

**A STRATEGIC APPROACH TO DEVELOPING
RESIDENTIAL LAND TENURE ADMINISTRATION, THE
CASE OF IRAQ**

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DEDICATION

This thesis is proudly dedicated to my beloved country; Iraq.

List of Acronyms:

DDLRC	District Directorate of Land Registry and Cadaster
GDLRC	The Iraqi General Directorate of Land Registry and Cadaster
GDoUP	The General Directorate of Urban Planning
IHM	Iraq Housing Market
IHP	Iraqi Housing Policy
ILAs	Iraqi Land Authorities
IMoP	Iraqi Ministry of Planning
ITDDs	Iraqi Title Deed Documents
IULS	Iraqi Urban Land Sectors
LRCOs	Land Registry and Cadastre Offices
LTA	Land Tenure Administration
LAS	Land Administration System
MoA	Ministry of Agriculture
MoHC	Ministry of Housing and Construction
MoJ	Ministry of Justice
MoM&PW	Ministry of Municipalities & Public Works
NRM	Nest Research Model
OLCs	The Ottoman Land Codes
REROs	Real Estate Recording Offices
RERL	Real Estate Registration Law
RETL	Real Estate Tax Law
RTS	Religious Tenure Systems
PPC	Physical Planning Committee
RPO	Research Process Onion method
UN-HABITAT	United Nations Human Settlements Programme.

Arabic and Non-Arabic Land Tenure Terms:

Term	Definition
Arasa	Residential land, a spot of land.
Awgaf	Religious purposes of a charity.
Amirry/Miri	State land; a form of Communal lands under the State control.
Amlak adawla	Government possessions.
Mulk, Amlak khasa	Private tenures
Baayer (see also Mawaat)	Virgin land, wasteland.
Diwan Awgaf	The Iraqi religious affairs departments of the endowments
Hoquq	Law, rights.
Hudood	Land territory.
Imlak	Registry office/ Registered land/property.
Iqtaei	Lands owned by the Feudal landlord.
Majlis	Tribal council.
Malek ,Malekeen.	Land owner(s).
Manteqa	Local area, territory.
Mawaat	Barren land or wasteland.
Meerath	Inheritance form.
Maoqofa (see also Waqf).	Common land often used for religious purposes.
Mushtarak	Shared land.
Nodhoum	Regulations.
Majlis	Council.
Malek ,Malekeen	Land owner(s).
Manteqa	Zone, Local area, territory.
Mawaat	Barren land or wasteland.
Mushtamals	Sub-division units.
Qanoon law	Code of regulations.
Qanoon madani	Civil Code.
Sanad	Document (generic).
Shari'a, or Shariat	The Islam laws (ownership and inheritance issues).
Shura, majlis	Council, committee.
Sigueal el-shaksi	The "Deeds" registration systems; the old one is operating in urban areas.
Sigueal el-ainee	The "Title" system, which has only been implemented in rural areas.
Tamalok	Rights of possession. TAPU 'Ottoman term of land ownership right title'.
TAPU,Tetweeb, Mutawaeb	The document/an argument with official rights to the beneficial use of the ownership gained through the regulations in the registry systems, (Turkish term).
Urfee	Traditional agreement/sale.
Waqf/Awgaf (also Moquofa).	Common land, usually used for religious purposes (e.g. Mosques, Shrines).
Wakaalat	Acting on another's behalf.
Wakil	Lawyer, representative.

Abstract

This study is driven by the need to bridge the gap in the current literature in terms of identifying the sustainable institutional aspects of the Land Tenure Administration (LTA) under the current situation in Iraq, as the principal mechanism through which LTA can be sought. In fact, the critical situations of post-war, economic crisis and terrorism waves in Iraq are now heading the country to develop an urgent national policy, thus there is a need to put forward a strategic approach that helps Iraqi Land Authorities (ILAs) policy to build an efficiency implementation of LTA and ensuring the users' satisfaction to achieve better practices in Iraq. While post-war situations and inter-communal violence impacts continue to occur in the country, the research provided a pioneer opportunity to identify current problems of LTA, which can be directly linked to these factors of the instability and insecurity situations in the Iraqi urban areas. This thesis is structured from nine chapters; it deals with the government policy makers of the applicants at ILAs and the property users in Iraq. The research identified a set of key influential factors driven from the current critical situation regarding the LTA efficiency at ILAs and the level of users' satisfaction. One of the research objectives is to develop a conceptual framework for evaluation the operational performance of LTA in Iraq. To evaluate the conceptual framework validity, the questionnaire has distributed targeting the user's samples of 384 in 3 chosen neighbourhoods in the Al-Nassiriya city, 16 semi-structured interviews have been conducted with Top Senior Managers (TSMs) in 6 agencies of decision-making councils in ILAs at both national and local levels in the Iraqi system. In this research a multi-method of analysis was followed triangulating data, hence the core part of data to be used for analysis is that derived from these Iraqi land resources. Based on respectable evidence, the Iraqi existing system is still offering significant levels of management and monitoring supports. Evidence showed that the LAS/LTA is qualified and there is no lack in administrative approach. However, crucial influences of the state instability, insecurity situations, inter-communal violence, and the displacement and refugee's relocation problems were directly followed the land dispute resolution, financing & data costs, land administration processes, and efficient technical aspects.

CHAPTER ONE: INTRODUCTION

1.1 BACKGROUND TO THE RESEARCH

The importance of studying the Land Tenure Administration (LTA) originates from the fact that all urban planning and national development are linked directly to individuals' rights. The need to carry out tenure rights and security levels of these rights are the basic necessity for carrying out an understanding of the land aspects, tenure concepts, practices, and institutional authorities. More specifically, the situation of insecurity of tenure can be a result to poor policies which lead to negative consequences in ground such as slum crises and informal settlements with high rates of unsanitary conditions, and a lack of basic health care in many cases in many poor countries.

In this connection, the land tenure in LTA function as the individuals/group rights is protected by the set of legal rules against the multiple claims from others. Payne and Durand-Lasserve (2012) reveals several legal rules of land tenure, which differ depending on the aspects of LTA; policy, legal activity, organisational frameworks, and delivery of services. On a simplified level, there is a wide variety of legal forms, which included in its structure a diversity of land tenure and related rights which can be driven by these broad categories. Also, the literature showed that these related rights can be summarised into: cultivate or develop it, to transfer it to one's heirs, sublet all or part of it, use it to obtain formal credit, and to access public services (UN-Habitat, 2003 and 2013a). It should be noted that the tenure rights are fragile, which must be secured off the dissemination and other threats. FAO (2012) stressed this point that the users' rights conventionally exist as a subset of the social relationships in policy considerations. As with LTA status, all these forms of rights should be clearly acknowledged by using legal tools for protection of rights in the governmental polity considerations. In practice, land tenure rights in LTA should primarily be viewed as a set of rules which are held by several different purposes in varied periods and for different persons or groups, allowing all parties to use/benefit the tenure on specified terms and conditions.

In fact, the general picture of the literature has focused on how to identify some of the LTA main actors involved in the security of land tenure to manage and implement the effective policies and practices of the securing access to tenure rights, in which people be able to save their rights (see Abelson, 1996; Gülöksüz, 2002; Enemark, 2004 and 2009; Davis, 2004; UN-Habitat, 2003, 2006b, 2012 and 2013b; Mohammad, 2013). Therefore, the tenure security is the reflection to the satisfaction and success from the end-user's view, and as a result of the quality of the legal status of the system which held the institutional mechanism of LTA.

It can be suggested that the LTA is linked directly with system challenges of providing legal access to the basic services to the users. World Bank (2003) stresses that these institutional structures should develop relevant policies, laws and procedures in the system to response the user's needs and their individual's rights to be better served. In this context, this individuals' feature contributes to the fact that land institutional authorities should be in their overall agenda to ensure that adopted policies promote social equity and gender equality among their people needs, regardless gender or religion aspects in the system. Furthermore, the literature stressed that triangulated relationship of LTA needs to be related to the clear legislative capacity of institutions, communities and other stakeholders associated with an administrative strategy of tenure (see FAO, 2002; Zakout, Wehrmann, and Törhönen, 2006; UN-Habitat, 2003, 2006b and 2013a). More specifically, Williamson *et al.*(2010) showed that these administrative functions support efficient LTA and are concerned with the administration of land aspects in Land Administration System (LAS) to ensure its sustainable development. In fact, Enemark (2009) and Zahir (2013) emphasis that LTA is one part in 4 functions of LAS (land tenure, land value, land use, and land development), included a wide range of functions and processes concerned with the social, legal, economic and technical framework, within which land policies and land management strategies are operated. It can also be appreciated that LAS is the institution basic tool to provide and manage LTA aspects and responses to the users' rights, ensuring users' satisfaction, and then the efficient system of LTA.

There is no doubt that the success of LTA system is increasingly competent and confident in the workings of all forms of tenure: public, private, communal, religious, customary, and even informal. In a nut shell, success of LTA needs to have mechanisms to hold all key issues to account; to support the capacities and operations of actors, and to recognise and strengthen legal tools for resolving tenure disputes-formal and customary aspects under the key authorities in the institutional frameworks.

Located in the Middle Eastern region, Iraq is one of the eastern countries of the Arabian Mashreq Region (AMR); Iraq holds a special distinction in the history of this area, with close legacy of tenure forms. As an Islamic country, LTA in Iraq in most of its side is ruled and managed its system according to a set of permit forms contributed to the specific religious influences. In this connection, Islamic forms of tenure and inheritance are the high degree of reliance on the LTA legal structure in Iraq, arising in part because of the sophistication scope of the Islamic rules or the *Shari'a* (UN-Habitat, 2005a and 2010). Although the majority of the Iraqi population is urban inhabitants, the rural and semi-nomadic tribes influence is still dominated in Iraq and can be seen within LTA aspects. According to tribal rules in Iraq, the land ownership, according to traditional attitudes is usually encouraged by social values to be converted between men only (Nakash, 1994; UN-Habitat, 2010a; Batatu, 2004; Al-Mahmood, 2014). In relation to a research focus area, the Iraqi land administration has been well-documented since 1955 (Al-Nahi, 1955; Warriner, 1957; Marion and Sluglett, 1983; Al Rashid, 2005; USAID, 2005; Stigall, 2008; Marr, 2012; UN-Habitat, 2005b, 2006, 2010a, 2010b and 2012; Shaikley, 2013; Thabit, 2014; UNHCR, 2017). However, after 3 wars and nonstop periods of instability and insecurity situations over a period of 15 years, many evidence indicated that sudden collapse was with potentially grave consequences in the system. In the recent Iraq, a living in insecurity conditions and ethnic conflict are still triggering massive crises. Recently, the chaos of looting and destruction of public records has also increased. Due to serial wars, over 3 million Iraqis are currently displaced (IOM, 2017). Currently, after more than one decade, there is continued political and religious tension, unstable political governance with roots of bureaucratic corruption, the semi-civil war and constant terrorist attacks. Moreover, the Iraqi refugee crisis still presents a national humanity problem.

With eroded trust in the Iraqi authorities, the Iraq's legal tenure crisis was further deteriorated, particularly by the events followed the war in 2003. At a time when Iraq is suffering a severe situation, the Iraqi crisis is continuing and contributed to a number of factors. Influenced by the war's impact and the related economic deficiency, the growing of population and the inability of limited income people to build private housing units, all have continuously declined the ILAs efficiency and then LTA aspects in Iraq. In general, it is not surprising that the extent to which LAS and LTA aspects of the user's rights are difficult to detail because of the lack of reliable data in the current system in Iraq, as well as the society diversity and its local sects. Consequently, all that represents the rationale and motivations for conducting this study as detailed in the following section.

1.2 RATIONALE FOR THE STUDY

It is now widely recognised that the ILAs were under massive influence from the insecurity situations and weak state / regimes that controlled its programs and reforms. Recently, the chaos of looting, multiple ownership claims and destruction of public records (in Iraq) have increased (UN-Habitat, 2010b and 2012), causing more influence on the land tenure administration and its security. After the war (after April 9, 2003) the Iraqi land-registration problems have sharply escalated regarding the systematic aspects of the real estate registration with these entire interrelated user's rights crises. For example, USAID (2005) found that after 2003, the main problem of land-registration has emerged as a result of the absence of Iraqi Land Authorities (ILAs).

This research is driven by the current situation in Iraq as the principal mechanism through which LTA can be sought. As the critical situations in Iraq are heading towards an urgent national policy, as a need to put forward a strategic approach that helps the ILA policy to build an efficiency implementation of LTA and ensuring the users' satisfaction. While post-war environments and inter-communal violence impacts continue to occur in the country, the research provided the opportunity to identify current problems of LTA, which can be directly linked to these factors of the current

insecurity situation in the Iraqi urban areas. Since 2003, Iraq has endured over decades of an unstable period of wars and a sectarian violence. The continued sectarian violence and associated authority' deficiency have fuelled a displacement crisis, which was serious in both size and complexity after 2003 events. In relation to Iraqi judicial regulations, the ILAs have showed many inadequate administrative problems, linked with a wide set of factors (UN-Habitat, 2010a; UNRWA, 2012; IOM, 2016; UNHCR, 2017). In this connection, Iraq's population had greatly affected by the massive property destruction, as well as a shortage of adequate housing, which all paralleled with these waves of displacements and refugees. In addition to the large scale destruction of public and private property in Iraq, such waves of displacements are predictable to cause land and property rights violations. The Iraq's Property Claim Commission reports (2010, 2015 and 2016) showed widespread illegal sales; rentals of displaced persons' property and illegal occupations. Furthermore, losing access to their civil documentation of many of the displaced has doubled the crisis (IPPC, 2010 and 2015; IOM, 2016). A significant number of which was results of social and political conflicts and complex legal institutional policies. In general, the post-war environment, inter-communal violence and continue instable periods have a significant role in the Iraqi land administration and therefore it needs to be well-documented. As a result of this, the absence of an ability to address the more fundamental supply rights of land and property, inappropriate regulatory frameworks, conflicting institutional policies, weak governance, disagreeing ideologies, and weak financial mechanisms; all led to a deficiency of LTA. This motivation can be used as a powerful tool to the research to identify the influential factors of the current situations and to evaluate the efficiency level of the operational performance in ILAs regarding LTA and the security of tenure.

This research produced the conceptual framework which used to develop a strategic approach for effective implementing of LTA in Iraq, which helps to strengthen the institutional policy between ILAs agencies at both levels of the government and the stakeholders. In this connection, there are a number of reasons that make this study a valuable area to investigate. These reasons are classified based on the importance of the concept, the governance of tenure, instability and insecurity situation in Iraq and lack of empirical studies. These sets of justifications are explained in the following subsections:

1.2.1 The Importance of the Concept

Someone might ask why focus on LTA through a legal institution's framework? Or in another words, what is interesting about examining effective implementing of LTA within the existing system in Iraq?. According to Payne (2003) the concept of tenure has been identified as one of two indicators for measuring progress in the implementation of the urban development target included within the United Nations Millennium Development Goals. According to USAID (2010) the LTA is the institutional political, economic, social, and legal structure that determines how individuals and groups secure access to land and all resources contained on it. Enemark (2009) also stresses that LTA is part of the LAS functions (land tenure, land value, land use, land development), included a wide range of functions and processes concerned with the social, legal, economic and technical framework, within which land polices and land management strategies operate. More specifically, Williamson et al. (2010) showed that these administrative functions support efficient LTA and are concerned with the administration of land aspects to ensure its sustainable development.

The challenges currently faced LTA could be attributed to the tenure being complex in nature and included in multiple resources forming the security of users' rights. It is likely that less than 30 per cent of developing countries are currently covered by some form of land registration (UN-Habitat, 2013). This means that about 70 per cent of people in developing countries are outside a register regarding the securing their tenure rights. Furthermore, UN-Habitat (2013) a sixth of the world's population was claimed as a direct result of deficiency of system in LTA implementation and then the insecurity of tenure' rights. In many cases in poor countries, the insecurity of tenure can lead to slum crises with high rates of unsanitary conditions, malnutrition, and lack of basic health care. In developing countries, literature showed that the increased concentration in urban areas is usually characterized by poor planning and weakness of land administration (USAID, 2005). This theme has been echoed by Tahir (2006) and UNECE (2013) which clarified the role of documented tenure term, as the protection of possession rights that should be issued through a legal institution's framework. Therefore, literatures argued that effective legislative capability and institutional frameworks adopted by the

government at the national and local levels are the main steps for LTA (Payne, 2001; UN-Habitat, 2003a; Taher and Ibrahim, 2014).

It has been mentioned earlier in this chapter that LTA play an important role in the development sector nationally as well as to individuals' rights. Consequently, LTA should principally be viewed as a multiple legal relationships involving the rights of individuals and communities with regard to land in order to use, develop, transfer and inherit it, and to obtain officially documents of the ownership within advantages and limitations in the system. As a whole, an effective way of enhancing the LTA and how peoples use and benefit from their rights can be measured under the quality and security level of the LAS action. Taking all the prior issues into considerations, alongside the ideas that were mentioned (in relation to Iraqi critical situations), the selection of this study was, therefore, contextually driven.

1.2.2 Lack of empirical studies

There is a lack of empirical studies into LTA managements in the Arab countries. Iraq is not excluded too. Although there has been extensive literature generally on urban land management and legal protection of land titles, there has been little empirical studies focus in current Iraqi situations, and on its real influence on LTA which can highlight the Iraqi specialized recent situation in the current period after the fall of the Ba'athist regime in 2003. In general, the Iraq's legal tenure crisis was further deteriorated, particularly by the events followed the war in 2003. To the best of the author's knowledge, no academic studies at this level have been carried out a field study dealing with the current situation in Iraq. With eroded trust in the Iraqi authorities, for example, all reports of FAO and NU-Habitat (after 2003) were achieved out Iraq in Jordon or in semi-independent region of Kurdistan of Iraq; a very rare was practically passed the Iraqi borders and met the real situation. Such empirical research has not been investigated before in the Iraqi context, hence, it appears vital to examine LTA aspects with the security of legal rights in lands and the transfer of these rights among the people by different way of the management and adjudication in the LAS/LAT aspects

according to the influence of these factors of current situation impacts on the efficiency of the existing system in Iraq.

As revealed in previous discussion, the lack of empirical research dealing with influences of the Iraqi current instable situation on organisational performance of ILAs and implementation of the LTA is a principal motive for conducting this study. Moreover, there was a lack of documents within the case study and clarification in triangulation of evidence which were not always available since data on land ownership usually is incomplete, and out of date. Also some of the case study documents (in ILAs at national level) were considered secret and untouchable and, consequently, the researcher was not able to check or obtain printed copies. Therefore, this study underpins the operation of efficient LTA in ILAs represents an attempt to narrow the gap that it represents by contributing new knowledge concerning LAS/LTA aspects in Arabic countries, and provides deeper and better understanding of the LTA in the current period in the Iraqi system.

1.2.3 Personal Motivations

The research motivation relates to the educational and professional background of the researcher who has engaged in LAS issues as a consultant at the physical planning committee which has made him very much close and aware of the current demands and the possible challenges to LAS and LTA aspects in Iraqi cites. The researcher interest has been experienced LAS and LTA aspects in Iraqi system as a senior researcher to prepare a report with the support of United Nations Human Settlements Programme (see Background Paper for Rapid Land Tenure Assessment in Arbil, Hilla, Baghdad and Nassiriya, UN-Habitat Office, Amman, October 2010), and in developing the master plan of Al-Nassiriya city in 2012, southern of Iraq, focused more towards the institutional performance aspects in the existing system. Furthermore, the consequences after the collapse of the Ba'athist regime in 2003, as reviewed the literature, led the researcher to found that Iraqi LTA is under a variety of key factors that requires an urgent need for an effective management that motives for conducting this study. Therefore, these personal concerns helped in the selection of this research.

1.3 CONTRIBUTIONS BY THIS RESEARCH TO KNOWLEDGE:

1.3.1 Originality of the study

The originality of this study can be seen from the studied topic, the studied context and the uniqueness of the expected PhD outputs. Firstly, this study makes significant contributions to the current literature targeting to develop a strategic approach for effective implementation of LTA in Iraq, targeting the influence of the current period. Although the connection between the instability and insecurity situations and LTA aspects has been the concern of many studies in many countries in the Middle Eastern region, there has not been, up until now, a field studies at this level built on a clear conceptual framework that has put forward the elements of LAS/ LTA aspects and each influential factors that are related to these critical situations, identifying how those elements interact (output). Furthermore, in this study, the researcher was not only able to identify the influential factors and the aspects of operational performance, but he was also able to produce a conceptual framework that described LTA authority' gaps, related the Iraqi stakeholders' requirements, land/ housing market activities, the Iraqi private sector's engagements, and these critical factors of social-cultural and religious issues affect the success/failure levels of LTA that were necessary for evaluation the efficiency of ILAs regarding LTA and peoples' rights in the Iraqi system, (see Table 3.5). The conceptual framework detailed in this study, therefore, valuable in helping to understand the recent experience regarding political, social factors that can be traced during the contemporary history of Iraq, thus, to identify where improvements should be made. From another perspective, the implementation of LTA can be seen as a main element in enhancing people's rights but also as a main key to achieving further development in other development sectors. In order to assess the development the LTA, this study explores the historical development of the Iraqi LTA within four different periods of time starting from the Ottoman period to the present time by focusing on the main legal phases and administrative changes during the implementation of the Iraqi national development. The discussion progresses to deal with the current Iraqi crisis and its related factors, focusing on the role of ILAs and their organisational system efficiency under the influence of the recent situations. Secondly, this study was conducted in Iraq,

an Arabic country with the multiple societies and during irregular situations, focused on these local samples in the Middle Eastern region and the Arabic region, which were reviewed for their similar social attitudes, practice and conditions, and these administrative crises in terms of LTA implementation and delivering the user's rights. The recent experience from this region was presented in the different parts of this study including in the final conceptual framework detailed in this study. Finally, the background information provided for each case presented in chapters three and four is considered as an important contribution to the literature on LTA because it provides valuable information about each case included in multiple resources forming the security of users' rights in terms of establishment elements and cultural elements which have not been presented in academic format before. It is important also to mention that the future directions suggested in chapter 9 propose the publishing of related papers on the dynamics of land tenure arrangements and their interplays in tenure legitimate frameworks to evaluate the essential features and roles of ILAs agencies in facilitating access to peoples' rights in Arabic and Iraqi urban lands, which is expected to be one of the most important contributions to government policy makers, property owners and academic scholars. The outcomes of this study indicated that the Iraqi land administration is qualified and stemmed from the Iraqi rooted legislations within long periods to develop their strategies in ILAs, which helped its resistance against the critical situation, and it has a further authenticated mechanism to provide solutions against the insecurity of tenures. The study also includes some historical information within 5 eras to present some events relating to both pre- and post-war situations in Iraq; therefore, this study can have some future implications for historical and economic studies regarding the Iraqi and the Middle Eastern region.

Thus, the originality of this research will become more apparent by identifying the role of ILAs at both levels regarding LAS/LTA aspects and the users' satisfaction with an understanding to how the LTA implementation and delivering the user's rights have affected under the current influence of the unstable situation in Iraq.

1.3.2 Creativity and Innovation

The innovation and creativity are mainly related to the empirically based practices in a PhD thesis when data collection and findings are undertaken. In terms of data collection, the issues concerning of the efficiency of implementing systems of LTA and users' rights were introduced in this research. The researcher designed an interview with the decision- makers' opinions of 6 agencies applicants in both national and local levels at ILAs in Iraq. Interviews have been conducted with Top Senior Managers (TSMs) of decision-making councils at both levels at ILAs in the Iraqi LTA system, which helped to identify closely at the ILA's roles and the current performance regarding LTA aspects in Iraq (see Appendix A). In this research, the questionnaire has distributed targeting the land user's samples of 384 in 3 chosen neighbourhoods in the Al-Nassiriya city, Iraq (see Appendix B). The researcher, in this research, is a pioneer to enhance the influence of the current challenges that face the ILAs strategy at LAS in implement LTA and users' rights in this critical period in Iraq, reveals the full range of success and failure factors. This contribution can be shown by the extent of knowledge provided to explain the relationship not only between ILAs policies but also the relationships between the actors involved in the institutional processes and the operations required for implementing LTA and providing users' rights in LAS. This research provided a conceptual framework that described LTA systems, authority' gaps, stakeholders' requirements, land markets activities, and a general assessment of the current experience, the policy achievements and barriers and drawbacks, which are necessary for enhancing an effective implementation to LTA and people rights in the Iraqi LAS. In this context, it is important also to mention that this research is targeting to develop a strategic approach for effective implementation of LTA in Iraq, targeting the influence of the current period. Since 2003, the Iraq administrative system has endured over 3 decades of an unstable period of wars and a sectarian violence. Thus, this research is the first detailed examination at this level to deal with all LAS/LTA stakeholders under the critical influence of this period in Iraq; it has endeavoured to narrow the current gap in knowledge of implementation of LTA by providing a strategic approach in ILAs policies on basis evaluation concerning the efficiency systems of LTA and users' rights, in such instability and insecurity influences particularly by the events followed the war

in 2003. Finally, the empirical outcomes of this research appear to have wider implications on all LTA aspects and its related components (which are presented in chapters 6, 7 and 8). Once this study reached its end, the researcher was able to identify a set of influential factors that were responsible for the current challenges that face the ILAs strategy in implement LTA and users' rights in this critical period in Iraq; these influential factors are represented by the system actors and end-users (see Tables 3.5 and 8.1). In addition, the original contributions of this research are supported by some publications (see Appendix D).

1.3.3 Scope and Limitations

As mentioned earlier in section 1.3, a full justification of the topic, context and the focus were provided in order to explain the position of the research. Regarding the limitations and the scope, this research is carried out in Iraq to enhance the influence of the current challenges in this current period that faces the ILAs strategy in implement LTA, enhancing this critical period in Iraq after the fall of regime in 2003, which reveals the full range of success and failure factors on the existing system in Iraq.

Although this research has the possibility of achieving many theoretical and practical objectives which will help to gain a better understanding of the efficiency of ILAs policy regarding LTA and users' rights regarding the current challenges and the Iraqi institutional structure (which, in turn, will help in improving the ILAs strategies in LTA in Iraq), the findings reflect the state of LTA in Iraq under these specific conditions within this particular period in the country; thus the generalisability of any interpretations gained from the research is limited due to the subjective nature of this research. While post-war environments and inter-communal violence impacts continue to occur in the country, the study argues that there is an urgent need for such empirical study in Iraq, through which the Iraqi current system of LTA and the users' rights are assisted. Any interpretations that are comprehended are likely to relate mainly to the current situation factors and to the socio-cultural factors that prevail in the Iraqi LAS/ LTA sector. In fact, the research's final findings will be useful tool for evaluation of LTA implementation within the land institutional hierarchy of ILAs and during the

current period in the Iraqi existing system. Inappropriately, most of that success was distorted recently by a series of wars/conflicts, starting from the 1980s, which may consider as limited factors that have a profound effect on the ILAs efficiency and LTA development in Iraq.

1.3.4 Implications of this study

New issues and implications can be identified when a research reaches its end as a result of the investigation. While contributions can have an impact that is limited to only the studied area and topic, these implications should aim to address the issues which can be of concern for others to inspire further investigation (see Section 9.4).

As it is mentioned earlier in this chapter, the main contribution of this study was expected to be of strategic approach and the triangulated relationship among the Iraqi LTA components adopted in this research; the institutional aspects of LAS, critical factors of the success/failure, and stakeholders' satisfaction (see Figure 3.4). The contribution focused on the institutional aspects of LAS at national/inter-governmental agency levels, and for research limitations this included only a set of administrative aspects such as tenure security, land policy, legal framework, availability of a strategic plan, financial issues, data management (capture, maintenance, access, storage), and land dispute resolution mechanisms. The important point is that the current system is built on a rock-hard legislative base from the social/ religious forms that helped it to resist the current impacts. However, outcomes of this study indicated that the LTA applying aspects are influenced by a set of critical factors which have impacted on both the productivity of the institutional aspects of LAS and on stakeholders' satisfaction with the system performance. Therefore, the main indication is that the efficiency of the ILAs is not associated with a lack of asset management approach in the existing system, but it is directly linked to the state in stable situations and these related consequences, which lead to all these cases of tenure and rights in crisis in the AMR and in the major scope of MER's cases. The government policy makers in ILAs can benefit from this research in their mission to manage and to administrate land aspects efficiently, effectively at clear and simple levels of the governmental process and procedures to be

respected by both land administrators and stakeholders, bearing in mind that this mission of the government was one of the motivations to conduct this research. Furthermore, academic researchers and the property owners can benefit from the outcomes of this study by understanding the issues which can have an influence on the shaping, implementation, and monitoring of LTA and then the obtained level to secure the users' rights. Also, they can use these outcomes in order to enhance the level of the influence of the current challenges that face the ILAs strategy in implement LTA, enhancing this critical period in Iraq after the fall of regime in 2003, reveals the full range of success and failure factors on the existing system in Iraq. Academic scholars, owners of properties, tenure investees and government policy makers in the LAS/LTA aspects in the Iraqi and the MER & AER countries can benefit from the outcomes of this study under similar conditions in the existing systems (see Figure 1.1).

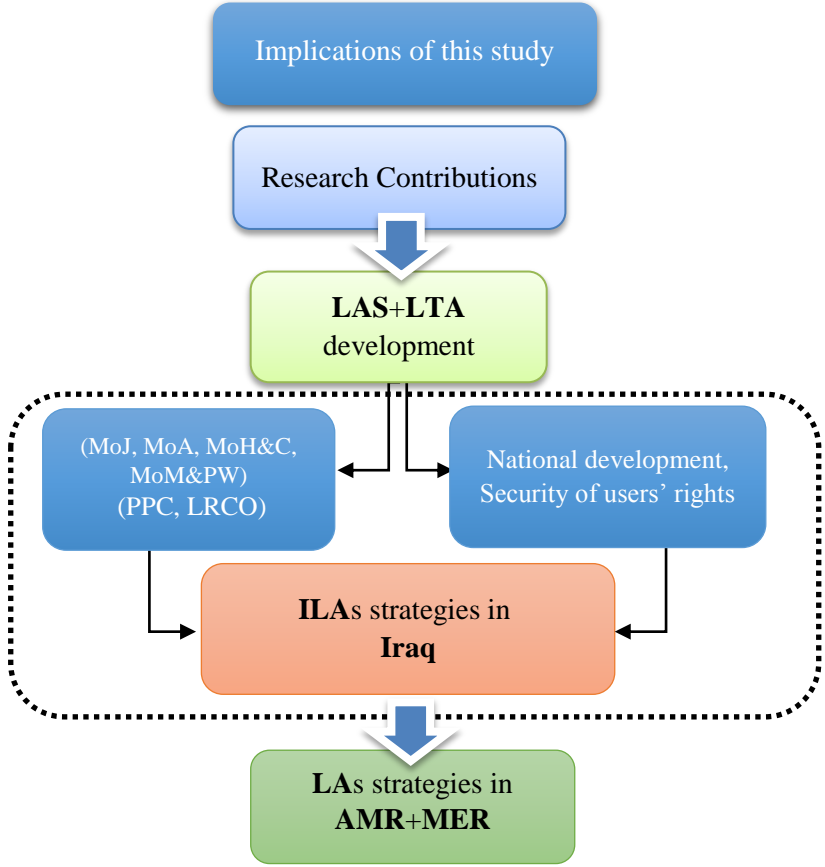


Figure 1.1: The research contributions and implications

1.4 RESEARCH QUESTIONS

Reviewing the literature has indicated the need to answer the following questions:

1. What are the main factors of effective implementation of LTA, and how these factors affect the current aspects of LTA in ILAs strategy?
2. How effective is the implementation of LTA in ILAs strategy in Iraq, and does it meet the end-users' satisfaction?

1.5 THE RESEARCH AIM AND OBJECTIVES

Building on these research questions, the aim of this research is to develop a strategic approach to effective implementation of LTA in Iraq, enhancing the current period influences. This aim is achieved by pursuing the following objectives:

1. Develop an understanding of LAS& LTA concepts, types and leading factors that motivate authorities to adopt LTA in their strategy, identifying the essential requirements of stakeholders in the LTA aspects.
2. Study the role of LTA in developing countries of the MER & AER, driving the critical factors influencing the efficiency of implementation of LTA in these related samples.
3. Explore the Iraqi existing context and the effectiveness of LTA strategies in ILAs to meet the user's needs and rights.
4. Propose a conceptual framework that is required to be able to make a meaningful sense of data generated by the empirical research.
5. Evaluate the conceptual framework validity, using quantitative and qualitative methods of data.
6. Draw recommendations, genuine suggestions of LTA stakeholders, and decision-makers of top senior in ILAs in Iraq.

1.6 THE RESEARCH APPROACH

This research deals with a human interaction phenomena, therefore, the research aims and objectives seek to find the participants' opinions and meanings via human interactions. In this research, the researcher gain knowledge about a specific topic from different perspectives. The ILAs participant's attitudes (TSMs, government policy decision-makers), and land users' opinions should be understood by examining their own understandings and experiences of events as main parts of the LTA social context in which they exist and deal, in order to increase the knowledge regarding LTA aspects in Iraq.

Ontologically, this study tends more towards idealism. This suggests that this research consider the phenomenon as not an independent or a single reality by understanding the participants' interpretations of the reality. With regards to the ontological assumption, this research undertakes that the reality of LTA aspects is measured subjectively in qualitative data by using instruments such as the interviews, and continuously constructed as it is seen by social actors' views of the participants involved in this research. Accordingly, the subjectivism ontological position will be adopted as the reality is an outcome of the participants' interactions that interact with the phenomenon within the studied context of LTA in this research.

From the epistemological perspective, this research tends more towards the interpretivism assumption. As mentioned previously, the investigated phenomenon of this research is rooted in the Iraqi living society and based on working experience in the existing system. This suggests that knowledge is socially constructed through the interpretations of major participants in the LTA aspects in Iraq. For that reason, the interpretivism epistemological position is adopted to gain an in-depth understanding of social reality through the study of interpretations and attitudes (ILAs participants' TSM, and land users' opinions).

From the axiological perspective, this research tends more towards the value laden stance. The research's questions that this study intends to answer are not only 'what' questions but also 'how' questions. In fact, the data in this research is collected in value

laden method because they are influenced by cultural experiences and background of the participants (TSMs and land users). The major assumption is that the phenomenon under investigation is interpreted with respect to the Iraqi context through the interrelationships of the concepts between the participants' background. This means that the researcher needs to gain an in-depth understanding of these local values in Iraq. 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, and then for increasing the validity and reliability of the findings.

1.7 STRUCTURE OF THESIS AND PROGRESS

The thesis is structured of nine chapters, as described below:

Chapter One: Introduction

The purpose of this introductory chapter is to set out the background of the research area, the aim, objectives and underlying research questions. It presents the research introduction and provides the background to the research problem, the need for the research, aim and objectives of the research together with research questions, research methodology, the contribution to knowledge, and the outline of the research structure. Also, it includes the background of the case study.

Chapter Two: Key conceptual and practical considerations of LTA

The aim of this chapter is to achieve the first objective. It discusses issues such as concepts and systems of LTA. This chapter also provides context and critical analysis of key lessons and review relevant practice in LTA, which informed the critical evaluation of the existing development of LTA. Also, it provides the effective role of the LTA systems and how these systems can work as major factors against the LTA requirement.

Chapter Three: Critical factors influencing LTA development in developing countries.

The topic of this Chapter is trying to answer the research objective (3) by studying these roles and critical factors regarding the LTA in developing countries in the Middle

Eastern region. This chapter examines the LTA through looking at a historical review of land tenure, legal practices, and parallels to administrative strategies to understand the nation's current of LTA aspects. Therefore, this chapter presents the existed practice and experience followed by LTA functions and components in nominating samples in developing countries from the MER. In order to obtain their experience in terms of LTA systems and related institutional frameworks, and then how their historical and cultural complex relationships under the critical issues were managed and enabled their end-users' rights, the nominated samples were reviewed into two groups from 9 countries in the Middle Eastern region.

Chapter Four: Land tenure administrations and security of tenure rights in the Iraqi existing context

This chapter answers the research objectives (Objective 4) by introducing a background to the Iraqi case- geographical, historical, political, social, religious, and population, and discuss the Iraqi's key institutional & regulatory framework, presenting the administrative authorities of land in order to gain an understanding about its hierarchy structure in this respect. Accordingly, this chapter explores the historical development the LTA in Iraq within four different periods of time starting from the Ottoman period to the present time by focusing on the main phases and changes during the implementation of the Iraqi national development. The discussion progresses to deal with the current Iraqi crisis in order to assess the role of ILAs, focusing on their efficiency under the influence of the recent situations.

Chapter Five: Developing the conceptual framework

The chapter built the triangulated relationship of the conceptual framework in this research, which consists of institutional aspects of LAS at national and inter-governmental agencies, and these related factors influenced this performance, and finally the satisfaction level of stakeholders.

Chapter Six: Research methodology

This chapter has introduced the interpretive paradigm and following from this, a case study strategy has been adopted and various techniques for data collections were

thoroughly discussed, and consequently a mixed methods approach was decided, in which data were obtained from a literature review, semi-structured interviews (TSMs in ILAs) and documentation from various resources of these government agencies, a questionnaire survey (land users). In general, this research used multiple data collection techniques and different types of participants and end-users in order to reduce the opportunity for bias and then for increasing the validity and reliability of the findings.

Chapter Seven: Data analysis (data collected from ILAs' agencies)

This chapter concerns the 5th objective of the research study. It consists of the analysis and interpretation of the qualitative data collected from ILAs' agencies. In this context, the list of themes resulting from the chapter 3 was appropriate to the required questions in this chapter. In this chapter, interviewees were TSMs from MoA, MoJ, MoH&C and MoM&PW, and at the local agencies; the PPC, and LRCO in Al-Nassiriya city. A copy of the interview is enclosed in Appendix (A).

Chapter Eight: Data Analysis (data collected from the questionnaire survey)

This chapter concerns also the 5th objective of the research study. It consists of the findings of the analysis processes of the quantitative data collected from the questionnaire survey targeted the end- users' samples in 3 neighbourhoods, which was applied in the Al-Nassiriya city. In this context, the list of themes resulting from the Chapter 3 was appropriate to the required questions in this Chapter. The data come from 293 questionnaires, which were returned after the distribution of 384 questionnaires was made. The questionnaire design and analysing processes of data are described and the final findings were listed. A copy of the questionnaire is enclosed in Appendix B.

Chapter Nine: Conclusions and recommendations of the research

This final chapter presents the main findings and conclusions of this thesis. The research findings for each research question of this research, as outlined in Chapter one, are analysed in the following paragraphs. The analysis of qualitative and quantitative data produced these findings, which will be further discussed in this chapter, and correlated with these studies discussed in chapters (2, 3, 4, 6 and 7). As shown in Figure (1.2), a brief description of the structure of the thesis and progress are graphically presented.

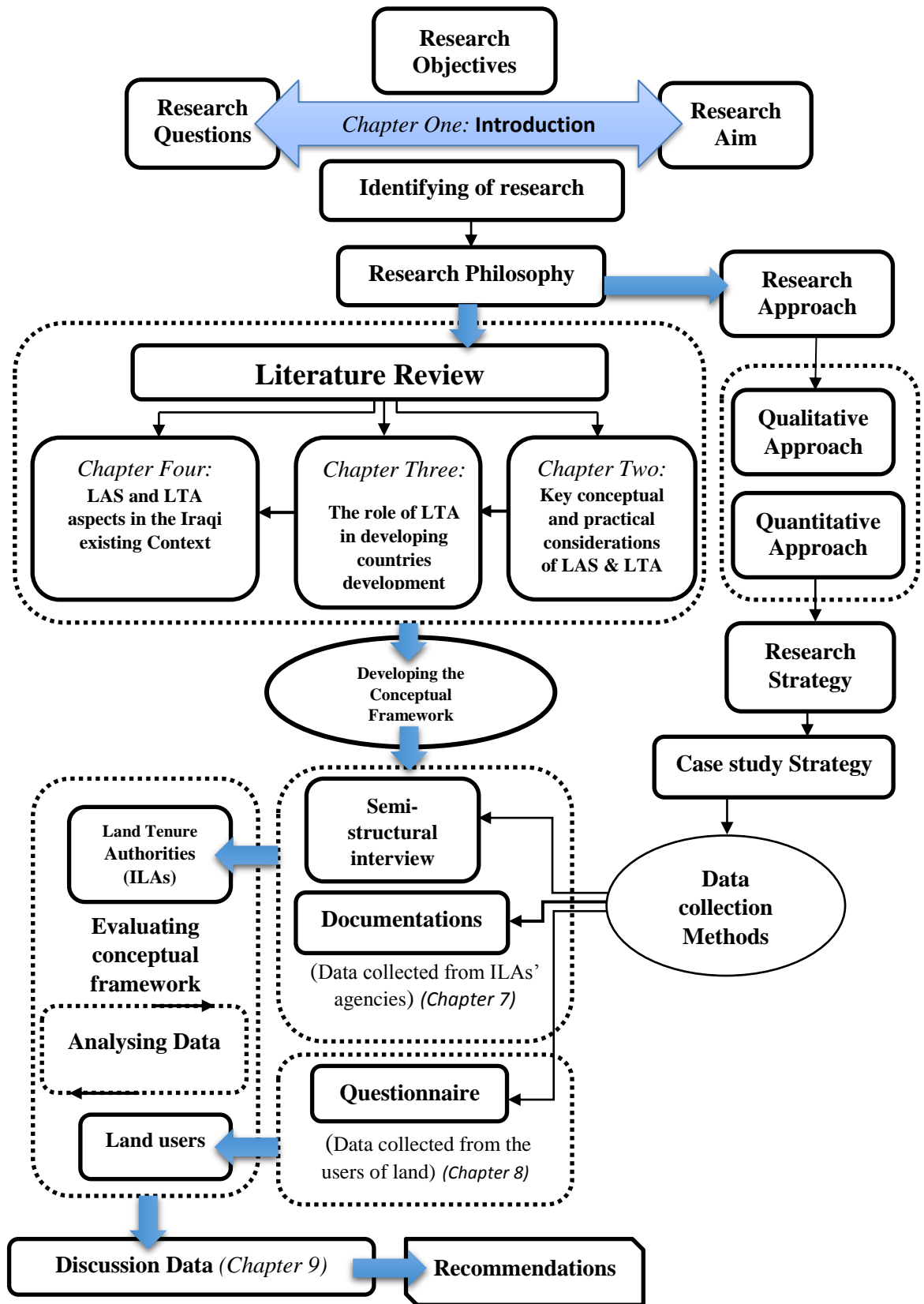


Figure 1.2: The Research process.

1.8 SUMMARY

This chapter summarised the research focus points and presented the importance of the studying the issues regarding the role of LTA in relation to people's rights in Iraq. In order to build the first step of the answer of the research objectives (First objective), the next chapter reviews the key conceptual and practical considerations of LTA in the international literature.

CHAPTER TWO: KEY CONCEPTUAL AND PRACTICAL CONSIDERATIONS

2.1 INTRODUCTION

This chapter is based on the assumption that the Land Tenure Administration (LTA) is necessary to safeguard and provide the people tenure' rights. In this chapter, objective one was explored in detail in order to build an understanding of the LTA concepts and related practical considerations conducted in this research. Therefore, this chapter is designed to provide an overview of the key evidence linked to the LAS/ LTA aspects. From the extensive literature review, the main outlines of the key background, land tenure types and how they are institutionally administered in different purpose and situations, correspondingly the key issues in both of users' rights and the security levels were identified.

In general, the chapter designed to focus on the basic elements and standard shift in LTA institutional approaches, types of practices, and tenure security motivations in order to highlight the contributing elements and influenced factors of LTA for development the conceptual framework of the study (chapter 3), and analysing the Iraqi case (chapters 4, 7 and 8).

2.2 LAND TENURE ADMINISTRATION: DEFINITIONS, TYPES, PRACTICES, AND SECURITY MOTIVATIONS

The need to carry out and manage tenure rights and secured levels of these rights are the basic necessity for carrying out an understanding of the land tenure concepts, types, practices, and institutional authorities. This section presents reviewing to basic elements and the standard of LTA followed by its operational functions and components.

2.2.1 What is the land tenure?

The term of the ‘*Land*’ can be recognised as a physical article and an immovable item. In general, the English term ‘*Tenure*’ is derived from the Latin term which means ‘the holding’ or ‘the possessing’ (Dictionary.com, 2017). Noticeably, this definition usually uses this term with “*Land*” to refer to the objects to which ownership and other rights are to be connected. In practice, the term of the ‘*Land tenure*’ can incorporate various basic objects or units, land parcels being the most meaning in this research. Therefore, the tenure of land can be understood as both a physical commodity and an abstract concept of rights to own /rent, sold/ bought and translate this ‘item’ among individuals/groups through a specific rule and accepted policy.

As a result of specific restrictions and rights aspects, the term has been varying widely. In this context, the concept, language and practices of the term ‘*Tenure*’ have long and varied elements. The Global Land Tool Network at UN-Habitat (2014) defines land tenure as “...*the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land*”. While Payne and Durand-Lasserve (2012) defined it as an integral element that deals with various aspects such as economic, political, social and even environmental issues. As a recent literature has focused on the tenure definition as a relationship between users and their rights to use and benefit of the land (see Payne, 1997 and 2001; Fisher, 1995; Durand-Lasserve, 2002; UN-Habitat, 2003b; FAO, 2002, 2007 and 2012). It is worth noting here that the legal linkage between the land and the tenure has been defined also as an administrative relationship between people with respect to land. In fact, more detailed definitions about this point have been provided in empirical studies where tenure has been defined directly as the reflection to limitative relationships between the people as the user of the land according to specific rules/policy (UN-Habitat, 2003a; Payne, 2003). Focused on this triangular relationship of people, land and policy; the land tenure has defined as a legal or customarily relationship among peoples with respect to land-related objectives. In this context, the UN-Habitat report (2008: p.5) also defines this relationship as: “*The way land is held or owned by individuals and groups, or the set of relationships legally or customarily defined amongst people with respect to land*”. In other words, the land

tenure as the individuals/group rights is protected by the set of legal rules against the multiple claims from others. More specifically, though it is a site of struggle ideologies, it is well known that the some religious framework conceives of its religious view as a sacred trust to the land tenure with an adequate promotion of individual rights. For example, UN-Habitat (2005a: p.6) emphasised that: *“It argues that an engagement with Islamic dimensions of land may potentially support land rights initiatives in Muslim societies and has implications for programmes relating to land administration, land registration, urban planning and environmental sustainability”*. This point is explained by the fact that, the concept of the tenure under the religious arrangements can be realized in various ways and forms of collective ownership, involving a complex set of rules that affects the way that land is owned and used. These legal authorities have to administrate tenure rights by a clear policy, which can be defined as the adopted formulation of guidelines, norms, standards, rules, and related facilitation. In a brief word; the triangulated relationship of LTA can be defined by all the setting of an organisational mechanism for shaping and implementing these tenure rights in a specific unit of systems, (see Figure 2.1).

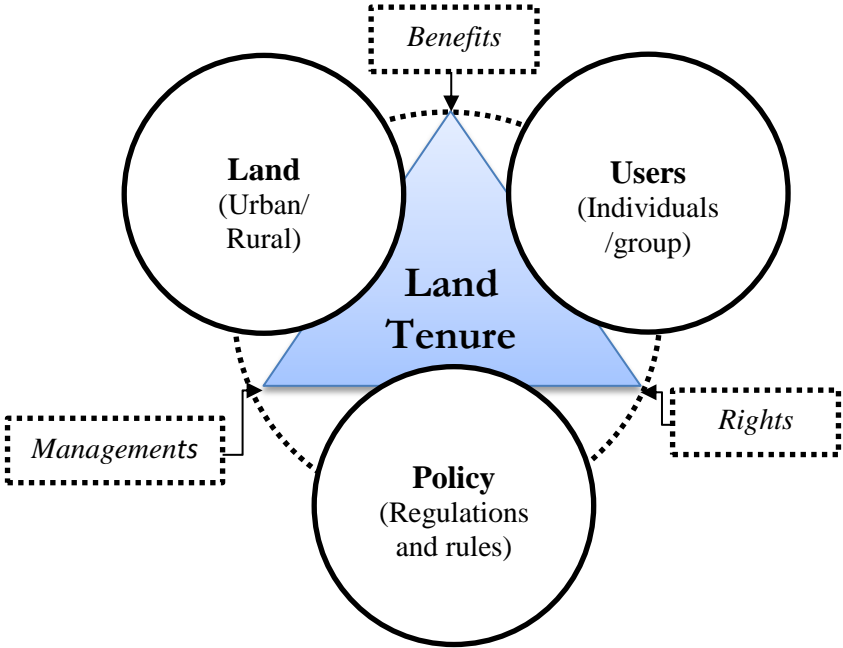


Figure 2.1: the triangulated relationship of land tenure.

In a brief word, Figure 2.1 graphically shows that the term of the land tenure can be defined as triangulated beneficial relationships, established in a system regarding the land users' rights with respect to specific land managements. Based on this definition, the land tenure is defined within the context of this research as a set of historically and culturally complex of relationships that enable the land users, as individuals or groups, to use and benefit from the land resources within specific managements and conditions which are governed by determining authorities. Having defined LT relationships, it is also important to distinguish the different types of tenures as varying levels of users' rights under a variety of restrictions and responsibilities that may develop according to the provided legal system. These distinctions are made in the next section.

2.2.2 Types of Land Tenure

As seen previously, land tenure can differ according to its triangular relationships among 3 drivers of the users, policies and land. The literature reveals several types of LTs, which differ depending on the aspects of land administrations; policy, legal activity, organisational frameworks, and delivery of services (see FAO, 2002 and 2012). In this context, the literature summarised and categorised these types within two main systems; the statutory, and customary systems. In the statutory view, Payne (2003) showed that LTs are shaped and governed, included these regulations and rights authorized by the institutional laws. Customarily, FAO (2012) reveals that the types of LTs are invented and sustained by society' values to grant access to the use and control of land, defining the associated responsibilities and restraints for the users. In other words, UN-Habitat report reflects "...the relationships between people and land directly, and between individuals and groups of people in their dealings in land" (UN-Habitat, 2008:5).

However, it is important to note that the types of LTs may include rights certified both by law and by custom. In practice, multiple rights can be held by several different activities of tenure, under different forms of conditions to be adequate with the diverse needs of individuals or groups (UN-Habitat, 2005 and 2014). Thus, most forms of LTs

holdings may be found within a given society, community, religious conceptions, and even the adopted ideological policy, in which the tenure types are varied and then the related users' rights. Therefore, types of LTs are linked directly to these accepted local systems such as social/ cultural and religious conceptions of tenures, which are involved and authorised in the institutional system in order to govern user's rights. Essentially, what is being considered in this research under this definition is a variety of arrangement and interrelated forms of rights established through the systems: statutory, customary, and even informal. It could say that this definition is more relevant to the promise of achieving this human beneficial right officially under operational authorities with which the users' rights are developed and safeguarded (see Figure 2.2).

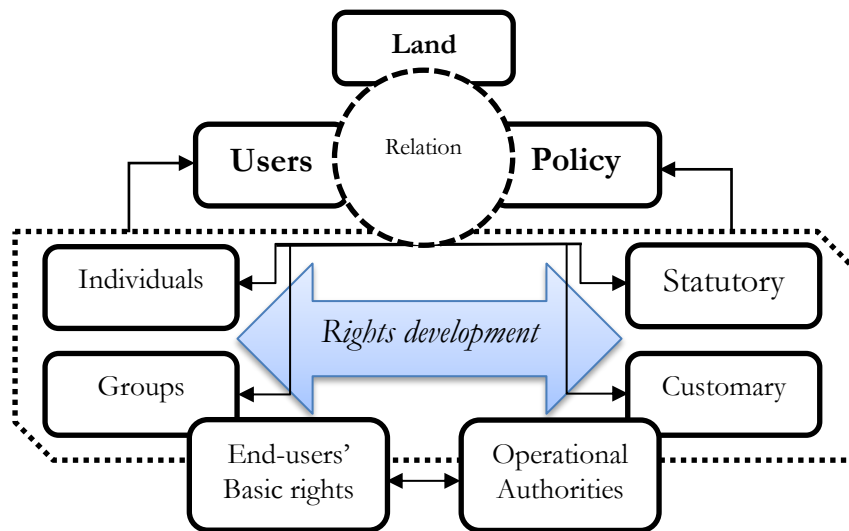


Figure 2.2: LT's relationships and related forms of elements

Building on the previous discussion, land tenure types are summarised and categorised as follow:

- a. **The ownership:** the freehold is the most protected tenure types with a full right of possession due to it confers a right of exclusive control, and thus, owners are entitled to use and dispose of land freely. In general, the form of ownership may be based on both the statutory or customary laws, and therefore, ownership rights of the user (s) can extend to all land classifications. In this context, Payne and Durand-Lasserve (2012) stressed that this form of tenures preserved by the

system as the user (s) whose name(s) is registered in the title document with no other partner who may claim rights, since the assignment of rights may be varied to individuals, a married couple/ group of clan families (Families/ Tribe), or a corporate body such as a commercial entity or non-profit organizations in system. Nevertheless, under the gender discriminations in the customary system as in some society traditional values; other vulnerable members of the community, such as women, can be excluded from using these resources without the consent of those who hold the rights (see Wiley, 2004and 2013; USAID, 2005and 2010; UN-Habitat, 2013a);

- b. Leasehold:** an agreement of the leasing form between private parties, which is made as subject to requirement's form written lease that works to describe the land and set a linked agreement regarding the period of the leases and the amount or payment terms. This form was also described as more attractive form for the purposes of inviting investment, often it is extending for a determined period of time (UN-Habitat, 2004; Payne and Durand-Lasserve, 2012);
- c. State owned:** in this form, the tenure is assigned to some authority in the public sector. For example, UN-Habitat (2010 and 2013a) found that in some countries, forest lands may fall under the mandate of the state, which has primarily been governed by whether at a central or decentralised level of government. In the Iraqi case, this form is involved in the '*Miri* or *Amiriya*' forms, the land owned by state on which the state has a full control to grant / retains the rights to use and benefit from it, which is detailed in chapter 4 (see Section 4.4.1);
- d. Communal tenure:** this tenure typically includes a right of commons, which may exist within a community where each member has a right to use independently the holdings of the community. For example, members of a tribal community may have the individual right to graze cattle on a common pasture (FAO, 2002). In practice, the related right provides that pasture land is public property that neither the government nor any individual can possess, which must be kept unoccupied but for the public use or activities such as forms of the grazing and threshing grounds. However, this form has some especial exceptions as otherwise provided by the religious tenures as in Islamic land laws, *Shari'a*; as

in endowments issues which are expressed in many Islamic scholarly treatises (USAID, 2010 and 2011; UN-Habitat, 2004b; FAO, 2012), (see chapter 3: section 3.2.1).

Despite the emergence of new tenure patterns, traditional legal and practices remain important. However, such variety will contribute to the wide range of categories in which tenure rights are characterised. In fact, these categories also inspire the aim of this research due to they help to highlight the variety of categories and practices of these assets. The LT types are often categorised according to these wide-ranging forms of the assignment of rights. On a simplified level, there is a wide variety of tenure forms, which included in its legislative structure and the diversity of rights that can be driven by these broad categories. The next section provides a summary of the variables in which the land tenure's rights are obtained.

2.2.3 Land Tenure Rights

In this section, reviewing of literature has also focused on various rights associated with LTs types. In this respect, the tenure of land as a relationship among people may be associated with more than one person within the form of a bundle of rights. FAO (2012) stressed this point that the users' rights of tenure are conventionally existed as a subset of the social relationships in policy considerations. As with LT's status, all these forms of rights should be clearly acknowledged by the polity considerations using legal tools for protection of rights. Regarding the LT rights, literature showed that these related rights can be summarised into: cultivate or develop it, the right to transfer it to one's heirs, sublet all or part of it, use it to obtain formal credit, and access public services (UN-Habitat, 2004; FAO, 2004 and 2007). In general, as users; people associated a wide range of strategies to gain their tenure rights, and these include:

- **Purchase/lease**; this process of sell-buy/tenancy often is using a complex procedure that takes place in the polity of registration, in order to issuing the title deed officially (see USAID, 2005; UN-Habitat, 2005 and 2005a);
- **Inheritance**; in this form, in which the translation of tenure is taken by will from

the landowner who his/her rights will be translated to whomever he would like to be registered at the real estate registration offices. However, this form may involve a gender discrimination as in some religious rules of inheritance shares (see chapters 3 & 4: subsection 3.2.1 and 4.2.5);

- **Donation;** this is another form of transferring of an ownership through life by the donation to someone else, from or out the circle of relatives. In this form, however, there is may be some sort of conditions that the other party must accept. In Islamic countries, the donation usually falls under the religious rules such as ‘*Wagf*’ as in Islamic rules of charity (see Payne, 1997; Arjomand and Brown, 2013; UN-Habitat, 2010a; Madanat, 2010; The World Bank, 2016).
- **Exchanging Properties;** in this process of transferring a property ownership, owners agree to exchange their properties within a specific form of agreements, and the new ownerships are registered at the polity of registration (see UN-Habitat, 2004b; Durand-Lasserve and Royston, 2002).
- **Squatting illegally on land;** In general, landholders in legal settlements generally have formal rights to the tenure in the polity. Therefore, those who have no legal forms of tenure or rights to occupy are categorised within a non-formal tenure, which lack an official recognition, documents, and have no protection against the forced eviction. However, those who have limited tenure rights are often better off than those who are identified as a landless (see Durand-Lasserve and Tribillon, 2001; UN-Habitat, 2004 and 2011; Sietchiping *et al.*, 2012).

In practice, LT rights should primarily be viewed as a set of benefits held by several different purposes in varied conditions and periods for different partners. Each right may be held by shared as a relationship to create a leasing, and then sharing arrangements, allowing all associates to use/benefit the tenure on specified terms and conditions. In this connection, the transmission way of this right can be varied from one party to another through sell, lease, and as a gift or inheritance aspects, or even illegally obtained as quitters in slum settlements by dwelling without having legal titles, thus they are usually involved in insecurity tenure rights and a threat of forced evictions.

However, formal tenure rights are using a complex procedure that takes place in the institutional systems. Very often, the precious tenure rights may tend to be highly unsecured under massive challenges and influences. The next section provides a summary of the types, practices and challenges in which the LT security are obtained or missed.

2.3 SECURITY OF TENURE: TYPES, PRACTICES AND CHALLENGES

This section aims to present the legislative issues involved in the security and insecurity of tenure. While there are variations in the classification of tenures and related rights, it should be noted that the LT rights are fragile, which must be secured off the dissemination and against harassments and multiple claims from others. In this connection, operational definitions of the LT term indicate the term of ‘*Security*’ regarding the tenures’ rights. According to FAO (2012), all forms of land tenure should provide all persons with a degree of tenure security laws, which must be recognized by the authorities. Further literatures stressed that the security of tenure is justifiable and should be regulated by a legal structure within the land administration system. UN-Habitat (2006a: p.94) showed this issue by describing the security of tenure as a legal protection to the users’ rights obtained by authorities in a system framework: “*The right of all individuals and groups to effective protection from the State against forced evictions*”. In fact, the general picture of the literature has focused on how to identifies some of the main actors involved in LT security to manage and implement the effective policies and practices of the securing access to tenure rights, in which people be able to save their rights (see UN-Habitat, 2005a, 2005b, 2006a, 2010a and 2011a). Therefore, the sustainable institutional framework is the principal mechanism through which LT security can be sought. Despite the diversity of concepts, this point can be argued that the role of institutional authorities is crucial element in protection of the user’s rights and then the reliability of mechanisms to build an effective LT security. Thus, the absence of system ability to address the more fundamental supply rights of land, inappropriate regulatory structures and an weakness and deficiency of used mechanism; all lead to lack of the LT security and then the insecurity of tenure.

In this context, according to the UN-Habitat definition (2011a;p 25), security of tenure requires the “...*effective protection by the state against involuntary removal from their land or residence*”, that the LT security is a vulnerable form and may not linked automatically with irregular and insecurity levels of tenures by saying that: “*Security of tenure is not so much derived from the legal status of the rights held, as from social consensus on the legitimacy of these rights and the reliability of mechanisms for arbitration should conflicts arise.*”. Therefore: “*..Security of tenure takes various forms depending on the legal framework, social norms and value systems of each culture*”. This definition inspires the aim of this research not only because it has an ability to describe the key fundamentals of LT security such as legal status of system, society, customs and legal context of attributes that are necessary for providing an effective security, but also because it highlights the significant point of end-users being satisfied and have secured their tenure rights. Also, this definition has become the main starting point of this research as it is relevant to the current situation in the Iraqi (as described in chapter 4), where LT security is just the reflection to the satisfaction and success from the end-user’s view, and also as a result of the quality of legal status of the system which held the institutional mechanism of LT security.

2.3.1 Consequences of LT insecurity

It is a striking fact that LT rights and its security are vulnerable; as they are potentially related to designated policy and the quality of the system, which are integral measurements of its quality. Measuring security of tenure is a necessary step towards avoiding consequences of the insecurity and then saving the users’ rights. It can be noted that the absence of LT security is linked to administration deficiency objectives of system. This point can be argued that the implementation of secured tenure should be issued through effective legal institutions to protect the considerable rights of people with respect to those potentially challenges of consequences of the insecurity case of tenure.

Faced with such a situation, insecurity of LT can be potentially triggered by the inactive policies of land institutional bodies. With several case studies and examples, the

insecurity consequence indicates on the different attributes of failures, including social, economic aspects, and authority's organizational deficiency. FAO (2007) and UN-Habitat (2010 and 2011a) stressed that a chaotic or unclear policy of system can be considered as the main factor encourages insecurity of LT. Also, UN-Habitat studies in the developing countries (1996, 2002, 2003, 2005b, 2008, 2010, 2011, 2012 and 2013a) argued on a set of possible arrangements that are responses to the insecurity of LT, included limited options of slum and squatter settlements but to live in unsafe environments. Also, Payne and Durand-Lasserve (2012) showed that each of these failures triggers deeply the negative consequences of LT insecurity and directly influence on individual's rights. For good example, UN-Habitat reports (2010 and 2012) noted the same results in some cases of countries in Arab region in the Middle East, Sinha (2002) in the Near East region, and Robert Neuwirth (2007) in Istanbul. In fact, FAO (2007a: p.20) stated that due to the main elements of LT security are often associated with capability of governance, the vulnerability of LT security can be threaten and hindered by weakness of governance and its legal arrangements and the authority's organizational performance: *“Weak governance may promote inequality as the rich are able to benefit from the opportunities for self-enrichment while the poor may lose their rights to land and common property resources such as communal grazing areas and forests. The poor who cannot afford the formal legal services are doomed to rely on informal and extra-legal arrangements, becoming effectively excluded from the protection and reach of the law. Politically the consequences can be severe, as grievances may fuel violent conflict”*. In general, evidence emphasis these related negative correlations that informal settlements are results of bad/lack of governance, and then it's failed land policies regarding LT. Yet experiences have shown that those millions of people who occupy illegally because they have no documents, no contracts and little protection under the law, and then they face multiple threats under the constant threat of forced eviction.

It can be suggested that the LT security can link directly with system challenges of providing access to safe the basic services, unsurprisingly, its major negative impacts hit on the vulnerable group and poor' rights. In this context, it should be noted that there are varied, relevant causes of this disturbing crisis. UN-Habitat report (2008) highlighted in

details the most selected dominant causes of LT insecurity and the lack/absence of legal protection as a result of wars/post-war circumstances, political conflicts, economic related crisis, and even Natural disasters. Surprisingly, the negative impact can be happened by unexpected resources. The Natural phenomena such as earthquake, hurricanes and landslides are heart-breaking factors that cause enormous damage, miserable situation with the lack of basic services and fatal consequences of LT insecurity, such as the Haiti earthquake in 2010 (Amnesty International report, 2010), the USA city of New Orleans in the post- hurricane Katrina in 2004 (UN-Habitat, 2009). Faced with such influential factors, UN-Habitat reports (2004, 2004b, 2005a, 2010 and 2012) and Ward (2012) have cited multiple examples of such situations from Bangkok, Bolivia, Colombia, Philippine and Iraq, and UN-Habitat (2010a) in the African Cities, proving their negative contributions on LT insecurity and users' rights. In brief, these negative factors are contributing together with human bad planning, the authority efficiency to prompt the insecurity tenure.

In conclusion, consequences of insecurity of tenure can be understood as the objective terms of LT seek to capture these perceptions of security levels, which may extend to the living conditions or other outcomes through city development strategies. In fact, such perceptions are enhanced with scaling-up institutions upgrading programs. Therefore, these land administrative agencies could be other useful indicators of quality of LT security; they highlight the importance of the LT administrative factors that are needed in this research. The next section is therefore dealing with these indicators in term of LAS and LTA.

2.4 LAND TENURE ADMINISTRATION: CONCEPT, AND KEY INSTITUTIONS:

In relation to LT security, the concept of LTA in this research embodies the LT authority' role and its notation in which a certain type of land polices and land management strategies are governed for the implementation and security of users' needs and these interrelated rights.

2.4.1 The Importance of the Concept

The Oxford English Dictionary provides several definitions of the term ‘Administration’, including: both conformity to the law and also a degree of justification or ongoing social acceptance (Oxford English Dictionary Online, 2015). Furthermore, the literature stressed that policies of land tenure need to be related to the clear legislative capacity of institutions; communities and other stakeholders associated with an administrative strategy of tenure (see Abelson, 1996; FAO, 2002; Davis, 2004; UN-Habitat, 2006b). In simple terms, Enemark (2009) stresses that Land Administration System (LAS) is simply the institutional set of aims and objectives set by governments for dealing with land issues. UN-Habitat (2011: p.15) defined it as a governing system implemented by the state “*to record and manage rights in land which can be determined as managing the public land and documenting and registration of freehold rights under the absolute ownership of properties*”. Similar definitions have been put forward by UN Habitat (2008), USAID (2013), and Payne (1997 and 2003). Therefore, LAS can be described as a multiple institutional processes within clear administrative interests within which LTA issues must operate.

In this context, in order to share the experiences the institutional trends and these administrative aspects regarding the LTA in this study, a global perspective of LAS is needed (Williamson *et al.*, 2010). Also, Enemark (2004, 2005 and 2009) presented a global LAS perspective promotes sustainable development through efficient land markets and effective land management. In fact, this global LAS perspective shows that LTA is part of the LAS functions (land tenure, land value, land use, land development), included a wide range of functions and processes concerned with the social, legal, economic and technical framework, within which land polices and land management strategies are operated. More specifically, Williamson *et al.*, (2010) showed that these administrative functions support efficient LTA and are concerned with the administration of land aspects to ensure its sustainable development. From this global perspective, LAS is the institution basic tool to provide and manage LTA and then the users’ rights, ensuring social equity, economic growth and then the national development, as it is shown in Figure 2.3.

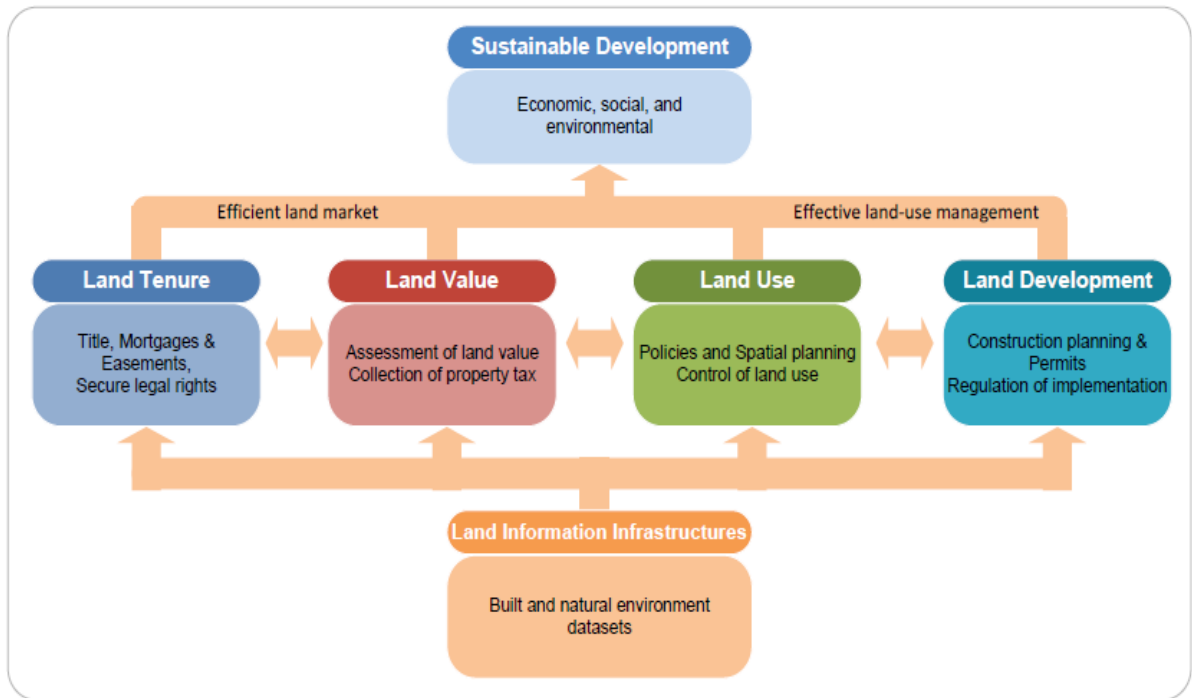


Figure 2.3: A global LAS perspective promotes sustainable development through efficient land markets and effective land management.

(Source: Williamson, *et. al.*, 2010, p. 119)

As it is seen in Figure 2.3, LTA is linked directly to the land tenure aspects into these four functions involved in LAS, and their interactions. As revealed in previous discussion, this relationship underpins the operation of efficient LTA, and effective land use management that deal with LTA aspects with the security of legal rights in lands and the transfer of these rights among the people by different way of the management and adjudication in the LA system. Also, Figure 2.3 shows that in the global perspective model of LAS, LTA is included in land tenure aspects as one of main functions of the land administration system to support efficient land markets and effective land-use management for promoting sustainable development. Furthermore, these land administration functions are multipurpose tasks and interrelated, and are of course, different in their professional focus, and are normally undertaken by a mix of professions, including lawyers, land economists, and developers (Enemark, 2009; Zahir, 2013). Eventually, the important point in this view is that the design of adequate LTA in Figure 2.3 has also recognised the importance of LT security in relation to these rights,

which is increasingly seen as a key asset, and as a basis element in the LAS global perspective model for generating efficient land markets capable.

In this chapter, more detailed definitions about this administrative point have been provided where LTA has been defined directly as a function of the LAS that deals with the allocation and security of rights in lands, reflecting the relationship between people (individuals/groups), as a user of the land according to specific rights, and these land-related policies that govern and control their rights (see Figure 2.2). In a general scope, LTA should principally be viewed as administration's relationships involving the rights of individuals (Man/ Female), and communities (Families, Tribes, Governments) that ensure proper management of rights, restrictions and responsibilities in relation to land, property and natural resources. However, this may be attributed to the fact that the land tenure as a concept has a vast diversity of its forms contributed to social, political, economic and even religious -related objectives.

Focused on this triangular relationship of people, land and policy; the institutional role of LTA as the engine of the security of tenure is promoted through the LAS four functions, by managing users' needs and solving their problems, enabling an effective management and monitoring of LTA aspects within institutional fabric of each country. It is also clear from the discussion that the LAS and LTA aspects cannot be separated because most of the elements and indicators for these two aspects are intermixed. In a nut shell, Figure 2.3 showed that LTA is crucially influenced by consequences of state insecurity and inter-communal violence, thus, the efficiency/deficiency of the LTA performance is an integral measurement and instruments in which land policy is officially controlled and managed under the key authorities in the institutional frameworks. As a whole, an effective way of enhancing the LTA and how peoples use and benefit from their rights can be measured under the quality and security level of the LAS action. The next section describes these key elements of effective LTA as identified in the literature.

2.4.2 Governance Objectives

This section identifies the importance of institutional structures and their administrative roles in planning, implementing and monitoring issues of LTA that are highlighted in the literature. The literature indicated the close link that the appropriate LAS is being fully consistent with the efficiency of institutional frameworks and its role and responsibility regarding LTA aspects (FAO, 2011 and 2012). Other studies stress that the LTA could include a variety of systems such as the customary, statutory or even deals within non-formal/ social practices, which enjoy social legitimacy, and under a clear influence on the population's attitudes (see USAID, 2005; Cete and Yomralioglu, 2013). In May 2012, FAO endorsed the voluntary guidelines on the responsible governance of tenure of land, these guidelines presented a set of legal and administrative frameworks and their roles related to the tenure of land. According to FAO (2012:pp7-9) the institutional structures should provide and maintain the policy, legal and organisational frameworks that promote responsible governance of tenure of land, and should ensure that the tenure governance recognises and respects, in accordance with national laws, legitimate tenure rights, including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights. In fact, UN-Habitat (2006a) stress that these institutional structures should develop relevant policies, laws and procedures in the system to response the end-user's needs and their individual's rights to be better served. In this context, this individual's feature contributes to the fact that land institutional authorities in LAS should be mindfully in their overall agenda to ensure that adopted policies reflect the basis of that promote social equity and gender equality between their people needs regardless gender or religion aspects, whatever the instable experiences of the absence/lack of legal and institutional frameworks occurred in the system. In fact, many problems of LTA implementation arise because of the obtained levels of efficiency of the land operational institutions; in fact they are adversely affected by the quality of LASs. Hence, operational institutions can be condemned to lose the users' satisfaction, if planning and implementing agencies of LAS fell in a weakness/ absence of management & monitoring practices and then unsuccessfully protect the user's tenure rights.

In identifying the efficiency of the land operational institutions, FAO (2012: pp4-5) summarised a set of operational indicators, which are essential to gain the end-users' Satisfaction and Efficiency of the operational performance in the system:

- a. **Human dignity:** recognizing the inherent dignity and the equal and inalienable human rights of all individuals;
- b. **Non-discrimination:** no one should be subject to discrimination under the law and policies as well as in practice;
- c. **Equity and justice:** recognizing that equality between individuals may require acknowledging differences between individuals, and taking positive action, including empowerment, in order to promote equitable tenure rights and access to land, fisheries and forests, for all, women and men, youth and vulnerable and traditionally marginalized people, within the national context;
- d. **Gender equality:** ensuring the equal forms of right of women and men to the enjoyment of all human rights, while acknowledging the differences between women and men and taking specific measures aimed at accelerating *de facto* equality when necessary. States should ensure that women and girls have equal tenure rights and access to land, independent of their civil and marital status;
- e. **Holistic and sustainable approach:** recognizing that natural resources and their uses are interconnected, and adopting an integrated and sustainable approach to their administration;
- f. **Consultation and participation:** engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes;
- g. **Rule of law:** adopting a rule-based approach through laws that are widely publicized in applicable languages, applicable to all, equally enforced and independently adjudicated, and that are consistent with their existing

obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments;

- h. **Transparency:** clearly defining and widely publicizing policies, laws and procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all;
- i. **Accountability:** holding individuals, public agencies and non-state actors responsible for their actions and decisions according to the principles of the rule of law;
- j. **Continuous improvement:** in these connections, states should improve mechanisms for monitoring and analysis of tenure governance in order to develop evidence-based programmes and secure on-going improvements.

Nevertheless, challenges for engagement of social, cultural values and religious conceptions in land policy-making may work as effective resources in shaping and guiding the LAS, consider the local particular obstacles with regard to tenure and associated LTA in many countries, and therefore, involved multi-disciplinary authorities and partnerships among LA authorities. In this context, the tribal community rules in customary systems, influenced and shaped by religious forms such as Islamic rules of the *Shari'a*, also often have access to government agencies, and already influence the outcomes of land policy-making processes through the population's attitudes and the influential systems they use and promote (see Nakash, 1994; FAO, 2002; Stigall, 2008; Wiley, 2013; UN-Habitat, 2010a, 2010b, 2012 and 2014). However, such social/cultural challenges are aggravated administrative roles in LTA issues whenever these old/ rigid regulations engaged in the land policy-making as a negative factor impacts on the rights equity particularly the gender inequality. The initial phases of emergency protect the end-users' rights require a clear resolution process arising from the operational institutions. And that must deal with these internal circumstances that linked to the impermanent situations such as war / post-war and terrorism spheres, social and economic conflict and the state instability, (see Chapters 3 and 4).

Thus, responsibility and the role of land governance authorities promote sustainable social and economic development. In fact, most evidence indicated suitability of land organisational system and their administrative ability to implement LAS functions are essential for increasing the effective implementing LTA, and enhancing the end users’ needs within a good level of satisfaction, and then protecting their tenure rights officially. Figure 2.4 is graphically illustrating the duality picture of these efficiency elements of the LTA implementation.

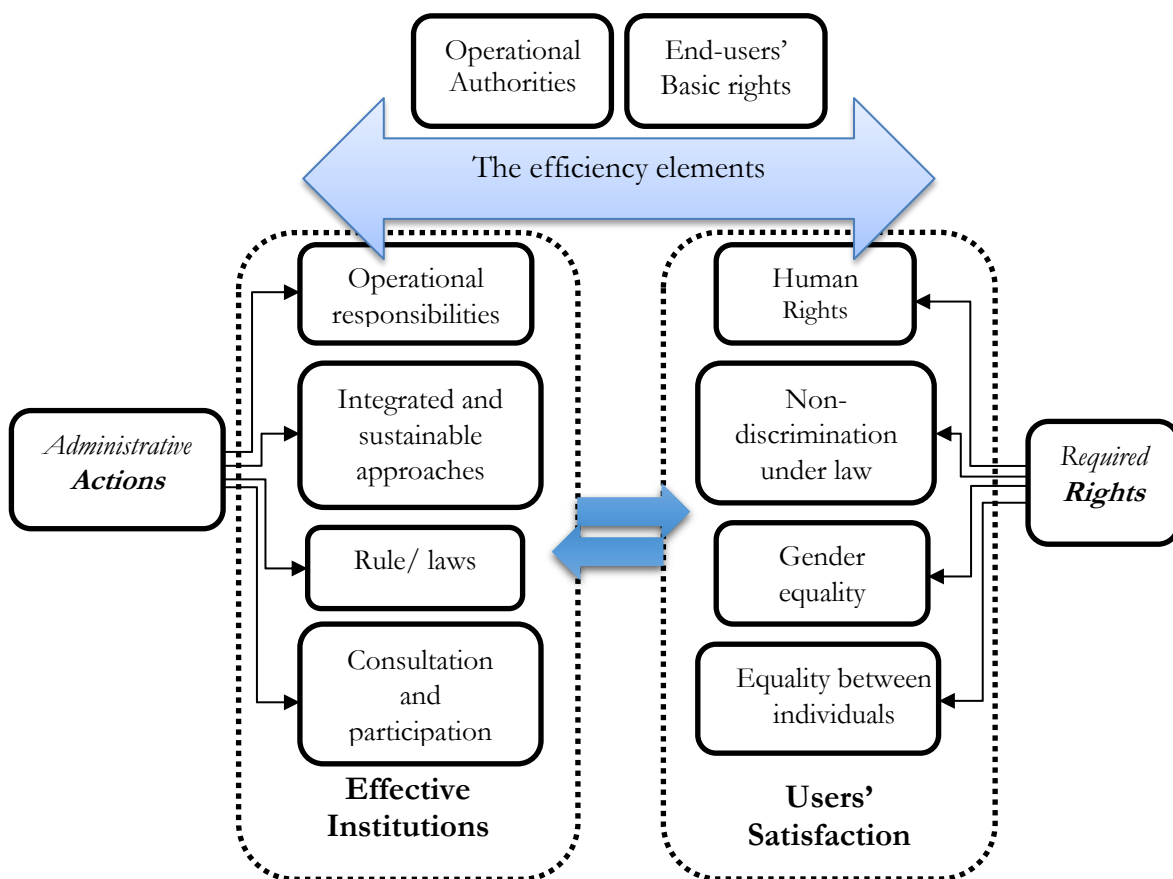


Figure 2.4: the duality picture of these efficiency elements of the LTA implementation

From Figure 2.4, it is seen that the implementation of LTA is balanced on the Operational authority’s efficiency in the system taken to manage and monitor the users’ basic rights. The important point is that the LA process is required to be taken into a count that it deals with basic rights of human, which are linked directly with human

dignity and then equality aspects between individuals. In fact, the administrative actions in LTA implementation must work to protect and promote these basic rights regarding individuals or group discrimination such as the gender or beliefs under law and policies as well as in practice. The lack of adequate administration capability of spatial planning, implementing and monitoring agencies in LASs and how their operational agencies are shaping and implementing strategies of LAS are usually of the directed causes of lack of rights and conflicts in the LTA aspects. The most appropriate approach to identifying whether LTA issue is likely to exist, and particularly at whether it is likely to give rise to conflict, is to seek answers to existing or not an integrated and sustainable approaches.

It is clear from the above discussion that both the effective policy in LAS and users' satisfaction aspects of LTA must be considered in order to understand the present situation of the existing system. Thus, the effective institutions structure and the users' satisfaction can be described as indicators to the efficiency level of LTA; the next section is designed to deal with this point.

2.4.3 Key Influences and Constraints of LTA Efficiency

From the literature reviewing in this chapter, it can be deduced that in order for LTA to be effectively planned and gained the stakeholders' satisfaction, there are key elements influence on institutional performance should be addressed. The following section provides an insight on these critical factors, and how these factors can be used to contribute to the level of the efficiency/deficiency of LTA and users' satisfaction. An effective land system includes flexible appropriate institutional authorities with a clear hierarchy that are closely operated and justifiable linked to each other. In this context, key issues for administrative success of the LTA are usually associated with different models regarding the land tenure, rights-based approaches, aspects of formal/ informal tenures, and quality of land authorities, and then the stakeholders' satisfaction level (Enemark, 2009). For example, experiences indicate that institutional issues of LAS are frequently correlated to the possibility of applying an effective LTA. World Bank (2004) and FAO program (2009) have initiated a close relationship between effective governance and the awareness for national development, they stressed that the concern

for success of LTA can be contributed to increasing awareness levels in the core of system, based on an understanding of external/internal influential factors related to the political, economic, ecological and social instability. There is no doubt that the success of system is increasingly competent and confident in the workings of all forms of tenure: public, private, communal, religious, customary, and even informal. In a nut shell, success of LTA needs to have mechanisms to hold all key issues to account; to support the capacities and operations of actors, and to recognise and strengthen legal tools for resolving tenure disputes-formal and customary aspects under the key authorities in the institutional frameworks.

On the other hand, the LAS efficiency level regarding LTA can fall in interconnections of explicitly failures those large-scale challenges which are essential for imbalanced system. Considering these issues and nature of land administration in LAS, the next subsection describes these key failure indicators as identified in the literature.

A- Failure key indicators:

The critical elements and limitations of the land administration can help to identify existing constraints and required manages in systems. Also, it helps to examine the quality of the current system, identifying authority' failures which can potentially hinder the successful engagement of LTA to meet the principles of fairness and equity, and the obtained levels of satisfaction of users. In this connection, the essential failure constraints of LTA identified in literatures were summarised within a set of negative interventions, as follows:

- a) **Weakness of governance or lack of institutional managements:** as previously reviewed, it is experienced that a land administration must be established with an affective capability of the relevant institutional managements that have a clear system to be able to govern the needs of peoples. In practice, UN-Habitat (2003a) and USAID (2011) stressed on the fact that the unsecured tenure and property rights, poorly performing land markets, insufficient land/housing marketing laws, absent/ inadequate managements and a lack of tenure information, and livelihoods deprivation, all are vital consequences related to the

weakness of governance and the ineffective legal performance in institutional structures. In this connection, Wiley (2013) and Payne (2012) focused on struggle over unfair shared rights and the losing indigenous /minority rights by the social/ culture and religious conceptions and their old morals/ regulations that may be unfair and inadequate with modern administration systems of tenures. In more general terms, the effective institutions should be spatially enabled because weakness of quality of system encourages all these negative impacts in which the LTA is lacked;

- b) **Bureaucratic routine/ corruption in system procedures:** the bureaucratic routine in some cases has eroded the trust in system by encouraging people to avoid the legal procedures of system (UN-Habitat, 2010 and 2012). In this case, the negative impacts come directly from the authority' deficiency and the weakness of system to achieve an adequate level of administrative role which can be the main reason of bureaucratic corruption in system procedures. Furthermore, many studies emphasis that this administrative corruption is a significant elements on the misunderstanding about how to reform the local rigid and old regulations with modern judicial systems, which have shared international experiences and approaches of land managements and monitoring (see UN-Habitat, 2006 and 2013b; Amey, Velega and Andrew, 2009; FAO, 2012; Payne and Durand-Lasserve, 2012). In the Iraqi case, in its 2014 Corruption Perception Index, the Transparency International report ranked Iraq 170 out of 175, and 156 out of 189 countries in the corruption perceptions index 2016 overall (Transparency International EU, 2017). Furthermore, international surveys on business bribery also show high levels of bureaucratic corruption in the Iraqi province level, meaning that bribery is the norm to win a governmental system in Iraq (see UN-Habitat, 2010a; Transparency International website, 2013). Therefore, the rigid and old laws and routine procedures are reflecting deeply a series of inadequate and slow progress contributing to different aspects in institutional system such as the weak legal and ineffective institutional structures, insufficient technical aspects, inadequate arrangements and a lack of information regarding land tenures;

- c) **Misdirected policy and poor executions:** evidence showed that the institutional performance adopted by the government at the national and local levels, reflects the success or failure of system to provide an efficient ways for land users in order to enable them to obtain appropriate possession for safe land tenure and property rights (see UN-Habitat reports, 2010a and 2012; Zahir, 2013). Taking international experiences and approaches unserious and deeply inequitable and often unfair shaping and implementing land strategies, all led to ineffective institutional structures and then wider land tenure crises, especially to vulnerable groups such as women and minorities, and then the insecurity dwelling and poorly performing land dispute resolution;
- d) **Constrained sales or poorly performing land markets:** land markets at public and private components can reflect the effectiveness level of institutional structures regarding legal managements and financial support aspects. Land availability is also required for rebuilding damaged infrastructure and livelihoods. With contentious violence, insecurity spheres, chaos and land grabbing complex Land markets problems; constrained sales or markets in land on a countrywide all led to poorly performing land markets (see UN-Habitat, 2010b; Payne, and Durand-Lasserve, 2007). As the effective implementation of land policies, legal regulations and law enforcement, sufficient land/ housing law managements, and organisational co-operation levels are used as the best way in which land markets performing can be enormously executed and decline the related crisis such as illegal occupancies and informal tenure to land. Thus, flexible land management, land administration and land development are the foundation on which the investment in land/housing markets in a country is built;
- e) **Informal settlements or illegal occupation:** as observed in the previous intervention, instability and displacement affect LTA, heightening the risk of forced eviction, land grabs, abusive or fraudulent sales and then illegal occupation of land to the users. FAO (2012: p.16) endorsed that consequence by saying: *“Where informal tenure to land, States should acknowledge it in a*

manner that respects existing formal rights under national law and in ways that recognize the reality of the situation and promote social, economic and environmental well-being". As mentioned previously, this illegal occupation can be closely diagnosed as a negative response to the weakness of the institutional frameworks and its weak capability to deal with a good policy to Land/ housing provision , that crisis also can be empowered by instable and insecurity situation such as war/post-war spheres (see Payne, 1997, 2001and 2003; USAID, 2005, 2005a, 2010 and 2011);

- f) **Refugee's relocation problems:** as observed in the previous intervention, war/ post-war sphere is a main cause to displacements and insecurity of tenure. World Vision Inc. (2016) and UNHCR (2017) registered that the number of displaced people in the world surpassed 50 million. The refugees became an international crisis and recently about 15.2 million refugees and 26.4 million internally displaced persons, with a further 14.8 million live in displacement as a consequence of natural/human disasters, most of them from the Middle Eastern region (IOM, 2017). In fact, the highest percent of these people live in war/post war areas in the Middle Eastern region. The global context of displacement today is further characterised by conflicts over land and other natural resources that are often related to human rights violations. In 2015, the Global Internal Displacement (GID, 2016) registered a high wave in the number of migrated people, citing the figure of 4.8 million from Syrian and Iraqi, most of them are in need of resettlement. This humanity problem is a reaction to various factors such as the national instability and insecurity, tribal/ethnic clashes and inter-communal violence which all trigger the refugee relocation problems and ineffective institutional frameworks can increase the number of refugee's conflicts. Also, the inside displacement influence directly on the data and user's information in the system, and the protection of end-user's rights (see IMO, 2017; FAO, 2012: the Syrian Arab Republic, Jordan, Egypt, and Iraq country profiles). In practice, the vulnerable users' rights, most deeply affected by the critical situation in their regions, however, the reasons remain unchanged. For example, World Vision Inc. (2016) emphases that only 10% of Syria's most

vulnerable refugees were resettled by the end of 2016, while the majority lost their lands and the legal access to proof their tenure rights. Therefore, the society's instability and insecurity spheres of inter-communal violence undoubtedly have a vital negative role to play to lose access resources to land and related rights;

- g) **Lack of legal rights awareness:** this is a vital problem in both levels of institutional managements and to land users; it is linked to misunderstanding about required documents. Payne and Durand-Lasserve (2012) emphasis that the person's situation in informal tenure can be resulted due to lack of awareness about their legal rights and confusion about how to securing tenure through title/ what legal documentations that they should have, thus, this misunderstanding to the formal process and required documents can lead to severe consequences such as the forced eviction and informal occupancy.

This negative intervention can be used for the indicator of the institutional aspects and how can the elements of the existing LTA be assessed. Building on the previous discussion, Figure 2.5 is graphically presenting an overall of these keys elements of success/failure of LTA.

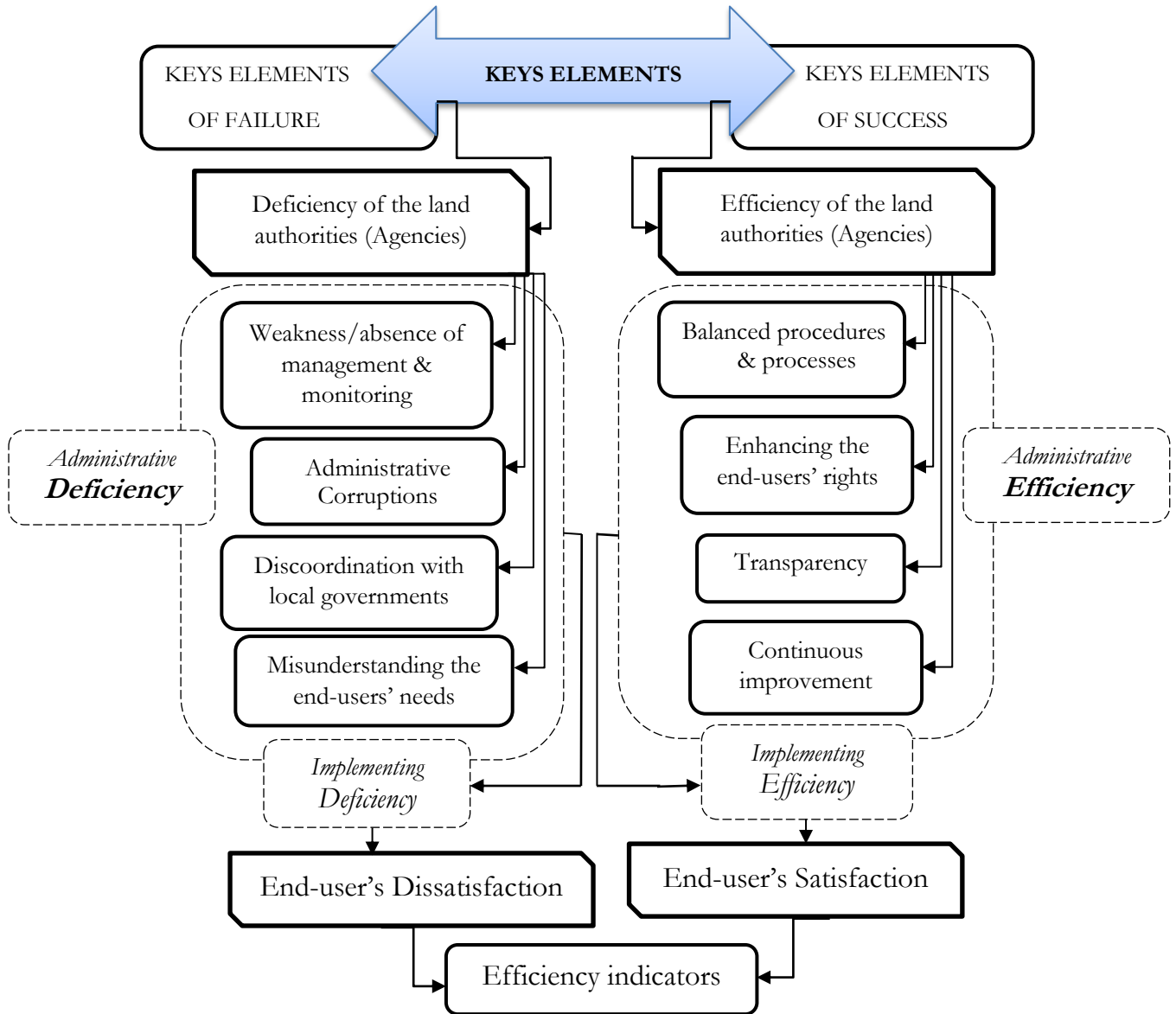


Figure 2.5: Overall of keys elements of efficiency of LTA (developed from Fig. 2.4)

In this research, reviewing the literatures showed a set of key constraints that have been identified and evaluated as the main constraints to LTA with their negative interventions (see Figure 2.5). Building on the previous discussion (see Subsection 2.4.4), the main elements of institutional performance and these critical factors influencing the LTA are summarised below, they describe these key constraints and interventions elements of LTA as identified in the reviewed literature:

1) Elements of Institutional Performance:

- Security of Tenure
- Land Tenure Managements
- Financial Support
- Legal Framework
- Land Dispute Resolution System
- Data and User's Information
- Technical Aspects of System
- Organisational Co-operation.

2) Critical Factors Influencing the LTA:

a) Social / Cultural factors;

- Family Values/ Conceptions of Tenure's Rights
- Tribal Traditional Regulations/Rules.
- Religious Conceptions of Tenure's Rights (Islamic Rules).

b) Stability gap's factors:

- Weakness of Governance
- Bureaucratic routine / corruption
- Displacement/ Refugee's Relocation Problems
- Insecurity of Tenure
- Lack/absence of Tenure Information
- Misdirected Policy and Poor Executions
- Poorly Performing Land Markets
- The residential Market's Crisis
- Informal Settlements or Illegal Occupation
- Lack of Legal/Rights Awareness.

c) Economic and financial factors:

- Lack/Deficiency of Financial Support
- Poorly Functioning Legal Systems
- Family/Individuals Income
- Land/ Housing Provision
- Livelihoods Deprivation.

Therefore, in order for LTA to be effectively implemented and produce enhanced security for the end-user's rights, key factors of success/ failure must be addressed. These keys elements and related influences will be further developed in the next chapter

in order to develop the conceptual framework (Chapters 3 and 4). They are considered from the basis of the conceptual framework (Chapter 3: Section 3.3 and Table 3.3), which directs the investigation to be undertaken in the Iraqi case when data is collected (Chapters 7 and 8).

2.5 SUMMARY

This chapter has explored the literature to answer the research objective (No.1) regarding the LTA and its administration and securing issues. The chapter presented the LTA as the land administrative function in LAS aspects, in which the LTA and end-users rights be legally defined, and effectively managed and implemented within specific arrangements and process in the system.

In this chapter, keys elements and related influences of LTA have been explored in detail in order to develop in the next chapter the conceptual framework conducted in this research. The chapter has provided a set of variety of definitions and applications from which the significance of LTA clear. For the purpose of this research, the LAS policies, processes and institutions have presented as a set of organisational processes, legal understandings, and authority' roles by which the tenures and end-user's rights can be managed and monitored within an effective system.

From the literature review, it has become clear that there is agreement on role of LTA under the legally defined framework and the critical factors influencing the authority's ability of success/failure on what constitute common efficiency is a need of all tenure stakeholders.

In the following chapter, the role of land institutional authorities in developing countries is explored and the critical factors influencing the efficiency/deficiency of the authority of tenure regarding LTA are considered to develop the conceptual framework in this research.

CHAPTER THREE: CRITICAL FACTORS INFLUENCING LTA DEVELOPMENT IN DEVELOPING COUNTRIES

3.1 INTRODUCTION

The topic of this chapter is trying to answer the research objectives (2 and 3) by studying these roles and critical factors regarding the LTA, and that depended on identifying the crisis in samples in developing countries to identify the contributing elements of the LTA crisis. Reviewing the literature of various experiences in the developing countries in MER and AER discussed and distributed over two groups; the Islamic non-Arab countries such as Turkey, Afghanistan and Iran, and these samples from the Arabian region countries. All samples were nominated according to geographical and social/cultural connections in the regions, organized around the elements of systems and objectives, institutional performance, constraints and related interventions regarding LTA and the security of tenure. By exploring the role of LTA in these samples of developing countries and key influences upon its governmental crises, it will possible to identify where improvements to the Iraqi crises should be made. In this connection, the conceptual framework was developed to comprehensive observation in this research (chapter 5).

3.2 THE ROLE OF LTA IN DEVELOPING COUNTRIES

This section presents the existed practice and experience followed by LTA functions and components in nominating samples in developing countries from the Middle Eastern region. In order to obtain their experience in terms of LTA systems and related institutional frameworks, and then how their historical and cultural complex relationships under the critical issues were managed and enabled their end-users' rights, the nominated samples were reviewed into two groups from 9 countries in the Middle Eastern region, (Fig. 3.1).

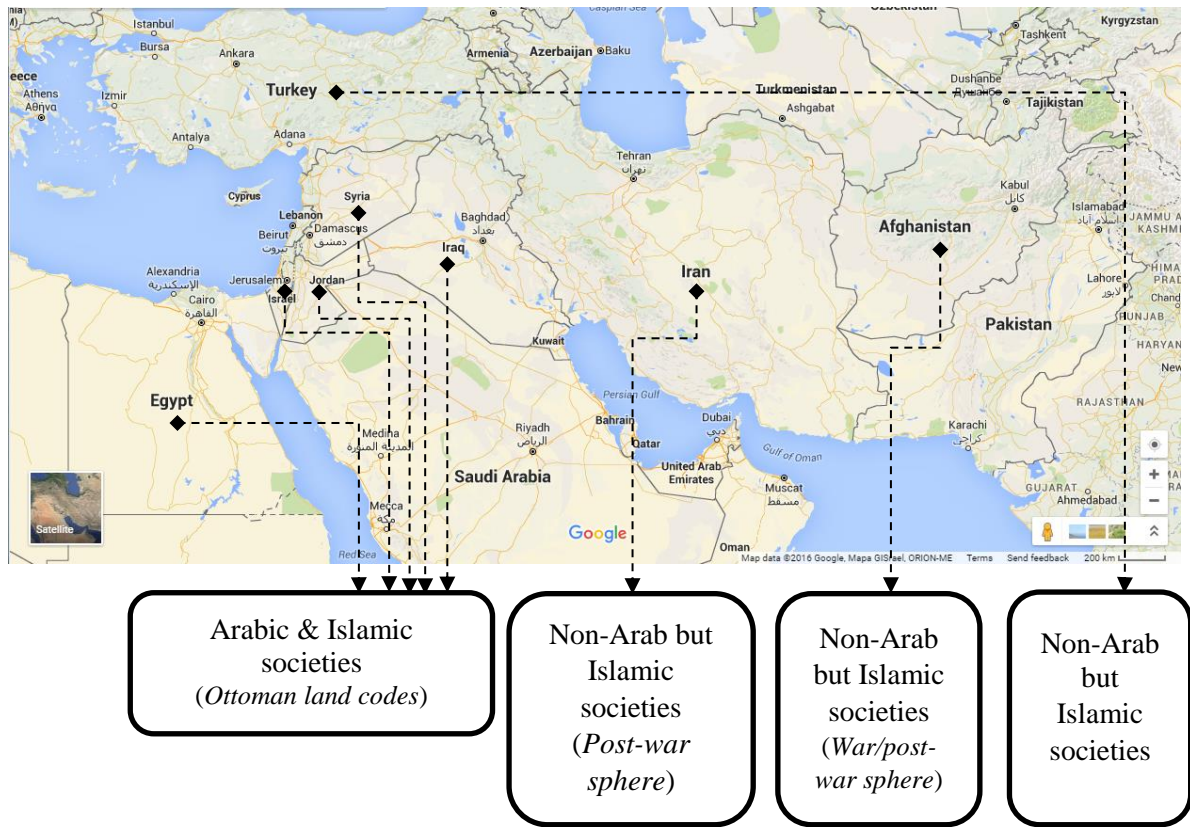


Figure 3.1: The LTA nominated experiences, Middle Eastern country's samples (map from Google)

From the Figure 3.1, the nominated samples in the Middle Eastern region were studied into two main groups; these countries with the majority Muslim society, and those of Arab majority society. For more specified issues, the countries were geographically grouped and listed according to their main references of system and the current influence sphere:

- 1- **Non-Arab but Islamic societies:** Turkey, Afghanistan and Iran were nominated as samples of these non -Arab but majority Muslim countries in the Middle Eastern region. They both identify their LTA experiences under the holistic forms of the key drivers of social/ cultural, traditional moral /rules regarding the users' rights and LTA. Iran presented a recent successful example comes completely from Muslim laws, which offered a legal protection and have had some successful outcomes. Afghanistan was selected to recognize the impact

crises such as war/post-war spheres of the system. However, Turkey sample was listed within this group to gain a close understanding of its historical influence regarding LTA experiences in Arab countries in this region, and its current experience on the subject of the Ottoman land reforms and modern forms;

- 2- **Arab and majority Islamic societies:** in this research, the Arabian Eastern Region (AER) include 5 countries; Iraq, Palestine, Syria, Lebanon and Jordan. Arab countries in this region were selected as good samples to present their LTA experiences within different periods of developments, particularly under the influence of Ottoman land codes, and local crisis of unstable situations. Syria and Iraq were counted within this group and listed also under the influence of critical factors of war/post-war spheres, and also the influence of population growth as in Egyptian sample involved in this group.

In general, the Iraqi case is counted within both of the previous groups due to these linked elements that are controlling and influencing its current situations (see Chapter 4). The role of the land authorities and their programmes in LTA, and regarding the efficiency/ deficiency of adopted systems in meeting the end-users' satisfaction, dealing with the critical situations that they faced to implement them, and key drivers of LTA in the Middle Eastern region are subsumed within the next discussion.

3.2.1 An Overview of LTA in the Middle East Region:

a. Key drivers of social/ cultural, traditional morals

Despite the emergence of new tenure patterns, practices of local traditional values remain important. In some societies, tenure systems and the forms of individual's rights are ruled and managed according to permit forms controlled by the specific local regulations such as these social/cultural and religious aspects.

In this research, the researcher is not an expert on *Shari'a*, and the following short description is intended only to describe generally the relationship between *Shari'a* and LTA. As the Middle Eastern region has such key drivers of social/cultural morals,

provided by a range of rules in which the users' rights are shaped and controlled. In the case of Islamic drivers, the UN-Habitat (2005a) stated that within religious systems, a number of specific tenure security categories existed; including various types of individual /shared rights. In this context, this result was discussed in more detail in UN-Habitat reports (1973, 2003, 2004, 2005a, 2008, 2010, and 2012) and Siraj and Hilary Lim (2006), which all stressed that the Islamic laws (*Shari'a*) have a significant role in shaping the ownership rights referring to the inheritance shares. It is argued that Islamic rules of tenures have an origin from the Quran, which were evolved over more than a thousand years. The Islamic origin in the land contracts, for example, has adopted from the Quran verses (see; *Al-Nisaa* in the verse 29, *Al-Noor* in the verse 61, and *Al-Maeda* in the verse 1), which emphasised on the form of dealing in which the buyer is converting to the owner of the item when the seller receives the price. Building on that base, the basic elements of the contract with the Islamic doctrines view is reviewed as legislative formula, which is an offer and acceptance agreement. Nevertheless, these religious forms may consider as a limiting factor against the renewal strategies and urban development. For example, Payne and Durand-Lasserve (2012:p.13) for examples stresses that religious land tenure systems become "an impediment to urban renewal and efficient land management". As a matter of a fact, the inheriting right is entitled in the LTA system in accordance with Islamic laws, thus in the inheritance, the *Shari'a* gives the male a double of the female segment (Stigall, 2008; Wiley, 2013). In this connection, FAO (2002) argued that religious forms included gender discrimination and they are often extending particularly in tenure and inheritance shares. However, these forms of tenure still dominated in the region and usually play a massive role in LTA systems as in the majority of countries over the Islamic- Arab world.

Furthermore, the local society in this region is usually influenced by other factors where a social distinction is made. In tribal communities, for a variety of reasons, not all members always participate in issues of land rights in relation to a particular decision-making process. Hence, the "Gender" participant in community life is influenced particularly between those who are simply "Males" members. Within each of these primary tenure systems, this gender division has a full voice in the tribal assembly, and are eligible to be followed to local community rules, and have full access to all

community resources like land and water, as well as any profits that may be derived from these resources (Wily, 2003). As community regulations, Nakash (1994) found that the tribal women cannot be involved in tribal community leaders 'Sheikhs', and, therefore, they have a little official say in the tribal management. Likewise, the community members who are simply females, but not "active" have none of these rights where these rights are translated to their husbands who start having the head family's authority and start participating more actively in tribal society (Stigall, 2008; Wiley, 2004 and 2013). Since the tribal community membership is generally recognised for all those who have been born or have married into the same tribe. Nevertheless, males in the tribal community have the right to deal with their relative females issues; wives, sisters and daughters, to represent their views in the tribal congresses and to negotiate community interests against female's claims and rights. Upon the death of a land-rights holder, however, it is usually the family-male heads, which is registered as a landowner according to tribal community members (Wiley, 2004). And that is doubled in these communities when the male head-family lives with two or more wives and there is more than one wife in the house, according to Islamic marriage regulations (*Shari'a*), (see Chapter 4: Subsection 4.2.5/B).

Like other tribal/farming communities, old regulations and social traditional conceptions threaten to improve the problems of gender access to land and landholder disadvantage. Under traditional ownership's concepts, a long history of unequal distribution of rights has left the female depended for their survival on the male-head family as landowners on which to produce profitable cash. In conclusion, these key drivers of social/ cultural, traditional morals can affect the LTA in a variety of ways. These related discrimination rules are dominated and still able to spread, threatening to improve the tenure rights problems together with those vulnerable groups such as women, whom their participants may be frozen or may be translated to their family older males, and together with orphans females or women whose husbands were dead.

b. Systems and Objectives

In structural terms, the administration of land tenure in this region was evolved under specific land codes, and then provided for the existence of groups of types of tenures. According to Madanat (2010), the majority system of LTA in the Middle Eastern region is mixed with these social/cultural and religious aspects. However, in case of the Arab countries in this region, the Ottoman land codes within various types of tenures had clear influences (UN-Habitat, 2012). It can be seen that these applications of land tenure are shown the rooted and effective role of the traditional /religious systems in this region and how they can be considered as a major driver in the LTA development. For example, the private ownership of land is categorised by the Statutory law in forms of '*Mulk*' as the individual right of full ownership (Payne and Durand-Lasserve, 2012; Shaikley, 2013). Also, it includes a range of concept of public ownership of the 'State-owned / controlled lands' which carried out in the Ottoman land tenure categories by a form of use rights such as the '*Miri*, *Wagf*, and '*Mawat*' (see Sinha, 2002; USAID, 2005; UN-Habitat, 2005a, 2011 and 2013; Tahsin and Cete, 2015). In practice, the general terms of tenures categories in this region can be summarised as follows:

- **Private tenure**, the term "*Mulk*": it is the individual right of full ownership or full holdings to rights, this form is clearly recognised in Islamic rules of ownership;
- **State controlled lands**, the term "*Miri or Amiri*": common lands, but suitable for agricultural use where the ultimate owner is the state, but the usufruct belongs, in most cases, to individuals. However, the codification of "*Amiri*" land in Ottoman times was often read as an attempt to centralize power against the large landlords and tribal groups by establishing individual rights for a large number of small individual cultivators;
- **Endowment lands**, the term "*Waqf*": this form clearly establishes in Islamic rules of ownership, this form is reserved and immobilized, for some public (e.g. Charitable) purpose, and usually leased, as it was in the past;
- **Unclaimed lands**, the term "*Mawat*": this form is mainly used for grazing under common property regimes, and often a grey area with political undertones.

It should be acknowledged that Islamic laws (*Shari'a*) have a vital, dynamic existing with active, systematic evolution in deep background in Islamic ownership's concepts. Under the *Shari'a*, LTA had established its own laws based essentially on religious regulations of ownership in specific administrations, especially in the Arab world and across the Muslim majority countries, thus, Islamic land tenures showed clear solidly rooted, and reflecting the capability in the Islamic legal system. In practice, the Islamic method has established its own concepts in specific regulations. And so, the Islamic methods in both the private and common tenures forms try to summarize the variety of the user's rights working as guidance for the LTA authorities for managing the system as they are illustrated in Figure 3.2.

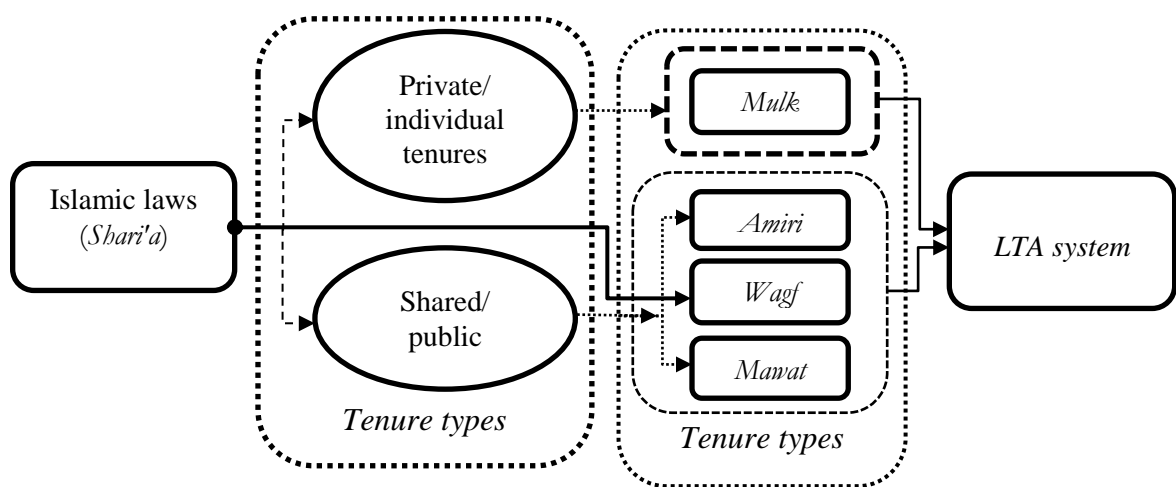


Figure 3.2: The essential characteristics of LTA in Islamic tenure systems

Figure 3.2 provides the essential characteristics of the Islamic tenure ' system, it shows that in Islamic patterns the public form of tenure is focused on the Endowment (e.g. Charitable) purpose established in Islamic rules of ownership. However, the private tenure is largely an important concept in ownership in the hands of individuals and allowed to be gained through official title. In general, Islamic law is particularly important as the basis for inheritance, marriage, and other family related activities. It allows has various degrees of freedom in the use of the land/property; hence the common forms are related to these tenures controlled by the state ownership directly.

Therefore, tenures and users' rights in this region are reflected deeply the relationship with the local social guidelines which were reshaped and developed by Islamic patterns of tenures, in practice, this influence can be considered in this research as a main factor regarding the LTA system (see Chapter 4: Figure 4.2).

The next section provides a closer look at LTA experiences in a set of sample in Non-Arab but Islamic societies; Turkey, Iran and Afghanistan.

3.2.2 The LTA between the Traditions and Modern Forms

A. Turkey Experience

With a total area of 783,562 square kilometres, Turkey's resident population has been reported as 77,695,904 by the end of 2014 (Turkish Statistical Institute, 2015). Turkey, having a long experience in land laws, it is one of the region countries carrying out reform projects to provide improvement in the land tenure administration, and therefore to address the current elements and sustainable development objectives. In Turkey, LTA had been the core engine of spatially enabled land administration in the Middle Eastern countries (UN-Habitat, 2012). In fact, the Ottoman era of the land administration was one of the most experienced reforms in the Middle Eastern region and throughout the Arab world. Almost all land registry and Cadastre records of Arab countries in this region are linked to this Ottoman era, which reflects the need to study this period. In this context, having a sound land administration background, the Turkish land system is determined as a case study country influenced on the development of LTA in most countries in Arab countries as well as the Iraqi case (see Chapter 4, Subsection 4.4.1).

▪ Legal Framework

Literatures showed that the modern LTA in this country had been constrained by the Ottoman Empire in the 19th century, and continued in independence in the early 20th century, and now during the 21st century (see Keyder, 2005; Cete and Yomralioglu, 2013; Aksoylu, 2017).

Turkey's system of LTA owes its existence, in the main part, to the Islamic state needs during the era of the Ottoman Empire. The Ottomans, during the period from the 13th century to the early 20th century, had a special notion of land systems which was essentially built on designation that all land was property of the Ottoman Sultan. In this context, Yilmaz and Ahmet (2008) explained that point by saying that the Ottoman head authority had used the land to collect rents from the landholders to supply the state for the military issues. In practice, the Ottoman land system was designed in which the holder of title could sell or pass it on to his heirs, but the right to the land was always revocable on the Sultan's views. However, the Ottoman's law of the land had administrated and protected the land user's rights under the Sultan's head authority. In general, although the necessary legal arrangements had been delayed till 1868, the Ottoman Land Code of 1858 was the first step in these reforms, in fact, a grant of permission in this respect was announced by an 1858 law '*Firman*' on the reform (Yilmaz, 1994; Yilmaz and Ahmet, 2008). Also, Cete and Yomralioglu (2013) stress that for the first time; in 1858 the Ottoman Empire's law gave citizens of the Empire the right to take hold of empty parcels, which was only right owned by the government. In fact, this law was essentially designed to keep the empire growing under the new era of the power reduction of the Sultans. After Ataturk led the country to independence in 1923, laid on top of customary Ottoman traditions; according to Yilmaz and Ahmet (2008) the new Turkey's government adopted Roman laws, which endorsed private ownerships.

To shore things up, these new rules were pushed forward the Turkey's LTA system, giving outright property ownership, adopting laws similar to those in northern Europe to ensure the loyalty of their beneficiaries. In general, the Turkish Constitutional laws do not differ between users of tenure, according to the gender, Article 35- XII emphasis that everyone has the right to own and inherit property, and according to Article 44 and the Paragraph added on May 7, 2004; Act No. 5170; men and women have equal rights to own tenure (see Constitution of the Republic of Turkey, 2016). Despite its apparent economic rather than social objectives, Law No. 5444 was declared on 26 April 2005 by the Turkish constitutional court decision and enacted in January 2006, which allowed the purchase of real estate by foreign in Turkey (Sahara, 2011; Cete and Yomralioglu, 2013).

However, the Constitution of the secular Turkey includes a number of provisions that directly address the rights according to Islamic rules. The system still deals with the inheritance shares as a subject to the individual's own desire conducted under the freedom of thought and opinion, and a respected right to be registered in the registry offices (see Articles 24 and 25/ VI and VII). Even now, the literature found that in many of Turkey's cities, that the two sets of conflicting laws coexist uneasily, for example, Turkey's lands still remain under control or owned through an ancient outmoded tradition called (*Hisseli Tapu*) or shared title in which the holder of this kind of title could have no (*Tapu var*) or share's title deeds and they have no idea even how many other shareholders there are because shares have not been apportioned (see Keyder, 2005; Aksoylu, 2017). In general, to understand the Turkey's system, it's important to understand the political, social/cultural role in shaping the land system in this Islamic majority community. Turkey's LTA system are more rooted in the legal rights of the Islamic system of Ottoman era of land codes, and has enabled Turkey to accommodate the massive successful way to urbanization and self-building.

- **Organisational Fabric**

In relation to the organisational reforms, Turkish governments have implemented various policies. According to the Turkish laws, transfer of ownership of a property is only possible at the institutional hierarchy levels of the land registry directorates, which provide the land deeds. In this context, the basic step on land institutional fabric was promulgated throughout the Ottoman period. For example, the first cadastral organization in Turkey was founded in 1847 in the Ottoman land codes, and in 1924; the Turkish General Directorate of Land Registry (GDLR) was founded (Çelik, 1993; Sahara, 2011). However, the legal base of Turkish land registry and Cadastre system was established during the independence period and designed according to the Turkish Civil Code enacted in 1926, and the General Directorate of Land Registry and Cadastre (GDLRC) was constituted in 1936 (see Yomralioglu and Cete, 2015; TKGM, 2015). In this context, there are 325 Cadastral directorates, 133 Cadastral sub-offices, and 1003 land registry directorates in Turkey; hence the administration and supervision of them are performed by district directorates at regional level, and main framework of the

system has been developed and tested throughout the country (see Demir, 2000; Gülöksüz, 2002). Having a sound topographical mapping background, a land administration system is managed by the proposed General Directorates of Land Management (GDLM) which are the administrative components of the Turkish LTA. In this context, in 1984, the Housing Development and State Partnership Administration (HDSPA) was established, and in 1990, the administration was separated into two distinct institutions: the Housing Development Administration and the State Partnership Administration (see Turkish Statistical Institution’s website, 2016). The overall principle of LTA is that the system is designed according to the administrative hierarchy levels; all agencies are organized and supervised by leading institutions under administrative hierarchy levels. According to Cete (2008) the Turkish reorganizing existing of institutional vision is composed of three main components: legal arrangements; organizational structure; and technical organizations. In general, it mainly includes an organisational framework on the land registration, Cadastre, real estate evaluation, information management, and land development (Figure 3.3).

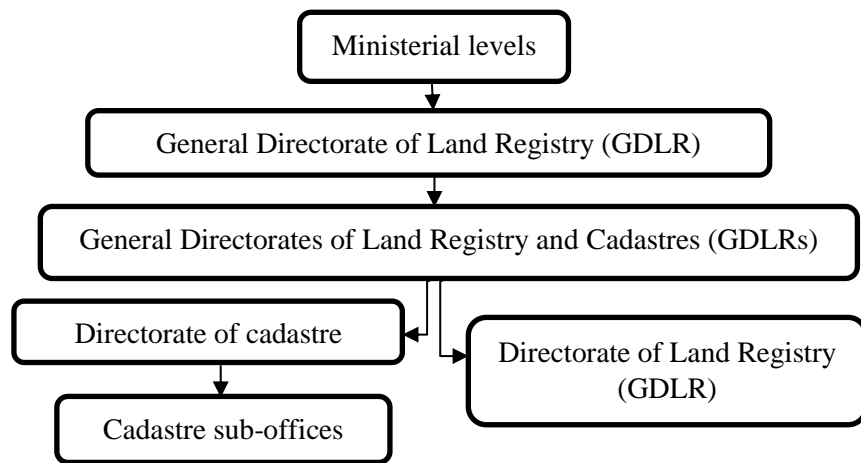


Figure 3.3: Organizational structure of Turkish LTA system (Cete, Magel and Yomralioglu, 2013)

As it is seen in Figure 3.3, the responsible authorities are designed according to their administrative roles and hierarchy levels. As they carry out their purpose and roles within the cooperative mechanism. Each municipality and government institution, however, has its own roles to carry out these works. Thus, organizational structure

shows that some government institutions also carry out valuation works over the other lower levels in province's institutions that support municipalities in building up development plans, municipal maps and infrastructure services, etc. Lessons learned from the Turkish LTA system could be useful to assess the Iraqi case from its rooted and dynamic influences. This experience tells us that the system must have suitability and a dynamic nature. Similarly, it has a good ability to be reengineered and improvement its old-fashioned tradition in the system of LTA, which needs a full association with the regional systems (Table 3.1).

Table 3.1: LTA experiences in Turkey, Middle Eastern country's sample.

Sample	Suitability of system with the users' needs	Satisfaction of stakeholders in the system
Turkey	<ul style="list-style-type: none"> • This system is designed according to the administrative hierarchy levels; all agencies are organised and supervised by leading institutions under administrative hierarchy levels. • Dual system is linking between modern regulations and the Islamic-ottoman codes, which still shows clear influences in most attitudes of tenure rights distribution in this system. • The system is responsible for the registration of the properties in their districts. • The system is built to help the responsible authorities to supervise registry offices and licensed tenures. • Insuring Tenure Security. • Land registration and cadastre works are carried out by local offices. • The system carries out registration works in cooperation with notaries. • Land rights registration and the Cadastral Information System are updated and involved in digital form, and the system has been redeveloped and tested throughout the country. 	<ul style="list-style-type: none"> • All owners have the same rights, restrictions and responsibilities on tenure do not differ according to gender in the system. • Achieving equitable outcomes in tenure. • However, it is not possible to say the same thing for the Islamic forms of inheritance. • Providing security of tenure and provides the end-users' rights. • Increasing investment in land and housing markets. • Expanding the value of property by increasing its security of tenure and land disputations. • Increasing the protection against the forced eviction. • The current system does attract foreign investment's chances. • Diversity of a system which offers by the duality of system and these responsible authorities. • Providing an opportunity for engagement of private sector in land/housing markets.

B. The Iranian Experience:

▪ Overall of the background

Iran is very old country with a rich legacy, factors such as historical background, social, cultural, and economic and all the customary, morals and traditional/constitutional rights are closely associated and should be taken into consideration. Iran comprises a land area of 1,648,195 square kilometres in 31 provinces (Encyclopaedia Britannica, 2017). Recently, Iran is an Islamic republic with an adopted constitution and governed under the elected Parliament, which is carried in accordance with the views of Islam. Geographically and historically, this sample is similar to the Iraqi case; Iran has passed the same stage of post-war situation and the economic related crises that were occurring for more than a decade. Also, the Islamic system in Iran is dominated on the civil system and has similar elements of the Iraqi. Therefore, this sample can be close to the Iraqi local situation and may present the existing key factors of the aspects matrix in the LTA features and originality over the past two decades.

▪ The Iranian land tenure

The Iranian land tenure covers much more than mere rights in land. It includes agricultural land ownership and tenancy, taxation of income from land, and rural cooperative facilities (Javad, 2009). Furthermore, the land in Iran is either owned and operated by the farmer or owned by landowners, but cultivated under some other sort of a contract or agreement. According to the Iranian Ministry of Housing and Urban Development (2004) there are at present 6 forms of land ownership systems in Iran, namely:

1. Public domains (*Khaleeejat*);
2. Endowments for Holy Shrine and other Islamic institutions (*Wagf*);
3. Private ownership (*Amlak*);
4. State lands (*Amlake Pahlart*);
5. Large holdings (*Omdeh mulek*);
6. Small holdings or peasant landholdings (*Khordeh*).

Legislatively, most of these categories are covered by laws under statutory systems, and ultimately registered in the Iranian registry institutions. Private and communal land rights as well as these religious endowments, ‘*Waqf*’, are provided and presented in the Iranian legislation of the public ownership.

- **Legal framework**

The land administration in Iran is issued by the Iranian state and according to the organisational hierarchy levels; all agencies are organised and supervised by leading institutions under administrative hierarchy levels. In fact, the essential part of the Iranian land tenure law was initially adopted by the Shah Kingdom and later by the Islamic legislation in the Islamic Republic era after the Islamic revolution of 1979, and was therefore in dynamism in the state institutions (see Makerani, 2007; Javad, 2009). As an Islamic Rep, the Iranian system of tenure, however, engages Islamic rules of ownership and inheritance shares involved in registering property in Iran. In this context, the system still deals with the Islamic forms of ownership, in which the male usually has a double share of the female. Islamic regulations of the endowment /inheritance rights are the same regarding the Islamic rules. In addition to its principal, the Iranian master law is concerning the various rights which accrue to persons from the possession of property, since the owner has unlimited rights of occupation and exploitation over her/his property in matters in which the law has made an exception. In this connection, the right of the possession in the Iranian law is protected as it is in Chapter (2) / Article (31): “*No property can be alienated from the possession its owner except in accordance with a legal order*”. Thus, documented possession by title of ownership shall be taken as proof of ownership, and then it is possible for people to derive the various forms of rights from property (as mentioned in chapter 2/ Article 29). In Article (25) the code emphasis that “*No one may take possession of the property which serves the common good and which has no private owner, such as bridges, caravanserais, pubic reservoirs, ancient schools and public open places. And the same applies to the wells of which their use is public*”. Article (26) detailed the Government property which is subject to public service, in brief “*...whatever property movable or immovable is in use by the Government for the service of the public or the profit of the state, may not privately be*

owned.... And the same provisions shall apply to property which shall have been appropriated for the public service of a province, city or a region or a town”. It could be said that the Iranian law is aware about the individual rights of tenure, benefits and most of the rules concerning property are defined in the national law.

- **Organisational fabric**

A Cadastre is normally a geometric description of land parcels linked to land information system (e.g. Tenure rights, laws, restrictions, responsibilities, and taxation) and other administrative purposes. The Iranian land records, registration and Cadastre together are a critical resource on LTA aspects. It is designed to enable sustainable development and protection. In this context, formal land title, recording systems was carried out in Iran by the Iranian government, and became part of the Iran starting in the late 1910s, the year in which the system was put in place as states matured and adopted state constitutions within a wide range of tasks (Farzaneh, 2011). In general, the Iranian land registry and cadastral systems were based as fundamentals for the implementation and maintenance of an appropriate system of tenure. In this context, a technical committee of Iranian land was established in 1990 to study and research, and Islamic Iranian Parliament passed in 1989 the Iran’s Urban Cadastre Project for urban areas and officially started in action under Iran’s Deeds and properties registration organization (see Berenjkar, 2009; Iranian Annual report of the Cadastre general office website, 2011). Accordingly, Annual report of Cadastre general office (2014) showed that the Iranian Deeds & Properties Registration Organization (IDPRO) was founded to stabilize people's proprietary rights and registration of documents. The main point is that the Cadastre and Land Registry and also deeds registration issues were consisted of the Iranian state Organization for the registration of deeds and properties. In this context, with the establishment of IDPRO, Iranian government benefited from the taxes of transactions of lands. In fact, IDPRO helped to increase the security of tenures by saving the end-users’ rights, and then it encouraged the Iranian people to deal and investment in the land/housing market, thus, IDPRO became a source of income for the government.

Recently, the many urban and Rural Cadastre laws were passed in 2015 (Berenjkar, 2016). Also, the Iranian title is registered at the Real Estate Registration Departments (RERDs), and old title deeds and land property documents in Iran were replaced with new digitized deed information, in order to increase security of deeds. Also, the Procedure is usually performed by the computer systems. However, Annual report of Cadastre general office (2014) showed that IDPRO is depended on the Notary which is responsible on behalf of the administration in law, because the public Notary guarantees the content of the Deed and the Land Registrar; he/she deals with the applicant and then presents the deeds to the registry office for registration. A sell/buy certificate must be obtained from the RERDs, and there is a particular fee of the procedure. According to the local statistical reports, the Iranian registry system of depends on the Notary Public system to achieve all contract preparation regarding the tenure issues. In this connection, there are 8,000 Iranian public notaries employing more than 40,000 people in different practices, there are an estimated 2,200 private surveyor active in cadastral building's surveying (Berenjkar, 2016).

LTA process in general is still carried up within an old routine, but the subject has been addressed in Iran's National Plan for Map and Spatial Data (NPMSD) produced and reviewed by the high council of Surveying and Mapping (Annual report of Cadastre general office, 2014). In a brief, the Iranian public Notary system works to manage and save the legal form of the deed, while the role of the land institution (IDPRO) is in response on behalf of the administration in law; hence, Contracts between the applicants are considered official documents if they have a certificate obtained from the organisational agency. All the Iranian State agencies in the system are obliged to accept certificated contracts as the equivalent of official documents and grant the full legal rights. In fact, the Iranian system of land requires that all property sale transactions must be registered at the IDPRO in order to make the tenure opposable to third parties. However, the process assumes a standardised case of system agencies and related procedures in which the real estate is registered officially. The agency of property registration is obligated by system for delivering a legally binding document to people that proves his/her property ownership. However, there is a fee schedule that the applicants must pay for any property transaction at the agency of property registration

and the Notary system. This indicates that the Iranian system is concerning the various methods, which work to save the tenure users' rights, since the owner/renter, seller/buyer have unlimited rights of possession, unless the law shall have made provisions to the contrary. It is an important point that the Iranian system of LTA has passed negative impacts of the instable situations of war/post-war sphere in 1980s and the current system is planned and implemented off those impacts. However, the LTA system still has in its body negative factors, in which the vulnerable groups and gender outcomes such as women and minorities may feel that their rights are unsatisfactory. More details are summarised in Table 3.2.

Table 3.2: LTA experiences in Iran, Middle Eastern country's sample.

Samples	Suitability of system with the end-users' needs	Satisfaction of stakeholders in the system
Iran	<ul style="list-style-type: none"> • Similarly, the Iranian system is rooted and shared the same background that had been developed during a long period to produce the application of tenures. • Legislatively, Iran is an Islamic republic and the Islamic form of tenures engaged. • The Iranian Islamic Government's application of tenures is concerning the various rights which save the users' rights since the owner has unlimited rights of possession. • Under the Islamic Constitution, the Iranian system succeeded to provide legal rules to connect the statutory and customary justice systems. • The land in Iran is either owned and operated by the farmer or owned by landowners, but cultivated under some other sort of a contract or agreement. • The Iranian land registry office deals with the tenure issues via the Notary to manage and save the legal form of the deed. • There is a clear mechanism in the system for monitoring compliance with the Constitution and the Land Law to ensure that women's statutory rights are upheld. • However, the Iranian system is still suffering under the economic crisis that influenced its investment chances. 	<ul style="list-style-type: none"> • Tenure rights are well-maintained for people in the system. • The engagement of private sectors in land/housing markets is encouraged, but usually influenced by external factors. • The agency of property registration is obligated by system for delivering a legally binding document to people that proves his/her property ownership. • Iranian women's statutory rights are sustained by the constitution and the land institutions. • Although Iranian national laws recognize women's rights to tenure, rural women still obtain tenure rights through their families, husbands or fathers. • Women, therefore, may be unable to claim any property in cases of divorce or when their husbands die or abandon them. • Promoting the investment in the land/Housing market.

C. The LTA in Crisis: the Afghanistan Experience:

▪ Overall of the Afghani Situation

In this research, Afghanistan was chosen as a good sample to evaluate the LTA under the sphere of the war/post-war and terrorism, the state insecurity and inter-communal violence. Decades of instability and civil conflict, Afghanistan has experienced years of near continual conflict that has caused a serious case of instability and authority' gaps, thus, the Afghanistan government is new and under a vast influence of critical situations. Until recently, it is only just beginning to function as a government, and the concern of the state has very limited authority over the country.

▪ Land Tenure Systems

In practice, LT types in Afghanistan are vested. In this connection, McEwan and Whitty (2006) showed that there are types individually in private and entities; communally in families, clans, and communities; and in the government. In this connection, Wiley (2004) states that there is an unusual degree of communally in families, clans, and communities, and according to Wiley (2004: p. 12) there is a set of administrative forms that classify how the land is owned in Afghanistan:

- 1) **Customary laws** (*Rawaj*) this relates to how land is owned and transacted as established through community practice and adherence by members to group norms;
- 2) **Civil laws** (*Qanoon Madanie*): this Code is a written expression of mainly Islamic law principles and includes more than 1,000 directives relating to property. The Code was compiled in the 1970s building in large part on historical treatments of the Hanafi School of Islamic jurisprudence;
- 3) **Religious laws** (Islamic laws of *Shar'ia*): in its original rules as laid down in the Quran and expressed in many Islamic scholarly treatises;
- 4) **State laws** (Statutory laws or national laws): this comprises both supreme law and sector law (i.e. Agriculture, taxation, housing), (see Figure 3.3);
- 5) **Constitutional law**: this form is linked to that in state laws, the supreme law which has consistently included a limited set of declamations on the right of the state to appropriate property, the protection of private rights, the right to travel

and settle freely, the definition of government land and the rights of foreigners to own land.

In terms of land systems, there are connections between the Afghanistan tenure right and the underlying the existing land system. According to Wiley (2013: p. 5) the land area of Afghanistan falls within one or other of these classes:

- a. **Public lands** (*Maraa*): lands under the control (not ownership) of the state, but held to be either owned by the nation as a whole, or by nature (such as wasteland). The ‘*Maraa*’ also has the similarity with those of Ottoman land codes of ‘*Amiri*’, as it includes these lands reserved for local community use (see Figure 3.2). However, the government has always acted as landlord and has, at times, made public land available for lease or sale;
- b. **Private lands** (*Amlaki shakhsi*): conceptually, the private ownership is defined as individual ownership of discrete estates and therefore limited to farms, house plots, rather than group-owned property. In practice, a documented “individual” landholder often conceals shared ownership by a larger number of individuals - a family, clan or village. Conversely, rights to land owned by a family may be exercised by a single (male) head of household;
- c. **Communal lands** (*Mushtarak*): Commons are non-farm properties including local open spaces, dry uplands pasture and swamps, conventionally understood as owned by the community members jointly;
- d. **Religious lands** (*Waqf*): it is held originally by religious institutions under the Islamic rules; much of this land is now under the control of the state as government land or public land, with the remainder held by local mosques.

In general, the Figure 3.4 outlines the basic elements of the Afghan systems of the land tenure.

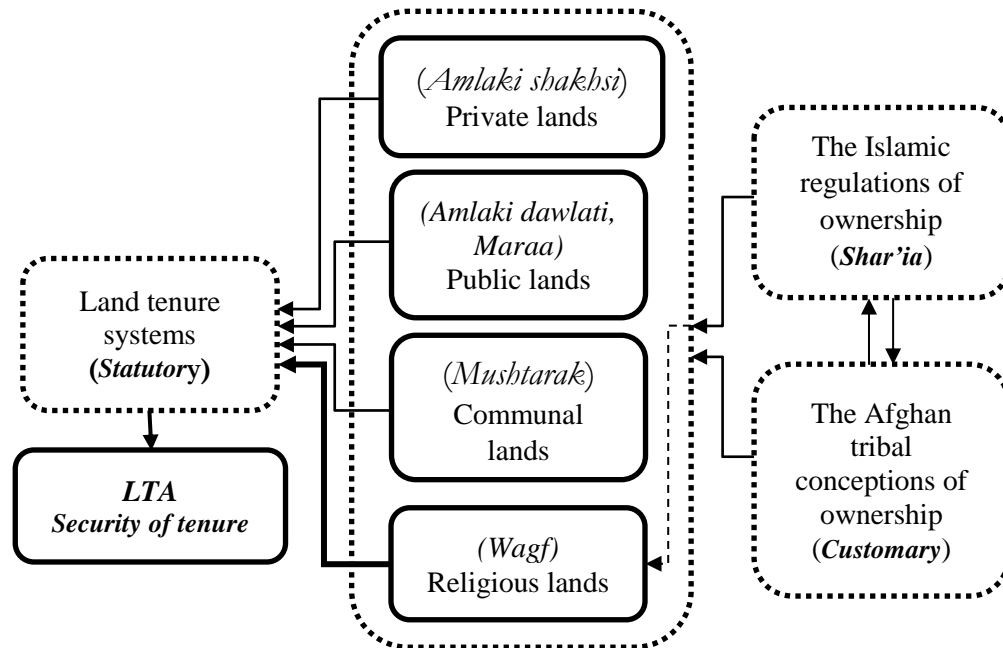


Figure 3.4: The essential characteristics of the Afghan land system

In general, Figure 3.4 shows that the LTA system in Afghanistan is varied with a diversity of tenure types, governed by more than one legal regime, including customary law, civil law, Islamic law and the state law. It is dated back to land grants, which were issued in the 1880s with documents relating to land transfer in the customs, religious/civil and state law, land management sectors (McEwan and Whitty, 2006). From the 1920s, the Afghan had issued the own land tenure management, and used rights for individuals and clan heads (USAID, 2011). Up until 1960, Wiley (2013: p. 17) argued that in Afghanistan: “an indigenous multi-track system had evolved along with the consolidation of the state within which distinction was made between the state and private property and imposition of state-run systems to tax the latter”. In 2004 a new constitution established in Afghanistan a legal framework for property rights that safeguards the right of individuals to own property (Wiley, 2004 and 2013). In terms of tenure, different types of documented tenure categorised as customary, religious, legal or administrative depending upon the issuing authority (Stanfield, Reed, and Safar, 2005, 2008 and 2013; USAID, 2011). In addition to an estimated 80% of Afghans depend upon agriculture for their livelihoods (McEwan and Whitty, 2006). Recently, the

modern Afghan state has achieved a set of constitutional laws and institutions in relation to land administration starting from; 1923, 1931, 1964, 1977, 1979, 1980, 1987, 1990, 2004, 2010 and 2011 (see Wiley, 2004; Tahir, 2006; Stanfield, Reed and Safar, 2005, 2008 and 2013; USAID, 2010 and 2011; Ward, 2012). In general, land tenure types in Afghanistan are varied, and the Ownership is the most common tenure type in Afghanistan since owners are entitled to use and dispose of land officiated, and also it confirms a right of private possession of land. In urban areas, landholders in formal settlements generally have occupancy rights as formal rights to use and benefit from land occupancy.

- **Organisational Fabric**

Afghanistan local roles in land acquisition and land allocation are achieved by the local organising boards such as the Municipalities (see McEwan and Whitty, 2006). Wiley (2013) states an important point in this context that the responsibility for land surveys and settlement and maintains of land records have an agency which is managed all the related issues by the Department of Cadastre Survey Geodesy and Cartography Head Office (AGCHO). The Primary Courts in Afghanistan are active in local matters, including land issues and disputes since Courts have a significant role in drafting deeds and issuing orders for the transfer of title (Wardak, 2003; Stanfield *et. al.*, 2013). In general, the Afghanistan government established a good step to land administration and institutional base in order to manage and focus on land tenure issues, refugees, and squatting, and to tie customary and formal institutions. Also, McEwan and Whitty (2006) show that the Afghanistan Ministry of Agriculture, Irrigation and Livestock (MAIL) has permitted leasing between private parties, for writing leases that describe the land and the agreement of the parties regarding the length of the lease and payment terms. In addition to, the type of Leases of private land has primarily been governed by customary law in Afghanistan, with the parties agreeing regarding the production shares and paying for inputs (Stanfield, Reed and Safar, 2008). Furthermore, for the pasture land which is public property that cannot possess by individuals, the Afghanistan Ministry of Agriculture, Irrigation and Livestock (AMAIL) has permitted form of the agreed rights of access for the public use for activities such as grazing and threshing

grounds (Wily, 2003). Initially, it has established as part of the Ministry of Agriculture, Irrigation and Livestock (MAIL), and may become an independent government body in the existing system. According to McEwan and Whitty (2006) land tenure types in Afghanistan are supported by two kinds of mortgages; one type operates as a debt secured by the land, while the most common is that under which the lender takes possession of the land until the borrower repays the debt.

- **Challenges and Crisis: tenure disputes and conflicts**

Afghanistan has experienced decades of continual war/post-war and insecurity situations that have caused millions of people to leave their land, which usually was damaged or occupied illegally by others. And as indicated by main land publications over the preceding decades, a great deal of violence had been driven by land-related grievances in Afghanistan. For example, Wiley (2013) concerned that violence could erupt again in terms of claims to lands. During these continual conflicts, found that the most rural Afghans did not have land to live on (USAID, 2010 and 2011). Furthermore, Wardak (2003) stated that in Afghanistan, deeply inequitable and often unjust land ownership relations that can activate the insecurity of tenure. Stanfield et. al., (2013) emphasis that by years of war, there is a need of quick resolution identified inter-ethnic land grievances to deal with the Violence, insecurity and the refugee relocation issues directly. Findings have touched upon land issues as well as restoring tenure security in recent Afghanistan. Therefore, building upon the pilot programmes, reform was recommended urgently. Nevertheless, it is not surprising that the displaced people present another critical situation in Afghanistan system. Studies show that there is a dominant fear that the refugee crises are being fuelled by the weakness of the Afghan state to administrate the land policy development, tenure regularization, upgrading of informal urban settlements (Tahir, 2006; Wiley, 2008; Stanfield et. al., 2013; USAID, 2010 and 2011; Gaston and Dang, 2015). As they return home, they need to fight to prove their rights in order to return their property or even have a demanding compensation. Meanwhile, Ward (2012) suggests that the Afghan refugee crises showed a clear evidence that it is associated with urban unrest and continual war, as new

displacements are taking place widely because of the continued conflict and the sphere of instability and authority' gaps.

However, continual war and instability situations that the Afghanistan government is facing cannot be fair elements to gadget its tenure governance and the rule of law. In many ways, support legal reforms that focus on refugee's restitution and provide lands for permanent resettlement of displaced people will be needed to ensure that system is in parallel to challenges relating to the land governance in Afghanistan. More details about this system are summarised in Table 3.3.

Table 3.3: LTA experiences in Afghanistan, Middle Eastern country's sample.

Samples	Suitability of system with the user's needs	Satisfaction of stakeholders
Afghanistan	<ul style="list-style-type: none"> • Tribal traditional regulations and family morals are dominated in this system; a set of Islamic religious and local society, tribal forms were formed the local statutory and customary law of tenure. • The existing legal framework is very old and it may not provide enough clarity and transparency to the user. • The legal and policy framework is governed under several pieces of legislation. • The present status of legislation governing land administration is scattered and out-dated and uninvolved in digital form. • The management of tenure over much of the period is routine and traditional. • There are attempts to address the split between statutory and customary law in the Constitution, which provides for equality between women and men, and upholds equality between spouses at all stages of marriage. • Investments and development in land/housing markets by the non-government sectors is prompted by the system, but under the absentee investment pattern, and insecurity situation, it is likely in the hands of the next stages. • Integrity, system stability, and security, are indispensable for any endeavour successful results. 	<ul style="list-style-type: none"> • Land tenure rights in crisis, sphere of wars, ethnic disputes and contentious unstable states have a massive influence on national development strategies. • In general, land administration and tenure rights tend to be highly insecure. • Although the land law provides for equality between women and men, under religious/customary law, however, women's rights are not equally protected yet. • The land registration system is stained by the rigid and old laws and regulations, which means a lot of bureaucratic procedures take too long and the complexity of procedures add other barriers to the user. • Religious/customary laws are dominated in the current system, which means a deep upgrading. • The current system does not attract investment's chances, as the authority' gaps and instable situations have furthered that too. • The engagement of private sectors in land/housing markets is not clear and usually unsecured.

The next section provides a closer look at LTA experiences in a set of sample in the Arab region in the Middle East (see Table 3.4).

3.2.3 LTA in the Arab region:

A. The Arab Eastern Region (AER)

The Arab region was selected as it covers a vast and diverse area in the Middle Eastern country's sample with the majority of an Arab and Muslim. During the last decades, the Arab region in the Middle East knew a remarkable increase in demographic growth and an accelerated urbanization. In this study, the term "Arab Region" goes well beyond a strictly geographical connotation of the term, it is used here in the country coverage of the regional area from Iraq to Morocco, from east to west. In spite of ethnic diversity, the Arab region is unified by the predominance of Islam and its rules as a main source of the administrative regulations.

In the State of Arab cities report, UN-Habitat (2012) has divided the Arab region into four main areas; the western 'Maghreb', eastern 'Mashreq', Gulf Cooperative Council (GCC), and Southern area, where Iraq is particularly counted on the Mashreq zoning and shares the land-tenure characteristics of this area. In this research, the Arabian Eastern Region (AER) includes 5 countries such as Iraq, Palestine, Syria, Lebanon and Jordan (see UN-Habitat, 2012). Therefore, the AMR is selected geographically and socially where Iraq is located, thus, the AMR aspects of LTA presented in this research as a comprehensive reviewing of the theoretical and practical aspects of the LTA in this region (as illustrated in Figure 3.1).

Historically, the social/ cultural, traditional conceptions of ownership and inheritance continue to regulate a large part of the LTA system in the AER. Administration, majority of the systems of LTA has codified by the Ottoman administration within a set of regulations that were derived essentially from the Islamic rules. Also, there is an existence of customary guidelines accepted by the majority of systems. However, many of LTA systems in the Arabian independent countries that were under the Ottoman Empire have been boarded upon modern reforms under the local influences of the

Nationalism and Socialism ideologies. It is therefore an essential that efforts are made to identify the current factors that involve the current strengths/weaknesses influences of the LTA in the AER aspects.

The next section provides a close look on LTA experiences in whole AER systems.

- **LT managements**

In AER systems, official categories are covered by laws under statutory system, ultimately registered in registry institutions. Usually, customary system of tenure is dominated in rural areas, which is suitable for agriculture lands. Public tenures are defined as ‘*Miri*’, and it is according to the interpretation of the Ottoman land law, as well as much of the land defined as ‘*Mawat*’ (not farmed lands), (see Warriner, 1957; Rae, 2002; UN-Habitat, 2012). As seen in previous samples in AMR, (see Figure 3.2), as a religious endowment, the ‘*Waqf*’ is common tenure, but mainly acknowledged to be transferred or sold and registered in the state land. However, the Private tenure’s rights are served under the individual’s right of full ownership of the ‘*Mulk*’. In practice, the same main types of land tenure existed by the ottoman codes are still active in the region countries (see Figure 3.2). The core of land management activities in AMR is carried out by a land administration of interpretation of the Ottoman land law. In this context, the following types of tenure are summarised land tenure managements in this region:

- a. **Private lands** (*Mulk*): this type is to an individual’s right of full ownership of the land;
- b. **State lands** (*Miri* or *Amiri*): this type is used when the ultimate owner is the state forward while the individual’s cultivators have the right to use and benefit from the land often in agricultural use;
- c. **Endemic lands** (*Waqf*): this type of tenure is a religious form within the Islamic regulations of public ownership (e.g. Charitable) purpose;
- d. **Unclaimed lands** (*Mawat*): this type is mainly used for grazing under common property regimes, and occasionally, individuals or tribal groups try to obtain the use of this type with varying results.

As seen in previous samples in AER, the land management activities in the majority of this region are carried out by a land administration agency at the province / state level. FAO (2002) showed that the organisational structure in AER is built within institutional hierarchies, which are consistent with a national level, province and city levels. The province/state is divided into divisions work in the districts. According to Rae (2002) and UN-Habitat (2012) the LTA and supervision authorities in AMR are performed by district directorates at national level, the 'Divisions' are then divided into districts and a '*District*' is sub-divided into sub-offices. In general, local land managements are responsibilities of the provincial governments through their revenue departments and district administration; whereas land management activities are implicated at the local levels (more details in Chapter 4, Figure 4.4).

In this connection, Security of users' tenure rights in AER is usually assured by a multitude of factors; people have always had a very strong spiritual attachment to the land. Traditionally, customary laws still exist with the statutory, especially under the domination of tribal and family conceptions. Despite Arabian Constitutions were inspired by a desire to reform that gave private right of possession and to help the women to own land, a few women do. The system is still not fair with women right influenced by old and rigid regulations of local society's conceptions that trend towards discriminated shares, according to gender (Rae, 2002; FAO, 2002). For example, Women under the customary rules grant less than the inheritance share of men, widows inherit only one-eighth of the deceased spouse property and that inherited land is commonly transfer it to their sons' names only, as a result, daughters inherit half the share of land inherited by sons, and under society's conceptions daughters in rural areas tend to left their inherited land rights to their brothers, especially at marriage (see Coulson, 1964; Nakash, 1994; Wiley, 2004; UN-Habitat, 2005a and 2011). For a variety of reasons, land reform programmes were supportive, but often below expectations under the Islamic/ society pressure and rigidities, inadequate planning systems and mismanagement was dominated in this region system (see Rae, 2002: the Syrian Arab Republic, Jordan, Egypt, and Iraq country profiles). This clearly underlines that massive role of local society's conceptions that influence the tenure rights and then engaged in terms of inequity and gender differences in order to secure the family tenures.

- **Focus on Sub regional Issues in AMR:**

- a. **Syria**

Regarding the legislative managements, there is a significant portion of laws dealt with tenure matters in Syrian civil code, including individual's ownership, acquisition, binding promises to sell property, and possession rights. In this context, land-use planning law was issued in Syria on September 30, 2010, this law repealed Law 14/1974 and applied to areas designated for land-use planning purposes by the various local administrative authorities throughout Syria (see Syria Laws: 14/1974 and 82/2010). With the changes in economic policy, a significant portion of the Civil Code deals with property law matters including a social market economy. Article 790 of the Civil Code was reactivated by Law 1/2015, which reduced a number of restrictions contained in previous Law 11/2008. Also, a certain degree of foreign ownership over property was allowed by Law 11/2008 which replaced Legislative Decree 189/1952 (Syrian Law Journal, 2017). Also, the Syrian law included the property investment issues, for example, law 15/2008 which established the General Commission for Real Estate Development and Investment (GCREDI), to enable both the Syrian native and feigns investors to have the right to invest in the real estate sector. The laws of the landlord and tenant (see Laws 6/2001 and 20/2015) seek to deal with problems that have arisen between landlords and tenants. Further restrictions have been inserted into this Law that seek to protect tenants from eviction (see Syrian Laws: 111/1952 and 6/2001).

However, rapid urbanisation and distorted land markets present a serious problem to the system. Worsening conflicts and putting all the governmental system at risk of being further harmed, peoples' rights are affected. In Syrian case, an estimated 12.5 million of Syria's 22.5 million populations live in urban areas and 32% of them live in informal settlements (ibpus.com, 2013; World Vision Inc., 2016). Land tenure and administration in this region is designed to deal with two broad categories; state land and private land, while the underlying tenure system includes a wider range of customary, Islamic and informal rights. In Syria case, the state land presents a ratio of 62%, but only an estimated 20% of state land is registered in all 14 Governorates (Global Protection Cluster, 2013). Syria is also accommodating refugees from most of the region such as

Palestine, Iraq, Afghanistan, Iran, Sudan and Somalia. In general, elements of distorted land markets in this case are reportedly that many Syrians cannot afford to buy houses in many urban centres. Under the civil war sphere, public administrative records and management systems may be at massive risk of loss, damage or destruction, creating an urgent need over tenure rights.

b. Egypt

The Constitution and Civil code of Egypt recognise three types of ownership of real estate: public, private and cooperative (see Egyptian Civil code, Article 29). Also, private real estate cannot be expropriated except for a public purpose and with payment of fair compensation (see Articles 34 and 35, and Civil Code, Article 805). In this context, the LTA system in Egypt as elsewhere is complexity. Traditionally, the Egyptian system of land tenure included the same main types of land tenure existed in the Arab region. In general, the privately owned land (*Mulik*), community owned land (*Musha*), state-owned but privately operated cropland (*Miri*), and these uncultivated land (*Mawat*) used mainly for grazing under customary rights. Again, these categories of tenure are driven from the Ottoman land codes and mainly registered in the twentieth century. Mohamed Ali authorities in 1820 can be considered the Egypt's period of modernisation. According to Jon Rae (2002) this period sets the nationalising land property and controlling the endowment tenures '*Wagf*' in Egypt. Subsequently, the Egyptian land use rights were granted within a clear system to power base groups in the state. In 1867 & 1884, a set of regulations was adopted by the government, which accepted the cultivation of land as property (see Articles 57 and 874 of 1948 of Egypt's civil law). On the eve of the 1952 revolution, Egyptian ownership of land was heavily controlled by landlords, according to the old system of feudalism particularly in the rural lands. For example, about 0.1 percent of landowners possessed one-fifth of the total lands (Rabenau, 1994; Jon Rae, 2002). The 1952 land reforms aimed to reorganise rural resources, and shift the country from agriculture power to support urban growth. It was argued (see Seyam and El Bilassi, 1995; Alfiky, 2004; Bush, 2002) that the reforms of 1952 were reasonably successful, and users enjoyed the security of tenure and the right of inheritance such as Law No.178, 1952. As part of wider structural adjustment

legislation, land tenure reform continued, regulating the relationship between owners and tenants of agricultural land included the assurance to the tenant against the forced eviction from the house on tenancy land until the government can provide alternative (see Law No. 96 in 1992).

Nevertheless, customary land right types were controlled between the Egyptian clans and tribes. Traditionally, Customary tenure is evolving in response but remains to address some issues such as the clan right to graze their herd on uncultivated communal land, Traditional water rights, orchard planting and other rights for permanent use (see Jon Rae, 2002; USAID, 2005a). With rapidly rising human populations across the country, the Egyptian government had modified their system objective of promoting equitable access to land tenure, towards finding new groupings of alternatives to enhance productivity and better resource management practices. In the socio-economic sphere, the Egyptian LTA system passed the earlier system of feudal tenure to the co-operatives and state organisation promoted the use of modern arrangements. Also, the Egyptian constitution issued that principles of Islamic jurisprudence are occupying a significant place in the legal structure (Constitution of the Arab Republic of Egypt, 2014: Article 2).

Administratively, the Egyptian system of LTA is governed by the three principal government counterparts, the Ministry of Justice, the Ministry of State for Administrative Development, and the Egyptian Survey Authority. The Egyptian registration system of real estate is involving 77 bureaucratic procedures at 31 agencies, within high-ranking government official system (Bush, 2002). However, the field study of the legal framework for property registration in Egypt by USAID (2005a, technical Report No.5; USAID land tenure country profile, 2014) reported a negative note that it is commonly estimated that 90% of Egypt's property is unregistered. Whether this figure is accurate or not, Egypt has two registration systems; the old one is operating in urban area called *Sigueal el-shaksi* (the "Deeds" system), and another was issued in 1964 as *Sigueal el-ainee* (the "Title" system), which has only been implemented in rural areas (see Law 142 of 1964). In general, these systems set up a property-based system in which all matters affecting a particular property are registered. Egyptian law recognizes

the concepts of ownership, which is well-established in Egyptian law (see Civil Code Articles 856 through 869). The Egyptian law also stressed that every person has the right to own property and register it in the registry record. In this connection, the real estate lending has a general framework, which is governed more specifically by the Egyptian real estate finance Law (see Law No. 148 of 2001, Articles 1030 through 1084 of the Egyptian Civil Code). Also, Egyptian law gives users rights to the owner/tenant with the legal ability are formalized and have a strong basis in the Egyptian Civil Code (see Article 1085). The next section provides a closer look at LTA challenges in whole AER systems.

- **Main Challenges in AER**

This context of urban mutation and social/cultural re-composition contributes to the problem of land administration as it could observe above. In this context, the land reform doing has faced a serious slow progress contributing to different aspects such as the Weak legal and institutional frameworks, and a lack of information. For example, till the end of 1999, only 25 percent of Jordan's territory mainly cultivated and populated areas were Cadastred, and only by mid-2002 the desert and other underdeveloped areas were mapped for cadastral purposes (Madanat, 2010). Furthermore, in rural areas land is transferred by informal deeds due people still rely on oral history for identification and use witness's confirmation of identity and enforceability of rights (UN-Habitat, 2012). At the same time, many registration procedures are still long and complicated, involving complex processes for no obvious reason (El Kafrawy, 2012; USAID, 2005a). As the previous discussion showed, live in informal and slum areas is dominated in most capitals of AER, for example, well over 50% of urban inhabitants (70% in Greater Cairo) live in informal neighbourhoods and settlements, where housing is constructed without building permits on land, or in Slum areas, where people live in degraded and precarious housing (Horii, 2011). Furthermore, a complex property registration system is presenting another problem in AER systems. Although the registration of private property is required under the legislative and institutional framework in order to be considered legally owned. Until quite recently, the routine and the bureaucratic and clerical requirements of the property registration system are cumbersome and

complicated, and even passed under different forms of corruption and bribes (USAID, 2005, 2005a and 2014). In this connection, Jon Rae (2002) emphasised that the uncertainties in LTA management and slow reforms are significant barriers to further reform in AER systems. As long as the sphere of wars and ethnic clashes in the most of these countries persists, the authority performance and its administrative roles in LTA will still unacceptable. Conflicts and inter-communal violence are major constraints to develop a tenure security with potentially grave consequences on the users' rights, as refugees often become dependent on subsistence-level assistance in the AMR systems of LTA because of the lack of durable solutions. In the insecurity sphere, this is primarily after the terrorist wave of the *Daesh* (ISIS) in 2014 in the region; a significant Ethnic clashes, violent problem was erupted, thus, millions of householders were forced to lose their land/ rights and also to authorities to control such migrations within such political situations. After the violence in Iraq and Syria, World Vision Inc. (2016) estimates 13.5 million people in Syria need humanitarian assistance, 4.6 million Syrians are refugees, and 6.6 million are displaced within Syria; half are children, and more than 1.4 million people live in camps. While being, the government insecurity and inter-communal violence is also a constitutive factor of the weakness and fragility of the urban mutation in this region, which is working an important role to activate the dislocated millions of people (chapter 4, section 4.4.5).

In general, land authority projects in AER should be encouraged to do urgent steps in their LTA system to improve the registry data systems, establishing fair and transparent procedures that reduce application time and bureaucratic steps, and to present their legal process an attractive to native and foreign investors. This underlines that the reform tendency throughout the region in recent years is a constant and the urgent legal development is required. In fact, the issue of equity and systems sustainability in the AER is so closely linked to the governance gaps and security issues and then the existing level of authority organisational efficiency of the land operation. It is a significant note that legal systems and tenure policies in the AER are also intertwined with the insecurity sphere of global concerning the whole MER such as the terrorist wave (particularly the Islamic terrorism and local ethnic clashes), developing the sense of security and stability in this region will help the authority body of system to gain a

time and chance to re-manage and implement effectively its strategies regarding LTA, confirming people's rights in tenures.

More details about this system are summarised in Table 3.4.

Table 3.4: LTA experiences in the AMR, Middle Eastern country's sample.

Samples	Suitability of system with the users' needs	Satisfaction of stakeholders with the system
<p>The Arab Mashreq region</p>	<ul style="list-style-type: none"> • The land tenure system is rooted in the Islamic-ottoman understanding of land reforms as ultimate bases, which still in effective level within the recent Arabian legal operation. • Tribal traditional regulations and family morals are mostly dominated and shown to be as a main driver of systems. • In this system; a set of Islamic religious and local society, tribal forms were formed the local statutory and customary law of tenure. • Sets of conflicting laws coexist uneasily and may be an administrative problem. • There are slow but continues changes involved in land management. These changes in law and custom have strengthened the women's claim to the right to be involved in land management. • The existing system had experienced a varied arrangements and knowledge through their local and religious conceptions. • The Constitutional system on managing land affairs authorized the state to govern and protect directly the public and private right in accordance with the law. • Fixing the system seems daunting as a result of the sheer number of problems. • Effective reform will require a single-minded vision and cooperation of all relevant agencies. 	<ul style="list-style-type: none"> • Wars and post-war spheres folded refugee crisis and led to increased tenure insecurity for vulnerable groups, who suffer more incidences of property grabbing. • In general, land administration and tenure rights tend to be highly unsecured. • The engagement of private sectors in land/housing markets is experienced, but it was interrupted. • The displacement's crisis still influences on national systems, and there is an urgent need to dispute resolution mechanisms. • The land registration system is stained by bureaucratic procedures and the complexity of procedures. • The official procedures in existing systems are so complicated, which affect the land security; land dispute resolution, land administration processes, and land related market directly or indirectly.

3.4 SUMMARY

This chapter has explored the LTA development within close groups of developing countries in the Middle Eastern region focused on these local samples in AMR and AMR systems. The nominated samples were selected as preventative cases of close region under the similar attitudes, practice, social conditions and these administrative crises in terms of LTA implementation and delivering the user's rights.

An in-depth exploration of concepts, factors, and barriers that indicates theoretical building within this research context is needed. From the literature reviewed in Chapter 2 (see Table 2.3), it can be deducted, that in order for the LTA to be effectively implemented and produce enhanced in the system, the key elements of institutional performance and these critical factors influencing the LTA should be addressed. External factors include political, social and economic key elements, etc. Internal factors are mainly related to the quality and stability situation of the supervised institutions of the host country, reflected by their level of transparency, bureaucracy and corruption. In fact, many of these factors are guided by the concept and elements of tenure such as types, and its administrations local scopes in the host country. The next chapter provides a closer look at LAS and LTA aspects in the Iraqi existing context.

CHAPTER FOUR: LAND TENURE ADMINISTRATIONS AND SECURITY OF TENURE RIGHTS IN THE IRAQI EXISTING CONTEXT

4.1 INTRODUCTION

It has seen from previous chapters that the land authorities in MER and AER were struggling in addressing an effective LTA and then provide the end-users' rights. The Iraqi system is not different. A brief outline of Iraq's legal roots of land tenure is required for any complete discussion of LTA. It was determined in chapter 3 that the LTA is effective, a key institutional & regulatory framework must operate suitable role effectively, comprehensible factors affecting the success, and bring the end-user's satisfaction. These basic criteria are used in this chapter as a cornerstone to attempt to assess the Iraqi recent situations and to evaluate the Iraqi level of development in the LTA aspects. This chapter answers the research objectives (Objective 3) by introducing a background to the Iraqi case- geographical, historical, political, social, religious, and population, and discuss the Iraqi's key institutional & regulatory framework, presenting the administrative authorities of land in order to gain an understanding about its hierarchy structure in this respect. Accordingly, this chapter explores the historical development the Iraqi LTA within four different periods of time starting from the Ottoman period to the present time by focusing on the main legal phases and administrative changes during the implementation of the Iraqi national development.

The discussion progresses to deal with the Iraqi current crisis and its related factors in order to assess the role of ILAs, focusing on their efficiency under the influence of the recent situations.

4.2 THE IRAQI CONTEXT: AN OVERALL OF THE IRAQ

This section provides an introductory background reviewing an overall of the Iraqi case by discussing its geographical, population, historical, political, social, and religious scopes. It also presents the Iraqi's key institutional & regulatory framework of LTA, and introducing the ILAs roles and giving brief details of its administrative development and related stakeholders.

4.2.1 The Iraqi Geographical Location

Iraq is located in the Middle East between the Euphrates and Tigris rivers (in Arabic the *Dijla* and *Furat*), and extended to the Persian Gulf, it covers an area of about 438,446 square kilometres (169,285 square miles), and a coastline which extends for only 58 kilometres (Britannica, 2017). The Iraqi capital is Baghdad; the Iraqi republic is border the Kingdom of Saudi Arabia, the Jordon Kingdom, Syria Arab Republic, Turkish, Iran the Islamic Republic and the State of Kuwait (National geographic, 2012).

In this connection, Figure 4.1 geographically shows the location details of the Iraqi republic.



Figure 4.1: Geographical location details of the Iraqi republic (Britannica, 2017).

4.2.2 A Short History of Iraq

Located in the Middle Eastern region, Iraq is one of the eastern countries of AER; it holds a special distinction in the history of this area, this country became the centre of the ancient Sumerian, Babylonian and Assyrian empires as the Mesopotamia land, and later a heart of the capital of the Islamic empire. In fact, Iraq was at many period of time the most significant commercial and cultural centre in the entire enlightened world.

Nevertheless, Iraq used to be pillaged by the conquerors as in the 12th, 16th, 17th, 18th, 20th, and 21th centuries (Britannica, 2017). In 1638, for example, the Ottoman Turks conquered it, the occupation of Iraq continued till 1917 when it was replaced by the Britain's (Marr, 2012). During the British occupation of Iraq, the Mesopotamian region became known as the Sate of Iraq in 1920. In 1932, Iraq achieved full independence and became a kingdom of monarchical rule, but remained subject to British imperial influence with the British mandate authority (Britannica, 2017). In 1958, Iraq became known as the republic of Iraq. However, during the next quarter century of stormy coups of 1963, 1968 and 1979, the wave of the political instability followed the overthrow of the monarchy in 1958. After U.S. and British forces invaded the country in 2003, regime was toppled in 2003 during the war and the dictatorship collapsed. In fact, after 3 wars and nonstop periods of instability, much evidence indicates that sudden collapse was with potentially grave consequences in the country; a living in insecurity conditions and ethnic conflict are still triggering massive crises in the recent Iraq.

Recently, the chaos of looting and destruction of public records has also increased. Today, after more than one decade, there is continued political and religious tension, unstable political governance with rooted bureaucratic corruption, semi-civil war and constant terrorist attacks. Moreover, the Iraqi refugee crisis still presents a national humanity problem. Unfortunately, these conflicts left the country isolated from the international community and financially and socially exhausted; due to these unstable conditions, the Iraqi's future is unknown.

4.2.3 Language and Religion

Iraq is an Arab country where the official language is Arabic, Kurdish is considered the second language and dominated in the Kurdistan region, and both languages are used officially for the conduct of government affairs. However, English is considered a most important language in Iraq, initially because the deep influence of the British on the establishment the contemporary state of Iraq and the recent ties relationship with Britain after the collapse of the Baath's regime in 2003.

The Iraqi official religion is Islam, which has given its jurisprudence character of the legal system upon which the basic character of the Iraqi society's conceptions is formed. Around 95% of the country's citizens are Shia or Sunni Muslims, sharing the life with a set of local religious minorities such as the Christian, Yezidi, Mandeans, and Jews (Britannica, 2017). According to Worldometers (2016) the largest ethnic groups in Iraq are Arabs and Kurds; however, other ethnic groups include Assyrians, Turkmen, Shabakis, and Yazidis.

4.2.4 Iraqi Population

In 2016, the Iraqi estimated population is 37,547,686 (Arab and Kurdish present the majority), and Baghdad the Iraqi capital city estimated population was 5 million (as estimated by the Iraqi Department of General Census of Population, 2016). Recently, this estimation includes 3 million refugees in Iraq and approximately 2 million refugees in neighbouring countries (as estimated by UNHCR, 2017). In this context, the current population of Iraq is based on the latest estimates, therefore, it is an important to emphasise that the calculated indicators are uncertain because of the absence information in the ground.

However, Iraq ranks number 37 in the list of countries by population, as the population density in Iraq is 87 per km² (224 people per mi²), and around 25,576,081 (about 68.2% of the Iraqi population) is urban (Worldometers, 2016).

The Iraqi population details by 4 decades are given in Table 4.1.

Table 4.1: Population of Iraq (1970-2016). Source: (www.Worldometers.info)

Year	Population	Yearly % Change	Yearly Change	Migrants (net)	Median Age	Fertility Rate	Density (P/Km ²)	Urban Pop %	Urban Population
2016	37,547,686	3.09 %	1,124,291	4,051	19.4	4.58	87	68.1 %	25,576,081
2015	36,423,395	3.37 %	1,111,048	109,700	19	4.64	84	68.2 %	24,847,389
2010	30,868,156	2.7 %	770,089	-91,500	19	4.64	71	69.2 %	21,374,433
2005	27,017,712	2.76 %	688,592	-53,300	19	4.66	62	69.7 %	18,825,977
2000	23,574,751	3.12 %	671,398	-3,600	18	5.19	54	69.2 %	16,302,927
1995	20,217,759	2.95 %	547,861	-30,800	18	5.65	47	69.3 %	14,005,725
1990	17,478,455	2.33 %	380,412	-126,000	17	6.09	40	69.9 %	12,210,719
1985	15,576,396	2.67 %	384,608	-40,000	17	6.35	36	68.8 %	10,711,365
1980	13,653,358	3.16 %	393,755	-9,600	17	6.8	31	65.5 %	8,945,866
1975	11,684,585	3.33 %	353,321	-1,700	17	7.15	27	61.4 %	7,171,849
1970	9,917,982	3.44 %	308,438	-1,400	18	7.4	23	56.2 %	5,569,368

As seen from Table 4.1, Iraqi population in majority is youth and most urbanised, the average growth and number of population in the urban area almost higher than that the number of rural population during the 45 years ago. However, this proportion was slightly changed over this period of time.

4.2.5 Background of the Iraqi Society

The administration of land and users' rights is linked with varied aspects; the society's conceptions are one of them. In this section, the Iraqi Society' structure was identified based on the social background and historical hierarchies:

A. The Iraqi social conceptions

Although the majority of the Iraqi population is urban inhabitants, the influence of the rural and semi-nomadic tribes are still dominated. In this context, the Iraq's system of LTA and users' rights contributed to the rooted elements in the local social and

related religious conceptions. In fact, aspects of LTA in the Iraqi society had evolved over many centuries, influenced and re-managed by various attitudes, including laws of many foreign cultures.

As revealed in Chapter 3, (Subsection 3.2.1), as one of these countries in AER; social/cultural, traditional morals are the key drivers and rooted in Iraq. Up until the end of the nineteenth century, as pastoral nomads, the Iraqi tribes in the rural and semi-urban areas have consisted local unities influenced by local frameworks of a ruling dynasty and tribal clans. Nakash (1994: p. 6) shown that:“... in 1867, 50 percent of the population in southern Iraq were nomads and 41 percent were cultivators, by 1905 this had changed to 19 and 72 percent, respectively”. According to the vast influence of pastoral nomadic tribes in the society of Iraq, in the beginning, the tribes were displaced pastoral nomads living a rural life, and then they were organised within primitive settlements under the form of tribal alliance. In fact, most of the Iraqi cities are established to settle the tribes from the rural areas within a population unity according to the tribal relationships. Al-Nasiriya territory, for example, was established in 1869 during the Ottoman era to settle the *Muntafiq* tribe to live in a tribal city ruled by the clan dynasty of the *Sheikhs* (tribal leaders), and under the Ottoman governor (see Sleglet and Peter, 1983; Al Rashid, 2005; UN-Habitat, 2010). Also, the land ended up registered in the name of the *Muntafiq* tribe’s *Sheikh, Nasir al-Saadun Pasha*, and even the city after him was named according to tribal rules (Nakash, 1994). However, this influence has decreased, and the Iraqi government attempted to impose order by establishing a Governorate system, pointed the Al-Nasiriya city (*An Nāşirīyah*) to be the capital of the *Dhi-Qar* Governorate (more details in Chapter 5).

- **Legal environment**

In practice, the tribal lands are private properties and governed in the name of the tribal sheikh, who was thereby presenting his tribe’s men. According to tribal rules in Iraq, the land ownership, according to tribal attitudes is converted between men only (USAID, 2005; Al-Mahmood, 2014). That means the tribal lands are the ownership of the tribe’s members under the gender rules and namely in the name of the *Sheikh*; and

accordingly, the ownership under the tribal background is a right of men. Additionally, the tribal community membership is generally recognised for all those who have been born in or have married into the same tribe, registered with the tribal societies, and are generally accepted by the community leaders as full members (Stigall, 2008).

As a long history of an unequal distribution of land ownership under traditional ownership's concepts, unfair influences had left females depended for their survival on the male head-family as landowners to present their profitable rights. Under the tribal rules, LTA provided little motivation to improve gender discrimination. Most women in these semi-rural societies were conducted by family's attitudes and related religious aspects that controlled most of life decisions regarding the marriage and the proportion-of the inheritance aspects. Modified by various elements, the tribal background was a working political alliance of clans based on social and religious conceptions in Iraq. Therefore, a social distinction is made, however, between "Gender" participants in community life and those who are simply "male" members. These gender divisions have a full voice in the tribal assembly, and are eligible to be followed to local community rules, and have full access to all community resources like land and water as well as any profits that may be derived from these resources (UN-Habitat, 2010). Also, the community members who are simply females have none of these rights where these rights are translated to their husbands who start having the head family's authority and start participating more actively in tribal society. Building on the previous discussion, it can be said that these applications in the Iraqi tribe's systems of tenure are correlated to the society indicators, as they work as family relationship of groups/clans based on local social and cultural attitudes. The effect, perhaps intended to protect the tribe/family assets, particularly to lands with a system of tenure that was dramatically preferred males. That can mean that the Iraqi land tenure rights are influenced by gender regulations too, since the LTA is designed to response to the society values preferring precisely these possessive rights to be transferred in the name of the family men, thus, women may do not have such rights.

B. Islamic rules (*Shari'a*) influences

It is not surprising; the extent to which land tenure rights are protected in Iraq is difficult to detail because of the diversity of the society and its sects, as well as the lack of reliable data in the current Iraq. Precisely, this research is primarily concerned with the Islamic conceptions to which private property is recognized and secured by the ILAs in Iraq. As shown in the chapter 3, (see Figure 3.2, section 3.2.1), Islamic law is the high degree of reliance on the legal structure, arising in part because of the sophisticated scope of the *Shari'a* rules invented by Islamic society to regulate behaviours and rights, impacting on land tenure concepts, classifications and arrangements within the Islamic world. In this study, the *Shari'a* is considered as a specific religious influence to define how LTA to be allocated within the Iraqi societal aspects.

In fact, the Islamic law is particularly working as the basis for aspects of family relations within the Islamic World. In respect possessions rights, the Qur'an referenced to these rights in various verses such as (2: 205, 2: 220, 4: 2, 4: 5-6, 4: 10, 4: 29, 16: 71, 38: 24, 59: 8), which all had emphasised that tenure rights are conceptions of responsibility enjoyed by men and women respectively (more details in: Arjomand, and Brown, 2013). In this context, the land reclamation is linked to land use under the Islamic rule of the '*Hadith*' saying of the Prophet (Jon, 2002). Thus, Islamic systems of land tenure are designed according to the *Shari'a*. Consequently, the Islamic rules (*Sharia*) have modified their own understanding of the tenure forms in which the ownership is owned and transformed. Payne and Durand-Lasserve (2012) emphasise that in an Islamic tenure system, the tenure of property is categorised into two main forms included within the immobilized and transferred tenures. In an Islamic tenure system, the '*Waqf*' is a form of tenure in which the property ownership is kept by a law for a specific or unlimited period under the authority administration to be used for charity purposes (UN-Habitat, 2005a and 2005b).

In Islamic practices, the tenure can be transformed by selling or buying transactions to be held for the endowment purposes. In fact, what appears to be a voluntary abandonment of ownership is a matter of trusteeship, in which the tenure right is

controlled and used for charitable purpose under the Islamic rules (more application details in subsection 4.4.1).

- **Legal environment**

As an Islamic country, LTA in Iraq in most of its side is ruled and managed its system according to a set of permit forms contributed to the specific religious influences. In several aspects, Islamic land principles and practices in Iraq had a wide range of legislative flexibility to deal with tenures; it included not only the right to use the land, but also benefits from the property, allowed the user to transform his/her tenures using the transaction way or during transform it via the Islamic inheritance form. Precisely, the theory and practice of the Islamic conceptions of land and property rights in ILAs strategies are based on its legal foundations, history and socioeconomic impacts. In this connection, Islamic land Methods preserves the individual's rights via the private tenure. The form of '*Mulik*', for example, is dealing with full possession rights, in which the owner gets benefits from using his/ her property according to the conditions and regulations issued by the authorities concerned. According to Stigall (2008) the current Islamic land regulations were renewed on the Ottoman code that can be provided for the existence of the private land (*Mulk*) as right of full ownership. It argues that, with respect to land rights, the private tenure is largely an important concept in ownership in the hands of individuals/groups under Islamic patterns. For example, UN-Habitat (2005b and 2010a) found that the term of the private ownership of land and property '*Amlak khasa*' is also categorised within forms of '*Mulk*' as well as the shared and communal ownerships. In Islamic laws, tenure rights are divided into three categories; public, state and private. With regard to public land, terms such as '*Mawat*' (dead lands) or the Communal lands (*Musha*), which are a public land that can be converted into private land for a private use by repossession, but in some cases revert back to the state as unused land. In this context, USAID (2005) showed that public and state lands (*Amlak al-dawla*) can be converted to private ownership '*Mulk*' by the state's determination of public interest in the Iraqi system. All these private forms of tenures can be endowed, translated from the individual ownership of public issues under

the close control of the state. Accordingly, the essential characteristics of Islamic tenure relations in Iraq are graphically illustrated in Figure 4.2.

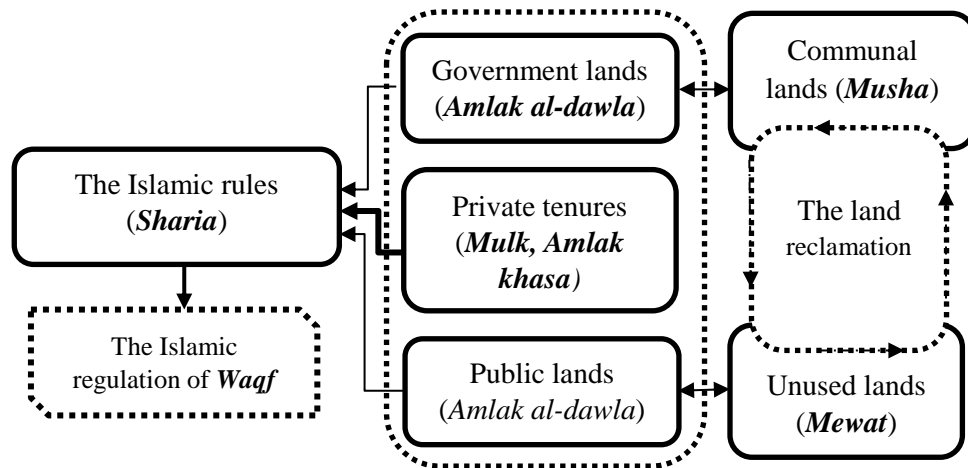


Figure 4.2: LTA interconnections in the Islamic *Shari'a*.

- **Islamic Land Institutions in Iraq**

It is interesting to note that the religious form of land tenure (*Waqf/Awgaf*) or endowed land tenure is occurring when land ownership is translated from the individual ownership to public issues under the control of the state for the religious purposes (Payne, and Durand-Lasserve 2012). Furthermore, this tenure not bought or sold as it is held originally by Islamic religious institutions, much of this endowed land tenure is now under the control of the state as public interest, with the remainder held by Islamic rules ‘*Shar’ia*’ (UN-Habitat, 2005b, 2010a and 2011).

As it is seen in AMR countries, this form of religious tenure in Iraq is held by special systems of authorities within the Iraqi land institutional structures. The Iraqi religious affairs departments of the endowments ‘*Diwan Awgaf*’ were established as a responsibility for all units of worship and endowments (Shrines and mosques) in Iraq, for the sects of Muslims such as *Shiate* and *Sunni* and other religions, such as Jews, Christians, and Yazidis. According to the Iraqi Ministry of *Awgaf* and religious affairs (2016) the Iraqi Islamic endowment affairs were appointed according to Governing

Council Resolution (No. 68 in 2003), and have a lot of architectural plans for the maintenance and development. In general, the Islamic institutions of endowed lands in Iraq contain the institutional units as listed in the Iraqi Ministry of *Awqaf* and Religious Affairs website (2016):

- a) Endowments of provinces;
- b) Endowments of Baghdad;
- c) *Awqaf* of shrines affairs;
- d) College of the Great Imam in Baghdad;
- e) *Zakat*: charity fund management department;
- f) Authority management and investment, Islamic Endowment funds;
- g) Department of Islamic and charitable institutions;
- h) *Hajj* Affairs Department;
- i) Circle ceremonies and Islamic religious events.

These Iraqi Endowment Affairs can be considered as part of authorities in LTA, they are involved in religious institutions, according to the Islamic two main branches/schools. The Iraqi *Sunni* endowment affairs are financially and administratively independent institutions manage and monitor the Sunni shrines and mosques in Iraq. It was established after the invasion of Iraq in 2003, due to the abolition of the Iraqi Ministry of “*Awqaf*” and religious affairs, by the Council Presidency and on the basis of Governing Council Resolution (No. 68 in 2003). On the other side, the Iraq's *Shiites* make up the majority of the population of this country were estimated at between (60-65) percent of Iraq's population, and most of them Arabs and Turkmen with a minority of the Kurds and the Shabak (see Marr, 2012; UN-Habitat, 2005b and 2010a). According to the Governing Council Resolution (No. 68 in 2003), the *Shiite* endowment affairs was established after the fall of the Iraqi regime in 2003, in responsible for the *Shiite* mosques and shrines throughout Iraq. The responsibility of the Shiite endowments expanded to include administrative matters, and engineering reconstruction and maintenance of places for all *Shiite* worship units ‘*Awqaf*’ in Iraq (USAID, 2005).

It was seen from the previous discussion in chapter 3 that some of the land rights regulations are limited to the Islamic communities only. In the Iraqi case, it should be

acknowledged that Islamic land laws '*Shari'a*' has a vital, dynamic existing with active, systematic evolution in the deep background in the ownership's concepts. Since land tenure rights under the *Shari'a* had established its own laws based essentially in specific administrations, and can activate the security of tenure across Iraq. Therefore, the main conclusion of this short review is that Islamic land institutions have a vital and deep dynamic existence and share adequate provisions supporting the land administrations rights in Iraq. This responsibility could only be succeeded by a set of rules and managements. In this context, having appropriate systems in LTA in contemporary sustaining approach, the local social and religious conceptions in Iraq have their close relationships with land in most part of tenure aspects.

4.2.6 The Iraqi Administrative Governments' Structure

According to the Iraqi interim constitution, issued in March 2004, the Iraqi government is a democratic republic with the federal government which is composed of the Iraqi executive, legislative, and judicial branches, as well as numerous independent commissions (Worldometers, 2016). Also, the Iraqi interim constitution (2004) showed that the Iraqi federal government is composed of separate administrative branches, which can be summarised as follow:

- **The National Assembly;** which is a unicameral legislature with 275 elected members. The Assembly represents the executive branch of the Iraqi federal government and has the right to veto laws passed by the two-thirds majority vote. The Assembly also elected a President of State of Iraq. As the Assembly has a right to remove the Prime Minister with a vote of no confidence;
- **The Presidency Council;** the President of the State and two deputies are appointed by the elected National Assembly;
- **Council of Ministers;** it is composed of the Prime Minister as head of government and his cabinet. The government's head is the Prime Minister and his cabinet exercise most of the government, including control over the armed forces;

- **The Supreme Court;** it is an independent judicial body which is being appointed by the Federal Government and has nine members and possesses the ability to overturn legislation it finds unconstitutional.

The Iraqi Federal Government also establishes several "National Commissions" to investigate and address recent concerns such as human rights and war crimes. However, the Iraqi interim constitution addressed Islamic rules (*Sharia*) in its concerns, emphasizes that: *“Islam is the official religion of the State and is to be considered a source of legislation.....Any legal provision that conflicts with this Law is null and void”* (Constitution of Iraq, 2004: articles 2). The Iraqi interim constitution lauded the constitution's guarantees of fundamental rights, the right to citizenship is detailed and prominent within the chapter on fundamental rights and govern who is and isn't a citizen.

Also, it contains further, that right to private property is protected and guaranteed the right to buy/sell the property in any part in Iraq and rejected the former racist policy. For example, article 15/section 2 [Public Property section] emphasised that: *“Public ownership and properties of the Public Sector are inviolable.....The State and all People are responsible for safeguarding, securing, and protecting it... Any sabotage to it or aggression against it, is considered as sabotage and aggression against the entity of the Society”* (Constitution of Iraq, 2004). Also, it is inadmissible to prevent the citizen from the Private ownership, except in cases laid down by the law. Article 16 section 2/ ownership, private property, stresses that the private ownership and economic individual liberty are social functions, right guaranteed according to the law within the objectives of the State plan. Therefore, it is prohibited to exercise any activity against the objectives of the private ownership, stipulated in the Iraqi constitution.

From the above, it is clear that the Iraqi federal government, like governments in many countries in this region, has realized the important role of the executive, legislative institutions in LAS development by which the LTA and security of its human rights are enabled.

4.3 THE IRAQI LAND AUTHORITIES (ILAs)

The governance of tenure is a way of enhancing the peoples' rights in land and property. In Iraq, the administration of land tenure is managed and monitoring of key groups of institutional structures which are financially and administratively governing the Iraqi land system. In this context, the Iraqi Ministry of Planning (2017) listed the following national and local body boards as the ILAs structure:

- **Ministry of Justice (MoJ):** the Iraqi Ministry of Justice is one of the ILAs structures that formed early in Iraq, (Constitution of Iraq, 1924). In 2003, this national agency has been reformed by the Coalition Provisional Authority (law No. 35 in 2003), and according to the Ministry of Justice Law (No. 18 of the year 2005); the ministry has emerged a new institution holds the judicial activities of the Iraqi Supreme judicial Council and the rest of the activities of the judicial competence and the Iraqi corrections department (MoJ website, 2017). In this context, the Iraqi General Directorate of Land Registry and Cadastre (GDLRC), the Iraqi Real Estate Registration Departments (RERDs), and Land Registry and Cadastre Offices (LRCOs) are carried out and directly supervised by the experienced authority of this ministry (see Section 4.3.1);
- **Ministry of Housing & Construction (MoH&C):** the Iraqi Ministry of Housing & Construction is the Iraqi national housing authority which links with local government units at the provincial level to implement housing programs. According to MoH&C laws (decision 39, 2001); the Iraqi government has tended to develop national housing office to represent the MoH&C in the private housing sector activities and tasks and cooperation with the Iraqi Federal Bank of Housing and Construction (FBoH&C). In general, this national government agency is responsible for the implementation of the national housing plans, and the general budget of the state in relation to public building sector projects;
- **Ministry of Agriculture (MoA):** It has been established to achieve the objectives of the best investment for agricultural land and the stability of agricultural tenure aspects. The Iraqi ministry of Agriculture was established by

the agrarian reform law, No. 30 of 1958, and the organizational structure of the Ministry law, No. 182 of 1979, which is issued under the Iraqi Law No. 6 of 1979 (MoA website, 2017). In general, the Ministry merged several departments to supervise the application of agricultural legislation for the various activities related to the rural land development in the organization of farm ownership, farmlands transactions and to manage patterns of agricultural possession rights;

- **Ministry of Municipalities & Public Works (MoM&PW):** the Iraqi ministry of municipalities & public works is the key in making national policy regarding all municipal aspects. This ministry was established by the Iraqi law of municipalities (No. 44 for the year 1935) with duties constituted to the basic designs of city facilities (Ministry website, 2017). As part of the formation of the MoM&PW, the General Directorate of Urban Planning (GDoUP) holds the Ministry tasks and duties at the Iraqi local level of (see law No. 2, 2007; law No.19, 2009). In practice, the group is supervised directly on the performance of urban development plans across the linkages branches of urban planning bodies in provinces levels, such as the Physical Planning Committee (PPC) and Municipalities Offices (MOs);
- **The Physical Planning Commission (PPC):** As a local agency at the province level, the PPC is working for implementation national policies under the control of GDoUP which is arranging its role from the national level (see the Iraqi resolution No. 31 for the year 1948; law No.19, 2009). Thus, the PPC is a local division of the MoM&PW, supervised by GDoUP at the province level working as the urban land use regulatory board via the local MOs. Its duty is to supervise and monitor the implementation of local developments at the provinces/city councils, and coordination with MOs at the neighbourhood's levels;
- **Land Registry and Cadastre Offices (LRCOs):** As mentioned above, this agency is the local government department of the Iraqi General Directorate of Land Registry and Cadastre (GDLRC). According to the Iraqi law of the real estate registration (No. 59 of 1958, law No. 43 of 1971); the Iraqi LRCOs work in cooperation with the competent authorities to organize and coordinate the land

registry services according to a regulatory scheme certified by the experienced authorities of the MoJ. Therefore, the LRCOs work under control of MoJ via the GDLRC, and District Directorate of Land Registry and Cadastre (DDLRC) to LTA implementation inside the boundaries of the city's master plan, and the surrounding areas.

In general, the ILAs structure can be used as a powerful tool to draw conclusions on their implications for LTA aspects in Iraq. The institutional framework of ILAs shows varied levels and functions. There is currently a set of spatial planning, implementing and monitoring agencies playing various roles in the Iraqi land tenure development. At the national ministerial level where National policies are planned, there are four ministries: MoA, MoJ, MoH&C, and MoM&PW, all are representing the ILAs strategies at the Iraqi national sectors; hence the ILAs are conventionally combined from interconnected groups of General Directorates in Baghdad, the capital. At the local agency level, the PPC and LRCOs, are embedded the land authority where LTA is implicated at the Iraqi local levels; the province & city. The interconnection of ILAs structure is graphically illustrated in Figure 4.3.

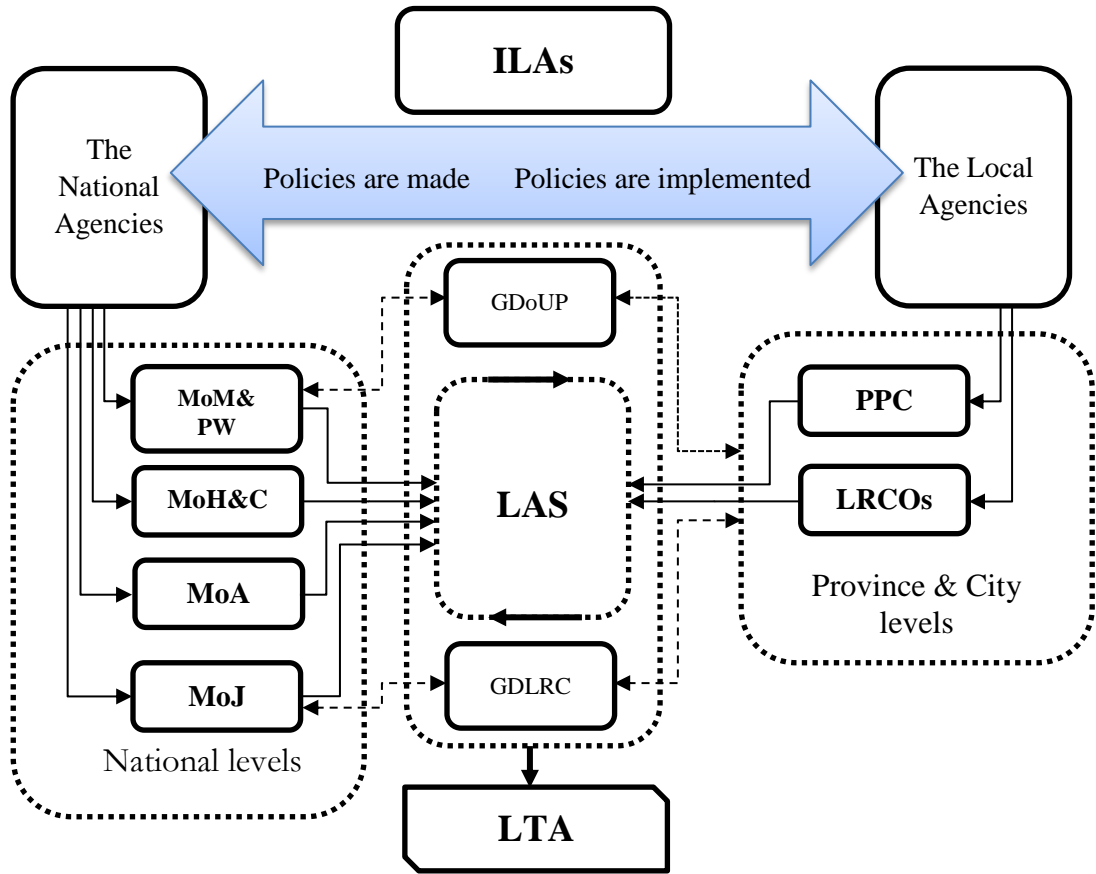


Figure 4.3: Overview of the ILA's Structure

In the Figure (4.3), the institutional framework within the ILAs' structure in Iraq is captured graphically. It is seen that the ministries are these main units at national level, of the ILAs' structure since the local boards are hierarchy lower and under their responsibility. Briefly, ILA's hierarchy is a fundamental driver and enabler of LAS strategies, offering significant levels of the support financially and administratively in Iraq. Also, there are a number of Iraqi key stakeholders involved in 6 agencies of ILAs, as the principal mechanism to promote effective LAS in ILAs, leading to LTA and security of tenure rights. The figure displayed that ILA's organisational structure has realistic action hierarchies to implement its plans at both national and local levels. In this connection, the essential feature of the ILA's structure is the land institutional hierarchies, as these Ministerial and Provincial agencies seek to provide the elements of a secure environment for the operational performance of the system, producing LTA and

end-user's rights. The next section provides a closer look at the Iraqi land registry and Cadastre system showing its responsibilities and the organizational structure.

4.3.1 Iraqi Land Registry and Cadastre System

According to Al-Mahmood (2014), 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 (see Table 4.2).

- **Legal environment**

The basic objective of the Iraqi Land Registry and Cadastre (LRC) system is to ensure a legal protection and to preserve the rights of people regarding the real estate. According to the Iraqi land registry law (No. 43, Art.2, Chapter 2, 1971), the Iraqi LRC was constituted to register real estate dispositions and deal with the verdict contained on the property rights regarding the transaction activities and transfer of those rights to the others. Similarly, this law emphasis that the legal dispose of real estate is not held up, but in case it was listed in LRC (Arc.3, Chapter 2). The legal body of the Iraqi Land Registry and Cadastre (LRC) system is the Iraqi Ministry of Justice (MoJ), and the legal base was established since the beginning of the national government in Iraq which was known as the committee of 'Amiri' property. In 1927, it was linked to the Ministry of Agriculture and Irrigation, under Article II of the Law No. (40), and then was transferred to the Finance Ministry under Law No. 4 of 1930 under the new name of the Directorate of property and public lands 'Amiri', and to become one of the four general departments that make up the Ministry of Finance, and in the 1970s the registration of real estates are based on a plan identified in the article (12) of the Ministry of Justice law (No. 36 of 1971). By 1974, 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. 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. According to the Iraqi Ministry of Justice (2017) the Iraqi laws of assets registration in the land registry were varied, such as laws (No. 59/1955), (64/1959), (165/ 1964), Governorates Law (159/1969), and law (43/1971), effectively supporting and administering an asset registration, these additional laws had also provided for local incomes including a real estate tax. In 1980s, ministerial reports also showed that an extension amendment to the Iraqi LRC system was delivered (Amendment 182, law No. 31/1982). In practice, the ILAs issued a set of legal managements for registration of real estate and all provided additional procedures and gave additional protection to the end-users' rights. In practice, the responsibilities dedicated to the Iraqi GDLRC are carried out by the Land Registry and Cadastre Offices (LRCOs) in local level (see Figure 4.3).

Today, according to the Iraqi ministry of justice (2017) there are 18 land registry and cadastral directorates, and 130 cadastral sub-offices in Iraq. The administration and supervision structures of LRCOs system are performed by district directorates at national level, (Figure 4.4).

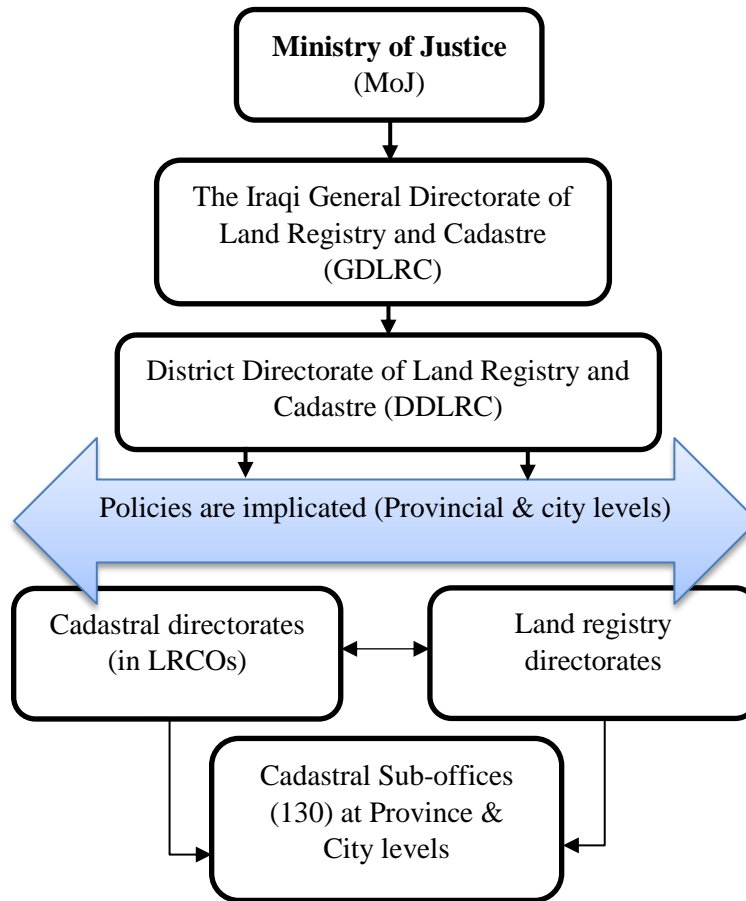


Figure 4.4: Organizational structure of Iraqi land registry and cadastre system.

As shown in Figure 4.4, the organisational structure of the Iraqi LRCOs System is built within institutional hierarchies which are consistent with a national level, province and city levels. In general, all land registration and cadastral agencies are carried out under the Iraqi General Directorate of Land Registry and Cadastre (GDLRC) which linked directly to the Iraqi Ministry of Justice (MoJ). In practice, data of land registry and Cadastre offices are carried out under the coordination of the same institution; the District Directorate of Land Registry and Cadastre (DDLRC) where the LRC policies are implicated at the local levels; the province & city. On the other hand, the instable government and insecurity situations that the ILAs face during this period have caused a problematic sphere throughout the country against the efficient performance of LRCO system.

However, because of the current problems there is need for evaluating the current efficiency of the system and find those problematic factors in Iraqi case. In this connection, chapters 7 and 8 are built to deal with these issues.

4.3.2 How the Iraqi Land Registration System Works

The basic objective of the managements and registration of real estate is to ensure legal protection for the real estate and install the rights according to the foundations of a solid provide it with stability, and preserved. In general, according to the Iraqi Ministry of Municipalities reports (see Al-Waqaa No. 1995 on 10/05, 1971), the Iraqi real estate registration law was passed in 1971 under the Act number (43) of 1971, and deemed effectively after the passage of one year from the date of publication. As stipulated in Article (234); the law has authorized the formation of audit bodies in each directorate in ILAs to register the real estate and thus check transactions in all sub-districts in order to facilitate the procedures for the completion of real estate transactions.

As seen in the previous discussion, the ownership is issued in REROs according to the Iraqi real estate registration law, which provides the ownership document called the permanent Title Deed Documents (TDDs). In general, the owner held his/her title document as the proof of the official ownership, which listed a copy of the original in the REROs official registry record-book documents.

- **Transferring the Ownership of Real Estate Property**

As mentioned in this chapter, the transferring the ownership of real estate property in Iraq is achieved by the Title Deed Document (TDD) in REROs and its registry. However, this process is issued according to different types of ownership transfers in Iraq. According to the MoJ (2016), there are two types incorporate the following: transfer between individuals, and transfer between individuals and a governmental body or between two governmental bodies.

In general, transferring ownership 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 (USAID, 2005).

▪ **The Sell-Buy Process in Iraq**

The procedure for buying real estate in Iraq is done in the LRCOs according to the Iraqi real estate registration law, (see Figure 4.3). In practice, 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 (USAID, 2005), see Figure 4.5.

The document is a form for real estate registration in Iraq. It includes the following sections and fields:

- Header:** Iraq Republic (جمهورية العراق) and Ministry of Justice (وزارة العدل).
- Registration Details:**
 - Registration Number (رقم التسجيل): ٢٥٥
 - Date (التاريخ): ١٠ / ١١ / ٢٠١٦
 - Volume Number (رقم المجلد): ٥٧
 - Volume Date (تاريخ المجلد): ١٠ / ١١ / ٢٠١٦
- Property Details:**
 - Address (العنوان): بغداد / حيّ ربيعة
 - Plot Number (رقم القطعة): ١١٠
 - Block Name (اسم الحلة): ١١٠
 - Block Number (رقم الحلة): ٢٠٨٥١٥٨
- Registration Fees:**
 - Registration Fee (مصاريف التسجيل): ٥٠٠٠
 - Stamp Fee (مصاريف الختم): ٥٠٠٠
 - Other Fees (مصاريف أخرى): ٥٠٠٠
- Signatures:**
 - Buyer (المشتري): [Signature]
 - Seller (المبيع): [Signature]
 - Notary (مدير دائرة التسجيل العقاري): [Signature]

Figure 4.5: A real copy of the Title Deed Document (TDD) in the Iraqi LRCOs, issued in 2016

In fact, the process is complex and usually spends a long time checking ID cards and the real estate files in multiple agencies to proof that it belongs to the seller and there is no taxation remained on it as the process cannot take place if the real estate is under any legal restriction (i.e., Inheritance, mortgage, foreclosure, etc.), and all the related documents must be examined accurately. If all of the above information is verified to be correct, the process continues. However, the LRCOs process is intentionally complex and most of processes need to boring stages with agreements take place at the national agencies to be verified such as the MoJ, the General Civil Affairs & Nationality Department (GCAND) in the ministry of interior, and the tax departments, which forwards the application to verify its identities, as the current system still depends on old patterns of administrative routine since the existing registry records in the current system rarely uses a digital registry system, and usually RERO record copies stored in unsuitable conditions (see Figure 4.6).



Figure 4.6: An existing registry record in Al-Nassiriya city (Al-Nassiriya website, 2012)

After the permanent TDD is issued, the title contains personal information, including all of transaction details and these related conditions, and a photo of the map must be included. It is submitted to the LRCOs to be examined for the next field checking of the related real estate location, if it is verified to be correct, the process continues. 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, (see Figure 4.3).

▪ **Real Estate Finance in Iraq**

The Iraqi system of LA offers types of loans (i.e., mortgaged) usually specified in Iraqi dinar and supported by official banks. According to Iraqi ministry of Justice (Iraqi Gazette, 2004) the system offers loans for industrial, agricultural, commercial, and tourism projects. In this connection, the system provides a diversity of a mortgage bank and housing loans such as follows:

1. A loan to build housing units;
2. Add construction loan;
3. A loan to buy an apartment of investment complexes.

Also, a variety of documents and endorsements required to be submitted were summarised by the Iraqi Real Estate Bank for loans for housing in 2016 (see MoH&C website, 2016) as follows:

1. **Iraqi nationality certificates:** the identity and residence cards or endorsement of the municipal council, and users' photograph;
2. **Property certified map:** certified by the concerned authority;
3. **The loan application:** loan form signed and thumbprint by the applicant with two recent personal photographs;
4. **Guarantor:** a sponsor who has at least half of the total salary for the value of the monthly premium;
5. **Building License:** signed by an engineering consultant office.

Previously, the mortgages in Iraq were provided to buy and sell properties from the existing housing stock, but the current basis for loans became distributed to carry out a project of improvement only (World Bank, 2012; MoH&C, 2016). However, the Iraqi banks' policies were changed after 2003 events and the widespread occurrence of forged documents, according to USAID (2005) the Iraqi banks no longer accept any guarantee except that of real estate, in which the property covers the loans.

- **The appraisal process**

According to MoH&C (2016) the Iraqi bank's policies offer 4 to 5 year mortgages able to be extended under the granted request of a relevant committee, which usually consists of the bank manager and an employee from the LRCOs. In general, the borrower has to complete an application form at the bank that incorporates personal information according to official documents, and he/she should also provide the real estate ownership document. Due to the current state of affairs in Iraq, the widespread occurrence of forged documents, bank policies check the application and all related documents, sending a reliable employee to the LRCOs to ensure the originality. After certifying the documents, the bank's record keeps copies of these documents, while the borrower retains his/her Bank contract copy. According to USAID (2005) the registration documents are amended at the LRCOs, showing that the property is mortgaged to the related bank. This form usually indicates the amount of the loan, the rate of interest, and the related the duration, adopted by the bank. In some cases the borrower fails to pay back the loan repayment on time, the current system gave the bank the authority right to sell the mortgaged real estate after sending the borrower a notification.

4.4 THE IRAQI HISTORICAL BACKGROUND OF LTA

The historical development of LTA has been influenced by the rapid transformation of systems in political, social, and external spheres that can be traced during the contemporary history of Iraq. In order to assess the development the LTA, this section focuses on the Iraqi LTA historical shifts which were classified in this research within four periods according to historical hierarchies and to the existing LTA forms in Iraq:

4.4.1 The Ottoman land reforms in Iraq

The Ottoman Turks period started with the occupation of Iraq in the sixteenth century, particularly in 1534 (Britannica, 2017). During the Ottoman period, most of the lands were owned by a feudal system, by the powerful families of tribal lords known as ‘*Sheikhs*’, in practice (USAID, 2005; Stigall, 2008; Thabit, 2014). In Iraq, Ottomans understood that the Iraqi tribal authority was basically dominated in the rural and peasant regions in Iraq where the agrarian lands were. The influential role of the tribe as the chief political-military units were already well known to the Ottomans to deal as an influential authority, in fact, the Ottoman authority was trying to arrange the lands in order to collect the taxations (UN-Habitat, 2005).

According to Stigall (2008), the majority of land was held by the feudal tribal landowners, many of whom were tribal leaders “*Sheikhs*”, and practically the land was held by the Social-economic codes, which combined to support the right of *Sheikhs* within an individual landholding. In 1869, however, the Ottoman appointed governor of Baghdad set out to modernize the Iraqi land system on the Western model. The primary objectives of Ottoman's reforms were called the ‘*Tanzimat*’: Laws/regulations, in which a set of land laws (Ottoman codes) was issued to improve provincial administration, that included elected municipal councils in the major cities staffed largely by Iraqi notables, which helped a group of Iraqis gain administrative experience in the existing system (Thabit, 2014).

In practice, the Ottoman land authority in the Iraqi case tried to control the land tenure to extend the Ottoman authority into the countryside, for example, the most important element of land reform was the initial form of land title document named ‘TAPU’, which was issued by the Ottoman authority as a legal source of ownership in 1858 (Roberto et al., 2012). Beginning with the ‘*Tanzimat*’ reforms in 1869, the main step in this land reform was happening in the southern region of Iraq, by attempting to settle the tribes, which was successfully helped to resettle the small hamlets inhabited solely by tribesmen who were scattered throughout the cultivated areas. New cities such as Al-Nassiriya city in the southern region of Iraq was a fruit of this provincial administration in 1869 (Nakash, 1994). However, the main reform of the land in Iraq

within this period can be identified in the main classification of land. Based on the Ottoman land code of 1858 (TUTE in 1927: Art.1.p.5), the Ottoman land law recognized four basic categories:

- 1) ‘**Mamloukah or Mulk**’: a land which is held in an absolute private ownership, this land is governed by the provisions of the Land Code;
- 2) ‘**Miri or Amiriya**’: lands owned by state on which the state has a full control to grant/ retains the rights to use and benefit from it;
- 3) ‘**Matruka**’: the land reserved for public purpose, such as roads and river banks etc.;
- 4) ‘**Wagf**’: the private land which is held in trust for religious such as mosques and shrines or for charitable purposes such as schools and libraries, this land is governed by the general Sharia law.

Furthermore, according to the land codes (TUTE in 1927: Art. 2, Note 6: p. 5), these lands are divided into three sub-categories:

- 1) ‘**Miri-tapu**’: lands held in permanent tenure by the state with the holder able to sell, mortgage or will his right to this land to others;
- 2) ‘**Miri-lazma**’: lands similar in tenure to the ‘*Miri-TAPU*’ land, except the state may veto any transferals;
- 3) ‘**Miri-sirf**’: land which belongs absolutely to the state and under its effective right of disposal.

In fact, the land title deed, TAPU, was used by the Ottoman as a legal source that provides individual rights regarding tenures, but it was issued for tax purpose due to the most of the land ownerships in Iraq were owned by benefit of the Ottoman state and related tribal feudalist landlords. Despite its relatively attitude to break down the traditional influence of tribes, this law form of the ‘TAPU’ was not designed to replace the feudal system of land holding, instead the Ottoman land title deed had issued to collect taxes more effectively by encouraging the tribal land lords to settle, giving them a stake of registered land, which legally enabled them to become large landowners.

However, Roberto (2012) states that further TAPU grants were issued and banned after 1881, and the Ottomans made numerous attempts over the next thirty years to repossess the lands. Although the secular legal regulations have held power in modern Iraq, the Iraqi land laws and regulations are rooted and still depend on the Ottoman legal codes in the civil code rather than the modern sense (see USAID, 2005; UN-Habitat, 2010b). In this context, the religious law still applied to a large area of civil transactions, such as inheritance, succession wills, marriage and divorce, and the administration of religious foundations.

In addition to the 'TAPU', the Ottoman land codes included a diversity of laws such as the law of disposition of immovable property, the law of succession to immovable property, and the first legal steps of the land dispute form, and many other civil codes scattered throughout the code of civil procedure and the land commercial aspects of the recent Iraqi system (see Sleglet and Peter, 1983; Stigall, 2008).

Within this period, the Iraqi land tenure system was slightly changed while most of the land regulations were still influenced by the old policy of the Feudalism and the Tribalism. Furthermore, even the current time, Iraqi land laws are largely comprised of numerous Ottoman legal codes and these related terms used for LT aspects, which were translated into Arabic, this continuous using of Ottoman land terms, can be understood as an indicator of the current influence on the Iraqi LTA.

The brief outline of Iraq's legal roots of lands from the Ottoman era is listed in Table 4.2.

Table 4.2: The Ottoman main land reforms in Iraq

Land Type	System Name	Legal frameworks
•Privately held lands.	• “ <i>Mulik</i> ” Ownership rights gained in the system through TAPU, as a legal source that provides individual rights.	▪ Ottoman land rights code/law; Declaration No. 24, which was given in 1910.
•Common lands /Public Land but owned by Ottoman State.	• (<i>Ameriya/ Miri</i>) Public lands; a form of Communal lands directly under the State control.	▪ Ottoman land law issued in 1858 (added to the Iraqi Constitution of 1925, Article 113). ▪ Ottoman Land Rights law; Declaration No. 15 (effective in Iraq at December 18, 1918). ▪ Land rights law, Article 10; the Ottoman land system established about 1890.
•Endowed lands.	• (<i>Waqf</i>): a religious form of Endowments of lands/properties as in Holy Shrine, mosques and other Islamic related properties.	▪ Ottoman land code/ LT laws derived from the Islamic rules of endowment. ▪ Islamic land institutions of “ <i>Awqaf</i> ” affairs in Iraq, (Recently effective by the Ministry of “ <i>Awqaf</i> ” and religious affairs; No. 68 in 2003).
<p><i>During the Ottoman period, most of the Iraqi lands were owned by a feudal system, by the powerful families of tribal lords known as ‘Sheikhs’.</i></p>		

4.4.2 The British Mandate and the Iraqi Kingdom era

By the beginning of the twentieth century, on capturing Baghdad in March 1917, Iraq became under the British control, which its authority was extended to all the Iraqi provinces (in Arabic the *Wilayaht* and later as *Muhafazat*). Accordingly, under Article 22 of the League of Nations Covenant at the 1919 in Paris Peace Conference, Iraq was formally made under the British Mandate and answering to the supreme authority of the high commissioner, and then Prince Faisal was later to become modern Iraq's first king, in 1921, that monarch which to continue until the 1958 revolution (Zuhair, 1953; Thabit, 2014; Britannica, 2017). In fact, the British was challenged with Iraq's old problems of lands, such as feudalism and tribalism issues, tribes’ territories clashes, and tribal landlords protect *Shaikhs*’ interests for grants of land in the Ottoman era.

The most striking point was that the British authority tried to solve all these problems by using these rigid tools to control the nationalist feeling in Iraq; the evidence showed that the British governed Iraq with the kind of administration that had characterized the British rule in India. Zuhair (1953) and Warriner (1954), for example, have echoed that achievement and emphasis that during the early period of the British occupation in 1914, some 80 percent of the Iraqi semi-urban lands were “*Miri*” directly under the State control, as a small fraction was controlled by TAPU form. According to USAID (2005) and Batatu (2004) that between April 1918 and October 1920 the British policy was built to encourage the feudalism and tribalism attitudes in Iraqi rural and semi-urban areas by supporting the feudalist landlords and increasing their lands over the food-producing flatlands of the Tigris and the Euphrates rivers. Franze´n (2009) mentioned this point by saying that the British authority gave feudalist landlords vast legal and taxation powers that effectively transformed them into feudal landlords. However, land distribution within the old policy of feudalism was encouraged by British policy, while the religious forms of land ownerships such as the ‘*Wagf*’ were kept from the Ottoman period (Stigall, 2008; Thabit, 2014). Thus, despite the widely felt bitterness; the British land administration was largely effective. In practice, the British authority on the Iraqi land issues realized the importance and driver roles of tribal leaders ‘*Sheikhs*’, and effectively used this tool for its political aims.

Nevertheless, during the British Mandate period, types of land regulations were achieved through new rights of land use and benefits, for example, according to Shaikley (2013) a wide range of fixed term of land right uses has listed in the system. However, after 1920, the Kingdom of Iraq began for the first time to play a real role in LAS. For example, Franze´n (2009) stated also that by the TAPU law (No. 727/1929) the old document known as the TAPU was issued an Arabic translation. During the British Mandate, the Ottoman form of land Ownership title deeds ‘TAPU’ was ordered to be examined by registry institutions. That ownership examination led in 1920 to the establishment of the LRCOs in Iraq, which was issued under the Declaration No. 24 /1920, one year before the establishing the Iraqi kingdom (see Zuhair, 1953; USAID, 2005; Al Rashid, 2005). During the Iraqi kingdom, Iraqi authority of lands mixed into

its legal culture many elements of the continental civil law tradition with the enactment of its modern civil code such as in the laws of 1932 and 1938 (Abdul Rauf, 2015).

In practice, within this short period (1917 to 1930), the Iraqi LTA was slightly changed while most of the land regulations were still influenced by the old rigid policy of feudalism and tribalism, however, the only an administrative change in the Iraqi land system was focused on development of the tenure deed titles and that has been interpreted by the establishing the Real Estate Registration Offices (REROs) in a first step to establish the LRCOs in the ILAs at the Iraqi national authorities structure. The brief outline of Iraq's LAS and its managements and practices from the British Mandate period and the Iraqi kingdom era is listed in Table 4.3.

Table 4.3: Main land reforms in Iraq during the British Mandate & the Iraqi kingdom era

Land type	System	Legal frameworks
<ul style="list-style-type: none"> Privately held land. 	<ul style="list-style-type: none"> ^(a) Individual's rights gained through TAPU in RER offices. 	<ul style="list-style-type: none"> The Real Estate Registration Offices (REROs) Declaration No. 24 (given in 1920). Land Rights Conciliation Law No. 50 (1932), which was then replaced by Law No. 29 (1938).
<ul style="list-style-type: none"> Common lands /Public Land but owned by State land. 	<ul style="list-style-type: none"> (<i>Ameriya /Miri</i>) Public lands; a form of Communal lands under the State control of the system. 	<ul style="list-style-type: none"> Declaration No. 15 (given in December 18, 1918). Law of No. 34 of 1936, replaced by the Law No. (38, year 1958): the sale and rental of property owned by the Government. Under form of <i>Alezma</i> ^(b) Law No. 51 in 1932, which was later replaced by the law of <i>Alezma</i> rights in <i>Ameriya</i> lands No. 153, year 1959.
<ul style="list-style-type: none"> Endowed lands. 	<ul style="list-style-type: none"> <i>Waqf</i>; the oldest form of religious endowments. 	<ul style="list-style-type: none"> Ottoman Land Laws under the Islamic <i>sharia</i>, as no clear change was issued.
<p>(a) -That ownership examination led to the establishment of the Real Estate Registration (RER) system in Iraq.</p> <p>(b) - 'Alezma' is an old Ottoman system established about 1890; It is based on the idea of reclamation of a plot of land, which is a public estate, by cultivating it.</p> <p>During this period, the Feudal system was supported by British authority, in order to gain the powerful families of tribal lords 'Sheikhs'.</p>		

4.4.3 The Independence Periods:

A. Socialism influences and Agrarian Reforms

At the end of the Iraqi monarchy in 1958 by the *Qasim's* military coup and establishing the Iraqi republic state, a new era in the Iraq's institutional administration was started. Despite the Iraq socialism reform was a short period (ended in 1963) which, faced with political problems, *Qasim's* regime demanded the socialist policy as a significant role in land ownership reforms; for example, Abdul Rauf (2015) stressed that the Iraq socialism reform was linked directly to the demolition of the feudalism and tribalism of the previous periods. Also, the first Iraqi modern land policies were linked directly to the demolition of feudalism and tribalism in Iraqi rural and semi-urban areas, and to break up the large estates of tribal chiefs, which both related to this era of reforms (Shaikley, 2013). In fact, the evidence showed that the socialist policy imposed in the Iraqi agrarian reform was linked to the Communist Movement in this conflicted era, which may explain its rural improvement attitudes (see Majid, 1978; Ismael, 2008).

However, on the evening before of the 1958 revolution, most of Iraqi cultivated lands were owned by feudalists' holders. Marr (2012: p. 56) stressed that point by saying: "*On the eve of the 1958 revolution, more than two-thirds of Iraq's cultivated land were concentrated in 2 percent of the holdings, while at the other extreme, 86 percent of the holdings covered less than 10 percent of the cultivated land*". In fact, the scope of the government pursued an independent national approach targeting to nationalization process of the Iraqi oil that helped to distribute the national wealth among all segments of the Iraqi society without any favouritism. In practice, that the Iraqi socialist attitude was designed to establish a social quality by the elimination of the previous tribalism and feudalism, especially in rural regions in Iraq. Furthermore, the government has been the deployment of education at all levels of society, which become free in all its stages, it also directed the preparation of five-year national development plans set by the Iraqi Supreme Council released a several comprehensive development (Britannica, 2017). By the 1960s, the agrarian reform was carried further on the agenda of the Iraqi government, a number of comprehensive development laws were formed such as the agrarian land reform, land distribution laws, and housing laws, as well as the

national provision of free residential lands for poor peoples with a registered private ownership through Iraq (Zuhair, 1953; Al-Khalid and Azri, 1980; Al Rashid, 2005; UN-Habitat, 2010a and 2010b; Thabit, 2014).

In general, the Iraqi socialist reform was gaining a slight understanding of the customary, religious regulations of land rights, instead it provided much wider concern of legal process and established an institutional focal point could be helpfully for clutching compound problems and explored through the rural land reform. However, it is believed that the land reform during this era helped to reduce the number of landless peasants, but it also triggered a massive migration from rural to urban areas, in which a considerable pressure was occurred on urban authorities to deal with such waves. According to the Iraqi ministry of planning report (2015), during the period of 4 years between 1958 and 1962; the average rate of internal migration from the Iraqi countryside to cities increased from 19,600 to 40,000. In fact, various factors accounted for most of the migration, such as depressed rural conditions and then the searching for job opportunities in the urban areas.

Although isolated instances of success did emerge, the impact of the land reform was built on massive administrative mistakes, one of the most obvious failures of the program was the basis of uncertain official statistics and rare observations (Ismael, 2008; Al-Mahmood, 2014), also the socialist system depended on traditional elders such as Sheikhs who were mobilized to serve as cooperative directors in implementation of the national reform in the local irrigation needs and practices of the Iraqi ministry of Agriculture during this period.

Nevertheless, under Socialism actions of land reform in Iraq an erosion of the tribal power and a breakdown of the tribalism and feudalism system was achieved by government agenda. During this short period, the Iraqi socialist reform was an effective administrative leap in the Iraqi LTA and accomplished the final demolition of feudalism and tribalism. In general, the social policy achieved effective abolition of the existing landlord-tenant regime, the role of tribal Sheikhs (*Ashira's Sheikh*) as landlords was eroded by the land reforms and lands were taken and redistributed to poor farmers. The land reform in this period was focused in the rural and semi-urban areas against

landlords, and achieved it's a significant change in the life of poor farmers and planned a new system to own the private lands and offered free plots of lands in the national strategies. In fact, individual ownership of lands was improved with genuine and practical efforts that develop a sound legal basis for land rights management by putting LTA for all people on the state agenda to restore their rights by the law assistance.

B. Nationalism influences in Iraq

In contrast, the Iraqi political development of the Arab Socialist Ba'ath Party's (ASBP) during the 1970s went on to argue for the Arab Nationalism. With this attitude, the ASBP' Article No. 49 (1972) stressed that the ASBP ideological policy of LAS was concerned with the centralized system of Nationalist reform. The Ba'ath policy continued to hold a large proportion of arable land, and by the late 1970s, an additional reform law was enacted to break up the large estates of tribal landowners, however, fragmentation of the farms made extensive mechanization and difficult to achieve (see Ministry of Agriculture studies, 2015). Therefore, as a solution, the government turned to the collectivization policy in the land reform.

In 1970, a new Agrarian reform law was issued; this law included establishing communal reform associations for the people, who were granted plots of land in Communal farms, and in the government policy, communal farms were established and a cooperative and communal ownership was encouraged. (see Iraqi Agrarian Reform Law, 1970: Articles 18 and 19). Furthermore, according to the Iraq Civil Law (Articles 1098–1105), cooperative unions were established to build housing for members of the cooperative unions, in which members acquire property from the state under cooperative ownership, however, the Ministry of Housing and Reconstruction established in 1978 a department of cooperative housing to manage the housing issues in Iraq (the Iraqi Ministry of Housing and Reconstruction studies, 2015). In fact, the ASBP's national policy encouraged and obliged the cooperatives to build housing for members of the cooperative unions in Iraq. According to the Revolutionary Command Council (1977: resolution No.1153), the Iraqi Real Estate Bank (IREB) has permission to give loans to the private sector to help solve the housing problem (see Subsection 4.3.2).

In line with the Ba'ath ideology, ILAs planned that by 1974 the task of state ownership of the land, targeted by the old land reform act of 1958, should be completed. Additionally, Al Rashid (2005) stated that by the end of the 1975, the old Ottoman form of LTA, the basic 'TAPU' land system of registration, was replaced finally by the Iraqi agencies of real estate registration and Cadastre offices (LRCOs). Moreover, in the 1970s, the reform in LAS and its LTA was carried further. In this connection, the Ba'ath state established national and local agencies of ILAs as the government organizations responsible for land registration and titling, for example, according Iraqi Ministry of Justice studies (2015) in order to ensure that registering of real estate ownership and development of the land is in accordance with land use policy, the legal body in Iraq for the land administration was established in the Ministry of Justice and the local RERDs/LRCOs were established at Province & City levels in Iraq, (see Figure 4.3).

In the 1980s war sphere, however, there was slow progress in the national agricultural development and clear results pointed that the collectivized state farms were not profitable. Also, the government's disappointment was escalated in 1983 by the war's impact which defeated its national policy to encourage both local and foreign Arab companies to lease larger plots of land from the government (see Hamdi, 1991). However, by 1984, studies in the ministry of Agriculture (2015) showed that more than 1,000 leases had been granted. By 1987, a new Agrarian Reform plan was issued; when the government instituted a profit-sharing plan at state collective farms, which included plans to privatize agriculture by leasing or selling state farms to the private sector (Hamdi, 1991). Following the political changes in Iraq, Iraqi ASBP's regime turned gradually from the nationalistic policies to the socialistic and then to the semi-Islamic reform before the war in 2003 (Awni, 1979; Gugler, 1982; Shaikley, 2013; Spencer, 2015). At these changes; the land use, planning and implementing strategies had all been centrally and tightly controlled by the national government in the Iraqi system.

In fact, during the previous periods of the socialist and Ba'athist reforms, the LTA in its basic system and the legal body policies related to Iraqi laws and all were identified institutionally. In general, the Ba'ath authority of land established the LRCOs which created an improved title issuance system throughout the country. Also, the land

ownership document was recorded and validated by the system; it held the title deed document by LTA in the ILAs agencies, which issued the national legal proof of ownership. However, during the end of this era, Iraq faced a conflicted period of wars and the post war sphere which can be considered as the main factor of confused policies. In general, after the fall of the Iraqi ASBP's regime in 2003, there was a period of great influence caused by conflicting social and state policies.

4.4.4 Iraq's LTA Crisis after the Regime Fall in 2003

At a time when Iraq is suffering a severe situation, the Iraqi crisis is continuing and contributed to a number of factors. Influenced by the war's impact and the related economic deficiency, the growing of population and the inability of limited income people to build private housing units, all have continuously declined the ILAs efficiency and then LTA aspects in Iraq:

A. Housing Stock and Housing crisis in Iraq

Iraq in the current period suffers from a severe housing crisis due to the growing number of population relative to the number of residential complexes; in addition to the inability of people with limited income to build their own housing units because of the high cost of land and construction materials. For example, the World Bank and UN-Habitat (2003, p. 6–23) estimated a housing shortage in Iraq of between 1 to 1.5 million housing units. The same report estimated the total housing stock is 2.8 million units, well below the minimum needed for the current population of 25 million in Iraqi cities. Furthermore, although no recent survey has provided an assessment of housing stock or housing quality in Iraq, the United Nations, World Bank Joint Iraq Needs Assessment (2003, p. 31) stressed that housing quality in Iraq has decreased significantly in the past decade, and believed that “About 30 to 35 percent of housing stock is below the standard previously set by the ministry of housing, especially in the Iraqi large urban centres”. In this connection, the building permit is a legal form issued by the municipal authorities for a purpose of the building or restoration according to the conditions and regulations issued by these authorities concerned.

The number of construction and restoration licenses gained in the private sector in Iraq can give an indication to assess the current housing units' crisis. In this research, the Statistics of the change in these permits during the period between 1980 and 2015 are used to achieve this aim and to fill the national survey gaps.

Building on collected and tabulated data in Table 4.4, the main indicators of the Iraqi Central Bureau of Statistics (ICBS) of this period (between 1980 and 2015) are summarised and are distributed into 4 separated periods as follows:

- a) **The period (1981-1990):** according to the Iraqi Central Bureau of Statistics (ICBS) of this period, it showed that the highest rise in the number of construction and restoration licenses during the seventies and was happening in 1981, also, a number of building permits compared to the number of the population rate has reached (17.5) per thousand inhabitants. In fact, the impact of the war with Iran during this period appears in the Iraqi economy, thus, the number of building permits decreased quickly in 1982 to less than half the previous year and at an average of only (7) licenses per thousand of the population. The impact of war continued to decline, the number of building permits in 1985 to about the quarter to dip sharply in 1990 with average (1.74) per thousand of the Iraqi population. In general, although the ILAs enabled the distribution of land to the military and war victims' families which was continued during this period, the contraction of construction was continuously declined in 1990s. For example, Statistics of permits showed that total number declined from (240,334) in 1981 to fall (1608) in 1996, or equal to only one building permit for each one hundred thousand people (Iraqi Central Bureau of Statistics, 1980s& 1990s), the war's impact was apparently massive;
- b) **The period (1991-2000):** this period also influenced by the war's impact and the related economic embargo after the war of Kuwait in 1991. The import point here is that the number of permits can give a picture which is reflected the reality of the housing lack in Iraq during this economic siege period. For example, the national statistics of this period show the continuous decline in the number of

building permits, which has fallen in 1991, thus, the rate fell to only (1.63) per thousand inhabitants, which is no less than the rates for years in the previous decade (Iraqi Central Bureau of Statistics, 1991). Also, it can be seen that the dipping in the number of building permits continued under the impact of the siege (1991 to 1996) to reach a rate of (0.01) per thousand inhabitants in 1996 (ICBS, 1996). According to Statistics of this period, the factor such as the increase in the Iraqi population from 18 million to more than 24 million people has added other impacts and furthered the housing lack in this period. Thereby, the decreasing in the number of permits was greater than what happened in the 1980s during years of the war with Iran;

c) **The period (2001-2005):** after the fall of the Iraqi regime in 2003, a period of the instability and insecurity situation was dominated in Iraq. In this context, the new Iraqi government was faced with a huge problem that weakened the state control over long years; the war and semi-civil war situation has destroyed thousands of buildings included the housing units and caused waves of displacements and destructions, which paralleled with a continued economic crisis causing a decline in the number of rebuilding and then in the building permits over the period. If we consider the increase in the permits of construction and restoration as an indicator, it is seen that the increase was obviously low during this period and still at a low rate of about 3.3 per thousand of the population (which increased to approximately 30 million) during the first three years (Iraqi Central Bureau of Statistics, 2002& 2003). However, this result could be added to the war impacts and the related insecurity situations, which were continued starting from 1980s in Iraq;

d) **The period (2006-2016):** during this critical period, various challenges on the ILAs and LTA have also increased; the internal displacements and land disputes, in addition to the chaos of looting and destruction of public records after the ISIS (the ISIS/DAESH) terrorist attacks were increased and furthered the systematic gaps. As a result of the critical events of the insecurity circumstances, statistics for this period showed that the number of building permits in the year 2015

declined by (7.4%) then that in 2014, building permits in 2002, amounting to 81702, represented the highest number of total licenses during all following years (Iraqi Central Bureau of Statistics, 2002, 2014, 2015). The important point is that the obtained results indicate that the number of building permits of new housing construction has reached in the year 2015 less than the half that was granted in 2006, while the restoration permits showed the major deterioration which declined in 2015 by 2170, less than that granted in 2001.

In general, the discussion indicated that the long period of wars and post-war sphere caused an economic deterioration and declining in the per capita income in Iraq. The dramatic fall of the Iraqi income was corresponding with wars and the insecurity circumstances, which has escalated by the increase in population and declined the number of the rebuilding and restoration chances, and thus, the national housing crisis. Despite the urgent need for housing units as a response to the increase in the population, the national housing strategies were almost stopped.

In fact, compared to the population growth, the Iraqi Central Bureau of Statistics' evidences from these periods showed a sharp decline in the number of construction and restoration permits, which were granted to the Iraqi private sector during these critical periods (1997-2015), (Table 4.4).

Table 4.4: Number of Construction and restoration permit to the Iraqi private sector between (1997-2015) (collected from: Iraqi Central Bureau of Statistics, years of 1997, 2015)

Year	Total ^(a)	Construction	Restoration
1997	5721	4495	1110
1998	9207	6694	2186
1999	13286	11074	1797
2000	18300	17331	969
2001	48475	46181	2294
2002	81702	79447	2255
2003	16438	15353	1085
2004	38687	36402	2285
2005	38643	37334	1309
2006	41416	40519	897
2007	26280	24964	1316
2008	29149	28220	929
2009	27160	25926	1234
2010	27907	27733	174
2011	31460	31283	177
2012	44550	44412	138
2013	31892	31724	168
2014	24537	24397	140
2015	22716	22592	124

^(a) Including new buildings and additions, alteration, demolition and rebuilding permits.

Table 4.4 shows that there is a gradual increase in number of construction and restoration permits to the Iraqi private sector during the period between 1997 to 2001, but also it shows a massive deterioration in both numbers of construction and restoration permits starting from 2002 till 2015. However, this decline is likely a result of system insecurity and instability concerns in this period, which hindered all a primary priority for the Iraqi people. In fact, the general negative influence has resulted from a series of external factors such as these wars of 1980, 1991 and 2003. In addition, a long period of authority gaps and economic crisis, all have furthered problem of system and the related housing unit's crisis. All these factors have led to a lack of the governmental support and then to the deterioration of Iraq's housing market and Contracture aspects, encouraging to the slum and informal settlements crisis in Iraq. Therefore, war/ post-war situations may be the main drivers in these periods in which the low-oriented investments in the governmental housing were caused.

B. Slum and informal settlements crisis

As the previous discussion showed, (Chapter 2 and 3), living in informal and slum areas is a crucial indicator to the eroded LAS and LTA. Undoubtedly, live in informal neighbourhoods and Slum areas mean people live in miserable conditions and insecurity tenure's rights. However, this crisis is linked directly to other factors such as insecurity sphere and these related legal challenges in the system. After the fall of the Iraqi regime in 2003, the new ILAs faced with a huge legal problem regarding the transfer of lands and property ownership. Due to serial wars, over 3 million Iraqis are currently displaced and 700,000 displaced people in Baghdad alone (UN-Habitat, 2008a; Iraqi Ministry of Displacement and Migration, 2015; IOM, 2017). Moreover, the increased internal displacements and legal challenges in land disputes, the chaos of looting and destruction of public records have also increased problems in Iraq. As estimated by the Iraqi Central Bureau of Statistics (2013: p. 6); as a result of conflicts, the total number of slum neighbourhoods was 1552, included (2418864) inhabitants lived in (346881) units, which is the rate of about 7.7% of the total of the Iraqi population in that year, (Figure 4.7).



Figure 4.7: Samples of an informal housing in Iraq, Al-Nassiriya City (Al-Nassiriya website, 2012)

With eroded trust in the Iraqi authorities, the Iraq's legal tenure crisis was further deteriorated, particularly by the events followed the war in 2003. With the fall of the Baath's regime, there had been an authority' gap which continued with an increased violence and displacement waves throughout Iraq, millions of people had been forced to leave their possessions and to migrate internally or to the refugee camps in the neighbouring countries, or in most events occupied into illegally inhabiting public government lands. Meanwhile, the insufficient housing policy is a problem throughout Iraq. Presently, the land development system did not work on the provision of housing units according to the real demand. That issue was echoed by ICBS (2016) that the most Iraqi families cannot provide decent housing and follow-up programs, accumulations of infrastructure in many residential areas and the low level of infrastructure services due to inadequate maintenance. In this context, there is a shortfall of dwellings, Iraqi Ministry of Construction and Housing reports (2015) indicates that there is a substantial unmet housing demand, as the Iraq's housing government has only met 15% of its real housing needs also. On a larger scale, according to the MoH&C report (2013), Iraq is currently three million units deficient of the current housing demand. Besides corrupt practices, report daily problems with sewage, and 24% of Iraqi households are not connected to a sewerage system at all, in addition to thirty-four percent of Iraqi households have raw sewage in the Iraqi streets and around their houses due to the sporadic waste collection (Iraq National Housing Policy, 2013). The UN-Habitat reports of the State of Iraqi Cities (2008a and 2010a) found that a half of all urban households in Iraq experienced problems with water at least once a week. Therefore, with the fall of the Baath's regime, eroded trust in the Iraqi authorities; insecurity and weakness of authority can be especially characterized as the main negative factor triggered the informal settlements in Iraq. However, the Iraqi informal settlement's problem may result by different factors. According to UN-Habitat (2010a and 2010b) absence of the housing mortgage loans caused an inability to provide new housing units in sufficient quantity in order to fill the continued needs of population growth.

C. The Current Displacement Crisis in Iraq

Since 2003, Iraq has endured decades of an instable period of wars and a sectarian violence. In this connection, Iraq’s population had greatly affected by the massive property destruction, as well as a shortage of adequate housing, which all paralleled with these waves of displacements and refugees. The continued sectarian violence in 2003 and associated authority’ gaps has fuelled a displacement crisis, which was serious in both size and complexity.

It is estimated that 3.8 million Iraqis were displaced from their homes from 2003 to 2008 alone (IOM, 2016). Between January 2014 and August 2015, International Organisation for Migration (2015) gave an estimation of 3,171,606 internally displaced persons, dispersed across 103 districts and 3,522 distinct locations in Iraq, and 875,562 individuals in the Kurdistan Region of Iraq. Furthermore, there are 87 camps built in 2016 that host over 565,000 displaced families in Iraq under the impact of the cold weather (UNHCR, 2017). Due to wear and tear, the fluid nature of displacement in Iraq carried challenges to Iraqi authorities to develop a sustainable response. Recently, the displacement tracking matrix in Iraq shows an inflation as that the Iraqi displaced persons’ number still increases to reach 3,028,854 in Jan. 2017 (Figure 4.8).

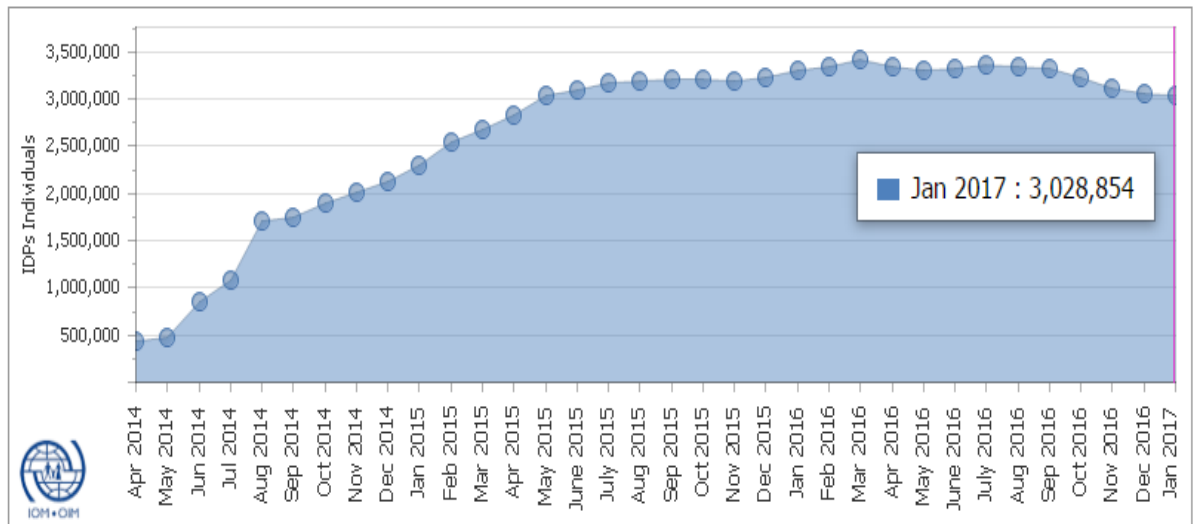


Figure 4.8: Displacement tracking matrix in Iraq, between 2014 and 2017 (IOM, 2017)

In addition to the large scale destruction of public and private property in Iraq, such waves of displacements are predictable to cause land and property rights violations. The Iraq's Property Claim Commission report (Iraqi annual report, 2016) showed widespread illegal sales; rentals of displaced persons' property and illegal occupations. Furthermore, losing access to their civil documentation of many of the displaced has doubled the crisis.

Since 2003, the Iraqi Government has taken a number of initiatives to deal with displacements and property multiple claims issues. However, the Iraqi Ministry of Migration and Displacement (MoMD) was established to address a real solution that helps to find the recovery of property of returning families in accordance with scale of problems. According to the Iraqi annual report (IPCC, 2016) the Commission was established in 2003 to provide redress to victims of the land and property rights violations.

In fact, this Commission has an exclusive jurisdiction to all land and property takings that took place for political, religious or communitarian reasons in Iraq. However, its role was not extended to cover damages for property during that period; financial compensation in most cases was not possible. By the end of February 2010, the IPCC documents showed that the Commission had received 167,097 claims, and a mere 16,700 cases property claims were resolved in that year, and as a result of insecurity situations and lack of necessary financial support, a mere 8.2% of all submitted cases have been enforced till 2015 (IPCC, 2017). Furthermore, the Iraqi annual report (IPCC, 2016) showed that the Iraq Government provided additional procedures to solve the problem. For example, the Iraqi Council of Ministers Decree (No.262 of 2008) and Prime Minister Order (No.101 of 2008) in which a small grant was provided to each returning family. However, regardless previous poor reactions, UNHCR website reported that in 2009 and estimated 15 per cent of the Iraqi, returned refugee's families, were able to access their property due to the illegal occupancy.

Also, the existence of informal settlements, the problem of occupation of public buildings and land, and systematic sale and rental of confiscated private property are still unresolved and need to find an overall policy to end the adverse consequences of

displacement in Iraq. UNHCR (2017), for example, estimated that over 250,000 displaced people were occupying public property and living under constant threat of forced eviction by local authorities. According to international sources, confiscated private property of Christian and Yazidi in 2014 have been usurped and illegally transferred after the terrorist attacks of terrorist and associated inter- communal conflicts (see IPCC, 2017; IOM, 2017; UNCHR, 2017). It is doubtful, however, that the Iraqi displacement problems and these related issues can be solved during this decade.

It is not doubtful, however, that the current displacement crisis and its interventions such as illegal property claims issues and informal settlements are still presenting negative factors which can and do influence on the ILA's strategy regarding LTA in Iraq.

D. The Iraqi private sector co-operations

The Iraqi governorate sectors are working with the local participation of several public and private bureaus and these non-government organizations presented practically in private companies. Using their own resources and approaches, all have initiated housing plans working to provide secure tenure. However, the Iraqi private sector has its own priorities, programmes and policies which can be shared and followed by the ILA's national policies and local government's interests regarding LTA aspects.

The lack of adequate housing is still pending in Iraq. In 2009, UN-Habitat reported that the Iraqi housing shortage was of at least one and a half million units in 2009, and this shortage was predicted to increase to be closer to two million units in 2016. Moreover, the next year report (UN-Habitat, 2008a and 2010a) also showed that; 57% of the Iraqi urban population currently live in slum-like conditions, thus; challenge of informal settlements and the affordable housing are still the tremendous crises in Iraq. In fact, there is a dearth of reliable information following three decades of shifting and incoherent land policy, internal conflict, and more recently the chaos of looting and destruction of public records. In this context, the lack of essential equipment and the general disruption of national bureaucratic systems have compounded the problem further (UN-Habitat, 2010b). Thus, the Iraqi public and private residential market

showed weak performance evidences and have pale roles in the Iraqi lands and housing affordability, and it is in need of overhaul. Additionally, the World Bank study (2009), for example, stated that a significant rate of Iraqi population is much fertilized, with those under the age of fifteen making up 44% of the total population in Iraq. However, the Iraqi Ministry of Housing & Construction report (IMoH&C, 2007) estimated that there is an overall shortfall of two million units throughout the country. Furthermore, the Iraqi average size of Households living within one dwelling in Iraq is 6.62, and the number varies between urban and rural areas, with the mean household size in urban areas being 6.3, and 7.32 in rural areas (ILCS, 2004: p28-31). Furthermore, Housing finance system in Iraq at present is significantly under-developed and handicapped. For example, more than 95 percent of the country's dwellings were constructed from permanent material such as cut-stone, blocks, bricks, cement, or concrete (IMoH&C, 2016; UN-Habitat, 2008a). In Subdivision Houses, ILCS (2004: p. 17) found that an average of 12 percent of all urban households in the central region of Iraq lives in subdivision units '*Mushtamals*'. Percentages of urban and semi-rural households respectively live in temporary housing, indicating unsatisfactory housing policy in ILAs current strategies. Therefore, the ILAs have to build an adequate Housing policy targeted to satisfy housing demand. In general, the Iraqi residential market system has shown many inadequate administrative problems, several of which are the result of political conflicts and complex judicial regulations.

Nevertheless, the private sectors such as these Iraqi non-government organisations are attempting to localize their main programme working as local developers to producing and marketing housing units and plots, since their ability and organizational capacities depend on the governorate political will and an administrative awareness. Also, the Iraqi private sector is expected from the governorate to help it by adequate regulations to be able to perform steadily the various roles and activities leading to provide housing units. In the residential formal market; new stocks are built by both public and private sector developers. In a major scale, the Iraqi ministry of Justice (2016) showed that many members in ILAs such as MoH&C, State Housing Companies (SHC) and the Iraqi Federal Bank of Housing and Construction (IFBoH&C) through which the Iraqi state and local municipalities, were directly used to determine land values and to deliver

residential area (about 150-250 m²) as an accommodation and in detached houses plots of neighbourhoods.

Also, there are optimistic points in the Iraqi legal environment of the current system. According to the Iraqi law of investment (No.32 for the year 2006) in accordance with the provisions of the 1st paragraph of Article (61) of the constitution, and the legal period set forth in paragraph (5/a) of Article (138) of the Constitution; the Iraqi or foreign investors are excluded from own rental properties, procedures for the purposes of the establishment of investment projects, under this law of the provisions of the law on the sale and rental of state funds according to a regulation issued for this purpose. It can be seen from this point that ILAs has a capability to supervise the implementation of investment programs, using the non-government investor/ developer, for example, Article (5/b) of the law of housing investments excluded special procedures to sell state properties by the Iraqi or foreign investor for the purposes of the administration of housing projects, which helped to gain more flexibility to them to engage in the Iraqi housing market. In undertaking land development, the Iraqi law of investment was clear and provided a wide range of facilities and guarantees. Under this law, the MoH&C report (2016) stressed that the Iraqi or foreign investors gained the right to convey the investment project ownership in whole or in part. In this connection, under the Iraqi investment law of 2006 (see Law No 13, Chapter 1, Art. 2): *“The Iraqi investment aims to encourage the Iraqi and foreign private sector to invest in Iraq by providing the required facilities for establishing investment projects and enhancing its competitive capacities in the local and foreign markets for projects included in this law”*, and an additional amendment was added to the investment law (No.13) in 2010 for lands invested in the various fields (see law No. 2, the Statute 7/ 2010). Building on these ambitious goals, the legal and economic feasibilities and these guarantees granted in this law to encourage the Iraqi and foreign private sector to invest in Iraq can be summarised as:

- 1) The exemption from taxes and fees leave for a period of (10) years from the start date has given to the Iraqi and/or foreign investment projects;
- 2) They have the right to lease land and property from the state or the private

sectors for the purpose of establishing investment projects for a period not exceeding the duration of the leave and that of no more than (50) years, taking into account the nature of the project and the economic feasibilities;

- 3) Also, during a period of the three years from the date of granting, the investment license the investment projects enjoy the exemption of imported assets for the purposes of the investment project to be brought into Iraq;
- 4) The exemption required for the expansion project, development or modernization of the imported assets' fees;
- 5) The national commission for investment provided the right to increase the number of years the exemption from taxes and fees according to the increase in the participation rate of the Iraqi investor in the project for up to 15 years, if the partnership ratio of the Iraqi investors in the project was more than 50%;
- 6) Also, the Iraqi amendment of Investment Law (No.13 of 2006) which guarantees the ownership of land by local, Arab and foreign investors for housing projects;
- 7) Based on the amendment of the Statute (7) of the law (No. 2 of 2010), and which the lease rates were organized for lands invested in the various fields in Iraq.

In contradiction, the informal sector of the residential market has its initiated housing plans in Iraq, for both owner occupied and rental purposes; that was mainly of individuals and private small-scale developers working illegally under the local instable situation to provide residential units. In fact, the crisis has had the other side of the involvement, though it dominates the construction industry, but the authority gap issues were influenced too. According to a UN-Habitat report (2012) although ILAs encourage the engagement of the private sector, thus engagement is still moderated experience regarding the current caps. However, in the absence of official national household survey, to adequate the collected data, the researcher aware of these shortcomings, agreed that the available data in the Iraqi case do not offer a favourable environment for enriching the study in order to seek and to lift the study final targets. The engagement of the Iraqi private sector co-operations in the Iraqi residential market must be enabled in ILAs strategy by a clear legitimacy and management in order to help the private sector to invest in the housing affordability, and this step should be linked to the gradual,

transparent and participatory strategy. This important point has gained further evaluation in the next chapters (7 and 8).

4.4.5 Critical factors influencing the LTA in Iraq

As mentioned previously, reviewing the literature in this chapter (see sections 4.2.3, 4.2.5& 4.3.2) showed that Iraq is multi-cultural society and post war country with continue instable periods. The Iraqi land problems have been well-documented. According to the Literature, the Iraqi land polices were linked with the domination of feudalism and tribalism systems in rural and semi-urban areas, the Iraq's legal tenure crisis was further deteriorated, particularly by the events followed the war in 2003. In fact, literature showed that Iraqi LTA experience has been influenced by a diversity of external and internal factors, as several factors are interrelated to political and social / cultural, religious and economic attitudes, while others are directly linked to the authority deficiency and holistic administrative aspects, which have massive influences and hindered the administrative ability and outputs. The Iraqi administrative role and responsibility regarding LAS/ LTA aspects that provides and maintains the policy, legal and organisational frameworks that promote responsible governance of tenure of land. It can be suggested that the land tenure security is linked directly with system challenges of providing access to the basic services, unsurprisingly; its major negative impact will hit on the vulnerable group and poor rights. Although the current strategy in ILAs showed an ambitious goal, there still a need to do more in the field of the legal and economic feasibilities for further encouragement to the native and foreign developers in the non-government sectors to invest in the Iraqi housing market. The evidence reviewed in this Chapter showed that it can be done by a well-developed financial service and a flexible cooperative between ILAs agencies and non-government partners. In conclusion, this Chapter pointed helpful indicators that despite the massive negative impact of the current situation, the ILA's policies of LTA are enthusiastic to sustain its goals. And so, the Iraqi LTA problem is not only the administrative capability for planning or management policies. These points have gained further evaluation in the next chapters (7 and 8).

4.5 AN OVERVIEW OF AL-NASSIRIYA CITY

Thi-Qar is a province in the south east region of Iraq, with an area of 12,900 square kilometres (5,000 sq.mi), and a total population of 1,616,226 individuals (as estimated by Informing Humanitarians Worldwide, 2015). According to data obtained from Al-Nassiriya master plan (2012); Al-Nassiriya city (An Nāşirīyah) is the capital of Thi-Qar province; it has approximately 600,000 inhabitants. Historically, Al-Nassiriya city was founded in 1869 within the Ottoman era, at that time; the city was planned according to Ottoman regulations and for the local tribe's habitation in the municipal area of approximately 1200 Hectares, also, the city governed by the *Muntafiq* tribe's *Sheikh, Nasir al-Saadun Pasha*, and even the city after him was named according to tribal rules (UN-Habitat, 2010a).

However, this planning created a centre–periphery grid model for the city, which concentrated urban services and urban infrastructure, in particular areas in the old zone at *Al-Seef* neighbourhood, and social differences (more details in Chapter 7), (see Figure 4.9).

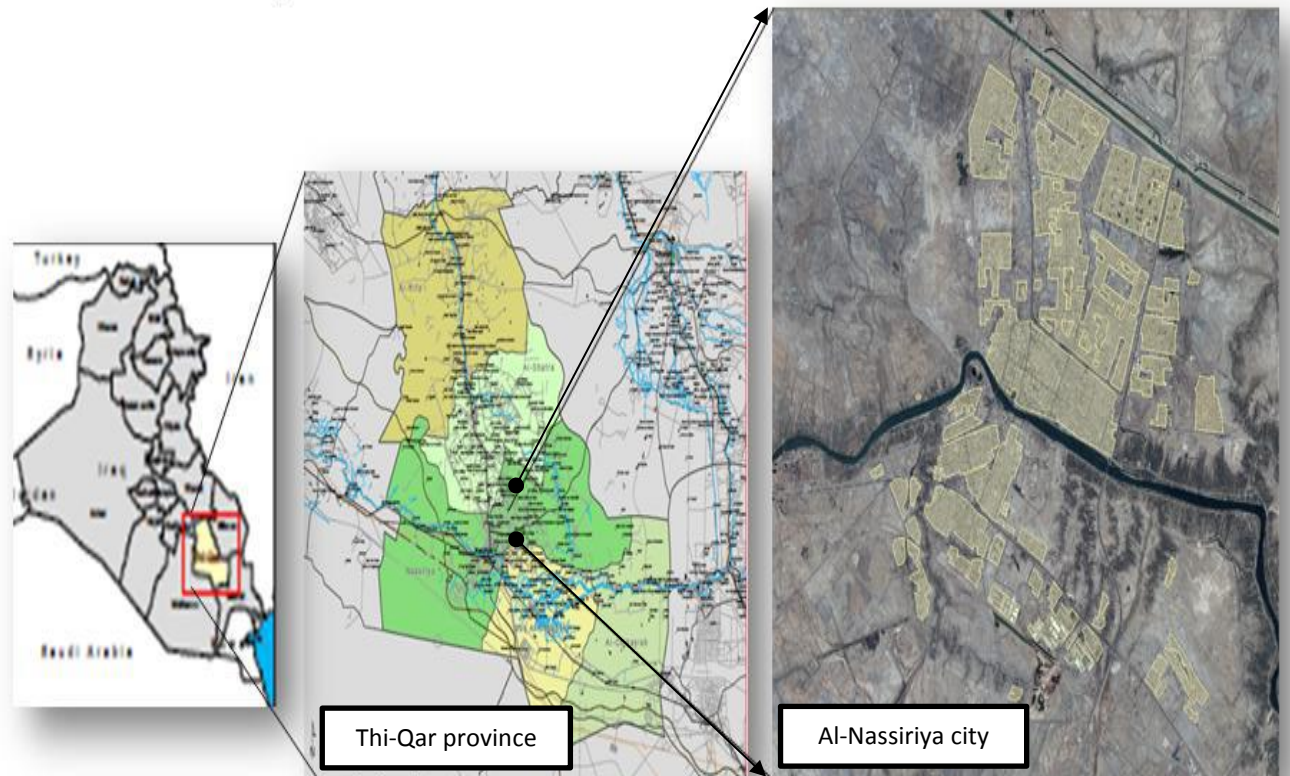


Figure 4.9: Al-Nassiriya City Map (Adopted from Google maps).

The older portion of the city was built mainly from sun-dried brick and I-shape steel frame for traditional courtyard housings (UN-Habitat, 2010a), newer portions of the city are comprised mostly of concrete block or brick buildings. Recently, the city is consisting of 26 neighbourhoods with the University site. According to Iraq's 1987 census, the city had a population of 265,937 people; the population in 1997 was 560,200 (ICBS, 1987). During these 10 years, the city grew quickly due to rural to urban migration, since the majority of displaced populations reside in Nassiriya district-the governorate's capital and administrative centre, which continues to attract populations due to the availability of basic services. Its recent population statistics are not available, although an estimated population growth is approximately 2.5% per annum. In most locations in the city suffers from an inadequate municipal infrastructure and dearth municipal services in the city, (Figure 4.10).



Figure 4.10: Al-Nassiriya city, samples of dearth municipal services in the city, February, 2017.

However, during and after the 2003 invasion, the Ba'ath party administrative buildings that were damaged or destroyed by war were looted or occupied by local people. During the period of internal displacement that followed the war, (due to ethnical tensions escalated in 2006), such buildings and military camps were informally occupied by internally displaced people, moving due to local tensions.

In addition to, buildings and military camps were also occupied by rural migrants, looking for work in urban areas as well, but also settling opportunistically, in hope of receiving compensation to vacate these premises. Eventually, in 2008, Iraqi Police forced people to leave the sites without compensation, and then most of these people

returned to their locations of origin (UN-Habitat, 2010b) however, some stayed with relatives in the city, rented accommodation, or illegally occupied government land. Reportedly, the security situation remains relatively stable, and Al-Nassiriya wasn't as directly affected by the ongoing violence in Iraq over the past decade as other Iraqi governors; however, it hosted over 57,000 displaced in 2006 and more than that between 2014 and 2016 which severely affected the government's agrarian economy (International Organization for Migration reports, 2006 and 2016).

In general, the main characterises of these nominated 3 neighbourhoods in this research are summarised as follows:

a) Al-Seef neighbourhood

Al-Seef neighbourhood is the oldest neighbourhood in the Al-Nassiriya city. This neighbourhood is also located in the southern central portion of Nassiriya, as indicated in the Figure 4.11. It is a part of the largely residential Al-Jazeera section of the city north of the Euphrates River, and lies on the north bank of the river itself. Al-Seef neighbourhood established by the first designed plan of the city which was dated during the Ottoman era in 1896 (Municipality of Al-Nassiriya city, 2017).

From Table 4.5, Al-Seef neighbourhood is constituted an area of 121.4538 hectares; the majority of it is a residential area (47.6%) and only 14.3% is designed as an open green area. In this connection, Al-Seef neighbourhood is served by one of Nasiriya's principal commercial streets, which contains the city's administrative centre such as the municipal centre and the governorate offices. This area also contains the great mosque and various offices and health facilities. Over time, several buildings and plots in the area have been subdivided and extended due to waves of construction in different time periods, house and building types are varied in age and style and generally exhibit Southern Iraqi architectural trends. In general, Al-Seef's infrastructure is old and substandard and the initially planned streets are narrow thoroughfares. The table below shows ratios of land uses in Al-Seef neighbourhood.

Table 4.5: Al-Seef Neighbourhood land use areas

	Streets and Paths	Green Area	General Services	Education	Housing	Total Area
Area (hectares)	26.872	17.4592	12.4263	6.8199	57.8759	121.4538
Area	22%	14.3%	10%	5.6%	47.6%	100%

Source: Municipality of Al-Nassiriya city (Master plan- land use data, 2016).

According to the Al-Nassiriya city municipality (2016) in the main streets of Al-Seef, residential housing has been formally converted into commercial shops, and small grocery stores. However, small industries such as carpentry, mechanical, and blacksmith shops contravene the official land use. After the 2003 invasion, Ba’ath party’s administrative buildings that were damaged or destroyed by international forces were looted by local people. Also during the period of internal displacement that followed the war, due to political tensions which escalated in 2006, moving due to political tensions such buildings were informally occupied by internally displaced people.



Figure 4.11: The Al-Seef Neighbourhood in Al-Nassiriya City (Google earth map, 2016).

b) Al-Saliheya neighbourhood

Al-Salihiya is located in the northeast of Al-Nassiriya city, adjacent to part of Al-Seef’s northern border. This neighbourhood is a part of the largely residential Al-Jazeera section of the city, and north of the Euphrates River (Figure 4.12). According to the Al-Nassiriya city municipality, Al-Salihiya was established in the 1960s, when the government distributed plots to people primarily for residential use, and in the 1980s, homes were also distributed to families of war casualties, military members, and teachers under the Baath’s regime. During this period, the city master plan was significantly extended. The table 4.6 below shows ratios of land use of the approximately 107.5 hectares of Al-Salihiya Neighbourhood. From Table 4.6, with a total area of 107.445 hectares, and with the predominantly residential land use, Al-Salihiya neighbourhood is served by various urban facilities; however, despite the perceived security of tenure by most Al-Salihiya inhabitants.

Table 4.6: Al-Salihiya Neighbourhood Land Use Areas.

	Streets and Paths	Green Area	General Services	Education	Housing	Total Area
Area	29.5484	21.918	1.2894	5.5871	49.102	107.445
Area	27.5%	20.4%	1.2%	5.2%	45.7%	100%
Source: Municipality of Al-Nassiriya city (Master plan- land use data, 2016).						

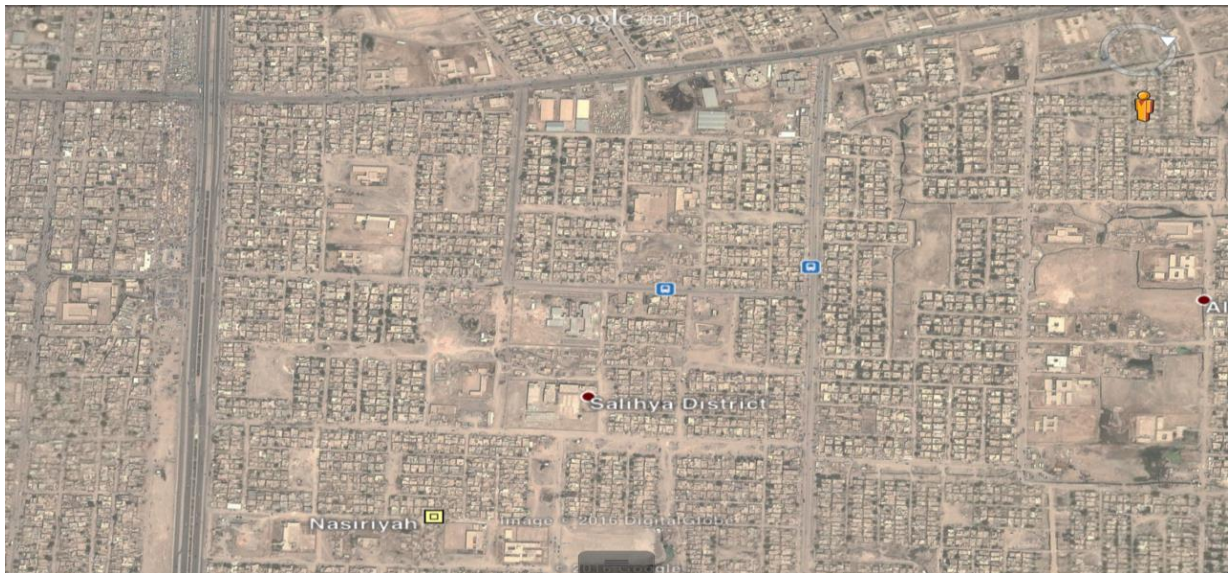


Figure 4.12: The Al-Salihiya Neighbourhood in Al-Nassiriya City (Google earth map, 2016).

c) **Al-Eskan neighbourhood**

Al-Eskan is located towards the south eastern edge of Al-Nassiriya, as indicated on the map below (Figure 4.13). It is part of the largely industrial Al-Shamiya section of the city south of the Euphrates River, and lies close to the south bank of the river. According to the Al-Nassiriya city municipality, it originally established in the 1980s, and residences were intended for employees of the Ministry of Housing and Construction (MoHC), as well as those of the Ministry of Industry (MoI).

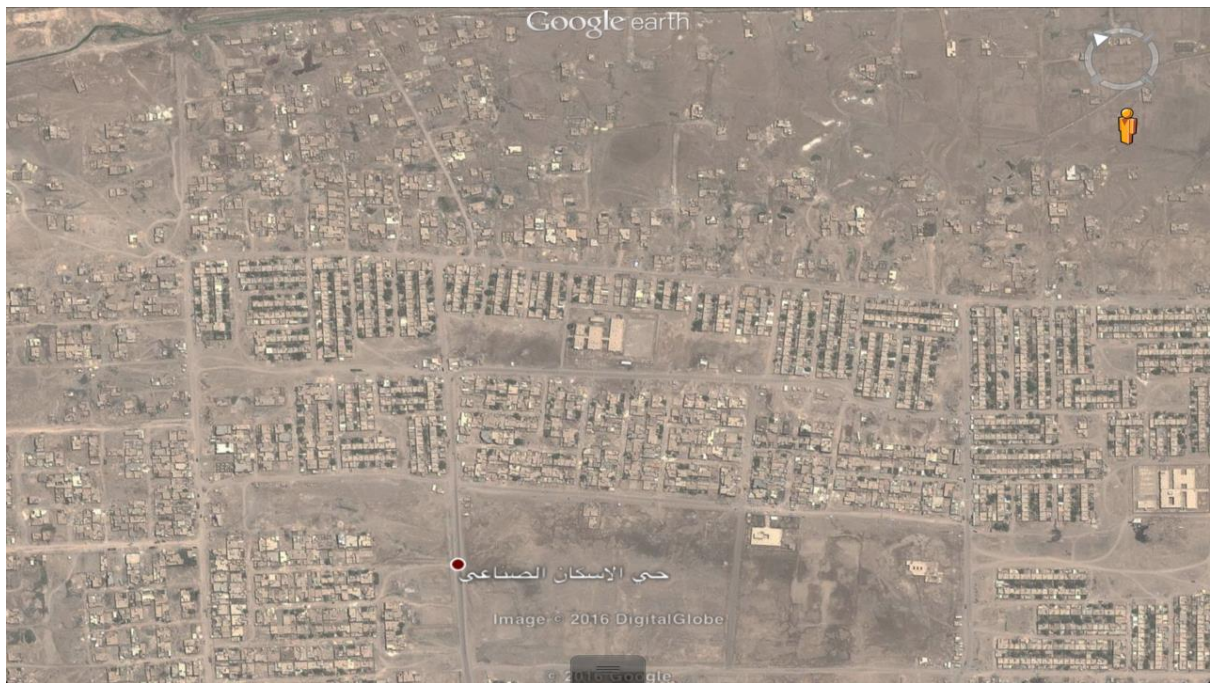


Figure 4.13: The Al-Eskan Neighbourhood in Al-Nassiriya City (Google earth map, 2016).

In other parts of this area, empty government land has given way to squatters and informally constructed dwellings, within informal housing zones, where vacant plots have been occupied illegally. Many parts of this area are in severe need of improved basic infrastructure. The municipal government appears to have failed to improve these conditions, as evidenced by the lack of planned infrastructure projects and lack of regular garbage collection in these inner areas. Despite the current limited capacity of government to remove squatters, some limited action has been taken by either

government or plot owners themselves, as unsecured tenure and dearth living situations (Figure 4.14).



Figure 4.14: Samples of an informal housing in Al-Eskan Neighbourhood in Al-Nassiriya City

According to the observations; the majority of residents are government workers and lives in multi-stores housing units provided by the government. This tenure is perceived to be secure; however the housing unit is only available while the occupier is working for the institution that owns the housing units (MoI and MoHC). However, Al-Eskan neighbourhood housing is provided to government staff for the duration of employment and as noted previously, the housing must be vacated when employment ends. Employment is reasonably secure; however, households need to have in place an alternative house in case of retirement or death. This area also experiences significant illegal occupation of government land, settled on by squatters who build basic housing, usually from mud, bricks, scrap metal and straw. Their tenure status is perceived to be weak, particularly as the government has frequently attempted to evict such residents.

The main characters of LTA in these 3 neighbourhoods nominated in this research have gained further evaluation in the next chapters (7 and 8).

4.6 SUMMARY

This chapter was designed to answer the research objective (No. 3). This task was achieved by providing a depth understanding regarding LTA/LAS aspects in the Iraqi existing system, resources and practices, and embarked on a mission to view how did Iraq manage its system and how did the administrative structure of the key institutional bodies (ILAs) achieve the national development, in which the ILAs strategy regarding LTA is shaped, implemented and monitored over different periods of time in Iraq. It is good to see how important the Iraqi source of tenure is throughout; the system of LTA is a rooted legacy system in Iraq. Based on respectable evident, ILA's hierarchies are a fundamental driver and enabler of LTA strategies; regarding the instable and insecurity factors, the Iraqi existing system is offering significant levels of the management and monitoring support. It is seen in this chapter how there is an interconnected matrix of institutional hierarchies among these agencies, which has successfully linked with the LTA aspects, particularly in the field of investment and development in land/housing markets. It can note how the ILA's legislation structure was developed to promote tenure security working between national development in the urban sectors and land users' rights to ensure that individual and community rights are documented and protected officially in the system. On the other hand, a massive influence of wars, insecurity situations, and the instable authority devastated Iraq. In fact, the current influence of informal occupancy and illegal activities still need more innovation from ILAs strategy to ensure more effective security of tenures. This reviewing of literature in these chapters (2, 3, &4) helped to build a base of the conceptual framework in this research, which is produced in the next chapter (5).

CHAPTER FIVE: DEVELOPING THE CONCEPTUAL FRAMEWORK

5.1 INTRODUCTION

This chapter was designed to answer the research objective (No. 4). In order to gain an in-depth picture of the relationships and processes within the phenomenon, this study requires an examination of a complex interaction of principles, and rules between participants from different background who have different concepts and views regarding LAS/ LTA aspects in Iraq. In this context, the conceptual framework in this chapter was produced using the obtained indications in the previous chapters (2,3 and4) to build the triangulated relationship among the Iraqi LTA components adopted in this research; the institutional aspects of LAS, critical factors of the success/failure, and stakeholders' satisfaction (see Figure 3.4). The criteria focused on the institutional aspects of LAS at national/inter-governmental levels, and this included interrelated set of aspects such as tenure security, land policy, legal framework, availability of a strategic plan, financial issues, data management (capture, maintenance, access, storage), and land dispute resolution mechanisms.

5.2 DEVELOPING THE CONCEPTUAL FRAMEWORK

The conceptual framework can be described as a set of indications which provide a key factor linked to specific issues. In fact, it is a theoretical structure of assumptions, principles, and rules that holds together the ideas comprising a broad concept (Business Dictionary, 2017). As all investigations in the social world, the framework itself forms part of the agenda for negotiation to be scrutinised and tested, reviewed and reformed as a result of the investigation (Ravitch and Riggan, 2012).

Reviewing the literature showed that LTA has been influenced by several factors of political and social/ cultural, and economic, which have massive influences and hindered the administrative ability and outputs. In order to conduct the LTA components

in this research, a holistic LTA experience, is adopted to consider all its aspects and then develop a conceptual framework for evaluating the LTA system. Depending upon the norms and values of a society, the nature of LTA Constraints and limitations are varying from system to another. It is mentioned in this Chapter the suitability of LTA system and the end-users' satisfaction cannot be separated as their elements are intermixed. A holistic approach is thus needed to get in-depth understanding of the institutional role of land tenure authorities for further improvement.

In order to develop the conceptual framework of the existing elements of LTA in the study area, it is important to define the factors that play important roles in the development of the LTA system. As seen in Chapter 2 (see Subsection 2.3.3), and building on the critical elements in Figure 3.4 and Tables (3.1,2,3,4), the main influencing elements of LTA were identified in much detail, that can help in explaining LTA in Iraqi case (see Chapters 7 and 8). In this research, a conceptual framework is adopted for carrying out this understanding of the triangulated relationship among all the LTA components adopted in this research, i.e. the institutional aspects of LAS, critical factors of the success/failure, and stakeholders' satisfaction, as shown in Figure 5.1.

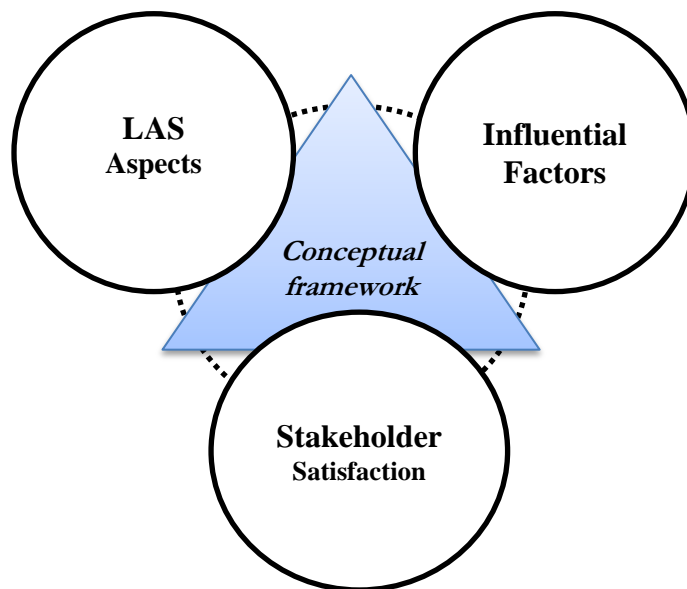


Figure 5.1: the triangulated relationship of the conceptual framework in this research

From Figure 5.1, the triangulated relationship of the conceptual framework in this research consists of a central area called the elements of the conceptual framework, which is surrounded by the institutional aspects of LAS at National/inter-governmental agencies, and these related factors influenced this performance, and finally the Satisfaction level of stakeholders:

- a) *Role of Basic Administrative Units coordinated to the LTA and User's Rights.*
- b) *Critical Factors influence the LTA Applying Aspects.*
- c) *Stakeholder Satisfaction with the System Performance.*

As seen earlier in this study, the institutional aspects of LAS side includes the elements contributing to the institutional roles at National/inter-governmental agencies regarding the suitability strategies of the LTA for safeguarding the users' rights, and also the efficiency of the governance (*tenure security, land policy, legal framework, availability of a strategic plan, and land dispute resolution mechanisms*) in the institutional structure for the planning, implementation and monitoring strategies in the system.

Within this chapter, the relevant literature (see Tables 3.1, 2, 3, 4) showed there are dynamic elements contributing and affecting the success/ failure of LTA side such as these external and internal factors, which are depended upon the local norms and values of social/ cultural values and religious conceptions, economic aspects, and government instability and insecurity related issues. From the previous discussion, it can be seen that these elements and indicators are interrelated and therefore, they should all be taken into consideration to develop the conceptual framework themes. Clearly, it is important to identify the critical factors influencing the development of LTA, and these critical factors are now considered.

5.3.1 Critical Factors Influencing the Development of LTA

The reviewed literature in chapter 2, (see Subsection 2.4.3), revealed that the LTA efficiency can be considered as an element of authority's effectiveness, and their capability to build an effective policy in which people have clear guides to access and

use their rights. As the success of LTA needs to have mechanisms to hold all key factors contributed to a complex process adopted in the legally defined framework to support the capacities and operations of all actors, managing and implementing these assets in the system, and then present them to people.

In this context, LTA requires the identification of the existing tenure arrangements, and what formal legal interests actually exist in the area. Also, the development of LTA can be influenced by a variety of factors, and the administrative system of land will be differed on its response and reaction from one country to another. Building on the previous discussion in this chapter, the social, cultural, traditional, religious moralities and political considerations present the second side of LTA components, which are highlighted and are summarised as follows:

A. Social and Cultural Factors

Society is a tool for legal, administrative, and right decision making as well as an aid for LTA development. As seen in previous discussions in this chapter, reviewed literature showed that there is a diversity of social factors which are constituted to local traditional conceptions of ethics, personality, gender and tribal/clan group's attitudes regarding the tenure and users' rights, are all discussed in this respect, and are seen as fundamental factors. In general, literature evidences emphasis that the efficiency of LTA that carried out in the end-users' rights security of the system is developed as a set of dynamic level of society's morals and conceptions regarding the rights and responsibilities. Building on the findings in chapter 2 (subsection 2.4.3), these in chapter 3 (Tables 3.1,2,3,4), the holistic feature of existing LTA in the study area consists of main sources, the social conceptions and these religious rules that controlled the LTA system.

▪ Social Conceptions and LTA

In general, the obtained evidences showed that the administration of the user's rights is linked with varied aspects; the society's conceptions are one of them. As seen in previous discussions in this chapter, social, cultural and traditional factors were

fundamental to enhance the security of tenure and the user's rights. The system of LTA comprises an extensive range of rules and rights included in its policies and processes, some of which are closely linked with society/ cultural morals, and fully respected and issued in the national system. In this context, the evidence from literatures showed key issues for administrative success of these system values, associated with local attitudes of tenure and related goals, and also quality of rights-based approaches (USAID, 2005 and 2010; FAO, 2012; Wiley, 2013). Similarly, tribal/ family traditional regulations and morals were dominated in most of AMR's systems, as most of these conceptions are in essential in the shaping security of users' right. In fact, this influence was mirrored in the nominated samples in MER; hence the societal elements constitute deeply do and did to shape or reshaping the rules of tenures and then to impact the users' rights. The main point is that the essential part of the social/ cultural conceptions of the ownership in this region were initially shaped by the community's patterns and adopted later by the land authorities during the independent era, which are essential to contribute to responsible governance of tenure, and therefore these community's patterns were accepted by the state institutions. Also, this side includes the elements contributing to the relationship with the local social/ cultural guidelines within these communities' traditional patterns of tenures (further details in chapter 4, subsection 4.2.5).

Building on the previous discussion, reviewing the literature showed that the influence of social/cultural and traditional factors in relation to LTA can be listed as a set of issues:

- The complexity and rigidity of social regulations of tenure.
- Traditional attitudes and inequitable land rights and Gender participations.
- Tribes/ family' morals and values regarding the tribalism and gender aspects.
- Rural and urban rights conflict.
- Lack of rights awareness among users, particularly the vulnerable groups.

Therefore, the required questions in relation to these factors can be listed as:

- How is the influence of social traditional conceptions regarding the LTA, and on obtaining the users' rights?
- How the land administration authorities deal with these influences?
- What was the current level of its success?

- What is the level of end-users' satisfaction regarding this influence, and the authority's success?

- **Religious influences and LTA**

It has seen the vital role of religious regulations as a resource of LTA throughout; land administration, legislative base, and security of tenure, which is a rooted legacy system in this region. The literature also indicated a significant role of the Islamic interpretation of tenure and individual's rights such as rules of ownership and inheritance, which have a primary responsibility for the administration in the majority Muslim's countries (see Figure 3.2). In fact, the main point is that the Islamic system comprises a widespread range of rules and interpretations included in the Islamic *Shari'a* (laws), which fall nearer to the management of individual's rights regarding the tenure. However, in this region case, the literature indicated also the massive negative role and attitudes of gender discrimination of such old and rigid morals/rules that may unfair and inadequate with these modern systems (see Subsection 3.2.1). The important point is that these local religious regulations have negative impacts, such as gender and indigenous /minority and women aspects. In identifying the negative influence, such regulations may have decimation view and work against the vulnerable groups. Literature showed how such regulations helped to slow the noticeable right of women in rural areas, and limited their hope of being engaged in land tenure activities (see Rae, 2002; FAO, 2002; Sait and Lim, 2006; UN-Habitat, 2005a, 2012 and 2013b). In general, religious systems may work as a hinder factor, because the discriminable attitude in the ownership and inheritance form of sharing, which can and do a respectable influence on LTA development. As seen in the previous discussion, reviewing the evidence showed that the vital role of religious regulations/ morals of the Islamic *Shari'a* in relation to LTA can be listed as a set of issues:

- Inequitable attitudes of inheritance over gender' rights in the Islamic *Shari'a*.
- An inadequacy level with modern administration systems.
- Discriminating with the indigenous /minority rights.
- Rigidity and inflexibility of the radical views.

Therefore, the required questions in relation to these factors can listed as:

- How is the legislative influence of the Islamic rules (*Sharia*) on the LTA, and its role in obtaining the users' rights?
- How the land administration authorities deal with these influences?
- What was the current level of success?
- What is the level of end-user's satisfaction regarding this influence, and the authority's success?

B. Instability influence factors

Not only are such countries economically poor, they are also administration poor in the aspects of LTA. In identifying the negative influence, the weakness of governance or lack of institutional managements is considered in essential in the shaping the insecurity of tenure and then lose the end-users' rights. Tenure security and the ability to document the granted tenure rights to those holders are the result of the quality of institutional authorities. It is unsurprisingly that the instable situation of war/post-war spheres still hinders the LTA aspects in MER and AER systems, with negative results on tenure rights. Reviewed evidence emphasis on that Stability gap's issue affect the quality of LTA directly, and that the authority's organizational gaps must be fulfilled. Reviewing the literature in this chapter showed that authority's organizational efficiency is influenced directly by instable situations of the government, thus, the sufficient security of tenure and the users' satisfaction are closely linked to authority gaps and its administrative efficiency to provide these tenure's rights to people (USAID, 2011; FAO, 2012; Wiley, 2013; Garibay *et al.*, 2010). Furthermore, the evidence in this chapter showed that the unsecured tenure rights, poorly performing land markets, insufficient land/ housing laws, absent/ inadequate managements and a lack of tenure information, and livelihoods deprivation, all were related directly to the weakness of governance and the ineffective legal performance in institutional structures.

Therefore, the insecurity spheres such as war/post-war, terrorism influences, unstable governance and civil violent conflict/post-conflict, and its related negative influence on the weakness of governments are all considered as essential negative factors against land institutional structures and its administrative efficiency. Thus, the influence of

governance gaps and the negative sphere of instability of system's factors in relation to LTA can be listed as:

- The insufficient security as a result of the instability of institutional structures.
- War/ post-war spheres and/or the inter-communal violence.
- Conflicted ideologies in relation to land reforms; (Socialist, Nationalist and Religious settings).
- Terrorism spheres that triggered a multitude of land disputes in MER and AER.
- Lack of legal/rights awareness and Informal settlements or illegal occupation.

Therefore, the required questions in relation to these factors can listed as:

- How is the administrative influence of the instability of governance on the LTA, and its negative role in obtaining the users' rights?
- How the land administration authorities deal with these influences?
- What was the current level of success?
- What is the level of user's satisfaction regarding the influences, and the land authority's success?

- **Economic and financial factors**

It is mentioned earlier in this study, (see subsection 2.4.2), that the performance of LTA is linked through multi-dimensional elements. Literature focused on the financial aspects as basic elements of institutional performance. In this research, it considers the ability to provide an effective financial support of operating a LTA as an indicator to the efficiency of the system. As noticed in the previous discussion, insecurity of tenure consequences can be resulted as a direct response to poorly performing of system in land markets, and the weakness of the government and ineffective management are all empowered by instable state and insecurity situation (see Payne, 2003; USAID, 2005). In practice, poorly performing in the land/ housing markets, and livelihoods deprivation, all are vital consequences related to the weakness of governance (USAID, 2010 and 2011; FAO, 2004, 2007 and 2012). In this context, FAO (2012) showed how it is important to the system that authorise have prepared a good policy to deal with a land/ housing market crisis, and with an economic objective. This point stresses on the administrative role through the housing finance of mortgage loans provision sustained by an effective financial support. In fact, economic and financial factors associated with

the market development process of the land policy permits the regularization of the mortgage to the users under which the lender takes possession of the land rights. Therefore, this point emphasised on the important role of spatial financial systems as a crucial tool to support decision-making in the financial aspects of LTA system. The economic related crisis has to be considered as one of the influential factors in shaping the system of LTA, particularly to those low income and poor people. In brief, recognizing the effective financial support of land/housing markets a positive contribution to the government stability and also to social-economic predictions of their people, as well as to the investments in land/housing markets' issues of the system of LTA.

Reviewing the literature showed that many Economic and financial factors could influence LTA development, these can be listed as:

- Weakness of governance of the LTA system to provide the financial managements.
- Livelihoods deprivation and poorly performing of land reform are empowered.
- Bureaucratic routine and corruption/ lack of the transparency in institutional structures.
- Constrained/ the deficiency of land and housing markets activities.
- Costs and financial benefits of administration processes in the land revenue.

Therefore, the required questions in relation to these factors can listed as:

- How is the institutional financial support in the system employed regarding LTA, and in obtaining the users' rights?
- What is the land authorities' view regarding this support?
- What was the current level of success?
- What is the level of end-user's satisfaction regarding the financial support, and the authority's success?

According to the above discussion, various social/cultural, religious, political and economic factors are having a significant influence in the development of LTA and to obtaining the users' rights, and therefore, these critical factors must be considered. Based on the previous constraints and interventions, (subsection 2.4.3), the conceptual framework is divided into 3 main themes, as it is detailed in Table 5.1.

Table 5.1: The conceptual framework for evaluation of LTA

Themes	Criteria	Required questions
<p>1) Role of basic administrative units in line with the LTA and end-user's rights.</p> <p><i>In line with:</i></p> <ul style="list-style-type: none"> • <i>Decision makers' views;</i> • <i>The user's views.</i> 	<ul style="list-style-type: none"> • Suitability of land organisational system (Agency functions) for LTA: <ul style="list-style-type: none"> a) Spatial Planning Agencies. b) Implementing Agencies. c) Monitoring Agencies. • Efficiency of Land Organisational Systems (Operational Performance) for the LTA : <ul style="list-style-type: none"> a) Security of Tenure. b) Land Dispute Resolution. c) Technical Aspects of System. d) Data and user's information. e) Financing & Data Costs. f) Land Administration Processes. g) Organisational Co-operation. 	<ul style="list-style-type: none"> • What is the role of basic administrative units to plan and implement LTA? • How their Operational agencies are shaping and implementing strategies of LTA? • What is the current level of its success? • What is the level of end-user's satisfaction regarding the authority's success?.
<p>2) Critical factors influence the LTA applying aspects.</p> <p><i>In line with:</i></p> <ul style="list-style-type: none"> • <i>Decision makers' views;</i> • <i>The user's views.</i> 	<ul style="list-style-type: none"> • Social and Cultural Influences: <ul style="list-style-type: none"> a) Tribal/Family traditional morals and conceptions of tenures. b) Civil/ethnic conflict notions about access to land and its tenure's rights. 	<ul style="list-style-type: none"> • What are the main current factor /barrier (s) effect LTA? • How do these factors/ barriers influence the LTA planning and applying? • How the basic administrative units in the existing system dealt with these elements? • What was the current level of its success? • How it is the user's satisfaction regarding the system's success/failure?

Table 5.1: (Continued).

Themes	Criteria	Required questions
<p>2) Critical factors influence the LTA applying aspects.</p> <p><i>In line with:</i></p> <ul style="list-style-type: none"> • <i>Decision makers' views;</i> • <i>The user's views.</i> 	<ul style="list-style-type: none"> • Religious rules influence: 1. Islamic rules of the ownership and inheritance (Islamic <i>sharia</i>). • Stability deficiency (key elements): <ol style="list-style-type: none"> a) Weakness of Governance. b) Economic and Financial related Crisis. c) The Residential Market Crisis. d) Informal Settlements Crisis e) Bureaucratic Routine /Corruptions. f) Displacement &Refugee's Relocation. g) Lack of Legal Rights Awareness. 	<ul style="list-style-type: none"> • What are the main current factor /barrier (s) effect LTA? • How do these factors/barriers influence the LTA planning and applying? • How the basic administrative units in ILAs dealt with these elements? • What was the current level of its success? • How it is the end-user's satisfaction regarding the system's success/failure?
<p>3) Stakeholder satisfaction with the system performance.</p> <p><i>In line with:</i></p> <ul style="list-style-type: none"> • <i>Decision makers' views;</i> • <i>The user's views.</i> 	<ul style="list-style-type: none"> • Engagement of the private sector in developing aspects. • Understanding of users' needs. 	<ul style="list-style-type: none"> • What is the current level of Stakeholder satisfaction with the system performance? • How do these promote the LTA future success?

5.4 Summary

Focused on the triangular relationship of people, land and policy; this chapter developed a conceptual framework to identify the influential factors and the LAS/ LTA aspects of operational performance. It consists of 3 main themes, 5 sub-themes and 20 key components of evaluation to the institutional framework performance in the ILAs strategies in the existing system; therefore it is used as a template for comparing the empirical findings from all these 6 cases involved in the research. The conceptual framework is used in the next chapters (7&8) in order to complete the analysis process of collected data.

CHAPTER SIX: RESEARCH METHODOLOGY

6.1 INTRODUCTION

The majority of this chapter is to discuss the logical ways available for conducting research and provide a rationale for selecting those chosen to achieve the aim and objectives of this study. To explain the methods used for this research, this chapter consists of discussing the concept of the research methodology and advances in research steps adopted. In view of this, sub-sections devoted to explaining the adopted philosophy, research approach and research strategy adopted in responding the research questions. In this chapter, the structure of the interview and the survey protocols, the limitations of the field study, and the methods of analyses used for this research, are presented and discussed.

6.2 RESEARCH METHODOLOGY

According to Kagioglou *et al.* (2000) it is important for researchers to know and understand the components of each major dimension and to be able to integrate the relationships within the research process. Maylor and Blackman (2005) argued also that the research methodology refers to the systematic process by which the researcher investigates issues information in order to solve a problem. Similarly, Fisher (2004) stated that research methodology is the method to raise questions about the researcher's need of knowledge. Therefore, research methodology can be understood as entire research processes from the problem identification to data analysis upon which research aim and objectives are executed and the results are validated.

Thus, these conducted rules and procedures are key elements for conducting research (Figure 6.1).

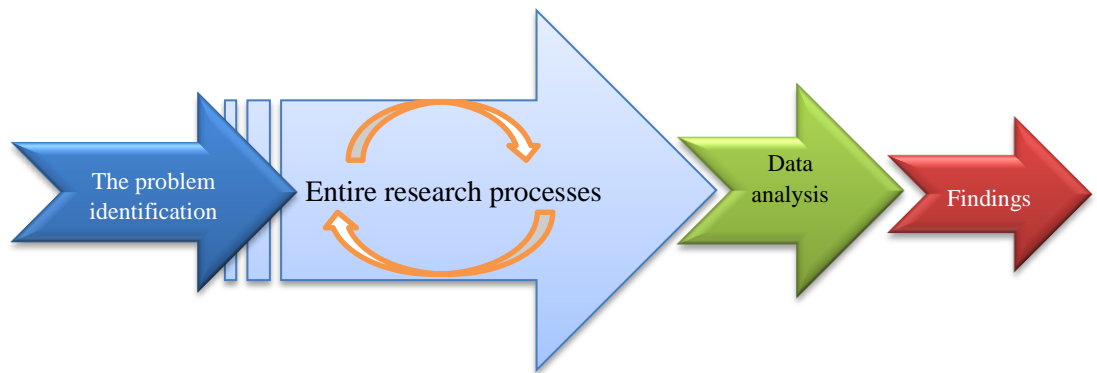


Figure 6.1: Research Methodology understanding

To complement these sets of arguments on research methodology of this research, it is important to consider in advance an appropriate research design within logical continuous steps that would help essentially to reduce the opportunities for failure and guiding the research towards the adequate approaches and techniques.

Number of research methodological methods is available including, for example, the nested approach to research models developed by Kagioglou *et al.* (2000), the research onion presented by Saunders *et al.* (2009), as methods to research design. Kagioglou *et al.* (2000) discussed an enhanced method to realize the way that research methodology components work which called the Nested Research Methodology (NRM). In general, the NRM is including three key stages: research philosophy, research approach, and research techniques. The outer ring represents the research philosophy which guides the research approaches and research techniques illustrated in the inner circles (Figure 5.2). In addition, the NRM can help in reducing and tying the research philosophy, research approach and research technique (Hair & Samouel, 2007; Kumar, 2014).

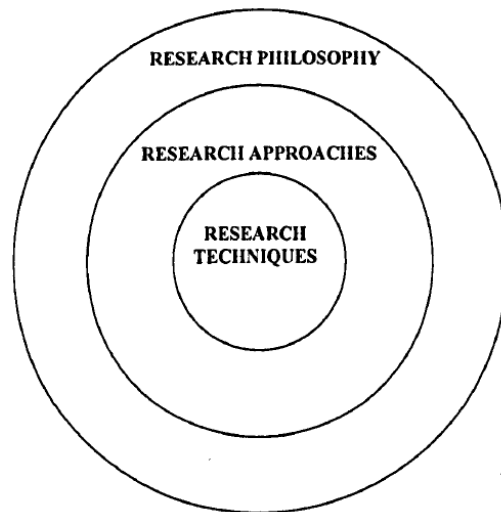


Figure 6.2: Nested Research Methodology (Kagioglou *et. al.*, 2000).

However, there are another's methods for enhancing the research methodology components. Saunders *et al.* (2007) and then Fellows and Liu (2009) concluded that the research philosophy represents the way in which a researcher thinking will support the selection of research strategy and methods in subsequent the objectives. In order to ensure that, Saunders *et al.* (2012) developed the Research Process Onion (RPO), which is included in six layers, introduced three additional layers to the NRM (see Figure 6.3).

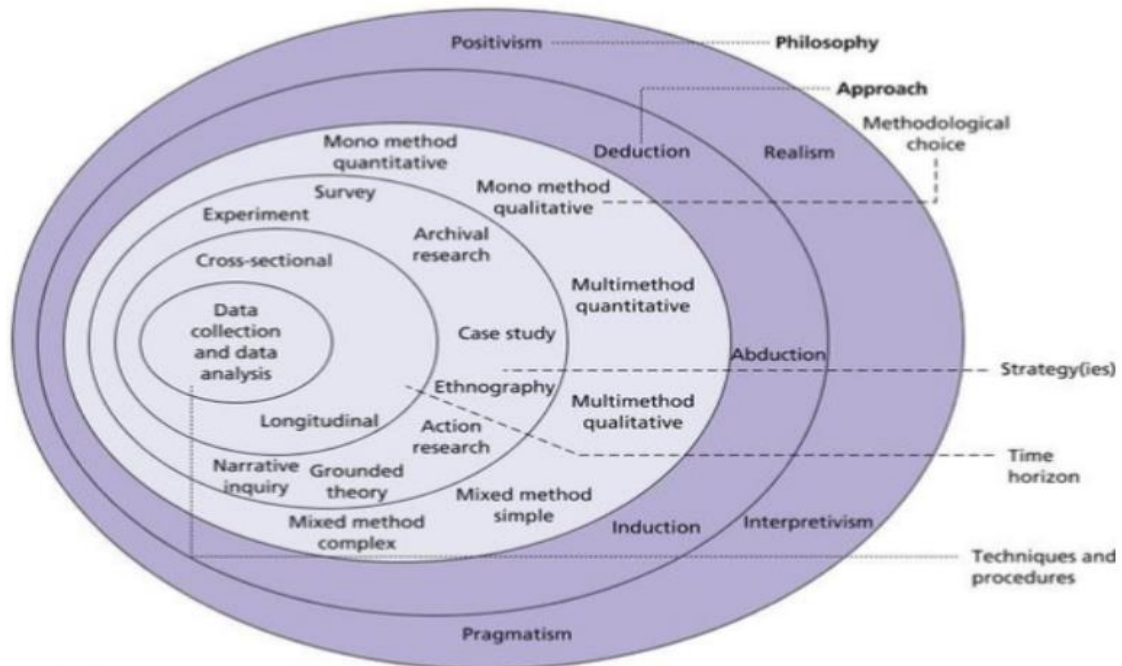


Figure 6.3: The Research Process Onion (RPO). Source: (Saunders *et al.*, 2012).

In practice, the methodology approach can help in reducing and tying the research philosophy, research approach and research technique (Al Rawahi, 2014). And so, the NRM and RPO methods try to summarise the importance of hierarchies of the research activities, working as guidance for the researcher helping to manage the research process. However, although the similarity of research approach layer, which is easily noticed in both NRM and RPO, as they are actually designed to refer to different concepts. Also, the deep comparison of methods stages indicates that the research approach layer in the NRM is likened to the research strategies in the RPO, as illustrated in Figure 6.4.

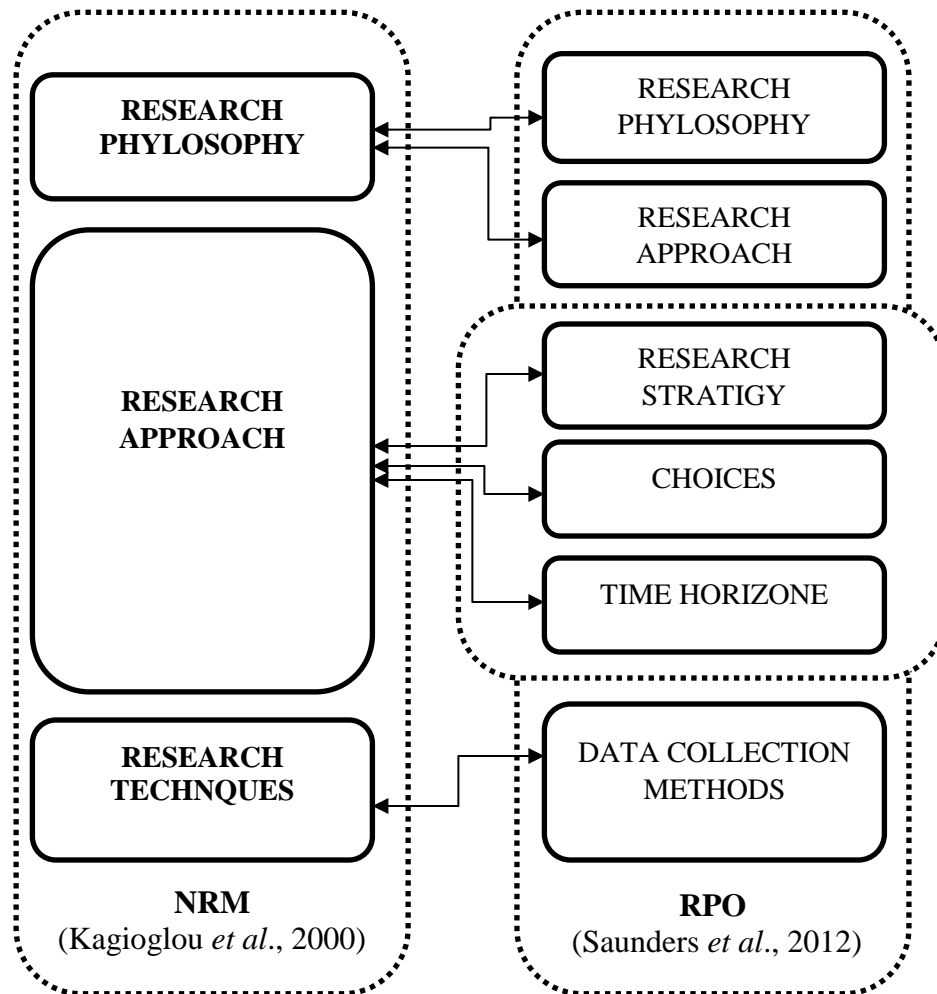


Figure 6.4: Comparison of main elements in two research design models.

Figure (6.4) also shows that the RPO model proposed by Saunders *et al.* (2009) used a variety of research methods and has been employed to achieve effectively the research objectives. Based on this rationale design, the six layers of the research onion model will be used as an outline for the explanation of this research methodology design.

In this research, the research design is influenced by the research problems which had been identified by the research during work experience in the field of LTA aspects in Iraq. Therefore, in accordance with the RPO model and a research design modelled after the four main questions emphasized by Punch (2005); the overall research process will include six stages which are discussed in the next subsection. As such, the six layers of the RPO model will be adopted in this study as an outline for the explanation of this research methodology design, since it will offer an adequate comprehensive structure within a systematic stage.

6.2.1 Research Philosophy

Research Philosophy refers to the development of knowledge and the nature of that knowledge (Saunders *et. al*, 2009). Research philosophy is identified by different terms such as research paradigms, epistemologies and ontologies, and philosophical worldviews by different authors (Cresswell, 2003). It can reflect the researcher's idea that is used to develop the knowledge. For example, Easterby-smith *et al.* (2004) argue that Research Philosophy is directing the researcher towards the appropriate research design and highlights the potential limitations of the design. In this connection, it is also to indicate that there are the two major philosophies in social sciences research that differ in their assumptions about the nature of reality (Saunders, Lewis and Thornhill, 2007; Maylor and Blackmon, 2005; Collis and Hussey, 2009 and 2009a; Saunders *et. al*, 2009). These two philosophies are the positivism and the interpretivism paradigm in the social sciences, which differ in their assumptions about the nature of reality, and thus can be detailed as:

A. Positivism paradigm

The Positivist paradigm is the major philosophies in social sciences research (Collins and Hussey, 2009). This paradigm is included quantitative, objective and experimentalist alternative terms conducted in the natural sciences (Easterby-Smith *et al.*, 2004). With respect to ontology in Positivists philosophy, Collis and Hussey (2009a) emphasis that it is believed that reality is objective, and external to the researcher, which is peculiar with the natural sciences. In general, the positivism refers to a search by rationale means of general laws and cause-effect relationships (Sexton, 2007). Therefore, the research Positivistic Philosophy is based on research methodologies with a rational explanation of the problem and thus it is adequate to be used in science, where the observer is independent and the world is measured objectively by quantitative methods, thus the quantitative thinking is a paradigm which is termed the positivism and experimental searching objectively.

In this context, as this research aims to develop a strategic approach to the LTA in Iraq. Also, both the researcher and LTA stakeholders are involved directly in this research, as the research may need to determine the relationship between age, gender, experiences, and educational levels, which cannot all be explained by Positivist methods or give a reasonable expression. Therefore, the researcher cannot be separated and objective here, because he is himself part of the phenomena, also it is impossible to separate the end-users of land (LTA stakeholders) in any case from the social contexts in which these variables exist and views cannot be understood without examining their perceptions of their individual experiences regarding LTA in Iraq, and their current satisfaction levels. In dealing with complex conditions and situations in the Iraqi LTA aspects, most of current situations do not able to properly analysis quantitatively. Keeping in mind of all these above- mentioned facts, it is necessary to gain an understanding that the Positivism paradigm deals with a consideration that the social world existing through an objective measures, as it follows the traditional statistical probability of scientific approaches to developing the knowledge regarding the researched phenomena. Thus, it is seen that the positivism is inappropriate alone for this research.

B. Interpretivism Paradigm

The other research philosophy of the social sciences is the interpretivist paradigm. This paradigm is the opposite side to the Positivism paradigm in the research philosophy area. It believes that the world holds an unknowable reality (Collis and Hussey, 2009). As the interpretivism philosophy can be referred to search for explanations of human action by understanding the way, in which the world is understood by individuals (Sexton, 2007). Hence, interpretivists believe that there are multiple realities because the reality is constructed by people differently (Easterby-Smith *et al.* 2002; Aouad, 2009). Neuman (2000) also stresses that both the researches and participants may/ may not share the same reality in the same ways and conditions. From this observation, it can say that the interpretivist philosophy thought that there are a multiple interpretations of reality and that requires that these multiple views can explain it subjectively, as the researcher and participants may not share the same reality in the same views. Therefore, interpretivism philosophy assumes that the human action will act in unpredictable ways as seen by participant's views. Thus, this paradigm explains the world as it is not measured by statistical methods, using a qualitative approach to establish the finding subjectively.

In general, this interpretivism philosophy trends towards qualitative methods of data collection, such as observations, interviews, and documentations. In this research, the perceptions of LTA stakeholders at both levels in ILAs agencies are needed to explain in depth the current role of ILAs strategies in line with the users' needs. This research needs to collect the views of those decisions-makers in ILAs agencies these attitudes and experiences that must be understood, and hence, analyse a range of current success/failure key factors in the Iraqi case, also to explain its efficiency under the multiple influential factors of the current situation in Iraq. Therefore, the interpretivism is adopted in this research as the most appropriate philosophy to achieve this research aim.

In summary, the research methodology represents that there are observable facts that can be observed and measured quantitatively and/or qualitatively according to research assumptions. Therefore, the interpretivism philosophy adopts qualitative data while the

positivism philosophical trends towards quantitative data. Considering philosophies and paradigms, this research adopts a mixed paradigm. It endeavours objectively to review the current reality of LTA as a single reality adopting quantitative data, from users of tenure. For the qualitative data, the reality of LTA is that constructed subjectively by those decisions-makers views in ILAs agencies, involved in the research.

It is also important to indicate that in any research study, these are general orientations about the world the researcher holds (Creswell, 2003). As there are many world views of philosophies based on ontological, epistemological, and axiological assumptions that inform the choice of the research philosophy (Collis and Hussey, 2009), and these can be summarised as detailed:

a. Ontological Assumptions

Sexton (2007) observed that Ontology is the study of the nature of reality or the existence in general, and it is logically coming before the epistemology. In addition, on the ontological issue of what is the nature of reality, the quantitative research deals with the reality as an objective and apart from the researcher since the researcher is independent (Aouad, 2009). Therefore, with respect to the ontology in Positivists philosophy, it is believed that reality is objective, and external to the researcher, which is peculiar with the natural sciences (Collis and Hussey, 2009). With regards to the ontological assumption, this research undertakes that the reality of LTA aspects is measured subjectively in qualitative data by using instruments such as the interviews, and continuously constructed as it is seen by social actors' views of the participants (decision-makers views in ILAs agencies), involved in this research since the ILAs interviewees influence is not out of the interaction of that being researched.

b. Epistemological Assumptions

Creswell (1994) specified that the epistemology is the technical term for the theory of knowledge where it explains “How” a researcher knows about the reality and what knowledge should be acquired and accepted. Additionally, the epistemological assumption deals with “what” are the relationships of the researcher and that being

researched (Sutrisna, 2009). In summary, it is important to understand this logical assumption due to all phases directions of research are provided and designed by these assumptions. With this study, the epistemological position is that the knowledge must be gathered from listing to the social actors, obtaining the actors' view in order to interpret them to findings in the research. Therefore, in qualitative issues; the researcher is dealing interactively with those being researched trying to minimise the distance between him (as a part of the Iraqi society), and that being researched, whereas the researcher is independent objectively in his research by assessing the quantitative issues using experiments and survey.

c. Axiological Assumptions

From these distinctions about the reality, there is also another aspect that deals with the role of researcher's values. Axiology is the branch that studies, judgments about the value (Saunders *et al.* 2007). On the axiological assumptions, according to Creswell (2003) and Collis and Hussey (2009) the research's questions are dealing with the role of values, and thus the researcher's values are kept out of the research in a quantitative project, while its value is ruling on the qualitative research since what the researcher and people values may play a critical role in the study conclusions. Thus, in this research the quantitative data are reported by the researcher where his values are kept out of the study, arguing closely from the evidences gathered objectively from the questionnaire tool in the study. In qualitative data, the research is value-laden since the major difference is that the researcher may admit and actively report his personal beliefs or the feelings and biases, and that value of the ILAs interviewees gathered in the field. From the previous discussion (Subsection 5.2.1/A,B and C), it is important in research project to build its research philosophy dealing with different branches of philosophical assumptions that deals with the knowledge as guiders that help the researcher to answer the question and to achieve a valid and reliable research; the graphical illustration of these relationships is in Figure 6.5.

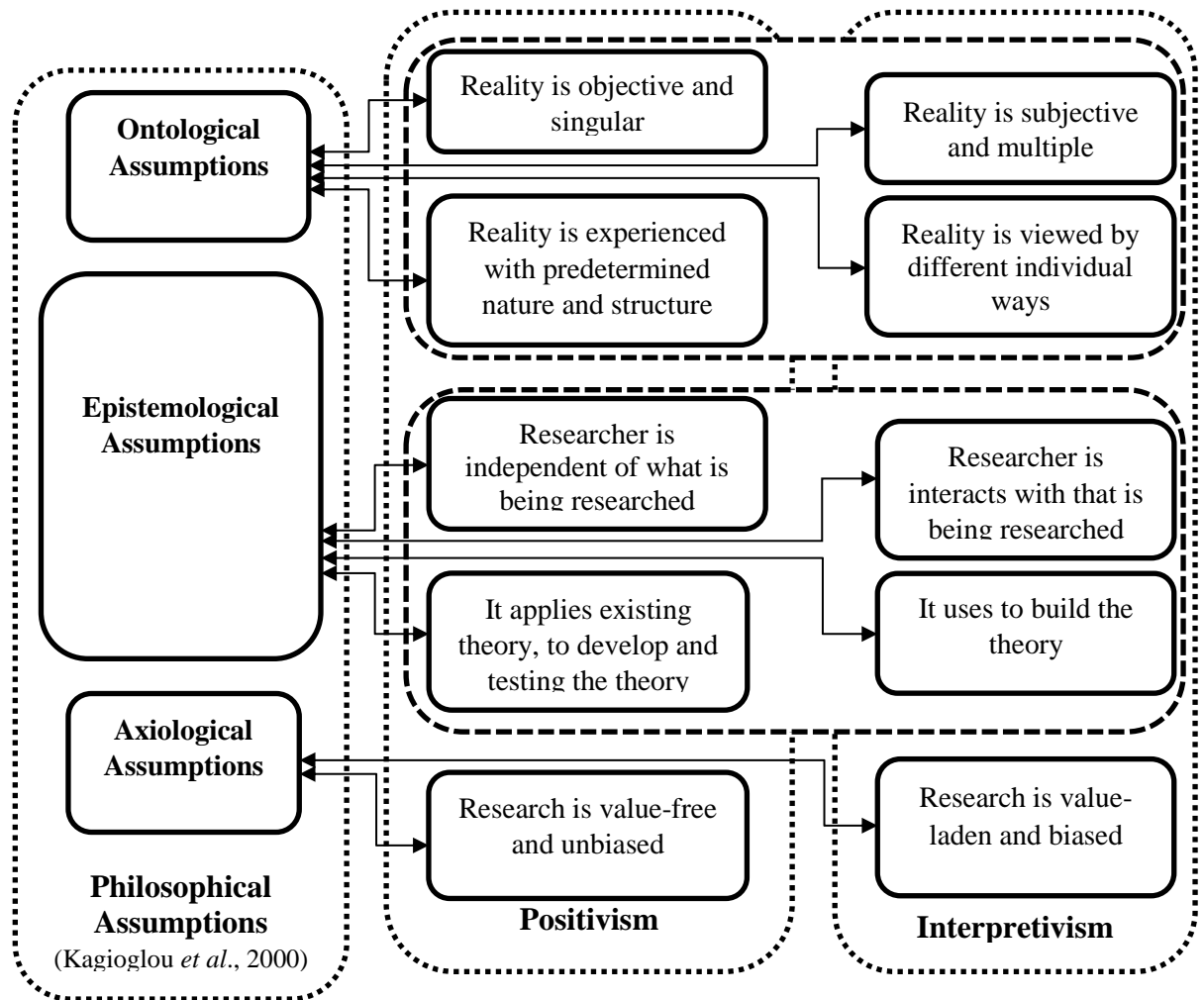


Figure 6.5: The philosophical assumptions relation with the positivism and interpretivism.

As this research is aiming to develop a strategic approach for developing the Iraqi LTA, therefore, ontologically, this study tends more towards idealism. This suggests that this research consider the phenomenon as not an independent or a single reality by understanding the participants' interpretations of the reality. With regards to the ontological assumption, this research undertakes that the reality of LTA aspects is measured subjectively in qualitative data by using instruments such as the interviews, and continuously constructed as it is seen by social actors' views of the participants involved in this research. Accordingly, the subjectivism ontological position is adopted as the reality is an outcome of the participants' interactions that interact with the phenomenon within the studied context of LTA in this research. From the

epistemological perspective, this research tends more towards the interpretivism assumption. This suggests that knowledge is socially constructed through the interpretations of major participants in the Iraqi LTA aspects. For this reason, the interpretivism epistemological position is adopted to gain an in-depth understanding of social reality through the study of local interpretations and attitudes (participants of TSM at ILAs, and land users' opinions). From the axiological perspective, this research tends more towards the value laden stance. The research's questions that conducted in this study intend to answer not only 'what' but also 'how' stances. In fact, the data in this research is collected in value laden method because they are influenced by cultural experiences and background of the participants (TSMs and land users). The major assumption is that the phenomenon under investigation is interpreted with respect to the Iraqi context through the interrelationships between the participants' background of these local values in Iraq.

6.2.2 Research Approach

In general, wherever theory is introduced there are two research approaches: deductive approach and inductive approach (Sekaran, 2003 and 2009). Sander *et al.* (2007) have shown the major difference between these two research approaches, the deductive approach which is used to test the theories in order to generate empirical research, while the inductive approach is appropriate to generate the theories through the empirical research. In this sense, Saunders *et al.* (2012) recommended a combination of deduction and induction as it is an advantageous way of conducting a valid and reliable research. In the deductive approach, firstly the theory and the hypothesis are developed and then the research strategy is designed to test the hypothesis, whereas in the inductive approach theory will be developed as a result of the data analysis (Saunders *et al.*, 2003). Consequently, the inductive approach is associated with qualitative research where the data are collected and theories are built, whereas the quantitative data is more likely with the deductive approach studying the relationships between facts and how they fit with the theories. In this research, these combined approaches used to increase the validity and reliability of the research.

In summary, since the scope of the study lies in the field of social sciences; and the nature of this study is deep-rooted in the concept of real-world experience, therefore, the researcher has chosen to combine both the deductive and inductive approaches. One of the objectives of this research is to develop a conceptual framework for the LTA in Iraqi urban councils. This involved qualitatively and quantitatively evaluating and analysing to the collected data in the criteria of the conceptual framework (Chapters 7 and 8).

6.2.3 Research Strategy

The research strategy is the third ring of the RPO and according to the characteristics of the problem, the strategy for the research is selected. Naoum (2007:37) defines a research strategy as: “..a way in which research objectives can be questioned”. For example, Saunders *et al*, (2009) classified types of research strategy: experience, case study, survey, and archival research. In general, case study are the preferred research strategy when how or why questions are being posed, when the researcher has little control over the events and in examining contemporary events (Yin, 2009). Also, the research strategy can be adopted as various methods; Jankowicz (2000) suggests four methods: archival method, the case-study, the survey, and the field experiment. Yin (2009) and Saunders *et al*, (2012) also added different types of research strategies in the social science. Built on the previous description, Research strategy is the academic strategy by which researchers intend to tackle research in order to answer the research questions in a social context. This research falls under the interpretivism and subjectivism stance and for the purpose of this study, the direction of this research shows that there is no need to deal with behavioural events or even to try to control them. Thus, the research did not intend to switch the behaviour of participants in ILAs and end-users of land, the event also is contemporary and the researcher has no control over the phenomenon.

This research investigates the efficiency of LTA in Iraq from the ILAs performance and the users’ satisfaction in order to develop the strategic approach. This does not fall within the critical, unique, representative, revelatory or longitudinal categories suitable to select single case study. Therefore, this research used the multiple-case holistic design

where the number of cases was 6 institutional agencies, which will help to achieve a better validity and a deeper understanding to the studied phenomenon, thus increasing the validity and stability of the findings. This is mainly, because: "...*evidence from multiple cases is often considered more compelling*" (Yin, 1994, p. 45). Therefore, the saturation of the data collection was achieved (see section 6.2.6 and table 6.1). This multiple-case study helped the researcher to analyse and present the findings of the study in one set of data, focusing on studying the phenomena of LTA itself but not as the phenomena existed in each case separately. Although this research was conducted with different TSMs in different institutional agencies (cases), the data synthesised the lessons learnt from the overall experiences rather than focusing on each case separately (Yin, 2014).

▪ **Case Study Strategy**

The case study was defined by Yin (2009, p. 18) as "an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident". In fact, the case study allows the researcher to gain an in-depth picture of the relationships and processes within the phenomenon, and it is more and common in qualitative studies. It is preferable to be used with a contemporary set of events over which the researcher has no control. Yin (2009) identified three different types of case studies, namely exploratory, descriptive and explanatory. Exploratory case study allows a researcher to carry out fieldwork and data gathering activities prior to the identification of the research questions and the development of the hypothesis, whereas Descriptive cases require a descriptive theory to be established before starting the project (Tellis, 1997). In terms of a single design, the study can be critical, unique, representative, revelatory or a longitudinal study (Yin, 2009):

- **A critical case:** it is used to extend new contribution to the theory.
- **A unique case:** it is used to investigate a new case.
- **The representative case:** it is usually undertaken when the case is common.
- **A revelatory case:** it allows a researcher to carry out an investigation into a context or phenomenon which has not been examined previously.

This research investigates the efficiency of LTA in Iraq from the ILAs performance and the users' satisfaction in order to develop the strategic approach. This does not fall within the critical, unique, representative, revelatory or longitudinal categories suitable to select single case study. Therefore, this research used the multiple-case holistic design of 6 institutional agencies cases, which help to achieve a better validity and a deeper understanding to the studied phenomenon, thus increasing the validity and stability of the findings. This is mainly, because "evidence from multiple cases is often considered more compelling" (Yin, 1994, p. 45). Therefore, the saturation of the data collection was achieved (see section 6.2.6 and table 6.1).

This multiple-case study helped the researcher to analyse and present the findings of the study in one set of data, focusing on studying the phenomena of LTA itself but not as the phenomena existed in each case separately. Although this research was conducted with different TSMs in different institutional agencies (6 cases), the data synthesised the lessons learnt from the overall experiences rather than focusing on each case separately (Yin, 2014). Therefore, the selection criteria were based on selecting the major and presentative institutional agencies within the ILAs which administrate LTA to users nationally and locally in Iraq. The institutional framework within the ILAs' structure in Iraq is a set of spatial planning, implementing and monitoring agencies playing various roles in the Iraqi land tenure development, offering significant levels of the support financially and administratively in Iraq. At the national ministerial level where National policies are planned, there are four ministries: MoA, MoJ, MoH&C, and MoM&PW, all are representing the ILAs strategies at the Iraqi national sectors; hence the ILAs are conventionally combined from interconnected groups of general directorates in Baghdad, the capital. At the local agency level, the Physical Planning Commission (PPC) and the Land Registry and Cadastre Offices (LRCOs), are embedded the land authority where LTA is implicated at the Iraqi local levels; the province & city (see section 6.2.6). In terms of selecting the participating sample, it was based on the fact that the ILAs are conventionally combined from interconnected groups of general directorates in Baghdad, the capital, and at the local agency levels in the country (see figure 4.3 and table 5.1). Also, this research focuses on the efficiency of ILAs regarding the users' needs, as it also concentrates on LT users in Iraq in order to identify their

views on ILAs performance and their satisfaction levels regarding the authority's success and security of rights, the participants' views were collected in Al-Nassiriya city (see Chapter 4: Section 4.5 and Chapter 7: Table 7.1).

Figure 6.6 graphically illustrates the case study strategy in this research.

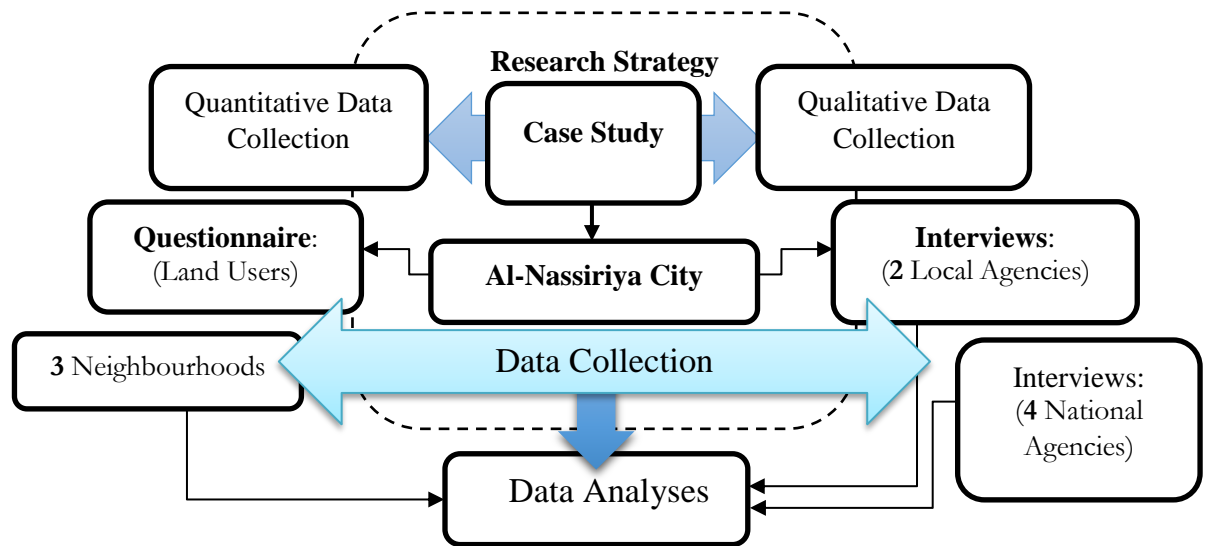


Figure 6.6: The research strategy of the research

According to the RPO model adopted in this research, the next section will deal with the choices applicable. As the research adopted a mixed method approach, in which both qualitative and quantitative data is collected.

6.2.4 Research Choices: Mixed Methods

Tashakkori & Teddlie (2010) have stated that quantitative and qualitative research are not the only choices a researcher can make and they suggested the use of a mixed research approach which combines both approaches, in order to reduce the current gaps in each approach and thus could enhance the validity of the findings. In this research, the aim is to develop a strategic approach to effective implementation of LTA in Iraq, through the actual experience by the TSMs at ILAs and people who dealt directly with LTA aspects in Iraq, and such an investigation needs quantitative and qualitative data

collections which are not achievable through the methods from pure natural sciences; therefore, the researcher will adopt the mixed research method as the most suitable research choice to be employed. In addition, due to the complexity of LTA aspects in the ILAs structure and its influence on the users' needs and obtaining rights, one choice is not adequate enough to understand the real situation of this phenomenon in this period in Iraq, and thus a mixed methods' choice will enable the researcher to obtain a better understanding of the phenomenon, and to combine together comprehensive information on the studied area.

▪ **Qualitative Methods**

The interview is a method for collection of data by asking participants questions and following up or searching their answers (Flyjberg, 2004). According to (Gummesson, 2006) the interview questions should be prearranged in such a way that each question deals with a separate side of the topic which should be chosen carefully. In addition, the interviewer can have a list of topic areas where the responses are recorded or can follow predetermined standard questions with some probing for clarifications and explanations (Cavana *et. al*, 2001). Face-to-face interviews have long been the dominant interview technique in the field of qualitative research (Velde *et. al*, 2004; Kumar, 2014). The main advantage of semi-structured interview is that it allows the researcher to explore ambiguity, or inadequate answers which may be met by the interviewees, while a restricted structured interview or questionnaire does not allow this (Easterby-Smith *et al*, 2008). According to Yates (2004) this gives the interviewer the chance to tailor the questions to the ongoing concerns of the participants who can talk about things the interviewer might not have thought about, especially information which may help the research. Building on the research social nature, the interpretive philosophy, the inductive approach, and the research aim and objectives, this research adopted the qualitative method to be chosen as the main tool for gathering data from ILAs agency members, which will help to provide insights into individuals' views of decision-makers at ILAs to increase the research validity as data being rich and subjective (see Chapter 7). In this context, the research methods used were; semi-structured interviews, literature

review and review of documentation. The next section discusses the profile of the quantitative method in this research.

▪ **Quantitative Method**

The questionnaire is one of the most commonly used data collection methods (DeVaus, 1996), and according to Kumar (2014) this method is linked with quantitative research. That is, respondents answer the questionnaire anonymously without the influence of the researcher (Sekara, 2003), the questionnaire can be administered by mail, telephone, using face-to-face interviews, or electronically via email (Marshall & Rossman, 1999; Marshall, 2005). Therefore, a questionnaire is the way in which research projects demand the collection of primary data from individuals. Questionnaires are often the best way of gathering, such information and views. According to Saunders (2009) Questionnaire design is an essential step to use relevant questions which should include the adequate information required from the questionnaire. However, Yin (2003) indicated that reliability is the extent to which the operations of a study can be repeated with the same results. Bias is known as any influence or conditions that distort the data (Kumar, 2014). The research avoided bias in order to ensure accuracy and validity (Kvale, 1996; Eriksson and Kovalainen, 2008). Building on the research social nature, which is able to be measured objectively using a deductive approach and the test theory, and the research aim and objectives, and for increasing the research reliability, the questionnaire has been chosen as the most appropriate quantitative method to balance the qualitative methods in this research. According to the RPO which is the process adopted in this research, the next section will deal with the time horizons applicable.

6.2.5 Time Horizons Applicable

According to Saunders *et.al* (2003) research projects may be cross-sectional or longitudinal. Sekaran (2003) stated that cross-sectional is investigating a particular phenomenon at a particular time, whereas a research investigating a change and development over a time period is called longitudinal. And the corresponding time limitation since the time horizon of this study is cross-sectional due to it is impossible to access all of these land organizations in the study over a long period. Therefore, the time

horizon of this research has chosen as cross-sectional due to it was not possible to access all of the LTA issues and ILAs agencies for a longitudinal study. Additionally, there were the limitations of the time due to the PhD study.

6.2.6 Data Collection Techniques

Data collection techniques are referring to the approaches that are used to collect the qualitative and quantitative data. In this study, triangulating the methods of both qualitative and quantitative research will help the researcher increase a personal understanding of the phenomenon in question. Thus using the quantitative method will allow the researcher to gain a general picture of the real situation regarding implementation of LTA on ground and general perspectives of end-users on the ILAs policies in Iraq. In addition, using the qualitative method will assist the researcher gain an in-depth understanding the institutional units of LTA by exploring the studied phenomenon in order to get a fuller picture of LTA aspects in Iraq.

As already mentioned, this research adopted the mixed methods approach to secure the advantages of both methods. Accordingly, the following data collection techniques have been used for the study. In this respect, the study dealt with several types of Data collection; a literature review, semi-structured interviews with experts from ILAs agencies, and document review were undertaken to obtain qualitative data within the case studies. In order to obtain an overall view on the concepts of LTA and its practices within the ILAs policies and the role of institutional units perspectives of the influences of current situation on their policies and regarding the users' needs and rights in the existing system in Iraq, a semi-structured interview was carried out (Table 6.1 and Appendix A). While a questionnaire is employed to gather quantitative data from end-user views to explore their experiences of the implementation of LTA in ground (see table 6.2 and Appendix B). However, this situation has reduced the ability to confirm or refute responses from participants. The current insurable and insecurity situations and semi-absence of central system of digital data have the potential influences on data collection of this PhD study, and thus they were reduced the ability to achieve more detailed research (Figure 6.7).

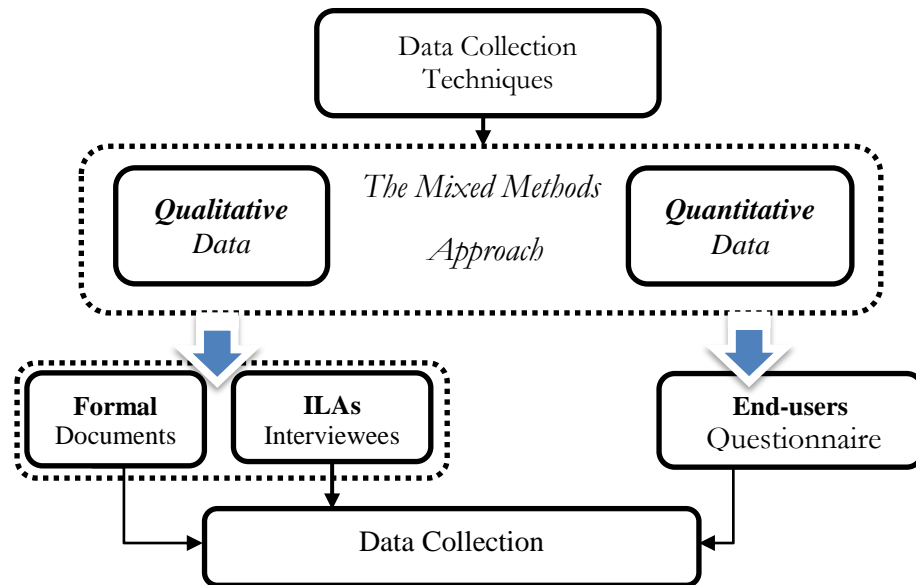


Figure 6.7: The Research’s methods adopted

In this respect, a literature review, semi-structured interviews, and documentation review are undertaken to obtain and enrich qualitative data, whereas a questionnaire is employed to gather quantitative data for the research. These methods are now discussed:

1. Literature Review

As with all other methods of data collection, literature reviews have used to consist of comprehensive samples of all sources of secondary sources of data in the research area (Eriksson and Kovalainen, 2008; Sutrisna, 2009). Also, literature reviews can help to provide a conceptual framework for further analysing the information and reaching robust conclusion to the social science studies (Punch, 2005). The literature review in this research conducted in three chapters; two, three and four, in order to capture effectively the administrative aspects and users’ needs with these related problems in respect to LTA systems and its critical aspects in Iraq for the research.

2. Documentations

It is one of the most critical ways of supporting evidence collected from other sources (Yin, 2009). Construct validity was established the correct measures for the studied concepts and can be increased by using one of the three tactics: using multiple

sources of evidence, establishing a chain of evidence and having the key informants review draft case study report (Yin, 2003). In this research, the primary data were data collected through interviews and questionnaires, while secondary data were mainly: books, articles, papers, research, theses, and the internet, the secondary data resource in this research is obtained by reviewing the available documentations which are textual or visual. In this respect, the study will deal with several types of documentations which were consulted (see Yin, 2009), and these are as follows:

- 1) **Administrative documents:** these available forms of the internal progress report and these official statements associated of populations, and these adopted plans and strategies about LTA aspects from these 6 agencies in ILAs at both national and local levels, and at Al-Nassiriya city's master plans and manuals at the provinces/city level which relates to LTA issues;
- 2) **Archival records:** these available forms of service records of agencies' roles and achievements, Iraqi land tenure, the several statistical records of land use, housing units and numbers of staffs enrolled in the urban sector councils, and its local assessment reports in Iraqi cities (Al-Nassiriya city), within different periods from ILAs archive. The ILAs archives help to view the LTA development in urban areas and the tenure security challenges in Iraqi cities to have appropriate regulations and applications;
- 3) **Public documents:** the statistical year- books from the Iraqi Central Bureau of Statistics (as estimated by ICBS, 2014, 2015, and 2016) from the Iraqi ministry of planning, and also these statistics from Ministry of Housing & Construction (MoH&C), and the Ministry of Municipalities & Public Works (MoM&PW), and these formal reports from the Iraqi Ministry of Justice (MoJ), which is the main unit of the study since the national land policy and legislations forms are primarily shaped under its responsibility;
- 4) **Formal reports:** these official statements and evaluation reports related to the research topics from the ILAs agencies, and also these complaints from peoples (end-users) at both national and local councils, and these publishing from ILAs such as posters and newspapers about LTA and strategies in Iraq.

In this research the purpose of collecting documents depends on the availability and relevance of obtaining information about the ILAs current role and their administrative ability to deliver a best LTA in line with the users' needs in Iraq, as most of obtained documents have been used to describe the current situation in the Iraqi case of LTA system and its efficiency (Chapter 4). Also, the documents were selected and classified according to the research directions and at the time of the research interview sessions conducted in the ILAs agencies (Chapter 7). Therefore, these documents added a good base to the validity and reliability of this research. In this research, the collected documents were analysed qualitatively and were interpreted within the study's discussion (Chapter 8).

6.2.7 The Pilot Study:

As it is mentioned previously in this chapter, Semi-Structured Interviews as a Data Collection Technique was used in this study. According to Polit, London, and Martinez (2001, p. 467), a pilot study can be defined as a "small scale version[s], or trial run[s], done in preparation for the major study". Teijlingen and Hundley (2002) summarised some advantages of using a pilot study prior the main study. These are: testing appropriate research tools, assessing whether the interview's structure and technique are effective, determining what resources should be needed, training for the researcher by learning from mistakes, assessing the designed questions, and estimating the time that will be taken when conducting the interviews' method.

- **The pilot of the interview**

In this research, the purpose of the interviews in this research is to identify closely at the ILA's roles and the current performance regarding LTA aspects in Iraq. Also, the interviews were embedded both levels as the main units of analysis. Also, the research aims to identify the impact level of the current insecurity situation and the level of weakness of the government's role on the LTA, and this can be done through interviewing samples of decision-makers associated with the ILAs organisations. The pilot study for the interview started when the researcher wrote out the copies of the interviews in order to obtain a feedback and to check terminologies used in interview,

the validation of the content as being a correct reflection of what said by the interviewees during the interviews. The suggested amendments were undertaken from 4 voluntary participants who provided their feedback, and suggested some amendments. In this context, the interview form was designed in Arabic subsequently to be understood to mother tongue language of the participants, and this process required using the services of an English/Arabic translator in order to ensure more accuracy of the translation of the questions. Finally, all final copies of the interviews were retranslated into English with the help of an English/Arabic translator as well as help from a number of Arabic speaking PhD students at the University of Salford. In this sense, the interpretation of the results is used to complete and analysis of the interview data. The interview was ready by early May 2015, and the researcher was able to travel to Iraq to arrange an official meeting with TSMs at ILAs in Baghdad and Al-Nassiriya city, Iraq. The interviews were conducted in two waves under the security aspects from the TSMs at ILAs. According to security rules, all meetings with 16 members of TSMs were conducted over 2 different waves; the first in July 2015 with 8 members (for MoA, MoJ, MoH&C and MoM&PW), while the second was held on in August and September 2015 with 8 members (for PPC and LRCO). The qualitative data collected is explained in detail in Table 6.1 and also in chapter 7 together with the data analysis. Before carrying out interviews in these organisations, letters were sent to these organisations in which the research was introduced, its goal explained and permission for its execution asked, the letter was provided by the University of Salford, and two letters were provided by the researcher to the head managers of Directorates in these agencies of ILAs (see Appendix C). According to security rules inside the offices of these Iraqi nominated organisations, all cameras, mobile and recording devices were removed and, therefore, all interview meetings were not recorded and all obtained answers were written during each meeting (see Chapter 7: subsection 7.3.1).

Table (6.1) summarises the considerations for the interviews considerations.

Table 6.1: The research considerations for the qualitative phase

Considerations	Details
<p>Unit of Analysis Iraqi Land Authorities (ILAs)</p>	<p>The research interviews were conducted in 6 agencies with TSMs involved in ILAs at both national and local levels; 4 ministries and two local boards were conducted. The interviewees from the national agencies were; Ministry of Agriculture (MoA), the Iraqi Ministry of Justice (MoJ), Ministry of Housing & Construction (MoH&C), and the Ministry of Municipalities & Public Works (MoM&PW), while at the local agencies were; the Physical Planning Committee (PPC), and the Land Registry and Cadastre Offices (LRCOs) in Al-Nassiriya city. The reasons for choosing those agencies were that the interviewees; active and presentative numbers involved in ILAs strategy and actively participated, as they have more experience of the current situation in Iraq , and thus understood more deeply the recent administrative issues surrounding of LTA and then the security of tenure and rights provided by the current system in Iraq.</p>
<p>Sample Location Iraq: (Al-Nassiriya city & Baghdad)</p>	<p>Selection of case study – the research criteria for selecting the ILAs were: (1) each selected agency engaged and experienced in planning and implementation process of LTA at both national and local levels of responsibility in Iraq. (2) Each agency has actively participated and experienced in shaping their strategies during the current period towards major difficulties and barriers in relation to LTA and protection the end-user’s rights. (3) Targeting these ILAs agencies helps to provide a good overview of the case study in Iraq.</p>
<p>Sampling Strategy Snowball</p>	<p>Why- the multiple cases strategy for this research were based to support the research aim of producing the findings, therefore, multiple-case study strategy will help to be represented as an interpretive case for the Iraqi LTA aspects, and then it is chosen to increase the research reliability in relation to the LTA phenomenon and under current conditions in Iraq.</p>
<p>Sample Size (6 Agencies: 4 National & 2 Local levels; 16 TSMs in these agencies)</p>	<p>How many- the literature review showed that there are a number of Iraqi key units engaged in LTA managements and implementation, which are involved at both national and local levels in ILAs (MoA, MoJ, MoH&C, MoM&PW, PPC, and LRCO). The data sources were collected from meeting sample of 16 participants of Top Senior Managers (TSMs) from 6 agencies in the ILAs within two levels; the National agencies (4 ministries), ant two boards at the local level.</p>
<p>Number 16 Interviewees</p>	<p>Why that many- all the interviewees were the employers who have a major role and experience in the development management and implementing the LTA in Iraq. TSMs were 16 participants those who lead the general directorates and/or departments of urban planning in these 6 agencies (see Chapter 7, Table 7.3 and Figure 7.1). The sample size in this research was determined to be satisfied according to the role and responsibilities of each level of agencies in the ILAs, and to the active managers involved in the LTA development, and then according to a number of the general directorates and departments of urban planning in these 6 organisations.</p>
<p>Tactics Semi-structured (45-60 minutes)</p>	<p>What to set out of it- semi-structured interviews are adopted for data collection with two main objectives: to comprehend the interviewee's perspective in the ILAs issue, and to confirm getting each interviewee response on the same topics if they need further questions as necessary as found (see Chapter 7: subsection 7.3.1). A format of face-to face interview was fulfilled (enclosed in Appendix A).</p>

- **The Pilot of the Questionnaire**

Regarding the questionnaire, the pilot study for the questionnaire started in November 2015 and distributed and collected in January 2016. The reason for using a questionnaire was to gather a wide range of end-user's views relating to their opinions and satisfaction levels on certain LTA issues and then ILAs agencies' performance, and their ability level to implementing the security of end-user's rights. In this context, the questionnaire data would help to provide an important compression with data from the qualitative aspects of the study (experts' views), and thus increase the validity of the qualitative responses. In this context, the researcher wrote out and formulated the copies of the questionnaires and translating the questionnaires in Arabic, presented to 3 postgraduate students who provided their feedback, and suggested some amendments to build the pre pilot study. The questionnaire form was designed in four sections that are explained in Chapter 8, (Section 8.2). Therefore, the questionnaire was designed to contain both closed and open questions within a semi-structured form (Appendix B).

According to Saunders *et al.* (2016), in research, sampling is essential. Although Mathers and Hunn (2009) argued that there could be a problem of low response rates, or people who complete the questionnaires might not be an expert in the field of research. However, this problem was managed by interviewing the experts of TSMs at ILA agencies, while the general information which the public needs to complete was achieved using a questionnaire from the end-users. Furthermore, shows that the research questionnaire is designed to be distributed randomly among land users in three different neighbourhoods inside the Al-Nassiriya city, the questionnaire samples were constructed by asking individuals who experienced the system of LTA and have the current level of security of land tenure rights in these different neighbourhoods in Al-Nassiriya city, Iraq. And so, the person's sample of land users will be chosen from these selected neighbourhoods in Al-Nassiriya city, thus the questionnaire's samples were distributed, in order to balance the evidences and focusing on the influences of different periods on the LTA implementation in the Iraqi existing system. Also, the nominated neighbourhoods are these two that were established during the Baath's period; Al-Seef neighbourhood (the oldest neighbourhood in the Al-Nassiriya city), and Al-Salihiya neighbourhood, while one neighbourhood (AL-Eskan neighbourhood), that was selected

in this study as a presentative sample of current situation after the collapse of the Iraqi regime in 2003 and most of its land users had lived in semi-slums settlements (see Figure 8.1 and Table 8.1). In addition to a participant invitation letter to invite participants was sent to contribute in this survey, which confirms that; his/her response to this survey is completely voluntary and that his/her personal details will not be disclosed to others, except for research purposes. In this context, the researcher write out and formulating the copies of the questionnaires and translating the questionnaires in Arabic, which was emailed to be printed and distributed in Al-Nassiriya city, Iraq. The questionnaire was designed in four sections that are explained in chapter 8, (Section 8.2). Due to the fact that the researcher was not able to travel to Iraq and to save his time, it was decided to hire an assistant. Building on a respective reason, the use an assistant for distributing and collecting the questionnaire does not affect the validity and reliability of this research because the quantitative data are collected in a value free method and it independent from the subjective results.

As it is mentioned, the questionnaire was sent out for distribution and collected in January 2016 in Al-Nassiriya city. Family-head presenters who live in three neighbourhoods in Al-Nassiriya city were the target population of this study. A target sample of 384 participants (only families groups and those of family head) was selected randomly from the total population of around 60000 people who live in three neighbourhoods (see Table 8.1). The sample size is appropriate for the number of population in the selected neighbourhoods, whereas the sample size which is distributed among each neighbourhood was to balance the evidences and focusing on the influences of different periods. Also, the questionnaire was delivered to participants in Al-Nassiriya city, and it was either taken face to face at the site of the participant's shelter to those illiterates or by giving the copies and waiting to receiving them after a period according to the favourite of the participant. During all that, key security challenges were erupted during the delivering and receiving the copies, especially in neighbourhood (Al-Eskan) which was influenced with illegal occupancies and most of its land users had lived in semi-slums settlements, thus the researcher had to rely upon the direction and a help of policemen to visit and contact them to request earlier their participation (see section 8.2.1). According to Sivo, Saunders, Chang, and Jiang (2006)

the accepted percentage of those who undertake the face-to face questionnaire should not be less than 30% of the total. As mentioned above, the survey was distributed to 384 land users of different age, gender and qualifications in these nominated neighbourhoods inside the Al-Nassiriya city. Of these copies despatched to the selected samples, only 293 were returned, thereby giving a response rate of 76 %. As such, a very good response rate was achieved under the unstable and insecurity situations in Iraq (Table 8.1 gives details of the sample). In this context, all obtained copies were retranslated into English with the help of an English/Arabic translator as well as help from a number of the Arabic speaking PhD students. According to James E. Bartlett, Kotrlik, and Higgins (2001, p. 48), determine sample size in any research is essential for achieving better and accurate research finding. Accordingly, in this research the population size provided by the municipality of Al-Nassiriya city was around 60000 people, who live in nominated three neighbourhoods, with confidence level of 95% (deals with how often the true percentage of the population who would pick an answer lies within the confidence interval) and under categorical data of the confidence interval (also called margin of error = .05), as a result of this; the target sample size is 384 (see Figure 6.8).

Determine Sample Size

Confidence Level: 95% 99%

Confidence Interval:

Population:

Sample size needed:

Find Confidence Interval

Confidence Level: 95% 99%

Sample Size:

Population:

Percentage:

Confidence Interval:

Figure 6.8: Determine sample size of questionnaire (Creative Research Systems, 2015)

And so, the person's sample of land users will be chosen from these selected neighbourhoods in Al-Nassiriya city, the questionnaire's samples were distributed among these nominated 3 neighbourhoods, (see chapters 4 and 7), in order to balance the evidences and focusing on the influences of different periods on the LTA implementation in Iraq.

Table (6.2) and Figure 6.9 summarised the considerations for the questionnaire considerations.

Table 6.2: Considerations for the Quantitative phase

Considerations	Details
Sampling for Questionnaire Random	The research questionnaire is distributed to participating in 3 different neighbourhoods inside the Al-Nassiriya city, among a sample of the end-users of family-head members who were willing to participate. A key issue in choosing these samples is that they will help to working as representatives as possible, providing more accurate answers regarding their experiences in LTA. Two neighbourhoods were chosen as good samples to those urban areas which were established before the fall of the Baath's regime in 2003, while the third sample is that neighbourhood with semi-slum zones that helps to provide an evidence to assess the current situation after the fall of the regime in 2003.
Sampling Size (384)	The sample size is appropriate for the tests used in this research, and the sample size was distributed among these neighbourhoods in order to balance the evidences and focusing on the influences of different periods. The survey in this research was distributed among 384 land users of different age, gender and qualifications in these nominating neighbourhoods of the Al-Nassiriya city, (more details in Chapter 7: Table 7.1).
Response rate 76%	All the participants are doing so completely voluntarily and may choose to withdraw at any time. Of these 384 copies dispatched to the selected sample, only 293 were returned, thereby giving a response rate of 76 %. As such, a very good response rate was achieved under the unstable and insecurity situations, (for more details see Chapter 7: Subsection 7.2.1).

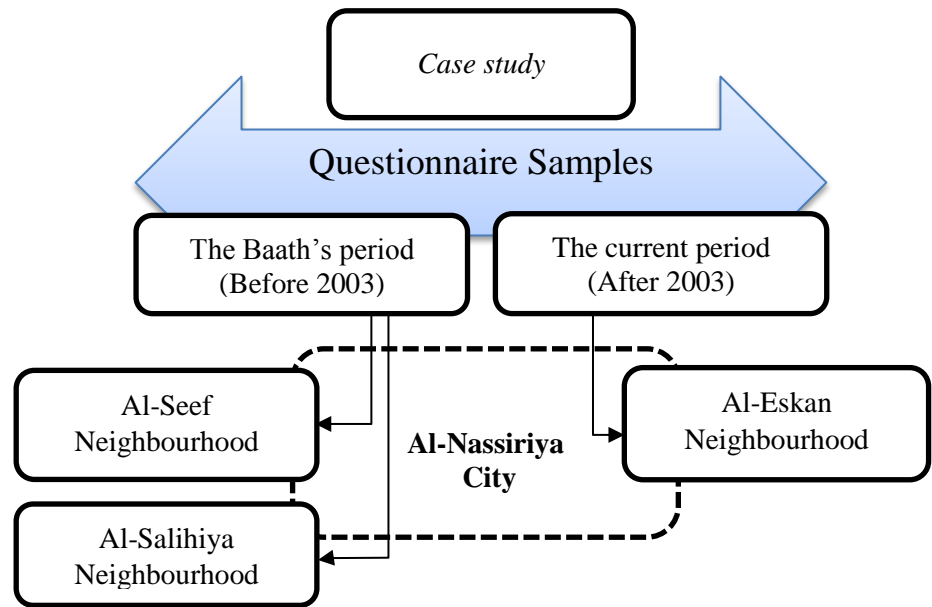


Figure 6.9: The research's questionnaire samples.

▪ Ethical Approval

In this research, for the Ethical considerations, Code of Ethics of University of Salford/ Royal Academy of Engineering (with particular reference to minimising and justifying adverse effects, legal liability, confidentiality and health and safety related issues) REP. Reference: (ETHICS APPLICATION ST1617-57) was used process in terms of ethical procedures (Attached). This was the process for recruiting all interviews and the questionnaire' participants.

6.2.8 The Quality of Research:

Reliability and validity are two main criteria that must be taken into consideration when examining methodological appropriateness. In quantitative methodology, Validity refers to the accuracy and appropriateness of the gathered data (Denscombe, 2010). From the perspective of (Bryman, 2008) reliability means consistency, as that the instrument can be retested on the same respondents at a different time and deliver the same results. In

qualitative methodology, it has been argued that validity and reliability are affected by the researcher's perspective, which may be biased.

- **The Reliability and Validity**

According to Yin, (2009) the common way of approaching the reliability is to make as many steps as operational as possible and then to conduct the research. For the reliability and validity in this study, it has been achieved by providing logical flow and steps for carrying out the research as well as triangulating the qualitative and quantitative data to verify content of information provided by the interviewees. Also, in data collection, each data type was given consideration for the appropriate strategy, objective and the most suitable data collection tools for the investigation. In this research, a clear research methodology has been built and has adopted considerable techniques that give high reliability in this research in order to minimise all biases and to increase reliability.

- **The Construct Validity**

Construct validity is based on the appropriateness of the data collection instruments. Within this study, the researcher used multiple data collection methods to assure that the most appropriate, rich and accurate information was collected for the study. Three different data collections including a questionnaire, document analysis and semi-structured interviews were used as triangulation methods in order to increase the construct validity of the research. Moreover, the data collection methods were selected after a review of previous literature (such as previous studies, academic papers and conference reports). Within this study, the supervisors of this study acted as arbitrators of the research method and the interview questions, and approved the validity of the final choice of data collection instruments for this research. Additionally, the related literature was comprehensively reviewed in three chapters to make sure that the researcher was aware of the most current updates discussed and recorded in the literature. As all the research objectives have been achieved based on the data techniques that have been conducted to analyse the collected data, the internal validity has been addressed. Regarding the external validity, in this research with selected

multiple case study design; the repetition logic can increase the external validity of the research findings as it can be only generalise on a theoretical proposition and not to a whole population regarding the Iraqi case or the Middle Eastern region aspects.

- **Data Analysis Procedure**

In this research, there were three data collection methods including the questionnaire, semi-structured interviews and document analysis. Shannon (2000) defined descriptive statistics as an analysis method for the Social Sciences. In order to analyse the data collected from the questionnaire the descriptive statistics method was used in order to analysis and to present the data in a clear way, and statistical analysis software packages were available and used after the process of collecting the completed questionnaires has been done. In general, the process started as the data was entered in Arabic and the translation into English was only applied to the questionnaire outcomes. According to the themes obtained in the conceptual framework in chapter 3 (see table 3.5), as three different themes (within 5 criteria and 20 key elements) were under investigation;

- a) Role of Basic Administrative Units to meet the LTA and User's Rights.
- b) Critical Factors influence the LTA Applying Aspects.
- c) Stakeholder Satisfaction with the System Performance.

Accordingly, the statistical analysis was performed using the following statistical methods (see section 8.3):

- **Analyses of attributes:** in order to describe the characteristic of the samples responded to the questionnaire, frequencies and percentages were used in determining the percentage of their responds in regards to the questionnaire's sections. Participants' backgrounds were grouped into categories which were analysed in percentages and a summary of frequency. This also helped the researcher to deal with the questionnaire sample to explore the response sample in relation to their gender, age, current position and level of education;
- **Analysis of responses:** some of data collected from participants' responses were ranked within 1 to 3 categories, and the percentages of frequency in each

of these neighbourhoods were calculated and tabulated. Also, related findings were collected from multiple-choice questions;

- **Mean Scores:** this technique was used to organize the responds of the participants depending on the degree of consent, to investigate the factors influencing the development of LTA and the level of respondents' satisfaction;
- **Cross Tabulations:** this technique was used to determine relationships between one variable or more and other. For example, the cross tabulation between the type of documents and type of tenures, and the cross tabulation between each neighbourhood and respondents satisfaction;
- **Cronbach alpha:** Testing validity and reliability of the questions used to collect data using the coefficient (Cronbach Alpha).

Regarding the analysing qualitative data, the General Analytical Procedures are adopted for the qualitative data in this research. These procedures helped the researcher to identify the similarities and differences among the views of LTA stakeholders and generated further understanding into issues concerning the effective implementation of LTA in ILA policy in the existing system in Iraq. Bazeley (2008) stressed that Nvivo provides rapid access to conceptual and theoretical knowledge; graphically model that built from the data concepts and shows the relationships between the data concept before reporting the data (see Figure 6.10). According to Bazeley (2008), Nvivo can also assist in analysing qualitative data in terms of managing and organising data. Nvivo as a software program with high benefits enables the researcher to manage and analyse a variety of qualitative data analysis. This encouraged the researcher to use Nvivo Software program in this research to ensure that the research results are unbiased as possible as, in fact, it does not require much experience in qualitative research. Based on the above discussion, the researcher adopted conceptual analysis for semi-structured interviews (Qualitative data) where the interviews were transferred into written records then classified and coded using Nvivo 10. The justification for this is to explore the respondents' views about the concept of LTA among TSMs. As soon as the data was formed into textual version using Microsoft office words, a full translation from Arabic

into English was carried out and then all the data were collected into one folder. Also, each interviewee was given a specific code (C_n) in order to use that code when the quotations were selected to assist with the themes. The researcher started to read the transcript carefully to familiarise himself with it.

The researcher started to use initial coding to identify important keywords mentioned by the coded participants within main nodes generated from the Coding process to the textual scripts. Once all textual data were coded, the researcher started to find the links between similar codes in order to create sub-themes. In order to complete this step the researcher used an Nvivo 10; so that he could collect all the codes under sub-themes and to finalize the themes (see Figure 6.10).

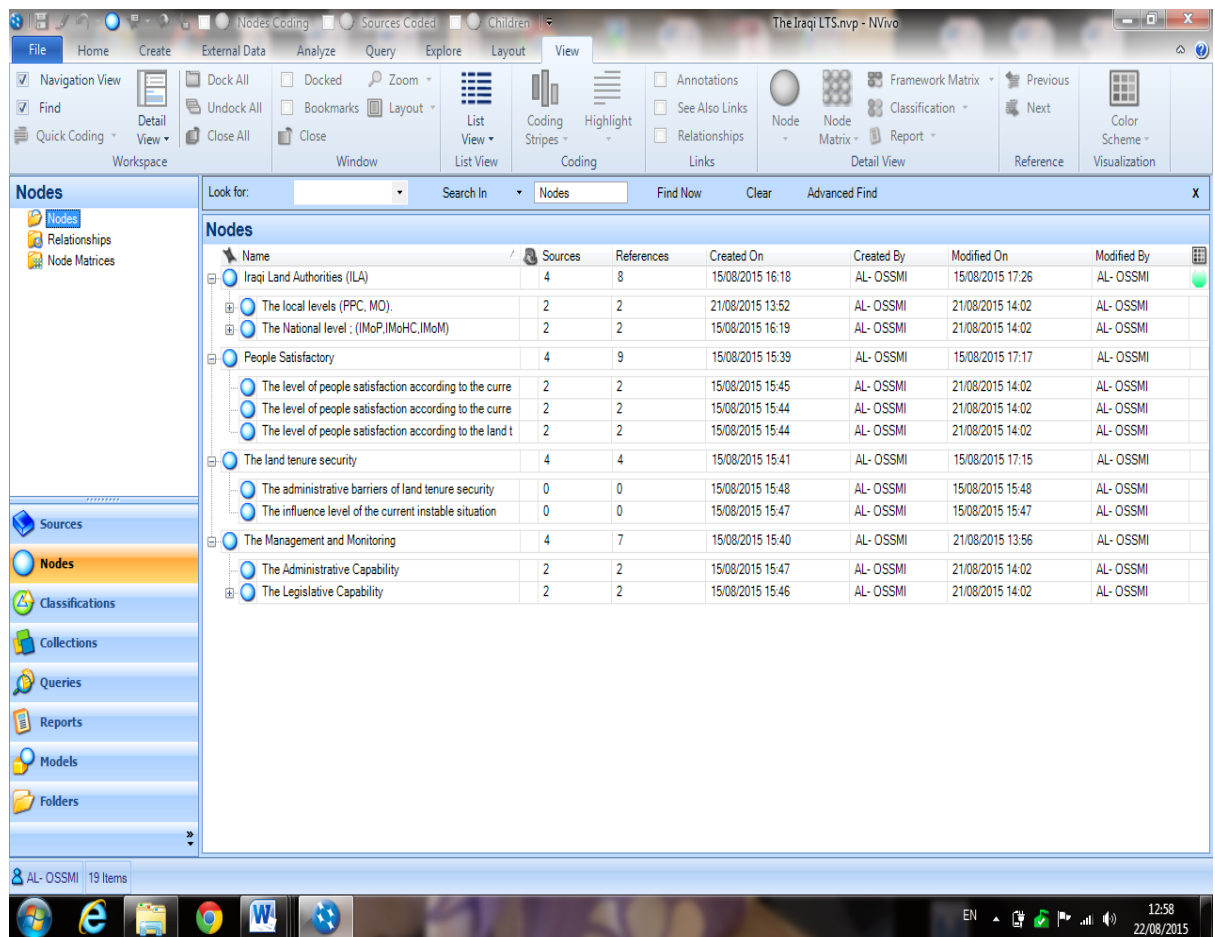


Figure 6.10: Example of the Coding Process

- **Validation of the Conceptual Framework**

Once the conceptual framework was completed as the themes and criterial elements were presented and compared with the literature (chapters 3 & 4), analysis process of collected data was completed (chapters 7 and 8), then the findings were used to create a strategic approach to enhance the efficiency of LTA aspects in ILA strategy in line with the end-users rights, which have been produced in this study (chapters 9 and table 9.1). With a list of recommendations, genuine suggestions of LTA stakeholders, decision-makers of top senior managers and users of tenure, were presented to enable the implementation of LTA to be more effectively and thereby to secure the users' right in ILA strategy (section 9.6.2).

According to Yin, (2009) the common way of approaching the reliability is to make as many steps as operational as possible and then to conduct the research. For the reliability and validity in this study, it has been achieved by providing logical flow and steps for carrying out the research as well as triangulating the data to verify content of information provided by the interviewees. Also, in data collection, each data type was given consideration for the appropriate strategy, objective and the most suitable data collection tools for the investigation. In this research, a clear research methodology has been built and has adopted considerable techniques that give high reliability in this research in order to minimise all biases and to increase reliability. In order to explain the relationship between data collection tools and research objectives and to determine which objective has been achieved and to what degree they have been achieved.

The data collection methods in this research were discussed; the next Table (6.3) presents in a summary form the research objective and their relevant data collection techniques and how the objectives tackled within the data collection methods.

Table 6.3: Objectives of the research within data collection methods

Research objectives	Data collection tools			
	Literature review	Triangulation Method		
		Interview	Questionnaire	Document Analysis
<ul style="list-style-type: none"> ▪ Develop an understanding of LAS& LTA concepts, types and factors that motivate authorities to adopt LTA in their strategy, identifying the essential requirements of stakeholders in the LTA aspects; 	✓	✓		
<ul style="list-style-type: none"> ▪ Study the role of LTA in developing countries of the MER & AER, driving the critical factors influencing the efficiency of implementation of LTA in these related samples; 	✓	✓	✓	✓
<ul style="list-style-type: none"> ▪ Explore the Iraqi existing context and the effectiveness of LTA strategies in ILAs to meet the user’s needs and rights; 	✓	✓	✓	✓
<ul style="list-style-type: none"> ▪ Propose a conceptual framework that is required to be able to make a meaningful sense of data generated by the empirical research; 	✓			✓
<ul style="list-style-type: none"> ▪ Evaluate the conceptual framework validity, using quantitative and qualitative methods of data; 		✓	✓	✓
<ul style="list-style-type: none"> ▪ Draw recommendations, genuine suggestions of LTA stakeholders, and decision-makers of top senior in ILAs in Iraq. 		✓	✓	✓

5.3 SUMMARY

This chapter has presented the design of the research methodology adopted in this study. In this Chapter, the research adopts a model of six layers of the Research Process Onion (RPO), which offers a good comprehensive framework that helps to review each stage systematically within these layers. This Chapter has introduced the interpretive paradigm and following from this, a case study strategy has been adopted and various techniques for data collections were thoroughly discussed.

The next chapter (7) presents the qualitative findings from the semi-structured interviews and documentations, indicating how these findings answer the research questions posted in chapter One.

CHAPTER SEVEN: DATA ANALYSIS; DATA COLLECTED FROM ILAS' AGENCIES

7.1 INTRODUCTION

The literature showed that the Iraqi LTA is governed by a set of administrative agencies within ILAs, and that key institutions manage and implement their functions and security levels in relation to the end-user's rights.

This chapter concerns the 5th objective of the research study, that being "Evaluate the conceptual framework validity using quantitative and qualitative methods of data". It consists of the analysis and interpretation of the qualitative data collected from ILAs' agencies. In this context, the list of themes resulting from the chapter 3 (Section 3.4, Table 3.5) was appropriate to the required questions in this chapter.

Although the Iraqi insecurity situation, the chapter's main source of data succeeds to achieve the face to face semi-structured interviews with the selected members of the Top Senior Managers (TSMs) in these government agencies. In this chapter, the analysed data was targeting the decision-making perspectives from the sample of 16 of these 6 agencies of ILAs to highlight the most important areas requiring action and suggests corresponding efficiency and administrative Barriers. As mentioned in Chapter 5, interviewees were TSMs from the national agencies; Ministry of Agriculture (MoA), the Iraqi Ministry of Justice (MoJ), Ministry of Housing & Construction (MoH&C) and the Ministry of Municipalities & Public Works (MoM&PW), and at the local agencies; the Physical Planning Committee (PPC), and the Land Registry and Cadastre Offices (LRCOs) in Al-Nassiriya city.

As mentioned in chapters 4 and 6, (see Section 4.3, Figure 4.3, Figure 6.11 and Table 6.1), Figure (7.1) graphically shows the qualitative data collection techniques used and the participant groups involved in.

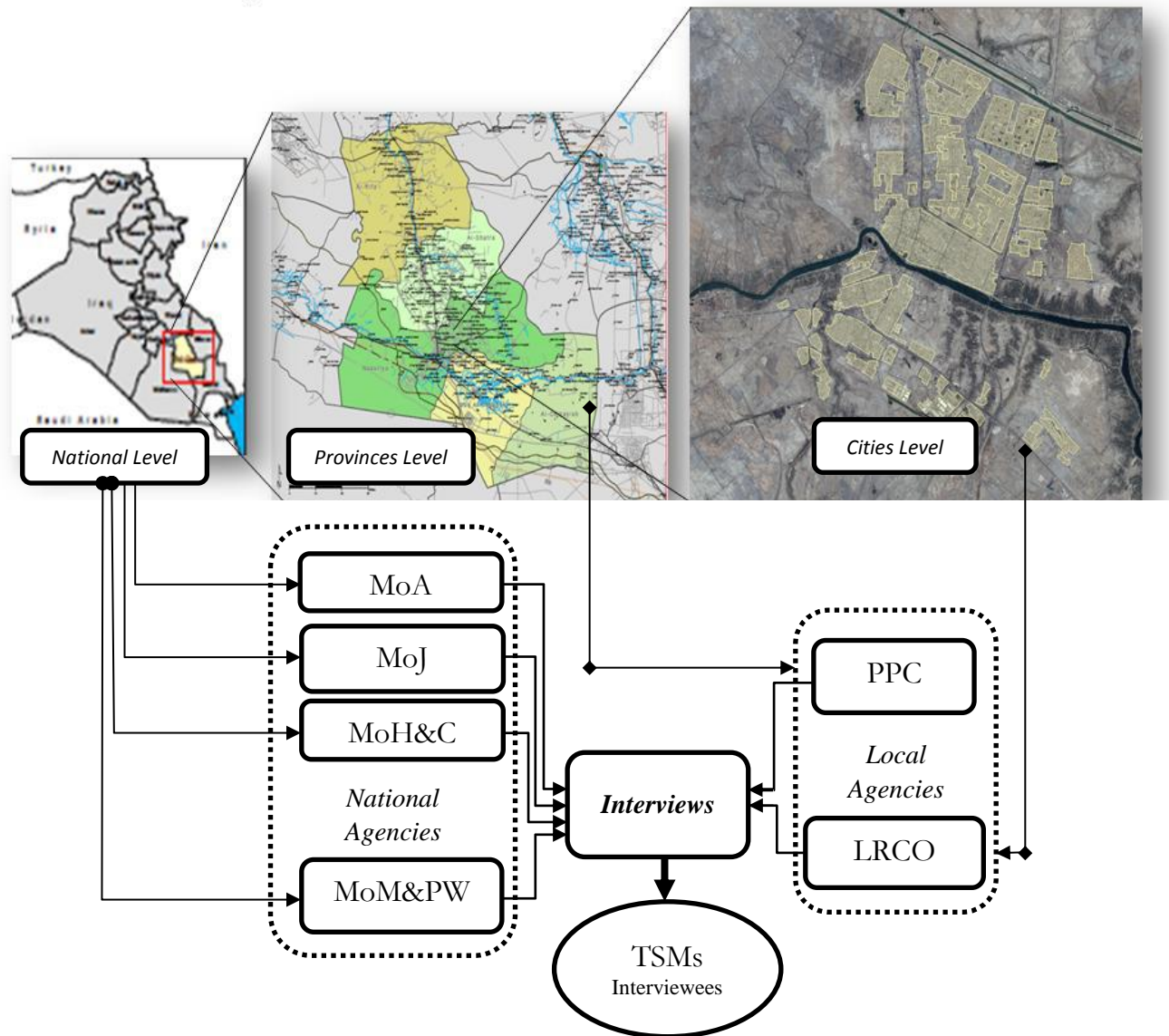


Figure 7.1: Qualitative data collection techniques and the ILAs levels

It is seen from Figure 7.1 that the sources of the quantitative data were collected in the ILAs from 6 agencies within two levels; the national and local, as the national agencies are presented in 4 ministries, whereas there are two local boards. Also, the Iraqi Ministry of Justice (MoJ) is the main unit of the study since the national land policy and legislations aspects are primarily shaped under its responsibility.

In addition, the next quantitative data analysis and TSM sessions will enrich the chapter results, in order to improve the understanding of the study final findings. The next section describes the profile of the selected samples used in the interviews.

7.2 THE INTERVIEW QUESTION DESIGN

As mentioned above, the interviewed samples were 16 TSMs in 6 agencies in ILAs. During the arrangements for the study interviews, extra attention was paid to ensure that the interviewees:

- Active and presentative numbers involved in ILAs agencies (MoA, MoJ, MoH&C, MoM&PW, PPC, and LRCO);
- And, actively participated and engaged in LTA implementation, experienced the difficulties and barriers, and made decisions to overcome them.

This section presents the analysis of the qualitative findings obtained from the semi-structured interviews from each agency in the ILAs, which were analysed using a combination of qualitative coding and interpretation. The analysis is constructed around the 3 main themes identified in Chapter 3 (see Figure 3.4, Table 3.5). The following three themes are listed here:

- Role of basic administrative units in LAS, and the LTA and end-user's rights.
- The factors affecting the LAS, and influence the LTA planning and applying aspects.
- Stakeholders' satisfaction with the existing system performance.

As it is described in Chapter 6 and in Table 6.3, the interview questions consist of the following four sections:

1) **Profile of interviewees:** Questions were asked in order to provide brief information on the ILAs agencies and the participants' profile;

2) Role of basic administrative units in LAS in line with the LTA and user's rights:

This section tries to enhance current mechanisms working to emphasise the LTA implementation. Questions were asked about operational performance aspects, and how the ILAs policies of the Iraqi system are shaping and implementing strategies of LAS regarding the existing situation;

3) The Factors affecting the success/failure, and how they influence the role of

basic administrative units in ILAs: This section goes to identify whether the LTA implementations are faced with any external/ internal factors that influence the role of basic administrative units in ILAs. Questions were asked about how the current LTA is shaped and implemented in the Iraqi system, and how these factors are affecting its success/ failure in ILAs strategy;

4) The perception of stakeholders' satisfaction with the system performance:

Regarding this theme, 16 participants in 6 agencies of ILAs were asked to assess the current level of land authorities' awareness about the stakeholders' satisfaction identified their understanding of users' needs with the system performance in Iraq.

The next section provides brief information on the ILAs agencies at both levels, and the participants' profile.

7.3 PROFILE OF INTERVIEWS:

7.3.1 Semi-Structured Interviews

As mentioned in chapter 6 (see Table 6.1), the semi-structured interviews were conducted in 6 agencies with TSMs involved in 16 sample in ILAs at both national and local levels, and interviews were discussed together and interpreted. Semi-structured interview profile was designed with a mixture of open-ended and closed questions asked (see Appendix A).

In this chapter, the semi-structured interview is designed with a mixture of open-ended and closed questions asked, the interview questions aimed to enhance the current experience, the policy achievements and barriers according to the administrative

perspective of the presentative samples of TSMs, involved in ILAs. Before carrying out interviews in these operational organisations, consent letters were sent to these organisations in which the research was introduced, its goal explained and permission for its execution asked. At both of the council's levels, the TSMs samples in each agency of ILAs were interviewed and arranged a face to face meeting with them. Security sides were taken into account and potential participants were asked whether they were willing to participate in this study.

For each agency in ILAs, head managers of Directorates that fit research criteria were attempted to be included. However, due to security aspects or in case the targeted participant was absent, presentative candidates from ILAs were interviewed. Selected representatives of TSMs were based on their administrative representation as decision-makers in each level of the ILAs, and to their availability. Although the lack availability of the top administrative representation which was the main reason for the selection, all 16 participants were suitable targets for the interviews and they were involved in ILAs administrative units and shared many projects and dealt with various types of land policies in Iraq.

In addition, interviews sites were either taken inside in the office or outside according to the favourite of the participant. During that, for safety reasons, no surveys were performed out the organisations sites. According to security rules, all meetings with TSMs were conducted over 2 different waves; the first in July 2015 (for MoA, MoJ, MoH&C and MoM&PW), while the second was held on August and September 2015 (for PPC and LRCO). During all that, key challenges were dealing with security and political sensitivity analysis, and how to address these academic expectations and solidarity within the research; time- methodological tension and capacity.

Building on the chapter 3 (Table 3.5), a number of questions that dealt with various subjects have adopted according to the obtained themes: a general assessment of the current experience, the policy achievements and barriers and drawbacks. Also, the interview questions aim to identify the impact level of the current insecurity situation and the efficiency of institutional and regulatory structures in ILAs regarding the LTA implementation.

7.4 ANALYSIS OF THE QUALITATIVE DATA FINDINGS

This section aim is to bring together data obtained from the 16 semi-structured interviews, (enclosed in Appendix A), that have been conducted with TSMs in 6 agencies of ILAs at both national and local levels, which were categorised into 4 sections. As indicated in chapter 6 (see Figure 7.1), the General Analytical Procedures is used for analysing the qualitative data obtained from TSMs samples from these agencies in ILAs.

7.4.1 Section I: Profile of Interviewees

A. Profile of the National agencies

Table 7.1 shows a detail of the profile of the 4 agencies at the national level, as a total of 8 TSMs was interviewed from these ministries. At this level, 7 of those interviewees were senior staffs and only one was a Manager of a general directorate in these agencies. Most of the interviewees were holders of qualifications in different areas of engineering.

Nevertheless, all interviewees were males and Iraqi nationality, aged 40 and 60 years, and they each had good administrative qualifications and relevant experience of 5 and 30 years, respectively, thus the employers participating in the study play a major role in manage and monitor the LTA issues in Iraq. However, this profile of the employer's sample shows that the presence of women in administrative officers or in employees in the government ministries is unlikely still unacceptable. Table 7.1 shows the details.

Table 7.1: Profile of the TSMs interviewed in the Iraqi national agencies of ILAs

Agency	Current position	Nationality	Age	Gender	Specialisation	Experience
MoA	• Manager of the public authority for agricultural lands.	Iraqi	59	Male	Agricultural engineering	31
	• Senior staff; the specialist consultancy staff in the department of planning and Follow-up.	Iraqi	56	Male	Survey engineering	24
MoJ	• Senior staffs; the specialist consultancy staff, from the real estate registration department	Iraqi	48	Male	Attorney	23
		Iraqi	55	Male	Attorney	28
MoH&C	• Senior staffs; urban planning consultants, from the general directorate of urban planning & physical planning.	Iraqi	51	Male	Architect	25
		Iraqi	56	Male	Civil engineering	30
MoM&PW	• Senior staffs; the specialist consultancy staff.	Iraqi	54	Male	Civil engineering	31
		Iraqi	51	Male	Civil engineering	21

B. Profile of the local agencies

Table 7.2 shows the detail of the profile of the two agencies of the local level. All participants were from various ages and administrative positions within the local agencies. They were all Iraqi national, males and aged between 40 to 60 years. Additionally, they all possessed vocational qualifications and had experience range from 10 to 34 years.

Similarly, this profile of the employer's sample shows the same absence of women in administrative officers or in employees in these government agencies which was unacceptable in the local executive councils.

Table 7.2: The profile of the participants interviewed in the local agencies of ILAs

Agency	Current position	Nationality	Age	Gender	Specialisation	Experience
PPC	• PPC's Director (Al-Nassiriya city).	Iraqi	55	Male	Architect	28
	• Senior Staffs, Department of Urban Planning in PPC at Al-Nassiriya city.	Iraqi	56	Male	Civil engineering	34
	• Senior Staff, Department of Urban Planning in PPC at Al-Nassiriya city.	Iraqi	59	Male	Survey engineering	27
	• Senior Staff, Department of Urban Planning in PPC at Al-Nassiriya city.	Iraqi	52	Male	Civil engineering	22
LRCO	• Senior Staff, Registry Office at Al-Nassiriya city.	Iraqi	44	Male	Civil engineering	18
	• Senior Staff, Registry Office at Al-Nassiriya city.	Iraqi	58	Male	Survey engineering	33
	• Senior Staff, Registry Office at Al-Nassiriya city.	Iraqi	53	Male	Civil engineering	17

The interviews aim was to capture common characteristics and to explore possible relationships, which formed a base for the findings interpretations. However, tables (7.1 & 7.2) show that there were (14) Senior staffs and only (2) Managers were approached agreed to participate and attended these interviews, but it is also important to note that there are not general directors and they were unable to attend this interview due to time constraints, lack of interests or other reasons. This may explain the difficulties to attend this interview that participants of general directors in ILAs have.

As mentioned previously, using the general analytical processes for analysing qualitative data as indicated in chapter (6) and section (6.2.6), in this chapter the interviewees were coded and explained as shown in Table (7.3).

Table 7.3: The Coding and Description of the interviewees

<i>Agencies</i>	<i>Description</i>	<i>Current Job Title</i>	<i>(a) Directorate</i>	<i>(b) levels</i>	<i>Codes</i>
MoA	• Iraqi Ministry of Agriculture.	• Manager	• The Public Authority for Agricultural Lands Registration (one Manager). • The Department of Planning and follow-up (one senior staff).	National	C1
		• Senior staff			C2
MoJ	• Iraqi Ministry of Justice.	• Senior staff	• The Real Estate Registration Department in MoJ. • (2 senior staffs).	National	C3
		• Senior staff			C4
MoM&PW	• Iraqi Ministry of Municipalities & Public Works.	• Senior staff	• The General Directorate of Urban Planning & Physical Planning • (2 Senior Staffs).	National	C5
		• Senior staff			C6
MoH&C	• Iraqi Ministry of Housing & Construction.	• Senior staff	• The General Directorate of Urban Planning & Physical Planning • (2 Senior Staffs).	National	C7
		• Senior staff			C8
PPC	• Physical Planning Committee, (Al-Nassiriya city).	• Manager	• PPC's Director. • Department of Urban Planning: 3 Senior staffs from Department of Urban Planning in PPC, Al-Nassiriya city.	Local	C9
		• Senior staff			C10
		• Senior staff			C11
		• Senior staff			C12
LRCO	• the Land Registry and Cadastre Offices (LRCOs), (Al-Nassiriya city).	• Senior staff	• The real estate registry office: (3 Senior Staffs all were from Departments of Registry in LRCO, Al-Nassiriya city).	Local	C13
		• Senior staff			C14
		• Senior staff			C15
		• Senior staff			C16

(a): Directorates of ILAs as they were detailed in Chapter 4 (see Section 4.3, Figure 4.3).
(b): Levels: National levels from these Ministries in Baghdad, and Province committees as in local levels in Al-Nassiriya city in Iraq.

The table 7.3 shows that the majority of ILA's interviewees were the top senior staffs. And the selected representatives were based on their administrative representation as decision-makers in each level of the ILAs and to their availability. Also, each interviewee has been given the code "C_n" in addition to a numeric serial number. Following the coding principles, the textual data in each interviewee were broken into main subject categories by the research.

2) THEME 1: ROLE OF ILAs STRATEGIES IN LINE WITH THE END-USERS' RIGHTS:

Regarding roles and administrative responsibilities of ILAs in implementing an effective strategy in line with the LTA and end-users' rights in Iraq, TSMs interviewees in the national and local agencies were asked to explain their agency's roles and responsibilities, and how their authorities work to enable the system's aspects, ensuring the security of the end-users' rights.

A. Suitability of the system (Agency functions) :

▪ *Participants' responses in national agencies*

Inspection of answers shows that the majority of the responses of the national agencies were persuaded that their current strategies adopted in their agencies are suitable to support LTA requirements by meeting the end-users' rights, confirming that their strategies were responsible to the end-users' needs. The interviewees expressed their view that offered strategies in ILAs were designed to be implemented within two administrative levels of agencies to serve the people needs regarding tenure issues.

The majority of TSMs from this level were convinced that institutional and regulatory structures is tested and is in practice for many decades, and believed that ILAs strategies met the requirements of the end-users' rights and then support the security aspects, therefore their strategies are suitable for securing tenure rights and respond to people' needs. One TMS interviewee, C1, confirmed this understanding by saying that: *“A centralised land asset system does exist in Iraq, as the Iraqi current system of the tenure administration is controlled by the national set of cooperating agencies, which are offered within regulated spatial planning, implementing and monitoring agencies.....In practice, this administrative structure is dealt with the statutory, or customary arrangements regarding the societal values and individuals or groups' rights of urban and agricultural assets”*. And then C1 added his agency's administrative role as: *“Our agency's programmes involved in diversity of rules which were designed to protect the people tenure rights, these national strategies always tries to encourage people to feel secured about their ownership aspects...in general, our strategies in the system are*

divided into three main stages; policies planning, implementation and monitoring processes that govern these issues in response to the people's needs". They confirmed that institutional and regulatory structures are controlled by these legislative forms from MoJ, which is the main source of laws and national regulation in which all policies are shaped and enabled with as all agencies are guiding their policies in accordance with MoJ. In this context, C2 was more specific about this point by saying: *"...Our Ministry also reforms its strategy and cooperates with other Iraqi state's agencies that are targeting to protect the end-user's rights, in fact, the current policy in my agency is designed with a priority to supervise the application of agricultural legislation for the various activities related to the organization of farm lands' ownership and to monitor its possession rights"*. Also, this result was repeated by C7 who emphasizes that during the last ten years, his agency's policy was covering effectively safeguarding the end-users' rights: *"...at the national and local levels, national housing strategies and supervising the project implementation process in our policy were suitable for securing tenure rights and to respond to their legal needs"*, and he added more details that: *"According to our national strategies, being you an owner/tenant, you have certain legal rights, including the right to security of their tenures, and that right does not defer according to your gender "*. In practice, this usually means that a sufficient security is needed to allow the basic LTA implementation and to secure the tenure rights. In this context, a suitability of institutional policy and legal frameworks in ILAs mean that the state is unable to evict or to confiscate your property without obtaining a court order. And with holding a positive view about the ability of ILAs policies to protect the end-users' rights, he also said: *"In the current system, a court has to be satisfied that there is an official document that covers its action; in other words, the owner is given a legal cover for securing his rights. "This legal cover has terms and conditions which are already governed by our registry system laws of land tenure. In the event of a dispute, it will be subject to the jurisdiction of the Courts of Iraq"*. Additionally, C3 detailed this point by saying: *"...Our institutional legislation is aware of tenants' rights. In practice, this usually means that the landlord is unable to evict you without obtaining a court order or without having a good reason to order an official eviction"*. Moreover, the majority of interviewees (n=6) mentioned that their agency's strategy in ILAs is targeting to

establish a good relationship with people and then an effective response to their requests. C4 echoed that emphasis that National strategies were established as: *“A responsible for all users of lands and properties in Iraq”*, and therefore, came up directly with *“...The administrative responsibility of the Iraqi national government toward its people’ essential needs and rights”*. In this respect, C4 has more details about how the system is shaped in ILAs, and he stressed that their strategies have covered the Iraqi community affairs and the influences of the current period after 2003 events: *“Proposals about how to use public assets have been considered, adjusted, and adopted within clear systems in ILAs”*, and thus: *“...To be clear with you, our strategies work as a protection tool to peoples’ rights against the multiple ownership claims regarding the tenure’s disputes that were erupted sharply during the last 15 years (he meant after the 2003 events)”*, and he stressed that: *“Although the constrain situations, our strategies achieved their responsibilities and helped to find an adequate solutions to disputed ownerships and then to protect the community and the individuals receiving the secured tenures rights and protect the national properties”*. As it is noticed in chapter 4, respondents stress their awareness that the registration procedures in LRCOs must be clear and straightforward to both users and administrators. That was detailed by C5 by saying: *“In order to gain a documented title, our responsible strategy was designed to help people to apply for fast registration in the registry offices (he meant REROs and the Iraqi general directorate of land registry and Cadastre), in practice, the transaction process is recorded in our office registers and the buyer will then be granted a new title of the property and the new cadastral document. Once payment is received, the Property Registry Office will issue a new Property Deed in the name of the Buyer, the new ownership details will be sent to the Main property registration office form documenting processes”*.

In terms of the ILAs efficiency and LTA development in Iraq, they confirmed their ILAs were examined their efficiency in the field of land availability to help the vulnerable groups of people since the 1980s by saying (C3): *“The conducted strategy in our national agencies planned to help people to have a free spot of land in urban areas (usually 200-250m²), which should be distributed to a wide range of people in different categories of groups such as government; staffs, doctors, solders, and also these*

families with special case such as dead militarists ...all gifted lands will be registered officially in the registry offices (he meant in LRCOs), this policy adopted efficiently since the 1980s". And he itemised this process is arranged according to a particular affiliation and to specific categories of people by saying: "Our system works with the help of local agencies to ensure that these free lands are distributed according to a particular affiliation and to specific categories with the help from professional associations such as trade unions, as well as the ministry of defence in relation to those of special groups of the society such as families of martyrs, and we have a priority to help these vulnerable widows and orphans".

It can be noted that the interviewees support that result obtained in the literature, chapter 4, that the ILAs strategy has designed strategy experienced since the 1980s to provide free lands to help people to own their housing units. The main point here is that this national strategy still suitable to provide this aim, in which a wide range of people can have a private land, C6 explained this positive view by saying: *"With cooperation with ILAs (he means: MoJ and LRCOs), our ministry (he means: MoH&C) has planned these free lands to be customized for each category of entitled people, lands were designed in the master plans of Iraqi cities in an integrated residential neighbourhoods, for example, there are doctors, engineers, the militarists residential districts and neighbourhoods etc. which were distributed since 1980s and 1990s".* Obtained evidence from TSMs showed that this national strategy was successfully helping people to build their housing units, by reduction the prices of construction materials that were offered on competitive prices: *"Our strategy has ambitious plans, which were designed to help the legal resident to build their private residence on those free granted lands by offering competitive prices, in fact our strategy offered the long-term mortgage, in which the payment is paid back to the government during 20 years"* (C6). Indeed, the ILAs strategy still has dual benefits; it granted free lands to a wide range of people, and contributed effectively in the housing market, which aimed to reduce the prices of building materials by offering competitive prices and financial loans granted to the end-users, which be retrieved over a long period. Obtained evidence from TSMs showed that this result is supported by that one obtained from the literature in chapter 4 (see subsection 4.3.2).

It can be concluded that the top and senior members in the national agencies expressed the positive opinion that ILAs' strategies are suitable for those individuals and groups who wish to have their rights officially. Also, they stressed that their agencies' strategies are designed to provide a wide range of advantages which have covered a variety of people particularly vulnerable groups. In general, within the national agenda a high priority was given to develop these mechanisms to be qualified and applied in pilot projects of LTA in the initial phases of policy in ILAs. However, it must be taken into account that the essential feature of the ILAs strategies is built on institutional hierarchies at national and provincial levels of policies, including the available human and financial resources, and thus, some types of agencies are administratively more efficient than others, and that indicates the importance of the responses from participants in local agencies in the next section.

- *Participants' responses in local agencies*

As local authorities, the majority of interviewees (n=6) expressed the opinion repeating that their agencies are active in providing the best institutional service for people, and therefore, their current strategies are suitable with the Iraqi end-user's needs. The interviewees were confident in their beliefs that ILAs strategies delivered by their agencies met the end-user's requirements and then LTA requirements. For example, the C9 interviewee described that optimistic view by saying: *“For a better protection to the end-users' rights the system is work within hierarchy levels starting from ministries at national levels of policies till the base where policies are implemented...we are working according to a clear institutional process, included the development of a clear strategy for addressing the land administration concerns, we participate in the processes of data gathering ,the policy implementation, monitoring and evaluation processes”*. This view reflects the institutional hierarchies that were reviewed by the national agencies. From an administrative connection, C14 described his agency municipal role in registering property in Iraq, describing the procedure adopted within the institutional hierarchies by saying: *An approval to transfer the tenure in registering property, the transfer should be obtained from the Municipality office, which the type of the real property and the way to occupy it are determined, a request is*

submitted to the municipality which will check for any inconsistency on the property in correlation with the old property map, after completion all requirements, Municipality will send the new Cadastral certificate at the local real property registry which send a note to the director general of the real property registry in Baghdad. ...It is a quite easy procedure to obtain this approval because it will not alter the way to use the property, but only confirms that the way to occupy the property is legal as set by the Municipality maps". In fact, they commended on the cooperative procedures between these agencies, showing a satisfaction level with what they offer, and supporting their opinion that they are appropriate to end-users' needs. Nevertheless, C9 emphasise that their agencies have not a private authority to plan and produce this policy, and then they depend on the national agencies to provide the policy and they rely directly on them: "*...As local councils, we demand directly on the national council's strategies to plan, shaping and financing local council strategies", and he stressed that: "Most of our land policies working in provincial levels are built according to national resources and have a national agenda of a policy which is established by an act of Ministries' levels".* Yet another senior staff (C8) expressed his opinion about this point by saying: "*...the Iraqi land registry system, for example, is constituted to register the rights on real estates, and registration of real estates is based on a plan formed by an official survey. In order to fulfil these tasks, the local strategy is constituted within the ILAs (he meant MoM&PW), which translate it via the related Directorates (he meant GDUP) ...and finally the duties dedicated to our agencies (he meant PPC) are carried out by land registry and Cadastre offices which performed at local levels".* This fact gives the same result about the types of relationship established by these agencies, and the level of responsibilities they have. In fact, the importance of administrative hierarchy in shaping their responsibility in the ILAs reflects the influence of the centralised structure in ILAs strategies. From this view, it is important to assume that local agencies of ILAs are working with operational groups for achieving ILAs strategies; managements, monitoring and implementation framework. The main point is that this role is therefore not static: it is continuously constructed, reconstructed, and enacted through Institutional and regulatory interactions of both levels of agencies, which agreed with the literature's evidences (see chapter 4). However, it was believed by a minority of senior staff in these

local agencies (n=2), that ILAs strategies are not suitable for safeguarding the end-users' rights, and these individual staffs gave several reasons for their unoptimistic view. One reason was that most of the roles acquired in national agencies, while theirs are insufficient to equip them to practice in the real role. Another was that all current mechanism is old and not adequate with the current massive challengers. In fact, they believed that their agencies' policies did not satisfy the people' needs, and C11 said: *"From my experience, I think that levels of technology in institutional structures must match the actual needs of the LAS, but the Bureaucratic routine and procedures in the system are dominated and they still influence on the current system, which may delay and even complicate our processes to deal with current challenges"*. In general, the majority of interviewees from the local agencies repeated what interviewees in National agencies viewed, which was also reviewed in the literature (chapter 4). However, they highlighted that their local institutional responsibilities were consistently limited and their roles are under the central control of the state, and therefore, their agencies are not involved precisely in decision-making processes of LTA. Also, it is noted that the obtained views of the majority of TSMs in both agencies were optimistic about their institutional policies and they were positive towards their current role in the implementation of LTA. TSMs emphasise that they are satisfied with ILAs strategies that offered by their agencies to the enable LTA due to their agencies' strategies are being made appropriately for protecting the end-users' rights. However, the obtained results reveal that the local councils were actively involved in the main steps of the implementing process, where planning and financing policies are usually made in national councils.

B. Efficiency of the land organisational system (Operational Performance) :

It is observed from the discussion in chapter 2 that most of the elements and indicators aspects of both LAS and LTA are internally linked. Building on the literature (see chapter 3, table 3.5), and these findings obtained in chapter 4 from the Iraqi case, the following elements are seen as critical for evaluating the operational performance in the ILAs institutional role regarding LAS, and LTA aspects and users' rights in Iraq.

1. Security of Tenure

As mentioned in this study, (chapter 4), the Iraqi LAS is built on multiple systems of tenure, thus, the land tenure security is various arrangements in LTA based upon state laws (Statutory tenure), Customary laws (Traditionally instructions), and the religious law (Islamic *Sharia*).

▪ *Participants' responses in national agencies*

The majority of interviewees (n=6) in these agencies expressed the opinion emphasis that the system is based on the interaction of various social, administrative, and legal factors. They confirmed their opinion by saying that the system provides the security of tenure and protect the people rights per users' needs and the country's economy. The 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. In fact, the majority of respondents agreed that the current system provides suitable legal frameworks in ILAs strategies in which any eviction is taken by institutional policy under court orders. In this context, this result was repeated by C3 who emphasis that: *"According to our national strategies, as an owner, you have the exclusive right to possess, sell, lease, inherits and benefit of real estate, within the limits of the law in the system...in our system, all Iraqi people have full rights to own properties and that individual rights listed legally in the Iraqi master law, and the system works to respond to their legal needs ensuring that these right are secured"*. And he added more details: *"The private ownership in our system is equity certain right issued for both genders without discriminations, since men and women have the same rights in our system"*. Additionally, C4 confirmed this positive view by saying that: *"Our institutional legislation is aware of tenants' rights... In practice, the Iraqi system of land administrative (he meant LAS) is designed in its institutional legislation, which enabled by the jurisdiction of the courts of Iraq in order to give a legal cover to people for securing his/her rights within its institutional structures in the land registry system...in the event of a dispute, the courts of Iraq depend on the title deed issued in the registry codes to solve the ownership issues"*. In order to be considered legally owned and be secured, the registration of private property is required under the legislative and

institutional framework of the system. In general, the majority of interviewees in the national agencies believed that the existing legal framework in their strategies was an efficient tool to protect the users' rights and provide the security of tenure. Also, the interviewees from this level express their view about the existing legal framework that ILAs depended in their strategies by saying it is suitable designed to provide sufficient security level to peoples' tenure rights, which is needed to allow implementation of basic LTA efforts for all people in Iraq.

▪ ***Participants' responses in Local agencies***

Respondents from the local agencies showed that their agencies role is dealing with the implementation processes, and emphasis that their agencies have a clear legal framework in which the peoples' rights are issued officially in the institutions system. Regarding this point, C13 in REROs confirmed that by saying: *“the ownership is an individual right and we believe that protection of such right must be enforced by clear and straightforward procedures to allow implementation of basic protection and sufficient security level to people...from my experience, implementation of basic LTA efforts is depended on sufficient security”*. In this connection, C14 stresses that: *“Our agency, has a formal process of recording rights of tenures that provided by the primary legal sources in the system, in which the owner/renter of the property is determined and recorded all his/her rights aspect under a certain law”*. Additionally, the interviewees in this level also showed that there is an administrative awareness in the system that the security of tenure's rights prompts investments and development in land/housing markets. *“the system is efficient to record the land/ property activities as registry policy provides legal guarantees and economic feasibilities for inverter from native or foreigners”*,(C15). However, the obtained views of the majority of the local agencies showed that there are major constraints and affections that influence the quality of LTA and security levels. They emphasise on the influence of illiteracy rate that the land owners' awareness about the registration process and procedures is unclear and usually led them to lose their rights. Similarly, all the interviewees in these local agencies stressed that the use of technical requirements and staff skills are essential elements to enable the secure tenure. Also they revealed that they had suffered from the constraints

of an insufficient utilisation that followed 2003 events, which is hindered their organisational co-operation. C14 stressed: *“...registry records in our LRCOs have suffered during the previous period to a lot of damage as a result of burning and tampering, and even poor storage. It is true to say that there are clear gaps in the technical processes associated with land administration; we in the real estate registry offices have a problem in our Cadastre and its information line functions, and staff efficiency, which delay the delivery of registered rights. In fact, there is an urgent need to adopt advanced techniques to save people's records and maintain them safely; it is needed to be re-designed and set up”*. Specially, he said: *“After the critical events that followed the fall of the regime, too many state institutions of the LRCOs had been looted and vandalised, which resulted to lose many of property Registry records that had been burned and damaged”*. Obviously, it can be said that ILAs strategy still suffers from the events that followed 2003 events, and needs to adopt modern methods to implement their role, using high technical utilities and digital registration data in the system, and also to upgrade their staff’s efficiency, these reforms must be built into the system to be able to ensure the integrity of information and safeguard against the current disputations.

At this level of discussion, it can be concluded that the majority of interviewees in the national and local agencies in ILAs believed that the existing legal framework that ILAs depended in their strategies is designed to provide an efficient level of security and it can and do protection to the user’s rights. However, they believed that the current negative impact came from out the system. Therefore, the next point deals with such constraints effect on the quality of LAS/LTA.

2. Land Dispute Resolution

As long as the negative sphere of wars and ethnic clashes in the country continues, the ILAs administrative performance will be unacceptable. As seen in previous discussions in this study, Chapters 3 and 4, ethnic conflicts and inter-communal violence are major constraints and affect the quality of LAS with potentially grave consequences on development LTA and to the user’s rights security. As mentioned earlier, the Iraqi system contains several pieces of legislation and three parallel systems of tenures

accepted by the institutional authorities. All these resources work with the insecurity situation and the land conflict, which complicated the sphere and affected the obtained resolution mechanisms.

▪ ***Participants' responses in national agencies***

The majority of interviewees in these agencies mentioned that their national agency's strategies are designed in ILAs to protect people's rights regarding the tenure. In fact, most of the interviewees shed light on the vast influence of the current unstable situation and its interventions as a main factor against the efficiency of the ILAs. They emphasise that the national system provided resolution mechanisms to land dispute and these related problems of multiple claims of ownership that erupted by the instable situation in the country. In their belief, all interviewees (n=8) confirmed that their agencies are still capable in achieving their responsibilities towards peoples' needs. Most of TSMs believed that the insecurity sphere of war/post-war in Iraq still hinders the resolution mechanisms. Nonetheless, C3 stresses that the land conflict resolution mechanism in Iraq is complicated and thought that land dispute resolution procedures takes a long time and high costs in resolving these land disputes: "*Form my experience, I found that the adopted procedures in the land dispute resolution are not clear and complicated, people mostly do not know them and needed to consult lawyers to complete the processes*". Furthermore, he hints that the current mechanism in most processes is "*...time consuming and high costs in resolving land disputes*". Interviewee explained that by saying that agencies' strategies are working currently under massive challenges which always cause negative influence and delays. Also, majority of respondents showed another impact comes from their institutional legal framework, they pointed out that multiple systems of adjudication that govern the land related aspects of tenure may cause delayed administration of justice, hindering the land conflict resolution mechanism, and increased time and costs in the Iraqi system of tenures.

▪ ***Participants' responses in Local agencies***

Also, the majority of interviewees in these agencies believed that their agencies have an everyday direct contact with the land conflict resolution issues in Iraq, and confirm that their current mechanism is linked hierarchy to the national levels of the system.

Regarding increased internal displacements and disputed land crisis, the majority of respondents in this level showed an agreement that violent ethnic land disputes has generated increasingly a massive pressure on their strategies during the current period. To solve the disputed ownerships of lands which were erupted after the fullness of regime in 2003, and to protect the people rights under state laws, C13 was specific about this problem in the current system, saying: “ *Since 2003, we work with the special land dispute court in 2003 to address land disputes in the Iraqi urban and rural areas.. the formal court system has courts in district, municipal, provincial, and national levels in Iraq*”. It is, therefore, that there is an agreement among interviewees in these agencies that their strategies are institutionally qualified to deal with emergent circumstances, such as internal displacements and disputed land crisis, in order to solve the crisis, but the problem was that they did not have enough security sphere to allow their strategies to be achieved and to gain some chance to resolve effectively land disputes. They also demanded for the effective national record for land data required to deal with lost and missed documents that the majority of displaced people needed to solve the disputed land crisis. To resolve land disputes, TSMs believed that the availability of effective levels of technology in institutional and regulatory structures must match the actual needs of the current crisis. At this level of discussion, they shared the agreement that the insecurity sphere of war/post-war still hinders resolution mechanisms in their authority’ strategies, however, they admitted that its current efficiency still needs further improvements as the resolution mechanism is complicated and it takes very long time to resolve these land disputes. TSMs believed that further improvements in the land record database management and Technical aspects of a system are needed, which dealt in the next element.

3. Technical Aspects of the System

In general, the status of LTA needs to combine sufficient geographic information system and software/hardware facilities of latest technology in existing LAS for land record database managements in one environment. All these elements depend on the availability of the system technical aspects as well as the existence of sufficient trained staffs. Therefore, this element reflects the quality of the existing institutional and human

capacity building in the system. In fact, all these Technical aspects work to make up the system quality and then the obtained effective implementation of LTA and security of users' rights.

▪ ***Participants' responses in National agencies***

The majority of TSMs (n=8) were aware that the Technical aspects are essential elements that help to meet the ongoing needs of users in ILAs strategies. Obviously, C1 explained this point by saying that: *"I think that the national government are aware about the need to develop its capacity building using the latest technology to deal with our institutional activities"*. Also, C4 pointed out to the important role in the investment aspect by saying: *"From my experience, the system needs to update its tools to develop its programmes to enable and satisfy the needs of local and foreign developers to invest in the land market' sector"*. In this context, interviewees explained the existing system gaps and what they believe it as the solution: *"...the existing system still depends on old technical devices to deal with LTA aspects; it is in the best interests of the system to be willing to latest technology to undertake the delivery of a specific package of benefits in both planning and implementing issues, and to generate a base of guidance with other stakeholders"*, C8. C7 commented: *"Our agencies need to develop the availability of software/hardware facilities in the system; we still depend on paper to produce and present our maps and have insufficient trained staff to use software/hardware technology"*. Also, C5 added: *"we still use an inadequate Geographic Information System (GIS), and the availability of software/ hardware facilities is also insufficient in the existing system"*. Obviously, the TSMs in ILAs are aware about the need to develop the existing system to deal with current issues, but this statement clearly shows that this important element is therefore not yet available. As noted previously, Chapter 4, the current unstable situation and the related weakness of government were the main factors that TSMs at the national level believed have an ability to influence the ambitious system. It is seen from the above discussion that the status of Technical capacity in the present system, in term of land record database management and existence of sufficient trained staff is found insufficient/ missed at this level of the system.

▪ ***Participants' responses in Local agencies***

Similarly, the respondents from this level stressed the insufficient availability of software/hardware facilities for land record database management in the present system, in term of technology adoption they believed that the current system is missing such elements and urgently needs to develop its efficiency regarding these facilities. All the interviewees (n=8) agreed and looking upon the role of software/hardware facilities as being the core of the data organisation, and they found it a mistake of national agencies in the present system. In this context, C13 confirmed this correlation by saying: *“In developing the ILAs strategy, there is the priority to adopt advanced technology in our system; in fact we need in our agency to depending on computers to produce and save land record and that need sufficient trained staff to deal with”*. Also, C14 added that: *“we still wait the new policy of the system to provide suitable tools to achieve our mission, as the Cadastre is missed the availability of software/hardware facilities in most of province offices and most of the existence of capacity is depended on old and insufficient applications for providing the cadastral map”*. Additionally, the discussion of this element passed to another element linked with the system capability, C15 mentioned that: *“To be clear with you, we are currently doing all our tasks in an old and inadequate building which are unsuitable in its architectural design to fit our needs, the building that we occupy is small and missed the sufficient space that we need in our staff works, in fact it is not an administrative purpose design”*. Building on these unoptimistic views from TSMs in these agencies, it can be said that the status of technology adoption in the current system is observed inadequate, and the related facilities are usually missed. In this case, the negative impacts come directly from the authority' role in ILAs and the weakness of system to achieve an adequate level of financial supports, which can be the main reason that the current system is insufficient and unable yet to depend on the advanced technology. TSMs views from both levels showed the awareness that these agencies have about the current gap and its negative impact that they touched in their present system.

4. Data and User's Information

This element is linked directly to the LAS and its institutional efficiency to administrate the existing of the land record and database management. In general, the evidence in this study, (chapters 2, 3& 4) showed that institutional and regulatory efficiency needs to be developed in parallel to build a sufficient data and users' information in the system. Also, the availability of the technical aspect, including human resources plays important roles in the efficiency of the system, and to enable the security of tenure. In fact, it is most significant for the efficiency progression of LAS and then LTA aspects.

▪ *Participants' responses in National agencies*

The majority of interviewees stressed that the appropriate technology for mapping and maintaining geometrical cadastral information are important objectives in the current strategy. However, the interviewees explained their negative view that over the last 14 years, they had learned the lessons that the Data and user's information in the existing system are not protected, the point is whenever the role of national authorities is declined by wars/coups; the national registry records consequently were destroyed, burned, rooted and missed in most events of current Iraq. In fact, this result is supported with that obtained from the literature in chapter 4. In this context, C3 admitted this limitation by saying: *“on system development side, we still work to update all the users' information at both levels, for facilitating appropriate data system development for meaningful communication between all agencies, however, deteriorated security conditions owing to underinvestment in software/hardware facilities for Data organisation, distribution, and storage and maintenance costs”*. On the data capture side, the TSMs admitted that the current data is found insufficient as users' information in various regions are missed, they repeated the negative impact of deteriorated security conditions by saying: *“...We have ambitious plans to achieve national data records, but due to the insecurity situation in wide zones in the country, we don't have access yet into these regions for updating data and users' information in our records are not employed for photogrammetry surveying, and cartography aspects, in fact we could not build appropriate data system and the displacements waves furthered the problem”*.

Building on this point, it can be said that the information system as a basic tool for facilitating appropriate protection for users' rights and the government taxations must be clarified and focused on ILAs strategy. Respondents from this level of agencies found the status of the system still inadequate, in fact, both the institutional and technical aspects of LAS must be considered in order to understand the present situation of the existing system. Responses from the stakeholders in the next chapter, (8), will be more important to explain the current influence.

▪ ***Participants' responses in local agencies***

All the interviewees (n=8) showed their disappointment, they agreed that the old pattern of the present system aggravates the security of tenure and exacerbates land-related disputes. Moreover, they emphasise that by updating land information and users' data, the inaccuracy and the complex nature of land transactions and these mortgage and loan processes can be sharply declined in user's minds. Also, C14 mentioned that: *"...Database management in the land records is not updated, therefore the legal procedures in my registry office still requires multiple types of paper documents obligated to appear as proofs from the people, which need complex legal procedures and cost time in court procedures, thus, the availability of national digital data and users' information system would solve all these bureaucratic routine processes and increase the efficiency in our registration system"*. In this connection, these results also were in an agreement with the literature (see Chapter 4). Responses from the TSMs in the local agencies showed that they were not totally satisfied with the performance of the existing of the database managements of users' information in the current system. They responded that this gap may delays in most of land disputes issues, explained that by saying: *"Usually, the unavailability of sufficient knowledge and information about the land and user's information in our records were the main reason that delay to solve most of cases that we deal with "*, C10. They indicated that there is a technical and co-operative gap with national agencies increased the official routine process in the registry system prevented them to perform their duties in a better way, which affect the efficiency and effectiveness regarding the security of tenure and land-related disputes. In general, the interviewees from both levels indicated the data capability gaps, they

repeated the current impact of a deteriorated old pattern of management of users' information adopted in the current system, and the negative indicators of unavailability of software/hardware facilities and complexity of the bureaucratic routine procedures in general.

5. Financing and Data Costs

As it is seen in literatures, chapters 2, 3 and 4, the LTA is originally established in ILAs to enable the government to organise land value (valuation and taxation of land), obtaining financial benefits such as taxations from land transactions. Ultimately, LAS effective and efficient managements mean availability of funds, data pricing and land revenues followed by more financial benefits and at low cost.

▪ *Participants' responses in National agencies*

The majority of interviewees mentioned that the financing and data costs element is observed inadequate in their existing system regarding the current challenges. Most of the TSMs responded that the financial arrangements are insufficient to fulfil the fees and costs structure in existing LAS. They also showed their disagreement with the existing funding situation and the financial resource allocation in the present system. In this context, C3 explained the land revenues that they have in the system by saying that: *“Our System is built within institutional hierarchies which are consistent with a national level, province and city levels, in fact national authorities in ILAs provided the financial support to the local agencies at the local levels; the province and districts... In practice, the land revenues are recovered from fees and data sales in land registry and Cadastre offices in the country”*. In general, this result shows that the main resource of financial resource is coming from ILAs agencies at the provincial and district levels, particularly from fees and data sales in land registry and Cadastre offices. In practice, TSMs said that the land revenue becomes part of the annual budget at the provincial and district levels. Regarding fees and costs structure in the present system, there is a mechanism in the present system dealing within hierarchy levels where the financing and data costs elements are covered in the present system, respondents showed that the land revenue recovered and saved as part of the annual budget at the provincial and district levels.

▪ ***Participants' responses in Local agencies***

The majority of interviewees mentioned that they are aware of the land related procedures and fees defined by the system. They also repeated the hierarchy mechanism in which the land revenue is governed in the current system. Regarding this mechanism in the present system, responses in Local agencies (including Land Registry and Cadastre managers) showed their disagreement, C14 said that:” *From my experience, the land registry and cadastre offices (LRCOs) do not have sufficient financial resources to adopt advanced technology in improving our Cadastral aspects in the present system to meet the current demands in local level*”. However, TSMs admitted that the current system enables their local agencies to share the land revenue and coordinate it in an efficient manner for the annual budget at the provincial and district levels. They also complained that the national agencies are monitoring all the land related revenues of ILAs system, which is involved in carrying out these monitoring activities, to ensure a legal protection and to preserve the availability of funds regarding the real estate activities.

6. Land Administration Processes

The LAS processes contain these administrative steps of regulating conservation of land rights and property development; land tenure security, land titles, land transfers, land transactions, land revenue collection, and the resolution of the land disputed. As seen in chapter 4, (Section 4.4), the Iraqi government has passed a set of basic legislations on land laws and consolidations, which were issued throughout different periods, and have been introduced at various stages in the system. In fact, these administrative processes were carried out by ILAs strategy and played a key role in the present system to deal with land administrators and stakeholders in Iraq. Thus, these fundamental processes can be the best indicators for figuring the quality of LAS/LTA in the present system in Iraq.

▪ ***Participants' responses in National agencies***

In their belief, the majority of interviewees (n=7) mentioned that the current system had several ‘Laws’ and ‘Acts’ that successfully dealt with land administration, and

arranged the relationship between the administrators and stakeholder needs. In this connection, C5 explained that by saying: *“Basic legislations on the Iraqi land laws were promulgated throughout the Ottoman era, and independence periods, in general, there are several ‘Laws’ and ‘Acts’ that dealt with land aspects in each period in the system”*. Additionally, C2 stressed that: *“In our agency, land administration processes are arranging the agriculture relationships in aspects of the land acquisition, income tax, local rates, and assessment and collection of land tax regarding the land agricultural aspects”*. Also, C4 added that: *“land administration in all its processes is managed and monitored in the current system by ILAs and its agency’s administrators”*. Nonetheless, they answered by saying that the land administration is under massive challenges. C8 explained that by saying: *“We are dealing with a critical situation, our strategy is often faced with the current unstable situations that hinder our planes and influence what we achieved to ensure that our policies reflect people’s needs, so it is not the fault of the existing administrative operating in the government agencies”*. In this context, C9 was more specific and summarised that challenge by saying: *“Many of the critical problems are not associated with a lack of asset management approach in our national system, but they are directly linked to the state instable situations; the current sphere of interim conflicts, and a wide set of complex emergencies, which remain the main factor even after a period of decade”*. Regarding increased internal displacements, TSMs showed that the system carries out further administrative steps to enhance and respond to the emergency needs. In this respect, C8 expressed his concern, saying: *“In its tasks, the ministry of housing and constructions (he meant the MoH&C) used to provide a support to the Iraqi society initiatives to respond to the needs of internally displaced people, and responding to the request of dwelling them within suitable shelters, whether in the war-operative regions as a result of terrorist violations or after those events”*. And he added: *“...since the 1980s, the ministry has national strategies to deliver the compensation or reconstruction to displaced people to repair their houses necessary to restart their lives, this policy still has its role during the current situation and involved into the LTS processes”*. From this point, it can be concluded that the majority of TSMs in national agencies was of the opinion that current policies in ILAs were well-planned and efficiently meeting their own goals, in their belief, they are satisfied with the

efficiency of land administration processes in the ILAs. At this level of discussion, it can be concluded that the land administration processes may enjoy greater efficiency if they were working off the current unstable sphere, and then the performance that ILAs agencies could depend on what kind of situation they have.

▪ ***Participants' responses in Local agencies***

Although local agencies said they do not launch a private policy, they also emphasised that they have an implementation mechanism which can be used for assessing the LAS processes. However, the respondents of TSMs emphasise that these organisational processes and regulations should be clear and simple to understand by stakeholders to encourage the investment in land/housing markets. In fact, TSMs at local agencies were aware that administrative processes must not be complex as they are issued to manage the land users' rights as landlords and tenants, and also should be clear and simple procedures to be understood by both sides of administrators and stakeholders for effective results. As it is noticed in chapter 4, (see section 4.3), these views reconfirm that the current strategy of ILAs had held several resources between various organisational bodies, and was improved within long periods to develop their own system aspects, unfortunately most of that success was distorted latterly by a continued series of wars and civil conflicts, which have a profound effect on the recovery and development in Iraq. However, it can be said that this negative factor/barrier (s) had a very active influence in the need to achieve the required level of organisational co-operation, which will be further evaluated in the next discussion.

7. Organisational Co-operation

The integration and sharing of data and information exchange become more and more a crucial element in the quality of the system performance, as there is an increasing need for efficient and reliable co-operation between all actors in the system. As it is noticed in chapter 4, the administration of land tenure is managed and monitoring of key groups of institutional structures which are financially and administratively governing the Iraqi land system, also the system is highly centralised by national institutions, successful build up for the national agenda. Most of the findings

showed that the current system had several actors, that combined into agencies to shape LAS and to enable LTA aspects in order to protect the end-users' rights. In this context, TSMs in both levels also confirmed that stress that the current system is facing huge challenges from a wide set of negative factors, that can and did hinder its efficiency regarding LAS and LTA aspects in Iraq.

▪ ***Participants' responses in National agencies***

In this context, responses in national agencies stress on the efficient co-operation as important tools for efficient data access in different actors and stakeholders of LAS activities. They also mentioned the need to more different elements of quality to be defined in the current system like transparent data access, logical consistency, timeliness tools, efficient LA process, and technical sides of the system, including the human resources, so that the administrative load would be shared among system agencies which can deliver their services efficiently. Nevertheless, in a context like an Iraqi, where conflict still prevails, the discussion gives fragments of a story, it seems important to place a spatiotemporal stamp on this view: weakness of government in both levels and current conflicts are likely owing a highly significant impact on perceived ILAs strategy, that can destroy the viability of any decentralized system, and this seems to get further commenting in this point. As a minimum, this limiting factor should be mentioned regarding the gap in ILAs' cooperative policy. In this connection, C6 confirmed that view emphasis that the doing of LAS in ILAs is held originally by the state as a national strategy: *"Many of these strategies are now planned under the control of the central agenda of the Iraqi state and are arranged as government strategies"*, and therefore, these central strategies are still held by: *"Special centralisation attitudes of authorities within the Iraqi institutional structures"*. Also, C4 gave his view about these current issues by saying: *"Centralised legislation and execution institutions in the current system have not been altered"*. With regards to this centralisation attitude from the national level, one reason was that the current level of success is depending on the obtainable Collaborative mechanism in the current administration structure, C6 itemised that by saying that: *"The national bodies provide the legislative plans, and bring financing mechanisms, while the locals provide the implementation aspects and off-site*

monitoring as required, and thus, there is already a form of collaboration and therefore, the current level of success must reply to the real need to increase the supply of collaborative governments while minimizing the current centralisation". Moreover, C5 repeated that ILAs strategies are needed 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: *"For processes of achieving their administrative roles directly in their councils without the rounded routine and the control of the national authority in Baghdad."*, and therefore, C5 stressed that: *"Although the critical sphere, the Ministries need to rationalise their portfolio plans by consolidating it with other organisations and even the private entities.... and they are orienting their policy towards the production of an effective cooperation within the LTA agenda"*. Responses from National agencies stress on the efficient co-operation as important tools for efficient data access in different actors and stakeholders activities. In this vein, with some significant and carefully constructed improvements, and an enough peaceful period of time; the ILAs' organisational cooperative policy could be reasonably considered for application in ground.

▪ ***Participants' responses in Local agencies***

At the local level, respondents showed an agreement between those of TSMs of the local agencies that the land administration system, throughout Iraq, remains a centralized system. Although the implementation processes of LAS are administered locally by local agencies, but the system is designed under the supervision of these national ones. In this connection, the TSMs believed that their local agencies such as the LRCOs as in land registration process work to feed the national agencies by their local-authority, however, they emphasise that the final decision depends on the permit of national authorities particularly in these financial aspects such as the collection of the real estate tax and so. It can be said that most of the local agencies believed that the current centralisation mechanism is an inadequate with their role and needs further administrative reforms at both levels.

3) THEME 2: CRITICAL FACTORS INFLUENCE THE LTA APPLYING ASPECTS.

Building on the obtained results in Chapters 3 and 4 (see Table 3.5 & subsection 4.2.5), TSMs interviewees in the national and local agencies of ILAs were asked to explain their agency's roles and responsibilities under the critical factors influenced their current system regarding the LTA applying aspects. The responses were classified into 3 types: the social/cultural influences, religious influences, and these instability key's gaps.

A. Social and Cultural Influences:

As seen in previous discussion, the Iraqi administration of land and users' rights are linked with varied aspects, the local society conceptions are one of them. As revealed also in the Chapter 3, (see Subsection 3.2.1), as one of these countries in the Middle Eastern region; social/ cultural traditional morals are key drivers and rooted in Iraq. In this context, There is a need to consider not only land laws, but also family complexities of moral values, gender obligations, inheritance laws, as well as customary and the traditional contexts are all related indicators in which the Iraqi social background interact and/or overlap. Therefore, the Iraq's development of end-users' rights are contributed closely to the local social/ cultural, and related traditional morals of tenures, which can be a very important indicator to assess the current system in the Iraqi case.

1. Tribal/family traditional morals and conceptions of tenures.

Questions were asked to TSMs in ILAs about operational performance aspects and how the ILAs policies are ensuring the equal right of both genders to enjoy all rights.

▪ *Participants' responses in National agencies*

Most of the TSMs responded that they are aware of the land related morals and conceptions of tenures, which are defined and generally recognised by the current system in ILAs. In this level of agencies, all the interviewees (n=8) agreed that Social values and traditional conceptions of tenures are respected in their ILAs strategies. In this context, C3 affirmed this point by saying: *"In developing the ILAs strategy, there is the priority to respect the variety of society in Iraq and we highly appreciate their traditional morals working to keep in line with them in our strategies... However, in the*

Iraqi legal institutions, there is no special treatment or discrimination between Iraqi people regarding gender or religion, men and women have equal rights to buy and sell the property and save these rights for their next generations". Nonetheless, TSMs stressed their awareness about the negative influence regarding the LTA applying, especially with the Iraqi conflict situation, which agreed with the literatures indications (see chapter 4, subsection 4.2.5). Furthermore, C5 added: *"The Iraqi society is still having a massive role in shaping the form of rights. For example, the personal attitude is still combined to his/her family/tribe's view, and for this reason, some Iraqi people respect only tribal rules and will be incorporated into their own tribal Shaikh's orders more than these tailored by the government rules...and these negative attitudes towards the government policies are inherited and passed from one generation to the next, and during the present period its negative shadow is clear"*. In terms of their relationship with the local authorities of society such as tribes, it can conclude from this negative view that TSMs in the national agencies understand that the Iraqi authority's weakness is the main reason that encourage this attitude. Consequently, social values could help ILAs strategies to accomplish their goal securing the end-user's rights. At the same time, the ILAs will ensure the support of the customary and the traditional context as part of the overall solutions. Other negative factors were cited by the interviewees, they mentioned that although the social and traditional conceptions of tenures include unfair morals, in which the family /tribal structure is dealt through a gender discrimination, focussed on the non-participation of women or neglect females shares. In fact, TSMs stress that the Iraqi legislative systems are still accepting to deal with these gender discriminate aspects and the related inequitable rights. This negative point was confirmed by C4 who said that: *"The land policy-making process is built solely by the ILAs, but the society morals are strongly adopted by the majority of stakeholders, thus the content of the resulting policies in the system...To be honest with you, we dealt with a majority of families with low level of education who may do not understand the Iraqi legislative systems, or following the approached procedures in the inheritance issues, and then they have no choice only to follow their tribal regulations as a protection, because they need them to be an insurance rather than the national laws"*. Also, the view of C6 was more detailed by saying: *"...ILAs do not interfere in the individual*

decisions regarding the buying or selling transactions that people deal, except in cases that the buyer is a foreigner, which is organized according to specific legal rules, for example, the LRCO accepts the distribution of shares of property/ lands according to the will and inheritance shares, in which the women's shares are reduced or even be neglected...I believe that we should challenge discrimination whenever we see it, however, the Iraqi system is designed to pass the will and all institutional processes must deal and implement its inequitable distribution". It could be concluded from this view that although the gender discrimination and inequitable shares, the ILAs strategy at the national system is still accepting and implement the Iraqi social-religious instructions as part of its current administration's programme to regulate the end-users' rights. The ILAs should be more aware, about gender-equitable participation and held accountable policy on gender equity issues as part of government-social responsibility. The modernisation of gender-equitable rights should be participatory and deliberated at all institutional levels, and it must be adequately legislated and issued by the government's agenda. In brief words, instead of using old rigid systems to regulate the end-users' rights and then re-applying them through the LAS processes to deal with negative impacts of gender discriminations and inequitable rights, the ILAs strategy will pursue a more modern and flexible approach, in which the national regulatory framework deals through equitable laws.

▪ ***Participants' responses in local agencies***

Similarly, the majority of the interviewees (n=6) stressed that they are aware about the influence of social values, believing that there is an urgent need to the modernising policy to deal with social negative impact. In fact, TSMs in this level mentioned a negative influence on females' rights, that being the attitudes of the families themselves, who had an extreme impact on females' rights. For example, they mentioned that: *"...these negative attitudes are rooted in the society and family heritage"*, and C14 stressed that some women are also inciting gender discriminating inequality in their family, by saying that: *"...they religiously accepted this inequality in inheritance"*, TSMs revealed their disappointment that these women are not free to have what they want, and so, inspire the fact that this submission may be completely against their

personal rights: “...as these women are forced to accept their unequal shares by their family instructions, which are guided by their family religious attitudes”. The main point here is that this discrimination is targeting the vulnerable groups of women, as a children, divorced or widows, and usually found in these low incomes and low educated families. In this respect, one such manager, C9, explained that by saying: “*To be clear with you, the local tribal society in most of the Iraqi rural and semi-urban regions had a negative view about the inherited share that females have, they believe that when a woman get married, she will remove this share from the family to be gained freely to her husband’s family... if they were married, women usually abdicate their shares to their families’ males. In fact, we have been trying to inform the national agencies to change this influence by reporting the negatives of current gaps in the systems, hence the land management and urban planning responsibilities are highly centralized in the Ministerial levels (he meant: MoJ and its directories in Baghdad), while at the provincial and municipal level, we have no legislative roles to change the adopted system*”. Likewise, the majority of the interviewees also admitted that the current influence of social obligations is anticipated to increase dramatically in the next years as their applications become easier to focus the needy and exposed groups in the Iraqi society. On the same issue, C9 revealed: “*In fact, this image of inferiority in equality not easy to eradicate, the power of these Iraqi social obligations is that they focus their system more on the needy and vulnerable groups in the society, such as the poor, Ignorant and illiterates groups, and even those internally displaced peoples, hence these conceptions breath life throughout the weakness of central government*”. From this point, it could be understood that whenever the institutional role of the state is absent, as in the case of war and internal conflicts, the tribal codes and societal conceptions prevail as a protection reference for the adherents, and their negative impact is maximised, in which the control of old rigid morals on the ground is dominating.

2. Civil/ethnic conflict notions about access to land and its tenure’s rights

Building on the findings in chapter 3 (Subsection 3.2.3, Tables 3.3 & 3.4), civil/ ethnic conflict notion is a main factor/ barrier (s) affects the LTA system.

▪ ***Participants' responses in National agencies***

The interviewees explained their negative views that over the last 14 years, they had the lessons learned that the old and rigid regulations are promulgated, which is still succeeded in most events of Iraqi regions. In this context, C4 replied by saying: *“Some strategic projects were deterred from enrolling in the ground because of opposing ideas from the aggressive mode of local tribes which were believing that lands are under their ownership and authorities are not authorised to deal with what they had, this illegal behaviour of these tribes was encouraged by the weakness of the Iraqi authorities that tried only to avoid the armed clashes...from my experience, the most negative attitudes reflect the rapid re-influence of tribalism, which is re-erupted whenever the low controlling status that the governments had over the country is declined, since people were forced to find a protection from their tribal or ethnic and family morals to protect their tenure rights”*. Furthermore, the insecurity situation in most regions of the country was increasing the illiteracy level among the people, especially for those vulnerable people in rural regions and those exposed to evacuate by the ethnic clashes. In fact, TSMs pointed out to the influences of ethnic conflict on land and its related land dispute was erupted in the Iraqi society after the war in 2003, which led to the cumulative consequences, reflected negatively on the acquisition of tenure rights.

▪ ***Participants' responses in local agencies***

It is clear from the respondents in this level of agencies that there is an agreement among these local agencies that their strategies are influenced by the Civil/ethnic conflict which they believed it as factor /barrier (s) effect of having effective system. In this context, C12 stresses that: *“The influences of ethnic conflict was erupted after the fullness of regime in 2003, in fact to solve the disputed ownerships of lands and multiple ownership claims which, and to protect the people rights under state laws, we deal with these crisis according to the Iraq land dispute Court at our distract level to address land disputes in urban and rural areas”*. It is, therefore, that there is an agreement among the TSMs that their strategies are qualified to deal with particular circumstances, such as internal disputed land crisis, in order to meet the end-user's requirements. To conclude, it is clear that all respondents at both levels of interviewees in ILAs agreed that social

and cultural factors can and do have a role in helping people whenever the institutional authorities were weakened or even absented. However, despite the massive economic and education steps those have been achieved in Iraq during the 1970s and 1980s and taken place in the structure of society, there is no doubt that in the past ten years, these social-religious factors were re-erupted and their influence was encouraged by the absence of the government after the fullness of regime in 2003, thus, their influence still plays a major role in terms of tenure rights of vulnerable groups of society in Iraq.

B. Religious Rules Influence:

As seen in literature (see chapter 3: subsection 3.2.1, and chapter 4: subsection 4.2.5), Islamic rules of the ownership and inheritance can be considered as a rooted legacy system in both the AER and in the Iraqi.

1. Islamic rules of the ownership and inheritance (Islamic sharia).

As noted previously, Islam is the official religion in Iraq, which is to be considered a main source of the legislation and the legal provision, upon which the basic character of the Iraqi society's conceptions had formed (see Chapter 4, Subsection 4.2.3/B). From this importance, the Islamic roles in ILAs strategy regarding LAS and LTA and the end-user's rights are discussed in this section. However, evidence also stressed that these local religious regulations have negative impacts. In identifying the negative influence, this impact may come from the gender-discriminable attitude in the ownership and inheritance form of sharing targeting vulnerable groups such as indigenous /minority and women aspects.

▪ *Participants' responses in National agencies*

According to the discussion with the interviewees at this institutional level, the Iraqi society is not purely a result of the social value system, but also it is controlled by Islamic rules that had a vital impact upon the end-users' rights. Most of the TSMs in these agencies responded that they are aware of the Islamic-related influence and regulations defined by the current system. One respondent (C3) stressed his perspective on this core point by saying: *"Islam is the official religion of the majority in Iraq, according to the Islamic morals; women have a full legal right to own private property*

and to deal with different buying/selling interactions, and the Iraqi institutional law in ILAs strategy is accepting this right and documenting it officially to all people, in which women able to deal with and to translate their rights without any difference between the man or woman". On the same point, another participant, C7, revealed that: *"It is a fundamental issue that the ILAs accepted in their institutional laws that the female has a full right to own and register her property in her name, in fact the problem came from these inheritance rules that people use in which the inherited shares are distributed unequally...since women in respect of these regulations scope in the family, being gained less than men's share".* One such C4 was specific, saying: *"I think that many of laws in the ILAs strategies were originally brought in form the Islamic rules of tenures, and they largely reflected the Iraqi society needs, I am satisfied with the current mechanism of tenures that our organisations are taking, for my agency; these policies include the important experience which we need in applying LTS".* Building on these views, it can be said that the TSMs reflect the fact that their ILAs strategy has been developed originally in forms of local society values and religious rules to response to their people' needs, but some of international regulations were adopted in the current system as an attempts to improve it. Also, interviewees in this level mentioned another religious aspect; the 'Awqaf' these endowment lands/buildings, which are hold and translated all their rights to dispose according to Islamic rules of endowment. On this point, participant, C3, revealed that: *"Our system in ILAs has clear idea about this form of the 'Awqaf, the system used to deals with these lands and buildings such as mosques, shrines and educational institutes of Islamic character, which the owner transfers all his/her rights to dispose under the specific terms to be listed in terms of the 'Awqaf' in our records, all procedures are achieved in the registry offices".* And he added: *"Based on the applicable laws in ILAs, lands become a moratorium to the 'Awqaf' purpose if they used to build a mosque, we have usually some problem from the encroachment on public property, for example, the inheritors who try to return their ownership on the gifted properties of the 'Awqaf' without a formal registered prove their right to property, for that reason our laws deprive building in the territory of the 'Miri' in order to prevent it to turn into endowments".* It can be said that the TSMs confirmed the administrative form of endowments 'Awqaf' in ILAs strategy, which has a clear policy

in the current system, which is reported in the literature in this study (see Chapter 4). On the other hand, the TSMs responded by adding another impact. In this context, respondents admitted that the religious rules are not always appropriate regulations, one such C7 revealed: *“There is a common idea among social members of the Iraqi-Muslim’s community that the individuals’ share of inheritance should not be distributed equally in which the male’ share is doubled that for the female, our system respects this distribution because it is formed on Islamic rules, the ILAs strategy is designed to pass this distribution and register the inherent shares officially”*. As noted previously, (see Chapters 3 &4), the existing crisis of a gender-discrimination conception is coming from specific regulations particularly these in inheritance rules through which women rights are hindered. The important point from this that the Islamic rules of tenure are not the factors that prevent women from having a full right in ownership, but it is underpinned by inheritance shares, in which the inherited shares are distributed unequally. This discussion concludes that the influences of the Iraqi society at inheritance issues are recognisably underpinned by religious imperative, and the essential nature of the Iraqi society’s conceptions was fundamentally associated with Islamic rules of inheritance shares, in which females gain unequal rates compared to the males’. Additionally, interviewees in this level mentioned another contradictive attitude; they highlighted the distinction between these ethnic prejudice attitudes towards rights of women, and the trends that ILAs are adopted in their institutional systems based on essential aspects of equality rights between people regardless the gender and religion. One respondent stressed his perspective on this core point by saying: *“As a governmental authority, ILAs strategy did not object or face these bias norms, or trying to change them, we do not interface to change this behaviour due to it is a religious values and family wish and we deal with it as an inheritance distribution among the family members, instead the institutional system does not have a clear policy to deal with the unfair prejudice, in fact we only deal with the systematic processes in which the translation of property is issued according to the family value ladder to be documented in LRCO’s mechanisms. Therefore, our institutional system has an administrative responsibility to document and produce the official titles”*. In practice, these social-family values still bring massive influences in the current system targeting vulnerable groups of society, especially

divorced/ widow women, the point is that these religious values and family attitudes still encouraged in the existing system.

▪ ***Participants' responses in Local agencies***

Similarly, the majority of interviewees in this level agreed with the national agencies, that the religious values are associated in the current system with specific forms of rights, and they admitted that this influence had rapidly encouraged after the war in 2003. They confirmed that their agencies still deal with these values and accept their inequality distributions of shares in its official procedures, in which rights of specific groups were often abdicated. Also, the interviewees agreed with the national agencies by saying that their local agencies dealt with these forms and experienced their influences. C9 explained that as: *“The available system of land ownership in our agencies is designed to deal with Islamic rules and implement its morals”*. One senior staff (C14) showed the unwilling of society to use modern systems, by saying that: *“Although the Iraqi has become modernised in many aspects of its life- styles, however, we must remember that the majority of population is an Islamic adherents... In fact, most of people are still associated to their religious heritage, as religious forms impact upon the end-users' rights, people who affected by this religious culture still abdicate their ownerships under the form of Awgaf, and inheritance shares, In fact, they reluctant to use modern systems. Consequently, the religious managements are well defined in ILAs strategy”*. Nonetheless, the interviewees from local agencies highlighted a positive point which has been taking place in helping the efficiency of their agencies at the implementing role, which they benefited from the massive influence of the religious power that these values have on local people, in which the land dispute issue is solved. One respondent stressed this core point, saying: *“The government must move up towards the influence of religious-values of society, which are accepted by the majority in the country, from my experience, ILAs strategy can depend on this beneficial acceptance in the administrative performance, ILAs can use this advantage to deal effectively with these ethnic problems on land tenures and then to avoid the associated disputes by which the recent mechanism has failed to absorb them”*, C9. The main point is that it is important for ILAs to be fully aware of domestication of these value

contributions, which may be used as a tool to improve the current mechanism quality regarding ethnic conflict problems about access to land and its related tenure's rights. It can be said that such efficient mechanism showed an urgent need whenever something goes wrong in the system.

In brief words, opinions obtained from both levels of TSMs in ILAs stressed their agreement that the influence of social-Islamic factors are rooted in the Iraqi society values and have an active role in shaping its characterise, also they shared the confirmation about the current influence on their agencies strategy regarding LAS and then LTA aspects, as evident shows that social-Islamic factors successfully helped to re-arrange and protect the Iraqi end-users' rights. The problem is that the current absence/weakness of the administrative role of the government dramatically helped to re-trigger the role of these local community values, which filled the authority gap, thus, their influence still plays a noticeable role in terms of tenure to vulnerable groups of society. In this context, these government's instability factors will be the main issue in the next discussion.

C. Instability influence (key element gaps):

As seen in literature, (chapter 2: subsection 2.4.3 and chapter 4: subsection 4.4.4), Stability gap's factors, the weakness of governance or lack of institutional managements is considered in essential in the shaping the insecurity of tenure and then lose the end-users' rights in both the AER and in Iraq. In this connection, ILAs programmes of LTA were implemented under the war/post-war situation and ethnic conflicts, which could be considered the main-influential source of these critical factors, upon which the basic character of the ILAs strategy is discussed.

1. Weakness of Governance

Reviewing the literature in this study showed that authority's organisational deficiency is a failure key element of LTA, which is influenced directly by instable and insecurity situations, thus, the negative sphere of instability of system's factors in relation to LTA is closely to Stability gap's influences (see FAO, 2004, 2007 and 2012;

Wiley, 2013). It is easy to conclude that there is a general agreement that political and government's instability factors play a major role in the clarity of the administrative capability of the legislative and executive institutions, which are influential elements on LTA implementation.

▪ **Participants' responses in National agencies**

Obviously, the TSMs were aware that the country is engaged in an abnormal sphere as many regions are out of the government control; they agreed that their ILAs strategies are dealing with 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. In this connection, C3 said: *"The country is engaged in the series of wars and the terrorist attacks as many regions were taken out of the government control, and thousands of people displaced their lands lived in camps and mostly lost all their documents ILAs tried to deal with the insecurity spheres through a set of actions to ensure that individual and community rights are documented and protected, which has essentially linked with its fanatical ability... Consequently, we dealt with various cruises such as refugee needs of people who were forced to leave their lands/homes by the dangerous conditions, and illegal encroachment, also the population growth and the increasing demand on lands and housing lack have furthered the problem"*. Also, C4 added: *"...from my experience, the insecurity sphere is encouraged the current influence of informal occupancy and illegal activities which still need more innovations from ILAs strategy"*. Furthermore, C5 mentioned that: *"...The current system has ambitious goals regarding the encouragement of the native and foreign developers in the non-government sectors to invest in the Iraqi housing market, but complex situations that we dealt with during the current period reduced the investors and discouraged their ambitious policies"*. These negative views can indicate that the TSMs in this level try to explain this losing in the administrative ability as a result to the external impact, which still prevails in the Iraqi LTA system. Also, they admitted that the Iraqi authorities of lands were not able to play their role in the implementing strategy of LTA because they were for years not possessing a full authority on many areas in the country, and under a massive influence of the current situation of the semi-civil war' sphere in Iraq.

▪ **Participants' responses in Local agencies**

Similarly, the same view was obtained from the local agencies that there is no doubt that instability and insecurity situations in Iraq caused a challenger sphere, which is influenced negatively on ILAs strategy and the basic LTA efforts. They believed that even if the ILAs strategies had based on good plans to deliver adequate shelters to their people, however, given the situation in Iraq, this task remains challenging and demanding. The main point is that the provincial and city level agencies were fully aware not only of this factor, but also on the sequences and current special requirements, arising from their administrative role in which they tried to redevelop their emergency plans to deal with a challenger sphere in Iraq. Also, they stressed that they still worry about the possibility to redestroy their documents and records at any time and mentioned the Vandalism which was actually happened in 2003, in which the burning of local institutions and damaging the most of provincial records in LRCOs, one senior staff commented: *“Our agencies’ performance has been struggling under specific challenges of the post-war sphere, our local agencies are suffering from that massive damage that our records have faced in war, in which many of real estate’s records and users’ documentations were lost or damaged by war vandalisms after the fall the regime in 2003, the problem is that the majority of our records and the most of Cadastre maps in our system are papers and not in a digital form, you can see that our records is vulnerable to any similar events”*.

There is no doubt that the unstable situation has a massive impact on the ILAs, and its influence can engage insecurity impacts such as the damage and losing of the documents and these related rights. Under the unstable security situations and the current level of the capability and Technical aspects of the system; the vandalism and damaging to the institutional records are still extremely possible. As noted previously (see Chapter 4), the critical period that has started since the 1980s and increased in 2003 in Iraq, still influences on the current capability of system, it is not surprising that the administration role of ILAs or the utilisation of the land administration functions is often lacking. In practise, ILAs still cross the hard external and local difficulties, and fighting to be capable of capturing the range of forms of rights for all Iraqis.

2. Economic and Financial related Crisis

As it is mentioned earlier in this study, (see Chapter 3), the economic related crisis has to be considered as one of the influential factors in shaping the system of LTA, as well as to those of low income and poor people. In fact, the effective economic and financial managements are required for the operation of the LTA system in different land administration activities and also to promote social-economic predictions of their people and their Satisfaction, in addition to the connected investments in operative land/housing markets' issues.

▪ *Participants' responses in National agencies*

All interviewees (n=8) believed that there is no need for new legal policies to be adopted by the government, as there are a sufficient policy in the system offers loan amount granted for construction purposes and add construction as well as to purchase housing units. C7 mentioned the financial support that the Iraqi government used to supply to people in field of housing provision and mortgages, by saying: *“Our policy in ILAs was developed to increase the national efficiency in the production of housing and to facilitate access to decent land/housing for all Iraqis... We successfully provided free lands and offered a mortgage for millions of people to build their houses, also our policy helped to reduce the prices of construction materials by offering competitive prices... All the branches of the Real Estate Bank in Baghdad and the provinces have clear policy to receive requests wishing to obtain housing loans, after the government has allocated 834 billion Iraqi dinars for that purpose... the housing loans are granted for construction purposes and add construction as well as for those wishing to purchase housing units”*. And he added that: *“...the Real Estate bank offers loan amount to no more than 50 million and not less than five million dinars, and interest at a rate of 4% annually on that payment will be made over 10 years”*. This point was more explained by C7 who said: *“The average cost to construct a housing unit is (77) million, as the current cost of building a squared meter is (320) thousand dinars. Housing mortgage loans in the system were handed over to the beneficiaries in soft payments from banks of real estate in the national and district's branches throughout the country, ...Our strategy of a mortgage loan payment was associated with the stages of construction in the housing unit ...and for more help, it is distributed under clear contract with the*

banks and then return into small payments over 25 years, in the way in which loans payments be return directly or by a clear agreements through the individuals' salaries ...also we planned that the loan should be returned to the state with the bit of benefit for the bank's ratio". Also, C8 explained this point by saying: *"The financial problem was escalated by the insecurity crisis that our country dealt with since 1990s, today, as a result of the lack in the national budget, there is little capital support from the Iraqi National Bank either for land buying or even home improvement loans... In fact, these long-terms of mortgages are now semi- stopped policies"*. From these positive points, it can say that the ILAs strategy offered an effective mechanism, which helped to provide affordable mortgages. At this level of discussion, comments showed that there is an agreement from the decision-makers that the system still has an effective financial strategy.

▪ ***Participants' responses in Local agencies***

Several interrelated aspects of the recent economic crises were indicated, also responses from local agencies stressed that the economic crises reflect its negative impact on the average of household expenditure, and then the real estate market. In this connection, C9 complained: *"In the period 2003 to 2016, the Iraqi authorities were under an economic crisis that was started early in 2003; we headed to borrow from abroad banks to overcome the national economic difficulties. Indicators of income and spending were reduced; in general, the average household expenditure was declined as the institutional staff's salaries were halved"*. Furthermore, responses from local agencies stressed many negative impacts regarding the Iraqi economic crises; in searching for the best livelihood, the migration from the rural to the cities or the displacement escaping from the ethnic conflicts, the deficiency to buy the shelter, in addition to the lack of lands offered for sale at adequate prices, all these reasons furthered the problem against the end-users' ability in the real estate market. Local agencies shared with national agencies the same problem that hinders their administrative performance, all the interviewees (n=8) mentioned that there is an acute shortage of technical utilities, and they depend on old devices to produce and save the documents in the institutional records. Confirming this view, one manager commented: *"My staff depend on paper maps and used a blackboard to draw it. In fact, we don't*

have enough support from the national agencies to spend on the training programmes as most of my staff are not efficient to use the computer to produce maps, and usually we forced to depend on external offices for drawing and printing them”, C9. Also C15 emphasis on a shortage of buildings designed especially for the Cadastral purposes by saying: “In fact, there is a need to change the current building and move to a new one. Let me be clear with you, most of the buildings which are occupied by our agency have been exposed to destruction by military operations that took place after the fall of the state in 2003, or even as a result of deliberate sabotage, however, our buildings mainly were not designed according to the architectural standards that meet its administrative requirements, for example, there is no adequate spaces for the storage of documents and maps, they are just loaded in the boxes inside our office”. From the local governorates’ views, it can be indicated that the applied system is often an issue of the depriving in utilities, it is usually held with an inadequate patterns of techniques and associated deficiency of staffs’ qualification, which may prevented their positive objectives.

3. The Residential Market Crisis

As mentioned earlier in this study (Chapter 4: Subsection 4.4.4 & Table 4.4), Iraq in the current period suffers from a severe housing crisis, which can be seen by the growing number of the population regarding the estimated total housing stock of the units. In addition, the lack of adequate housing is still pending in Iraq, with the national economic difficulties that furthered the current challenges that people with limited income face to build their own housing units.

▪ *Participants’ responses in National agencies*

All interviewees (n=8) believed that the system had a good legislative base and there is no need for new legal policies to be adopted by the government, but they believed that there are insufficient sphere and huge influences from the unstable situation that the ILAs strategy faces. In this context, the responses confirmed that the most of the impact on their strategies is coming from the economic deficiency in the Iraqi federal government, stressed on the effectiveness of financial support that the Iraqi government used to supply in field of housing provision and mortgages. However, the national

agencies expressed the disappointment that their current strategy does not enable to provide such services. To this concern, responses from this level stressed that the current deterioration of financial support has forced many people, who already gained free lands, to sell them via the brokers' offices. Hence, they were unable to cover the construction cost. In this context, C8 revealed this point with what he thought the solution: *“Our policy is designed that the system helps to provide housing to each family in Iraq, and we believe that the demand will not be covered under the current economic crisis. At the present time, the financial control in construction materials is out of government hands, and that led to prevent people who already gained free lands to build their shelters... there is a massive need in Iraq to activate housing product with a help from non-governmental partners. Yes, I believe that the engagements of the private sector or even the external developers are useful for transferring expertise and implementing policy goals”*. Also, C6 explained the related results of this point by saying: *“The government forced to stop their previous policy with all ambitious financial supports in respect to soft loans or the provision of building materials...the related results were disastrous at the physical urban view, in terms that many neighbourhoods' areas were not implemented instead they were left as an empty plot of land or semi-constructed house units”*. One interviewee (C7) explained this as a result of unsatisfactory support from the federal government, saying: *“In the provision of housing, our strategy depends on financial support from the federal government, which is unsatisfactory, there are not sufficient financial motivations that may encourage people to invest their rear income in lands and they usually sell or leave it without any use. Most of gained free lands were not built and the dearth situation furthers the problem”*. In practice, the current housing crisis could be added to continuous negative impacts of three wars and these related insecurity situations, which were continued starting from 1980s in Iraq. All that supported the evidence in the literature (Chapter 4).

▪ ***Participants' responses in Local agencies***

The views expressed by all interviewees from this level supported that the performance in the ILAs strategy was poorer than that during the previous period (1980s& 1990s). They also recognised the negative influence of this factor upon their

strategy. They repeated that provincial and district authorities still suffer from the national economic crises focusing on the stopping in the national financial supports. This point was shown by the supportive comment from C9: *“To be honest with you, the pervious strategy was built by best financial support from the federal government, and this effective trend continued in ILAs strategy till the end of 1990s”*. In this respect, all interviewees also stressed that the residential market is contentious and associated with the current economic crises at the national level. Also, they agreed with national agencies’ views that the solution may come from other players, who can play a cooperative role in developing the current mechanism and refill the financial support gap in ILAs strategy. In this direction, C16 mentioned: *“...Collaborative policies with the private sector have to be done particularly within the current period, and as a local, council we must have the pattern of responses in our local housing projects to reduce the current housing crisis, encouraging new affective regulatory laws with investors, and housing developers will also be beneficial, however, we do not have an independent attitudes as the final decision depends on the awareness of the national agencies and their legislative flexibility to deal with these opportunities”*. To conclude, it is apparent that local agencies are aware that several factors are missed in the current system that are impinging upon LTA in ILAs role, it seems that TSMs in this level themselves are often forced into this negative situation because the deficiency of the national system itself.

4. Informal Settlements Crisis

Reviewing Literature in this study showed, however, that previous displacements are overtaken by new displacements and that it is doubtful the Iraqi displacement problems and related issues can be solved during this decade (see UNHCR, 2017; IPPC, 2010 and 2015; IOM, 2015, 2016 and 2017). As noted previously, (see Chapter 4, Subsection 4.4.5 & Figure 4.7), ILAs programmes of LTA were implemented under the war/ post-war sphere and related ethnic conflicts, which could be considered the main-influential source of displacements, refugee crisis and land dispute problems in Iraq, upon which the informal settlements crisis is discussed in this study.

▪ ***Participants' responses in National agencies***

The majority of TSMs in this level agreed that the cycle of emergency with significant challenges has stretched the system which nonetheless strives to respond to humanitarian needs of Iraqi refugees. The majority of interviewees (n=7) mentioned that as a negative factor and they confirmed that ILAs strategy is targeting to establish an effective response against the illegal occupancy, and then their policy is working to solve the problem as possible. However, they believed that the insecurity gaps and its related humanitarian crisis all led to an outbreak in the informal settlements crisis in Iraq. In general, interviewees in this level explained this crisis as a result of the external influence on their authority, which still prevails in the national system and prevents many achievements in Iraq. In this connection, C8 said: *“The system ambitious strategy was interrupted and mostly stopped under the critical period that we all faced... in Iraq, we dealt with a large scale destruction of public and private property during the war period, and now we face waves of displacements in various areas in our country”*. Additionally, TSMs in this level stressed that the institutional support was interrupted by a shortage in the land/ house availability, and more a pressure from construction material prices, which doubled the people' problem to obtain the Shelter. In this context, C7 summarised this point by saying: *“Issues to bear in the mind that the influential absence of government support and the increasing demand on lands and housing; all these associations dramatically led to further the challenges, which led to illegal solutions from the people in order to have their shelters.....These illegitimate solutions usually were as undocumented additions to the constructed area and/or in the garden zone, or even in some cases by illegal occupancy and building in the non-residential lands such as date palm groves and road sides”*. In this context, an irregular settlement was considered as another indication linked to the weakness in the institutional performance. Furthermore, the interviewees in this level responded by adding this negative feature. In this respect, one member, C3, explained the response by saying: *“As a government agency, we tried to solve the irregular settlements, but there was no enough control on the situation. The negative impact was crucial, and the system was not able to play even their administrative role in addressing illegal encroachments on the state properties, indeed, agencies were not possessing a full authority in many areas*

and do not have the ability to enforce the law on the conduct of squatters by forced evictions or demolitions". Hence, the action was: "The government tried to deal with illegal encroachments through a set of actions, that were essentially temporary solutions to the problem, as the government considered this problem as a result of the unstable situation and the most of illegal encroachments are often from people who were forced to leave their lands/homes by the dangerous conditions of civil war spheres", C8. From this point, it can be seen that the institutional reaction was at a temporary and an inactive level to deal with the illegal encroachment problems, reflecting the absent role of the legislative and executive institutions, and then weakness level of their current administrative capability. The key point here is that they confirmed that even when these loose actions are submitted on the ground, the problem was not solved, and the negative sequences were extended. For example, C8 specified this point by saying: "The obtained evidence from my experience that the ILAs strategy to solve this problem was made up on fact that the government has not ability to evict the illegal occupants, therefore the available solution was aiming to allow some of these illegal residents for emergency conditions such as those displaced people to inhabit public lands and applied that formally through changing the land use from agrarian land to be residential use which in some cases were registered in the land registry department". This decision made the ILAs to bear the unplanned burdens at municipal institutions, as: "State committed itself to provide basic services to the illegal residents and that left specifically municipal institutions in many financial and technical problems", C6. In respect to emergency conditions, the grave sequence of this solution indicated that this policy was not aware that most of the illegal inhabitants were in general from whose displaced people, and more complex can slow down the system and discourage their policy, as the government only lets them live in a spot of slum buildings that they illegally occupied without any basic infrastructure or even a financial ability to build their shelters, and of course the insecurity of the end-users' rights that arise throughout such irregular settlements.

▪ ***Participants' responses in Local agencies***

Interviewees in this level emphasize that their agencies dealt with the informal settlements crisis since 2003, as the security situation was collapsed. They stressed that the crisis was widespread and included various interventions such as illegal sales/ rentals of public lands or displaced persons' property, and illegal occupations. C9 mentioned that point by saying: *"Since 2003, the security situation was collapsed. A state of displacements and forced migration of a thousand families were erupted, and who have left their properties and forced to live in camps or even occupied illegally in public lands or buildings. To be clear with you, we deal with zones in neighbourhoods which are occupied by a number of families who do not have the legal license to be there"*. Also, C9 added another negative impact to this security situation: *"Many of these illegal zones have not been prepared within the municipality updated schemes, nor even have any identification data of the new occupants, the insecurity situation there prevented us from entering certain areas to make any census or survey of the area... In fact, and some surveyors were beaten... families are living in difficult conditions, and our municipal services cannot reach there, we cannot provide our services in those areas, or receive the municipal taxations, the security situation is a key obstacle"*. And then, he mentioned another impact, and the way that local agencies depended to deal with such problem: *"We deal with a multiple problem of illegal occupation, in some zones we have to deal with those illegal occupiers who occupied the land hoping that the owners or the government will pay to them for the evacuation of the state lands"*. According to the current level of the authority gaps, the expulsion of the illegal occupiers is not easy, but it is more like the impossible in some cases. From the evidence obtained from the interviewees, it can be said that due to the insecurity situations and the authority gap, several problems have emerged with significant challenges in dealing with the informal Settlements crisis, and the deterioration in the insecurity situations and the authority role led to deal with tribal leaders or even the paying to the illegal occupiers for the evacuation of the land.

In fact, the evidence obtained from this discussion supports that in the chapter 4, (see Section 4.4.4/B), showing the influential authorities of the Iraqi local social and religious structure.

5. Bureaucratic Routine / Corruption

As it is seen previously (chapters 2 &3), a successful LTA is measured by its ability to manage and to administrate land aspects efficiently, effectively at clear and simple levels of the governmental process and procedures to be respected by both land administrators and stakeholders. Therefore, authorities should recognise an integrated and sustainable approach to their LTA processes upon which the users' rights are protected.

▪ *Participants' responses in National agencies*

All interviewees (n=8) at this level indicated that they believe that their authorities are working to reduce the Bureaucratic routine and removed the administrative corruption. They stressed that the system is designed hierarchically within the system to deal among all agencies. As any problems related the LAS processes in any governorate in ILAs for any type of real estate in the land registration procedure, housing finance, and a procedure for controlling land use are solved by the hierarchic, co-operative agencies. However, the respondents admitted that the current procedures are served in a highly centralized system and may spend a long time in multiple stages: *“Our system is controlling the LAS within co-operative agencies hierarchically authorised in Directorates nets in Baghdad, while the Municipal Units in the provincial and distracts levels are designed to examine the real estate and determine whether or not the application is legitimate as the final approval the Ministry levels is needed to confirm the information adequacy, a photocopy of all registration actions in the municipal units is sent back to the ministry committees to be examined, confirming that the registration is correct and legal, also to save and solve any problem related to missing documents in any agency”*, C3. In this connection, C5 stresses that all procedures in the system must be designed according to those people who may not be able to understand its complexity: *“We mindful that the majority of users may be illiterates and cannot be able to respond to system's procedures, particularly in real estate registration offices and the sell-buy process or which types of documents they have to bring or these related tax issues when they asked in these offices”*. However, the TSMs in this level denied that there is a bureaucratic routine in their agencies, but they admitted that due to the

instability and insecurity spheres that the country faced after 2003 events; a widespread occurrence of forged documents, illegal sales and occupations, and waves of multiple ownership claims were erupted and influenced their system performance, and then all the current procedures are responses to that impact. In fact, the obtained evidence from this discussion supports that in the literatures (see Chapter 4 Subsection 4.4.4), showing the variety of documents and procedures required in the Iraqi system's agencies.

▪ ***Participants' responses in Local agencies***

Similarly, the interviewees in this level shared the same points that the system had and they emphasise that the LAS processes are designed provide the ownership document for all people. C14 replied by saying that: *“the ownership document in LRCOs is issued according to the Iraqi real estate registration law, which is linked to the general directorate of real estate which is the head of all governorate real estate directorates in Iraq, that means that our mission is included with national agencies within a set of related processes and procedures as we deal with a highly centralized system in Baghdad”*. Also, C12 stresses that: *“Since 2003, the ILAs has taken a number of initiatives to deal with security issues in accordance with the current scale of problems, to address a real solution all the procedures for buying/selling real estate in the Iraqi districts and the sub-districts of LRCOs are processed and checked with full co-operation of the general real estate registration directorate in Baghdad, as most of related data and documents are shared with the national agencies in Baghdad”*. Also, all interviewees (n=8) indicated that they believe that their authority cannot deal alone within the current situation without a help from national government partners particularly to deal with the deprivation in security aspects. TSMs revealed that conflicts that the Iraqi state faces during this period raised this need for additional verifying and correction steps in the system administration procedures.

6. Displacement and Refugee's Relocation Crisis

As it is seen earlier in this study, (see Chapter 4, subsection 4.4.4/C), that Iraq is facing emergency events such as huge displacement waves and refugee relocation crisis, and the performance of LTA is linked through multi-dimensional elements. In this study, the

displacements and refugee relocation crisis are crucial factors to the insecurity tenure and losing rights, also they can be described as an indication to the efficiency level of ILAs and by the way and quality of solutions that the system dealt with.

▪ ***Participants' responses in National agencies***

Most of the TSMs responded that they are aware of the current crisis and its negative impact on the security of users' rights. They revealed that conflicts that the state faces during this period extended the crisis. In fact, most of the national interviewees shed light on the vast influence of the current unstable political situation and its interventions. In respect to this point, C6 emphasised: *“Since 2003, the country is facing a massive wave of the terrorism and its associated crisis, millions of interim refugees and displaced people in most of regions in the country, all that was linked with a massive load of land disputes....In my contract with the refugee issues, I believe that although the strategy is arranged by good legislative forms in our national system, we still cannot provide any improvement because the insecurity situation and the financial deficiency finished off all chances to reach most areas.”*. And so, they were aware that the cost to ILAs of taking no action to resolve these problems is higher, the important point here is that the decision-makers in these agencies are mindful that displacement and refugee relocation crisis could be considered as a failure indicator that reflects the performance quality in ILAs strategy in the ground. The main point is that the views of the majority of TSMs in this level of ILAs are positive toward their strategy and its development. In general, this deep reflection of the Iraqi instable situation was under a massive influence that hindered its administrative performance; waves of refugees and displacements and illegal settlers were of the primary results of the war.

▪ ***Participants' responses in Local agencies***

Indeed, the majority (n=6) asserted that they had occasionally negative indications in their agencies' projects. Also, the local agencies believed that state policies are not able to deliver shelters to refugees and depend on international aids, to provide an adequate level of infrastructure and municipal services. Due to this reason, TSMs pointed out to the current financial crisis as a negative impact on their policy to tackle the crisis. In

general, the Iraqi financial crisis can be considered as a trigger factor with multiple influences on both the institutional performance and the disability of people to have shelters.

7. Lack of Legal Rights Awareness

As noted earlier in this study, (Chapters 2 &3), users of lands need to be aware of these rights and responsibilities that they have to deal with at the institutional levels. In general, users must clearly know these related procedures for any type of documents in any agencies in the system, particularly the buy/sell registration procedures and taxation aspects of real estate in different levels of agencies. Therefore, this element needs from the people to have specific skills to understand all these administrative processes and procedures such as the ability to read and write and deal with written agreements and documents, also that requires that the system is designed with clear and simple stages in order to be understood by the users of different levels of education.

▪ *Participants' responses in National agencies*

The evidence obtained from the interviewees showed that TSMs in this level of agencies were entirely in agreement that their current system is suitable for users' needs and they repeated that their system is designed to help all users to deal easily with all stages of the system. However, the ideas presented by the TSMs also stressed on the relationship between the illiterate rate in the society and their ability to deal with the system requirements. They mentioned that: *"In my agency, we understand that the illiterate people may face serious problems to understand what they must provide when they deal with our system, in fact, most of the rural stakeholders are not aware of the land related procedures and these fees defined by system, as that reported from the local agencies as they conduct daily in ground with such problems"*, C7. Also, C3 added: *"Many of people still depend on the brokers' offices in all processes without being able to read the content of the contract"*. From this point, this element could be considered as an indicator linked to the flexibility of the system and also to the process routine and procedures that the users have to be approached at different levels of land administration agencies.

▪ ***Participants' responses in Local agencies***

Local agencies repeated the same views about this element, they stressed that they deal with people whom do not have clear ideas or ununderstood the system procedures and the required documents. Also, they admitted that the problem may be associated with the other negative results as the users' inability to know the required documents which are essential in LRCOs may lead to a situation of informal tenure without having legal documentations in order to protect their tenure rights in occupancy and keeping out of forced evictions. However, they emphasise that the problem is linked to user's awareness and not the system. In general, evidence from TSMs experiences showed that there is an indicator of the existing lack of legal/rights awareness from users, which may closely linked to the illiterate rate and also to the difficulty level of the current procedures in the system. This point needs from the authorities of ILAs an urgent policy to fill this gap between the users.

4) **THEME 3: STAKEHOLDERS' SATISFACTION WITH THE SYSTEM PERFORMANCE.**

As mentioned earlier in this study, (see Chapter 3; Figure 3.4), Participants in 6 agencies of ILAs were asked to assess the current level of their land authorities' awareness about the Stakeholders' satisfaction regarding the system performance in Iraq. Regarding this theme, the Perception of Stakeholders' satisfaction with the system performance can be a quality indicator to the LTA system in the current situation, which is linked with the obtained data from the end-users' views in the next Chapter (8).

a) Engagement of the private sector in developing aspects

As it is seen from the TSMs in both levels of agencies, they agreed that their ILAs strategies are dealing with massive negative impacts such as the financial crisis, interim refugee issues, land dispute resolutions, informal occupation and a multiple claims of tenure, and authority's gaps. Therefore, the evidence obtained from the interviewees emphasise towards the administrative attitude to re-enable the engagement of the private

sector in LTA developing aspects, which may reflect the absence/deficiency of this engagement in ILAs strategy in the current system.

▪ ***Participants' responses in National agencies***

The majority of TSMs of this level considered the Iraqi private sector as a supportive element that can add more help to their strategies against the current crisis in the housing market needs. They indicated that ILAs strategy could achieve their goals by more cooperative policy and flexibility to the private developers, which could fill the recent gap of the housing units' provision. Similarly, TSMs mentioned that the system used to deal with this sector and there are clear policies that previously arranged thus co-operative relationship. However, the national agencies expressed the disappointment that these non-government partners may not be ready yet to find a best investment in the housing provision. In this context, C6 view was that this mission should be established in ILAs strategy by the inclusive national and inter-governmental agencies: *"We aware in our institutions about the importance of the compliance with the private sector in this field, which can reactivate the housing and construction sector in Iraq, but we have some hesitates about the skills that may be missed"*. In respect to this point, C6 emphasised: *"the supervision of the ILAs on the relationship with these non-government partners requires to numerous legal facilities to be added in the current strategy, in which the progress of efficient administrative staffs in state institutions must be provided"*. And he added that: *"This step might require that the investment must be characterized by a new administrative flexibility in the side of institutional relationships, which means more legislative actions from ILAs to facilitate a legal way for the Iraqi private sector or even the international participation as a cooperative partner of this phase.... No doubt, this step will help to encourage private banks to activate the commercial investment in housing, which requires focused capacity-building within national government itself"*. From this point regarding the engagement of non-governmental sectors, this engagement might be a good step to sustainable housing finance system, but it will require redeveloping laws that will help to facilitate this contribution in the progress and increase the housing stock, especially in the current budget constraints; undoubtedly this engagement must have a legal basis in ILAs

strategy regarding LTA in order to enable the legal relationship between these private entities and the legal residents. However, for well-performing and to finance additional housing activities, the legislation base at all levels in ILAs strategy is needed to benefit from the previous positive lessons in the 1980s and 1990s. In this context, C8 was specific by saying: *“To be clear with you, although the Iraqi former regime was adopted a socialist approach in his handling of the housing and construction sector, the state was aware about the role of non-governmental sectors, which were somewhat were included in the legislative and executive, supervisory plans... the war sphere during the 1980s and economic pressures in the 1990s have driven the government institutions to deal with the denationalisation as a way to improve of many sectors, and the housing sector was not excluded. We left the socialist policies since 2003, and we really need to react efficiently with non-governmental sectors in the current situation, particularly in the field of housing and to build integrated residential complexes”*. The evidence from most of the interviewees is that agencies tend to be more pragmatic in their approach that underlying key feature of a housing finance system. They agreed that the engagement of these private sectors can help to cover the ineffective managements of financing institutions during this period. It can be said that the interviewees held a positive view about the need to enable the housing markets by a financial help from external partners, which is a result to the absence of financial support in ILAs current strategy. It can be concluded that the findings of interviews confirmed that under the current stage, factors of the economic pressures and the insecurity sphere driven the government institutions to re-promote the role of non-governmental partnerships to solve the current shortage in the housing and construction markets.

▪ ***Participants’ responses in Local agencies***

The discussions with TSMs from the local agencies revealed that the majority (n=7) confirmed the difficulties that they were trying to implement at the local level. They indicated that with more cooperative policy and flexibility in the system, local agencies could achieve their goals meeting peoples’ needs. For instance, C9 summarised this result by saying: *“...Some of the Iraqi tenure problems are associated with poor utilisation of land administration functions... with low control of local districts or*

municipalities, local agencies have not legal ability to deal directly with non-governmental partners". They also observed that ILAs strategy itself was a reason for this gap to deal with current deprivation in the housing market. C12 explained this point by saying: *"my view, ILAs strategy does not encourage non-government developers to engage in the housing and construction aspects because the current law in our agencies failed to encourage the investors to deal in housing markets, instead it still prevents a cooperative engagement from out the system. In fact, our bureaucratic system still imposes constraints on these companies"*. In this direction, C16 mentioned: *"...Collaborative policies have to be done particularly within this period, and as a local council, we must have the pattern of responses in our local projects to reduce current bureaucratic routine procedures, using new affective regulatory laws with investors, and modern techniques and trained staffs will also be beneficial "*. It can be seen that the current system try to rebuild a co-operative development in its LTA, and that cooperation is most required and in their belief (as local agencies) will be more effective if they have it now. This indicates that most local governments do not have a private policy and structure routs to deal and promote non-government sectors in the ground as they are hindered by the national attitude which is still hesitating to take this engagement. The important point here is that these respondents believe that the cooperative action with these sectors will be mainly useful at the local agencies rather than those national, and therefore, it requires re-engineering to the legislature and the administrative role at the provincial and municipal level agencies to be able to contract and implement directly with the non-governmental sector in LTA.

b) Understanding of users' needs

As noted earlier in this study, (see Chapter 3), the system authorities must be aware of these users' needs and they should recognise these different social and political requirements, which may need from the system special services and legal forms of policies. In order to analyse the users' needs in more detail, interviewees in both levels in ILAs agencies were asked to define their view about the understanding of users' needs, which must be discussed with the users' views in the next chapter (8).

▪ ***Participants' responses in National agencies***

The majority of interviewees in this level of ILAs mentioned that their current mechanism adopted in their agencies met the LTA requirements, confirming that their agencies' strategies were obtained in response to the end-users' needs, believing that they are clearly identified to the essential requirements of those who benefit from the system. TSMs believed that their current agencies work to manage and monitor equitable tenure rights and providing security of tenure within equal policy that increased land values and attracted foreign investment's chances. Also, they stressed on the role of Islamic rules in the tenure system and their awareness to its achievements in their strategy. To facilitate access to decent LTA for all Iraqis, TSMs believed such a factor to be a major challenge that might underline the efficiency of ILAs strategy regarding the users' needs. In this context, C1 and C7 stressed on development the financial efficiency in ILAs strategy, in which investors/developers in land/housing markets can gain more motivations. TSMs shed a light on the vast influence of the current unstable situation and its negative interventions. Also, they were aware that the need is always greater than the available as negative impacts are always greater than the official body's responsible capacities.

▪ ***Participants' responses in Local agencies***

Similarly, it is noted that the obtained views of the majority of TSMs in these local level shared the same view about the vast influence of the current unstable political situation and its negative interventions, confirming that their agencies' strategies were obtained in response to the end-users' needs, believing that they were designed to manage and monitor these rights. TSMs agreed that their ILAs strategies are dealing with an abnormal crises such as interim refugee issues, land disputes, multiple claims of tenure, and informal occupation against the public and even government land/properties. They mentioned that the improving stage must include a set of steps that have to be taken by a strong leadership, which could help to eliminate land tenure problems and meeting the users' needs. These obtained results from both levels confirmed that one obtained in the literature's evidences (see chapters 3& 4) ,and gives basic information about the awareness that the decision-makers in ILAs agencies have, and the level of

responsibilities they give in ILAs strategies for the users' requirements. Building on this discussion, interviewees in ILAs agencies identified their understanding of users' needs within a set of elements, which are synthesised below:

- a. Protection land tenure rights*
- b. Reduction in land disputes*
- c. Equal access to land offices*
- d. Increasing land availability*
- e. Providing access to formal credits*
- f. Increasing security of tenure*
- g. Respecting role of Islamic tenure system*
- h. Achieving equitable tenure rights*
- i. Attraction foreign investment's chances*
- j. Promoting land/housing markets*
- k. Increasing legal/rights awareness.*
- l. Providing the Technical aspects in the system.*

For more the reliability and validity of these gained findings, produced at this level in this chapter, further analysis is discussed in the next chapter (8), using the quantitative data from the questionnaire.

7.5 SUMMARY OF KEY FINDINGS

The main concern of this chapter was to evaluate the conceptual framework validity, using qualitative methods of data. To achieve this aim, the analysed data was targeting the decision-making perspectives from the TSM sample of 16 from 6 agencies in ILAs to highlight the current suitability and efficiency of the existing system, and then their views corresponding efficiency and administrative barriers of ILAs strategies. A summary of the qualitative findings is now provided, which were distributed into themes, as follows:

Theme 1: Role of Basic Administrative Units in LAS, in line with the LTA and User's Rights.

- a- *Suitability if the Iraqi land organisational system (agency functions) for LTA aspects:*** Evidence revealed positive views from majority of TSMs that the ILAs strategy still has this institutional ability with its dual benefits to be achieved in the Iraqi housing market, but the barriers come from out of the system. Thus, the influential impact that negatively affects the current policies is temporary and can be avoided by available plans, as the system is consistently qualified.
- b- *Efficiency of the land organisational system (operational performance):*** Although the most of TSMs are satisfied with the operational performance of existing system of LTA, they cited that LAS has a fiscal in nature which is developed for the national tax collection purpose by the revenue record. Therefore, the efficiency of the ILA strategy is not associated with the lack of asset management approach in the existing system, but it is directly linked to external factors such as the state instability, interim conflicts and the impacts of the terrorism sphere.

In this connection, TSMs cited other shortcomings regarding the basic components of functional LASs and LTA aspects:

1-Security of tenure:

Since the events that followed 2003, the issues of tenure security in most of Iraqi regions has not solved effectively yet. Also, as a result of insecurity situations in the current system the lack or absence of data and user's information in some regions increased number of unsolved cases of land disputes in LRCOs.

2-Land dispute resolution: there is a lack of the implementation as the current mechanism of land conflict resolution in Iraq suffers from routine which cause a negative delay and suspensions to resolve land disputes cases. In fact, the lack of data and information with the interrelated waves of refugees and displacements, illegal settlers and a set of emergent cases, all have furthered the crisis of land dispute resolution.

3-Technical aspects of the system: this element reflects the existing system standards and human efficiency. The existing system still depends on old technical devices to deal with LTA aspects in both planning and implementing issues. In general, there is a lack of sufficient availability of software/hardware facilities and of existence of sufficient trained staffs in both levels of the system. Also, lack of the financial support from the state has furthered the negative impact.

4-Data and users' information: TSMs agreed with the following points: the status of data and user's information are not completed or out the update. Waves of refugees and displacements and illegal settlers, in line with the years of the post war/civil conflicts and authority's gaps, have furthered the crisis in the system.

5-Financing and data costs: As a result of a lack of flexibility to deal with their land revenues, TSMs cited that the LRCOs at the local agencies, provincial and district levels do not have sufficient financial resources from the land revenue to improve their annual budget. Also, the dominated routine in administrative processes in REROs and LRCOs and registry processes has closely negative impacts on these land revenues.

6-Land administration processes: throughout Iraq, LAS remain a centralized system as a majority of processes in REROs and LRCOs depend on policies from the national agencies (ministerial levels at ILAs) which mean extra administrative stages and cost to the users, with 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.

7-Organisational co-operation: there is a need to rebuild the existing system towards the decentralisation policy. In general, there is a dual system in Iraq centralised by several actors to shape LAS and enable LTA aspects, which are combined into a set of agencies at both national and local levels in ILAs.

Theme 2: the Factors Affecting the LAS, and the LTA Applying Aspects: the qualitative findings reveal the following points regarding these factors:

1-Social-cultural influences:

- ***Tribal/ family morals and conceptions of tenure:*** Tribe/ family's values still dominated; associated negative shadow is clear by these values of gender discriminations of inheritance shares and inequitable rights. The ethnic conflicted values reflect the rapid re-influence of tribalism notions about access to lands in Iraq. Thus, 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.

2-Religious influence (Islamic rules):

The Iraqi institutional policy of ILA accepts the religious attitudes and registers even these inequitable shares in REROs and LRCOs. Islamic rules of tenure are not the factors that prevent women from having a full right of ownership, but it is underpinned by inheritance unequal shares, in which the inherited shares are distributed unequally.

3-Instability influences:

- a- ***Weakness of government:*** Iraqi authority lost most of its influential ability to apply the institutional policy, as many regions are out of the government control, which has a massive impact on the ILAs policies. Emergent crises such as the terrorism wave and these interrelated consequences of refugees and displacement, land disputes, and informal settlements have furthered the negative impacts.
- b- ***Economic and financial related crisis:*** 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. In general, there is a current lack of the financial support from ILAs policy, which could be added to these negative impacts of the insecurity situations.
- c- ***The residential market crisis:*** the effectiveness of financial support that ILAs policy used to supply during the period of 1980s and 1990s has been almost stopped. The national lack of adequate housing is still

pending in Iraq, with the national economic difficulties and increased demand in line with the population growth that furthered the current challenges. Land stock is dominated in the residential market while construction is declined, and the dearth situation furthers the problem.

- d- ***Informal settlements crisis:*** Iraqi authorities still have not the ability to enforce the law on the squatters in illegal encroachments by forced evictions or demolitions. Thus, irregular settlement was considered as another indication linked to the weakness in the institutional performance. In fact, the illegal encroachments crisis widespread in Iraq and included various interventions such as illegal sales/ rentals of public lands or displaced persons' property, and illegal occupations.
- e- ***Bureaucratic Routine / Corruption:*** Iraqi system of land is designed hierarchy with a highly centralised administration. Forged documents in this critical period raised the need for additional verifying and correction steps regarding registry processes in REROs and LRCOs in the current system.
- f- ***Displacement and Refugee's relocation crisis:*** the displacements and refugee relocation crisis are crucial factors to the insecurity tenure and losing rights in Iraq. The problem was erupted in most of its side in the current period by the terrorism wave in most regions in the country. Unsolved displacement and refugee relocation and their land disputes crisis could be considered as a failure indicator that reflects the performance quality of ILAs strategy in the ground.
- g- ***Lack of legal rights awareness:*** the system still contacts with people whom have not specific skills to understand all these administrative processes and procedures. The illiteracy rate with the complexity of some procedures in REROs and LRCOs still influence both the system ability to supply the service and the users to deal with the system mechanism regarding the documents type in any agencies in the system.

Theme 3: Stakeholders' Satisfaction with the System Performance:

1- *Engagement of the private sector in ILA development aspects:*

- Local agencies at ILAs have not legal abilities to deal directly with non-governmental partners, which frequently led to an overlap with inconsistent and duplicated policies. The current economic pressures and the insecurity sphere driven the government institutions at this level to re-promote the role of non-governmental partnerships in the system.

2- *Understanding of users' needs:* majority of TSMs at both levels identified their understanding of users' needs within a set of elements, which are synthesised below:

- *Protection land tenure rights*
- *Reduction in land disputes*
- *Equal access to land offices*
- *Increasing land availability*
- *Providing access to formal credits*
- *Increasing security of tenure*
- *Respecting role of Islamic tenure system*
- *Achieving equitable tenure rights*
- *Attraction foreign investment's chances*
- *Promoting land/housing markets*
- *Increasing legal/rights awareness.*

7.6 SUMMARY

The analysis of data collected from ILAS' agencies produced these key findings, which will be discussed thoroughly in chapter 9, and correlated with these studies discussed previously in chapters (2, 3 and 4). For more the reliability and validity to these gained findings, the next chapter (8) dealt with data collected from the questionnaire survey in Al-Nassiriya city.

CHAPTER EIGHT: DATA ANALYSIS; DATA COLLECTED FROM THE QUESTIONNAIRE SURVEY

8.1 INTRODUCTION

In the previous chapter (7), the analysis of qualitative data from TSMs identified the understanding of TSMs in ILAs and revealed partial findings for the objectives of the research (Objective 5). This chapter concerns also the 5th objective of the research study, that being “Evaluate the conceptual framework validity using quantitative and qualitative methods of data”. It consists of the findings of the analysis processes of the quantitative data collected from the questionnaire survey targeted the end- users’ samples, which were applied in the Al-Nassiriya city. In this context, the list of themes resulting from the chapter 5 (Section 5.2 & Table 5.3) was appropriate to the required questions in this chapter. Although the Iraqi insecurity situation, the data came from 293 questionnaires which were returned after the distribution of 384 questionnaires was made. The questionnaire design and analysing processes of data are described and the final findings were listed. A copy of the questionnaire is enclosed in Appendix **B**.

8.2 THE QUESTIONNAIRE DESIGN:

This section describes the research selected sample and structure of the questionnaire.

8.2.1 Samples

The selected sample of the questionnaire and a key issue in choosing were identified in Chapter 6 (see Figures 6.9 & Table 6.2). The sample comprised 384 people (end-users) of 3 different neighbourhoods in Al-Nassiriya city in Iraq. It was targeted to secure responses from a wide variety of land user’s respondents with real experiences of land tenure rights and the security level. The sample was constructed to those of shelters/ unit’s users, only families were selected and the head of the family, whom surveyed by asking their LTA and their current level of rights security experienced in these 3

different neighbourhoods. As it is in Chapter 6 (see Table 6.2), the nominated neighbourhoods are those established before the events that follow the Baath's collapse in 2003, such as *Al-Seef* neighbourhood (the oldest neighbourhood in the Al-Nassiriya city), and *Al-Salihiya* neighbourhood. In addition to one neighbourhood (*AL-Eskan* neighbourhood) which was selected as a presentative sample of the current situation after the collapse of the Iraqi regime in 2003, as this sample has a majority rate of displaced people zones as well as the informal settlements in the city (as mentioned in Chapter 4, Section 4.5).

As mentioned above, the survey was distributed to 384 land users of different age, gender and qualifications in these nominated neighbourhoods inside the Al-Nassiriya city. Of these copies despatched to the selected samples, only 293 were returned, thereby giving a response rate of 76 %. As such, a very good response rate was achieved under the unstable and insecurity situations. Table 8.1 gives details of the sample.

Table 8.1: Samples of the questionnaire respondents

Neighbourhood names	^(a) Municipal No.	^(b) Units No.	^(c) Population	Sample size	Obtained responses	^(d) Percentage
• <i>Al-Seef</i>	106	87	21392	100	98	33.43
• <i>Al-Salihiya</i>	138	448	26035	100	100	34.13
• <i>Al-Eskan</i>	406	1264	12048	184	95	32.44
Total	-	1799	59475	384	293	100.00
<p><i>a. The residential neighbourhood code (The Municipality of Al-Nassiriya city, 2015).</i> <i>b. Number of squatter units in the neighbourhood (The Iraqi Central Bureau of Statistics, 2015:p.70).</i> <i>c. Estimation of population of neighbourhoods (The Municipality of Al-Nassiriya city, 2015).</i> <i>d. The percentage of the returned samples from these distributed in each neighbourhood.</i></p>						

It is noted from Table 8.1 that the sample included 293 people from a total of 384 (76%) in these nominated neighbourhoods with an estimation of population of the survey area reached to 60 thousand (as estimated by the Municipality of Al-Nassiriya city, 2015). The total response from these nominated neighbourhoods was higher in these couple neighbourhoods that were established and inhabited officially before the collapse of the

Iraqi regime in 2003 (*Al-Seef* and *Al-Salihiya*) than that one (*Al-Eskan*) which was established and inhabited after, as this neighbourhood was influenced with illegal occupancies and most of its land users had lived in semi-slums settlements, thus, the researcher had to rely upon a help of local authority and the police to follow him to visit unsafety zones and to contact the users to request their participations (see Chapters 4 and 6).

In general, the samples used in the survey were drawn from shelter unit's users, only families were selected and the head of the family was surveyed. Before carrying out questionnaires in these 3 neighbourhoods, letters were despatched to these selected samples in which the research was introduced, its goal explained and permissions for its execution asked. All the participants are doing so completely voluntarily and may choose to withdraw at any time. Also, potential participants were asked whether they were willing to participate in this survey. In addition to a participant invitation letter to invite participants to contribute in this survey, which confirm that his/her response to this survey, or any individual question, as it is completely voluntary and that his/her identities or personal details will not be disclosed to others, except for research purposes, and any data used in the report will not be linked to any respondents.

For safety reasons, no surveys in the semi-slum zones were performed without the police supervision. Also, data were collected in Jan. 2016 for both *Al-Seef*, and *Al-Salihiya* neighbourhoods, and it was repeated twice for *AL-Eskan* neighbourhood as most of copies were returned blank and not answered. Moreover, many of copies in this neighbourhood (*AL-Eskan*) were missed and needed to be resent to the participants and that required to arrange a help form the city council to enable the researcher to meet the participants face to face in order to explain that the survey does not aim to evict them from the area, particularly in these semi-slum zones. Therefore, questionnaires were either taken face to face in the participant's shelter in this neighbourhood (*AL-Eskan*), or by sending the copies and waiting to receiving them after a period of time (two days) according to the favourite of the participant (*Al-Seef*, and *Al-Salihiya* neighbourhoods).

Figure 8.1 graphically illustrates the study areas, in which the data were distributed and collected in the Iraqi city, Al-Nassiriya.

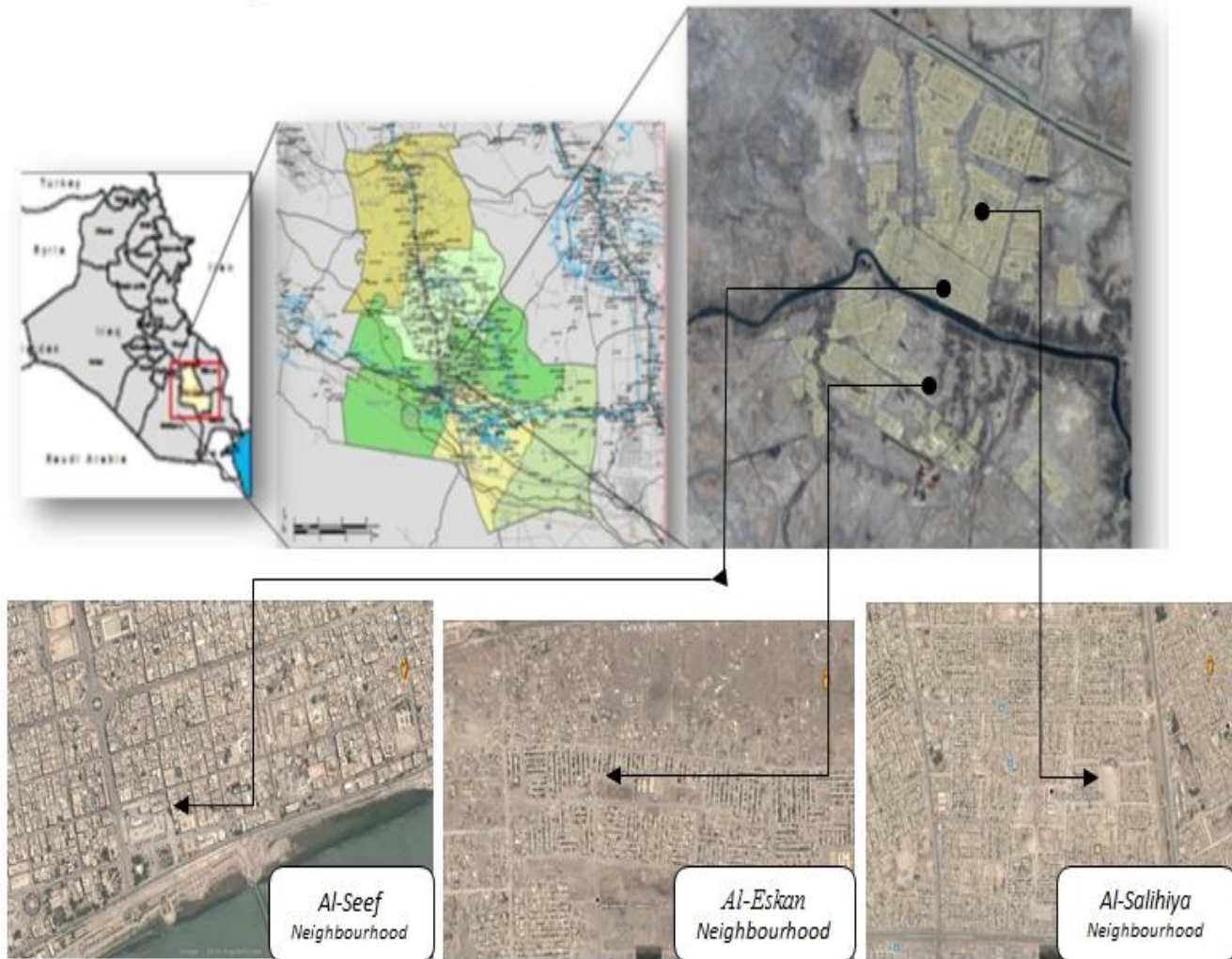


Figure 8.1. The study nominated areas and data collection sites in the Iraq city, Al-Nassiriya.
 (Composed from Google maps)

8.2.2 Structure of Questionnaire

As mentioned previously, this chapter was designed for explaining the gaps identified in the literature review, and presenting the findings from analysing the results of data collected through the questionnaire process. These details were taken into a consideration when correlating their opinions on the main themes within the research as revealed in Chapter 5 (Section 5.3 & Table 5.5), and also Chapter 7 (see Section 7.2). To achieve this aim, the questionnaire consisted of the following 4 sections:

- **Participant's Profile**

This section explores the profile of participants in terms of gender, qualification, period of occupancy in shelter, also to assess the significance of these demographic details in promoting respondents' answers.

- **Role of basic administrative units in LAS to meet LTA and end-user's rights**

This section asked for responses of users regarding the role of ILAs strategies in LAS meeting the LTA and securing their rights, and their opinions regarding the suitability and efficiency levels of the current system, and their views about the current operational performance to obtain these rights. All that help to build the explanation about the end-user's satisfaction level regarding the applying of effective management and monitoring aspects of LTA from ILAs policies.

- **The factors affecting the LAS, and influence the LTA planning and applying aspects**

Participants were asked to identify the main factors influencing the current system, and how do they influence the LTA regarding the security of their rights. Therefore, participants were asked to evaluate the existing impact of the Iraqi social/ cultural and economic factors and authority' deficiency in the current period, particularly after the critical events in 2003, and how they evaluate the existing administration of LTA in ILAs policies was influenced (success/failure) on their tenure security and obtained rights, as a result of the Iraqi situation.

- **Stakeholder satisfaction with the system performance.**

This section explored the users' opinions regarding what they have about the current level of the land authorities' awareness, and their satisfaction about what they found the current level of its success in the ground. This section also investigated participants' responses concerning their legal awareness about their permissible rights and responsibilities under the current situation and the ILAs performance.

8.3 THE DATA ANALYSIS

The following statistical tests were used to conduct where appropriate:

- a. **Analyses of attributes:** in this chapter, participants' backgrounds were grouped into categories which were analysed in percentages and a summary of frequency. This helped to explore the response sample in relation to their gender, age, current position and level of education;
- b. **Analysis of responses:** some of data collected from participants' responses were ranked within 1 to 3 categories, and the percentages of frequency in each of these neighbourhoods were calculated and tabulated. Also, related findings were collected from multiple-choice questions;
- c. **Mean Scores:** this technique was used to investigate the factors influencing the development of LTA and the level of respondents' satisfaction;
- d. **Cross Tabulation:** this technique was used to determine relationships between one variable or more and other. For example, the cross tabulation between the type of documents and type of tenures, and the cross tabulation between each neighbourhoods and respondents' satisfaction.

The rest of this section provides a summary of analysis and the results generated from these investigations.

▪ Profile of the Questionnaire Respondents

As mentioned earlier in this chapter, this section provides the respondents' profile in frequencies, the summary of frequencies regions, namely: **Location, gender, age, level of education and type of obtained documents** were illustrated in subsections (a-g):

- a- **Location:** in this connection, participants were classified into three groups according to the neighbourhood's location they lived; it can be observed that the obtained respondents were distributed within the very close Frequency, as shown in Figure 8.2.

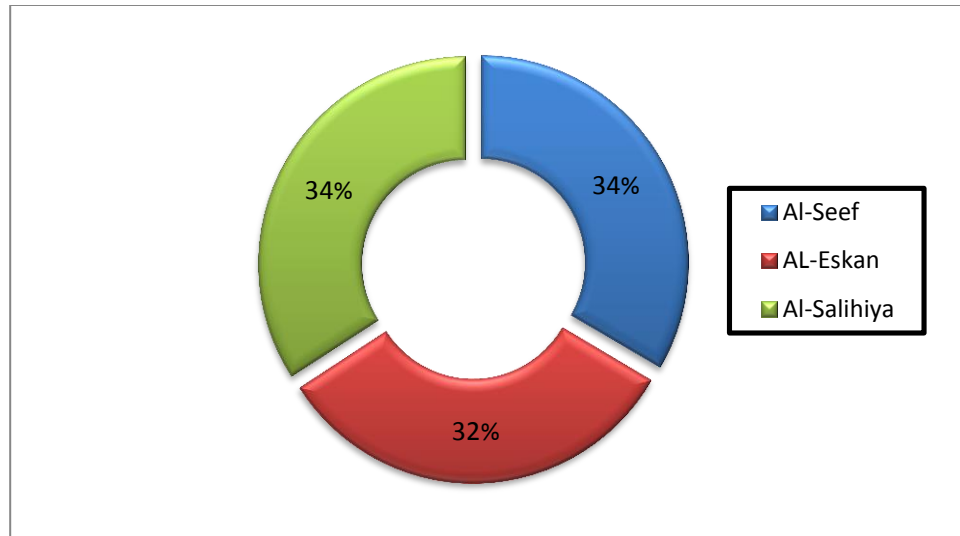


Figure 8.2: Distribution of respondents by the Location

It can be observed from Figure 8.2 that the obtained respondents from *Al-Salihiya* and *Al-Seef* Neighbourhoods were in the high range, while the obtained respondents from *AL-Eskan* Neighbourhood were only (53%) of what has distributed in this neighbourhood. This low percentage could be due to the number of illegal occupancies, who left responses as they may have some doubtful ideas about the legal consequences that they may have from this questionnaire.

- b. **Gender:** According to the gender indicator, it is seen that the representation of males was dominated (86%). From the locations, the results showed that the high rate was the representation of males in *AL-Eskan* neighbourhood (96%), while the low rate was in *Al-Seef* neighbourhood (74%). It can be observed that those with the highest rate of the female's representation were at a rate of (26%) in *Al-Seef* neighbourhood, compared with the others at the low rate of (4%) focused in *AL-Eskan* neighbourhood. However, the low representation of females in the samples may be observed due to the samples used in the survey were drawn from shelter unit's users, as only family leaders were selected and the head of the family was surveyed in the samples. Nevertheless, despite this lower representation of female-headed families; it is accepted in this research that they

can bring additional data about these cases to this analysis. Table 8.2 shows the obtained results of the participant sample distribution in the nominated 3 neighbourhoods.

Table 8.2: The sample distribution of participants according to gender

Neighbourhoods	Total	Male		Female	
		<i>frequency</i>	<i>percentage</i>	<i>frequency</i>	<i>percentage</i>
<i>Al-Seef</i>	98	73	74 %	25	26 %
<i>Al-Salihiya</i>	100	87	87 %	13	13 %
<i>AL-Eskan</i>	95	91	96 %	4	4 %
Total	293	251	86 %	42	14 %

b- Age: Table 8.3 shows that the majority of the age of the respondents was between 30 and 50 years of age. None were under 21 years. The findings also reveal that the least response age category was the above than 50 year olds, which included only 8% of respondents, while 92% were younger than 60 years. In this context, the ages of respondents were close to the Iraqi legal level which indicates that the sample is representative for shelter unit's users and legal age. In general, to get a right to own/rent a land/house unit in Iraq; the owner/renter must be 18 years old (see chapter 4).

Table 8.3: Distribution of respondents by age

Variable	Group	<i>Al-Seef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency	Percentage
Age	18-20	0	0	0	0	0
	21-30	15	19	10	44	15%
	31-40	41	51	52	144	50%
	41-50	30	20	31	81	27%
	51-60	12	10	0	22	7%
	Above than 61	0	0	2	2	1%
Total		98	100	95	293	100%

c- **Qualification:** The questionnaire involved a question asked about the level of education of the respondent. Table 8.4 describes the obtained responses. As can be seen from the table 8.4, the majority of the whole sample (94%) has passed some level of school education. None had higher education degrees. However, there was a low rate (6%) from those who have not any level of school education and even illiterates without having an inability to read or write.

Table 8.4: Level of Education by the locations

Variable	Group	<i>Al-Seef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency	Percentage
Education Level	Illiterate	5	4	9	18	6%
	Elementary	32	14	10	56	19%
	Intermediate	35	51	52	138	47%
	Secondary	12	10	11	33	11%
	University	14	21	13	48	17%
	Higher Education degrees	0	0	0	0	0
Total		98	100	95	293	100%

Table 8.4 shows that the majority of the whole sample was between the Elementary and Secondary school level, and only (17%) was from the university level. That could indicate that the majority of the sample has an ability to read and write, which is a vital step to aware the documents and procedures defined by the system, and also to be mindful and notified about their tenure rights that they should have in sell/buy transactions.

However, the cross tabulation between the distribution of respondents with regards to the gender and level of education in each neighbourhood in Table 8.5 reveals that the majority of females (93%) were within a school level, and only (7%) from females were illiterates. None females in the sample had University or higher education degrees. Also, the table reveals that most of illiterates were from males (83%), in addition to (100%) of the University level were all from males. However, the frequency of illiterates by the location was not an important.

Table 8.5: Distribution of respondents by the level of education and gender

Variable	Group	<i>Al-Seef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Male	Female	Frequency
Education Level	Illiterate	5	4	9	15	3	18
	Elementary	32	14	10	43	13	56
	Intermediate	35	51	52	124	14	138
	Secondary	12	10	11	21	12	33
	University	14	21	13	48	0	48
	Higher Education Degrees	0	0	0	0	0	0
Total		98	100	95	251	42	293

Shelter Situation: the data in table 8.6 presents the answers to Question (1/e) in Section 1, which asked for respondents' experience regarding Shelter situations. The results show that more than (36%) of respondents live in private houses, and only (19%) depend on rented units, whereas less than (3%) are living in public houses (pre-cast units which were distributed during the 1980s and 1990s to government staffs), or they have an unbuilt spot of land, in general, those were all from one neighbourhood, *AL-Eskan*. However, the distribution of the whole sample by sub-divisions units reveals also the diversity within the sample and by the location. As it is seen in this study (see chapter 4), the sub-division is in general a construction addition to the constructed area of the house, and this action must be approved by the municipal authority permission. In this connection, table 7.6 shows that a respected rate of respondents (44%) lives in sub-divisions units within the same house (by adding a new room to the same units), or to build it at the part of the house's garden.

Table 8.6: Distribution of respondents by type of shelter

Variable	Group	<i>Al-Seef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency	<i>Percent</i>
Type of Shelter	Private House.	33	59	14	106	36
	Rented House.	15	19	21	55	18
	Public House.	0	0	4	4	2
	Sub-divisions unit within the house.	38	12	13	63	21
	Sub-divisions unit in the house's garden.	12	10	40	65	22
	Lands (unbuilt).	0	0	3	3	1

Also, the cross tabulation between the distribution of respondents with regards the type of shelter and the Sub-divisions addition in table 8.7 shows that the majority of houses were sub-division units (83%), and a high rate (92%) of them were private houses added a new addition (rooms) within the constructed area in the house. From a personal experience (as an architect); such addition is usually done by distribution the family house spaces, adding internal partitions or by building a small suit for the elder son' family, using the space of the flat roof of the house. As this action is linked directly to the social values of these multi units' families and also to the economic aspects as the new generation are usually unable to buy or build own house and thus they keep after the marriage living in their father's house. However, these additions must be covered by an approval form from the municipal authority. In this connection, the majority of respondents claimed that they have already an official permission to add these additions to their units.

Table 8.7: Distribution of respondents by the type of house and the sub-divisions units

Variable	Group	Private Houses	Rented Houses	Public Houses	Frequency
Type of shelter with an addition	Sub-divisions units within the house.	98	34	4	63
	Sub-divisions units in the house's garden.	8	21	0	65
Total= 128		106	55	4	^(a) 128
^(a) Total of the Sub-divisions units (see table 8.6).					

It also appears that there are multiple factors contributing to shelter types and that the additions of construction in the units, and one of them are linked to the family considerations particularly in the private houses. However, Table 8.7 and Figure 8.3 show that the correlation between the sub-divisions in the built area or out in the unit's garden by the participants' locations was not in an important difference, which can mean that they are lightly correlated to the participant locations.

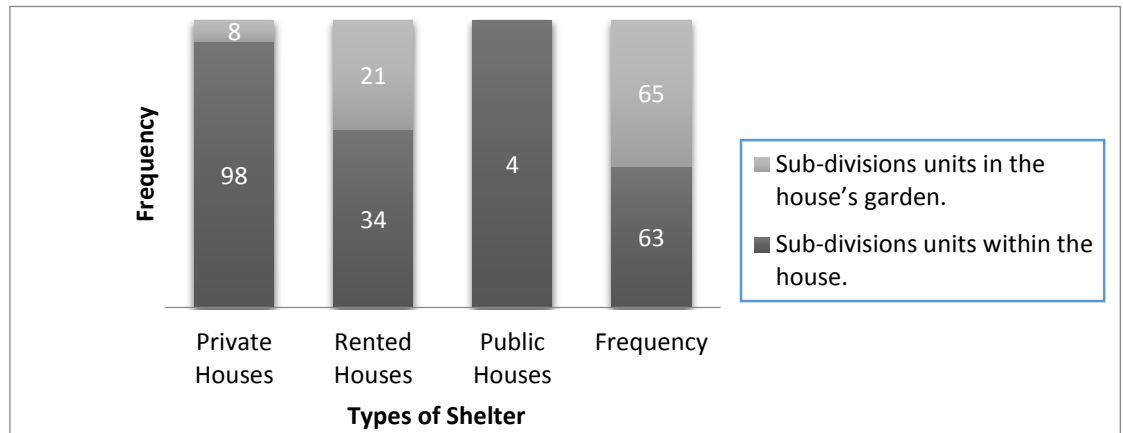


Figure 8.3: Types of shelter according to forms of sub-division additions in the unit.

Also, Figure 8.3 shows that from 165 respondents a very rare of these types of houses, (n=4: 2.4%), are public houses involved in these sub-division units, but none users of these public houses had added a new constructions in the house's garden area. In general, obtained findings from both Tables (8.6 and 8.7) and Figure 8.3 could point out to the Iraqi national shortage in the construction and restoration licenses reviewed in Chapter 4 (see Subsection 4.4.4/A).

d- Documents: Question 3 in Section 1 in the questionnaire asked about the type of documents that respondents have in the current shelter. Table 8.8 describes the related responses. It is seen that the majority of respondents (98%) was aware and has official types of documents that protect their rights in shelter, and (79%) of these has a private shelter officially registered in their name/family name. Renters were shaping the rate of (21%), and the majority of them (98%) have a form of written agreements. However, the findings reveal that only (n=3: 1%) of all respondents in the survey were living in units uncovered with official documents, all them lived in one neighbourhood (*AL-Eskan*), as none had any form of written documents, which means that they illegally occupy the current shelter.

Table 8.8: Distribution of respondents by the type of required documents

Variable	Group	<i>Al-Seef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency
Type of required documents	Officially registered in my name/family (TDD).	72	89	67	228
	Renter with a written agreement with the owner.	26	11	24	61
	Renter with an oral agreement with the owner.	0	0	1	1
	I do not have any documents.	0	0	3	3
Total		98	100	95	293

In this context, the cross tabulation in Figure 8.4 between the distribution of respondents with regards the location and reasons that had prevented users from having official documents reveals that (50%) of them were unable to know the required documents which are essential in LRCOs to secure their tenure rights. However, the rest rate was distributed equally between those who may have a financial problem or/and they do not have an ability to buy a private land. None had no documents because the unstable situations.

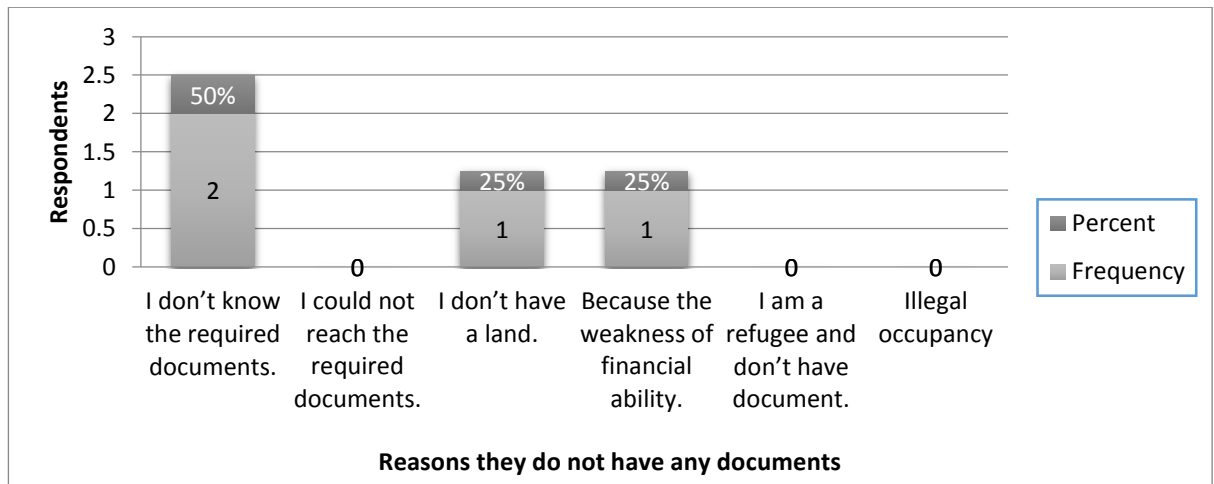


Figure 8.4: Distribution of respondents in *AL-Eskan* by the location and reasons that had prevented them from having official documents

Reviewing the literature in Chapter 4 showed that in order to be covered by the law to protect their tenure rights, the users must have specific documents registered in the real estate and cadastre registry offices (REROs/ LRCOs). Therefore, official written

documents affect the security of tenure and then the level of protection that the users have. In general, having the official documents is close to protect your rights in occupancy and keeping out of forced eviction. In practice, the situation of informal tenure without legal documentations led to severe consequences such as the insecurity of tenure and then missing their rights.

To conclude the first section of the questionnaire, it is obvious from the obtained analysis of the respondents' profiles that the percentage of samples were distributed equally in locations in these 3 neighbourhoods with slightly addition was added to the *Al-Askan* neighbourhood for its special case as a neighbourhood that has critical problems of semi-slum inhabitations in some zones.

In this connection, it is also indicated that the number of females (head-family) involved in this questionnaire is low compared with a majority for males, a fact which may be attributed to the social/religious conceptions that consider the male (father, brothers/ husband) as the head of the family and the sponsor to its financial issues, may be to the limited rights available for females. It has also been established that the majority of respondents are younger in active years of age, and the least response age category was above than 50 year olds. In this context, the ages of respondents were close to the legal level, which indicates that the sample is reprehensive for shelter unit's users and legal age; generally, they were within the range to have a right to own/rent a land/house unit (see Chapter 4). The main point is that it also evidenced that the age was not a reason here to the tenure without the official documentation. Also, majority of the sample has an ability to read and write which is a vital step to be mindful and notified about their tenure rights, and what documents they should have according to the current system. In general, approximately a half of respondents lived in Sub-divisions units within the family house (adding/ partitioning a new room to the same units), or building in the part of the family house's garden, while the majority of sub-division unites were in private houses added a new additions within the constructed area of the house. However, a very rare of these types of houses is public houses involved in these sub-division units. None users of these public houses had added a new constructions in the house's garden area. It is seen that the majority of respondents has official types of

documents that protect their rights in shelter, and most of them has private shelters registered officially in their name/family' name. Renters were shaping a good rate of them, and the majority rented the shelter with a written agreement. However, the findings reveal that there is a rate of respondents, who are living in units uncovered with official documents, and none had any written documents, all were living in *Al-Askan* neighbourhood.

▪ **Role of basic administrative units in LAS to meet the LTA and user's rights**

This section provides the summary of the responses related the theme one, reflecting respondents' views concerned the role of ILAs strategies in meeting the LTA and the user's rights. The obtained findings were listed as following:

B. Suitability of the system (Agency functions) :

Participants' answers to this question in the questionnaire (Q1 in section 2) were presented in Table 8.9, which aimed to establish the clear evidence about the satisfaction level that people have with the Suitability of the system that ILAs provided. Table 8.9 showed that the minority of respondents (27%) from all neighbourhoods believed that ILAs have a good policy about their tenure rights. In fact, the findings also indicated that there is a majority of respondents (73%) was contracted with this optimistic view, mainstream of them from *Al-Eskan* neighbourhood.

Table 8.9: Distribution of respondents by the location and ILAs appropriate policy

Variable	Group	<i>Al-Seef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency
ILAs appropriate policy	Yes	14	12	52	78
	No	84	88	43	215
Total		98	100	95	293

In this context, Tables 8.10 and 8.11 show the answers to question 2 (in Section 2). The findings show the distribution of respondents views about the current policies and if they were in line with end-user's ambitions. In general, the findings showed that the majority of respondents (71%) believed that ILAs strategies were not in line

with their current ambition. Similarly, this contradiction was obvious between these respondents in *AL-Eskan* neighbourhood, which could reflect their negative view about the efficiency of the system.

Table 8.10: Distribution of respondents by the ILAs strategies in line with user’s ambitions

Variable	Group	<i>Al-Seeef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency
Ambitions	Yes	24	47	14	85
	No	74	53	81	208
Total		98	100	95	293

In this connection, the unoptimistic views provided some reasons for their opinions, for example Table 8.11 shows that a rate of (55%) was of opinion that the cause is linked with the administrative processes such as the complexity of registration procedures in LRCOs and its current routine, the leak of registry information, and these required documents which were not clarified, that users have experienced. None pointed out to the changes in the registry laws and regulations. However, the related findings in Figure 8.5 also indicated that negative views may linked with the unavailability of land/houses, as a rate (45%) of respondents were not having private property yet.

Table 8.11: Distribution of respondents by the location and the ILAs policies to meet user’s ambitions

Variable	Group	<i>Al-Seeef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency
Causes	I still have no land/house unit in my name.	27	24	43	94
	Because the Complexity of registration procedures and its routine.	17	21	15	53
	Because the registry information readily unavailable.	21	0	10	31
	Required documents are not clarified to me.	6	4	8	18
	Fee’s procedures are not clarified to me.	3	4	5	12
	Because the changes in the registry laws and regulations.	0	0	0	0
Total		74	53	81	208

It can be indicated that the evidence of an inability to have a private property in your name can lead to depend on family units and then to sub-division action to add a new room(s), and then follow a complex routine of registration procedures, or to rent a unit and pay extra cost. Also, most users confirmed their views by selecting the unclarified procedures of fee's requirements or changes in the registry laws and related regulations as not main causes. In this connection, Figure 8.5 shows that the procedures complexity in the in LRCOs, and the unavailability of the required information were working as reasons that influenced on the participants' ambitions regarding the current strategies in the system.

This result confirmed that one obtained in Figure 8.5, which can indicate that the administrative procedures in ILAs still not at an adequate level regarding the user's ambitions, and the authority of LTA must do further improvements to help the users to deal effectively with the current procedures.

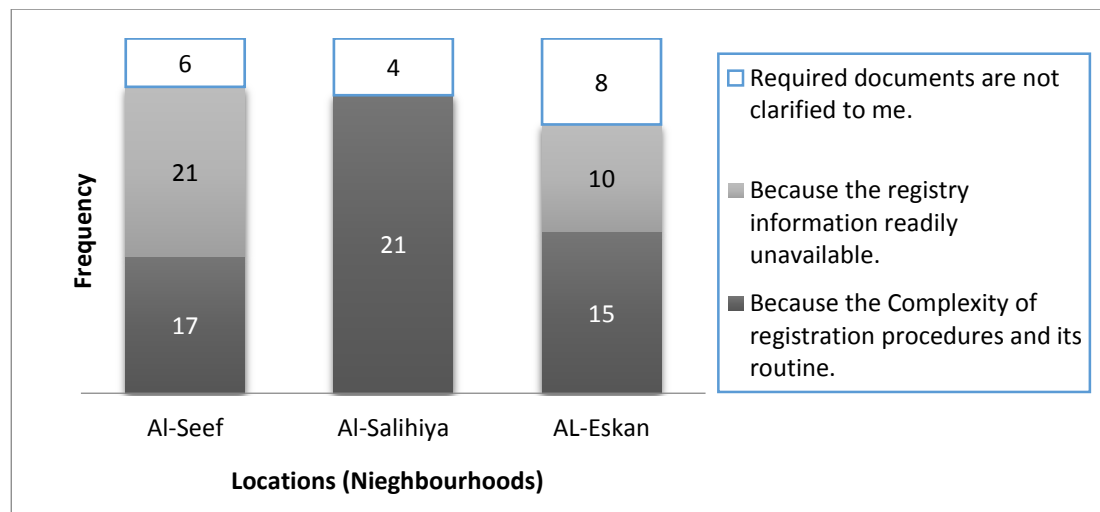


Figure 8.5: Distribution of respondents in percentage according the reasons and locations.

In this context, findings in this section indicate that the majority of respondents who were completely believed that ILAs current policies were not in line with their current ambition, and that the high effective cause was their inability to have a private land/ unit in their name, and also due to the complexity of registration procedures and its

administrative routine that they experienced in the system. However, the comparative findings (Tables 8.10 and 8.11) indicate that the majority of respondents were locational equal from all neighbourhoods, and that the situation in the neighbourhood location was not a clear influence regarding that negative view. From the above obtained outcomes, it can be indicated that the majority of respondents are completely unoptimistic with current policies of ILAs because the system deficiencies as in lands availability and complexity and routine of procedures. Also, these results are contracted with these opinions expressed in the interviews with TSMs in ILAs agencies which showed that the majority of decision-makers believed that their agencies policies were suitable and met the Iraqi user's needs and responded to their ambitions (Chapter 7).

C. Efficiency of the land organisational system (operational performance):

It is clear from the findings in Tables 8.12 and 8.13 which present the answers to question 1/B in section 2, that the majority of respondents reflected their bias to the previous period (before the collapse of the regime in 2003) as their views were distributed sharply between those experienced a moderate level of the satisfaction or those were not satisfied with the current operational performance of the system. However, this result is unreliable with the opinions of the TSMs, who were interviewed in Chapter 7 (see Section 2/A).

Table 8.12: Distribution of respondents by satisfaction levels with the current system of LTA

Variable	Locations	Evaluation levels					Total
		Completely	A lot	Moderately	A little	Not satisfied	
satisfaction levels	<i>Al-Seef</i>	0	0	56	0	42	98
	<i>Al-Salihiya</i>	0	0	63	0	37	100
	<i>AL-Eskan</i>	0	0	6	0	89	95
Total		0	0	125	0	168	293

In this connection, the obtained views in Table 8.13, (Question 2/B in Section 2), provided some reasons for their dissatisfaction. For example, the majority of opinions (89%) showed that the users express that the cause is linked with their inability to have a

shelter and also to these related difficulties of system procedures that they experienced. In general, dissatisfaction reasons were not those are linked to the registration process or the related documents, it could say that they neither found difficulties to register their shelter in LRCOs nor to determine what form of documents for doing that. Therefore, obtained views in these tables (Tables 8.10, 8.11, 8.12& 8.13) repeated that the unavailability of land/ houses and the process complexity of the current system were unacceptable elements, and considered by the majority of users as the main reasons to their dissatisfaction.

Table 8.13: Distribution of respondents by the location and the reason of their dissatisfaction

Variable	Group	<i>Al-Seeef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency
Causes	• I don't have land/ house yet	23	15	34	72
	• My shelter is not yet registered officially	0	0	10	10
	• Required documents are not clarified	0	3	5	8
	• Changes in the laws and regulations	0	0	0	0
	• System procedures are not clarified	19	19	40	78
Total		42	37	89	168

Tables 8.14 and 8.15 present the obtained answers to questions 3 &4 in Section 2, that majority of respondents (82%) depended on other person (from family or work) as a main source to build their information about their tenure rights and what they need to have for these rights. Less was depended on the national TV and Newspapers or the social media. None used the LTAs websites for having their information.

Table 8.14: Distribution of respondents by the resources of information

Variable	Group	<i>Al-Seeef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency
Resources of information	ILAs websites.	0	0	0	0
	National TV.	12	9	7	28
	Newspaper & social media.	11	2	11	24
	You depended on other person.	75	89	77	241
Total		98	100	95	293

The respondents in all neighbourhoods share similar ideas about the evaluation of the information resource that they had in relation to LTA aspects and ILAs strategy, (Question 4/B in Section 2). Cross tabulation by the location and evaluation of the quality of information resources used by the respondents was listed in Table 8.15. It is seen that there is an agreement that no effort was carried out by ILAs to publish any visual information for public awareness about an important aspects such as registration procedures and types of required documents. As the majority of respondents who evaluated their individual information resource and quality found them were not in line with their current ambitions, also confirmed their views by selecting the average/low levels.

Similarly, the lower level was from respondents in *Al-Eskan* neighbourhood. As 82% of them evaluated their information resource as low and very low levels, none of them found it in good levels, which could be interpreted as an indication of their illegal situation that they have in this neighbourhood. This indicator may explain why the people were not aware of system procedures and have unclear view about the related documents, or of which agency has to be approached at different levels of ILAs agencies in the current system.

Table 8.15: Distribution of respondents by the location and information resource evaluation: cross tabulation

Variable	Locations	Evaluation of the information quality					Total
		Very high	High	Average	Low	Very low	
Resources of information	<i>Al-Seef</i>	2	2	56	38	0	98
	<i>Al-Salihiya</i>	1	4	63	32	0	100
	<i>AL-Eskan</i>	0	0	17	64	14	95
Total		3	6	136	134	14	293

On the contrary, this result is unreliable with these of the TSMs opinions, who were interviewed in Chapter 7 (see Section 2/A), who confirmed that their agencies programmes provided the people with what they need about their rights and responsibilities, and there is a good quality of programmes and administrative resources designed in their agencies to help people about their rights and how to register and to

document these rights. The obtained results also indicate that ILAs strategies still need to offer a comprehensive guideline and consulting programmes to improve the end-users' knowledge about the legislative and executive procedures, and how to follow them to register their tenure rights officially.

- **Operational Aspect Analysis**

Building on the findings from the answers to questions 5 in section 2, the responses in Al-Nassiriya city were asked a set of questions regarding the existing efficiency of institutional aspects. Majority of respondents (84%) answer that they have equal access to land offices. This means that there is not a legal barrier or a gender discrimination that may prevent them to access these institutional offices in the current system. This result confirms that obtained from TSMs in Chapter 7.

The responses from the users supported the previous results that they were not satisfied with the performance of the present LAS. As 93% of the responses indicated that they believe that their tenure rights are not fully guaranteed in the existing system. This means that the legal security is not yet provided efficiently in the system. Also, users showed that they experienced that the procedures in the system were less clear or simple to them, as 66% of them were not satisfied found these procedures not fully clear to deal with. Moreover, all the users agreed that the registration process take a long time. As 68% of them take more than 2 weeks to register a deed in LRCOs. None experienced a period of less than one week. The majority of users evaluated the data and information that they submitted during the LA processes in the present system as less convenient. As 87% of them accepted that the existing official procedures are so complicated to register their request, and need many processes to complete the checking of all documents that this always leads to delays in final decisions. The 66% of users pointed out their disagreement with fees and cost they spend in the present system. None were full agreed with the government funding in the land offices. This indicates that the users believe that they spend inadequate fees in addition to the long time in the LA processes. As the evident showed that the current system still depends on old patterns of administrative system and rarely uses a digital registry system, thus the related fees and tax are determined by experts from the LRCOs, which may be done under unofficial changes.

This also reflects the organisation routine and/or to the complexity of processes that the majority of users faced in the present system. These results also pinpoint a negative indication about the efficiency of the present LAS. However, the obtained results were in agreement with the literature (Chapter 4). Regarding the dispute resolution process, a majority of users believed that the resolution process is not fit that they need. As 83% of them found it insufficient and spends a long time to deal with their current problems. Only 17% of them were in an agreement with the time that the procedures take in the present system, as they found it within an average time. This indicates that duration of a land case may spend a long time in courts. As the users found the dispute resolution process in existing system is complicated and delays the solutions, which reflects the efficiency of the current system in resolving pending cases at local and national level, and affects directly on the tenures rights during this critical period in Iraq. Also, that indicates a current lack /insufficient cooperation of ILAs agencies to solve the land disputes pending cases in courts. In this connection, majority of users express their view about the way that the present system needs to be more efficient. Regarding the sufficient of latest technology that ILAs agencies have in the present system, 72% responded that the level of technology that they experienced in the system was not sufficient. It can say that the majority of users agreed that land related disputes can be solved easily in-time if the system contained a sufficient level of technology aspects to deal with the information on land and users' data, as the delays that they found about the land disputes may be due to this technology deficiency in the system. In general, majority responded that the sufficient technology is most required.

In general, obtained responses from the end-users' side showed the current gap in Technical aspects as most missed issues that affect the system and delays its activities. As majority of users agreed that the present system still needs to introduce technologies in order to do an improvement in its performance. That could indicate that the existing land registers, LRCOs, and cadastral maps do not have sufficient capacity. On institutional sides, it is clear from the above analysis that users shared that the most dominant issues in the existing system regarding LTA are; *Security of tenure, access to land offices, land dispute resolution, financing & data costs, land administration processes, and efficient Technical aspects.*

- **The Factors Affecting the LAS, and the LTA Applying Aspects**

Building on the findings in Chapter 3 (see Section 3.3) and Chapter 4, this section includes questions associated to these key factors influence the LTA. This question (1/Section 3) aims to provide an insight of end-users in regards to the current factors influencing the development of LTA in Iraq. Participants were asked to identify their views about these factors and how they found them in ground affect the security of their rights.

Table 8.16 reveals that the responses of participants were expressed as percentages and mean scores of the main factors/ barriers. The majority of participants showed the highest agreement with all listed factors, who completely agreed that *the Authority' gaps and Security issues factors* were the main barriers, giving average score of (3.22). *Social and cultural factors* were the second in average score of (2.71). Results also revealed a similar of agreement for other factors, facing the Iraqi end-users of the current system, as *Religious rules factors (Islamic sharia)* and *Economic and financial related factors*, were given average scores of (2.66) and (2.25) respectively. These indicate a similar agreement among all respondents on the presence of all these listed factors that were discussed with the TSMs in ILAs (see Chapter 7).

Table 8.16: Perceptions of end-users: Factors influencing LTA

Factors	^(a) Response					Average scores out of 5
	Completely agreed	Agree	Moderately	Disagree	Strongly disagree	
a) The Authority' gaps and insecurity issues factor	189	67	34	3	0	3.22
	64%	22%	12%	2%		
b) Economic and financial related factors.	132	128	33	0	0	2.25
	46%	43%	11%			
c) Religious rules factors (Islamic Sharia).	156	92	45	0	0	2.66
	53%	32%	15%			
d) Social and cultural factors.	100	159	34	0	0	2.71
	34%	54%	12%			
Total	577	446	146	3	0	5.00
^(a) From the total of participants (293) in each factor, as responses were listed in according to the total number and the total percentage.						

In this context, Table 8.17 reveals the responses of participants about their view of which these related barriers were the main influence on the development of LTA in users' view. In the next steps, the responses related these influential factors, (a-d), were expressed as percentages and mean scores:

a- The Authority' Deficiency and Security Issue Factors:

Participants' responses were expressed as percentage and mean scores regarding the authority' gaps and security issues factor, the obtained results were presented in table 8.17. From this table, it is seen that barriers connected with the authority' gaps and security issues are varied. It is interesting to note that the obtained results reveal that most participants gave a higher score to *instability /weakness of the governance* with a score of (4.95). As a rate of 99% of participants found this barrier influence their tenure rights. A similar rate (98%) of all participants gave a high score to *transparency level; bureaucratic corruption in the system*, giving average scores of (3.82). Furthermore, the following higher scores were given to both *insecurity of tenure, and the refugee's dispute and relocation problems*, giving average scores of (3.65 and 3.60) respectively. In this connection, the majority of the participants (72%) agreed and completely agreed that *refugee's dispute and relocation problems* were the main barriers affect their rights, with average scores of (3.60). Besides this, a similar rate (71%) of respondents gave score of (3.58) to *livelihoods deprivation; family income*.

Also, the influence of *Informal or illegal occupation situations* was fluctuated between a rate of 69% and 31% and given score of (3.46). Moreover, the score of (3.41) was shared between *technology adoption is not sufficient with current problems, routine policy and poor executions, and livelihoods deprivation; lack of legal rights awareness*. *Deficiency of laws management and monitoring settings* received a moderate score of (3.15) with a rate of 63%. On the other hand, a minority of the respondents gave a low score to the rest of berries, *data and users' information usually incomplete, and out of date, and lost indigenous/minority's rights*, giving an average low score of (2.90 and 1.93).

The important point is that these core constraints could be closely associated to the administrative deficiencies as noted previously in Chapter 7. However, from the view of majority; the reasons for these deficiencies might be as a result of the critical unstable and insecurity situations in Iraq, and then the lack of presence of land authorities in taking their role in LTA.

Table 8.17: Percentage Frequency of Mean scores of participants about authority' gaps and Security issues

Factor	Barriers	^(a) Response					Average scores out of 5
		Completely	Agree	Moderately	Disagree	Strongly disagree	
1- Authority' deficiency and Security issues.	• Instability /Weakness of the governance.	290	3	0	0	0	4.95
		99%	1%				
	• Insecurity of tenure	273	20	0	0	0	3.65
		93%	7%				
	• Deficiency of laws and management and monitoring settings.	108	185	0	0	0	3.15
		37%	63%				
	• The refugee's dispute and relocation problems.	211	82	0	0	0	3.60
		72%	28%				
	• Routine policy and poor executions.	78	200	15	0	0	3.41
		26%	68%	4%			
	• Transparency level; Bureaucratic corruption.	283	10	0	0	0	3.82
		98%	2%				
	• Informal or illegal occupation situations.	90	203	0	0	0	3.46
		31%	69%				
	• Technology adoption is not sufficient with current problems.	88	200	5	0	0	3.41
		30%	68%	2%			
• Data and users' information usually incomplete, and out of date.	123	170	0	0	0	2.90	
	42%	58%					
• Lost indigenous /minority's rights.	88	113	92	0	0	1.93	
	30%	39%	31%				
• Livelihoods deprivation; family income	210	83	0	0	0	3.58	
	71%	29%					
• Livelihoods deprivation; lack of legal rights awareness	200	89	4	0	0	3.41	
	68%	30%	2%				

(a). From the total of participants (293) in each factor, responses were listed in according to the total number and the total percentage.

b- Social and cultural related factors:

Participants’ responses were expressed as percentage and mean scores of the user’s views about their view of which these related barriers were the main influence regarding the Social and cultural issues, the obtained results were presented in Table 8.18.

Table 8.18: Percentage frequency of mean scores of participants view about these barriers regarding the Social and cultural issues.

Factor	Barriers	^(a) Responses					Average scores out of 5	
		Completely	Agree	Moderately	Disagree	Strongly disagree		
2- The Social and Cultural issues:	• Tribal, ethnic clashes on land tenures.	203	90	0	0	0	3.46	
		69%	31%					
	a) <i>Social and traditional conceptions;</i>	• Islamic <i>sharia</i> ’ rules; inheritance shares.	67	223	3	0	0	3.80
			23%	76%	1%			
	b) <i>Civil violent, conflict/Post-conflict instability sphere;</i>	• Difficulties of women’ rights with local society and traditional conceptions.	241	52	0	0	0	4.11
			82%	18%				
	c) <i>Tribal/ethnic clashes/conflict rights;</i>	• Difficulties of women’ rights with Islamic <i>sharia</i> ’ rules.	81	188	24	0	0	3.21
			27%	64%	9%			
	d) <i>Religious rules factors (Islamic sharia);</i>	• Difficulties of indigenous /minority rights.	88	200	5	0	0	3.41
			30%	68%	2%			
	e) <i>Economic and financial related issues.</i>	• Difficulties of dealing with the complexity of land modern regulations.	67	99	127	0	0	2.17
			23%	34%	43%			
		• Livelihoods deprivation; financial problems	74	119	100	0	0	1.71
	25%	40%	35%					

(a). From the total of participants (293) in each factor, responses were listed in according to the total number and total percentage.

From this Table (8.18), it is seen that 82 % and 76% of respondents strongly agreed that there are *difficulties of women' rights* are linked with *social and traditional conceptions* and these *Islamic sharia' rules*, which may clash with modern categories of laws. Both these barriers achieved average scores of (4.11 and 3.80), as they believed that the social and cultural issues were the main barriers regarding vulnerable' rights. Findings also show a similar trend of agreement for the other challenges which the respondents that they face, more than half of the total responses (69% and 64%) agreed that *tribal, ethnic clashes on land tenures, and difficulties of indigenous /minority rights*, gave average scores of (3.46 and 3.21). However, the minority of the respondents (between 43% and 35%) gave a low score to the barriers of *livelihoods deprivation and economic and financial problems, and difficulties of dealing with the complexity of land modern regulations*, giving average scores of (1.71 and 2.97).

In general, the obtained results show that the participants agreed on the presence of all the listed challenges. The majority shared the highest agreement in relation to *women's rights and these difficulties from the social/ religious value systems*, which are closely agreed with those views obtained from TSMs in ILAs (see Chapter 7).

c- The Economic and financial related factors

This section explores the respondents view related to challenges in terms of the economic and financial factor. Table 8.19 reveals the responses expresses as percentages and mean scores of the main challenges/barriers in this respect. In general, the results indicate that the participants agreed on the massive presence of the listed challenges. It is seen that the majority of respondents (between 87% and 72%) strongly agreed that *weakness of the families' incomes and housing deprivation, deteriorated housing conditions and the capital stock of housing is continuing to decline as a result*, sharing the highest scores of (4.35 and 4.33). Findings in table 7.19 also show a similar trend of agreement for the both two barriers including *absence of formal housing finance, and deficiency of land availability*. Both these barriers achieved an average score of (3.68 and 3.60) respectively.

Likewise, between the range of 68% and 61% of participants show either strong agreement or agreement with the barriers that they face to obtaining their rights, such as *deficiency of technology adoption in ILAs agencies, the refugee's dispute and relocation problems, and livelihoods deprivation*. These challenges generated average scores of (3.41 and 3.04). On the other hand, it can be seen that a good rate of the respondents (57%) gave a low score to the challenge of *informal or illegal occupation situations, and declining infrastructure service levels and inadequate maintenance*, giving an average score of (2.87 and 2.56).

Table 8.19: Percentage frequency of mean scores of participants view about these barriers and the economic and financial related factor.

Factors	Barriers	(a) Responses					Average scores out of 5
		Completely	Agree	Moderately	Disagree	Strongly disagree	
1. Economic and financial related factors.	• Weakness of the individual/families' incomes.	254	20	19	0	0	4.33
		87%	7%	6%			
	• Absence/ lack of recognised housing finance.	211	78	4	0	0	3.60
		72%	27%	1%			
	• Deficiency of land availability.	216	77	0	0	0	3.68
		74%	25.6%				
	• Declining service levels of infrastructure and inadequate maintenance.	168	110	15	0	0	2.87
		57%	37%	6%			
	• Housing deprivation, deteriorated housing conditions, the capital stock of housing is continuing to decline as a result.	255	38	0	0	0	4.35
		87%	13%				
	• Deficiency of Technology adoption in ILAs agencies.	94	199	0	0	0	3.39
		32%	68%				
	• The refugee's dispute and relocation problems.	178	113	2	0	0	3.04
		61%	38.6%	0.4%			
• Informal tenure / illegal occupation deteriorated situations.	134	150	9	0	0	2.56	
	46%	51%	3%				
• Livelihoods deprivation.	88	200	5	0	0	3.41	
	30%	68%	2%				

(a). From the total of participants (293) in each factor, responses were listed in according to the total number and total percentage.

Summing up the results of this section, it is clear that the gathered data helped identify the current barriers preventing end-users to successfully receive their tenure rights. All respondents agreed that they are influenced by the full range of factors affecting the security of their tenure rights in current system of LTA, and these challenges/barriers directly pertained to the social/ cultural and religious aspects as well as the authority' gaps in the current system. In general, obtained results in this section show that the users of tenure agreed on the presence of all the listed challenges. The majority give the highest agreement in relation to these challenges/ barriers directly pertained to *the social/ cultural and religious aspects* as well as *the authority' deficiency* in the current system, which were in a most time agreed with those views obtained from TSMs in ILAs (see Chapter 7).

- **Stakeholders' satisfaction with the system performance.**

This section includes questions were asked to the users in order to assess their satisfaction about the current level of land authorities' awareness about the Stakeholders' needs and the obtaining their rights, as well as the engagement of the private sector.

In term of the current implementation of LTA in Iraq, the majority of participants found that the engagement of the private sector is needed and usefully help the ILAs strategy (see Question 1/Section VI).

Table 8.20 reveals the obtained responses expressed as frequency by the location. From the above-documented outcomes, it can be said that the majority of all respondents in all locations (n=206: 70%) are clearly agreed with the important role of the private sector in current period, and the need to engagement of the private sector in the current system of LTA. However, there is a rate of (30%) who were not agreed and completely not satisfied, most of them (60%) were from *Al-Askan* neighbourhood, which may be related to their unsecured situation and their feeling that they still unbenefited yet.

Table 8.20: Distribution of respondents by the location and satisfaction levels

Variable	levels	<i>Al-Seef</i>	<i>Al-Salihiya</i>	<i>AL-Eskan</i>	Frequency
The important role of the private sector in current period	• Completely	13	66	13	92
	• A lot	47	28	20	95
	• Moderately	9	0	10	19
	• A little	29	6	48	83
	• Not good	0	0	4	4
Total		98	100	95	293

In general, these results are supporting to those from the authority’s opinions in ILAs expressed in the interviews with TSMs (Chapter 7), which showed that the majority of decision- makers believed that the current engagement of the private sector is meeting the system’s requirements, which may help to fill the current gaps of the system.

In term of the users’ view about what they think to advance the adopted system awareness about their needs, the questionnaire survey took the opportunity to ask participants to tick one or more of options, for a closer examination of the step (s) required to advance the adopted system. The frequency distribution of scores given by participants are summarised in Table 8.21 to determine which of the administrative steps is being mostly required in end-user’s views. Distribution of respondents by the location showed that the majority focused on promoting the security level of tenure’s rights and modifying the current mechanism of land dispute resolution. As the majority give the highest a frequency of (54 and 52) respectively, which could reflects the insecurity fear that majority of users have about their tenure and the massive impact that the current situation on their current rights. This may links to the system efficiency as well as the authority’ gaps particularly in land dispute that the majority of users experienced in the system was not sufficient.

Regarding the LA processes in the present system, the highest a frequency of (44) was given to modifying the registration procedures in LRCOs, and also increasing modern techniques adoption in the real estate documents (LRCOs). The responses from the land users supported the previous results that they were not satisfied with the performance of

the present system. In general, the majority of users responded that the registration procedures in LRCOs are not efficient, and the level of technology is not sufficient and needed a further development and progression of latest technology. Also, it is noted that they gave a high response to the develop efficiency of staff in ILAs agencies, as a frequency of (30) was given to progress the employees' efficiency. Other level of responses (23 and 22) were distributed between the increasing the land availability and the promoting land/housing markets. However, promoting the free access to information related to land rights and also achieving equitable tenure rights shared the same level of users' view.

It is a remarkable result that respecting role of Islamic tenure system was not in a close interest of users' view to advance the current system. In fact, none of them mentioned the social value system too. None mentioned a need for new effective legislative system or authorities.

These given responses show that the modifying and development the administrative efficiency in the current system are most commonly required by the users, particularly in the registration procedures in LRCOs that are found not efficient, which can be explained by the cost and long-time routine associated with achieving the users' needs in the current system.

Table 8.21: Distribution of respondents by the location and the main steps which are required to advance the adopted system regarding the users' needs

<i>Required steps</i>	<i>Al-Seef</i>	<i>AL-Eskan</i>	<i>Al-Salihiya</i>	Frequency
a- Promoting Security of Tenure's Rights	12	12	28	52
b- Modifying the current Mechanism of Land Dispute Resolution	14	14	26	54
c- Increasing the Land Availability	11	9	3	23
d- Promoting Land/Housing Markets	8	12	2	22
e- Modifying the Registration Procedures	13	15	16	44
f- To progress the Employees' Efficiency (in ILAs)	12	8	10	30
g- Increasing modern Techniques Adoption in the Real Estate Documents (in LRCOs)	18	12	10	40
h- Raising the Legal Awareness among People about their Rights and Responsibilities.	2	4	1	7
i- Promoting the Free Access to Information related to Land Rights	1	6	2	9
j- Achieving Equitable Tenure Rights	4	3	2	9
k- New affective Legislative System	0	0	0	0
l- New affective Land Management Authorities	0	0	0	0
m- Respecting Role of Islamic Tenure System	3	0	0	3
n- Respecting Role of Social Value System.	0	0	0	0
Total	98	95	100	293

8.4 SUMMARY OF KEY FINDINGS

The data analysed in this chapter was gathered from the users of tenure in three neighbourhoods in Al-Nassiriya city, Iraq. The main concern of this chapter was to evaluate the conceptual framework validity using quantitative method of data. This chapter designed to explore role of ILAs in LAS in line with the LTA and end-user's rights, identifying the suitability and efficiency drivers of the existing system for implementing the LTA by the end-user's view, analysis the factors affecting the LAS,

and the LTA applying aspects, and investigating the engagement of LTA stakeholders in developing LTA. Building on these 3 themes of the conceptual framework (chapter 5), participants were asked to evaluate the ILAs strategy and to identify their satisfaction levels regarding the main factors influencing its success/failure regarding the security of the end-users rights, and how these factors influence LTA in the current system in Iraq.

The following conclusions were reached as a result of a number of observations:

- Although the survey targeted the family-heads sample in residential units, it is noticed that the number of females in the survey is lower than the number of males, a fact which may be attributed to the social/religious values that consider the male (father, brothers/ husband) as the head of the family and the sole sponsor to its legal and financial issues, or to the limited rights available for females to deal with strangers.
- Generally, the respondent's ages were close to the legal level in the Iraqi system which indicates that the sample is representative for shelter unit's users and the legal age to deal with LRCOs. It is also an evidence that the age was not a reason here to the occupancy without the official documentation.
- The majority of the sample has an ability to read and write, which is a vital step to be a mindful and notified about their tenure rights, administrative procedures and what documents they should have according to the current system.
- Legal users of shelters must have a clarity of documents, the majority of respondents were aware of having official types of documents that protect their rights in shelter, and most of them have private shelters registered officially in their own name/family' name.
- Sub-divisions units revealed the diversity of changes in units where the responsibility must be covered with official documents.
- The majority of sub-division units were in private houses with new additions within the constructed area of the house. However, a very rare of these types is public houses involved in these sub-division units.
- Regarding the agency's functions, the majority decided that ILAs strategies were not meeting their current ambition. In general, participants provided some reasons for

their opinions; the reasons were linked with the administrative processes such as the complexity of registration procedures in REROs and its current routine, the leak of registry information, and these required documents which were not clarified. None pointed out to the changes in the registry laws.

- Also, these results contrast with these opinions expressed in the interviews with TSMs in ILAs agencies, as majority of participants repeated that the unavailability of land/houses and the process complexity of the current system were unacceptable elements, considered by the majority of users as the main reasons for their dissatisfaction.
- There is an agreement that no effort was carried out by ILAs to publish a public awareness about the registration procedures and types of required documents. This result was clearly unreliable with those of the TSMs opinions, who were interviewed in Chapter 7 (see Section 2/A).
- Evidence showed that there is not a legal barrier or a gender discrimination that may prevent users to access these institutional offices in the current system. This result closely confirms that obtained from TSMs in chapter 7.
- Majority of the responses have an agreement that procedures in LRCOs were not fully clear and essentially required many processes within a long time. This means that the LAS is not yet provided efficiently in the system.
- Regarding the system fees and costs, none were fully agreed with the government funding in the local agencies (ILAs).
- Regarding the dispute resolution process, the majority of users also believed that the resolution process is not fit that they need, reflecting the deficiency of the current system in resolving pending cases in Iraq.
- The current system still depends on old patterns of administrative routine and rarely uses a digital registry system, which may indicate a current lack /insufficient cooperation of ILAs agencies to solve the land disputes pending cases in the courts.
- There is an agreement that land disputes can be solved easily in-time if the system contained a sufficient level of technology aspects to deal with the information on land and users' data, as the delays that they found may be due to this technology

deficiency in the system. In this connection, the obtained results were in agreement with that reported in the literature (Chapter 4).

- A similar agreement shared among all respondents in the presence of all these listed factors, which were discussed with the TSMs in ILAs (see Chapter 7).
- The majority of users completely agreed that the *authority' deficiency* and *security issues* factors were the main barriers, *Social and cultural* factors given the second with an average score.
- It is seen that barriers connected with the authority' deficiency as most of the participants gave a higher score to *instability /weakness of the governance, insecurity of tenure, and the refugee's dispute and relocation problems*. The important point is that these core constraints met the administrative deficiencies of the existing system as noted previously in Chapter 4.
- In terms of the social-cultural factors, it is seen that a majority of respondents strongly agreed that there are *difficulties of women' rights* are linked with *social and traditional* conceptions and these *Islamic rules*, which may clash with the modern categories of laws.
- Also, the majority shared the highest agreement in relation to women's rights and these difficulties from the *social/religious* value systems, which closely agree with those views obtained from TSMs in ILAs (see Chapter 7).
- In terms of the economic and financial factors, the majority strongly agreed that *weakness of the families' incomes* and *housing deprivation, deteriorated housing conditions* and the *capital stock of housing*, were the higher barriers that they face to obtaining their rights.
- In terms of the engagement of the private sector in the current implementation of LTA in Iraq, the majority of participants found it as a usefully step to help the ILAs strategy.
- In terms of the users' view about what they think to advance the awareness about their needs, the majority focused on *promoting the security level of tenure's rights* and *modifying the current mechanism of land dispute resolution*, which could reflect the insecurity and the massive impact that they had on their current rights.

- As can be seen, responses indicate that the modifying and development the *administrative efficiency* in the current system are most commonly required by the users, particularly in *the registration procedures* in REROs that are found not efficient, which explained by the *cost* and *long-time routine* associated with achieving the users' needs in the current system.

8.5 SUMMARY

Building on the conceptual framework (Chapter 5), data collected from land users' sample in Al-Nassiriya city used to evaluate the ILAs strategy and identify their satisfaction levels regarding the main factors, and how these factors influence the LTA regarding the end-users rights and the security of their tenure, in Iraq. The analysis of quantitative data produced key findings, which will be further discussed in the next Chapter (9), and correlated with these studies discussed in Chapters (2, 3, 4, 5 and 7).

CHAPTER NINE: CONCLUSIONS AND RECOMMENDATIONS OF THE RESEARCH

9.1 INTRODUCTION

This thesis is driven by the need to bridge the gap in the current literature in terms of identifying the sustainable institutional aspects of the land administration system under the current situation in Iraq as the principal mechanism through which LTA can be sought. The research work is to develop a strategic approach to developing LTA in Iraqi case. It filled the current gap by collecting both the qualitative and quantitative data to analyse the quality of the existing aspects of LTA and related users' satisfaction in Iraq.

In this context, the aim of this chapter is to discuss the main findings of the study, showing the evidence from multiple methods of the documentation, literature review, interviews, and questionnaire. This chapter draws the conclusions and recommendations of the research based on the theoretical substructure (Chapters 1 to 4), as well as the findings of case studies that came to light in the research results as discussed in Chapters 7 and 8. In this connection, this chapter built on the obtained key themes of the research (Chapter 5: Table 5.1), which are shown as follow:

- *Role of Basic Administrative Units in line with the LTA and End-user's Rights.*
- *Critical Factors influence the LTA Applying Aspects.*
- *Stakeholder Satisfaction with the System Performance.*

In general, these themes were constructed in order to answer the research questions (Chapter one), which are listed as follows:

- *What are the main factors of effective implementation of LTA, and how do these factors affect the current aspects of LTA in ILAs strategy?*
- *How effective is the implementation of LTA in ILAs strategy in Iraq, and does it meet the end-users' satisfaction?*

In general, this chapter develops a strategic approach to effective implementation of LTA in Iraq, and presents a list of recommendations for LT stakeholders in ILAs and users in Iraq. The recommendations for improvement of LTA in Iraqi system and a list of recommendations are presented in Subsection 9.5.2 at the end of this chapter.

9.2 Role of Basic Administrative Units in line with the LTA and User's Rights in Iraq

This theme focused on the institutional role of ILAs strategies (Table 5.1), and considered the discussion- makers' views in these national and local agencies about:

- Suitability of land organisational system (*Agency functions*) for LTA.
- Efficiency of the land organisational system (*Operational performance*) for the LTA.

9.2.1 Suitability of ILAs strategies for the LTA and the users' rights

According to the qualitative findings, there is a general agreement among the majority of interviewees in both levels of ILAs that the current mechanism adopted in their agencies met the LTA requirements, confirming that their agencies' strategies were obtained in response to the end-users' needs. They expressed their view that offered strategies in ILAs were designed to be implemented within two administrative levels of agencies to serve the people needs regarding tenure issues. The institutional and regulatory structures are controlled by these legislative forms from MoJ, which is the main source of laws and national regulation in which all policies are shaped and enabled as all agencies are guiding their policies in accordance with MoJ. In fact, the majority of TSMs in ILAs believed that their strategies were designed to manage and monitor these rights, and therefore, they believed that ILAs strategies in Iraq are suitable for those legal needs of individuals and groups to secure tenure rights. Additionally, TSMs suggested that their administrative skills and experiences met the actual needs of people having a positive outcome to their strategies, thus, for safeguarding the end-users' rights. In terms of the ILAs efficiency in Iraq, TSMs confirmed their ILAs were examined their efficiency in the field of land available to help the vulnerable groups of people since the 1980s. It is interesting to note that the results reveal that the optimistic

views are fitting with the system capability, since the Iraqi national system has showed this effective level of administrative plans during the previous periods in the 1980s and 1990s. Also, it can be noted that the interviewees support that results obtained in the literature (Chapter 4), through which the ILAs strategy has experienced since the 1980s to provide free lands, loans and facilities to help people to own their housing units. The main point here is that this national ambitious strategy in ILAs strategies still suitable to provide this aim, and can be repeated to help a wide range of people to have successfully a private land and to build their housing units.

This finding is consistent with TSMs claims in ILAs agencies, Chapter 7, in which LTA strategies were developed in co-operation with both levels of these at national and local levels agencies, thus, current consequences were linked with the different attributes of authority's efficiency at planning, implementation and monitoring aspects of LTA and a level of success that ILAs had during 1980s and 1990s. Moreover, this view is reliable with these findings obtained from the literature review in the MER and AER countries' experiences regarding such challenges. In this connection, it is basically consisting with several studies over the last decade in the developing countries, which shared the same situations (Chapter 3).

In terms of the qualitative findings, ILAs programmes were suitable and qualified, but are still influenced by multi-elements of barriers of the post-war negative environment in this period. In fact, the questionnaire responses reveal that the majority of participants of users did not believe that the current strategies of ILAs were met their ambitions or their satisfaction level. In general, they agreed and completely agreed that the cause is linked with the administrative processes that users have experienced such as the complexity of registration procedures in REROs and LRCOs and its current routine, the leak of registry information, and these required documents which were not clarified. None pointed out the changes in the registry laws and regulations. However, the related findings also indicated that negative views may link to the unavailability of land/ houses in the market. It is interesting to note that these results reveal that obtained in Chapter 4, which can indicate that the LTA administrative procedures in ILAs still not at an adequate level regarding the user's ambitions, and basic administrative units of LTA

must make further improvements to help the Iraqi users to deal effectively with the current system.

However, from the views of the majority of the participants the reasons for these deficiencies might be a result of the critical unstable and insecurity situations in Iraq, and then the current lack of presence of land authorities in taking its role in securing the users' rights. These results contra with the agreements expressed in the interviews, Chapter 7, since TSMs in the ILAs agencies largely believed that their strategies were appropriate for the people needs as these national strategies always tried to encourage people to feel secure about their property ownership (Chapter 7, Section II/A). It is noticed that unoptimistic views of the users were shared by the minority of senior staffs at local agencies, this minority of decision-makers mirrored that by believing ILAs programmes still not suitable for safeguarding the end-users' rights, and they gave several reasons for their unoptimistic view. One reason was that most of the roles acquired in national agencies, while local roles are insufficient to equip them to practice in the real policy. Another was that all current mechanism is rigid and not adequate to the current massive challenges in Iraq.

The following conclusions can be drawn: from the qualitative and quantitative data related to ILAs strategies of LTA and its suitability and the end-users' rights, there is a positive view of the decision-makers apposite to negative views from the main end-users. It is noted that the obtained views of the majority of TSMs in both agency levels were optimistic about their institutional policies and they were positive towards their current role in the implementation of LTA policies. They emphasise that they are satisfied with LTA programs that offered by their agencies to the end-user due to their agencies' strategies are being made appropriately for protecting the end-users' rights. Nonetheless, they also argued that LTA strategies suffered from several shortcomings in administrative co-operations, the local agencies highlighted that their local institutional responsibilities were consistently limited and their roles are under the central control of the state, and therefore, their agencies are not involved precisely in decision-making processes of LTA, where planning and financing policies are usually made in national councils. However, the obtained results reveal that the local councils were actively

involved in the main steps of the implementing process. In general, it can say that there is not full consensus among top and senior staffs who did not believe in ILAs current policies, to deal appropriately with current challenges.

9.2.2 Efficiency of the land organisational system (operational performance) for the LTA

The qualitative findings revealed an agreement of TSMs that most of the interviewees from both levels in ILAs shed light on the vast influence of the current unstable situation and its interventions as a main factor against the current level of the authority's organizational efficiency in ILAs. However, in discussing this belief, TSMs confirmed that their agencies are still administratively capable. They mentioned that it is not only the fault of the existing administrative operating in the government agencies of ILAs. This view coincided with that expressed in the literature from the MER and AER samples, Chapter 3, by researchers such as Stigall (2008), Madanat (2010), UN-Habitat (2005b, 2010a and 2010b), and USAID (2005, 2005a, 2011 and 2014).

In fact, the view of TSMs was keen to consider the external influence not as a separate theme to run throughout ILAs strategies and main factors influence the overall outcomes of such strategies. From their views, they repeated that the current deficiency is not associated with a lack of asset management approach in the Iraqi national system, but it is directly linked to the state instable situations and a wide set of complex emergencies which remain the main factor even after a period of decade; the current sphere of interim conflicts, the multiple claims and these ethnic disputed ownerships of lands, all affected their strategies to provide a solid implementation to LTA. In other words, to provide a firm of authority's organisational efficiency in the ILAs for the LTA implementation a set of external issues must be addressed as noticeable elements throughout the system. As it is noticed in Chapter 4, the Iraqi land administration is qualified and stemmed from the Iraqi rooted legislations within long periods to develop their strategies in ILAs, which helped its resistance against the critical situation, and it has a further authenticated mechanism to provide solutions against the insecurity of tenures. The

important point is that the current system is built on a rock-hard legislative base from the local social/ religious forms that helped to resist the current impacts, i.e., the qualified form of the Islamic rooted legislations has contributed to establish a high level of contentious mechanism to improve the Iraqi lawgiving base, in which the end-user's requirements were administrated whenever the institutional authority' role was missed. That result is reconfirmed by TSMs that that authority's organisational efficiency in the ILAs of the LTA implementation had held several resources between various bodies and different conditions and terms, improved within long periods to develop their own efficiency of LTA implementation. Inappropriately, most of that success was recently distorted by a series of wars/inter-communal conflicts, starting from the 1980s, which may consider as limited factors that have a profound effect on the ILAs efficiency and LTA development in Iraq.

Concerns were, however, that the strategies of national agencies are monetized to deal with the particular circumstances of current period, such as internal displacements and disputed land crisis, in order to meet the end-user's requirements; they also showed a good willing for more cooperation with the private sector to allow their strategies to gain some chance. Participants considered this optimistic view because they believed that their system is qualified and thus the efficiency of the ILAs is not associated with a lack of asset management approach in the national system of LTA, but it is directly linked to the state instable situations. Also, the difficulties are temporary and the system may need only to get rid all these instable elements that hindered its administrative performance, rather than being something which reflected the overall quality of the ILAs strategies or its organised structure.

It is clear from the quantitative findings that the majority of users reflected their bias to the previous period (before the collapse of the regime in 2003), distributed their views sharply between those experienced a moderate level of the satisfaction or those were not satisfied with the current operational performance of LTA. In general, dissatisfaction reasons were not those are linked to the registration process or the related documents, it could say that users neither found difficulties to register their shelter in LRCOs nor to determine what form of documents for doing that.

Evidence showed that the system is still efficient since the majority of participants have official types of documents that protected their rights in shelter, and that the current system helped them to register their shelters officially by the LRCOs in order to be covered by the laws to protect their tenure rights. The important result also indicated that those respondents, who were living in units uncovered with official documents, none had any written documents simply because they were illegally occupying the shelter. However, the failure of obtaining official documents was not from the system performance, hence the illegal occupancy rate was distributed equally between those who have a financial problem or/and they do not have an ability to buy a private land. None had no documents because the unstable situations. Also, the respondents in all neighbourhoods shared similar ideas about the evaluation of the information resource that they had in relation to LTA aspects. It is seen that there is an agreement that no effort was carried out by ILAs to publish any printed information as the majority of respondents who evaluated their individual information resource and its quality found they were not meeting their current ambitions.

Building on the **qualitative** and **quantitative findings**, the indicators and quality assessment parameters along with the quality situation of existing system in Iraq are synthesised from chapters 7 and 8 as critical for evaluating the operational performance in the ILAs and implementation of LTA in Iraq.

1. Security of Tenure:

Evidences in Chapter 4 showed that the Iraqi institutional legislation is concerning various rights which saved the users' rights, since the owner has unlimited rights of possession by the current system. Obtained evidence from TSMs expressed their view that efforts to secure the users' rights in their strategies are issued by civil laws in the courts and do provide title deeds. In fact, majority of TSMs was agreed that the current system provides suitable legal frameworks in which any eviction is taken by institutional policy under court orders. However, they emphasize that since the events that followed 2003 events, the issue of tenure security in most of Iraqi regions has not been solved effectively due to the problems of the unstable situation in these regions in Iraq. The

responses from the users supported the previous results that they were not satisfied with the performance of the present LAS. Similarly, all the interviewees in these local agencies stressed that the technical requirements and staff skills are essential elements to enable the secure tenure. They also revealed that since the events that followed 2003 events, they had suffered from constraints of an insufficient utilization, which hindered their organizational co-operation. This means that the legal security is not yet provided efficiently in the Iraqi system. As long as the negative sphere of war/post war and ethnic clashes in the country continues, it can be said that ILAs strategy still suffers from the events that followed 2003 events. The missed technical aspects and to upgrade their staff's efficiency to ensure the integrity of information indicate that the Iraqi issue of tenure security has not been tackled effectively in the present system, and the system may still under the threat of vandalism shock waves.

2. Land Dispute Resolution:

Since 2003, Iraq has endured decades of an unstable period and a sectarian violence. Literature showed that the continued sectarian violence in 2003 and associated authority' deficiencies have fuelled a displacement crisis, which were serious in both size and complexity (IOM, 2016; UNHCR, 2017). Building on the qualitative and quantitative findings, all TSMs in both agency levels confirmed that their agencies are still capable in achieving their responsibilities towards peoples' needs. They believed that the insecurity sphere of war/post-war still hinder resolution mechanisms and delays the process of solution to the land disputes in Iraq. However, they admitted that the land conflict resolution mechanism in Iraq is complicated and thought that land dispute resolution procedures take a long time to resolve these disputes, they explained that by saying that resolution mechanism is working currently under massive challenges which always cause negative influence and delays. To resolve these problems, they believed that the availability of effective levels of technology in institutional and regulatory structures (LAS) must match the actual needs of the current crisis. In fact, TSMs believed that the current system needs further improvements in its operational tools, in order to enable the system to deal effectively with the crisis. These results also pinpoint a negative indication about the efficiency of the present LAS. However, the obtained

results were in agreement with the literature (Chapter 4). Regarding the dispute resolution process, the majority of users believed that the resolution process is not fit that they need. As a majority of them found it insufficient and spends a long time to deal with their current difficulties. This indicates that the duration of a land case may also spend a long time in the courts processes. As the users found the dispute resolution process in the existing system complicated and delays the solutions, which reflects the efficiency of the current system in resolving pending cases at local and national levels, and affects directly on the tenure rights during this critical period in Iraq. It can say that the majority of TSMs and users agreed that land related disputes can be solved easily in-time if the system contained a sufficient level of technology aspects to deal with the information on land and users' data, as the delays that they found about the land disputes may be due to this technology deficiency in the system. In general, both stakeholders responded that the sufficient technology is most required. Also, that indicates a current lack /insufficient cooperation of ILAs agencies to solve the land disputes pending cases in the courts.

3. Technical Aspects of a System:

Reviewing literature showed that the current system still depends on old patterns of administrative routine since the existing registry records in the current system rarely uses a digital registry system, and usually LRCO record copies stored in unsuitable conditions (see Chapter 4: Figure 4.6). Also, the qualitative findings showed that the existing system still depends on old technical devices to deal with LTA aspects in both planning and implementing issues, however, the current gap and the need to develop the existing system to deal with current issues with a good level of willingness to undertake latest technology in their agencies are needed. Nonetheless, this statement from TSMs clearly shows that an important element is therefore not yet available. In terms of the insufficient availability of software/hardware facilities and existence of sufficient trained staffs are found insufficient in both levels of the system and urgently need to develop its efficiency regarding these facilities regarding the Cadastre and registry aspects (LRCOs). Also, the quantitative findings showed that the majority of users evaluated the Technology adoption in the present system as less convenient. As the

evidence showed that the current system still rarely uses a digital registry system, moreover, all the users agreed that the registration process takes a long time. As a majority of them take more than 2 weeks to register a TDD in REROs. None experienced a period of less than one week, which reflect the administrative routine processes in the existing system. It can be said that the status of insecurity and land related disputes are linked with that lack/ absence of Technology adoption; the availability of software/hardware facilities, land record and database management, in term of capacity building, which were observed inadequate and the related facilities are usually missed in LAS. Also, the land conflict resolution mechanism in Iraq is noticeable complicated and takes longer time to resolve these land disputes, as the land related matters are found in poor conditions due to problems in Technical aspects of the system. Delayed administration of justice in the land dispute resolution, hindering investments, and increased transaction costs also found in the present system. To close some of these gaps, the adoption of latest technology in the existing system is urgently needed.

4. Data and User's Information

The qualitative and quantitative findings showed negative views about the status of data and user's information still inadequate in the existing system. This point links to the data capture side in the system. In this connection, the TSMs admitted that the current data are found insufficient or missed in several regions, they repeated the negative impact of deteriorated security conditions, and they explained their negative view that they had learned the lessons that the data and user's information in the exciting system are not protected. Evidence showed that effective tools; such as how data and user's information are gathered, processed, stored and disseminated in the present system are not sufficient or not yet updated. Thus, administrative routine processes in the existing system are dominated. In addition, in term of capacity building, is also found insufficient and evidence from interviews in Chapter 6 showed that TSMs were dissatisfied that they occupied old and inadequate buildings in their agency that not fit their needs. Waves of refugees, displacements and illegal settlers also furthered the crisis, with the years of the post war/civil conflicts involved in authority's deficiency

and the deprivation of individuals' incomes in Iraq. On the data capture side, the TSMs admitted that the current data are found insufficient as users' information in various regions is missed. This result closely confirms that obtained from Literature in Chapter 4. This revealed the impact of the current situation and the technology gaps in ILAs as main factors influencing the development of LTA and eventual success of the current system that furthered the problem of LTA in ILAs. Also, the shortage of users' information in some regions in Iraq was attributed to wide gaps in LTA because the deteriorated security conditions in these regions and then on the land disputes resolution mechanism. In general, these deprivations influenced on the dealing with emergent circumstances, such as internal displacements and disputed land crisis in Iraq. However, rapid urbanisation and distorted land markets present another problem to the system. In fact, the main point is that these deficiencies still predominantly influence on all related process of LAS/LTA in the existing system in Iraq. It is seen that there is an agreement between both stakeholders (TSMs and users) that no effort was carried out by ILAs to fill these gaps, particularly in these unsecured regions in Iraq. It is necessary to build a strong base of users' data in the current system and fill the current gaps, as the availability of software/hardware facilities for the land record/ database management in the current system are found insufficient.

5. Financing and Data Costs

It is mentioned earlier in this research that the ability of LAS to provide an effective financial support of LTA operating is an indicator of the efficiency of the system. As noticed in the previous discussion, insecurity of tenure consequences can be resulted as a direct response to poorly performing of system in land markets, and the weakness of the government and ineffective management are all empowered by instable state and insecurity situation (Payne, 2003; FAO, 2012). Evidence from qualitative and quantitative findings supported that obtained from literatures, Chapter 4, showing that the main resource of financial support is coming from ILAs agencies at the provincial and district levels, particularly from fees and data sales in REROs and LRCOs, as the land revenue becomes part of the annual budget at the provincial and district levels. Regarding fees and costs structure in the present system, TSMs responses in local

agencies (including REROs and LRCOs managers) showed their disagreement with the present system, that although the current system enables their agencies to share the land revenue and coordinate it in an efficient manner for the provincial and district levels annual budget. Evidence showed that users pointed out their disagreement with fees and costs they spend in the present system. None were fully agreed with the national government funding in the land offices. This indicates that the users believe they spend inadequate fees in addition to the long time in the LAS processes. Regarding fees and costs structure in the present system, the qualitative and quantitative findings showed that there is a mechanism in the present system deals within hierarchy levels where the land revenue recovered and saved as part of the annual budget at the provincial and district levels. However, evidence showed that the REROs and LRCOs at the local level of ILAs do not have sufficient financial resources to adopt advanced technology in improving the cadastral aspects to meet the current demands. In fact, the national agencies at ILAs are monitoring all the land related revenues, involved in carrying out these monitoring activities, to ensure a legal protection and to preserve the availability of funds regarding all types of the real estate activities.

6. Land Administration Processes

In their belief, the majority of TSMs in national agencies were of the opinion that current policies in ILAs were well-planned and efficiently meeting their own goals. According to TSMs, all these processes are administrated and monitored in the current system by ILAs at both levels, involved in aspects of the land acquisition and land records, income tax, land value rates, and assessment and collection of land tax etc. The main point is that both stakeholders were aware that these organisational processes and regulations must be clear and simple to understand and also to enable the LTA to encourage the investment in land/housing markets. However, the evidence from the literature (Chapter 4) supported that from quantitative findings, showing that the current system still rarely uses a digital registry system. This also reflects the administration routine and/or to the complexity of processes that the majority of stakeholders faced in the present system. In fact, administrative processes must be issued to managing the relationship between land users as landlords and tenants, and also should be clear and

simple procedures to be understandable by both sides of administrators and stakeholders. It is clear from the above discussion that both the institutional and technical aspects of the system were considered as promotive factors to improve the LTA processes. In terms of the insufficient availability of software/hardware facilities and existence of sufficient trained staffs in the current system, stakeholders found them insufficient and urgently needed to be developed. Evidences showed that LAS carries out further steps to enhance and respond to the emergency needs in these processes, but problems are directly linked to the authority' weakness, the current sphere of interim conflicts, and a wide set of complex emergencies during the current period. Increasing institutional principles and modern legal tools for enforcing the efficiency and effectiveness of the present system are urgently needed.

7. Organisational Co-operation

Organisational co-operation is an important factor that affects the efficiency and effectiveness of LAS to provide a sufficient push to run the LTA system properly. As it is noticed in Chapter 4, there is a clear system in Iraq, which is highly centralised by national institutions at ILAs, successful build up for the national agenda. This element must be brought into consideration while improving the quality of existing LTA in Iraq. Most of the TSMs supported these findings in literature, showing that the current system had several actors, combined into a set of two levels of organisational structure to shape LAS and to enable LTA aspects in Iraq. Evidences showed that although the implementation process of LAS is administered locally by local agencies as the land registration processes, but the system is designed under the supervision of these national ones at ILAs. With regards to this centralisation attitude from national level, the national bodies provide the legislative plans, and bring financing mechanisms, while the locals provide the implementation aspects and off-site monitoring as required (Chapters 4 and 8). Nevertheless, weakness of government in both levels and these current conflicts are likely owing a highly significant impact on perceived ILAs strategy. In fact, the TSMs in the local level, (PPC and LRCO), stressed that the current mechanisms appear to need a reform that permit decentralization of some of the system functions; control of land use of the local authorities, while holding processes of the standardized cadastral system

at the national level, as these strategies are needed to be rebuilt toward decentralisation authorities in the new Iraq.

The researcher agrees that the efficiency level of LTA is the outcome of the LAS; in fact, it is considered an indication of the quality of LAS in the country. The obtained results from the qualitative and quantitative findings reflect that the present system is quite old, where most of the land records are prepared and maintained with poor quality. This may attributes to the system is influenced by the full range of factors where the present LAS can be seen as deteriorated in Iraq. However, TSMs emphasise that ILAs still have a suitable LTA strategies and may enjoy a greater efficiency if they were working off the current unstable sphere, as the increase in administrative performance is a matter of time and the system efficiency is expected as soon as these elements of the instable sphere are removed, and then the performance offered by ILAs agencies and the level of security of rights that they apply to the end-users as well as the level of tenure security, all are depended on the current situation and problems they have. Also, the barriers preventing ILAs strategies to successfully implement the development of LTA are often external resources. All stakeholders' respondents agreed that these challenges/barriers pertaining to these factors, indicating that the system face barriers that related to the refugee's dispute and relocation problems and livelihoods deprivation. In fact, the deficiency of system in land authorities' policies can be considered as results of these factors. On institutional sides, it is clear that the most dominant issues in the existing system regarding LTA are; *Security of tenure, efficient technical aspects, access to land offices, land dispute resolution, financing & data costs, and land administration processes.*

9.3 THEME 2: Critical Factors Influence the LTA Applying Aspects.

A. Social and Cultural Influences:

a) Tribal/family traditional morals and conceptions of tenures

The system of LTA comprises an extensive range of rules and rights, some of which are closely linked with society/ cultural morals, and fall respected and issued in LAS. In this context, the evidence from literatures showed key issues for administrative success

associated with local attitudes of tenure and related goals, and also quality of rights-based approaches (USAID, 2005a and 2010; UN-Habitat, 2010; FAO, 2012; Payne and Durand-Lasserve, 2012; Arjomand and Brown, 2013; Wiley, 2004 and 2013). It is widely recognised in the literature that social and cultural values and traditional morals of tenures are key drivers in Iraq (Nakash, 1994; USAID, 2005; Al-Mahmood, 2014). In fact, societal values are tools for legality, administration, and right decision making in LAS as well as an aid for LTA development. In Iraq, evidence showed that local social/cultural and related traditional morals of tenures are linked closely to the Iraq's development of users' rights, which can be indicators to assess the current system. All the interviewees (TSMs) agreed that *Social values* and *traditional conceptions* of tenures are adopted in their ILAs strategies. The main point is that the essential part of the social/ cultural conceptions of the procession were initially shaped by the community's patterns and adopted later by the ILAs strategies. The qualitative findings showed that the social values and traditional conceptions of tenures are respected in ILAs strategies, and they have been established through rules relating to customary land laws, defined and generally recognised by ILAs. The qualitative findings showed that there is no special treatment or discrimination in ILAs strategies between Iraqi people regarding gender or religion. However, TSMs agreed that social and cultural factors still influence their strategies, emphasis that the tribe /family's view is still dominated, as some Iraqi people in rural and semi urban areas respect only tribal rules and incorporated into their own Shaikh orders more than these tailored by the government rules. TSMs pointed out that these negative attitudes towards the government policies are inherited and passed as result of authority deficiency in the current period. The quantitative findings showed that these negative attitudes are rooted in the society and family heritage in Iraq, as the majority of users strongly agreed that there are *difficulties of women' rights* are linked with *social and traditional conceptions*, which may clash with the modern categories of laws. Findings also show a similar trend of the agreement, more than half of the total responses agreed that *tribal, ethnic regulations* clashes with modern categories, and the *difficulties of indigenous /minority rights*. Also, stakeholders believed that the social/ cultural issues were the main barriers regarding vulnerable' rights, especially with the Iraqi conflict situation, which agreed with the literature's

indications (Chapter 4). The majority shared the highest agreement in relation to women's rights and these difficulties from the social/religious value systems, which closely agree with those views obtained from TSMs in ILAs (see Chapter 7). The main point is that gender discriminations and inequitable rights are influences from the local authorities of society such as tribes/ families, which may strongly indicate through the ILAs strategies and rights of stakeholders. Findings showed that this discrimination is targeting vulnerable groups of society, such as divorced/ widow's women and children, in low incomes and uneducated families. Women are often forced by their family instructions to accept their unequal shares, which are guided by their family religious attitudes. Also, this discrimination impacts the needy poor groups, ignorant and illiterates' people, and even those internally displaced peoples. However, the governmental institutions in ILAs do not interfere in the individual decisions, the system in real estate registration accepts the inequitable distribution of inheritance shares, according to the will shares, in which the women's segments usually be reduced or even neglected. The ILAs strategy needs to pursue a more modern and flexible approach, focussing on the non-participation of women or neglect females shares in rigidity of social values and a negative influence on female's rights, that being the attitudes of the families themselves, in which the national regulatory framework is rebuilt through equitable laws. In this context, the modernisation of gender-equitable rights should be participatory and deliberated at all institutional levels, and it must be adequately legislated and issued by the government's agenda.

b) Civil/ethnic conflict notions about access to land and its tenure's rights

Reviewing the literature showed that the land reform doing in MER and AER has faced a serious slow progress contributing to different aspects such as the weak legal and institutional frameworks (Rae, 2002; Marr, 2012; USAID, 2005). Conflicts and inter-communal violence are major constraints on the AER systems of with potentially grave consequences on the stakeholder's rights because of the lack of durable solutions. Evidence also showed that the government insecurity and inter-communal violence are constitutive factors of the weakness and fragility of LTA in the urban mutation in this

region, which is working an important role to activate the dislocated millions of people. The qualitative findings showed that the influences of ethnic conflict were erupted after the events followed the war in 2003, TSMs explained their negative views, as the point is whenever the role of national authorities is declined; people depend on these local tribal/ethnic and family authority to protect their tenure rights. Furthermore, in most regions of the country the insecurity situation was trigger factors, TSMs emphasis that strategic projects were deterred from enrolling because of opposing ideas from the aggressive mode of local armed tribes, believing that lands are under their ownership and ILAs are not authorised to deal with their own properties. In addition, TSMs reported this view as the major hindrance, highlighting that tribes of the rural and semi-urban regions are armed and their aggressive attitude is still common and active in the Iraqi society, leading many agencies to oppose the ideas of related projects, reflected negatively on the acquisition of tenure rights. Evidence from qualitative findings supported that from literate in Chapter 4, showing that this illegal behaviour of these tribes was encouraged by the weakness of the Iraqi authorities that tried only to avoid the ethnic clashes, which led to the cumulative consequences. Quantitative findings also show a similar trend of agreement for other challenges experienced by the users, as they believed that the ethnic clash is a barrier regarding vulnerable' rights and may clash with the modern categories of laws.

Building on respectable evidence, there is a trend of agreement that this factor is linked with security gaps in the current period in Iraq. The influences of ethnic conflict was erupted after the fullness of regime in 2003, the ethnic conflict reflects the rapid re-influence of tribalism in Iraq, which is re-erupted whenever the low controlling status over the country is declining, highlighting that this negative attitude is still common and active in the Iraqi society. Despite the massive economic and education steps those have been achieved in Iraq during the 1970s and 1980s and taken place in the structure of society, there is no doubt that in the past ten years, these social-religious factors were re-erupted and their influence was encouraged by the absence of the government after the fullness of regime in 2003. Delivering a greater efficiency and enhanced legislative performance in ILAs can be a good step to overhaul these negative manipulations against the end-users' rights.

B. Religious Rules Influence:

a) Islamic rules of the ownership and inheritance (Islamic sharia).

As seen in literature, Islam is the official religion in Iraq upon which the basic character of the Iraqi society's conceptions had formed, therefore, the Islamic rules of the ownership and inheritance can be considered as key drivers and rooted legacy in both the MER and in the Iraqi system (see Jon Rae, 2002; UN-Habitat, 2003, 2005a, 2008, 2010 and 2012). In fact, the main point is that the Islamic system comprises a widespread range of rules and interpretations included in the Islamic *Shari'a* (laws), which fall nearer to the management of individual's rights regarding the tenure shares. However, reviewing literature showed how such religious regulations helped to slow the noticeable right of women in rural areas, and limited their hope of being engaged in land tenure activities (see Rae, 2002; FAO, 2002; Sait and Lim, 2006; UN-Habitat, 2012). In general, Islamic laws have a significant role in shaping the ownership rights referring to the inheritance shares that were derived essentially from the Islamic doctrines' view in both the MER and AER systems. The qualitative findings showed that TSMs are aware of the Islamic related influence and regulations defined by the current system. Also, they shared the confirmation that the influence of the Islamic rules of the inheritance is rooted in the Iraqi society values and have a massive role in shaping its characters. Similarly, the majority of TSMs claimed that their experience led them to believe that Islamic rules had equipped them to build their strategies and then securing the user's rights. It can be said that the TSMs confirmed the administrative form of the endowments '*Awgaf*' in ILAs strategy which has a clear policy in the current system, reported in the literature in this study (Chapter 4). In fact, it is very easy to note that this Islamic form '*Wagf*' is engaged in the Iraqi formal system (LAS) and accepted in ILAs, while the most of social conceptions are not. The important point is that religious values and family attitudes still discourage vulnerable groups of society, and influence them becoming engaged in full rights in the current system. Additionally, the quantitative findings also show that majority of respondents strongly agreed that there are difficulties of women's rights are linked with these Islamic *Sharia*', which may clash with the modern categories of laws, as they believed that the social/ cultural issues were the main barriers regarding vulnerable's rights. However, the religious values are not confined to

only the Muslim community in Iraq, but also included other religions associations within the largest ethnic groups in Iraq, Chapter 4, which may double the problem that face the ILAs strategy in the current system.

C. Instability influences (key element gaps):

a) Weakness of governance

Reviewing literature showed that that LT right and its security are potentially related to designated policy and the quality of the system, which are an integral measurement of its quality (Adams, 2000; Un-Habitat, 2003; Payne and Durand-Lasserve, 2012). Since 2003, Iraqi state has endured decades of an unstable period of wars and a sectarian violence. After 3 wars and nonstop periods of instability, much evidence indicates that sudden collapse was with potentially grave consequences in the country; a living in insecurity conditions and ethnic conflict are still triggering massive crises in the recent Iraq. Also, there is continued political and religious tension, unstable political governance with roots of bureaucratic corruption, semi-civil war and constant terrorist attacks (Chapter 4). In general, the country is engaged in the series terrorist attacks as many regions were taken out of the government control. The qualitative findings showed that the TSMs were aware about these critical situations, agreed that their ILAs strategies are dealing with negative impacts of these factors such as interim refugee issues, land dispute resolutions, a multiple claims of tenure, and informal occupation against the public and even government land/properties. Similarly, the majority of users showed the highest agreement with all listed factors, they completely agreed that the authority' gaps and security issues factors were the main barriers. It is seen that these barriers connected with the authority' gaps and insecurity issues are varied. Findings also show a similar trend of the user agreement for the other challenges, more than half of the total responses agreed that tribal, ethnic regulations clashes with modern categories, and most of the participants gave a higher score to the instability/ weakness of the governance. The important point is that these core constraints could be closely associated with the administrative deficiencies as noted previously from TSMs in Chapter 7. In general, stakeholders tried to explain this losing in the administrative

ability as a result to the external impact, which still prevails in the current system and prevents many achievements in Iraq. They still worried about the possibility to re-destroy their documents and records at any time and mentioned the vandalism which was actually happening in 2003, in which the burning of local institutions and damaging the most of provincial records in REROs and LRCOs. There is no doubt that the unstable situation has a massive impact on the ILAs, and its influence can engage security aspects such as the damage and losing of the documents and these related rights. Evidences showed that even if the ILAs strategies had based on good plans to deliver adequate shelters to their people, however, given the insecurity situation in Iraq, this task remains challenging and demanding.

b) Economic and Financial related Crisis

In general, evidence showed that the Iraqi system offers loans for industrial, agricultural, commercial, and tourism projects (chapter 4). In this connection, the system provides a diversity of mortgage bank housing loans, which helped to provide affordable mortgages. However, the Iraqi bank's policies were changed after 2003 events and the widespread occurrence of forged documents. The quantitative outcomes showed that there are several interrelated aspects of the recent economic crises were indicated, also responses from TSMs stressed that the economic crises reflects its negative impact on the average of household expenditure, and then the real estate market activity in Iraq. In addition to this, TSMs linked between the system financial gaps and a shortage of technical utilities in their agencies. As all the interviewees mentioned that there is an acute shortage of technical utilities, and they depend on old devices to produce and save the documents in the institutional records. Although Economic and financial related factors were given a low average score, the quantitative findings showed that the majority of users strongly agreed that the weakness of the families' incomes and housing deprivation, deteriorated housing conditions and the capital stock of housing as results. Also, the qualitative findings showed a shortage of buildings designed especially for the cadastral purposes. It can be indicated that the applied system is often an issue of the depriving in utilities; it is usually held with an inadequate patterns of buildings and

associated with lack of financial support, which may prevent the system positive objectives.

It can be indicated from the quantitative and qualitative analysis that both the decision-makers and users have a similar agreement that the LTA system had a suitable policy to deal with the financial issues which was applied successfully during the 1980s and 1990s. Currently, all assessment is performed by the economic crisis that the country faces which is associated with a variety of influential factors which were corresponding with wars and the insecurity circumstances and related authority' gaps. Consequently, there is an urgent need for substantial change to the current policy to deal with the deterioration of families' incomes and housing deprivation, which require the strict implementation of financial support. However, the instable situation and related authority' gaps still work as a main barrier to that ambitious change indicated that the long period of wars and post-war sphere caused an economic deterioration and declining in the per capita income in Iraq.

c) The Residential Market Crisis

Reviewing literature showed that the national housing strategies were almost stopped in the Iraqi current system than that during the periods of the 1980s and 1990s (Chapter 4). According to Iraqi Central Bureau of Statistics (2012) between 30% and 50% of housing in urban Iraq is in older, central city areas is in poor condition, needing major structural rehabilitation or uninhabitable. Evidence showed that there is a shortfall of dwellings; indicates that there is a substantial unmet housing demand with 3 million unit's deficiencies of the current housing demand as the Iraq's housing government has only met 15% of its real housing needs also (Iraqi Ministry of Planning , 2015; IMoC&H report, 2015). According to UN-Habitat (2010) absence of the housing mortgage loans caused an inability to provide new housing units in sufficient quantity in order to fill the continued needs of population growth. In fact, compared to the population growth, the evidence showed a sharp decline in the number of construction and restoration permits starting from 2002 till 2015 in Iraq (see Table 4.4). In this context, there is a severe housing crisis in Iraq due to the growing number of population

relative to the number of residential complexes; in addition to the inability of people with limited income to build their own housing units because of the high cost of land and construction materials (ICPD, 2013).

The qualitative and quantitative findings showed that the majority of respondents are completely unoptimistic with current policies of housing in ILAs, they repeated that the unavailability of land/houses and the process complexity of the current system were unacceptable elements, and considered by the majority of users as the main reasons for their dissatisfaction. The quantitative findings showed that approximately a half of respondents lived in subdivisions units within the same family's house (adding a new room to the same units) / building in the part of the family house's garden, while the majority of sub-division units were in private houses added a new additions within the constructed area of the house. The main point is that all TSMs were aware that there is a severe housing crisis and a national shortage in the estimated total housing stock, however, they linked it to external influences and as a result of the growing number of population and the national economy difficulties. In fact, diversity of factors was linked to create this crisis such as the economic and financial related crisis and the lack of financial support, that have furthered the challenges that people with limited income faced to build their own housing units because of the high cost of land and construction materials. The factor such as the increase in the Iraqi population has added other impacts and furthered the housing lack in this period. With eroded trust in the Iraqi authorities, the Iraq's legal tenure crisis was further deteriorated. The new Iraqi government was faced with a huge problem that weakened the state control over long years; the war of 1980, 1991 and 2003 and semi-civil war situations have destroyed thousands of buildings included the housing units and caused waves of displacements and destructions, which paralleled with a continued economic crisis causing a decline in the number of rebuilding and then in the building permits over the period. In general, this crisis is associated with informal settlements crisis. Moreover, the increased internal displacements and legal challenges in land disputes, the chaos of looting and destruction of public records have also increased problems that the system had. It is widely recognized, this decline is likely a result of insecurity and instability concerns system during this period, which hindered all a primary priority for the Iraqi people. In practice,

this housing crisis could be added to continuous negative impacts of three wars and these related insecurity situations, which were continued starting from 1980s in Iraq. At the present time, the evidence showed that the financial control in construction materials prices is out the government hands. Therefore, users and TSMs believed that the engagement of the private sector or even the external developers is useful for transferring expertise and implementing policy goals. The main point is that the findings also indicated that there is a majority of respondents was contrasted with this optimistic view.

d) Informal Settlements Crisis

Living in informal and slum areas is a crucial indicator to the eroded LTA systems, as this crisis is directly linked to other factors such as the availability of land, shortfall of dwellings, construction materials prices, as well as these related administrative deficiencies in LAS. Evidence in chapter 4 showed that the informal settlements crisis in Iraq is a result of a set factors of the insecurity situation, as the increased internal displacements and legal challenges in land disputes, the chaos of looting and destruction of public records have also increased after the fall of the Iraqi regime in 2003. In this context, Iraqi LAS in many residential areas cannot provide decent housing and follow-up programs, accumulations of infrastructure and the low level of infrastructure services due to inadequate maintenance (chapters 4 and 7). Besides corrupt practices, report daily problems with sewage, and 24% of Iraqi households are not connected to a sewerage system at all, in addition to thirty-four percent of Iraqi households have raw sewage in the Iraqi streets and around their houses due to the sporadic waste collection (ICPD, 2016; Iraqi Ministry of Planning, 2015). The UN-Habitat report of the State of Iraqi Cities (2010) found that a half of all urban households in Iraq experienced problems with water at least once a week.

The **qualitative findings** showed that the Iraqi LAS had an experienced policy during 1980s and 1990s that enabled a majority of people to own a land and to build a private house, provided basic facilities to the people, through free lands and long period mortgage. However, this ambitious strategy was interrupted and the insecurity gaps and its related humanitarian crisis all led to an outbreak in the informal settlements crisis in

Iraq. As an indication to the authority's deficiency, the results showed an agreement among government policy makers (TSMs) about how the ILA is too weak to extend its authority actions or to achieve the forced eviction, in some cases the Iraqi authority at the local level depended on the tribal leaders and the influential cleric to deal with this problem (chapter 7). Also, the negative impact was deepest; in fact, TSMs at the national agencies expressed the disappointment that their current strategy does not enable to provide basic services in this important issue. The qualitative findings showed that the governments was not able even to play their administrative role in addressing illegal encroachments on the state properties, indeed, ILAs were not possessing a full authority in many areas and do not have the ability to enforce the law on the conduct of squatters by forced eviction and demolition. In this context, quantitative findings showed reasons that had prevented users from having official documents reveals that half of them were unable to know the required documents which are essential in LRCOs to secure their tenure rights (chapter 8). Users expressed their unoptimistic views with current policies, observed from responses to their inability to have a private unit in their own name, and also due to the complexity of registration procedures and its current routine. However, the unclarified procedures of financial requirements, changes in the registry laws and regulations were not the main causes. Conversely, the rest rate of reasons was distributed equally between those who may have a financial problem or/and they do not have an ability to buy a private land. None had no documents because the unstable situations. In general, it has seen that the existing system is still able to provide official types of documents as the majority of stakeholders have a private shelter which is officially registered in their name/family name, and they have official types of documents that protect their rights in a shelter.

The key point here is that informal settlements crisis can be listed as a result associated with a state of displacements and forced migration of a thousand families which were forced to occupy illegally, although this situation may be a temporary occupation and for a short period but it is promoted this crisis and furthered its negative impacts in the present system (LAS). Also, there is no doubt that the deterioration in the Iraqi economy has been dramatically associated with a paralysis in the construction of buildings as well as in the real estate markets in Iraq. In respect to emergency

conditions, the illegal encroachment problem reflects the absent role of the legislative and executive institutional base in Iraq. In this context, an irregular settlement was considered as another indication to the weakness in the institutional performance, and then an indication to the weakness level of the current administrative capability in the existing system.

e) Bureaucratic Routine / Corruption

Authorities should recognise an integrated and sustainable approach to their LTA processes upon which the users' rights are protected. From the obtained evidence, it can be said that several problems have emerged with significant challenges in the existing system in Iraq. The majority of TSMs mentioned that as a negative factor and they confirmed that ILAs strategy is targeting to establish an effective response against the illegal occupancy, and then their policy is working to solve the problem as possible. All interviewees indicated that their authorities are working to reduce the bureaucratic routine and removing the administrative corruption. They stressed that the system is designed hierarchically and any problems related the LAS processes in any agencies in ILAs are solved by the hierarchic, co-operative agencies. However, the qualitative and quantitative findings showed an agreement that the current procedures are served in a highly centralised system which may cause a delay and spend a long time in multiple stages, but they admitted that owing to the instability and insecurity spheres that the country faced after 2003 events; a widespread occurrence of forged documents, illegal sales and occupations, and waves of multiple ownership claims were erupted and influenced their system performance, and then all the current procedures are responses to that impact. In fact, the obtained evidence supports that in the literatures (Chapter 4), showing the variety of documents and procedures required proving the ownership in the Iraqi system, as most of related data and documents for buying/selling real estate (TDD forms) are checked and shared with the national agencies in Baghdad. Evidences showed that the organisational routine is usually needed to confirm the information adequacy particularly in the current insecurity situation, revealed it conflicts this need for additional verifying and correction steps in these administration procedures. Furthermore, obtained evidence showed that the current lack /absence of adequate

technology aspects regarding the LAS processes may be added as an indication to the bureaucratic routine and complexity of processes for the stakeholders.

f) Displacement and Refugee's Relocation Crisis

As it is seen earlier in this study, displacements and refugee relocation crisis are crucial factors to the insecurity tenure and losing rights, also they can be described as an indication to the efficiency level of ILAs and of the quality of solutions that the system adopted for (Chapters 3& 4). The evidence showed a correlation between conflicts that the state faces during this period and the escalation of this crisis in Iraq. In fact, qualitative findings stressed that the problem was a consequence to external factors erupted by the terrorism wave in most regions in the country and that system did not have enough security sphere to allow its strategies to be achieved and to gain some chance. In this connection, the qualitative findings stressed that state policies are not able to deliver shelters to refugees and depend on international aids, to provide an adequate level of infrastructure and municipal services. Due to this reason, TSMs pointed out to the current financial crisis as a negative impact on their policy to tackle the crisis. In general, the crisis is primarily a contemporary and interrelated factor as the interim refugee issues, and illegal settlers and land disputes are related negative consequences. The important point here is that the decision-makers (TSMs) in ILAs agencies are mindful that displacement and refugee relocation crisis could be considered as a failure indicator that reflects the performance quality in ILAs strategy in the ground. It can be seen that other negative factors could be linked to a quality of the current system such as these indicators of users' data and the administrative routine in LAS processes. In general, the negative impact on the displaced and refugees can be measured according to the authority performance and its administrative roles in LTA and on subsistence-level assistances in the land dispute resolution to deal with current waves of refugees, displacements and illegal settlers in Iraq.

g) Lack of Legal Rights Awareness

Evidences showed that users of lands must be aware of these rights and responsibilities that they have to deal with at the institutional levels. Reviewing the

literature in Chapters 2, 3 and 4 showed that in order to be covered by the law to protect their tenure rights, the users must have specific documents registered in the LRCOs. In general, having the official documents is close way to protect your rights in occupancy aspects and keeping out of forced eviction. The qualitative findings showed that TSMs believed that the current system offers a good opportunity to help all users to be aware about their rights and responsibilities, as these documents are obligated to have in order to process their requests officially. However, although the majority of stakeholders have official types of documents or a form of written agreements that protect their rights in shelter, the quantitative findings showed in chapter 8 a contradiction that users were unable to know the required documents which are essential in LRCOs to secure their tenure rights. Many of people still depend on the brokers' offices (Public Notary System) in all deed legal processes without being able to read the content of the contract, which may lead in some cases to negative situations of exploitation and fraud issues. Also, the quantitative findings share similar ideas about the evaluation of the information resource that they had in relation to LTA aspects and ILAs strategy. It is seen that there is an agreement that no effort was carried out by ILAs to publish any printed information for public awareness about an important aspects such as registration procedures and types of required documents. As the majority of respondents who evaluated their individual information resources found they were not in line with their current ambitions (chapter 8). Users of tenure evaluated their information resource as low and very low levels, none of them found it in good levels, which could be interpreted as an indication of the illegal situation that illegal settlers have. This indicator may explain why the stakeholders were not aware of LAS procedures and have a unclear view about the related documents, or of which agency at ILAs has to be approached or at different levels of ILAs in the current system. Evidence showed that they depended on another person (from family or work) as a main source to build their information about their tenure rights and what they need to have for these rights. Less was depended on the national TV and Newspapers or the social media. None used the LTAs websites for having their information (chapter 7). In general, evidence from TSMs experiences showed that there is an indicator of exciting lack of legal/rights awareness from users, which may closely linked to the illiterate rate and also to the difficulty level

of the current procedures in the system. This point needs from the authorities of ILAs an urgent policy to fill this gap between the users.

9.4 THEME 3: Stakeholders' Satisfaction with the System Performance.

This theme identifies the perceptions of stakeholders' satisfaction with the LAS performance, and concerning the private sectors in the development of LTA in Iraq. The qualitative and quantitative results are classified into two points:

- *Engagement of the Private Sector in LTA Developing Aspects.*
- *Understanding of Users' Needs.*

a) Engagement of the Private Sector in LTA Developing Aspects

Evidences showed that ILAs strategies are dealing with massive negative impacts such as insecurity situations, national financial crisis, unavailability of land and a shortfall of dwellings, construction materials prices, interim refugee issues, land dispute resolutions, a multiple claims of tenure and informal occupation, and authority's gaps in most regions in Iraq (Chapters 4, 7 and 8). Regarding this theme, the perception of stakeholders' satisfaction can be considered as a quality indicator for the LAS system under the current situation influences. In terms of the current implementation of LTA in Iraq, the quantitative findings showed that the majority of participants found that the engagement of the private sector is urgently needed and a usefully way to help the ILAs strategy. An important point made, however, was that the majority of all stakeholders' respondents in all locations are clearly agreed with the engagement of the private sector in the current period, and the need of the private sector in the LTA improvement. In general, these results from users are supporting to those from the authority's opinions (TSMs in ILAs) expressed in the interviews with TSMs (Chapter 7), believed that the current engagement of the private sector is meeting the system's requirements and help to fill the current gaps of the system. A further evidence of a positive view and good level of willing from TSMs in the ILAs agencies (equally as the national and local agencies) to deal with this non-government sector within a cooperative strategy, but the barriers may still come from another side rather than the system itself. Similarly, the

quantitative findings showed that the system used to deal with this sector and there are clear policies that previously arranged thus co-operative relationship during the periods of the 1980s and 1990s in Iraq. Therefore, evidences showed that for well-performing the legislation base in ILAs strategy, it is needed to benefit from the previous positive lessons in the 1980s and 1990s.

However, TSMs at national agencies expressed the disappointment that these non-government partners may not be ready yet to find a good investment in the housing provision. The important point is that the engagement of these private sectors must include special skills in order to cover the ineffective managements of financing institutions during this period. Correspondingly, this can be achieved by securing a commitment from all the responsible bodies to adequately provide for this engagement including the benefits, facilities and guarantees. Nevertheless, qualitative findings showed that most local governments in the system do not have a private policy to deal and promote non-government sectors at the provincial and district levels, as they are hindered by the national attitude which is still hesitating to take this engagement. The important point here is that TSMs believe that the cooperative action with these sectors will be mainly useful at the local agencies rather than those national, and therefore, it requires re-engineering to the legislature and the administrative role at the provincial and municipal agencies to be able to contract and implement directly with the non-governmental sector in LTA. It can be suggested that the decision-makers and users' perspectives on the engagement of these non-government sectors are significant since they all, overwhelmingly believe in the need to this step particularly during this critical period in Iraq. It is a remarkable result that there is a smooth coordination and awareness in ILAs current strategy to facilitate the partnership of the private sector, obtained evidences showed that ILAs strategy used to grant a preference for investors/developers, who want to invest in housing units, with additional facilities to Iraqi and foreigner investors, to encourage the investment in the housing market. The important point here is that the decision-makers in these agencies are mindful that the improving stage must include a set of steps that have to be taken by a strong leadership, which could help to eliminate land tenure problems. The evidence showed that ILAs strategy tends to be more pragmatic in their approach that underlying key features that help to guide the

private sector to engage in the housing investments. From this point, this engagement might be a supportive step to sustainable housing finance in the existing system, but it will require redeveloping laws that will help to facilitate this contribution in the progress and increase the housing stock, especially in the current budget constraints; undoubtedly this engagement must have a legal basis in ILAs strategy in order to enable the legal relationship between these private entities and the legal responsible bodies in the existing system. It can be concluded that the findings confirmed that under the current stage, factors of the economic pressures and the insecurity sphere driven the government institutions to re-promote the role of non-governmental partnerships to solve the current shortage in the housing and construction markets.

b) Understanding of Users' Needs

In order to enhance in more detail the implementation of users' needs, stakeholders in both levels in ILAs agencies and the users were asked to define their view about the understanding of users' needs. The qualitative findings showed that the majority of TSMs mentioned that users' needs are clearly identified in the system, believing that their current agencies work to manage and monitor equitable tenure rights and provide the security of tenure within equal policy that effectively increased land values and attracted foreign investment's chances. The quantitative findings shed a light on the vast influence of the current unstable situation and its negative interventions. Also, stakeholders were aware and stressed that the need is always greater than the available as negative impacts are always greater than the official body's responsible capacities. These obtained results from both levels at ILAs confirmed that one obtained in the literature's evidences (see Chapter 4), giving basic information about the required awareness that the decision-makers identified about their understanding of users' needs within a set of elements, which are synthesised below:

- Protection Land Tenure Rights
- Increasing Security of Tenure
- Reduction in Land Disputes
- Equal Access to Land Offices
- Increasing Land Availability

- Providing Access to Formal Credits
- Respecting Role of Islamic Tenure System
- Achieving Equitable Tenure Rights
- Attraction Foreign Investment's Chances
- Promoting Land/Housing Markets Activities
- Increasing Legal Rights Awareness.

As far as users of tenure are concerned, the majority of them focused on promoting the security level of tenure's rights and modifying the current mechanism of land dispute resolution, which could reflect the insecurity levels, fear that the majority of users have about their tenure and the massive impact that the current situation on their current rights. This indication links to the system efficiency as well as to the authority's gaps, particularly in a land dispute that the majority of users experienced in the system were not sufficient. Regarding the LA processes in the present system, users believed that modifying the registration procedures in REROs & LRCOs, and also increasing modern techniques, adoption in the real estate documents (LRCOs) are urgently needed in the existing system. Also, it is noted that stakeholders gave a high response to the develop efficiency of staffs in ILAs agencies, however, promoting the free access to information related to land rights and also achieving equitable tenure rights shared the same level of users' view. In general, it is a remarkable result that respecting role of the Islamic tenure system was not in a close interest of the users' view to advance the current system. None mentioned a need to new effective legislative system or authorities, identified their understanding of users' needs within a set of elements, which are synthesised below:

- Modifying the Current Mechanism of Land Dispute Resolution
- Promoting the Security of Tenure's Rights
- Modifying the Registration Procedures (LRCOs)
- Increasing Modern Techniques Adoption in the Real Estate Documents (REROs)
- To progress the Employees' Efficiency of the System(in ILAs)
- Increasing the Land Availability
- Promoting Land/Housing Markets Activities.

Given responses indicate that the modifying and development the administrative efficiency in the current system is most commonly required by the users, particularly the current mechanism of land dispute resolution and the registration procedures in REROs/LRCOs that are found not efficient, which can be explained by the cost and long-time routine associated with achieving the users' needs in the current system.

9. 5 DEVELOPMENT OF THE NEW STRATEGIC APPROACH

Building on the previous findings, the newly-developed strategic approach includes the main three themes (chapter 5), and a list of recommendations that were provided in the following two sections:

9.5.1 Strategic Approach

The strategic approach in this study is identified from the obtained findings from the literature (Chapters Two, Three and Four), and the findings from the empirical work undertaken (Chapters Six, Seven and Eight). In constructing this strategy in this research, the researcher worked to build a link between all the relevant concepts and interconnected factors which were carefully considered. The strategic approach in this study is based on the urgent need of the Iraqi stakeholders to solve the current problem of absence/ lack of efficiency in the existing LTA system associated to the end-users' needs and to secure their rights, recognising the institutional aspects of LAS at national/inter-governmental agencies (ILAs), and all these interrelated factors influenced the operational performance; social and cultural, religious rules influences, and these key elements of instability and insecurity gaps during the critical period in Iraq.

At a time when the Iraqi LAS is suffering severe influences, by drawing a strategic approach for effective implementing of LTA in Iraq it is expected to be offered as guidance for ILAs strategies that embodies an effective implementation of LTA and stakeholders' needs under the critical influence of this period in Iraq. The strategic approach in this research is illustrated in the Table 9.1.

Table 9.1: The strategic approach for the effective implementation of LTA in Iraq

Themes	Criteria	LTA strategy for Iraq
<p>1. Role of Basic Administrative Units Regarding LTA and Users' Rights.</p>	<ul style="list-style-type: none"> • Suitability of the Land Organisational System (Agency Functions) of LTA: <ol style="list-style-type: none"> a) Spatial Planning Agencies. b) Implementing Agencies. c) Monitoring Agencies. 	<ul style="list-style-type: none"> • Producing an effective implementation of LTA and security of the user's rights. • Supporting and administering an asset registration in Iraq (REROs& LRCOs). • Focusing on users' needs protection and development at ILAs strategies. • Involving the previous experience to deal with the critical influence of the current situation. • Meeting the land/housing markets' needs. • Involving all LT stakeholders' rights equally in developing LTA at ILAs strategies.
	<ul style="list-style-type: none"> • Efficiency of the Land Organisational System (Operational Performance) of LTA : <ol style="list-style-type: none"> a) Security of Tenure. b) Land Dispute Resolution. c) Technical Aspects of the System d) Data and User's Information e) Financing & Data Costs f) Land Administration Processes/steps g) Organisational Co-operation 	<ul style="list-style-type: none"> • Offering the security of tenure for all users, regardless the gender discriminations. • Updating the LTA policies regarding these rigid, old and inequitable regulations. • Recognising the influences of insecurity situations on LAS regarding the security of tenure and the users' rights in developing the LTA strategies. • Focusing on an increase the land dispute resolution and the efficiency of the current mechanism in the system. • Meeting the sufficient technology levels and staffs training aspects to deal with current deficiencies. • Providing enough financial resources for providing new hardware and software facilities in the existing system (LAS/LTA). • Recognising the users' information and data deficiency in the existing system particularly in these uncontrolled regions in Iraq. • Monitoring the current mechanism dealing within hierarchy levels in which the financing and data costs elements are covered in the property revenue system. • Offering standards for land administrative processes to be clear and simple and understood by both sides of stakeholders (administrators and users), encouraging the investments opportunities in the Iraqi land/housing markets. • Modifying the registration procedures to develop the efficiency of REROs/LRCOs. • Decreasing the centralisation between the ILAs organisational bodies by supporting the co-operation between local and national levels to save time, declining the routine barriers. • Involving the local agencies in designing and developing LTA policies.

Table 9.1: Continued

Themes	Criteria	LTA strategy for Iraq
<p>2. Critical Factors influence the LTA Applying Aspects.</p>	<ul style="list-style-type: none"> • Social and Cultural Influences: <ol style="list-style-type: none"> a) Tribal/Family Traditional Morals and Conceptions of Tenures. b) Civil/Ethnic Conflict Notions about Access to Land and interrelated Tenure's Rights. 	<ul style="list-style-type: none"> • Recognising the social/ cultural values of tenures in LAS & LAS aspects. • Legal connection with these society drivers in the Iraqi local communities (tribal and family values system). • Raising the authority' role of ILAs to deal with aspects in the ethnic confliction areas. • Modifying the legislation and execution mechanisms of land dispute resolution (LAS/LTA procedures).
	<ul style="list-style-type: none"> • Religious rules influence: <ol style="list-style-type: none"> a) Islamic Rules of the Ownership and Inheritance (Islamic <i>sharia</i>). 	<ul style="list-style-type: none"> • Recognising the Islamic rules of tenures regarding the ownership and inheritance shares. • Connection with religious authority in the local communities to deal with land dispute resolution mechanisms. • Modifying the Islamic tenure system, achieving equitable tenure rights. • Decreasing difficulties of dealing with land modern regulations. • Promoting indigenous and minority tenure rights in LAS policies.
	<ul style="list-style-type: none"> • Instability gaps (key elements): <ol style="list-style-type: none"> a) Weakness of Governance b) Economic and Financial related Crisis. c) The Residential Market Crisis d) Informal Settlements Crisis e) Bureaucratic Routine /Corruption f) Displacement and Refugee's Relocation g) Lack of Legal Rights Awareness. 	<ul style="list-style-type: none"> • Enhancing the eroded trust in the Iraqi authorities, raising the authority' role and its control. • Offering a new financial resource to fill the current deficiency in LAS, particularly in housing provision, this could include a new housing financial law and implementing regulations. • Developing the legal exemption encouraging the Iraqi and foreign private sectors to establish a cover for the housing units provision according to the Iraqi real demand. • Offering facilities shelters in line with displaced people and refugee crisis, decreasing difficulties of dealing with a land dispute resolution. • Improving the guidance given to ILA staffs knowledge and skills, providing them with regular feedback to evaluate their efficiency. • Declining the bureaucratic routine in the LAS processes, promoting the awareness and self-control among the system staffs. • Increasing legal rights awareness this include a need to offer a comprehensive guideline and consulting programmes to improve the users' knowledge about the legislative and executive procedures.

Table 9.1: Continued

Themes	Criteria	LTA strategy for Iraq
<p>3. Stakeholder Satisfaction with the System Performance.</p>	<ul style="list-style-type: none"> • Engagement of the Private Sector in Developing Aspects. 	<ul style="list-style-type: none"> • Involving the private sector in developing LTA strategies. • Promoting the non-governmental investment in the land/housing market activities. • Identify the skills required for the housing market activities. • Supporting the inverters stances for improving their skills to meet the Iraqi system standards. • Enhancing investors and developers legal needs for establishing a suitable engagement in the housing market. • Following up the engagement procedures regarding the investments in the housing market. • Involving the local agencies in designing and developing LTA policies, encouraging the investment in land/housing markets.
	<ul style="list-style-type: none"> • Understanding of Users' Needs. 	<ul style="list-style-type: none"> • Protection Land Tenure Rights. • Reduction in Land Disputes. • Equal access to Land Offices (REROs &LRCOs). • Increasing the Land Availability. • Providing Access to Formal Credits. • Increasing Security of Tenure. • Respecting Role of Islamic Tenure System in LAS & LTA Aspects. • Achieving Equitable Tenure Rights • Attraction Foreign Investment's Chances (Land/Housing Markets). • Promoting Land/Housing Markets. • Increasing Legal/Rights Awareness between Stakeholders. • Modifying the Registration Procedures (REROs &LRCOs). • Modifying the Current Mechanism of Land Dispute Resolution in LAS.

9.5.2 A list of Recommendations

Arising from the main body of data collected from the interviews and questionnaire survey, a list of recommendations has been produced in this study. The next step is to present the genuine suggestions of LTA stakeholders, as follows:

A. TSMs at both levels (national and locals) at ILAs

Building on the previous discussions, decision-makers of top senior managers should take legal steps and involved in some development procedures of LAS to improve LTA aspects, for example:

- Developing the LTA strategies based on equitable tenure rights, secured tenure, delivering a legally binding document to the users of tenure that proves his/her property ownership in LAS;
- Continuing the development of LTA in Iraq by addressing critical influences of the local and internal factors from social/cultural values and religious rules;
- Developing the Iraqi objectives of LTA strategies in line with users' needs/rights, particularly the current mechanism of land dispute resolution and the registration procedures (LRCOs and REROs), that were found not efficient;
- Improving the efficiency of LA processes, modifying the registration procedures in REROs, and also increase modern techniques, adoption, machines and tools, preparing and planning techniques and programs in the real estate documents (REROs), which are urgently needed in the Iraqi existing system;
- Continuing the development of the previous mechanism of 1980s and 1990s, in which the land availability and housing provision are increased, encouraging the investment in land/housing markets;
- Enhancing the eroded trust in the Iraqi authorities, administrators of ILAs have to add more details to the real picture of the existing system' deficiency and then produce the effective solutions;
- Increasing co-ordination between local and national agencies at ILAs, reducing the current centralisation in the system, promoting a supportive role of local agencies in designing and implementing LTA policies regarding interments in

the residential markets aspects;

- Developing a national attitude regarding the employee' skills and awareness, promoting self-monitoring in ILAs agencies/stakeholders in order to raise the LAS efficiency and to reduce/ prevent the administrative corruption, that have a sustainability potential;
- Engaging of the private sector in developing aspects of LTA can be a supportive factor, upon which the housing provision crisis can be solved, however, this step still needs to be based on an adequate strategy with more flexible and cooperative forms of the system in order to encourage the investment to deal in Iraqi case;
- Applying a number of legal incentives such as the increasing availability of required legal base, reducing the routine in the existing official procedures in order to encourage investors to be successfully engaged in the housing market;
- Including LAS/LTA programs in the national TV and the social media, and offering additional chance to improve stakeholders' attitude and to educate them about rights and responsibilities regarding LTA aspects;
- Enhancing the experiences from the current impact and emergency situations in LTA strategies to be aware and ready to deal efficiently in the future.

B. Users of Tenure

Users of tenure have to develop their knowledge and skills upon which they deal with ILAs agencies and to achieve their tenure rights officially. They should be involved in some development activities in order to improve their knowledge about the system, for example:

- Focusing on gain a full rights and a secured tenure, which is officially issued by a Title Deed Documents (TDDs) in LRCOs and REROs in LAS (ILAs);
- Recognising the equity rights in the system, through which tenure rights are well-maintained and protected for people in the system, and laws equally recognize men/women's rights to have the tenures, as the system of LTA must not deal according to gender discriminations;

- Learning about the current mechanism of LAS and what type of documents and which agency required, such as the official steps to obtain TDDs in LRCOs/ REROs and its registry aspects, in order to ensure a legal protection for the real estate and to install the rights according to the system requirements;
- Increasing the individual knowledge about how the Iraqi system of the land registration works, and the donating / transferring aspects of the ownership of real estate property issued in LRCOs/ REROs;
- Developing a legal awareness about the real estate finance in LAS, enhancing diversity of a mortgage bank and housing loans in the Iraqi investment system;
- Including individual knowledge, via the Notary public system' skills, or there interrelated brokers office' skills, or relevant law sources, ensuring an awareness levels about stakeholder' rights;
- Trusting the authority of LAS and LTA, by helping the system to implement and improve its local and national policies, particularly under this critical situation in Iraq;
- Reducing the old and rigid morals of society and family values that are not appropriate and may closely conflict with the individuals equality and these fair rights, particularly these tribal/ religious forms dealt with gender discriminations;
- Women and related vulnerable groups; they must trust the authority of the LT system to demonstrate their tenure rights in any cases of divorce, widows, abandons or orphans, as their rights are well-maintained in the system.

9.6 SUMMARY AND KEY CONCLUSIONS

This chapter has discussed the findings obtained qualitatively and quantitatively from the fieldwork and these related from the literature reviewed earlier in this thesis. The strategic approach has presented and also provided a detailed list of recommendations based on the three themes with key criteria presented through the conceptual framework in this thesis. The conceptual framework works with these recommendations to enable the implementation of LTA to be more effectively and thereby to secure the stakeholders' right in the Iraqi system. The findings are briefly summarised:

1. As it is noticed earlier, the Iraqi land administration is qualified and stemmed from the Iraqi legislations rooted within long periods to develop their strategies in ILAs, which helped its resistance against the critical situation, and it has a further authenticated mechanism to provide solutions against the state of insecurity of tenures. Inappropriately, most of that success was distorted recently by a series of wars/conflicts, starting from the 1980s, which may consider as limited factors that have a profound effect on the ILAs efficiency and LTA development in Iraq;
2. Despite the massive economic and education steps those have been achieved in Iraq during the 1970s and 1980s and taken place in the structure of society, there is no doubt that in the past ten years, these social-religious factors were re-erupted and their influence was encouraged by the absence of the government after the fullness of regime in 2003. However, the development of LTA in Iraq has been influenced by the rapid transformation of systems in political, social, and external spheres that can be traced during the contemporary history of Iraq. ILAs programmes were suitable and qualified, but are still influenced by multi-elements of barriers of the post-war negative environment in Iraq. In general, it can say the current performance is not perfect and showed evidence of weakness due to the vast influence of the unstable situation in Iraq.
3. In fact, most of stakeholders in ILAs shed light on the vast influence of the current unstable situation and its interventions as a main factor against the current level of the authority's organizational efficiency in ILAs regarding LTA strategies. Evidences showed that the system carries out further steps to enhance and respond to the emergency needs, but problems are directly linked to the authority' weakness, the current sphere of interim conflicts, and a wide set of complex emergencies during the current period. Increasing institutional principles and modern legal tools for enforcing the efficiency and effectiveness of the present system are urgently needed;

4. As long as the negative sphere of war/post war and ethnic clashes in the country continues, it can be said that ILAs strategy still suffers from the events that followed 2003 events, the missed technical aspects and to upgrade their staff's efficiency to ensure the integrity of information are working with the increasing number of land disputes to indicate that the Iraqi issue of tenure security has not been tackled effectively in the present system, and the system may still under the threat of vandalism shock waves;
5. The TSMs admitted that the current data are found insufficient as users' information in various regions is missed. Also, the availability of software/hardware facilities, land record and database management, in term of capacity building, were observed inadequate and the related facilities are usually missed in the existing system;
6. Also, the land conflict resolution mechanism in Iraq is noticeable complicated and takes longer time to resolve these land disputes, the land related matters are found in poor conditions due to problems in Technical aspects of the system. It can say that land related disputes can be solved easily in-time if the system contained a sufficient level of technology aspects to deal with the information on land and users' data, as the delays that they found about the land disputes may be due to this technology deficiency in the system. In general, the sufficient technology is most required. Also, that indicates a current lack /insufficient cooperation of ILAs agencies to solve the land disputes pending cases in the courts;
7. Regarding fees and costs structure in the present system, the qualitative and quantitative findings showed that there is a mechanism in the present system deals within hierarchy levels where the land revenue recovered and saved as part of the annual budget at the provincial and district levels. However, evidence showed that the LRCOs at the local level of ILAs do not have sufficient financial resources to adopt advanced technology in improving the Cadastral aspects to meet the current demands;

8. With regards to the centralisation attitude from the national level, these bodies provide the legislative plans, and bring financing mechanisms, while the locals provide the implementation aspects and off-site monitoring as required. Nevertheless, weakness of government in both levels and these current conflicts are likely owing a highly significant impact on perceived ILAs strategy. On institutional sides, it is clear that the most dominant issues in the existing system regarding LTA are; Security of tenure, efficient technical aspects, access to land offices, land dispute resolution, financing & data costs, and land administration processes;
9. Findings showed that these negative attitudes are rooted in the society and family heritage in Iraq, the majority of users strongly agreed that there are difficulties of women's rights are linked with social and traditional conceptions, which may clash with the modern categories of laws. Findings showed this discrimination is targeting vulnerable groups of society, as divorced/ widow's women and children, in low incomes and uneducated families. The system in real estate registration accepts the inequitable distribution of inheritance shares, according to the will shares, in which the women's segments usually are reduced or even neglected;
10. It is very easy to note that this Islamic form '*Wagf*' is engaged in the Iraqi formal system of the LAS and accepted in ILAs strategy, while the most of social conceptions are not. The important point is that religious values and family attitudes still discourage vulnerable groups of society, especially divorced/widow women, and influence them becoming engaged in full rights in the current system;
11. There is no doubt that the deterioration in the Iraqi economy has been dramatically associated with a paralysis in the construction of buildings as well as in the real estate markets in Iraq. The Iraqi Housing crisis could be added to continuous negative impacts of three wars and these related insecurity situations, which were continued starting from 1980s.

12. At the present time, the evidence showed that the financial control in construction materials prices is at the government hands. Evidence showed that the informal settlements crisis in Iraq is linked to the insecurity situation, as the increased internal displacements and legal challenges in land disputes, the chaos of looting and destruction of public records have also increased after the fall of the Iraqi regime in 2003.

The research findings for each research question of this research, as outlined in Chapter one, are analysed in the following paragraphs.

9.7 ANSWERING THE RESEARCH QUESTIONS

Question 1: “What are the main factors of effective implementation of LTA, and how do these factors affect the current aspects of LTA in ILAs strategy?” In this connection, this research filled the gap in chapters 2 and 3, by using the literature review, which explored issues relating to the role of LTA strategies in meeting the users’ needs and protection their rights in tenure. It discussed issues such as concepts, context and critical analysis of key lessons and review relevant practice and drivers of LTA, the stakeholders effective engagement in developing the system, which informed the critical evaluation of the development of LTA and motivational drivers encourages stakeholders level in the existing system that they have to deal with the LTA implementation. These discussions were presented in Chapter 5 and a conceptual framework was offered and built, Figure 5.1 and Table 5.1, which included the critical measures, influencing the development of LTA. The triangulated relationship of the conceptual framework in this research consists of a central area called the elements of the conceptual framework, which is surrounded by the institutional aspects of LAS at national/inter-governmental agencies (ILAs), and these related factors influenced this performance, and finally the satisfaction level of stakeholders. The indicators of LTA were defined carefully and identified through a rigorous samples carried out in the Middle Eastern region and AMR countries in Chapters 3 and 4 before going to analyse them in detail (Chapters 7, 8 & 9).

This gave a full understanding of how do these factors affect aspects of LTA and the quality situation for the existing system in Iraqi case.

Question 2: “How effective is the implementation of LTA in ILAs strategy in Iraq, and does it meet the end-users’ satisfaction?”. Again, in order to apply the quality situation for the existing system in the Iraqi case, the conceptual framework applied the main themes which were identified and developed from the literature reviewed in Chapters 2, 3 and 4. Subsequently, Chapters 5, 7, 8, and 9 investigated and evaluated the implementation of LTA in line with stakeholders’ satisfaction with the system performance, showing its effectiveness and efficiency during this critical period in Iraq.

9.8 ACHIEVING THE RESEARCH AIM AND OBJECTIVES

The research has successfully achieved its aim, which is “**To develop a strategic approach to effective implementation of Land Tenure Administration (LTA) in Iraq**”. In this connection, the strategic approach for the effective implementation of LTA in Iraq were detailed in Table 9.1 and the following list of recommendations in Subsection 9.6.2 showing the precise actions that need to be taken by both TSMs at agencies of ILAs and users of tenure in Iraq. In general, the overall study aim has been achieved by addressing the research objectives as follows:

1. The first objective was: “**Develop an understanding of LTA concepts, types and factors that motivate authorities of land to adopt LTA in their strategy, identifying the essential requirements of users in the LTA aspects**”. To achieve the first objective of this research, a criteria literature review was conducted in Chapter Two. This presented to develop an understanding of the concepts, security, institutional frameworks and systems of LTA, in which basic administrative units in the system have enabled to plan and implement LTA aspect, securing the users’ needs. From the extensive literature review in Chapter Two, the main outlines of the key background, land tenure types and how they are institutionally administered in different purpose and situations, correspondingly the key issues in both of users’ rights and the security levels were identified.

2. The second objective was: **“To study the role of LTA in developing countries from the Middle Eastern region, driving the critical factors influencing the efficiency of implementation of LTA in these related samples”**. Reviewing the literature of various experiences in the developing countries in the Middle Eastern region discussed and distributed over two groups; the Islamic non- Arab countries such as Turkey, Afghanistan and Iran, and these samples from the Arabian countries, all samples were nominated according to geographical and social/cultural connections in the region, organized around the elements of institutional performance, constraints and related interventions regarding LTA, and to provide the security of tenure. Focusing on LTA objectives and development in these samples, Chapter 3 provided the characteristics, the policies, rights and traditional conceptions and legal structures of the LTA systems in MER and AER cases of the non-Arab and Muslim samples; **Turkey, Iran, and Afghanistan**, and these Arab countries in the AER; **Iraq, Syria, Lebanon, Jourdan, Palestine and Egypt**. These frameworks were used as a foundation tool for developing the researcher’s own conceptual framework (Table 5.3).

3. The third objective was: **“Propose a conceptual framework that underpins the main themes that contribute towards the success or failure of the implementation of LTA”**. To achieve this objective, the conceptual framework was adopted in Chapter 5 to understand the success/ failure factors. The conceptual framework is valuable in helping to comprehensive main drivers of the success or failure of LTA, thus, to identify where improvements should be made. To meet this objective, the triangulated relationship of the conceptual framework in this research consists of a three themes, which were included by 7 criteria dealing with 20 key elements of evaluation. The role of basic administrative units in LTA with the end-user’s rights, and these related factors influenced this performance, and finally the Satisfaction level of stakeholders was detailed in this research. The conceptual framework detailed in Chapter 5 (Table 5.1) for constructing the data collection methods used in

respect of the interviews (TSMs), and the questionnaire (users of tenure) as detailed in Chapter 6, and evaluated later in the analysis and discussion of the findings in Chapters 7, 8 and 9. These critical themes also included in the newly- developed strategic approach for the effective LTA in Iraq in Chapter 9.

4. The fourth objective was: **“Explore the Iraqi existing context and the effectiveness of LTA strategies in the ILAs regarding the user’s rights”**. To meet the objective key basic criteria is used in this Chapter as a cornerstone to attempt to assess the Iraqi recent situations and to evaluate the Iraqi level of development in the LTA aspects. To achieve this objective, Chapter 4 answers the research objective (Objective 4) by introducing a background to the Iraqi case- geographical, historical, political, social, religious, and population, and discuss the Iraqi’s key institutional & regulatory framework, presenting the administrative authorities of land in order to gain an understanding about its hierarchical structure in this respect. Accordingly, this Chapter explores the historical development the Iraqi LTA within four different periods of time starting from the Ottoman period to the present time by focusing on the main legal phases and administrative changes during the implementation of the Iraqi national development. The discussion progresses to deal with the current Iraqi crisis and its related factors in order to assess the role of ILAs, focusing on their efficiency under the influence of the recent situations. It can note how the ILA’s legislation structure was developed to promote tenure security working between national development in the urban sectors and land users’ rights to ensure that individual and community rights are documented and protected officially in the system. Also, an overview of Thi-Qar province and Al-Nassiriya city in the south east region of Iraq, which was described in this Chapter (4: Section 4.5), included the main characterises of these nominated neighbourhoods in this research.
5. The fifth objective was: **“Evaluate the conceptual framework validity using quantitative and qualitative methods of data”**. In order to achieve the first part of this objective, the three themes resulting from the Chapter 5 (Section

5.3, Table 5.1) were analysed and discussed in Chapters 7, 8 and 9. Accordingly, Chapter 7 consists of the analysis and interpretation of the qualitative data collected from TSMs at ILAs agencies, while Chapter 8 dealt with the analysis the quantitative data collected from users in Al-Nassiriya city. In this context, the findings derived from these two field works were discussed successfully by interviewing 16 TSMs in 6 agencies at ILAs, and the quantitative data came from 384 questionnaires which were made in Al-Nassiriya city, as mentioned in Section 8.6.

6. The sixth objective was: “**Draw recommendations for the strategic implementation of LTA in Iraq**”. In order to achieve this objective, the findings driven from Chapters 7 and 8 were used to be presented as a strategic approach for effective implementation of LTA strategy in Iraq within a meaningful form. Further recommendations of this research specific to LTA objectives and development in Iraq were drawn in chapter 9, and for future research are presented in this chapter (Section 9.10).

Therefore, all these objectives were successfully achieved and the research aim was realised in this thesis.

9.9 CHALLENGES AND CONTINGENCIES IN THE RESEARCH

During the moving of this research, certain of challenges were erupted at the limitations of academic time and both a personal and safety level, which are now presented.

- As the researcher is an architect and urban planner worked as a consultant at PPC and Al-Nassiriya master plan in Al-Nassiriya city, where the field study was conducted in Iraq. In this connection, no doubt there was a risk and possibly to bias on the part of the research. The researcher conducted a triangulation of the questionnaire, interviews and documentations as an important tool to avoid

bias, which helped to provide insights into individuals' views of users and also decision-makers to increase the research validity as data being rich and subjective; he also used a pre-pilot and pilot study of interview questions, in order to conduct a real interview. In this context, bias is taken into account during the design of interviews and questionnaire questions.

- Key security challenges were erupted during the delivering and receiving the interviews and questionnaire copies, especially to arrange some face-to-face meetings with TSMs in Baghdad, which was spent between 4-5 hours' drive from the researcher's residence at Al-Nassiriya city. Also, several obstacles were encountered in the use of questionnaire in one neighbourhood (Al-Eskan), which was nearly influenced with illegal occupancies as most of its land users had lived in semi-slums settlements. In the meantime, the researcher had to rely upon a direction and a help of policemen on a casual basis, in order to visit, distribution, and contact users to request their participation and to the collection of the forms, ensuring that aspects of data collection were accommodated in their requirements.
- Some of the participants in ILAs were not available, security barriers and administration schedules were the main barriers with the selected participants, and they preferred to receive and answer their copies via email, using Skype and communication for more details. A considerable amount of time and sweat were spent to manage, schedule and ensure achievement of all respondents.
- Owing to security barriers and administrative regulations, it was not possible to obtain some information from TSMs and also to have a copy of documents or specific information from the governmental achieve at ILAs. This challenge was tackled by the researcher using a letter from his supervisor and obtained official permission from PPC and the municipality office of Al-Nassiriya city to manage this issue in his research.
- During preparing and writing up this thesis, four supervisors were engaged in this mission. However, there was a gap of October 2016 to March 2017, which was without any supervisory meeting. Two of the participants of TSMs in ILAs were kidnapped or killed during the data analysis period due to the insecurity

wave in 2016 in Iraq. Also, **Diabetes** was a personal barrier to the researcher; it was not possible to do further to avoid this human deficiency.

9.10 LIMITATIONS OF THE RESEARCH AND FUTURE STUDIES

- The study focused on Iraqi case, thereby limiting the generalisability of the findings to countries that share similar elements of culture- religious characters in the Middle East region and Arab countries.
- The study focused on the institutional aspects of LAS at national/inter-governmental levels, and this included only a set of aspects such as tenure security, land policy, legal framework, availability of a strategic plan, financial issues, data management (capture, maintenance, access, storage), and land dispute resolution mechanisms. Future studies could help to cover the other aspects of the existing system in Iraqi case. Also, the implementation of fundamental policy decisions of ILAs strategies about the nature and extent of investments in Iraqi land/ housing markets needs further investigations.
- In the field study, the study focused on the government LTA agencies in ILAs, other national policy objectives, including justice and home affairs, revenue generation through tax policies, environmental controls, rural development, and municipal administration at local level are required in future studies.
- An investigation of the private sector and the role of non-governmental partnerships may have additional information and findings, as they operate different aims, skills and policies than the ILAs strategies, would enhance the overall understanding of the LTA provision in Iraq.
- A more in-depth study of the factors influencing Iraqi users in their income and economic indicators on Iraqi families' ability to buy land would help to shed more light on sub-divisions in private housing units and what is necessary to provide an availability of lands and what to do to remedy the related negative issues such as the informal settlement crisis in Iraq.
- A more in-depth study of the impacts of terrorism waves that erupted in Iraqi regions in 2014 would enhance the overall of related negative issues on LTA and

tenure rights in Iraq.

- Due to the limitations of the PhD study time, the study focused on the institutional authorities at national/ inter-governmental levels, and this included only ILAs agencies at these levels. Future studies could help to cover the other aspects of Iraqi Land Registry and Cadastre system (LRCs) in the Iraqi existing system.

9.11 FINAL WORD

This research is motivated by the need to bridge the gap in the current literature in terms of identify the sustainable institutional aspects of LAS & LTA under the current period of instability and insecurity situations in Iraq, which may be used to achieve the new vision of urban development in the Iraqi future vision. Therefore, the researcher offers his work in this thesis as a simple contribution to Iraqi policy in LTA implementation.

References

- Abelson, P. (1996). Evaluation of Slum Improvements: Case Study of Visakhapatnam, India. *Urban Studies*, 13: 97–108.
- Abdul Rauf, F. (2015). *Defining Islamic Statehood: Measuring and Indexing Contemporary Muslim States*. Palgrave Macmillan, ISBN1137446838, 9781137446831.
- Al-Alwan, A. (1961). *Studies in Agrarian Reform*. Baghdad University Publication, Baghdad, 1961, p. 296.
- Alfiky, A. (2004). Informal Settlements' Phenomenon as a Result of Egypt's Policies. IUSD Integrated Urbanism and Sustainable Development, Ain Shams University and Stuttgart University. Available at:
http://www.academia.edu/4185733/Informal_Settlements_Phenomenon_As_A_Result_Of_Egypt's_Policies#
- Al Faleh, M. (1987), Cultural influences on Arab management development: A case study of Jordan, *Journal of management development*, Vol 6, No. 3, pp.19-33.
- Al-Khalid, K. and Azri, M. (1980), *The Date of the Provisions of the Land in Iraq*, Dar Al-Rasheed Publishing, p. 25.
- Al-Mahmood, Madhat (2014) .*The Judiciary in Iraq: The Path to an Independent Judiciary and Modern Court System*. I Universe ILL Bloomington, IN, ISBN: 1491731141, 9781491731147.
- Al-Nahi, S.(1955). *An Introduction to Feudalism and the Land System in Iraq*. Al-Muthena Press, Baghdad, p 72.
- Al- Faleh, M. (1987), Cultural influences on Arab management development: A case study of Jordan, *Journal of management development*, Vol 6, No. 3, pp.19-33.
- Al Rashid,Y. (2005). The Role of the Baathist State in the Land Reforms and Co-operative Development in Iraq's Agriculture 1958-1970. Lessons for those attempting political and economic reform in the emerging Iraq. *International journal of co-operative management*, IJCM Vol. 2 No 1August 2005, p9-20.
- Al Rawahi, M. (2014). *A Strategic Approach for developing Vocational Education and Training and Graduate Employability in The sultanate of Oman*. Paper presented for the Research Institute for the Built and Human Environment Research Methodology Workshop, University of Salford, Salford; 2014.
- Aksoylu, S.(2017). 'Transformation of the Urban Patterns of Istanbul under the Effects of the Modernization during the Ottoman Period'. WIT Press, www.witpress.com, ISSN: 2058-8321 (paper format), ISSN: 2058-833X
- Amey, Z. Nagendra, R. Velega and Andrew, D. (2009).*Slum rehabilitation in the context of urban sustainability a case study of Mumbai, India*. Civil & Building Engineering Department, Loughborough University, Loughborough, Leicester.
- Anthony, H., Mausner, A. and Loi, C. (2011). *Key Issues in Shaping Iraq's Future and a Strategic Partnership*. Center for Strategic and International Studies. January 5, 2011. Available at: www.csis.org.
- Antony, J., and Banuelas, R.(2002). Key ingredients for the effective implementation of six sigma program, *Measuring Business Excellence*, Vol. 6 No. 4, pp. 20-7.
- Anthony, H., Cordesman, Charles Loi, and Adam Mausner (2011). *Iraq's Coming National Challenges: Economy, Demographics, Budget, and Trade*. The center for strategic and international studies. January 5, 2011.
- Anthony, H., Mausner, A. and Loi, C. (2011). *Key Issues in Shaping Iraq's Future and a Strategic Partnership*. Center for Strategic and International Studies. January 5, 2011.
- Arimah, C. (2010). *The face of urban poverty: Explaining the prevalence of slums in*

- developing countries: available at: <http://hdl.handle.net/10419/54181>
- Aouad,G.(2009).How to succeed in doing PhD: personal experience. Paper presented at the Postgraduate Research Workshop, University of Salford, Salford /UK.
- Barau, A. (2009).Sharia's Framework for Land Resources Management: A Sustainability Opportunity for Muslim States?. HDP Open Meeting 2009, Bonn – Germany.
- Batatu, H. (2004). The Old Social Classes and the Revolutionary Movements of Iraq: A Study of Iraq's Old Landed and Commercial Classes and of its Communists, Ba'athists and Free Officers. Saqi Books, NJ: Princeton University Press, ISBN978-0-86356-520-5.
- Bazeley, P. (2008). Mixed methods in management research. In: Thorpe, R. & R. Holt, R (eds). The SAGE dictionary of qualitative management research. London: Sage, pp. 133-136.
- Beins, B. (2004). *Research methods: a tool for life*. Boston: Pearson Education, Inc.
- Benjamin, M. (2012). Corruption in Developing Countries. Available: <http://economics.mit.edu/files/7589>
- Berenjkar, H. (2009). 3rd UN-Sponsored PCGIAP Land Administration Forum (Re-Engineering the Cadastre to support E-government)24-26 May 2009, Tehran, Iran
- Berenjkar, H. (2016). 'Country Report on Cadastre and Land Registration in Iran', Annual World Bank Conference on Land and Poverty" Washington DC: March 14-18, 2016.
- Boyne, G.A. (2002).*Public and Private Management: What's the difference?*. Journal of Management Studies, 39 (1), January 2002 pp97.
- Britannica, Encyclopedia Inc. (2017). Iraq. <https://www.britannica.com/place/Iraq>
- Britannica, Encyclopedia Inc. (2017). Islamic Republic of Iran, at: <https://www.britannica.com/place/Iran>
- Bush, R., (2002). Counter-revolution in Egypt's countryside: land and farmers in the era of economic reform. London, Zed Books.
- Business Dictionary website: <http://www.businessdictionary.com/definition/conceptual-framework.html>
- Cavana , R.Y., delahaye, B. L., and Sekaran, U. (2001). Applied Business Research: Qualitative and Quantitative Methods. Milton John wiley and Sons Australia, Ltd.
- Charles Trip (2000). The History of Iraq. School of oriental and Africa studies, University of London, Cambridge University press, (2nd Edition).
- Cepeda, G., Martin, D. (2005).A review of case studies publishing in Management Decision 2003-2004: Guides and criteria for achieving quality in qualitative research. Management Decision, 43(6), 851-876.
- Cete, M. and Yomralioglu, T., (2013).Re-engineering of Turkish land administration, Survey Review, 45(330), 197–205. DOI: 10.1179/1752270612Y.0000000027
- Çelik, Z., (1993). The Remaking of I. Istanbul: Portrait of an Ottoman City in the Nineteenth Century, University of California Press: Berkeley, p. 51,
- Cities Alliance (2001). 2001 Annual Report. Available at: www.citiesalliance.org/doc/annual-reports/2001/2001-annual-report.pdf.
- Collis, J. and Hussey, R. (2009). Business research: A practical guide for undergraduate & postgraduate students. Basingstoke, Hampshire; UK: Palgrave.
- Collins, J. & Hussey, R. (2009a). *Business Research: A practical guide for undergraduate and postgraduate students* (3rd ed.).New York: Palgrave Macmillan.
- Constitution of the Arab republic of Egypt (2014). The amended Constitution of the Arab Republic of Egypt.Available online from: <http://www.wipo.int/edocs/lexdocs/laws/en/eg/eg060en.pdf>
- Coulson, N. (1964). 'A History of Islamic law', Edinburgh, Edinburgh University Press.
- Creative research systems (2015).Sample Size Calculator-The Survey System [Online: March

- 20-2016] www.surveysystem.com/sscalc.htm
- Cresswell, J.W. (1994). *Research Design: Qualitative and Quantitative Approaches*. Thousand Oaks, CA: Sage.
- Cresswell, J. (2003). *Research Design: Qualitative and Quantitative Approaches*. California: SAGE Publications.
- Cresswell, J. (2003a). *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. (3rd ed.) Sage, London
- Davis, M. (2004). Planet of Slums: Urban Involution and the Informal Proletariat. *New Left Review*, 26: 5–34. Available at: www.newleftreview.net/NLR26001.shtml
- Denzin, N and Lincoln, Y (Eds) (1998). *The Landscape of Qualitative Research: Theories and Issues*, Thousand Oaks (Calif), Sage.
- Durand-Lasserve, A. and Royston L. (Eds) (2002) ‘Holding their Ground: Secure Land Tenure for the Urban in Developing Countries, Earthscan Publications. pp. 218-230.
- Doebele, W (1988) ‘*Issues paper on urban land tenure*’ Paper presented at the Land management review Workshop, the World Bank, Washington DC, June.
- Durand-Lasserve, A., Fernandes, E., Payne, G., Smolka, M. (2002). ‘Secure Tenure for the Urban Poor’. CIVIS, Cities Alliance, Cities without Slums, Issue 3, September 2002.
- Durand-Lasserve, A. ,Tribillon, JF. (2001) ‘Coping with illegality in human settlements in developing cities’. A contribution to the ESF/N-AERUS Workshop. Leuven and Brussels, Belgium, 23-26 May 2001.
- Derick, W. and Ronald, W. (2009). Decentralized local governance in fragile states: learning from Iraq. *International Review of Administrative Sciences* December 2009 vol. 75 no. 4 585-607 Doi: 10.1177/0020852309349424.
- DeVaus, D. (1996). *Survey in Social Research* (4th ed.).London: UCL Press.
- Denzin, N and Lincoln, Y (Eds) (1998). *The Landscape of Qualitative Research: Theories and Issues*, Thousand Oaks (Calif), Sage.
- Dictionary.com, LLC. (2017). <http://www.dictionary.com/browse/tenure>
- Durand-Lasserve, A. (2012). Land markets in urban and peri-urban areas in Sub-Saharan Africa. Report prepared for the NRC, FAO, Rome, August, 2012.
- Easterby-Smith, M., Thorpe, R., & Jackson, P. R. (2008). *Management research* (3rd ed. ed.). London: London: SAGE.
- El Kafrawy, Abdel Hamid H. (2012). Housing policy and finance in Egypt: extending the reach of mortgage credit. PhD thesis, School of Social & Political Sciences College of Social Sciences University of Glasgow. Unique ID: glathesis; 2012-3299.
- El-Batran, M., & Arandel, C. (1998) A shelter of their own: informal settlement expansion in Greater Cairo and government responses. *Environment and Urbanization*, 10(1), 217 – 232. Doi: 10.1630/095624798101284392.
- Enemark, S. (2004), Building Land Information Policies, Proceedings of Special Forum on
- Enemark, S.(2005), Understanding the Land Management Paradigm, FIG Com 7 Symposium on Innovative Technologies for Land Administration, Madison, Wisconsin, USA.
- Enemark, Stig (2009). Land Administration: Facilitating Spatially Enabled Government and Supporting the Global Agenda, 4th Land Administration Forum for the Asia and Pacific Region beyond Spatial Enablement: Land Administration to support spatially enabled Government Melbourne, 9-22 October 2009.
- Eriksson, P. and Kovalainen, A. (2008). *Qualitative Methods in Business Research*, 1st ed, SAGE Publications Ltd., London.
- Erica, G., and Lillian, D. (2015). Addressing Land Conflict in Afghanistan. The United States Institute of Peace (USIP), Special Report 372, June 2015: <https://www.usip.org/sites/default/files/SR372-Addressing-Land-Conflict-in->

Afghanistan.pdf

- FAO (2002). Land tenure and rural development, Land Tenure Studies, FAO. ISBN 92-5-104846-0: <http://www.fao.org/3/a-y4307e.pdf>
- FAO (2004). Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security. The 127th Session of the FAO Council, November 2004 Rome: <http://www.fao.org/3/a-y7937e.pdf>
- FAO (2007). Good Governance in Land Tenure and Administration: Land Tenure Studies, No. 9. Rome.
- FAO (2012). Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Food and Agriculture Organization of the United Nations Rome, 23 March, 2012.
- Easterby-smith, M., Thorpe, R. & Lowe, A. (2008). Management Research: An Introduction (2nd ed.). London: SAGE Publications.
- Eriksson, P. and Kovalainen, A. (2008). Qualitative Methods in Business Research, 1st ed, SAGE Publications Ltd., London.
- Flyjberg, B. (2004). Five misunderstandings about case study research, in Seale, C., Gobo, G., Gubrium, J.F. & Silverman, D., Qualitative Research Practice, SAGE.
- Fisher, C. (2004). Researching and Writing a Dissertation for Business Studies. Gosport, Hampshire: Pearson education limited, Ltd.
- Franze'n, J.(2009). Development vs. reform: attempts at modernisation during the twilight of british influence in Iraq, 1946–58. The Journal of Imperial and Commonwealth History, 37:1,77-98, DOI: 10.1080/03086530902757712.
- Farzaneh, M. (2011). Urban development planning regeneration and public participation: a comparison between the UK and Iran. A Thesis submitted to Newcastle University (UK). February 2011.
- Feldman, Noah; Martinez, Roman (2007). Constitutional Politics and Text in the New Iraq: An experiment in Islamic democracy; 75 fordham l. rev. 883.
- Fischer, J. E. (1995). Local land tenure and natural resource management systems in Guinea: Research findings and policy options. USAID, Guinea, Land Tenure Centre, Wisconsin, Madison.
- Flyjberg, B. (2004). Five misunderstandings about case study research, in Seale, C., Gobo, G., Gubrium, J.F. & Silverman, D., Qualitative Research Practice, Sage.
- Fourier, C. (2002). Reviewing conventional land administration approaches and proposing new alternatives: peri-urban customary tenure and land readjustment. November, 2002, website: <http://users.iafrica.com/a/au/augusart>
- Franze'n, J.(2009). Development vs. Reform: Attempts at Modernisation during the Twilight of British Influence in Iraq, 1946–58. The Journal of Imperial and Commonwealth History, 37:1, 77-98, DOI: 10.1080/03086530902757712.
- Gardner F, Lehmann J. (2002). Some Unaccounted For Aspects of Qualitative Evaluation and Research. Qualitative Research Journal, 2(2): 16-27.
- Garibay, A., Wit, P., Eleazar, L., Bucheli, F., Norfolk, S., Mena, R., Shafi, S.(2010). Land tenure and natural disasters .Office of Knowledge Exchange, Research and Extension, FAO, Viale delle Terme di Caracalla,00153 Rome, Italy.
- Gill, J. and Johnson, P.(2002). Research Methods for Managers, 3rd ed., London: Sage.
- Global internal displacement (2016). On the GRID Internal displacement in 2015 .On line: <http://www.internal-displacement.org/globalreport2016/pdf/2016-GRID-IDMC-03part1ontheGRID.pdf>
- Gummesson, E. (2006). Qualitative Research in Management: Addressing Complexity, context and Persona. Management Decision, 44 (2), pp.167- 170

- Gulyani, S., and Bassett, E. (2007). Retrieving the Baby from the Bathwater: Slum Upgrading in Sub-Saharan Africa. *Environment and Planning C*, 25: 486–515.
- Gülöksüz, E. (2002) ‘Negotiation of Property Rights in Urban Land in Istanbul’, *International Journal of Urban and Regional Research*, June.
- Hamid, M. (2007). Citizen Participation in Informal Settlements; Potentials & Obstacles—The Case of Iran, Shiraz, Saadi Community. *World Academy of Science, Engineering and Technology International Journal of Social, Human Science and Engineering Vol:1 No:4*, 2007.
- Hamid M. Khan (2015). *Islamic Law, Customary Law, and Afghan Informal Justice*. .Special Report, March 2015.
- Hair J., money A., Page, M. & Samouel, P. (2007). *Research Methods for Business*. HK: John Wiley & Sons, Ltd.
- Helen Chapin Metz, (1988) .ed. *Iraq: A Country Study*. Washington: GPO for the Library of Congress, <http://countrystudies.us/iraq/>
- Herrera, A. (2000). *New approaches to land reform*. Rome, FAO.
- Hosseini, Z., and Karim, M. (1991). The search for meaning and sense of marginalization. *Proceedings of the 7th Iranian Congress of geographic*, Tehran University: Institute of geography, Volume I.
- Hulchanski, J. (2002). *Housing Policy for Tomorrow’s Cities*. Canadian Policy Research Networks Inc. (CPRN), Discussion Paper F|27 Family Network (Web Site: <http://www.cprn.org>), December 2002. On line: <http://www.urbancentre.utoronto.ca/pdfs/elibrary/CPRNHousingPolicy.pdf>
- Hyde, K. F. (2000). Recognising deductive processes in qualitative research. *Qualitative market research: An international journal*, 3(2), 82–90.
- H., Mohammadi Makerani (2007), *Citizen Participation in urban planning; potentials and obstacles—the case of Iran, Shiraz, Saadi community*, PhD dissertation, Dept. Urban Planning, Kassel Univ., Kassel, Unpublished.
- ICBS (Iraqi Central Bureau of Statistics, 2012). *Central statistical organization/ ministry of planning: Definition of General Population and Housing Census*. On line: http://cosit.gov.iq/images/census/CENSUS%20E/census_intro.pdf
- IBRD (1952). *The economic development of Iraq*. Report of mission organized by the International Bank for Reconstruction and Development at the request of the Government of Iraq, The Johns and Hopkins Press Washington. Meredith College Library Raleigh, N. C.
- IDMC (2008). *Afghanistan: Increasing Hardship and Limited Support for Growing Displaced Population*. Briefing paper from the Internal Displacement Monitoring Centre.
- ibpus.com (2013) *Syria Country Study Guide Volume 1 Strategic Information and Developments*, World Business Information Catalog, ISBN: 1438775695, 9781438775692
- International Organization for Migration, IOM (2008), “Emergency Needs Assessments, Bi-Weekly Report”, 15 March 2008. www.iom.int/jahia/webdav/shared/shared/mainsite/media/docs/reports/Iraq-idp-assessment-march08.pdf.
- International Organization for Migration, IMO (2017). On line: <https://www.iom.int/news/iraq-displacement-passes-31-million>
- Indumati, S., Ramapriya, R., (2015). *Governance and Corruption* .*International Journal of Social and Economic Research*: 2015, Volume: 5, Issue: 4, Online ISSN: 2249-6270. Article DOI: 10.5958/2249-6270.2015.00060.4
- Iranian Ministry of Housing and Urban Development (2004). *Enabling and Regularising*

- Informal Settlements, City of Zahedan, Tehran: Urban Development and Rehabilitation Organization, National Task Force For Enabling Informal Settlements planning; potentials and obstacles-the case of Iran, Shiraz, Saadi city.
- Iran Statistical Digest (2011). Statistical Centre of Iran: <https://www.amar.org.ir/english/Iran-Statistical-Yearbook>
- Iraq, Ministry of Agrarian Reform (1968).The Periodical Report on the Agrarian Reform Achievements from the end of September 1958 to the end of December 1968, (Baghdad), p. 22.
- Iraqi Chronicle (2011). First amendment of the system sale and lease real estate and state lands and the public sector for investment purposes No. 7 for the year 2010: Issue number: 4182 , Date: 28/03/2011 , Page Number: 2 , Part Number: 1.
- Iraqi department of General Census of population (2016). The Iraqi population. The Iraqi C Statistical Organization-Ministry of Planning of Iraq official we <http://www.cosit.gov.iq/ar/>
- Iraqi Ministry of Displacement and Migration (2016). Iraq. Ministry Website: <http://www.ncciraq.org/en/humanitarian-space/item/4924-republic-of-iraq-ministry-of-migration-and-displacement-minister-s-tour-in-the-region-of-kurdistan-and-the-continuity-of-assistance-provided-to-anbar-idps>
- Iraqi Ministry of Justice (2016). Ministry of Justice' website: <http://www.moj.gov.iq/#>
- Iraqi Ministry of Municipalities. (2015). Iraq .Website: <http://www.mmpw.gov.iq/>
- Iraqi Ministry of Planning (2015). Iraqi Gazette, 1970a. Issue no: 1939; Date: 11/23/1970; Number: 3. Website: <http://www.mop.gov.iq/mop/index.jsp?&lng=en>
- Iraqi Ministry of Planning (2015). Iraqi Gazette (1970b). Issue no: 1920; Date: 9/14/1970; Number: 3. Iraq .Website: <http://www.mop.gov.iq/mop/index.jsp?&lng=en>
- Iraqi Ministry of Planning (2015). Iraqi Land Registry Law No. 43 of 1971 amended. On line: http://www.iraq-lg-law.org/ar/webfm_send/376
- Iraqi Ministry of Planning (2015).Iraqi Gazette, 1970a, Issue no: 1939; Date: 11/23/1970; Part Number: 3. Available from: http://www.iraq-lg-law.org/ar/webfm_send/376
- Iraqi Ministry of Planning (2015). Iraqi Gazette 1970b, Issue no: 1920; Date: 9/14/1970; Part Number: 3. Available from: http://www.iraq-lg-law.org/ar/webfm_send/376
- Iraqi Ministry of Justice (2016). Iraqi Interim Constitution, (Available at): <http://www.eroj.org/Bagdad/constitu.htm>
- Iraqi Ministry of Housing & Construction (2015). Iraq, Website: <http://imariskan.gov.iq/index.php?q=node/4>
- Iraq Property Claims Commission (2016). Iraqi annual report, Website: <http://www.pcc.iq/>
- Jahiel, R. (1992). Homeless-Making Processes and the Homeless-Makers. In R.I. Jahiel, ed. Homelessness: A Prevention-oriented Approach. Baltimore: Johns Hopkins University Press.
- Jankowicz, A. (2000). Business Research Projects (4th ed.). Australia: Thomson.
- Jawad, N. (2013). The Iraqi constitution: structural flaws and political implications. LSE Middle East Centre Paper Series / 01, November 2013.
- Javad Amid (2009). Land Reform in Post-Revolutionary Iran Revisited. Journal Middle East Critique Volume 18, 2009 – Issue, Pages 73-87. <http://dx.doi.org/10.1080/10669920802685206>
- Jon Rae (2002). An Overview of Land Tenure in the Near East Region Part 1(Part 2: Individual country profiles to follow), FAO. Available at: <http://www.fao.org/3/a-aq202e.pdf>
- Kabul Tarihi (2005), TAPU; Kanununda Değişiklik Yapilmasina Dair Kanun, Kanun No. 5444.
- Katouzian, M. (2008). Land reform in Iran a case study in the political economy of social

- engineering, *The Journal of Peasant Studies*, Volume 1, 1974 - Issue 2, Pp 220-239
- Kagioglou, M., Cooper, R., Aouad, G. and Sexton, M. (2000). Rethinking Construction: the generic and Construction process protocol. *Engineering Construction and Architectural Management*, 7(2), pp. 141-153.
- Keyder, C. (2005). Globalization and Social Exclusion in Istanbul, *International Journal of Urban and Regional Research*, March.
- Kumar, R. (2014). *Research Methodology. (4th edn) A step-by-step guide for beginners*. Sage Publications.
- Kvale, S. (1996). *Inter Views: An introduction to qualitative research interviewing*. Thousand Oaks, CA: Sage.
- Landau, S. and Everett, B.S. (2004). *A Handbook of Statistical Analysis using SPSS*. Chapman and Hall.
- Lee, A. (1991) Integrating positivist and interpretive approaches to organizational research. *Organization Science*, 2, 342-365.
- Madanat, H. (2010). Land tenure in Jordan, *land tenure journal*, NO 1 (2010). Available: madanatscience.blogspot.com/2012/03/land-tenure-in-jordan.html
- Majid, K. (1978). *Socialist Iraq: A Study in Iraqi Politics Since 1968*, The Middle East Institute, Washington, DC, page 117.
- Mathieu, P. (2006). FAO's approach and principles in working on land tenure issues. Paper for conference on Land, Property, Social Justice and Development, Institute for Social Studies. The Hague, 9-14 January 2006.
- Mathers, N., Fox, N., Hunn A. (2009) *Surveys and Questionnaires. The NIHR RDS for the East Midlands / Yorkshire & the Humber*.
- Mathers, N., Fox, N., Hunn A. (2009a). *Surveys and Questionnaires. The NIHR RDS for the East Midlands / Yorkshire & the Humber*.
- Marshall, C. & Rossman, G. (1999). *Designing qualitative Research*. London: SAGE Publications.
- Marshall, G., (2005). The purpose, design and administration of a questionnaire for data collection, in *Radiography* 11, 131e136.
- Marion, F. and Peter S. (1983) *the Transformation of Land Tenure and Rural Social Structure in Central and Southern Iraq, c. 1870–1958*. *International Journal of Middle East Studies*, Volume 15, Issue 4 November 1983, pp. 491-505.
- Marr, P., (2012) *The modern history of Iraq*. Westview Press, Boulder, CO. ISBN: 9780813345215 (ebook)
- Maylor, H. & Blackmon, K. (2005). *Researching Business and Management*. Britain: MacMillan Palgrave.
- Maxwell, J. (2009). Designing a qualitative study, in *The State Handbook of Applied Social Science Research* edited by L. Bickman and D. Rog. Thousand Oaks, CA: Sage
- McAuslan, P. (2006a). *Improving Tenure Security for the Poor in Africa*, Framework Paper for the FAO regional technical workshop for sub-Saharan Africa on legal empowerment of the poor, Nakuru, October 2006. Rome, FAO.
- McEwen, A. and B. Whitty. (2006). "Water Management, Livestock, and the Opium Economy." *Case Study on Land Tenure*. Kabul: Afghanistan Research and Evaluation Unit.
- Mehmet Cete, Holger Magel and Tahsin Yomralioglu (2006). *The Needs for Improvement in Turkish Land Administration System: Lessons Learned from German Case*. XXIII FIG Congress Munich, Germany, October 8-13, 2006
- Menelaws, D. (2005). *Property and Registration Law in Egypt: Current Operations and Practice*. Task 2 Inception Report. Egypt Financial Services Project. Technical Report

- No. 3, unpublished working paper for Chemonics International.
- Michael Hechter and Nika Kabir (2004). Attaining Social Order in Iraq. Paper presented at the Conference on Order, Conflict and Violence at Yale University, April 30- May 1st, 2004, New Haven, Connecticut.
- Mohammad, F., (2013). Islamic Law and Civil Code: the Law of Property in Egypt. *Journal of Islamic Studies*, 24 (1): pp 94-97, doi: 10.1093/jis/ets070.
- Nakash, Yitzhak, (1994). The conversion of Iraq's Tribes to Shi'ism. *International Journal of Middle East Studies*, - Cambridge University Press, Volume 26, Issue 3 August 1994, pp. 443-463. DOI: <https://doi.org/10.1017/S0020743800060736>
- National geographic (2012). Compact atlas of the world. The National geographic society, library congress cataloguing –in-publication data: ISBN 978-1-4262-0995-6.
- Neuman, W. (2000) .*Social Research Methods: Qualitative and Quantitative Approaches*. Boston [mass.]: Allyn and Bacon.
- Oxford English Dictionary Online. Available from: <http://www.dictionary.com/browse/tenure>
- Oppenheim, Abraham N. (2005) *questionnaire design, interviewing and attitude measurement Continuum*, London.
- Payne, G, (1997) 'Urban Land Tenure and Property Rights in Developing Countries: A Review of the Literature', IT Publications/ODA, London, August 1997.
- Payne, G. (2001). Urban land tenure policy options: titles or rights?. *Habitat International*, Volume 25, Issue 3, September 2001, Pages 415–429.
- Payne, T. (2003). Safe houses? Securing urban land tenure and property rights. *Insights* 48.
- Sjaastad, E., Cousins, B., 2008. Formalisation of land rights in the south: an overview. *Land Use Policy* 26, 1–9.
- Payne, G., Durand-Lasserve, A., Rakodi, C. (2007). *Social and Economic Impacts of Land Titling Programs in Urban and Periurban Areas: A Short Review of the Literature*. Springer Netherlands *Urban Land Markets* pp 133-161. DOI 10.1007/978-1-4020-8862-9_6. Online ISBN 978-1-4020-8862-9.
- Payne, G. and Durand-Lasserve, A. (2012). *Holding On: Security of Tenure - Types, Policies, Practices and Challenges*. Research Paper prepared for the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, to inform her Study on Security of Tenure. Special Rapporteur on 22-23 October 2012.
- Polit, D. F., London, A. S., & Martinez, J. M. (2001). *The Health of Poor Urban Women: Findings from the Project on Devolution and Urban Change*.
- Punch, K. (2005) *Introduction to Social Research: Quantitative and Qualitative Approaches*. (2nd ed) London: Sage.
- Rakodi, C. & Leduka, C. (2004). *Informal Land Delivery Processes and Access to Land for the Poor: A Comparative Study of Six African Cities*. Birmingham, University of Birmingham, Policy Brief 6.
- Rabenau, B. (1994). *Sustainable development strategies for the Northwest Coast, Egypt. Matruah, El Qasr Rural Development Project; on behalf of deutsche Gesellschaft fuer Technische Zusammenarbeit: 159pp*.
- Rasool, M. and Edwards, L. (1961). *Land Reform in Iraq: Economic and Social Implications*, *Land Economics Journal*. Vol. 37, No. 1 (Feb. 1961), pp. 68-81 Published by: University of Wisconsin Press, DOI: 10.2307/3159351. Stable URL: <http://www.jstor.org/stable/3159351>
- Ravitch, and Riggan. (2012). *Reason and Rigor: How Conceptual Frameworks guide Research*, Thousand Oaks CA: Sage p. xiii
- Reichel, M., & Ramey, M. A. (Eds.). (1987). *Conceptual frameworks for bibliographic*

- education: Theory to Practice. Littleton Colorado: Libraries Unlimited Inc.
- Roberto, T. El-Hakim, A. Aden-Aw Hassan, Boubaker, Saad, Hatem and Fakil, R. (2012). *Agricultural Policies and Institutions in Iraq- A Historical Perspective*. The International Centre for Agricultural Research (ICARDA), USAID and the Italian Government, Iraq Salinity Project Technical Report 9.
- Robert, Neuwirth (2007). *Security of tenure in Istanbul: the triumph of the 'self-service city* Case study prepared for Enhancing Urban Safety and Security, Global Report on Human Settlements, February 23- 2007
- Robson, C. (1997). *Real World Research: A Resource for Social science and Practitioner-Researchers*. London: Backwell Publishers Ltd.
- Said, A., Arjomand, and Nathan J. Brown (2013). *The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran* .Albany, NY: State University of New.
- Sahara, T., (2011). *The Ottoman City Council and Beginning of the Modernization Of Urban Space in the Balkans in the City in the Ottoman Empire – Migration and the Making of Urban Modernity*, Routledge: London,
- Said, A., Arjomand, and Nathan J. Brown (2013). *The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran*. Albany, NY: State University of New York, KMC514.R87 2013.
- Saunders, M.N.K., Lewis, P., Thornhill, A. (2009). *Research Methods for Business Students* (5th ed.). Harlow, United Kingdom: FT Prentice Hall.
- Saunders, M., Lewis, P., Thornhill, A.(2007). *Research Methods for Business Students*, 4th ed., Essex: Pearson Education Ltd.
- Saunders, M., Lewis, P., & Thornhill, A. (2012). *Research methods for business students* (6th ed. ed.). Harlow: Harlow: Pearson.
- Sawalha, I. (2011). *Business Continuity Management and Strategic Planning: the Case of Jordan University of Huddersfield*.
- Sekaran,U. (2003). *Research Methods for Business- A skill Building Approach*. (4th Edn). New York: John Wiley and Sons.
- Sekaran, U. (2009). *Research methods for Business: A skill-Building Approach*: John Wiley & Sons.
- Satoe Horii (2011). *Pre-emption and Private Land Ownership in Modern Egypt: No Revival of Islamic Legal Tradition* , *Islamic Law and Society* 18 (2011) 177-218.
- Seyam G.M., El Bilassi A.O.(1995) *Land tenure structure in Egyptian agriculture: Changes and impacts*. In: Abdel Hakim T. (ed.). *Egyptian Agriculture Profile*, Montpellier: CIHEAM, 1995. p. 50-64
- Sexton, M. (2007). *Axiological purposes, ontological cages and epistemological keys*. Paper presented for the Research Institute for the Built and Human Environment Research Methodology Workshop, University of Salford, Salford.
- Shaikley, L. (2013). *Iraq's Housing Crisis: Upgrading Settlements for IDPS (Internally Displaced Persons)*. Thesis (S.M. in Architecture Studies)- Massachusetts Institute of Technology, Dept. of Architecture, 2013.Cataloged from PDF version of thesis. Includes bibliographical references (p. [74]-[76]). URI
- Sietchiping, R., Aubrey, D., Bazoğlu, N., Augustinus, C., Mboup, G. (2012). *'Monitoring Tenure Security within the Continuum of Land Rights: Methods and Practices'*. Paper prepared for presentation at the —Annual World Bank Conference on Land and Poverty - Washington DC, UN-Habitat, April 23-26, 2012
- Silverman, D. (1997). *Qualitative Research: Theory, Method and Practice*. London: Sage Publications Ltd.
- Sinha, R. (2002). *An overview of land tenure in the Near East Region*. Part I; Part II, individual

- country profiles; and Bibliography. Rome, FAO. (mimeo).
- Siraj, S. & Lim, H. (2006). *Land law, and Islam: property and human rights in the Muslim world*. Civil Liberties & Political Activism; ISBN-10: 1842778137, ISBN-13: 978-1842778135.
- Sleglet, F. and Peter S. (1983) . *Changes in Land-Ownership and Social Structure in Middle and Southern Iraq for the period 1858–1870*. *International Middle East Journal* No. 15, 1983, pp. 491–505.
- Solórzano, Y.(2002): *Critical Race Methodology: Counter-Storytelling as an Analytical Framework for Education Research*. Available from:
<http://qix.sagepub.com/content/8/1/23.short>
- Stanfield, J. D., J. Reed, and M. Y. Safar. (2005). *Description of procedures for producing legal deeds to record property transactions in Afghanistan*. Kabul: United States Agency for International Development, LTERA Project.
- Stanfield, J. D., M. Y. Safar, and A. Salam. (2008). *Community rangeland administration: Focus on Afghanistan*. Paper prepared for the biennial congress of the International Association for the Study of the Commons, Cheltenham, UK, July 14–18.
- Stanfield, J. D., M. Y. Safar, and A. Salam. (2013). 'Community documentation of land tenure and its contribution state building in Afghanistan'. Environmental Law Institute and United Nations Environment Programme.
- Stemler, S. (2001). *An overview of content analysis*. *Practical Assessment, Research & Evaluation*, 7(17). Available online from:
<http://pareonline.net/getvn.asp?v=7&n=17>
- Spencer, C. (2015). *U.S. Conflicts in the 21st Century: Afghanistan War, Iraq War, and the War on Terror [3 volumes]: Afghanistan War, Iraq War, and the War on Terror*. ISBN 9781440838798.
- Stigall, E. (2008). *A Closer Look at Iraqi Property and Tort Law*. Hein Online, William S. Hein & Co., Inc. & Hein Online (<http://heinonline.org>) 68 La. L. Rev. 765 (2007-2008).
- Sutrisna, M.(2009). 'Research Methodology in Doctoral Research: Understanding the Meaning of Conducting Qualitative Research ARCOM doctoral workshop at Liverpool John Moores University.
- Syrian Law Journal (2017). *Syrian Property Laws*. Available online from:
<http://www.syrianlawjournal.com/index.php/main-legislation/property-law/>
- Tahir, M. (2006). *Rival Land Claims Stoke Tensions in Afghanistan*. Property Rights and Resource Governance Briefing Paper. April 26, 2012. Available online from:
http://www.globalprotectioncluster.org/_assets/files/aors/housing_land_property/Brief_on_Land_Tenure_Property_Rights_Afghanistan_2010_EN.pdf
- Tahsin, Yomralioglu and Mehmet, Cete (2015). 'Cadastre or Land Administration: A Case Study of Turkey', Springer International Publishing, Online: ISBN978-3-319-51216-7; DOI10.1007/978-3-319-51216-7_3
- Tareq Y. Ismael (2008). *The Rise and fall of the Communist Party of Iraq*. Cambridge University Press, ISBN: 0521873940, 9780521873949.
- Tashakkori, A., & Teddlie, C. (2010). *Sage handbook of mixed methods in social & behavioral research* (2nd ed. ed.). London: London: SAGE.
- Tapper, Richard (2008). *Who are the Kuchi? Nomad self-identities in Afghanistan*. In *Journal of the Royal Anthropological Institute*, 14, no.1: 97-116.
- Taylor, S.J. and Bogdan, R. (1984). *Introduction to Qualitative Research Methods: The search for Meanings*, 2nd edn. New York: John Wiley.
- Thabit, Abdullah (2014). *A Short History of Iraq*. Routledge, Taylor & Francis Group, ISBN:1317864190, 9781317864196

- The World Bank (2016). Registering Property in Iran, Islamic Rep., Doing business Measuring Business Regulations.
- Transparency International EU (2017). Visit www.transparency.org/cpi for more information, Retrieved 21 March, 2017 from:
http://www.transparency.org/news/feature/corruption_perceptions_index_2017
- Transparency International (2013). 'Iraq: overview of corruption and anti-corruption'. April 2013 Number: 374. www.U4.no
- Turkish Statistical Institute (2016). Population Registration System Results, Retrieved 28 March, 2016, from: <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=18616>
- UNECE (1996). Land Administration Guidelines with Special Reference to Countries in Transition. United Nations Economic Commission for Europe ECE/HBP/96, New York and Geneva, 112p.
- UN-Habitat (2004). Urban Land for All, Nairobi. Retrieved 19 June, 2014
- UN-Habitat (2003). Handbook on best practices, security of tenure and access to land, implementation of the habitat agenda. Land and Tenure Section, Shelter Branch Shelter and Sustainable Human Settlement Development Division, Nairobi, 2003.HS/588/99E, ISBN 92-1-131446-1.
- UN-Habitat (2005a). Islam, Land & Property, Research Series Paper 2: Islamic Land Tenures and Reforms 2005. Nairobi.
- UN-Habitat (2005b). Land Registration and Property Rights in Iraq, Iraqi Local Governance Program. RTI International / Research Triangle Park: NC 27709-2194, EDG-C-00-03-00010-00.
- UN-Habitat (2006). State of the World's Cities 2006/2007: The Millennium Development Goals and Urban Sustainability. London: Earthscan.
- UN-Habitat (2006a). 'Setting up a Global Monitoring System on Secure tenure', Nairobi.
- UN-Habitat (2008). Secure Land Rights for All, Nairobi.
- UN-Habitat (2008a), United Nations Development Group Iraqi Trust Fund, programme cover page; Retrieved 25 March, 2016, from:
https://info.undp.org/docs/pdc/Documents/IRQ/00051414_Prodoc%20Housing%20Erbil%20signed.pdf
- UN-Habitat (2010). 'State of the African Cities' Nairobi.
- UN-Habitat (2010a). Background Paper for Rapid Land Tenure Assessment in Arbil, Hilla, Baghdad and Nassiriya. UN-Habitat Office, Iraq. Amman. Prepared report with the support of United Nations human settlements programme. October 2010.
- UN-Habitat (2010b). Iraq national housing policy'. Republic of Iraq, ministry of construction and housing. Prepared report with the support of United Nations human settlements programme. October 2010.
- UN-Habitat (2011). Islamic Principles and Land: Opportunities for Engagement. HS Number: 055/11E, ISBN: 978-92-1-132354-2
- UN-Habitat - GLTN (2011a). 'Monitoring Security of Tenure in Cities: People, Land and Policies'. Working Paper, Nairobi.
- UN-Habitat (2012). The State of Arab Cities 2012, Challenges of Urban Transition. HS Number: 021/12E ISBN: 978-92-1-132436-5.
- UN-Habitat. (2013a). Security of Tenure Best Practices. Retrieved. 21 October, 2016
- UN-Habitat (2013b). Security of Tenure in Humanitarian Shelter Operations. The Norwegian Refugee Council (NRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC), Programming for the Most Vulnerable held in Geneva on 28 June 2013, 17.
- UN-Habitat (2014). Securing Land and Property Rights for All. Retrieved 10 June, 2015, from:

- <http://www.gltm.net/index.php/land-tools/themes/access-to-land-and-tenure-security>
- UNHCR, (2017). Iraq Flash Update, UN High Commissioner for Refugees, available at: <http://www.refworld.org/docid/588755614.html>
- UNITED NATIONS (1996). Land Administration Guidelines with Special Reference to Countries in Transition. United Nations Publication, ECE/HBP/96 Economic Commission for Europe, Geneva: ISBN 92-1-116644-6, Retrieved 20 March, 2016,
- Upton, M. (1994). Rangeland and livestock development in the Arab World. Expert consultation on the management and sustainable development of the drylands in the Arab World, International Centre for Agricultural Development in the Dry Areas, Aleppo, Syria, FAO, Regional office for the Near East.
- USAID (2005). Land Registration and Property Rights in Iraq, Iraqi Local Governance Program. RTI International / Research Triangle Park, NC 27709-2194, January 2005. EDG-C-00-03-00010-00. Retrieved 12 March, 2016,
- USAID (2005a). The legal framework for property registration in Egypt. Technical Report No. 5, International Land Systems, Inc., and Office of Financial and Information Technology USAID/Egypt
- USAD (2010). Land tenure and property rights in Afghanistan do LTPR conflicts and grievances foster support for the Taliban? Property rights and resource governance briefing paper 5. US Agency for international Development, Inc., January 2010.
- USAID (2011). Land Reform in Afghanistan (LARA), CLIR/ BizCLIR Property Assessment. Kabul: Tetra Tech ARD.
- USAID land tenure country profile (2014). Property Rights and Resource Governance Country Profile: Egypt. Retrieved 11 February, 2015, from: <http://landportal.info/library/resources/landwiserecord1300item1328/property-rights-and-resource-governance-country-profile>
- USC Libraries (2015). Organizing Your Social Sciences Research Paper: Theoretical Framework. University of Southern California. Research Guide. Available online from: <http://libguides.usc.edu/c.php?g=235034&p=1561763>
- Velde, M., Jansen, P. and Anderson N. (2004). Guide to Management Research Methods, Blackwell Publishing.
- Voss, C., Tsiriktsis, N. and Frohlich, M. (2002). Case Research in Operations Management. *International Journal of Operations and Production Management*, 22 (2), 195-219.
- Wardak, A. (2003). Jirgas: A traditional mechanism of conflict resolution in Afghanistan. <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN017434.pdf>
- Warriner, D. (1957). Land reform and development in the Middle East: A study of Egypt, Syria and Iraq. London, Royal Institute of International Affairs.
- Ward, P. (2012). Housing policies in developing countries. *International Encyclopaedia of Housing and Home* 2012, 559–572 Doi: 10.1016/B978-0-08-047163(1.00232-0).
- Williamson, I.P., Enemark, S., Wallace, J. and Rajabifard, A. (2010). Land Administration for Sustainable Development. Published by ESRI Press Academic, Redlands, California. ISBN 978-1-58948-041-4. 497 pages.
- William Bayne Fisher, Peter Jackson, and Lawrence Lockhart (1986), the Cambridge History of Iran, Volume 6: ISBN 0521246997, 9780521246996.
- Williamson, I. P., (2001), Land administration; best practice'' providing the infrastructure for land policy implementation, *Land Use Policy* 18 (2001) 297–307.
- Wiley, L.A. (2004). Looking for Peace on the Pastures: Rural Land Relations in Afghanistan. Synthesis Paper Series. Kabul: Afghanistan Research and Evaluation Unit: Retrieved 22 March, 2016, from: http://www.areu.org.af/index.php?option=com_docman&Itemid=&task=doc_downlo

ad&gid=417

- Wiley, L.A. (2013). *Land, People, and the State in Afghanistan: 2002 – 2012*. Provided by the United States Institute of Peace, February 2013.
- Worldometers (2016). Population of Iraq. United Nations, Department of Economic and Social Affairs, Population Division. www.Worldometers.info
- World Bank. (2001) *Land policy and administration: lessons learned and new challenges for the bank's development agenda*, World Bank, Washington, DC
- World Bank. (2010) *Land Governance Assessment Framework Manual*. World Bank Study on Governance in Land Administration, the World Bank, Washington, DC
- World Fact book (2015). IRAQ: People and Society. Retrieved 20 Jan. 2016, from <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>
- World Bank (2003). *Land Policies for Growth and Poverty Reduction*. Research Report 2003, Washington, D.C.
- World Bank (2012). *Iraq - investment climate assessment 2012*: Washington DC, World Bank.
- World Vision Inc. (2016). *What you need to know: Crisis in Syria, refugees, and the impact on children*. March 1, 2016
- Yates, S. (2004). *Doing social science research*. London: Saga publications limited.
- Yin, R. (2003). *Case study research: design and methods*. Thousand Oaks, 3th Edition, Sage Publications, London.
- Yin, R. (2009). *Case study research: design and methods*. Thousand Oaks, 4th Edition, Sage Publications, London.
- Yitzhak, N. (1994). The Conversion of Iraq's Tribes to Shiism. *International Journal of Middle East Studies*, Vol. 26, No. 3. Aug., 1994, pp. 443-463.
- Yilmaz, F., and Ahmet, Y. (2008). Property prices fall with cancellation of law on property sales to foreigners. *Today's Zaman*. Retrieved 2008-05-03.
- Zahir Ali (2013). *Developing a framework to apply Total Quality Management concepts to land administration: the case of Islamic Republic*, UNIVERSITY OF TWENTE, ISBN: 978-90-6164-360-9 ITC dissertation no. 232
- Zakout, W., Wehrmann, B., Törhönen, M. (2006). *Good Governance in Land Administration Principles and Good Practices*. The World Bank, FAO. Washington DC. Retrieved 20 March, 2016, from <http://www.fao.org/3/a-ak375e.pdf>
- Zuhair E. Jwaideh (1953). *The New Civil Code of Iraq*, 22 GEO. WASH. L. REv. pp176, 177.
- Zurawicki, L. (2003). *Nothing to Hide, Everything to Gain: Transparency and FDI*.
- Zürcher, E.J., (1998). *Turkey a Modern History*, I.B. Tauris & Co. Ltd. Publishers: London, Oxford, New York, pp. 317–318.

APPENDIX A: INTERVIEWS

SECTION I: Profile of Interviewees

Details of interviewee					Code
• Current position:					
• Name of organization:					
• Gender :	Male		Female		
• Age:	20-30	31-40	41-50	51- more	
• Nationality:					
• Experience:	1-5	6-10	11-20	21- more	
• Date of interview:					
• Signature:					

Theme One: Role of basic administrative units in LAS in line with the LTA and end-user's rights

C. Suitability of the system (Agencies functions) :

Q1. Can you explain your agency's roles and responsibilities in implementation an effective management and monitoring to LTA?

Q2. From your administrative views, does your agency hold a suitable policy in line with the LTA and end-user's rights?

How do you describe the current mechanism between the ILA agencies at national and local levels?

Q4. Are you satisfied with LTA programs that ILA agencies are offered to the user?

D. Efficiency of the land organisational system (Operational Performance):

Q6. From your administrative views, do you think that the operational performance in the ILAs institutional role regarding LAS, LTA aspects is an efferent?

Q7. Do you think that your organisational policies work better than previously (before 2003)?

If *No*, why do you think they were more efficient or more useful to the users than the current policies?

Q8. Do you think there is a need for new legal actions to be adopted by the system to deal with the current situation?

Please clarify your opinion according to the following key elements:

- Security of Tenure
- Land Dispute Resolution.
- Technical aspects of system
- Data and user's information
- Financing & Data Costs

- Land Administration Processes
- Organisational co-operation.

SECTION III (Theme Two): The factors affecting the LAS, and influence the LTA planning and applying aspects

SOCIAL AND CULTURAL INFLUENCE:

Tribal/family traditional morals and conceptions of tenures

- Q9. How do you describe the influence of the Iraqi traditional morals and conceptions of tenures on LTA managements?
- Q10. How do you think the success of the ILAs strategies with this influence?

Civil/ethnic conflict notions about access to land and its tenure's rights

- Q11. How do you describe the influence of the Iraqi civil/ethnic conflict notions about access to land and its tenure's rights on LTA managements?
- Q12. How do you think the success of the ILAs strategies with this influence?

RELIGIOUS RULES INFLUENCE:

Islamic rules of the ownership and inheritance (Islamic sharia).

- Q13. How do you describe the influence of the Islamic rules of the ownership and inheritance on LTA managements?
- Q14. How do you think the success of the ILAs strategies with this influence?

INSTABILITY INFLUENCE (KEY ELEMENTS):

- Q15. From your administrative views, how do you describe the influence of the current situation on your organisation policies?
- Q16. What do you think the main step(s) which is required to progress the LTA at the national and local levels?

Please clarify your opinion according to the following elements:

1. Weakness of Governance
2. Economic and Financial related Crisis.
3. The Residential Market's Crisis
4. Informal Settlements Crisis
5. Bureaucratic Routine / Corruption
6. Displacement and Refugee's Relocation Crisis
7. Lack of Legal Rights Awareness.

SECTION IV (Theme Three): Stakeholders' satisfaction with the system performance.

ENGAGEMENT OF THE PRIVATE SECTOR IN DEVELOPING ASPECTS:

Q17. How do you describe the role of the private sector in LTA developments?

Q18. What is the main current barrier(s) effect on this engagement?

Q19. What do you think the main step(s) which is required to promote this engagement?

Q20. How do you think the success of the ILAs strategies with this engagement?

UNDERSTANDING OF USERS' NEEDS:

Q21. Are the ILAs strategies aware about the users' needs?

Q22. How do you describe the ILAs response to the users' needs?

Thank you very much for your time and cooperation

APPENDIX B: QUESTIONNAIRE

Section 1: General information

- **PROFILE:** please fill out the following table:

a. Gender	Male	Female
	<input type="checkbox"/>	<input type="checkbox"/>

b. Age				
25-34	35-44	45-54	55-64	65-more
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c. Qualification	Please indicate below your education level

- **E-Shelter Situation:**

Q1. Please indicate below the current type of shelter you are living in now:

Select the Answer	Enter your Answer
A. Private House.	<input type="checkbox"/>
B. Rented House.	<input type="checkbox"/>
C. Public House.	<input type="checkbox"/>
D. Sub-divisions unite within the house.	<input type="checkbox"/>
E. Sub-divisions unite in the house's garden.	<input type="checkbox"/>
F. Land.	<input type="checkbox"/>

Q2. If you live in Sub-divisions unite, please indicate if you had an authority approval?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Q3. Please indicate below what type of documents that you have in the shelter:

Select the Answer	Enter your Answer
A. Registered officially in my name/family (TAPU).	<input type="checkbox"/>
B. Renter with a written agreement with the owner.	<input type="checkbox"/>
C. Renter with an oral agreement with the owner.	<input type="checkbox"/>
D. I do not have any document.	<input type="checkbox"/>
E. I do not know.	<input type="checkbox"/>

Q4. If you do not have any document, Please select the reasons:

Select the Answer	Enter your Answer
F. Because I could not reach the required documents.	<input type="checkbox"/>
G. Because the financial ability.	<input type="checkbox"/>
H. I don't have a land.	<input type="checkbox"/>
I. I don't know the required documents.	<input type="checkbox"/>
J. I am a refugee and don't have document.	<input type="checkbox"/>
K. Illegal occupancy	<input type="checkbox"/>

SECTION II (Theme One): Role of basic administrative units in LAS in line with the LTA and end-user's rights

D. Suitability of the system (Agencies functions) :

Q1. Do you think ILAs have the appropriate awareness about your tenure problems?

Yes	No	Not sure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q2. Are their strategies in line with your ambitions?

Yes	No	Not sure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If No, please select the cause(s) from this list:

Select the Answer	High effective	Effective	Moderate	Ineffective
A. I still have no land/house unit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Because the Complexity of registration procedures and its current routine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Because the registry information readily unavailable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Required documents are not clarified to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Fees' procedures are not clarified to me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Other (please indicate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. Efficiency of the land organisational system (Operational Performance):

Q1. Before the event of 2003, have you been satisfied with the system of LTA?

Completely	A lot	Moderately	A little	Not satisfied	Not sure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q2. If you are not satisfied, what do you think the main key obstacles(s)?

Select the Answer	High effective	Effective	Moderate	Ineffective	Not sure
A. I don't have land/house yet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. My shelter is not yet registered officially	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Required documents are not clarified to me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Changes in the laws and regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. System procedures are not clarified	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3. How would you describe the quality of the information you have about your rights level?

Very good	Good	Acceptable	Poor	Non-existent	Not sure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q4. What is your main resource of information about your tenure rights?

Select the Answer	High effective	Effective	Moderate	Ineffective	Not sure
A. ILAs websites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. National TV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Newspaper & social media	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. You depend on other person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. F. Other (please indicate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q5. From your personal experience, how would you describe the quality of the current system regarding the following key elements?

• Do have equal access to land offices?	(a) No (b) Yes
• Do you think that your tenure is secured?	(a) No (b) Yes
• Is the system clear and simple to understand by you?	(a) Not clear (b) Less clear (c) Fully clear
• From your experience, how much time does the registration process take?	(a) Short time (b) Average time (c) Long time
• How much time it takes to register a deed?	(a) 2 days (b) 1 weeks (c) 2 weeks (d) More
• How easy is the procedure for sale deed registration?	(a) Not easy (b) Less easy (c) Easy
• From your experience, are you agree with fees and cost in the present system?	(a) Not agree (b) Less agree (c) Fully agree
• From your experience, how do you evaluate the data and information that you submitted to register you request in the present system?	(a) Not convenient (b) Less convenient (c) Convenient
• From your experience, how much time does the Dispute Resolution process take?	(a) Short time (b) Average time (c) Long time
• Does the land agency have sufficient of latest technology in the present system?	(a) Not sufficient (b) Less sufficient (c) Sufficient

SECTION III (Theme Two): The Factors Affecting the LAS, and the LTA Applying Aspects.

Q1. Please tick one box for each to indicate your opinion in the following factors in terms of their important influence in your ability to obtain a secured land right.

Factors	Importance levels				
	Very High	High	Not sure	Low	Very Low
A. Social and cultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Political and government situations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Islamic rules	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. financial factors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Other (please indicate:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q2. Please tick the level of influence of the following barriers that you found the main influence on the development of LTA, and security of their tenure rights:

F. The Authority' gaps and security issues:

<i>Barriers</i>	*Response				
	Completely	Agree	Moderately	Disagree	Strongly disagree
• Weakness of the governance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Insecurity of tenure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Deficiency of laws management and monitoring setting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The refugee's dispute and relocation problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Misdirected policy and poor executions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Transparency level; Bureaucratic corruption.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Informal or illegal occupation situations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Significant misunderstanding about how to reform local regulations with modern categories.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Data and users' information is incomplete, out of date.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Lost indigenous /minority rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d- Social and cultural related factors:

<i>Barriers</i>	Responses				
	Completely	Agree	Moderately	Disagree	Strongly disagree
• Tribal, ethnic regulations' clashes with modern categories of laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Islamic Sharia' rules, clashes with modern categories.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Difficulties of Women' rights with local Society and traditional conceptions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Difficulties of Women' rights with Islamic sharia' rules.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Difficulties of indigenous /minority rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Difficulties of dealing with the complexity of land modern regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Livelihoods deprivation in both rural and urban areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Economic and financial problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

e- The Economic and financial related factor:

<i>Barriers</i>	Responses				
	Completely	Agree	Moderately	Disagree	Strongly disagree
• Tribal, ethnic regulations' clashes with modern categories of laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Weakness of the individual/ families' incomes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Absence/ lack of recognised housing finance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Deficiency of land availability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Declining infrastructure service levels and inadequate maintenance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

• Housing deprivation deteriorated housing conditions; the capital stock of housing is continuing to decline as a result.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Deficiency of Technology adoption in ILAs agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The refugee's dispute and relocation problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Informal or illegal occupation deteriorated situations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Livelihoods deprivation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION VI (Theme 3): Stakeholders' satisfaction with the system performance.

Q1. From your personal experience, how would you describe important the role of the private sector in current situation?

Completely	A lot	Moderately	A little	Not good	Not sure
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q2. From your experience, what do you think the main step(s) which is required to advance the adopted System?

a. Promoting Security of Tenure's Rights	<input type="checkbox"/>
b. Modifying the Current Mechanism of Land Dispute Resolution	<input type="checkbox"/>
c. Increasing the Land Availability	<input type="checkbox"/>
d. Promoting Land/Housing Markets	<input type="checkbox"/>
e. Modifying the Registration Procedures	<input type="checkbox"/>
f. To progress the Employees' Efficiency (in ILAs)	<input type="checkbox"/>
g. Increasing Modern Techniques Adoption in the Real Estate Documents (in REROs)	<input type="checkbox"/>
h. Raising the Legal Awareness among People about their Rights and Responsibilities.	<input type="checkbox"/>
i. Promoting the Free Access to Information related to Land Rights	<input type="checkbox"/>
j. Achieving Equitable Tenure Rights	<input type="checkbox"/>
k. New affective Legislative System	<input type="checkbox"/>
l. New affective Land Authorities	<input type="checkbox"/>
m. Respecting Role of Islamic Tenure System	<input type="checkbox"/>
n. Respecting Role of Social Value System.	<input type="checkbox"/>

Thank you very much for your time and cooperation

APPENDIX C: PARTICIPANT INVITATION LETTER

School of the Built Environment, University of Salford,
The Crescent, Salford, M5 4WT

RESEARCH TITLE: A STRATEGIC APPROACH TO DEVELOPING RESIDENTIAL LAND TENURE ADMINISTRATION, THE CASE OF IRAQ

Dear Madam/Sir,

My name is ...**Laith Hady Al-Ossmi**..., a student at the University of Salford/UK, and currently undertaking a PhD programme at the School of Built environment, Following of Science and Technology, University of Salford, UK under the supervision of ...**Professor Vian Ahmed**.

I am pleased and honoured to invite you to participate in this survey. To assist with part of my PhD requirement, you are kindly invited to take part in a data collection. The aim of this research is to develop a strategic approach for effective management and monitoring of Land Tenure Administration (LTA) in Iraq. Therefore, your participating will help the researcher, as a PhD student, to understand in depth the main factors of the Iraqi land tenure and how these factors work within the current situation as way for securing the tenure and rights of land users. Please take time to read the following information carefully and discuss it with others if you wish. Ask if anything is unclear or if you would like more information. Your response to this survey, or any individual question on the survey, is completely voluntary. You will not be individually identified and your responses will be used for academic purposes only. This means that your identities or personal details will not be disclosed to others, except for research purposes, and any data used in the report will not be linked to any respondents.

Thank you for your co-operation, but if you decide to assist with the survey, we would ask you to sign a Research Participation Consent Form (see attached).

The researcher

Laith Al-Ossmi

laithhady@gmail.com l.h.al-ossmi@edu.salford.ac.uk

PARTICIPANT INFORMATION LETTER

School of the Built Environment
University of Salford, Salford, UK, The Crescent, Salford, M5 4WT

Dear Participant,

You are being invited to take part in a research project. Before you decide to participate it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask if anything is unclear or if you would like more information. Your response to this survey, or any individual question on the survey, is completely voluntary. You will not be individually identified and your responses will be used for statistical purposes only. This means that your identities or personal details will not be disclosed to others, except for research purposes, and any data used in the report will not be linked to any respondents.

- **Aim of the interview**

This interview is conducted based on an on-going PhD research that aims to develop a strategic approach for effective management and monitoring of Land Tenure Security (LTS) in Iraq, using Al-Nassiriya city as a case study. Therefore, your contributing will help researcher, as PhD student, to understand in depth the main factors of the Iraqi land tenure and how these factors work within the current situation as way for securing the tenure and rights of land users.

- **Confidentiality**

The data collected will be treated with strict confidentiality. If you decide to participate in this study, your participation and any information collected from you will be strictly confidential, and only available to the research team. There are no right or wrong answers for the provided questionnaires. Please do not hesitate to ask any questions if anything is unclear to you.

- **Time of the interview**

It will take 40-60 minutes to complete the provided questionnaires. The instructions for these questionnaires will be given to you in writing and verbally to make sure that you have understood and accept the research. You can pull out of the study at any time you like. No questions will be asked as to why you want to pull out, and any information you have given will be destroyed.

RESEARCH PARTICIPANT CONSENT FORM

School of the Built Environment, University of Salford,
The Crescent, Salford, M5 4WT

**RESEARCH TITLE: A STRATEGIC APPROACH TO DEVELOPING
RESIDENTIAL LAND TENURE ADMINISTRATION, THE CASE OF IRAQ.**

Thank you for your co-operation, if you decide to assist with the survey, we would ask you to sign a Research Participation Consent Form:

- I confirm that I have read and understood the information sheet attached for the above study and what my contribution will be.
- I understand that my participation is voluntary and that I can withdraw from that at any time without giving any reasons.
- I have been given the opportunity to ask questions if anything is unclear.
- I agree that I have no future claim of the data.

Name of interviewee:	
Job title:	
Type / Name of organization:	
Contact information	
○ Telephone:	
○ E-mail:	
Date of interview:	
Signature:	

APPENDIX (D): PUBLICATIONS

During the course of this research, a number of research papers and articles have been made, which are based on the work presented in this thesis. They are listed here for reference:

Journals: (2016-2017)

Alossmi, Laith Hady and Ahmed, Vian. (2016) "*Land Tenure Administration: Towards a Regulatory Backdrop to Land Tenure in Iraq*". In Elsevier's Journal of Land Use Policy, V.57 (22), pp. 250-264.

Alossmi, Laith Hady and Ahmed, Vian. (2016) "*Land, Property and User's Rights according to Islamic- Ottoman Reforms in Iraq*". In International Journal of Heritage Architecture, Spain/ Valencia, V.1, Issue 3, pp. 379-387, DOI:10.2495/ HA-V1-N3-379-387.

Alossmi, Laith Hady and Hanadi AL-Mimar. (2017), "*Key Conceptual and Practical Considerations of LTA in Terms of LTS*", Paper accepted in European Scientific Journal (ESJ), ISSN: 1857 - 7881 (Print) e - ISSN 1857- 7431.

Alossmi, Laith Hady and Ahmed, Vian. (2017) "*A comprehensive Reviewing of the Practical Aspects of the Land Tenure Administration: Evidence from Middle Eastern Cases*". Full Length Article Submitted to Elsevier's Journal of Land Use Policy, 2017, LUP_2016_826_R1.

Alossmi, Laith Hady and Ahmed, Vian. (2017) "*Land Tenure and the Administrative Authorities: Quantitative data from the recent Iraq*". Full Length Article Submitted to Elsevier's Journal of Land Use Policy, 2017, LUP_2016_208.

Conference (2015-2016):

Alossmi, Laith Hady and Ahmed, Vian. (2016) "*Land Policy and Administrations in Iraq: Administrative Experiences* ": Rural Development Conference 2016, 13-15 March 2016, in Bangkok, Thailand.

Alossmi, Laith Hady and Ahmed, Vian. (2016) "*Land Tenures and the Administrative Authorities: Quantitative Data from the Recent Iraqi* ", in: I. International city planning and urban design conference on cities and city plans: the past and the future, Turkey/ Istanbul, DAKAM (Eastern Mediterranean Academic Research Centre), pp. 541-556.

Alossmi, Laith Hady and Ahmed, Vian. (2016) "*Land, Property and User's Rights, According to Islamic-Ottoman Reforms in Iraq*". In International Conference on Islamic Heritage Architecture and Art (Islamic Heritage Architecture 2016), 17-19 May 2016, Valencia, Spain.

Alossmi, Laith Hady and Ahmed, Vian. (2015) "*Land Tenure Security According to Land Registration Systems in Iraq* ", in: The 12th International Post Graduate Research Conference 2015 Media City UK, 10-12 June 2015, Media city, Salford/ UK.

Alossmi, Laith Hady and Ahmed, Vian. (2016) "*Land Policy Authorities and their Interplays in Iraqi Urban Areas* ", IJAS Academic Conference 2016 & International Journal of Arts & Sciences (IJAS), June 21-24, 2016 (Titan Sirius Conference Centre, Brunhamstrasse 21, Munich 81249, Germany).

Alossmi, Laith Hady and Ahmed, Vian. (2016) "*Land Rights in Crisis: Findings and Lessons from IRAQ* ", at the International Conference on Urban Design and Cities Planning (ICUDCP 2016) in June 2016. www.nzaar.com, New Zealand Academy of Applied Research Ltd.

Alossmi, Laith Hady (2016), Conference of the Future of Social Housing 2016: Solving the current crisis, Manchester city, 29th November 2016; AJ Bell stadium 1 Stadium Way Barton-upon-Irwell Salford M30 7EY, UK.

Alossmi, Laith Hady (2016), "the Future of Smart Cities Conference ", Etihad Campus Manchester M11 3FF, 19 April 2016.

Alossmi, Laith Hady and Hamad, Mohammed. (2017), "*Key Influences and Constraints of LTA Efficiency: Evidences from Iraqi land Authorities*", accepted paper to IPGRC2017, International Research Conference Shaping Tomorrow's Built Environment Construction and Design for the Modern World 11-12 September 2017 , School of the Built Environment, University of Salford, UK.

Alossmi, Laith, and Hanadi AL-Mimar. (2017), "*Key Conceptual and Practical Considerations of LTA in Terms of LTS*", Paper published in 7th International Scientific Forum, ISF 2017, 7-9 February 2017, Oxford, UK, Proceedings (pp.602-618). European Scientific Institute, ESI (publishing).

Posters (2014-2016):

Alossmi, Laith Hady (2014), "*Key Factors of the Land Tenure Security in Iraqi Cities: using Al-Nassiriya City as a Case Study*", at Salford Postgraduate Annual Research Conference (SPARC), CST Dean's Showcase, Media city, 26-28 May 2014, Salford City, UK.

Alossmi, Laith Hady and Ahmed, Vian (2015), "*A Strategic Approach to Land Tenure Security in Iraq: Case Study of Al-Nassiriya City*", in: Salford Postgraduate Annual Research Conference (SPARC), 2015, Salford, Media City/ UK.

Alossmi, Laith Hady and Ahmed, Vian (2016), "*Iraqi Land Tenure Administrations*", in: Salford Postgraduate Annual Research Conference (SPARC), 2016, Salford, Media City.

Alossmi, Laith Hady and Ahmed, Vian. (2017) " *Land Tenure Security and the Administration: Evidence from Middle Eastern Cases* ", accepted poster to GISRUK 2017, 25th GIS Research UK Conference 2017.

Awards (2016-2017):

Alossmi, Laith Hady (2016), **Prize**, Pitched idea at: Santander Universities Entrepreneurship Awards Information Pack, 23/2/2016, Salford/ UK. (Triton Square, Regent's Place, London, NW1 3AN, United Kingdom).

Alossmi, Laith Hady (2017), **Prize**, the Golden Medal of novelty from the Iraqi Minister of Education and Scientific Research, Iraqi Embassy, London, UK.

