RAPID LAND TENURE ASSESSMENT OF BAGHDAD CITY IN IRAQ 2010

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Introduction

The purpose of this study is to describe the extent and nature of informal tenure practices in urban areas in Iraq, through undertaking a rapid assessment in **Baghdad city.**

The UN-HABITAT 2008 publication *Secure Land Rights for All* discusses the importance of access and rights to land throughout the developing world. Secure land rights are critical to development and poverty reduction, and the greatest challenge in providing secure land rights are in urban areas, where overcrowding can lead to a number of informal tenure practices ranging from individually unregistered or unauthorised housing, to large informal settlements. Access to land is a fundamental basis for human shelter, food production, and other economic activity. Secure rights to land encourage people to invest in improved dwellings, and the land itself. Secure land rights also enable people to access public services and sources of credit.

Yet, land everywhere is under pressure from population growth and economic development. Land that is in demand for residential use also attracts increasing commercial interest, and the higher returns commercial builders and sometimes taxes can generate for governments can crowd out those looking for homes. In addition to this, unprecedented numbers of people are moving to urban areas, but at the same time few of these urban areas – particularly in the developing world – have been planned to absorb these influxes of people. The result is a growing urbanization of poverty, a growth of slums, and a rapid rise in the number of people worldwide without land tenure, tenure security, or property rights

تقييم حيازة الارض في مدينة بغداد2010

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المقدمة :

الغرض من هذه الدراسة هو وصف لمدى وطبيعة الممارسات الحيازة غير الرسمية في المناطق الحضرية في العراق ، من خلال إجراء تقييم سريع في مدينة بغداد.

و منشور الهبيتات لعام 2008 حو ل(حقوق النشر الأراضي الآمنة للجميع) يناقش أهمية الحصول على الأراضي والحقوق في جميع أنحاء العالم النامي. اذ ان ضمان حقوق الأرض هي الحاسمة في التنمية والحد من الفقر ، والتحدي الأكبر في توفير تأمين حقوق الأراضي في المناطق الحضرية ، حيث يمكن أن يؤدي إلى اكتظاظ عدد من الممارسات غير الرسمية التي تتراوح بين حيازة السكن غير المسجلة بشكل فردي أو غير مصرح بها او والمستوطنات غير الرسمية الكبيرة. ان الحصول على الأرض هو القاعدة الأساسية لتوفير المأوى الإنسان ، وإنتاج الغذاء ، والنشاطات الاقتصادية الأخرى. وحيث ان تأمين حقوق الأراضي تشجيع الناس على الاستثمار في مساكن ذات مواصفات معيارية، وأيضا تمكين الناس من الحصول على الخدمات العامة ومصادر الامان ضمن مساكنهم.

حتى الآن ، الأرض في كل المدن تحت ضغط النمو السكاني والتنمية الاقتصادية.واستغلال الاراضي السكنية لاستخدامات تجارية يستقطب اهتماما متزايدا ، بسبب العوائد المرتفعة أعلى والتي يمكن أن تزاحم أولئك الذين يبحثون عن مسكن لائق. بالإضافة إلى ذلك ، عدد غير مسبوق من الناس ينتقلون إلى المناطق الحضرية من المناطق الريفية او المناطق الحضرية الاقل تحضرا، وفي المقابل عدد قليل من هذه المناطق الحضرية - تم التخطيط لها لاستيعاب هذه التدفقات من السكان - خصوصا في العالم النامي. والنتيجة لهذا التحضر المتزايد هو المزيد من الفقر و(الفقر الحضري) ، ونمو الأحياء الفقيرة ، والزيادة السريعة في عدد السكان في العالم من دون حقوق ملكية الأراضي .

Land Tenure in Iraq

Iraq has experienced such dramatic change, conflict, and chaos since the overthrow of Saddam Hussein, that land rights and security are a major concern in nearly all its cities. Hussein's regime sometimes implemented policies of forced eviction, particularly of certain minority ethnic and religious groups. Furthermore, in the internecine and sectarian conflict that followed Hussein's ouster, many more people were forced from their homes and became Internally Displaced Persons (IDPs). As stability increased and conflict decreased, almost half the refugees who fled Iraq in this period have returned to damaged homes with dilapidated infrastructure, have had to take shelter with friends or relatives, rent their homes in a variety of frameworks, some informal or unregistered, or have built improvised shelters.

In addition to these conflict-rooted causes for insecure housing tenure, Iraq's urban population is growing due to a relative lack of opportunity in rural areas, and a slow but steady urban economic growth. These combined factors have led the Government of Iraq and UN-HABITAT to consider how to address the growing need for secure housing and shelter throughout the country. A vibrant, flexible, and efficient system for the production of – and most importantly, the security of – quality housing is essential for Iraq's continued reconstruction and economic growth.

In addition to a series of reforms to Iraq's National Housing Policy and to the way in which the private sector is incorporated into the national housing supply chain, steps must be taken to study the extent and types of land tenure, tenure security, and property rights prevailing in Iraqi cities today. Knowledge of these prevailing conditions will enable Iraqi policymakers to develop proactive policies to either provide new housing, improve conditions of existing housing, better develop city plans to account for existing and expected housing demand, and further steps such as improving services in residential areas.

As a first step toward an understanding of overall land tenure conditions in urban areas in Iraq, in a Rapid Land Tenure Assessment study in order to begin examining the nature and extent of common informal land tenure practices for housing in Iraq. This research, will help crystallise the method by which further research is conducted across the entire country, allowing Iraqi policymakers and the international development community a better picture of tenure practices and perceived tenure security prevailing across the country, as well as how they might be addressed both at the policy, and ground levels

The Land Tenure Continuum

The range of possible forms of tenure can be seen as a *continuum*. Each point within this continuum provides different sets of rights and degrees of security and responsibility. Each enables different degrees of enforcement as well. As the status of various plots or dwellings change – for example if informal settlers are granted titles or leases, or if government regulations begin to formally recognize certain group rights – household statuses move further to the right on the continuum, towards more formal rights for land occupancy or ownership. The below graphic demonstrates this continuum's range of possibilities, ranging from more informal situations and on the left, towards more formal ones on the right.

Shelter Indicators

UN-HABITAT has developed a set of global indicators to assess progress against the overall Habitat Agenda. Among these are a set of shelter indicators designed to help assess the security of land and property tenure. From these, UN-HABITAT Iraq used a set of 4 indicators through which to examine the extent of tenure rights and security prevailing in the study areas of this Rapid Assessment: tenure, planning, building regulations and protection against forced eviction.

Indicator 1. Tenure Types

This first shelter indicator addresses the types of tenure individuals are living under. Tenure type provides insight into the legal framework under which people occupy land and homes, and therefore provides an initial indication of tenure security which is further illuminated by the next three indicators.

1. **Formal Tenure**

   Formal tenures are legally recognized in a constitution and/or national legal framework, or through recognised customary practices.

   a. **Registered**

      Registered tenures are recorded in land and/or housing registries, in frameworks of ownership, leasehold, or various use or occupancy rights. Formal, registered tenures involve 3 parties in home transactions or transfers: the owner (public or private), the buyer/renter, and the state, which registers all rights, and any transfer of those rights, in a state registry. Disputes on formally registered land or homes are settled by courts.

   b. **Unregistered but Documented**

      These tenures arise when registration is not necessary or required. Typical frameworks include unregistered leases, rentals, sub-rentals, "rent to buy" agreements, and various use or occupancy rights. Such tenure is documented in that it involves a contract between 2 parties: owner (public or private), and tenants or

occupancy rights holders. Courts will settle disputes, but according to state rental protection laws and regulations. Examples of unregistered, documented tenure around the world include the "patta" (or, lease) in India, the "certificate of rights" in Botswana, the "concession of right to real use" in Brazil, and so on.

   c. **Group, Family, or Household Rights**

      In many countries worldwide, several frameworks exist in which customary rights permit access to and occupancy of land and homes. Examples include "family rights" in Mozambique, "self-defined family" rights in South Africa, community land trusts and other frameworks in which large groups own swaths of land and can then allow their members to take up homes there; as well as intra-household rights such as spousal co-ownership, co-occupancy rights that are jointly registered, and so on. In the Muslim world there are many Islamic tenure types and variations, which UN-HABITAT has encountered in certain parts of Iraq. In certain countries, these rights have to be registered, but in some cases they are simply accepted as a *fait accompli* by municipal or province-level governments.

   d. **Unregistered**

      Unregistered, undocumented tenures exist in cases where formal ownership or occupancy frameworks are possible despite tenants or occupants not having any immediate rights or documentation on their land or homes. For example, Brazil's adverse possession legal framework permits ownership rights after 5 years of peaceful occupation, on land plots up to 250m2. In Mozambique, land use rights exist, but without any possibility of ownership. In other countries, there are certain types of group or customary rights, such as the Mexican ejido process whereby the government promotes the use of

communal land shared by community members.

2. **Irregular Tenure**

Irregular tenures are those in which occupants of land or homes have no formal right to do so, in which planning was unauthorized, in which there was no consent to build, or some combination of all of these issues.

   a. **Documented**

   several circumstances can result in documented irregular tenure. Among these are written agreements have been drawn up between irregular owners and tenants, or between irregular tenants and sub-tenants; de facto recognition of occupation, based on documentation – such as utility bills – acquired over a certain period; illegal subdivisions of otherwise formal or legal property; and customary rights and/or historical claims that are not formally recognized.

   b. **Undocumented**

   largely these involve the same cases as documented irregular tenure, but without written agreements. They include oral agreements between irregular owners and tenants, or between irregular tenants and sub-tenants; de facto recognition of occupation in which no physical proof exists, and only oral or hearsay evidence is available; and cases in which there is no recognition of occupation at all.

3. **Homeless**

Landless – without a home

Indicator 2. Planning

This second shelter indicator addresses whether or not homes and buildings have planning consent in accordance with national and local regulations.

Indicator 3. Building Regulations

This shelter indicator address whether or not the homes built on various plots of land are constructed according to and in compliance with various building regulations required by a municipality, governorate, or central government. Those who build homes not in compliance with such regulations run the risk of being requested or pressured – by the relevant authorities – to rebuild their homes according to regulations, at their own expense.

Indicator 4. Protection Against Forced Evictions

The final indicator sought in this study addresses the extent to which legal and other frameworks protect individuals from forceful evictions from the state or other private actors. Under international law, "forced eviction" is the permanent or temporary removal – involuntarily – of individuals, families and/or communities from the homes and/or land they occupy, without the provision of and access to appropriate legal or other protections.

In many ways, forced evictions are a result of insecure tenure, and often occur when governments try to clear slums or informal settlements. However, evictions themselves are a driver of the growth of new informal and unauthorised settlements elsewhere, and only move the actual problem elsewhere. Furthermore, certain groups – the poor, women, children, youth, the elderly, indigenous peoples, and various ethnic and other minorities – suffer disproportionately from the practice of forced eviction. Women are particularly vulnerable given the extent of statutory and other forms of discrimination practiced with regard to property rights, as well as the physical and/or sexual abuse many homeless women face.

In cases where eviction is necessary or justified, for example in the case of persistent failure to pay rent, or unchecked damage to and disrespect for property, it must still be carried out in compliance with prevailing and relevant provisions of international human rights. However, in other cases, the search for improved forms of tenure must eschew evictions and instead address the structural problems posed by population growth, for example incorporating more appropriate or modern planning frameworks.

The Rapid Land Tenure Assessment research was carried out in Baghdad city, in order to do an initial examination of the nature and extent of common informal land tenure practices for housing in Iraq. This city was considered to be representative as the capital. Local researcher, each with in-depth knowledge of and experience in their respective cities, were directed to carry out rapid assessments with the following specific tasks:

1. **City Housing Typology Assessment**

   It was assumed that there would be linkages between housing types in the city, and that city's tenure patterns. For this study, researcher were requested categorise housing areas according to the typology developed in the(2007 Iraq Housing Market Study):

Type 1.	Historical Centre
Type 2.	Traditional Courtyard Housing
Type 3.	Attached Housing
Type 4.	Detached Housing
Type 5.	Government-provided Housing
Type 6.	Incomplete Subdivision (over 50% completed)

Type 7.   Incomplete Subdivision (under 50% completed)

Type 8.   Informal Housing or Settlement

Type 9.   Mixed Use Housing

Using anecdotal information, their own knowledge of the city, and local investigations, researcher estimated extents of informal practices within the various housing areas, often applying information from local studies to broader housing areas of the same nature.

2.   **Focus Group Discussions on Shelter Indicators 1-3**

following a broad categorisation of housing typology by area, Researcher undertook an exercise to determine the types and extents of land tenure persisting within their cities' various housing categories. They selected up to 3 specific areas or locations – ideally of diverse housing types – of their respective cities, and requested representatives of a wide range of neighbourhoods within each of those areas to participate in a **focus group discussion (FGD).** Participants included community members of diverse ages, genders, and professions. The researcher also conducted interviews with real estate agents (brokers) and local councils.

Each FGD included a briefing on tenure practices, an overview of the area map, a neighbourhood walkthrough, and a group discussion in which participants helped researcher identify the dominant as well as lesser-practiced tenure types in these areas FGDs enabled researcher to fill in the below table, which comprises the primary basis for analysis in the remainder of this report.

		Indicator 1: Type of Tenure				Indicator 2: Building Permits	
		Predomin-ant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized
1. Formal Tenure	A. Registered						
	B. Unregistered, Documented						
	C. Group Rights						
	D. Unregistered, Undocumented						
2. Informal Tenure	A. Documented						
	B. Undocumented						
3. Homeless							

Table Key			
Dominant over 50% of households	**Significant** between 20%-50% of households	**Exists** fewer than 20% of households	**Insignificant**

Rather than seek out specific percentages for each tenure type of practice, which would

require a more detailed study, researcher categorised the ex

topics, including:

- Prevailing practices for acquiring land and housing
- Availability of services (e.g. water, sewerage, electricity, waste collection) and who provides them (e.g. government, private sector, community, households)
- Prevailing practices for dealing with maintenance issues in relation to roads and services
- Governance, in terms of who represents a particular area or location regarding local-level decision making, and the accessibility and influence carried by that person(s) or entity
- Suitable interview candidates for the case study task assigned to researcher (see below)

FGDs and stakeholder interviews followed questionnaire templates prepared by the researchers during a 3 day inception workshop (appended). The researcher were given 4 weeks to prepare an initial report. Following this, a second 3 day consultant workshop took place to clarify findings and outline gaps to be addressed, after this the researcher undertook 2 weeks work to address gaps and submit revisions and during a 3rd 3 day workshop, the final draft report was prepared.

3. **Case Study**
Having recorded general information about housing type, tenure practices, and local service delivery and governance, researcher attempted to obtain more specific histories of individuals' and families' experiences in acquiring land both in normal conditions, as well as under conditions in which they experienced being refugees or moving around during conflict. These more specific case studies allowed UN-HABITAT to better understand and analyse the general tenure trends across the cities studied. In order to obtain consistent information, researcher developed standard questionnaires during the inception workshop for this study (appended).

4. **Photography**
In this task, researcher were requested to take

tent of practices on the basis of the anecdotal evidence of consultees, categorised as follows:

photographs – linked to their city maps – in order to show samples of each housing type. These photos, interspersed throughout this study, help visualise the hosing types further than speaking about them in the abstract. In cases where researcher needed to act discretely, photography was avoided.

5. **Investigation on Shelter Indicator 4 – Protection Against Forced Evictions**
Researcher were briefed on this UN-HABITAT indicator, and based on their own knowledge of Iraq's and their cities' legal codes as well as based on their FGDs, answered the following questions:
- Does the constitution of national law prohibit forced evictions as defined in international law?
  - If no, do local laws or regulations prohibit forced eviction?
  - If yes, is there an explanation of in which cases forced evictions are justified?
  - If yes, is there a listing of conditions that must be met in case a forced eviction is carried out?
  - Is legal aid available to persons threatened with forced eviction and/or persons who have been forcibly evicted?
  - What legal or alternative redress exists for persons threatened with forced eviction and/or persons who have been forcibly evicted?
    - If court is an option, which type(s)?
    - If there are other options, which type(s)?
  - Are people aware of laws and rights, and are the laws and regulations followed?

6. **Prepare Report**
After gathering all required information, researchers prepared initial reports and submitted them after which they attended , was held to verify all information contained therein. This report is a final compilation of all these activities

City Briefing

Baghdad is the capital of Iraq, the administrative capital of the Baghdad Governorate, and Iraq's largest city both in population and size. It lies on the Tigris river in central Iraq. The official area of the municipality of Baghdad covers 900km². According to various reports and research, the city had an estimated population in 2004 of 6.5 million people, and this has grown today to between approximately 7 and 7.5 million. It is the largest city in Iraq, the second-largest city in the Arab world (after Cairo, Egypt), and the second largest city in Western Asia (after Tehran, Iran).

History and Planning

The city was founded in the 8th century by the Abbasid Dynasty Caliph Al-Mansur. Previously on the site of a small village, Al-Mansur planned and commissioned Baghdad into what he envisioned as a dynastic capital city. Originally, the city plan was in a circle 2km in diameter and surrounded by city walls. In centuries since, this initial plan has given way to both planned and unplanned expansion – as well as incorporation of surrounding areas – into the approximately 900km2 of area it encompasses today.

The city's rapid population growth was helped by its location on the Tigris, which gave it control over strategic and trading routes. Access to water at both the original north and south ends of the city allowed almost all households to have an uncommonly plentiful water supply for this time period. Over time, planning and pollution issues have made clean drinking water more scarce. Heavy economic migration to the Iraqi capital over several centuries understandably has put pressure on city infrastructure.

After its construction, Baghdad was at the centre of the Abbasid Dynasty and the "Islamic Golden Age," with a population growing exponentially to over 1 million by the 10th century. However, periods of stable rule that led to a number of infrastructure and housing improvements often were cancelled out by repeated takeovers of and attacks on the city from the 11th century to today. The city changed hands several times, being taken over by the Seljuk Turks in 1055, and the Fatimids in 1058. In 1258, Baghdad was sacked by the Mongols. In addition to destroying or burning many parts of the city, the Mongols also destroyed much of the intricate housing-related infrastructure of the city – irrigation canals and dykes, sewerage canals, and so on. Between 1534 and 1638, power struggles between Ottoman Turks and Safavid Turks went on until the Ottomans established control there from 1638 through World

War I. These centuries of war decimated the city's population – which lay at approximately 145,000 in 1099 – as well as much of its urban infrastructure.

From 1920, Baghdad became the capital of the British Mandate of Mesopotamia, and later was the capital of the Kingdom of Iraq following its independence in 1932. During the 1970s, Baghdad experienced a period of prosperity and growth because of a sharp increase in the price of Iraq's key export, petroleum. New infrastructure including modern sewerage, water, and highway facilities were built during this period. However, the Iran–Iraq War of the 1980s was a difficult time for the city, as Saddam Hussein diverted funding from infrastructure and other projects to the war effort. Furthermore thousands of residents were killed by Iranian missile attacks on the city. Again, Baghdad suffered significant damage to its transportation, power, housing, and sanitary infrastructure in the 1991 Gulf War and the 2003 invasion of Iraq, as it was the target of numerous, repeated aerial assaults in both wars and a ground incursion in 2003. In the years since, sectarian and internecine conflict has been ongoing, but has tapered off in recent years.

Housing Issues

The sanctions and closures imposed upon Iraq and Baghdad after 1991's Gulf War led to the emergence of slums in many parts of Baghdad. By 1998 over 25 informal settlements were built around the city, typically in the direction from which people migrated (e.g. migrants from the east wound up in slums on the eastern periphery of the city). This is in addition to sizeable informal settlements that already existed in Fudhaliyah and Jiftlik. There was also a large number – over 10,000 – of semi-constructed or incomplete housing units throughout the city, whether formal or informal.

The 2003 Iraq war gave way to a new type of informal housing throughout the country: squatting in former government buildings and state property. Squatters occupied former Ba'ath party buildings, including government and military installations. While such buildings existed in every governorate (with squatters occupying approximately 5%-10% of former government buildings), this was much more pronounced in Baghdad where Ba'athists had their capital. Here, nearly 25% of former government buildings were illegally occupied.

As sectarian violence in Baghdad gradually declined, city authorities have begun planning and construction efforts, but there is a clear shortfall of housing units in the city given the numerous residents, IDPs, and returnees seeking homes in the city. In addition, UN-
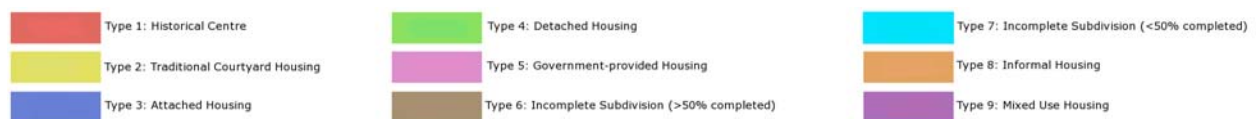
HABITAT researcher have seen numerous instances of poor infrastructure and informal housing throughout the city that are the result of both exogenous and endogenous problems. While various laws have been passed to address housing, squatters on state property, and construction regulations, municipal authorities have been slow to implement them due to numerous hindrances. Furthermore, other measures designed to reduce the influx of people into the city have had adverse effects. For example, a regulation to not allow individuals or families to buy or own property in the city centre unless they have residential records in the city dating back to 1957, has led migrants to only add to the already large informal communities on the periphery of the city rather than within city limits.

City Map B1. Housing Types By Sector
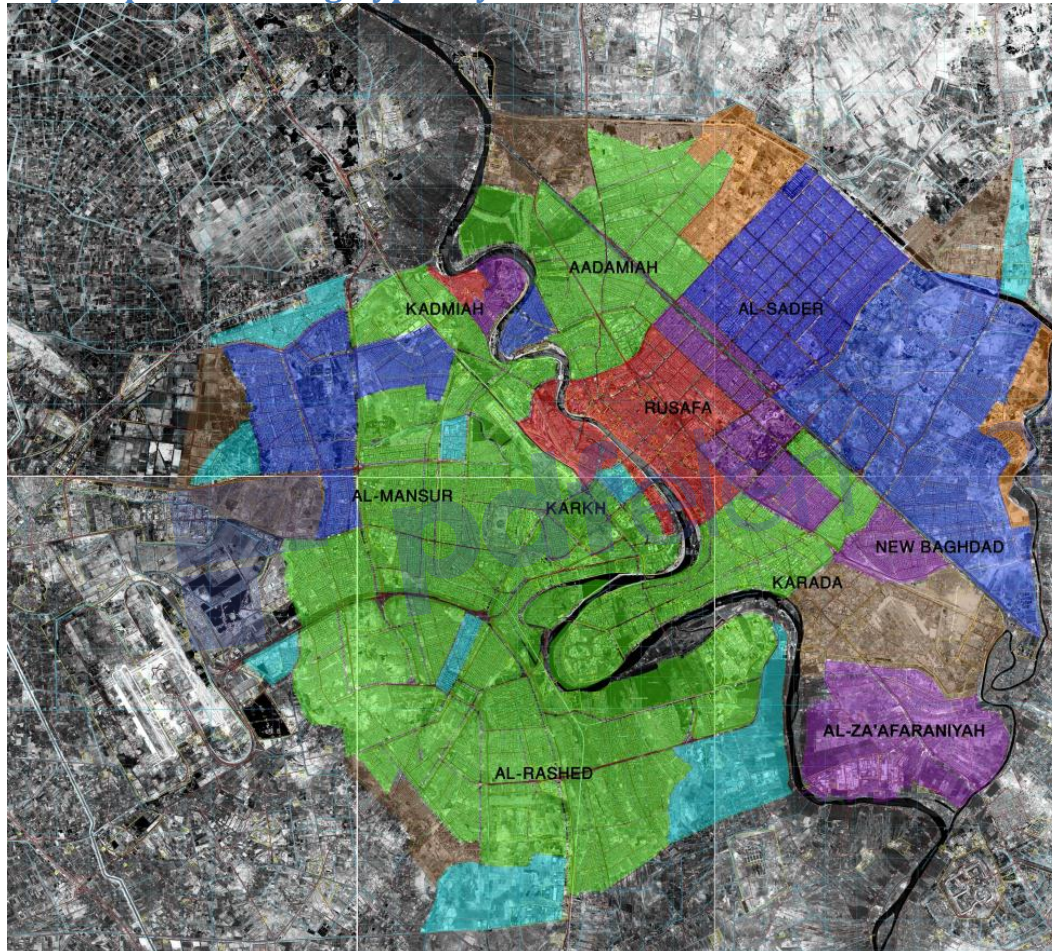
This map shows the limits of the Baghdad municipality, and illustrates the various sectors of the city. To illustrate the predominant housing type in a particular area or sector of the city, the map has been color-coded according to the legend below.

Type 1: Historical Centre

Type 2: Traditional Courtyard Housing

Type 3: Attached Housing

Type 4: Detached Housing

Type 5: Government-provided Housing

Type 6: Incomplete Subdivision (>50% completed)

Type 7: Incomplete Subdivision (<50% completed)

Type 8: Informal Housing
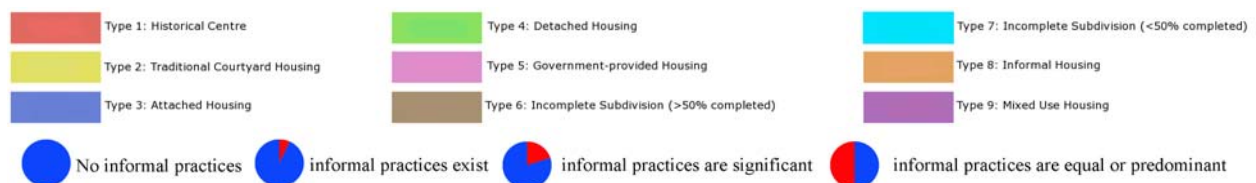
Type 9: Mixed Use Housing

Analysis

Baghdad displays a wide range of housing types. As indicated, the Rusafa District represents the historical core of the city. UN-HABITAT's rapid assessment of overall housing types here has determined that areas to the immediate west of the Tigris river have better quality housing in general than certain other parts of the city. This is because areas west of the Tigris include stronger economic areas, which in turn is related to the relative affluence of cities in Iraq west of the Tigris, and the economic ties between these cities and Baghdad. As can be seen on the map, the city initially expanded with zones of detached housing whose population density increased over time through subdivision. Later, the city expanded with the development of attached housing, planned for higher density. Towards the peripheral parts of Baghdad, urban areas are incompletely developed; plots are marked and owned, but not all built on.

City Map B2. Informal Practices By Sector
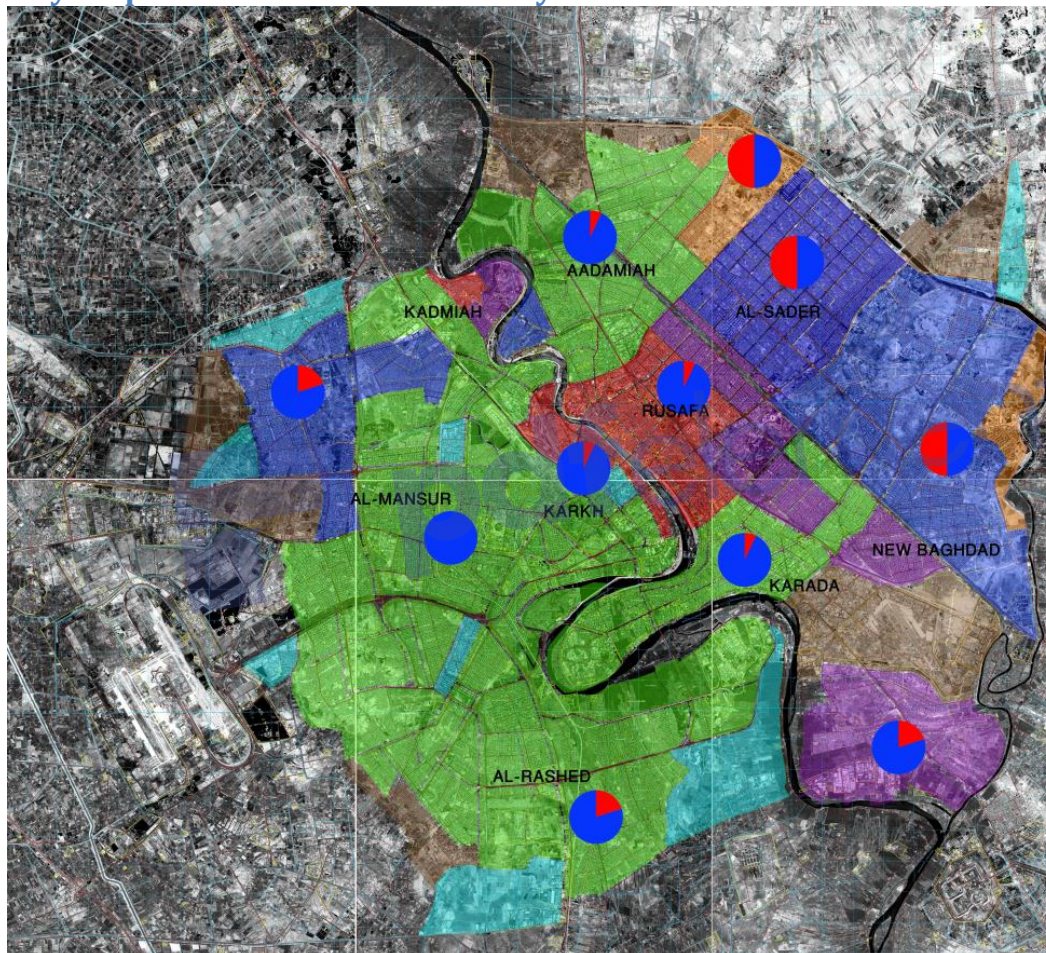
This map reflects a rapid assessment of informal practices within the entire Baghdad municipality. According to the two legends below, city sectors now are both color-coded by their predominant housing type, and also include pie charts reflecting the extent to which informal practices are carried out in these areas.

Type 1: Historical Centre
Type 2: Traditional Courtyard Housing
Type 3: Attached Housing
Type 4: Detached Housing
Type 5: Government-provided Housing
Type 6: Incomplete Subdivision (>50% completed)
Type 7: Incomplete Subdivision (<50% completed)
Type 8: Informal Housing
Type 9: Mixed Use Housing

No informal practices
informal practices exist
informal practices are significant
informal practices are equal or predominant

Analysis

Informal tenure practices are relatively minimal in central, well established and built up areas, for example the more affluent housing zones west of the Tigris River mentioned previously. Informal practices are more common in peripheral areas, particularly in the less affluent eastern suburbs. Several factors contribute to this pattern: more significant migration to the urban peripheries, which is compounded by the law preventing migration to central districts (explained above); higher rate of growth; weaker rule of law in peripheral areas, particularly in the east; and lower living costs, which attract rural migrants and IDPs.

City Map B3. Al-Za'afaraniyah

The section of Baghdad chosen for closer study is Al-Za'afaraniyah, an area in the southeast of the city, to the east of the Tigris River, that displays many diverse housing types in close proximity to each other.
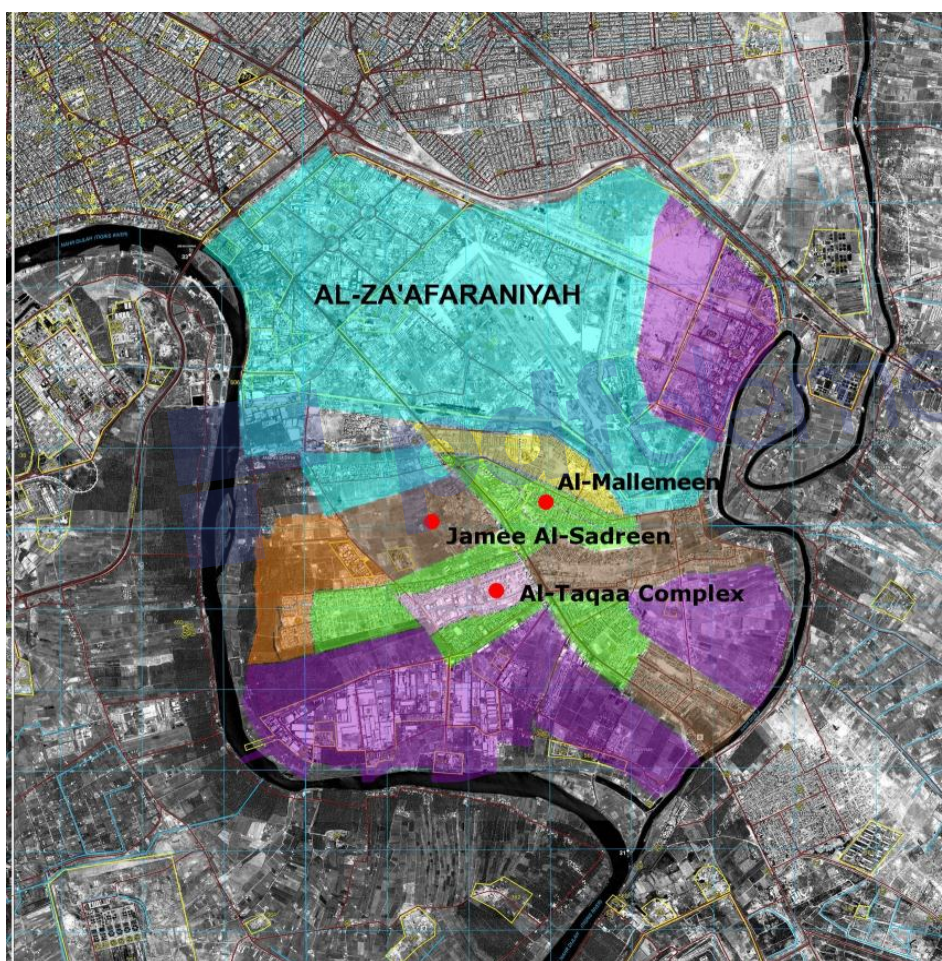
This map illustrates the predominant housing types in various sections of Al-Za'afaraniyah, and also shows the three locations or neighbourhoods – Jamee Al-Sadreen, the Al-Taqaa Complex, and Al-Mallemeen – chosen for closer study. Housing types in these and other sections Al-Za'afaraniyah are color-coded according to the legend below.

Type 1: Historical Centre
Type 2: Traditional Courtyard Housing
Type 3: Attached Housing
Type 4: Detached Housing
Type 5: Government-provided Housing
Type 6: Incomplete Subdivision (>50% completed)
Type 7: Incomplete Subdivision (<50% completed)
Type 8: Informal Housing
Type 9: Mixed Use Housing

Analysis

As indicated in the map and on the previous page, Al-Za'afarniyah displays a wide range of housing types, but largely consists of completed housing. Due to this area's proximity to the Tigris river, many sections include mixed-use homes, in which homes have been converted for commercial or industrial purposes. A section of informal housing exists in Jamee Al-Sadreen, in the western portion of Al-Za'afaraniyah, but most other areas here do not exhibit major informal housing issues.

Location B1.Jamee Al-Sadreen

Introduction, Infrastructure, and History

Jamee Al-Sadreen is located on the south side of Al-Zaafaraniyah, as indicated on the map below. It is a new section of the city, established in 2001, and extension projects carried on after 2003. Plots were distributed to government staff. Because it is near the commercial and industrial centre of Baghdad, there was a high demand for plots, and residents subdivided plots and sold them on the open market, as well as subdividing for family members. Also, many people from southern Governorates migrated to Jamee Al Sadreen to join their relations through tribal ties, also in search of work.

Some services are provided by Coalition Provision Authorities (CPA) as well as local authorities, such as providing generators for electricity. However, most other services are still poor. To help improve this, neighbourhood councils have tried to organize meetings with the Baghdad Municipality when they have identified specific problems in service delivery. An area has been set aside for schools, health facilities and other social infrastructure, however, as these faclities have not been constructioned, the area has become occupied illegally with informal housing.

Productive Use

The grid below shows ratios of land use of the approximately 66 hectares of Jamee Al-Sadreen. 67% of land is used for housing, while 15% is used for productive or commercial services. The remaining 18% of the area's land has been put to mixed uses.

	Streets and Paths	Green Area	Commercial	Education	Housing	Total Area
Area (hectares)	6.6	2.4	9.9	3.4	41.7	66
Area (%)	10%	4%	15%	4%	67%	100%

The dominant productive use for land here is commercial, but there are also some industrial services such as car repair shops or blacksmith shops. Approximately 70% of these are informal; this is because when certain streets in Jamee Al-Sadreen were widened in 1984, permission was given to landowners along these streets to convert their homes or buildings to commercial use. However, some of these landowners used the permits they received for purposes other than those that were stated, thus leading to informal commercial situations.

Map B1.1. Jamee Al-Sadreen Overview

This map shows a closer view into Jamee Al-Sadreen, in order to show the boundaries and urban grain of this neighbourhood as well as the locations of the specific housing types here chosen for closer study

Table B1.1. Land Tenure Distributions, Jamee Al-Sadreen (Overall)

		Indicator 1: Type of Tenure				Indicator 2: Building Permits			Table Key	
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized			
1. Formal Tenure	A. Registered	Title	(red)	(grey)	Y	(red)	(grey)		**Dominant** over 50% of households	
	B. Unregistered, Documented	Rent							(yellow)	
	C. Group Rights	Inherited	(yellow)		Y	(red)	(grey)		**Significant** between 20%-50% of	
	D. Unregistered, Undocumented									
2. Informal Tenure	A. Documented	Rent of illegal subdivisions	(yellow)		N		(red)		**Exists** fewer than 20% of households	
	B. Undocumented	Rent or inheritance of illegal subdivisions			N		(red)			
3. Homeless		Homeless	(grey)		N		(red)		**Insignificant** fewer than 2% of households	

Tenure Analysis

A rapid overall assessment of land tenure in Jamee Al-Sadreen revealed it to be largely comprised of homes with authorized building permits and titles. Most owners perceived their tenure to be secure.

Many of these owners throughout Jamee Al-Sadreen rent their homes informally to others. In most of these cases there is documentation between owners and renters, with a broker acting as witness. In the majority of these cases – especially after 2003 – this was done in illegally subdivided plots or buildings, as municipal authorities were very weak in enforcing building authorisations and regulations. Generally, these informal renters perceive their tenure to be

insecure. However, more feel vulnerable to eviction by their landlords, rather than by action of authorities given the illegal subdivision practices here.

Finally, there are some instances of homelessness here, with expectedly insecure tenure.

Housing Type Study Overview

To give an idea of the various tenure practices present in Jamee Al-Sadreen, three housing types in this area were surveyed for more detailed information on the tenure situations therein. These include:

- Informal housing (Type 8) scattered throughout Jamee Al-Sadreen
- Incomplete subdivision (Type 6) scattered throughout Jamee Al-Sadreen

- Attached housing (Type 3) scattered throughout Jamee Al-Sadreen

Table B1.2. Land Tenure Distributions, Jamee Al-Sadreen (Informal housing)

The below table represents the various informal housing situations and tenure types scattered throughout Jamee Al-Sadreen. There is a variety of informal construction and homes here, including illegal subdivisions and new informal housing on government land allocated for social infrastructure.. Most of this is due to the unemployed economic migrants coming from outside Baghdad after 2001.

		Indicator 1: Type of Tenure				Indicator 2: Building Permits			Table Key	
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized		[red]	
1. Formal Tenure	A. Registered								**Dominant** over 50% of households	
	B. Unregistered, Documented								[yellow]	
	C. Group Rights								**Significant** between 20%-50% of households	
	D. Unregistered, Undocumented								[grey]	
2. Informal Tenure	A. Documented	Rent	[red]	[grey]	N				**Exists** fewer than 20% of households	
	B. Undocumented	Inheritance	[red]	[grey]	N		[red]			
3. Homeless			[grey]		N		[red]		**Insignificant** fewer than 2% of households	

Tenure Analysis

Informal housing in Jamee Al-Sadreen, especially after 2003, is predominantly undocumented. This is the result of various phenomena including, as explained above, new construction without permits, squatting on government land, and even subdivision of homes illegally into units even as small as 25m^2 (from original 250m^2 plots). About half of these cases are due to family inheritances, and the remaining half is due to undocumented rentals. In all these situations, residents perceive their tenures to be insecure.

There is also a number of homeless (e.g. those without any permanent or semi-permanent shelter) inhabiting former government lands and property.

Table B1.3. Land Tenure Distributions, Jamee Al-Sadreen (Incomplete subdivision)

The below table represents the various tenure and ownership situations prevailing in incomplete housing scattered throughout Jamee Al-Sadreen. This includes both attached and detached housing as many plots remain undeveloped. Many houses in this neighbourhood remain incomplete, due to migration from this area for political reasons following 2003, or due to lack of funds. For these homes, plots were intended to be 250m^2, but many have been unofficially subdivided for the purposes of distribution to family members, or for rent. Typically 80% of the plot areas are built up.

		Indicator 1: Type of Tenure				Indicator 2: Building Permits		Table Key
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized	[red]
1. Formal Tenure	A. Registered	Title/ Rent of government property	[red]	[grey]	Y	[red]	[grey]	**Dominant** over 50% of households
	B. Unregistered, Documented	Private Rental	[grey]		Y	[red]	[yellow]	[yellow]
	C. Group Rights	Inherited	[grey]		Y	[red]	[yellow]	**Significant** between 20%-50% of households
	D. Unregistered, Undocumented							[grey]
2. Informal Tenure	A. Documented	Rent of illegal subdivisions	[yellow]	[grey]	N			**Exists** fewer than 20% of households
	B. Undocumented	Inheritance of illegal subdivision	[yellow]	[grey]	N		[red]	[white]
3. Homeless								**Insignificant** fewer than 2% of households

Tenure Analysis

In contrast to the informal housing described on the previous page, the housing and tenure represented here is taking place in incomplete buildings. Official housing is registered via formal titles, and the buildings were originally authorized. A small number are rented, or inherited through family. Owners and residents of these homes perceive their tenures to be secure.

However, the practice of illegal subdivision is significant here, due to the lack of municipal oversight. A significant proportion of homes have been informally rented without documentation, or inherited without municipal registration. In these cases, renters perceive their tenure to be insecure, due to lack of legal enforcement of rent contracts than the action of authorities in respect of illegal subdivision.

Table B1.4. Land Tenure Distributions, Jamee Al-Sadreen (Attached housing)

The below table represents completed attached housing in Jamee Al-Sadreen. The average plot size here, as with other parts of Jamee Al-Sadreen, is 250m^2. Again as with other houses in the area, after 2001 many families began to subdivide their own homes into multiple units of 150m^2 and 100m^2, or of 125m^2 and 125m^2.

		Indicator 1: Type of Tenure				Indicator 2: Building Permits		Table Key
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized	[red]
1. Formal Tenure	A. Registered	Title	[red]	[grey]	Y	[red]	[yellow]	**Dominant** over 50% of households
	B. Unregistered, Documented							[yellow]
	C. Group Rights							**Significant** between 20%-50% of households
	D. Unregistered, Undocumented							[grey]
2. Informal Tenure	A. Documented	Rent of illegal subdivisions	[yellow]	[grey]	N		[red]	**Exists** fewer than 20% of households
	B. Undocumented	Inheritance of illegal subdivisions	[yellow]	[grey]	N		[red]	[white]
3. Homeless								**Insignificant** fewer than 2% of households

Tenure Analysis

The dominant category of tenure in the studied housing type is formal, registered via titles, and owners perceive their tenure to be secure.

However, just as with most other parts of Jamee Al-Sadreen, a significant number of informal practices are taking place in this housing type as well. Typically, owners have illegally subdivided their homes or property due to high real estate and rent prices, as well as the growth of families and the need to give married sons independent space. Occupiers and inheritors of illegally subdivided houses feel relatively secure, due to the current weak rule of law, however renters feel less secure as there is no legal enforcement of rent documents.

The dominant category of tenure here is formal registered, and authorized, which was understandably perceived to be a secure tenure. This was the same case for women-headed households. There is a smaller but significant percentage of households that are registered, but whose building was unauthorized.

Location B2. Al-Taqaa Complex

Introduction, Infrastructure, and History

The Al-Taqaa Complex is a multi-story, residential apartment complex built in the early 1980s for employees of the Iraqi government's Nuclear Power Association. Now, it is owned by the Ministry of Science and Technology, which oversees the Nuclear Power Association. Housing is provided to Ministry employees in this complex, and a very inexpensive rent is deducted from their salaries. Due to this, some owners find it appealing to rent out these homes to others, or give them to family members, while themselves seeking other homes in other parts of the

city. By law, once a tenant is no longer an employee of this ministry – for whatever reason – the property must be returned. But in practice, this does not happen frequently, if at all. The case study on the following page gives an illustration of this practice

The Al-Taqaa Complex is served by local schools, a mosque, health care facilities, and has several open community spaces. Furthermore, it is well serviced by basic infrastructure such as electricity, water, and sewage. The Complex has distinct boundaries including a gate and a surrounding fence, and caretakers that help maintain the building's facilities. Furthermore, a residents association also helps manage various issues within the Complex.

There are no informal building practices within the Al-Taqaa Complex, but there are many types of informal living situations. As mentioned above, both documented and undocumented informal sub-letting does take place, but there appears to be no legal action being taken against this.

Productive Use

Though the Al-Taqaa complex is one large housing complex, its 34 hectares are split into 70% for housing, and 30% of services, such as roads, education, green areas, and commercial use.

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Map B2.1. Al-Taqaa Complex Overview

This map shows a closer view into the Al-Taqaa Complex within Al-Za'afaraniyah, in order to show the boundaries and urban grain of the complex and surrounding areas. As indicated, this complex is all government-provided housing.

Table B2.1. Land Tenure Distributions, Al-Taqaa Complex (Overall)

The below table illustrates the prevailing tenure situation in the Al-Taqaa Complex, which as explained previously is government-owned housing complex built in the 1980s.

		Indicator 1: Type of Tenure			Indicator 2: Building Permits		Table Key
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized
1. Formal Tenure	A. Registered	Government-provided rentals; sub-rentals	�-RED	▩grey	Y	▩RED		
	B. Unregistered, Documented						
	C. Group Rights						
	D. Unregistered, Undocumented						
2. Informal Tenure	A. Documented		▩grey	▩grey			
	B. Undocumented						
3. Homeless							

Table Key:
- **Dominant** over 50% of households (red)
- **Significant** between 20%-50% of households (yellow)
- **Exists** fewer than 20% of households (grey)
- **Insignificant** fewer than 2% of households (white)

Tenure Analysis

Due to the occupancy of most of the households in the Al-Taqaa Complex by government employees, most residents have documented and secure tenure - at least while employed. This is the same case for those households headed by women.

As mentioned above, some owners have sub-rented their homes to other families, thus resulting in a small number of households in the complex not being registered with the government but at the same time having tenures perceived to be secure due to written sub-rent agreements. This practice is tolerated by the institutions that own the housing complexes. A significant proportion of the women-headed households in the Complex fall under this category.

Location B3. Al-Mallemeen

Introduction, Infrastructure, and History

Al-Mallemeen is a neighbourhood located close to Jamee Al-Sadreen, as indicated on the map below. This area was established in the mid-1960s when

lands were distributed to teachers through the Baghdad Teacher's Union. Most houses in this area are detached one or two story structures. Due to the large size of the original plots, many residences and plots in Al-Mallemeen were subdivided legally and with proper authorisation. Since 2003, however, some owners have illegally subdivided their homes and lands.

Until 1990, before the imposition of sanctions on Iraq, this area was well served by municipal infrastructure and amenities, including electricity, paved roads, sewerage, running water, schools, police, health centres, youth centres, and green areas. Since this time, economic and security difficulties after the 2003 invasion of Iraq led to an overall lack of proper maintenance in this area, and caused much of this infrastructure to deteriorate. Almost all infrastructure has suffered and could use renovation,

while schools are overcrowded and facilities for health and youth need rehabilitation.

After 2003, a council was created for the neighbourhood in order for it to communicate specific problems and needs with the city authorities. However, from the lack of infrastructure repairs in the area, it appears that this council's work has been largely ineffective.

Productive Use

There is an area in the center of Al-Maalemeen with busy commercial streets, and smaller residential neighbourhoods which contain a combination of shops that sell goods and services. The grid below shows estimated ratios of land use of the approximately 75 hectares of Al-Mallemeen. 60% of land is used for housing, while 10% is used for productive or commercial services. The remaining 30% of the area's land has been put to mixed uses.

	Streets and Paths	Green Area	Commercial	Education	Housing	Total Area
Area (hectares)	11.50	2.50	7.5	8.50	45	75
Area (%)	16%	3%	10%	11%	60%	100%

Source: Site examination and survey

The predominant examples of commercial use are basic shops, grocery stores, and so on. Very few of these are informal.

Map B3.1. Al-Mallemeen Overview

This map shows a closer view into Al-Mallemeen, in order to show the boundaries and urban grain of this neighbourhood as well as the locations of the specific

housing types chosen for closer study. There is a specific block of government-provided housing in the north of this area, but other housing types are scattered throughout the Al-Mallemeen.
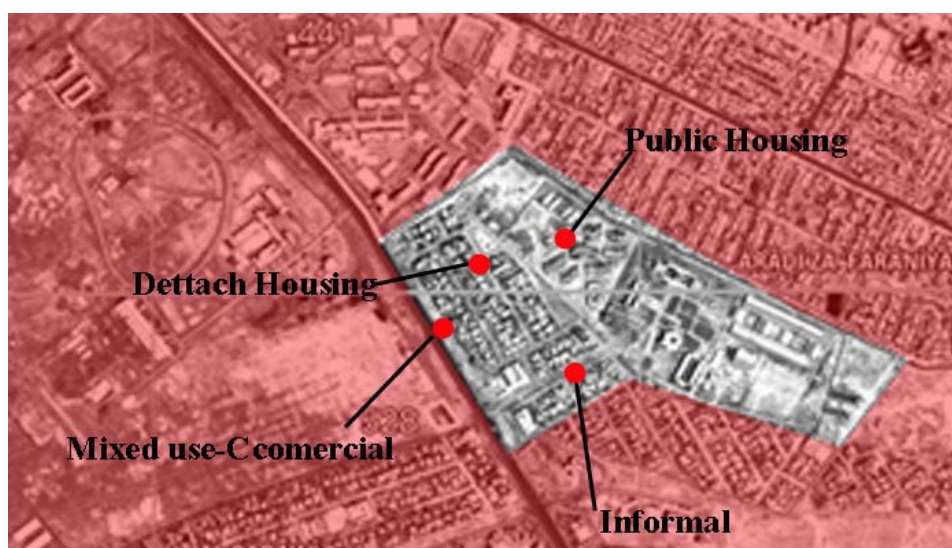
Table B3.1. Land Tenure Distributions, Al-Mallemeen (Overall)

		Indicator 1: Type of Tenure				Indicator 2: Building Permits		Table Key	
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized	🟥	
1. Formal Tenure	A. Registered	Title	🟥	⬜(grey)	Y	🟥		**Dominant** over 50% of households	
	B. Unregistered, Documented							🟨	
	C. Group Rights	Inheritance	🟨	⬜(grey)	Y	🟥		**Significant** between 20%-50% of households	
	D. Unregistered, Undocumented							⬜(grey)	
2. Informal Tenure	A. Documented	Rent of illegal subdivisions	⬜(grey)		N	🟥		**Exists** fewer than 20% of households	
	B. Undocumented							⬜(white)	
3. Homeless								**Insignificant** fewer than 2% of households	

Tenure Analysis

UN-HABITAT's assessment of overall land tenure here revealed Al-Mallemeen to be largely comprised of households with a formal tenure, with ownership registered via title. Buildings are largely authorized, and residents believe their tenure to be secure.

A smaller but significant percentage of households were inherited, usually when family homes were subdivided into smaller units. Before 2003, most of these subdivisions were formal and authorised, but afterwards, following a period of weak rule of law, there has been an increasing number of informal and undocumented subdivisions.

There are a small proportion of households renting illegally subdivided houses with rent documents. In these cases residents generally feel their tenures are insecure, as despite the presence of rental agreements, there is no legal enforcement of such documents.

Housing Type Study Overview

3 housing types in Al-Mallemeen were closely examined for more detailed information on land tenure and housing practices. These include:

- Detached housing (Type 4)
- Government-provided housing (Type 5)
- Attached housing (Type 3)

Table B3.2. Land Tenure Distributions, Al-Mallemeen (Detached housing)

The below table represents the various tenure situations prevailing in detached housing scattered throughout Al-Mallemeen. As mentioned above, these buildings were built in the 1960s. Due to economic hardship and population growth after 1991, the owners of many of these households began to subdivide their homes – both legally and illegally – in order to accommodate family members or for rental purposes. From original plot sizes of about 500m^2, plots and homes were typically subdivided into two or three individual units.

		Indicator 1: Type of Tenure				Indicator 2: Building Permits		Table Key	
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized	🟥	
1. Formal Tenure	A. Registered	Title	🟥	⬜(grey)	Y	🟥		**Dominant** over 50% of households	
	B. Unregistered, Documented							🟨	

		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized	Table Key
	C. Group Rights	Inheritance	[yellow]		Y		[red]	**Significant** between 20%-50% of households
	D. Unregistered, Undocumented							[gray]
2. Informal Tenure	A. Documented	Rent of illegal subdivisions	[gray]		N		[red]	**Exists** fewer than 20% of households
	B. Undocumented							
3. Homeless								**Insignificant** fewer than 2% of households

Tenure Analysis

The majority of households in the studied detached housing appear to have formal tenure via a registered title. Buildings are authorised and owners perceive their tenure to be secure.

There is also a significant portion of households whose homes have been subdivided and given to married children as inheritance. Those receiving such inheritances perceive their tenure to be secure – despite in many cases lacking titles – due to strong cultural and religious traditions. Inheritance is provided to wives, sons and daughters in different shares in accordance with Islamic principles.

In addition to these, there are some informal but documented rent practices as described on the previous page, taking place in illegally subdivided homes. Renters in these situations perceive their situations to be insecure.

Table B3.3. Land Tenure Distributions, Al-Mallemeen (Government-provided housing)

The below table illustrates the various tenure situations prevailing in government housing in the north of Al-Mallemeen. This housing was built in the early 1980s, around the same time that the old Al-Hikma University – established in the 1930s under the British Mandate – was converted into the Za'afaraniyah Technical Institute. The Ministry of Higher Education and Scientific Research oversees this institute, owns many of the plots and homes here, and provides these homes to Ministry employees at low rent. The average plot size is about 110m^2, and is usually 100% built up.

		Indicator 1: Type of Tenure				Indicator 2: Building Permits		Table Key
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized	[red]
1. Formal Tenure	A. Registered	Title/ rent of government property	[red]	[gray]	Y	[red]		**Dominant** over 50% of households
	B. Unregistered, Documented	Sub-rentals	[yellow]		N	[red]		[yellow]
	C. Group Rights							**Significant** between 20%-50% of households
	D. Unregistered, Undocumented							[gray]
2. Informal Tenure	A. Documented							**Exists** fewer than 20% of households
	B. Undocumented							
3. Homeless								**Insignificant** fewer than 2% of households

Tenure Analysis

The majority of households in this section of Al-Mallemeen here are occupied by government employees at low rents, and this practice is considered to be secure, at least while the occupier is employed.

A smaller but significant percentage of houses are sub-leased through contracts. While this practice is tolerated by the institution owning the houses, tenure is perceived to be insecure due to lack of legal enforcement of rent contracts.

In addition to constructed homes, the area also contains caravans, which are occupied by staff of

educational institutes and also some members of the military.

Table B3.4. Land Tenure Distributions, Al-Mallemeen (Attached housing)

The below table illustrates the various tenure situations prevailing in attached housing scattered throughout Al-Mallemeen. As with the rest of this area, the majority of houses were built in the 1960s and many owners began subdividing them after 1991. The purpose of this was both for renting, and for giving to family members via inheritance. While average original plot sizes are $500m^2$, subdivided plots and their built-up areas range from $100m^2$ to $250m^2$, and have multiple configurations depending on whether they are one-story, two-story, or multiple-story buildings.

		Indicator 1: Type of Tenure				Indicator 2: Building Permits			Table Key	
		Predominant Practice	% of All Households	% of Women-Headed Households	Perceived Secure Tenure? (Y/N)	Authorized	Unauthorized		[RED]	
1. Formal Tenure	A. Registered	Title	[RED]	[GREY]	Y	[RED]	[GREY]		**Dominant** over 50% of households	
	B. Unregistered, Documented								[YELLOW]	
	C. Group Rights	Inheritance	[YELLOW]		Y	[RED]	[GREY]		**Significant** between 20%-50% of households	
	D. Unregistered, Undocumented								[GREY]	
2. Informal Tenure	A. Documented	Rent of illegal subdivisions	[GREY]		N		[RED]		**Exists** fewer than 20% of households	
	B. Undocumented	Rent of illegal subdivisions	[YELLOW]		N		[RED]			
3. Homeless									**Insignificant** fewer than 2% of households	

Tenure Analysis

The majority of attached housing studied in Al-Mallemeen is formally owned via registered titles, and in authorised buildings. Owners here find their tenures to be secure.

However, as with elsewhere in this neighbourhood, many original houses have been subdivided – usually illegally so after 2003 – and then either rented to others, or inherited by family members.

In the case of informal renting, renters find their tenures to be generally insecure given the unauthorised nature of their subdivisions, as well as the low likelihood that the contracts they sign with owners can be legally enforced. In the case of inheritances, residents find their tenures to be secure as the original homes are owned by trusted family members.

Conclusions and Policy Recommendations

1. Traditional, Detached and Attached housing areas

Summary

Generally the predominant informal practice is the illegal subdivision of plots. Minimum plot size is usually 200-250sqm; these have been subdivided by a significant level of households in the areas studied to 100 sqm or less. In the case whereby government staff are allocated plots, illegal subdivision and sale is tolerated, as this allows beneficiaries to acquire capital to build houses. Residents undertaking this practice, while illegal, felt that their tenure security was not threatened as legal action against this practice was seldom taken. Other informal practices include extensions or modifications of housing units without building permits. While this practice did not threaten tenure security, households often expected that on sale of properties, they may be required to pay a fine. However in situations where extensions encroached roads or neighbouring properties, legal action and demolition was more commonplace.

The practice of subdivision was usually for the purpose of family inheritance, and subdivision whether or not within legal parameters was most often unregistered and undocumented; generally the title to the plot would remain with the original title holder. Shared use for family members, even when not registered or documented was in most cases considered to be a stable form of tenure, largely due to the strength of family traditions and religious

practices relating to inheritance. To a lesser extent shared or subdivided properties was provided for rental accommodation – with or without rental documents. Regardless of whether there were rent documents, tenure was not considered to be secure due to lack of legal enforcement of rent agreements. Strength of tenure varied according to the landlord tenant relationship.

Less significantly in built up residential areas was the practice of illegal occupation of vacant properties, for where over various waves of displacement, families had occupied vacant houses. This was always considered to be an insecure form of tenure.

Policy Considerations

1.1 **Allocation of Residential Plots to Specific Groups**
Issue: The process of allocation of residential plots on a preferential basis, mainly to government staff and to specific vulnerable groups such as families of martyrs, coupled with the limited availability of land in the market results in inequity and a distorted market.
Policy Considerations: Allocation of land to government staff may be reconsidered, and in preference, a system of making serviced land available at scale the market may be recommended
Rationale: Greater availability of land in the market – particularly at a range of sizes (see 1.2) - would lead to increased affordability to land for all, and address market distortions that benefit a select few with secure incomes, at the expense of those without. This can be done through a process of land wholesaling where developers subdivide, service and on-sell plots to individuals. This approach will need to be coupled with increased accessibility to housing finance.

1.2 **Illegal Plot Subdivision**
Issue: There is inadequate variety in plot sizes to respond to the full range of housing demand based on income and household characteristics. Unplanned urban densification impacts on physical and social infrastructure provision.
Policy Considerations: Local governments may consider providing a wide variation of plot sizes to cater for various affordability levels; support housing extensions to provide rental accommodation; reduce minimum plot size regulations in specific locations to align with current practices and plan service infrastructure accordingly.
Rationale: Current norms impose costs that are

not affordable to all households; a range of plot sizes would cater for the needs of low-income houses and allow households with small plots to access titles and secure collateralized mortgages. Planning for realistic expected densities will improve access to essential services.

1.3 **Weak Rental Agreements**
Issues: Lack of legal enforcement of rent contracts results in tenure insecurity and failure to use rent documents in order to avoid having to pay tax on rental income
Policy Considerations: further study is recommended on legal and institutional factors in relation to the rental market. Actions are required that favour both property owners and tenants, in order to allow property owners to modify rental terms periodically in line with inflation and thereby reduce the need for eviction, and to strengthen the contractual rights of renters.
Rationale: Reinforcing appropriate rights for owners and renters may result in greater availability of rental stock and improved tenure security for renters

1.4 **Illegal Occupation of Vacated Buildings**
Issue: Due to sectarian displacement, vacated buildings are sometimes informally occupied. Owners are unable to maintain and extract rent from their properties.
Policy Considerations: Study the issue further and consider developing special purpose vehicles that can take custodianship of vacated properties, and ensure adequate maintenance and extraction of rent from occupiers. Study current eviction practices and ensure harmonization with global best practices; strengthen capacity to enforce.
Rationale: The right of displaced households to continue to own and manage or dispose of properties should be protected. Displaced households are often unable to access their properties and the period of displacement is often uncertain.

2. Mixed Use Residential/Commercial Areas
Summary
Often on main residential roads houses were converted informally to commercial premises in order to increase their rental value. This practice was generally found to be relatively secure, as households expected eventually that the practice would be formalized through the municipality changing official land use to commercial. In some cases the change of use was followed by street widening such as,

however in some areas, the change of use to commercial has resulted in congested streets and pollution – particularly where commercial use had been contravened for light industrial use.

Policy Considerations

2.1. Commercial Congestion and Pollution
Issue: Poor visioning in city planning processes has led to congestion and pollution as residential areas become commercialized
Policy Considerations: Municipal planners should consider common informal practices of commercial and light industrial uses in residential areas and plan for mixed usesin specific areas. For instance, consideration may be given to designing reservations on main roads that could allow for street widening as commercial activity increases.
Rationale: Designing mixed use areas will allow legitimate commercial and light industrial activities which can be licensed and regulated to control pollution and environmental hazards, generate local employment, and reduce travel distances to commercial areas and work places.

3. Government-Owned Housing
Summary
Government Owned Housing is typically available to employees of specific ministries. Ministries own land, construct apartment complexes and provide to staff on a subsidized basis while employed by the ministry. This is not available to all government staff. Tenure is considered to be secure. Informal practices include subletting apartments; this while informal is generally tolerated by institutions that own the property, however as with 1.3, tenure on sublet apartments is often perceived to be insecure due to lack of rent documents or lack of enforcement of rental agreements. Another informal practice such as observed in Al-Taqaa Complex Baghdad includes *sequfliyah, wh*ereby a beneficiary of an apartment that does not need it may officially request the apartment to be transferred to a colleague. This normally incurs an informal fee paid by the colleague to the original beneficiary.

4. Peripheral Areas - Incomplete Residential Subdivisions
Summary
In peripheral areas of the city, unserviced plots are often allocated to government staff or specific groups of beneficiaries. These are often left undeveloped or built on gradually over time. Services are put in place over time as these areas are built up. These areas are

also prone to higher instance of informal settlement than in other parts of the city, possibly due to the availability of vacant land - particularly on government owned land, and weaker rule of law. As municipal boundaries extend, agricultural land users and informal settlers are faced with eviction as plots and roads are marked out for residential use. The studies highlight how urban expansion has been dealt with in a number of ways, where some customary land users on urban peripheries were winners and some were losers. Some subdivided and sold plots for residential uses prior to the extension of municipal boundaries and when municipal boundaries extended to include this area for residential use, new owners of subdivided plots applied for titles. Others faced eviction when agricultural land was re-planned for residential development. In this case, customary land users – agricultural land users that had occupied the land historically – were optimistic that they would be compensated, whereas informal land users – those who had more recently occupied government land for residential use – were pessimistic of their chances of compensation.

Policy Considerations

4.1. Poor Service Delivery to the Periphery
Issue: Urban peripheral land is frequently un-serviced – this is mainly due to lack of financial resources
Policy Considerations: Ensuring adequate resources for developing municipal services eventually requires systems of local revenue collection such as property taxes and service charges. This is currently not imposed as local revenues are obliged to be sent to the central treasury and redistributed. Local and Regional Authorities therefore see little value in local revenue collection. Decentralization and fiscal reforms are on the GOI agenda, however these are long term processes. Short term considerations may include offsetting costs by partial contribution from the community – typically households who were allocated plots for free to begin with - who will benefit from increased property values, or through developing new peripheral areas through land wholesaling (see 1.1).
Rationale: In the absence of decentralised fiscal policies and systems, short term actions should be explored in order to improve service delivery in peripheral areas, while longer term fiscal decentralization should be supported.

4.2. Undeveloped Plots

Issue: Many plots remain undeveloped over long time periods
Policy Considerations: Combined with actions to improve municipal service delivery, sunset clauses on undeveloped allocated plots may be considered
Rationale: It is important that current land allocations are property utilized

4.3. Lack of Clarity in Addressing Customary Rights

Issue: Lack of clear system for addressing the rights of customary land users in urban peripheries as cities expand
Policy Considerations: Customary land uses should be further studied, clear, consistent policies should be in developed in relation to compensating customary land users in urban peripheries during the process of city expansion, including a system of property valuation to ensure fair measures are enacted. City master planning processes should include the participation of land users in urban peripheries and scarcity of agricultural land is an important consideration
Rationale: Equal tenure rights should apply to customary land users and title bearers

5. Informal Housing

Summary
Informal occupation of government and private land is more typical in urban peripheries and occurs to a lesser extent in built up areas of the city, with the where vacant areas of land in central areas were informally occupied. In all cases, tenure is considered to be insecure. Constructions are usually of a low-cost temporary nature, lacking services and living conditions are poor, possibly due to the long term existence of the settlement and a more confident perception of tenure security

Policy Considerations

5.1. Substandard Living Conditions

Issue: Living conditions in informal settlements are substandard: low availability of services, public health risks from inadequate liquid and solid waste collection and treatment, and poor transport links to off-site jobs and services.
Policy Considerations: In line with Iraq National Housing Policy (2.7.1) Informal settlements will be upgraded or redeveloped on a case –by –case basis. A standardized assessment of the specific settlement will be used to select an approach and design tailored interventions for each settlement.
Rationale: as Iraq is facing a housing deficit, informal settlements are often a result of the inability of the government or markets to provide housing. They represent a significant contribution to the housing stock. Demolishing them would exacerbate the housing deficit and in the current climate lead to unrest. In-situ upgrading will facilitate improvement of living conditions and tenure security for these residents.

5.2. Resettlement Shortcomings

Issue: Many informal settlements may not be upgraded due to inappropriate locations. Resettlement is an alternative option in such cases but may not result in comparable housing conditions for the current residents of informal settlements.
Policy Considerations: In line with Iraq Nation Housing Policy (2.7.2) Resettlement will be done fairly, based on thorough consultation with the affected community, and residents will be compensated justly according to the law.
Rationale: In many countries, resettlement has proven unsuccessful and informal settlements are often relocated to peripheral areas and far from urban centres which is not a just compensation. Resettlement as a result of redevelopment should provide housing in areas with access to job markets, transportation and urban amenities.

Research sources:

-United Nations publication
-Housing Market Study in Iraq, the UN 0.2009
-Study of the housing strategy in Iraq, Erbil 0.2010
-Personal interviews, the registration departments of public real estate, BAGHDAD0.2010
-Survey of the research team for the period from the month of March. April. May, 2010