

Examination of Land Registration System in Iraq

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Key words: land registration, land administration, property, ISO 19152:2012

SUMMARY

This study examines the current status of land (real estate) registration in Iraq from a legal, institutional and technical points of view. From a legal perspective, the right to property in Iraq is guaranteed by the constitution. Real estate owners have the right to use, benefit and control of their properties. The property of real estate can only be intervened in by expropriation for the public good by paying the price. The registration of real estate in Iraq is carried out by reference to the Civil Code No. 40, the Real Estate Registration Law No. 43 and the Agricultural Reform Law No. 117. In addition to these laws, the Real Estate Registration Regulation No. 1 published in 2010 also includes regulations regarding registration procedures. The registration procedures of real estate are carried out by 18 real estate registration offices scattered throughout Iraq under the Ministry of Justice. Technically, the rights, restrictions, responsibilities and value information regarding real estate are kept in paper forms. Some of these forms are named as perception form, Form 23, Form-25, Form-46, Form-51, Form-52 and Form-59. Independent drawings showing the boundaries of real estates are in various forms, but they are not based on a common coordinate system. Therefore, it is not possible to accept these drawings as cadastral maps. Within the scope of this study, the forms and drawings used in the registration processes of real estates in Kirkuk province of Iraq were examined and UML forms were created for real estate objects in the parcel and building form. In this way, the basic objects in land administration, the attributes of these objects and their relationships with each other were determined and a basis was created for a modern land administration system that could be established in the future. The advances in the fields of land data collection (modern surveying instruments, GNSS, Lidar), management (spatial database management systems) and standardization (ISO 19152-Land Administration Domain Model-LADM) in the last twenty years offer important opportunities for establishing a modern land administration system for Iraq. However, further examination of land policies at different periods in Iraq's history and their impact on land property and use is needed.

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1. INTRODUCTION

Sound land administration and sustainable land management are indispensable for economic, social and environmental development. They are also vital for good governance. Land management can be defined as the process of managing, use and development of land resources. Land management policies are expected to (FIG, 1995)

- improve the efficiency of land resource use to support the rapidly growing population of many countries;
- provide incentives for development, including the provision of residential housing and basic infrastructure such as sewer and water facilities;
- protect the natural environment from degradation;
- provide equitable and efficient access to economic benefits of land and real estate markets and
- support government services through taxation and fees related to land and improvements.

For achieving these objectives access to information about land such as land use, land ownership and land value is required. This information is essential in (UN and FIG, 1999):

- identifying problems and priority concerns;
- formulating and implementing appropriate land policies and strategic plans to address the problems;
- supporting land use planning and land development activities;
- providing cost-effective land transaction processes to support economic development;
- implementing equitable and efficient property taxation systems and
- monitoring land use to ensure the identification of new problems and to evaluate the effect of land policies.

Iraq, with a total area of 438,320 kilometers, is bordered by Türkiye to the north, the Islamic Republic of Iran to the east, the Persian Gulf to the southeast, Saudi Arabia and Kuwait to the south, and Jordan and the Syrian Arab Republic to the west. Topographically, Iraq is shaped like a basin, consisting of the Great Mesopotamian alluvial plain of the Tigris and the Euphrates rivers (Mesopotamia means, literally, the land between two rivers). (FAO, 2008). Iraq is geographically located between 29-37 degrees north latitude and 39-49 degrees east longitude. Figure 1 shows geographical location of Iraq on map.

According to United Nations estimates, 2025 population of Iraq is 47,020,774 people at mid-year. Iraq population is equivalent to 0.57% of the total world population and Iraq ranks number 34 in the list of countries (and dependencies) by population. Also, the population density in Iraq is 108 per Km² (280 people per mi²) (Worldometers, 2025).

Rules and regulations implemented at different periods in Iraq's history have impacted current land administration in Iraq. These periods can be listed as the Ottoman period (1537-1917), the British period (1917-1932), the independence and monarchy period (1932-1958), the nationalist-socialist period (1958-2003), and the post-2003 period (Ossmi and Ahmed, 2016).

This study, after researching past land registration practices (Section 2) to evaluate land registration in Iraq, examines current land registration practices in Iraq from legal, institutional, and technical perspectives (Section 3) through an examination of existing documents. In Section 4, designs are developed using UML diagrams to improve the registration of parcels and building objects using the information obtained in Section 3. The study concludes with a conclusions (Section 5). Figure 2 presents the methodology employed in the study.

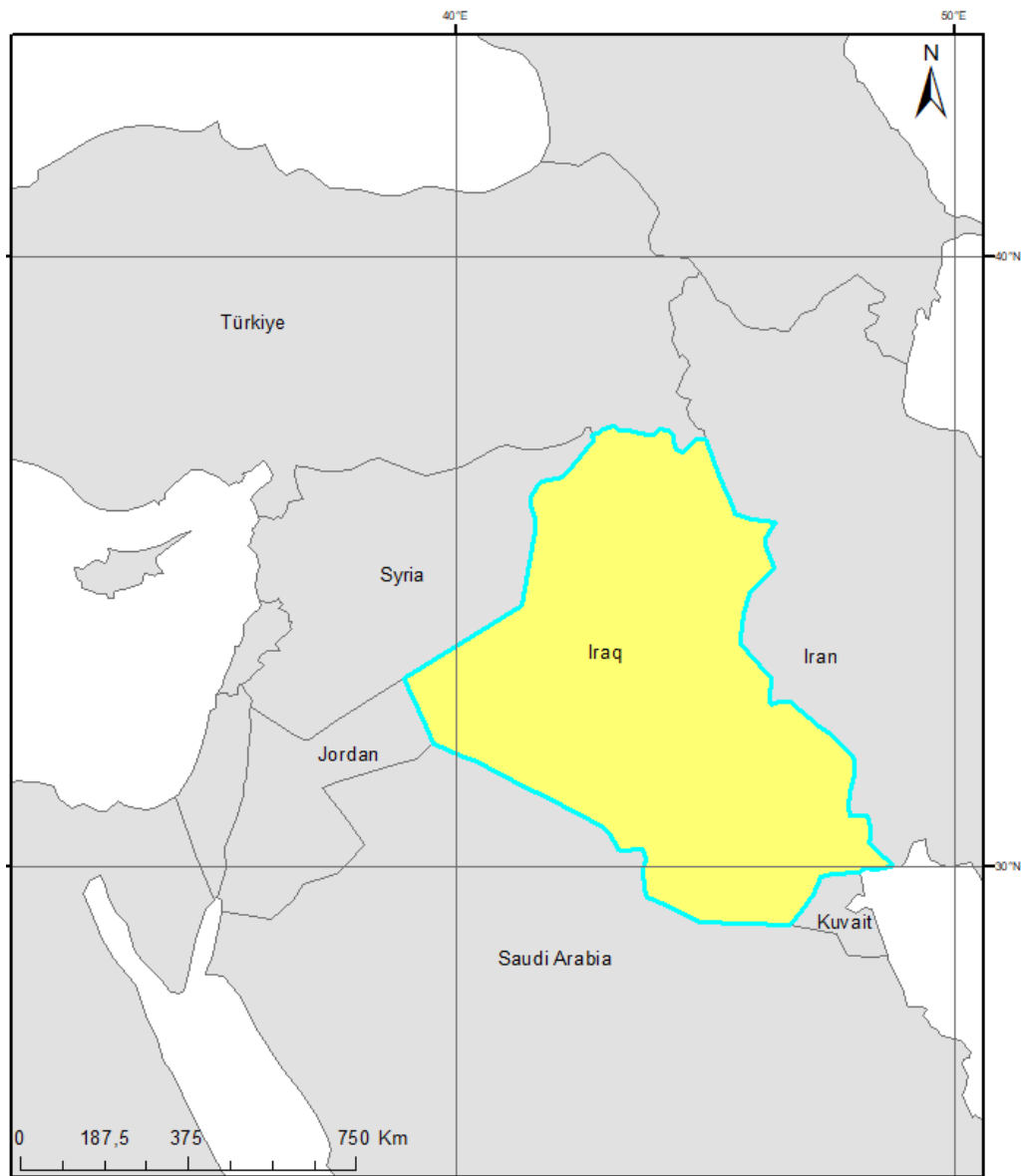


Figure 1. Geographical location of Iraq

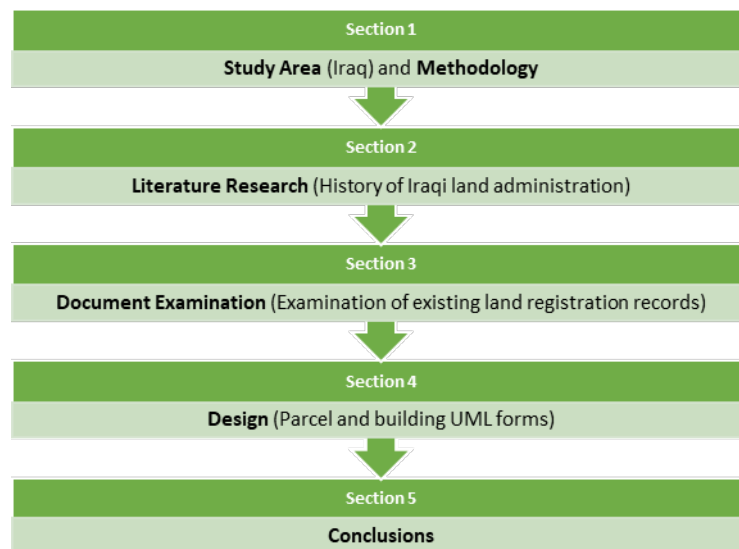


Figure 2. Methodology of the study

2. HISTORY OF LAND ADMINISTRATION IN IRAQ

Prior to Ottoman Empire, landownership and registration in Iraq were determined by tribal laws, which provided custody only to tribal lords operating under a feudal system. Land lots were registered to tribes, cities and villages as single plots under one deed (UN-Habitat, 2022).

2.1 Ottoman era (1537-1917)

The Ottoman rulers changed the tribal laws. In principle, all land under Ottoman rule belonged to the state, which did not need to prove ownership. Communities or individuals who owned land, however, needed to present land titles. During the Ottoman Empire's rule over Iraq, the land administration was characterized by a centralized and hierarchical structure. Land ownership was concentrated in the hands of the ruling class, religious institutions, and powerful landlords (Al-Ossmi, 2024).

As stated in the Land Code of 1858, the land was classified into five groups in the Ottoman Empire: Miri (state), mulk (private), waqf, metruk and mevat (dead).

Miri land is a land that forms part of the arable lands of the country. The operation of these lands, also called Dirlik, has been left to the Ottoman State officials and officials in charge of certain services. Dirliks are classified into three groups according to their annual incomes. First is Has, the annual income is more than 100,000 akche (money unit used in the Ottoman Empire). These were given to the sultans, viziers, members of divan, princes, grand seigneur. According to the incomes of Dirliks (for every five thousand akches), the Has owners are responsible for equipping one soldier ready for battle at any moment. Second is Zeamet, the annual income is between 20,000 - 100,000 akche. Zeamet owners are responsible for equipping one soldiers for every five thousand akches except for first twenty thousand akches. Third is Timar, the annual income is between 3,000 - 100,000 akche. These were the lands allocated to a number of soldiers and civil servants to ensure their livelihood and to cover the

cost of their services. Timar owners separated three thousand akches of their incomes for their livelihood. It was called a sword Timar. For the rest of the every three thousand akches they had to equip one soldier (Biyik et al., 2018).

Many academic studies and reports state that Iraqi land administration was established during the Ottoman period (UN-Habitat, 2010), that even during the post-Ottoman British period, eighty percent of Iraqi land was Miri (Yitzhak, 1994), that until the early twentieth century, Iraqi land laws largely consisted of numerous Ottoman legal codes (Abdul Rauf, 2015; UN-Habitat, 2022), and that Iraqi land registration included many terms (tapu, miri, arasaa, amlak etc.) from the Ottoman period (Al-Ossmi, 2016).

2.2 British control period (1917-1932)

During World War I, Iraq came under British control through the mandate system. Realizing the importance of tribes in Iraqi society, the British maintained the Ottoman land administration system (UN-Habitat, 2022). 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 and copied from the Ottoman period (Al-Ossmi, 2016).

Studies evaluating the British period have noted that land reforms initiated to modernize the land ownership system and promote agricultural development were limited, with a large portion of land falling into the hands of elites. Furthermore, British policies failed to meet the expectations of the rural population regarding land ownership and rights (USAID, 2005). Since the tapu was considered the primary document used as proof of ownership during this period, a law passed in 1929 established the Real Estate Registration Department, and translations of old documents known as tapu began. However, these efforts were short-lived (UN-Habitat, 2022).

2.3 Independence and monarchy period (1932-1958)

Iraq gained independence in 1932, and during the monarchy, the land administration system remained largely unchanged. Under the feudal system and tribalism, land was still concentrated in the hands of a few wealthy landowners, exacerbating rural poverty and inequality. The majority of the rural population continued to have limited access to land, leading to discontent and social unrest. The revolution of 1958 led to the establishment of a republic in Iraq (Al-Ossmi, 2024).

2.4 Socialist-Nationalist period (1958-2003)

Ten years after gaining full independence in 1958, the Arab Baath Socialist Party became the ruling party in Iraq. The party abolished feudalism and tribalism and replaced Tapu with the Real Estate Registration Law. This new law limited the size of landholdings while encouraging collective ownership and agriculture production (UN-Habitat, 2022). In the 1970s, under the Ba'athist regime led by Baath, land reforms were introduced with the aim of redistributing land to peasants and reducing rural poverty. Large landholdings were expropriated and redistributed to landless farmers. However, the implementation of these reforms was marred by corruption, mismanagement, and political favoritism, resulting in limited impact on land distribution (Al-Ossmi, 2024).

2.5 Post-2003 period

The fall of the Baath regime following the 2003 invasion marked a significant turning point in Iraq's history. Following the invasion, efforts were made to reform the land ownership system and create a more equitable and transparent land ownership system. The new government established a committee to address various thorny issues, including land confiscated by the Baath regime, refugee returns and tenure insecurity, title deed fraud, appropriation of public property, and encroachment on public land. Furthermore, the Iraqi Property Claims Commission was established in 2003. This commission was tasked with ensuring the return of land and property confiscated between 1968 and 2003 (USAID, 2005; UN-Habitat, 2022). Other land issues included the cancellation of agricultural contracts, the problems of internally displaced persons and other returnees, the occupation of public buildings and land, and informal settlements. Various studies indicate that the problems with land ownership registration in Iraq are due to the absence of land authorities, political instability and security problems that emerged in the post-2003 period (Al-Ossmi, 2024). Table 1 gives a summary of Iraqi land administration history.

Table 1. Summary of Iraqi land administration history

Period	Year	Description
Ottoman era	1537-1917	• Land was classified into five groups • Most land was <i>miri</i> • <i>Tapu</i> was used as a legal source that provides individual rights • Ottoman legal codes still exist
British control period	1917-1932	• Mainly maintained the Ottoman land administration system • Land reforms were initiated but were limited
Independence and monarchy period	1932-1958	• Land administration system remained largely unchanged • The majority of the rural population have limited access to land
Socialist-Nationalist period	1958-2003	• <i>Tapu</i> was replaced with the Real Estate Registration Law • Collective ownership was encouraged • Land reforms were introduced but resulting in limited impact
Post-2003 period	2003-	• Efforts were made to reform the land administration system • A committee and a commission were established to address land problems

3. CURRENT SITUATION

This section presents the current legal, institutional and technical status of Iraqi land administration by examining various documents and registration processes used for land registration.

Article 23 of the Iraqi Constitution states that private property is protected and that owners have the right to benefit, use and possess of such property within legal limits. Land registration in Iraq is based on Civil Code No. 40 of 1951, Agricultural Reform Law No. 117 of 1970, and Real Estate Registration Law No. 43 of 1971. In addition, the General Real Estate Registration Department Regulation No. 1, published in 2010, includes various regulations regarding land registration. The institution responsible for land registration in Iraq is the General Real Estate Registration Department. It was established by Real Estate Registration Law No. 43 of 1971. The Real Estate Registration Department is responsible for the registration of real estate transactions related to primary and accessory real estate rights, final court decisions, and similar transactions. The General Real Estate Registration Department is an entity of the Ministry of Justice. The Real Estate Registration Department and its associated notifications report to the Department. The General Real Estate Registration Department is managed by a Director General, who is accountable to the Minister for the completion of transactions in accordance with laws and regulations. The organizational structure of the Real Estate Registration Department is shown in Figure 3.

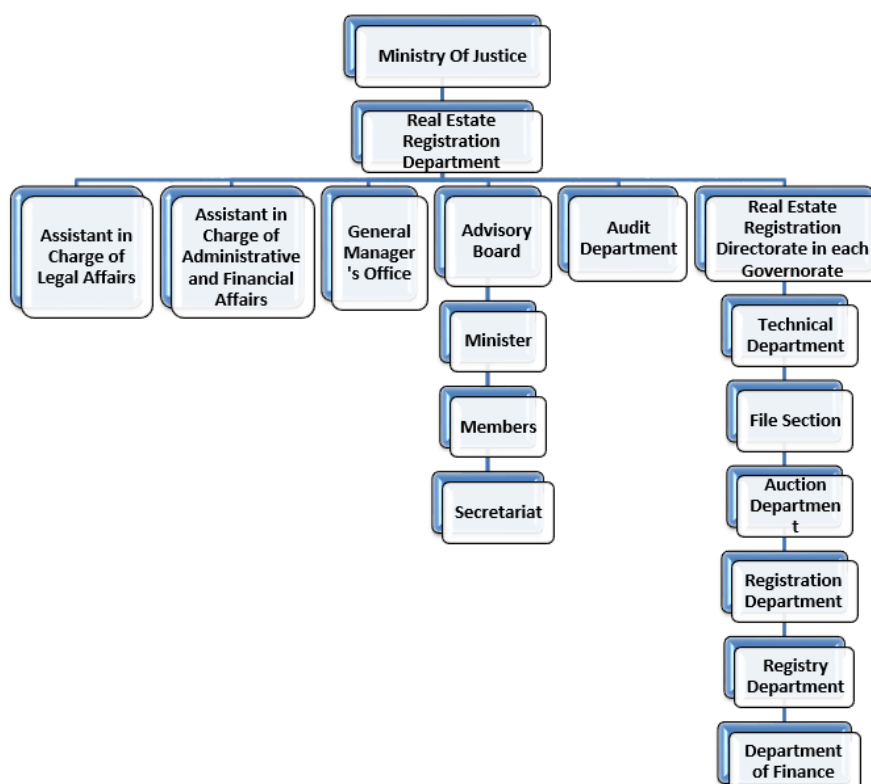


Figure 3. Organizational structure of the land registration in Iraq

Sample forms prepared for a registered property are given in their original form (Arabic) in Figure 4 and Figure 5, and translated into English in Figure 6 and Figure 7. As shown in these

[illegible]

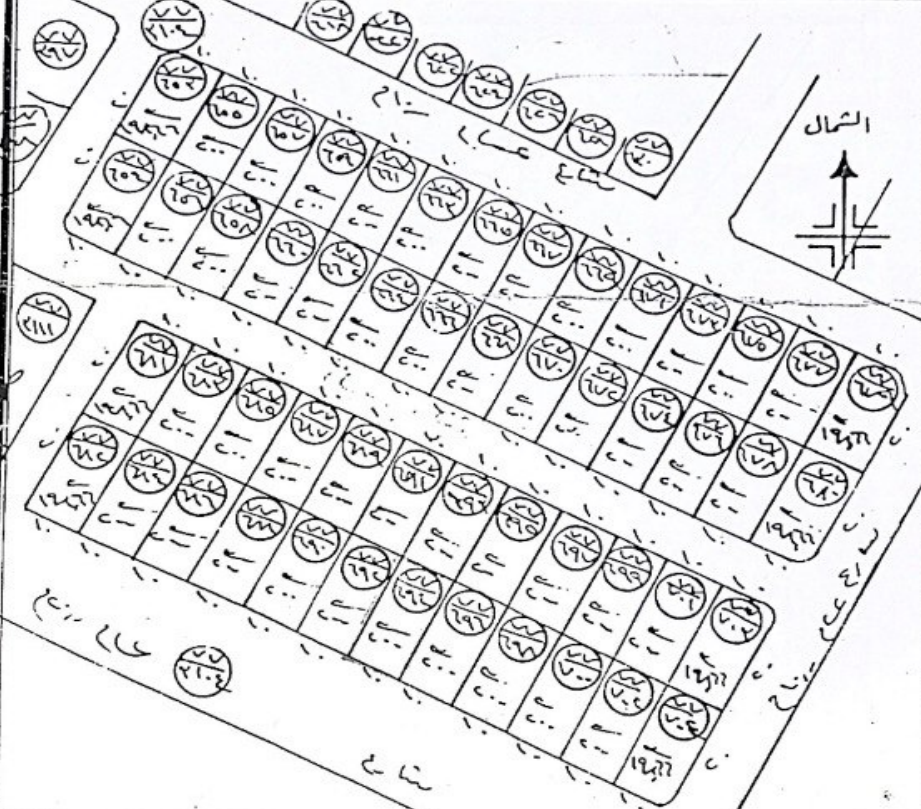
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نموذج رقم (٤٦) تسجيل عقاري

رقم هذه الخارطة ٨ - ٢٠٠٨ / ١٥٥	الجمهورية العراقية	وزارة العدل
رقم الخارطة الاصلية ص ١٤٥		مديرية التسجيل العقاري العامة
المساحة رقماً ١٥٥٠٠		دائرة التسجيل العقاري في (١٥٠٠)
المساحة كتابية ١		

خارطة عقارية المقياس ١:١٠٠٠

المحافظة	القضاء	الناحية	القطاع	رقم القطعة	رقم القاطنة	اسم القاطنة او المولدة
النجف	-	-	-	١٠٠٠	١٠٠٠	خاتمة قمار



الرسم	التوقيع	التاريخ
الرسم: سادات جعفر	التوقيع: [Signature]	التاريخ: ١٤٠٠ / ٢ / ١٥
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Figure 5. Sample registration document (real estate map-Form 46)

General Real estate Record Department / KIRKUK DETECTION REPORT						
PROVINCE	DISTRICT	TOWN	PLOT NO.	ISLAND NO.	MAP ITA PRESENTATION AND IMPLEMENTATION RESULTS	
IMMOVABLE TYPE	PORTABLE CLASS	AREA	M2	DECARE	TURN	If there is area difference
Inclusions	PRE	ADDITIONS				
BUILDING OR AGRICULTURAL FIELD						
From the property born or property belongs to rights		UNKNOWN VALUATION				
	LAND PRICE					
	COVERAGE FEE					
	GENERAL PRICE					
	Building during cost					
	Death during cost					
	At the time of purchase cost					
	excretion or combined units number of					
	excretion or combined units evaluation					
	The number of the real estate to be subdivided or annexed.	Type of real estate	dinar	Philis	The amount is written	
General notes						
	Name signature	Name signature	Name signature	Name signature		
Perception date	Technical memo	Relevant person or representative	member	Head of perception report		

Figure 6. Sample registration document in English (real estate report)

MINISTRY OF JUSTICE General Real Estate Registration Department General Real Estate Registration Office/KIRKUK		REPUBLIC OF IRAQ		THIS MAP NO.		
				MAP NO.		
				NUMBER OF AREA PER DECARE M2		
				FIELD ARTICLE		
PROPERTY MAP SCALE 1/1000						
PROVINCE	DISTRICT	TOWN	SERIAL NO.	Plot no.	Island no.	Island name
* Map						
ARTIST	Official Technical Officer			Technical Section President		
NAME	NAME			NAME		
SIGNATURE	SIGNATURE			SIGNATURE		
DATE	DATE			DATE		

Figure 7. Sample registration document in English (real estate map-Form 46)

4. SUGGESTIONS FOR THE FUTURE

In this section, UML diagrams were created for parcel and building data themes by utilizing the information obtained by examining the forms used in the registration of real estate in the previous section.

The SpatialUnit (KonumsalBirim) class (Figure 8) has area and volume geometry and incorporates the basic properties of other spatial unit class types. A building is registered with a ground parcel, and individual building units are registered with their shares determined by the relative size of each individual unit. Buildings and blocks composed of buildings are modeled as spatial units with the Building (Bina) and BuildingBlock (BinaBlok) classes. This class is included in the model in conjunction with the Building and BuildingBlock classes (Figure 9).

As seen in the previous section of this study, land registration data in Iraq is archived on paper. Similarly, drawings of real estate are also on paper. Different institutions are responsible for managing land ownership, value, and usage data. Establishing a modern land administration system in the future requires digitizing land information in paper format and ensuring robust data exchange among different stakeholders. This requires a standard. In this regard, LADM may offer an opportunity. The design of the second version of LADM (ISO 19152), the first version of which was published by ISO in 2012, is nearly complete (Lemmen et al., 2025). While the first version of LADM focused on land ownership, the second version additionally focuses on land value and use. Many countries have adapted LADM to their own countries and developed country profiles, while others have converted these country profiles into land information systems. The capabilities offered by LADM can be utilized in Iraq for creating a country profile, ensuring the necessary coordination in land management, and designing and implementing land information systems.

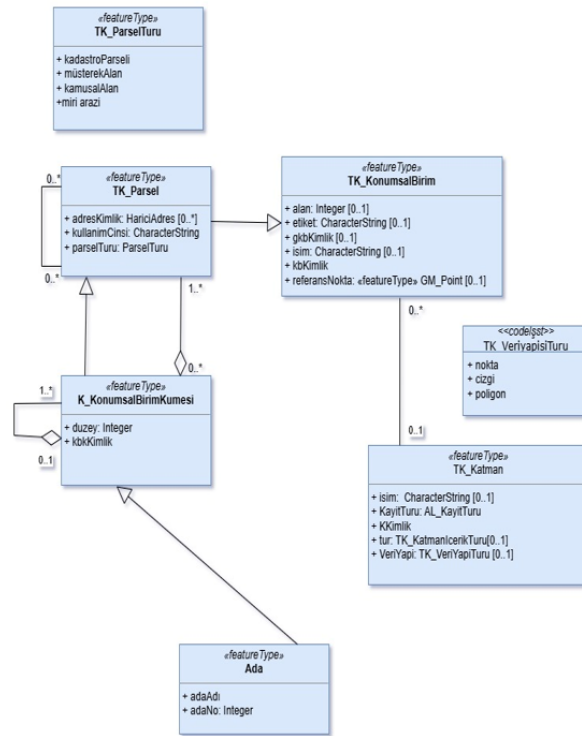


Figure 8. Parcel data theme

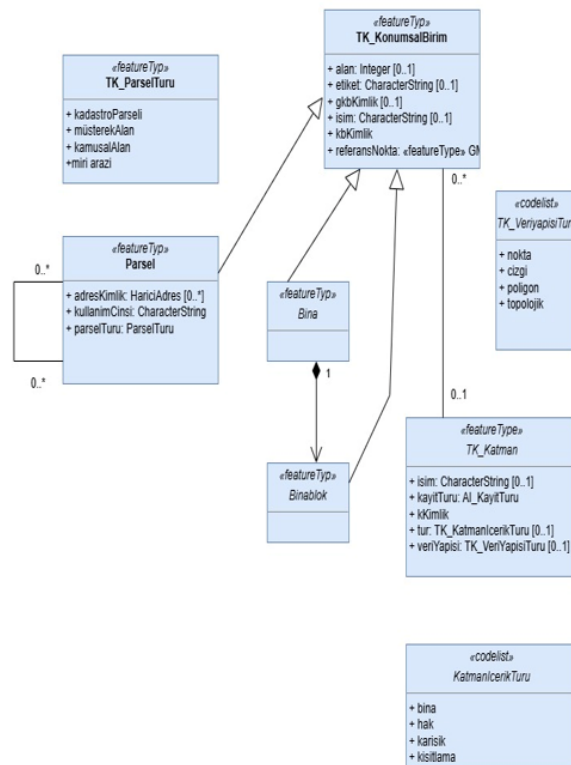


Figure 9. Building data theme

5. CONCLUSION

This study aims to examine land registration in Iraq from a legal, institutional, and technical perspective. To this end, the historical development of land administration in Iraq is first examined. In particular, land administration and land laws from the Ottoman period appear to still have an impact on land registration in Iraq today. The Constitution, the Civil Code, and the Real Estate Registration Law are the primary legal foundations for real estate registration. Institutionally, real estate registration is carried out by Real Estate Registration Offices under the responsibility of Ministry of Justice. Technically, real estate registration documents and associated drawings in Iraq are archived in paper form. Quality land information is essential for sound land management. Therefore, in Iraq, the digitization of land ownership and value information contained in land registration documents is a priority. Furthermore, reliable access to land data should be ensured for local government and the private sector. Standardization plays a crucial role in this regard. The use of international standards such as LADM can provide opportunities for developing a country profile and translating this country profile into land information systems. Although the current unstable environment in Iraq makes it difficult to establish land policies that support sustainable development, when a decision is made to establish a land administration system for effective land management, the advances in land data collection, management and standardization over the last two decades provide opportunities to support this decision.

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BIOGRAPHICAL NOTES

Haider ZENALABDEEN is an engineer at the Ministry of Oil, Iraq. He earned a bachelor's degree from the University of Baghdad, Iraq, and a master's degree from Gumushane University, Turkey, for this thesis " Information System Design For Cadastre: Kirkuk Example " in 2025.

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