

HOUSING LAND & PROPERTY ISSUES
 AMONG IDPs SETTLED IN BASRA, DOHUK, ERBIL & BAGHDAD

QUICK ASSESSMENT REPORT – DRAFT
 13 November 2014

The purpose of the rapid Housing, Land and Property (HLP) survey, initiated by UN-Habitat among internally displaced people (IDPs) currently living in five key Iraqi cities, is to collect indicative data on land tenure status of the displaced and improving our understanding of issues related to the possible return of IDPs to their former properties. The data collection was undertaken between September and November 2014 by UN-Habitat staff in collaboration with local partners and community representatives, on the basis of a purposely-developed questionnaire.

The present report focuses on information captured from 774 IDPs households currently living in Basra, Dohuk, Erbil, Baghdad, respectively the capitals of the Basra, Dohuk, Erbil and Baghdad governorates.¹ The surveys were conducted in IDPs camp, planned and unplanned urban areas, hotels and churches. These locations were selected for the presence of large numbers of displaced, accessibility by local partners and took into consideration the geographic and ethnical diversity of respondents.

KEY SURVEY FINDINGS

Provenance of IDPs: The large majority of the IDPs interviewed for this survey has abandoned properties in the northern Governorate of Ninawa, namely the towns of Al-Hamdaniya, Mosul and Tilkef; followed by the Governorates of Anbar, Diyala, Salah El-den, Kirkuk, Baghdad and Al-Hilla. Figure 1 below provides a breakdown by Governorate. It should be noted that many of those that fled the sectarian clashes affecting the Governorate of Ninawa are Christian minorities, some of which had sought refuge in the Nineveh plains² and for whom the present location is therefore not their first displacement.

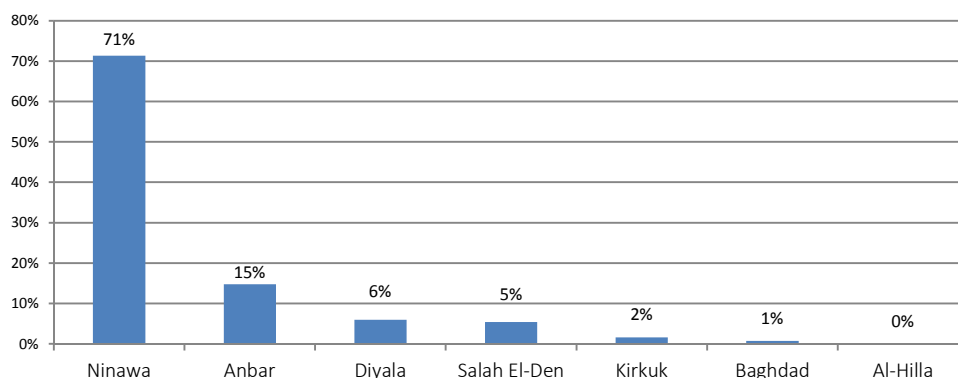


Figure 1: Whereabouts of abandoned properties broken down by Governorates

Relocation: From the sequence of the responses provided in each survey locations, it can be observed that families that used to live in the same towns/neighbourhoods have tended to stay physically close to each other during their displacement.

Landownership: The majority of respondents stated that they were land/property owners in their place of origin. The remaining households described themselves as tenants or landless.³

Land/property titles: Overall, the majority of land owners (88%) appear to have an official land/property deed – see Figure 2. Many of those who do not have an official title (12%) used to live in informal settlements and will find it difficult to claim their land back. This is the case for example for those interviewed in Basra who were living in the slum areas in the outskirts of Mosul.

Proof of title: Of the displaced land owners that said they have formal rights, approximately 10% cannot actually prove their claims or indicate which type of document they had. A few from the town of Tela'afer (in Ninawa) indicated that they have electricity bills to prove their occupancy.

The majority (91%) have a formal *tapoo* (land deed) document issued by their provincial Land Registration Office, under the Ministry of Justice. Also known as the Cadastre office, it is where all Iraqi land records are kept. A smaller percentage (6%) have documents issued by the Ministry of Agriculture. Some respondents say they have a 'Rent Contract' – probably a long term lease, but this will need to be investigated.

Whereabouts of the documents: A 10% of displaced landowners said that they had their documents with them;⁴ the remaining 90% have either left their documents in safe hands elsewhere or in their place of origin – or actually do not know where they might be. Many are presumably lost – particularly in the case of the Christian minorities that fled the Ninawa Governorate. See Figure 4 below.

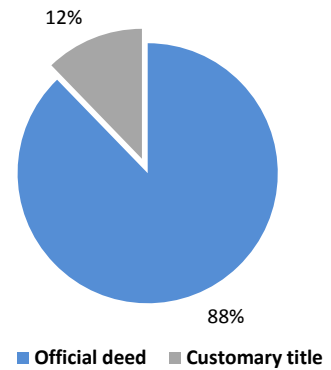


Figure 2: Land and property titles

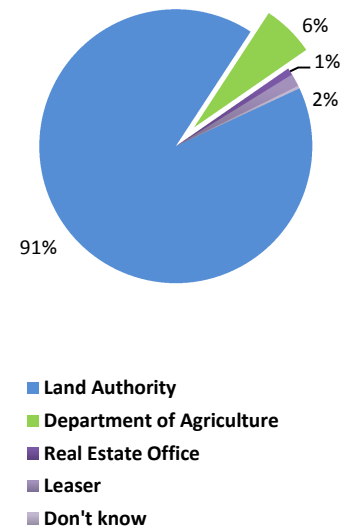


Figure 3: Authority that released the document

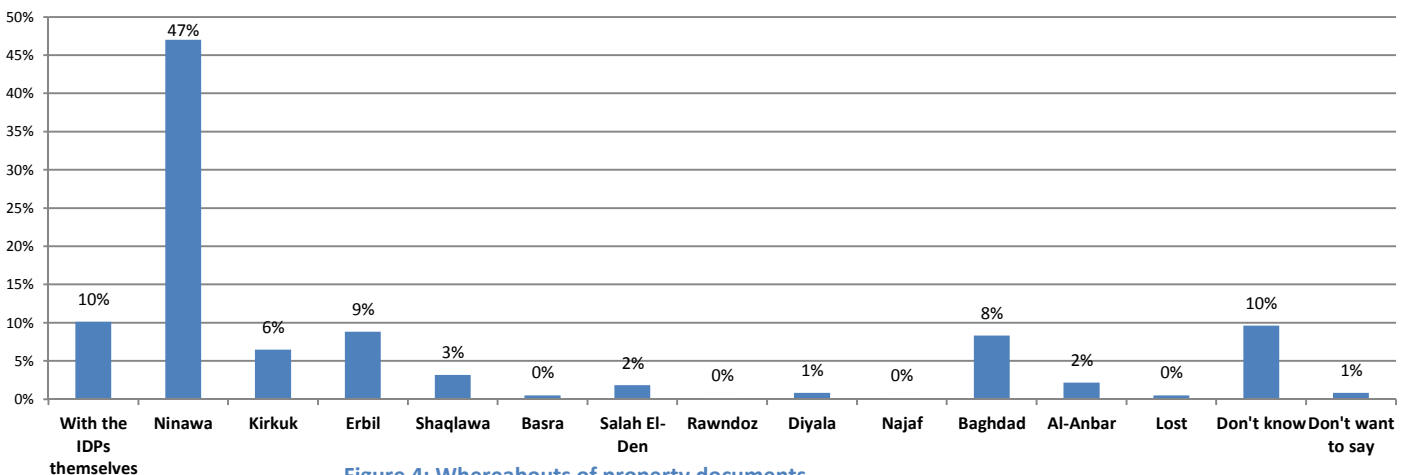


Figure 4: Whereabouts of property documents

Estimated plot sizes: According to the survey findings, the majority of the properties that have been abandoned range between 100 and 500 m² (74%). See Figure 5 for a breakdown.

Nearly a third of respondents – including those with customary titles – claim that they left behind parcels of land measuring less than 200 m² (the standard plot size in Iraq); approximately half of respondents claim they had plots ranging between 200 and 500 m².

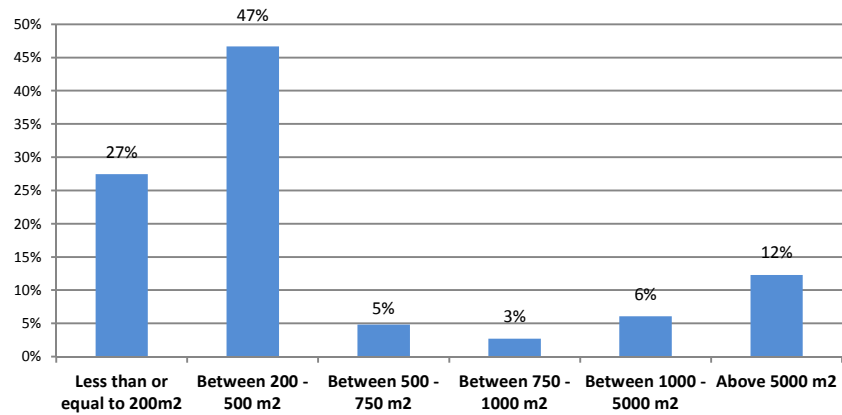


Figure 5: Estimated amount of land that has been abandoned in the course of displacement

Aside from their homes, nearly a third of respondents had plots measuring more

than 500 m². Some respondents may have had one or more plots in their name. Most of the large parcels of land, located either in/around Mosul⁵ (Ninawa Governorate) or in/around Faloja⁶ and Rumadi (Anbar Governorate), are presumably used for farming purposes, since agriculture is a key component of Ninawa’s economy, particularly cereal production, sugar cane, sunflower, vegetables and herbs. While most of Anbar Governorate is desert, there are cultivated areas near to water sources. All larger properties have official deeds issued by the Land Registry and appear to be safely in the hands of the owners.

Buildings investments: The majority of property owners had no construction on their properties (48%), most probably because used for farming. A little less than half had one house or a “maisonette”. A miniscule percentage has two houses. Among the remaining 8% who has more than two buildings on their properties, some had blocks of flats, shops, markets, casinos, restaurants and a ballroom.

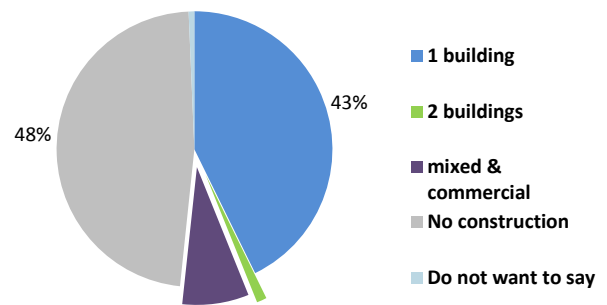


Figure 6: Buildings investments on land

Corroboration of tenure claims: More than two thirds of the IDPs interviewed (72%) can rely on someone who can act as a guarantor of their property claims and mentioned their names. A minority (6%) said that they do not have a guarantor, while an additional 21% did not want to say or did not answer the question.

Property conditions: When asked in what conditions were their properties, a quarter of respondents said that their properties were intact (25%), while another quarter claimed that their properties were either partially damaged (24%) or totally destroyed (22%). A third did not know.

Current land occupation: Whereas nearly two thirds of the IDPs interviewed do not appear to know if their properties have been occupied or not, 17% said that their properties are presently occupied. Many did not want to answer the question.

When asked details about who is the present occupier of their properties, 14% claim that they have been usurped by *Daesh* (ISIS), armed groups and “thieves”, while 10% have left it in the hands of friends, relatives or tenants.

Reports from field: While mainstream international news agencies have not had much access to areas occupied by *Daesh*, local media sources and forums, such as *Al Mustaqbal News*, *Almasdar News*, *Niqash*, *Laalabeco*, *Eye News*, *Almahdyoon Forum* and *Ishtar TV* has continued reporting events from the field, some of which are relevant to HLP issues. It appears for example that Iraqi security forces in Salahuddin province, reported recently that *Daesh* militants took over a number of clinics and medical laboratories, as well as the homes of doctors and hospital workers in Baiji (north of Tikrit). The insurgents have marked the requisitioned houses as “Islamic State Real Estate”. *Daesh* has also issued a statement asking doctors and all those working in the health sector in Baiji to return to their homes or their properties will be confiscated.⁷

According to another source, *Daesh* distributed plots to citizens in Saadia (Diyala province) as a “gift from al-Baghdadi” to families that supported the militants by having their sons to join the ranks.

Legal countermeasures: Last August, the Iraqi Ministry of Justice declared all transfers of ownership and registration of real estate in Nineveh areas under *Daesh* control as void. In an attempt to prevent illegal seizure of property and protect the assets of Christians, Sabians and Yazidis populations living in these areas, Justice Minister Hassan al-Shammari asked the Land Registry Offices the stop all real estate transactions.⁸

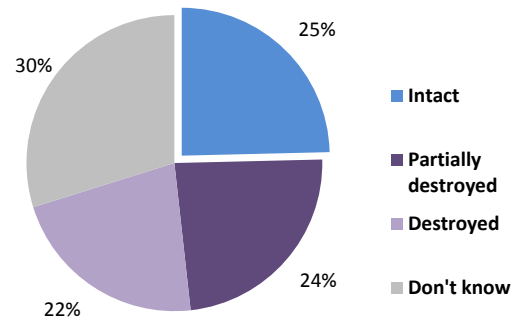


Figure 7: Property conditions

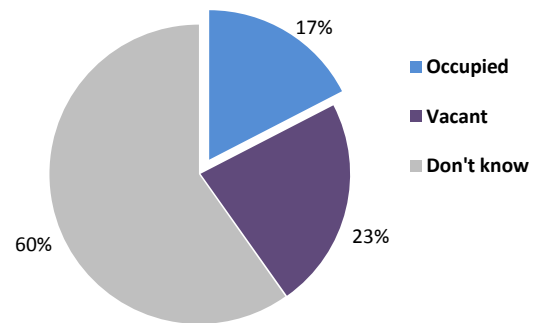


Figure 8: Status of occupancy

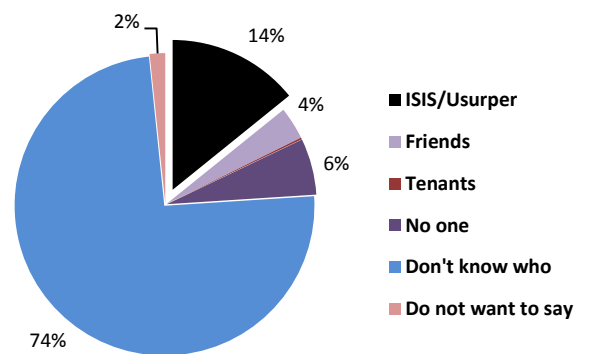


Figure 9: Present occupier(s)



Figure 10: People queuing to obtain gifted land from al-Baghdadi, in Saadia, Diyala province.

¹ The findings from Suleymaniye will be integrated in a later report since the data collection is still on-going.

² As attacks on Christians increased in Mosul, Basra, Baghdad, Ramadi and smaller towns, many families fled northward to their extended family holdings in the Nineveh Plain, a region in the Ninawa Governorate located to the north and east of the city Mosul. While Ninewa is majority Arab with a strong Kurdish minority, it also counts a number of smaller groups – Syriac Christians, Yazidis, Turkomans and Shabaks – that may comprise a 10 per cent of the population.

³ For the purpose of conducting this HLP-related assessment, tenants were either skipped during the survey or their responses disregarded.

⁴ Actually, a third of respondents living in Basra and Dohuk have brought their documents with them. None of those interviewed in Erbil and Baghdad appear to have been able to do the same.

⁵ Namely the districts or sub-districts of Hay Al-Khadra, Tilsquf, Tilkef, Shengal, Dosat, Sinjar, Hay Al-Sina'a, Tul Abta and Tela'afer.

⁶ Namely the districts or sub-district of Al Garma and Saqlawiya

⁷ "Daesh seizes homes in Baiji Iraq and writes on the houses "Islamic State Real Estate", in *Almahdyoon Forum* (Source: <http://vb.almahdyoon.org/showthread.php?t=31050>; accessed 11 Nov 2014)

⁸ Ahmed Layla, "Following the adoption of the law "to prevent acts of real estate" in Parliament at the request of the Ministry of Justice, we have stopped the process of registration of real estate ownership usurped since the events of Mosul", in Zowaa, 21 July 2014 (Source: www.zowaa.org/index.php?page=com_articles&id=1402#.VGHqIPmSza1)