majority of responses to the questions on the state of the effective level of technology to deal efficiently with the actual needs of the current crisis repeated this point. i.e. the lack or absence of data and user’s information of refugees and displacements in some regions due to insecurity situations has not been tackled in an effective policy, and to develop the national record for land data to deal with the current lost and missed document particularly to these regions under the terrorism attaches. A more contested characteristic of informal settlements relates to the availability of fiscal support which can be characterised as institutional factor that broadly have a holistic contributed impact. Responses emphasis that the existing system still under the threat of vandalism shock waves that was erupted in 2003.

AB11 respondent suggested that refugees and displacements and illegal settlers and a set of complex emergencies, all furthered the crisis. However, another respondent from the local agencies (AB10, AB12, and AB13) argued that the constant cycle of in-migration relocation is likely to pinpoint that to increase LRCS level there is a need to develop the national land record to deal with the current lost and particularly missed documents.

AB13 and AB2 recommend further a lack of sufficient tools with CRT development involved in affordable land/housing provision:

‘The existing system [...]... There is a lack of sufficient availability of software/hardware utilise [and] of existence of sufficient trained staffs in both levels of the system [national and local agencies]’.

‘[...] these needed tools, as how data and user’s information; gathered, processed, stored and disseminated in the present system are not sufficient or not yet updated’.

Further suggestions by AB3, AB5, AB7, and AB14 include the notion that diversity sources of housing finance by encouraging and enabling commercial banks be included in housing finance law and to enter the mortgage finance business, with AB5 stating that:

‘[...] could be more applicable here... MOCH and MOF will establish housing finance law as secondary tier [housing improvement] housing finance institutions that would wholesale funds to eligible commercial banks ’.

‘ MOCH and MOF work to draft a comprehensive housing finance law to provide for foreclosure, repossession...[...]. A representative sample of commercial mortgage loans will be field audited in our plans’.

This situation however goes completely with what note that lack of the national finical support and the drastically authority’s gaps which have furthered the negative impact on LTRS implementation at

the local agencies, provincial and district levels, this would result in the loss of land/housing market. AB1 however expressed that by highlighting that:

'There is a financial lack to solve and fill the current gaps... the administrative routine processes in gathering, processing, storing and disseminating users' data in the present system which are dominated in the existing system'.

'[MOF and MOCH] ...will develop and promulgate models [pilot projects].for alternative design models for housing projects, with an emphasis on medium-density, low rise, and multi-family housing'.

These opinions appear to revise banking regulations allowing commercial banks to undertake mortgage lending. In addition AB1, AB2 and AB4 respondent ruled out that design models (MOCH, MOMPW, and LAs to develop multiple housing design prototypes for future housing projects, including terrace housing, walk-up apartments, and detached single-family housing), will diversity sources of housing finance by encouraging and enabling commercial banks to enter the mortgage finance business through improved development control. AB2 recommend further that modify building codes will allow construction in low-cost materials:

'[...]..for implementing public-private partnerships (PPPs): using public-private partnerships and cooperatives to mobilize expertise and capital for housing development is a government residential policy...Governments [the Provincial Law No. 21of 2008].. will rationalize its portfolio of public-sector construction contractors'.

'Local municipalities [the Provincial governments] will be encouraged and supported in providing a wide variation of plot sizes..... [especially] to involve the household in providing rented rooms through extension of their housing units, effectively leveraging household resources for housing investment'.

Regarding to the acute shortage in the estimated total housing stock in line with the growing number of population, the current level of the financial policy is not sufficient yet. Hence the current policy still depends on the financial support from the federal government, which is found unsatisfactory, AB1 and AB10 highlighted that by:

'Regarding to the current cost of building, the real estate bank offers loans amount with an interest rate of 3.9% annually, which only covers 63% of these estimated average cost to construct a housing unit'.

'Iraq in the current period suffers from a severe housing crisis with a massive shortage in total housing stocks....'.

It was also identified that the lack of adequate housing policy is still pending in Iraq, with the national economic difficulties and increased demand in line with the population growth that furthered the current challenges. Moreover, the role of national agencies as enablers is debateable due to tedious adopting bureaucratic hierarchies encountered the CRT development. AB14 however expressed that by:

'Throughout Iraq, regulations such as the CRT process remain a centralized system and majority of processes depend on agreements from the national agencies which mean extra stages and cost [to the users]'...

....'the system carries out further steps to enhance and respond to the land acquisition and land records, income tax, land value rates, and the assessment and collection of land tax etc'.

There appears to be a permission that the public sector will facilitate the emergence of capable, mid-sized private housing developers by creating a level playing field where private developers can compete fairly against public ones. AB13 however admitted that Authority to prepare and implement projects and manage land will be devolved to the appropriate local level, and these responsibilities for insecure municipalities are not yet able to be implemented.

Based on this premise technical assistance to LTRS implementation in use of the automated system and modify land registration laws to mandate phased conversion to automated system will be streamlined and publicized. Moreover, although central authorities may continue to manage themselves, integration between the departments of the Ministry/Municipalities: (MOCH, MOMPW, and PLOs) and their branches in provinces (the regional government of Thi-Qar), will be augmented at the planning and executive levels regard CRT development.

5. Discussion

Study findings suggest that the current regulations in the Iraqi system to LRCS implementation despite its modern intentions might be a typical centralism. Although of 17 years after the Baath's regime collapse in 2003, there appears to be a systematic need to rebuild the national system towards the decentralisation policy reducing the dominated routine in LRCS administrative processes in the current system. Moreover, there is a need to delivering a greater efficiency and enhanced legislative performance in order to overhaul these negative manipulations regarding CRT levels. The fallouts were reflected in the point that regarding to the acute shortage in the estimated total housing stock in line with the growing number of population, the current level of the financial policy is not sufficient yet. On the issue of funding, economic and financial related present crisis were listed in these influential factors. Currently, there is a organised financial support lack, which could be added to negative impacts of the regime instability. As result of the economic crisis, findings pointed that the government forced to stop their previous policy with all ambitious financial supports which were institutionally continued during the period of 1980s and 1990s, in respect to soft loans or the provision of building materials. Thus, it is undoubted that land stock will be dominated in the market while construction is definitely declined, where gained lands are not built and the dearth situation will further the problem towards the informal settlements crisis. It can be said that due to the insecurity situations and the authority gaps, several problems have emerged with significant challenges in dealing with CRT levels.

Findings pointed that the current ethnic conflicts notions about access to lands still hinder the implementation strategy in the existing system. Islamic rules of tenure, inheritance unequal shares, still equip the institutional policy to build its strategies regarding individual rights, in which the inherited shares are distributed unequally. Government instability's factors played a major role in eruption the role of tribes and the ethnic control during this period. This however refers that the supposed lack of level playing ground in the housing sector can be attributed to the lack or absented role of the state in some region in Iraq has forced people to depend on their local communities authorities to fill this gap more than these tailored by the government rules.

The Iraqi institutional authority in the general consensus has lost most of its influential ability to apply the institutional policy, as unstable notations still out control, and associated influence engaged the missing of the documents which destructively added to a current lack of data and users' information in the system.

6. Conclusion

This paper investigated the crucial changes occurred in Iraq after 2003 and how they impact the development of Land Registry and Cadastre System (LRCS) with emphasis on the Community Tenure Trust (CRT) in Iraq. Likewise, the paper also presented a case for the Iraqi institutional performance with stakeholders' satisfaction to deal with LRCS sector within a co-operative policy. To this effect, the study found out that the structuration system's capacity for LRCS applications could be considered as a failure and limited indicator that reflects the performance quality of CRT in the ground. Furthermore, the need for additional verifying and legality correction steps in the LRCS may

be linked to the institutional limits of CRT that the providers and stakeholders mentioned. The fallouts were reflected in findings; the displacement, refugee, land disputes and even the interrelated illegal settlers' issues are related consequences of a terrorist wave and insecurity situations in most of the regions in the country current policy. Therefore, these findings highlight LRCS policy opportunities in this Iraqi context that can be shade a light on the similar case in the Middle East region.

Alternative views were reflected in the general agreement of 'local agencies' respondents who feel that there is an unwilling from leaders, national agencies, to deal with the local sector of authorities within a co-operative policy. The general view is that the local agencies still have not legislation base's capability to deal directly with non-governmental partners, which frequently led to an overlap with inconsistent and duplicated procedures of LRCS.

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