

# A BRIEF GUIDE ON HOUSING, LAND AND PROPERTY (HLP) RIGHTS IN IRAQ AND THE LEGAL FRAMEWORK

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## OVERVIEW

This guide provides a brief outline of housing, land and property (HLP) rights based on international legal framework and how they fit within the framework of Iraqi law.

## HLP RIGHTS

Housing, Land and Property rights are generally recognized as human rights under international law and are specifically protected within the international legal framework, including under the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). The legal framework seeks to ensure that every person can enjoy security of tenure, and provides legal protection against any abuse or discrimination of those rights.

The Global Protection Cluster's HLP Area of Responsibility notes that:

*"The concept of HLP includes the full spectrum of rights to housing, land and property held according to statutory or customary law or informally – both public and private housing, land and/or property assets. Land rights are rights held to both land and natural resources. HLP rights are held by owners, tenants, cooperative dwellers, customary land tenure owners and users, and informal sector dwellers without secure tenure."*

HLP rights are the rights that are given to an individual to own, enjoy, use, benefit or transfer to someone else a certain piece of land or property. Those rights can be formal or informal, which defines how, when, where and under what circumstances the property can be owned, enjoyed and used within the limits of the law.

HLP rights can be exercised in many ways, including ownership of a property, rental agreements, tenure arrangements on use, lease or occupation, all of which provide security of tenure and legal protection against arbitrary evictions.

## HOUSING RIGHTS – THE RIGHT TO HOUSING

Housing rights are universally recognized as human rights. The right to housing has been codified by a wide range of international legal instruments under the umbrella of the United Nations.<sup>1</sup> Furthermore, the legal framework makes clear that it is not just a right to housing, but, rather, to adequate housing.

### THE RIGHT TO ADEQUATE HOUSING

According to the Office of the United Nations High Commissioner for Human Rights and UN-Habitat, the right to adequate housing is a human right recognized in international human rights law as part of the right to an adequate standard of living. International human rights law recognizes everyone's right to an adequate standard of living, including adequate housing. "The right to adequate housing" encompasses a wide range of rights and protections, including that everyone should enjoy security and protection against forced eviction, peace and dignity, security of tenure, restitution rights, non-discriminatory access and decision-making at national and community levels for housing rights and a right to choose where to live.

The first Special Rapporteur provided that *"the human right to adequate housing is the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity"*.<sup>2</sup>

The Office of the United Nations High Commissioner for Human Rights (OHCHR) and UN-Habitat have stipulated that the right to adequate housing contains the following elements:

- The right to adequate housing contains freedoms. These freedoms include protection against forced evictions and the arbitrary destruction and demolition of one's home;

<sup>1</sup> These include the UDHR, the ICESCR, as well as statements of the UN.

<sup>2</sup> Special Rapporteur on adequate housing: Ms. Leilani Farha, 2 June 2014, <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>.

the right to be free from arbitrary interference with one's home, privacy and family; and the right to choose one's residence, to determine where to live and to freedom of movement.

- The right to adequate housing contains entitlements. These entitlements include security of tenure; housing, land and property restitution; equal and non-discriminatory access to adequate housing; and participation in housing-related decision-making at the national and community levels.
- The right to adequate housing is NOT the same as the right to property. The right to adequate housing is broader than the right to own property, as it addresses rights not related to ownership and is intended to ensure that everyone has a safe and secure place to live in peace and dignity, including non-owners of property.
- The right to adequate housing is NOT the same as the right to land. Access to land can constitute a fundamental element of the realization of the right to adequate housing, notably in rural areas or for indigenous peoples. As such, the enjoyment of the right to adequate housing might require, in certain cases, securing access to and control over land.

In addition, for housing to be adequate, it must, at a minimum, meet the following criteria:

- **Security of tenure:** Housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats. Availability of services, materials, facilities and infrastructure: housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.
- **Affordability:** Housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights.

- **Habitability:** Housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
- **Accessibility:** Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.
- **Location:** Housing is not adequate if it is cut off from employment opportunities, healthcare services, schools, childcare centers and other social facilities, or if located in polluted or dangerous areas.
- **Cultural adequacy:** Housing is not adequate if it does not respect and take into account the expression of cultural identity.

## LAND RIGHTS

Land rights refer to different types of the right to land. Those rights are usually split into use rights, control rights and transfer rights. Land rights also include the right to occupy, use, transfer, sell and purchase, grant, loan, inherit, develop, restrict or exclude others from the land. Land rights are rights that can be held over both land and natural resources, and usually land rights fall within the categories of land laws and other types of land tenure arrangements.

*There has been no specific recognition in international law of land rights as a fundamental human right. However, behind this façade, land rights are a key human rights issue. Land rights constitute the basis for access to food, housing and development, and without access to land many people find themselves in a situation of great economic insecurity.<sup>3</sup>*

Furthermore, land rights impact directly on the enjoyment of a number of human rights. For many people, land is a source of livelihood, and is central to economic rights. Land is also often linked to peoples' identities, and so is tied to social and cultural rights.

<sup>3</sup> <https://sur.conectas.org/en/land-rights-human-rights/>

In principle, land rights are regulated through the national legislation or customary rights of individual countries.

*The human rights aspects of land affect a range of issues, including poverty reduction and development, peacebuilding, humanitarian assistance, disaster prevention and recovery, and urban and rural planning.*<sup>4</sup>

## PROPERTY RIGHTS

Property is an objective thing over which the rights of possession and peaceful enjoyment are exercised. There are two types of property rights. Real property, which is land or anything attached to it, and personal property. However, how property is defined differs across the jurisdictions of individual countries.

Property rights are the right to possess a property, the right to register property in a person's name, the right to control, the right to use and peaceful enjoyment, the right of exclusion, and the right to transfer property to others.

## THE RIGHT TO A PROPERTY

The right to own a property is a universal right which is guaranteed by international law. Everybody should have the right and be able to freely own and enjoy the right to a property based on international principles and standards. The right to own property is protected by Article 17 of the UDHR, which provides that *"Everyone has the right to own a property alone as well as in association with others"*, and *"Everyone has the right to equality before the law without distinction as to race, colour and national or ethnic origin"* as set out in Article 5 of CERD. Accordingly, everyone has the right to own a property without any discrimination regardless of their ethnicity, race, religion and status (which includes internally displaced persons (IDPs) and refugees).

Every owner should have the right to take any legal action related to their property. In other

words, the owner should have the right to: own a property; register it in their name; control it; use it and enjoy it peacefully; rent it; the right of exclusion; sell and buy it; and transfer or donate the property to others. Furthermore, the owner should have full rights over a property to decide what, when and how they want to use the property within the limits of applicable law.

## SECURITY OF TENURE

There are various definitions regarding security of tenure. The Expert Group Meeting on Urban indicators defines security tenure as *"the right of all individuals and groups to effective protection by the state against forced evictions"*.<sup>5</sup>

The tenure is the relationship between groups or individuals with respect to housing, land and property. Security tenure refers to the rights of individuals to have guaranteed legal protection against forced eviction, harassment or other threats.

Tenure rights can be formal, informal or combined. The formal tenure rights are those which are recognized or acknowledged, and (or) registered by the state and protected by the law, but in reality they are often inaccessible to the poor. Informal tenure rights are not officially recognized by states and not registered with national land registry offices, and so are often unprotected by law. However, in many countries informal tenure rights are widely practiced and recognized within community and customary law, which is known as combined tenure rights.

## HLP RIGHTS OF IDPS

HLP rights of IDPs are guaranteed by many international laws and instruments such as:

- The Guiding Principles on Internal Displacement, 1998;
- the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, 2007;

<sup>4</sup> <https://www.ohchr.org/en/issues/landandhr/pages/landandhumanrightsindex.aspx>

<sup>5</sup> Security of Tenure – Best Practices, UN-Habitat Land and Tenure Section, Shelter Branch.

- the UN Guiding Principles on Security of Tenure for Urban Poor, 2013; and
- the Principles on Property Restitution for Refugees and Displaced Persons, Pinheiro Principles, 2005.

The Guiding Principles and Pinheiro Principles referred to above clearly state that all displaced persons should be allowed to exercise full ownership of property without any discrimination and IDPs should not be deprived of property and possessions.

## HLP RIGHTS OF WOMEN

Women's HLP rights are equal to those of men, and are protected by international laws, principles and standards, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the UDHR, the International Covenant on Civil and Political Rights (ICCPR), the ICESCR, the Pinheiro Principles, Principle 4, the right to equality between men and women (4.1. and 4.2), the Sustainable Development Goals contained in paragraph 54 of the United Nations Resolution A/RES/70/1 of 2015, and the Cairo Declaration on Human Rights in Islam.

However, in many countries and societies women are still mostly or systematically denied from accessing their HLP rights. The majority of women are affected by lack of secure property tenure for various reasons, but mainly because of statutory or customary law and discriminatory practices against women. These practices often deprive women or result in them facing barriers to access or exercise their tenure rights.

In many countries, women are still subject to traditional and cultural norms, which exclude them from fully exercising their HLP rights and may also ban them from their inheritance. They face barriers when attempting to transfer land and property titles from deceased husbands or their relatives to themselves, which often results in intra-family land grabs.

## PROTECTION OF PROPERTY IN IRAQ

Private property rights in Iraq are predominantly protected through the country's legal framework. However, in some cases protection of private property is also protected also informally, namely by customary law.

In Iraq, the main legal instruments that afford protection of property rights are (i) the Constitution of Iraq, which provides for the protection of private property and (ii) the Civil Code of Iraq, which recognizes the right to complete private ownership of property, which is defined as everything that has a material value. Ownership gives the owner the right to dispose of their property through use, enjoyment, exploitation and anything that property produces. Accordingly, Iraqi law provides comprehensive protection of private property for owners.

Property in Iraq may be owned by a single owner or jointly. Joint ownership occurs when two or more persons own something. In such circumstances, their beneficial shares of that thing are presumed to be equal in the absence of something proving the contrary. Each co-owner may avail himself or herself of the entirety of the jointly owned property. In the situation of joint ownership, the Iraqi Civil Code recognizes the primacy of ownership by stating that every co-owner is the absolute owner of his or her share and may exploit it in any manner deemed appropriate so long as it does not adversely affect the other co-owners.<sup>6</sup> The owner may also lease, sell, mortgage, or dispose of his own share without the permission of the other co-owners. Further details of the legal framework protecting property rights in Iraq are set out below.

### I. CONSTITUTION OF IRAQ

The Iraqi Constitution provides for the protection of property rights. For example, Article 23, (First) of Iraqi Constitution stipulates that "*Private property is protected*" and (Third, A) "*Every Iraqi shall have the right to own property anywhere in Iraq*".

<sup>6</sup> Dan E Stigal, A cCoser Look at Iraqi Property and Tort Law, 2008.

All Iraqi citizens are afforded the right to own property in Iraq, regardless of their origin, religion or ethnicity. In addition, both men and women can own a property wherever they want. Ownership of property for the purpose of demographic change is prohibited by Article 23 (Third, B) of the Iraqi Constitution.

Article 23, First of the Iraqi Constitution on the right to own property states that private property is protected. The owner shall have the right to benefit, exploit and dispose of private property within the limits of the law. Secondly, it states that expropriation is not permissible except for the purposes of public benefit in return for just compensation, and this shall be regulated by law. Thirdly, (a) every Iraqi shall have the right to own property anywhere in Iraq and no others may possess immovable assets, except as exempted by law, and (b) ownership of property for the purposes of demographic change is prohibited.

## **II. IRAQI CIVIL CODE (LAW NO. 40 OF 1951)**

The Iraqi Civil Code (articles 125, 127) also recognizes and protects the right to private ownership of property. Every Iraqi is eligible to own a property under this statute. No distinction is mentioned regarding private property ownership related to women and men. In addition, articles 138, 139, 1063 and 1061 of the Civil Code permit the joint ownership of property and having shares in the jointly owned property. Articles 1064, 1067, 1070, 1071 (1) and (2) and 1073 regulate how joint property shall be managed.

The Iraqi Civil Code contains the principal legislation dealing with property of every variety. The Iraqi Civil Code recognizes the right to complete private ownership of property. No exception is made for gender, class, religion or sect, as it is a right of universal application. An action by another to prove ownership of a thing or a right *in rem* will be barred after five years if a person continuously possesses property (or possesses a right *in rem* therein) which

is not registered with the Land Registration Department of Iraq on the assumption that it is their own property.

Article 1048 of the Civil Code emphasizes that *"Perfect ownership vests unto the owner a right to dispose absolutely of that which he owns: through use, enjoyment, and exploitation he shall enjoy (avail himself of) the thing (ayn) owned as well as its fruits, crops, and produce and may dispose of the thing itself (ayn) by all the allowable means"*.

Article 1049 (1) stipulates that *"The owner of a thing also owns everything which is deemed by usage to constitute an essential element thereof such as it cannot be separated therefrom without the thing owned perishing, deteriorating, or changing"*.

Article 1050 provides that *"No one can be deprived of his ownership except in the cases and in the manner provided for by law and in consideration of a fair compensation payable in advance"*.

Articles 192 to 201 of the Iraqi Civil Code provide remedies for the civil wrong of usurpation, or misappropriation.

Article 197 forbids the usurpation of private property, and clearly emphasizes that *"the usurped property must be returned to the rightful owner"*.

Iraqi domestic laws protect women and men ownership rights equally. There are no differences or discrimination. No exception is made whether based on ethnicity, religion, sectarian division, class or other category. As mentioned above, the Iraqi Constitution and Civil Code recognizes and protect HLP rights of women without any discrimination, so in principle women can own, co-own, jointly own, share, inherit, donate, sell-buy and transfer property.

However, women are still subject to traditional and cultural norms, and these sometimes result in violations of their HLP rights.

## PROPERTY CATEGORIES BASED ON IRAQI LAW

The Civil Code of Iraq provides that every property that has material, monetary or financial value is defined as property and, therefore, has legal rights as such. Article 65 of the Iraqi Civil Code states that *“Property is every right having material value”*.

The Iraqi Civil Code divides property in to categories, the main two being **immovable** and **movable** property.

- **Immovable property** (real property) is everything which is fixed and impossible to move, such as land, buildings and other real estate. Article 62 of the Civil Code provides that the “The immovable property (realty) is everything which is fixed so that it would be impossible to move or convert it without causing damage thereto such as land, buildings, plant (atations), bridges, dams, mines, and other real estate things”.
- **Movable property** is considered anything that can be moved, such as money, things, computers, phones, vehicles or any other items that have material value. Article 63 of Civil Code defines movable property as “A movable which is placed by its owner in an immovable owned by him with intent to serve or exploit such immovable is deemed to be an immovable”. This also means that some movable properties can become immovable in the future, especially if it is attached to any immovable property. Article 62 of the Civil Code states that “A movable is anything which can be moved and converted without causing damage thereto and includes currency (nuqud), commodities (arudh), animals, and things that can be measured by volume or weight, and other movable things”.

In addition, the Iraqi Civil Code defines five other categories as property: **fungible property; non-fungible property; tangible property; intangible property; and public property**.

- **Fungible property** is items that may be exchanged for each other. For example, you can exchange an item of moveable property by buying goods or other things with money. Article 64 defines fungible property as “Things which may be substituted for another when making payment: they are normally (customarily) assessed in dealings among people by number, measurements, volume or weight. All other things are non-fungible”.
- **Non-fungible property/goods** is property that is not interchangeable or that cannot be exchanged or substituted (for example, land, events or anything that cannot be fungible).
- **Tangible property** is property that can be touched, which includes real, personal, moveable and immovable property, or in other terms any property that has physical substance.
- **Intangible property** is defined in Article 70 (1) of the Civil Code as “[property] which relates to a non-material thing such as copyright (the rights of investors and artists)” and sub-section(2) states that “the provisions of specific laws shall apply in respect of the rights of authors (copyright), investors and artists and of trademarks and other intangible property”.
- **Public property**, as mentioned earlier, is property that belongs to the state or other public entities. Article 26 (First) of the Iraq Constitution stipulates that “Public assets are sacrosanct, and their protection is the duty of each citizen”. Article 71 of the Civil Code stipulates that “(1) The immovables and movables of the State and of the public juristic persons which are in fact or pursuant to the law allocated for a public utility are deemed to be public property and (2) This property is not alienable, attachable”.<sup>7</sup>

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<sup>7</sup> Stanford Law School, The American University of Iraq Sulimani, Property Law, Pub. 2014.

## IRAQ BASIC TENURE CATEGORIES

Article 62 of the Civil Code stipulates that tenure arrangements of immovable property are categorized in law as follows:

- **Ameriya/Miri:** State land owned by a governorate (miri means land that is state owned, but possessed by an individual); miri land is technically owned by the state, and it can be possessed and used by individuals who retain what are known as tasarruf rights, which are the right to use or exploit and transfer the land.
- **Mulk:** Private, rights gained through the TAPU title allowing degrees of freedom of use.
- **Waqf:** Mainly religious endowments, translation of private ownership within an endowed land governed and regulated by Islamic law.
- **Empty land:** The dead land that is undeveloped and at a distance from any town or village (not applicable/Ottoman era).
- **Land rights use for a fixed term:** Rights of use and benefit for a fixed term of years during which the land and property is still owned by the grantor.
- **Communal lands:** The term used at village level to denote common undivided land or communal grazing land.
- **Unit/plot:** User residence ownership rights.
- **Leases:** The right to use and benefit land for a specific period of time at an agreed amount.
- **Sell-buy/transaction process:** Long and complex transaction procedures.<sup>8</sup>

## DURABLE SOLUTIONS FOR HLP RIGHTS

The protection and development of HLP rights should be priorities for all HLP partners working in Iraq. In particular, partners should support the government on achieving durable solutions

for IDPs with the aim of providing long term-security for them. This could include the restitution of IDPs' HLP rights, compensation for loss, assistance with damaged or destroyed properties, the formation or restoration of HLP documentation, access to effective dispute resolution mechanisms for resolving HLP issues.

The lengthy processes and complex legal framework for HLP rights in Iraq are often insufficient for addressing the accumulated HLP issues and different layers of problems HLP problems in Iraq. There is a plethora of problems facing IDPs, including the large scale of destruction and damage of housing, missing, or lost or destroyed HLP documentation, an accumulated large number of pending compensation claims, outdated property records and title deeds, the rare definition for property boundaries, secondary occupations, inheritance disputes, coerced property sales, illegal constructions, non-registration of owners, informal transactions, informal tenure arrangements, illegal and inappropriate property distribution allocations, abandoned properties by IDPs living outside of the country, and disputes (particularly with regards to secondary occupation and forced eviction). These extensive issues pose huge obstacles and are an area of high concern for IDPs intending to return to their homes within Iraq.

Housing and HLP partners should prioritize their approach towards achieving durable solutions for IDPs by addressing the above-mentioned issues and challenges in order to facilitate their return and provide long-terms security. Any solutions should also take into consideration that some IDPs and households may not want to return to their homes for different reason (such as security concerns, limited livelihood opportunities, or a lack of community integration). IDPs living in informal settlements should be seen as a focus of any plan for durable solutions. Often they are exposed to the threat of evictions because of rent being continually increased, informal tenancy agreements, an inability to pay rent because of their low income or lack of job opportunities.

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

Achieving durable solutions on housing, land and property requires a comprehensive and holistic approach. There are many appropriate solutions and modalities that could help IDPs and returnees to access their HLP rights. The Inter-Agency Standing Committee (IASC) Framework is the main guiding document for achieving durable solutions on HLP rights. It gives clear guidance on when and how durable solutions on HLP rights will be achieved. Accordingly, the durable solutions will be achieved when an effective and accessible (restitution) mechanism is established to restore and access HLP rights.

To achieve durable solutions, IDPs should have access to an effective mechanism for the restitution of their HLP rights, regardless of whether or not they wish to return. Restitution may be, but should not be limited to, a right to return, integrate locally or resettle elsewhere in the country, compensation for losses of their HLP rights, adjudication of HLP claims, enforcement of the adjudicated claims (particularly for vulnerable populations, such as minority groups, women and children inheriting property), lease and tenancy agreements with regard to their HLP particularly for IDPs living in rent or secondary occupations, formal or informal rights or titles, inherit the property from deceased family member and also the HLP rights for the indigenous people, reconstruct/rehabilitate their houses or resettle the IDPs who do not have access to housing, and protect them from forced evictions of secondary displacement.

In short, durable solutions for IDPs are considered to be achieved when displaced populations can access their HLP rights without any discrimination or significant challenges, are able to make choices with regards to their HLP rights, and have sustainable resolutions of their HLP rights. Achieve these durable solutions will require close coordination and cooperation between humanitarian, development and durable solution partners, as well as with national and local authorities.

## HLP RELATED LAWS IN IRAQ

Iraq has a wide and complicated legal framework with regards to housing, land and property. There are approximately 73 laws in Iraq which are directly or indirectly related to an individual's HLP rights. Below is the main legal framework regarding the regulation of housing, land and property in Iraq, including the Kurdistan Region of Iraq (KRI).

### IRAQ

- Law no. 50 of 23 May 1932, "Land Rights Settlement Law".
- Law no. 40 of 8 September 1951, "Civil Code".
- Law no. 3 of 3 January 1960, "Granting Ownership of Governmental Lands and Buildings".
- Law no. 54 of 4 October 1962, "Housing Law".
- Law no. 12 of 1981, "Land Acquisition".
- Law no. 80 of 22 April 1970 relative to "Domain Titling Within Municipalities Borders".
- Law no. 117 of 30 May 1970, "Agrarian Reform Law".
- Resolution regarding the Compensation for the Expropriation of Real Estate and the Acquisition of the Right to Disposal on the Vacant Agrarian Reform Land, no. 90 of 1996.
- Law no. 43 of 9 March 1972, "Land Registration Law" including amendment 114/1981.
- Real Estate Registration Act no. 43 of 1971.
- Law no. 53 of 31 May 1976, "Consolidation of State Land Categories".
- Resolution of the Dissolved Revolutionary Command Council no. 1198 of 14 November 1977 related to the "Undertaking to Transfer Real Estate Ownership is Valid Only for Compensation in Case of Breach".
- Law no. 85 of 29 May 1978, "Real Estate Value Assessment Law".

- Resolution of the Dissolved Revolutionary Command Council no. 548 of 21 May 1979 related to "Allocation of Land Subject to Encroachment to People Who Built Housing on it".
- Law no. 87 of 1 July 1979 (including amendment 56/2000-CPA Order 29/2003), "Law of Renting of Real Estate".
- Real Estate Rental Tax Law 162/1959-CPA Order 49/2004.
- Real Estate Transfer Tax Order 120/2002.
- Vacant Land Tax Law 26/1962 (including Amendment 18/1994).
- Selling and Leasing State Property Law 32/1986.
- Resolution of the Dissolved Revolutionary Command Council no. 859 of 23 July 1979 on "Fixing the Space Limits of the Area of Land Designated for Housing".
- Law no. 12 of 16 February 1981, "Expropriation Law".
- Resolution of the Dissolved Revolutionary Command Council no. 120 of 1 February 1982 on "Banning of Sale of State Land or State-owned Residential Units".
- Law no. 2 of 1 January 1983, "Pasture".
- Law no. 35 of 30 March Year 1983, "Lease of Agricultural Land".
- Law no. 87 of 1979, "Leases".
- Law no. 79 of 7 October 1985, "Renting of Reclaimed Agricultural Lands".
- Law no. 42 of 1 June 1987, "Reorganizing Agricultural Ownership".
- Law of 2013 on confirmation of ownership of agricultural land and orchards excluded from the regularization procedures.
- Resolution no. 333 promulgating law no. 42 of 1987.
- Law no. 58 of 17 June 1987, "Brokerage Law".
- Law no. 15 of 29 June 1992, the "Cooperative law".
- Law no. 51 of 1959, "Correcting Classification of State Lands Law".
- Law no. 53 of 1976, "Standardizing Classification of State Lands Law".
- Resolution of the Dissolved Revolutionary Command Council no. 90 of 2 September 1996 relating to "Corporeal Compensation for Appropriated Real Estates and Amortization of the Right of Disposal of Vacant Agricultural Reform Lands".
- Resolution of the Dissolved Revolutionary Command Council no. 150 of 27 October 1997 concerning the "Sale of Plots of Land for Housing Owned by the State to Farmers".
- Law no. 20 of 3 August 1998, "Industrial Investment for the Private and Mixed Sector".
- Law no. 61 of 1 January 2000, "Regulating the Ownership of Apartments and Floors in Buildings".
- Resolution no. 21 of 1996 to prevent the alienation of real property of Iraqi citizens who left Iraq.
- Resolution of the Dissolved Revolutionary Command Council no. 154 of 9 July 2001 relating to "Considering Certain Actions Encroachment on State and Municipalities Lands".
- Law no. 55 of 18 November 2002, "Antiquities & Heritage".
- Law no. 13 of 17 January 2007, "Investment Law".
- Law no. 13/2006 "Investment Law" - Amendment 2009.
- Law no. 21 of 31 March 2008, "Governorates not Organized into a Region".
- Law no. 20 of 28 December 2009, "Compensating Victims of Military Operations, Military Mistakes and Terrorist".

Actions”, amendment law 57 of 2015 and law 20 of 2020.

- Law no. 13 of 9 March 2010, “Property Claims Commission”.
- Law no. 27 of 26 March 2010, “Protection and Improvement of the Environment”.
- Law no. 30 of 25 January 2010, “Forests and Woodlands”.
- Law no. 59 of 15 October 2012, “Modern Farming Villages”.
- Law no. 24 of 26 August 2013, “Leasing of Agricultural Land and Allocating Disposal Rights Over Them to Graduates of Agricultural Institutes and to Veterinarians”.
- Law no. 21 of 18 September 2013, “Selling and Leasing State Property”.
- Law no. 49 of 6 December 2015, “Confirming Ownership of the Agricultural Lands and Orchards excluded from the Adjustment Acts”.
- Resolution on agricultural land - Unofficial Title No. 211 of 1991.
- Iraqi Company for Land Reclamation Contracts (law no. 116 of 1981).

## **KURDISTAN REGION OF IRAQ**

- Law no. 90 of 9 June 1975, “Regulation of Agricultural Ownership in the Autonomous Kurdistan Region”.
- Law no. 4 of July 2006, “Investment Law in Kurdistan Region-Iraq”.
- Law no. n1 of 31 March 2008, “Regulation of Disposal Rights in Agricultural Lands”.
- Law no. 4 of 5 May 2008, “Protection and Promotion of Agricultural Product in Kurdistan Region-Iraq”.
- Law no. 7 of 3 June 2008, “Securing Housing Provision for citizens in the Region of Kurdistan-Iraq”.

- Law no. 8 of 11 June 2008, “Environmental Protection and Improvement in the Kurdistan Region of Iraq”.
- Law no. 10 of 10 October 2012, “Forestry Law of Kurdistan Region of Iraq”.
- Law no. 12 of 21 November 2012, “Allocation of Residential Dwellings Located in Villages Within Municipal Boundaries in the Kurdistan Region”.
- Law no. 9 of 2008 amending the application of Real Estate Rent Law no. 87 of 1979 amended in the KRI.

## **RECOMMENDED FURTHER READING**

- Constitution of Iraq.
- Civil Code of Iraq.
- A Closer Look at Iraq Property and Tort Law, Dan E. Stigall, 2008.
- The Right to Adequate Housing, UNHCR/UN Habitat (2010), Fact Sheet No. 21/Rev.1.
- UN-HABITAT (2010). Land and Natural Disasters: Guidance for Practitioners: <https://unhabitat.org/books/land-and-natural-disasters-guidance-for-practitioners>
- USAID (2013) Country Profile, Property Rights and Resource Governance Profile, Iraq: [https://www.land-links.org/wp-content/uploads/2018/03/USAID\\_Land\\_Tenure\\_Country\\_Profile\\_Iraq.pdf](https://www.land-links.org/wp-content/uploads/2018/03/USAID_Land_Tenure_Country_Profile_Iraq.pdf)
- Al-ossmi, Laith Hady and Ahmed, University of Salford, Manchester, (2015). Land Tenure Security According to Land Registration Systems in Iraq: <http://usir.salford.ac.uk/38393>
- Security of Tenure – Best Practices, Clarissa Augustinus & Marjolein Benschop, UN-Habitat Land and Tenure Section, Shelter Branch.
- Property Restitution in Iraq, Peter Van der Auweraert, Sept 2007.

- The Roadmap for the Framework of the National Programme for Land Policy and Land Management in Iraq, UN-Habitat.
- Forced Evictions, UN-Habitat and United Nations Human Rights Office of the High Commissioner, Fact Sheet No. 25 rev.1.
- Introduction to the Laws of Kurdistan, Iraq-Working Paper Series, Property Law, Stanford Law School and The American University of Iraq, Sulaimani, Pub. 2014.
- Land Tenure Security According to Land Registration Systems in Iraq, Laith Alossmi, University of Salford, May 2015.
- IASC Framework on Durable Solutions for Internally Displaced Persons, April 2010.
- Land Registration and Property Rights in Iraq, USAID Iraq Local Governance Program, January 2005.
- Land, Law and Islam, Property and Human Rights in the Muslim World, Siraj Sait and Hilary Lim, UN-Habitat.

## **FOR MORE INFORMATION**

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**THE BRIEF GUIDE ON HLP IS DEVELOPED BY UN-HABITAT  
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