

Land Ownership System In Iraq And The Utilization Of The Albanian Experience

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ABSTRACT

The obstacles that posed a serious threat to development in the Iraqi agricultural sector, the most prominent of which was the ownership system. By reforming the ownership system, investment increases are reflected in production and ensure sustainable development. Due to property conflicts and legal and political instability, Iraq faces significant challenges in achieving adequate rates of agricultural development. This qualitative study analyzes the roots of economic and legal policies related to the land ownership system. It uses extensive literature to provide a comprehensive view and find appropriate solutions. This study proposes broad reforms to property laws and tries to create a suitable investment environment to ensure fair distribution and increase production. The importance of this study lies in its comprehensive analysis of the historical and ideological changes that occurred in the agricultural ownership system. Albania has succeeded in achieving reasonable rates of development by increasing agricultural production after adopting a hybrid system that balances its support for the agricultural sector with privatization and the market system, through land ownership and conflict resolution. The study aims to benefit Iraq from this experience to achieve a balanced system that helps achieve development at good rates. Creating a system to solve the problem of ownership is what will help revive the Iraqi economy in the next stage. The study shows that deep economic and legal reforms, in addition to benefiting from experiences that have proven their ability to overcome many obstacles, would enhance agricultural production and improve food security.

Keywords: Agricultural Land Ownership, Agricultural Productivity, Sustainable Development, Economic Stability, Food Security.

1. Introduction

The Property Rights Theory provides a crucial framework for understanding the challenges that Iraq faces in land ownership. By following the principles of the theory and taking a cue from countries with similar problems, Iraq can formulate a system through which the land ownership problem can be solved in order to make progress towards sustainable agriculture.

(Demsetz, 1967). Property system reforms in Iraq are a priority and are part of the comprehensive reform plans of successive governments. To achieve positive results, decision-makers should take serious steps to formulate laws that are compatible with the environment, society and the specific situation in Iraq, and take into account similar experiences (Coase, 1960).

Agricultural land is a very fundamental resource in all countries and cultures, especially Iraq, due to the fertility of its soil, the availability of water, and the suitable climate for growing many crops. For these reasons, the land becomes more valuable for fertility and production diversity. The impact of political, social, and economic transformations on agricultural policies and ownership was great, which led to the diversity and overlap of laws and the emergence of thorny conflicts (Baali, 1969; Farouk-Sluglett & Sluglett, 1983). The weakness of the laws and policies that address this problem had a major negative impact because the laws and reforms were formal, political, or ideological (Hamoudi & Ayada, 2015). The complex ownership system in Iraq dose increased conflicts and reduced investment opportunities, which hinder economic development; this research aims to find effective reforms and policies to solve this problem.

Iraq's history has witnessed major political and social challenges in land ownership systems, from the Ottoman occupation to the present, which has directly affected the continuation of conflicts over ownership (Merebashvili & Dzamukashvili, 2024). The study attempts to explore the historical origins of ideological differences in ownership systems and investigate the political, legal, and economic factors that drive these systems. The study will draw on the Albanian experience, including developments after the Ottoman occupation, the transition to communism, and the subsequent transition to a market system, along with Albania's reforms to join the European Union (Ervis & Anxhela, 2024; Leka, 2016).

This study gains its importance by providing a deep understanding of agricultural land ownership systems, understanding the nature of land conflict, and also contributing to improving agricultural policies and enhancing food security in Iraq (Mustafa & Abdul-kareem, 1954).

The main research question: "How can production and investment be increased by creating a new policy for ownership systems?"

Albania's experience in dealing with this situation and achieving growth and investment rates, in addition to the similarity of the political history between Iraq and Albania, made it possible to study and benefit from it (Cungu & Swinnen, 1999). The fact that the two countries share similar political and social histories provides a good opportunity to study this problem and to use many Albanian tools that could be useful to Iraq (Tripp, 2007). Moreover, Albania has encountered economic challenges akin to those in Iraq, such as inadequate agricultural infrastructure and struggles in attracting investment. Therefore, its experience is especially pertinent for providing practical solutions (Williams, 2009).

The structure of this research consists of a set of sections that begin with the introduction that reviews the background of the events of the topic and a statement of the importance of the research, objectives, hypotheses, and scope of the research. Also, the introduction that explains in detail the gaps in previous literature in agricultural systems and how this gap related to land ownership laws can be filled. The study presented a detailed analysis of the different policies

and ideologies throughout history of different ownership systems and their impact on agriculture in Iraq and also in Albania according to historical eras and their ideological effects on production or conflict. The study presented the results and also recommendations for improving agricultural policies to achieve economic stability through food security.

2. Literature Review

The study reviews the land tenure and administration system in Iraq and provides a critical analysis and highlights the problems in the most complex legal frameworks and its beginnings in the Ottoman occupation. The study showed the nature of the central state, and despite its efforts to address the problems of ownership, it failed to address this situation. The study confirmed that the lack of flexibility of laws led to an increase in conflicts, which led to the weak performance of the agricultural sector as a whole. It recommends a more flexible and decentralized approach to managing and resolving local land disputes, which would ultimately improve agricultural productivity (L. H. Ossmi & Ahmed, 2017). The study criticizes the centralized land administration system, it would have been better if it had incorporated a comparative analysis with other countries that could further strengthen the argument in favor of the decentralization view by showing a broader set of outcomes and solutions applied in similar contexts.

This study suggests benefiting from other systems and countries that have transitioned from public ownership systems to free market systems. The study confirmed the success of some countries in enacting laws that helped them transition to private ownership with fewer problems. This situation helped in the transition to the private ownership system, which was a supportive environment for farmers and innovation by providing a safe environment for investment. The study indicates that Iraq can adopt and find some reforms to stabilize its agricultural sector, enhance production, and secure farmers' rights (Hamoudi & Ayada, 2015). The study highlights beneficial reforms from other countries but lacks a name for countries that Iraq should follow to implement its context. The study did not develop a detailed action plan to implement the Iraqi social and political context.

The study emphasized providing clear title deeds and a modern digital land registration system to protect property rights, encourage agricultural investment, and increase production. It indicates that all countries can greatly benefit from implementing similar laws and that integrating laws and registration with technology such as a digital land registry is required. Digital registration addresses the problems of administrative and financial corruption and inefficiency that the current land administration system suffers from (Fabbri et al., 2022). The focus on digitalization's role in enhancing land registration is timely, yet the study could expand on the specific technologies that are most feasible for Iraq.

There are several reasons affecting the use of land in addition to the current ownership system. In recent years, the rate of unplanned urban expansion has increased on the outskirts of cities. From this side comes the encroachment of the city and residential buildings on agricultural lands. In Iraq, this has resulted in a significant deterioration in agricultural lands (Khudaeer, 2022). The failure to activate land use and ownership laws, the absence of supervision, and the weakness of urban planning, in addition to several other reasons, have made it difficult to manage and plan for lands in a sustainable manner.

These negatives have led many individuals to turn their agricultural lands into residential plots and sell them at exorbitant prices, without the attention of the concerned authorities. There is a great need to impose and enact laws to regulate land uses such as urban expansion trends and the preservation of agricultural land based on well-studied plans (Ahmed & Ahmed, 2021). Although this study emphasizes many gaps related to property legislation, urban expansion and the preservation of agricultural land, it does not specify clear recommendations to address the problem, so this study is insufficient to address the problem from a practical point of view.

Albania went through a transitional phase after the communist regime dominated the country for a long time, and some traces of this regime remained in the agricultural sector. After the 1990s and the liberation from the old regime, farmers still refrained from forming cooperatives and found it difficult to organize themselves by establishing agricultural associations and cooperatives, which helped them in finding inputs, marketing, consulting, etc. However, after the help and support of international organizations such as GIZ and FAO, it became easier to form associations and cooperatives. Generally, cooperatives proved successful in achieving high growth rates for the agricultural sector, increasing productivity, and enhancing farmers' access to markets. The study confirms that the effectiveness of these initiatives depends on the continuous support of international organizations and the government, in addition to following long-term strategies and increasing farmers' skills in managing their projects and cooperatives, which ensures their sustainability in Albania and enhances agricultural development (Sokoli & Doluschitz, 2021).

After reviewing the success of cooperatives in the study as a result of receiving support from international organizations, they failed to provide viable solutions to address the structural challenges in Albanian agriculture. In addition, the complete dependence on international organizations for support gives a negative indication regarding their sustainability. While the study highlights the success of cooperatives after receiving international support, it fails to provide clear solutions to address local economic and structural challenges. In addition, the heavy reliance on external funding raises concerns about the long-term sustainability of these achievements if international support ceases.

Although local tribal law has a significant impact on resolving property disputes, the problem is its intersection with the official laws of the state. When laws intersect, it becomes difficult to resolve conflicts and they become thorny. The study suggests integrating tribal laws with official state laws. This could establish an approach that is more compatible with society and culture, thus enhancing property security and reducing conflict (Mélisande, 2021). Although the study criticized the overlap in laws and the weakness of state law, it suggested integrating local tribal laws without providing clear solutions on how to accept enforceable laws that guarantee justice and sustainability.

The research explains the issue of gender discrimination in land ownership, that customary traditions in Iraq still grant privileges to male ownership, while restricting women's ownership of agricultural land. The study suggests the need to address this discrimination through awareness and the application of legal articles that urge equality, and this is necessary to guarantee women's rights and integrate them into participation in agricultural production (L. H. M. Ossmi, 2023).

It would have been better to provide solutions and recommendations for legal and cultural

treatment to bridge the gender gap in land ownership, and it is preferable to make the development of this matter through policies adopted by the relevant institutions. The study focuses on the need to reform weaknesses in property laws and dispute resolution. The current problem is that the shortcomings of some laws lead to delay or unfairness to the parties to the dispute, and thus the research recommends the establishment of specialized courts in land and property disputes, and judges and lawyers should be trained on the laws that address these issues (Link, 2005). It is necessary to study the weaknesses of Iraqi laws and find solutions, but a comprehensive evaluation of the proposal for this court specialized in land affairs, and disputes must be made, and examples from other countries that have established similar courts will strengthen the basis of the proposal. This study focuses on a fundamental issue, which is the role of property rights in economic development, with a focus on securing land to enhance agricultural investment. The study found that insecure property rights are a constraint on growth. The research emphasizes that reforms aimed at securing property rights can greatly help in opening up a wide scope for the development of the sector and increasing production (USAID, 2018). The study mainly reviews the issues of displacement in conflicts and land rights but without a broad view of the data that would provide a complete picture of the issue.

The study shows that the lack of secure property rights in agricultural lands has significant adverse effects on development and the economy. The protection of property rights as stipulated in Article 23 of the Iraqi Constitution and disputes related to the subject of property in the disputed areas in the Iraqi central authority as well as the Kurdistan Region. It analyzes the difficulties that arise due to the insufficient implementation of Articles 140 and 136 (Kokha, 2023). The research includes the position of the Federal Supreme Court on these issues and proposes solutions to address the shortcomings in legislation and implementation in these areas. The study provides a good insight into the laws governing real estate in Iraq, particularly for individuals involved in transactions (Kokha, 2023). In addition, it would have been useful to incorporate comparisons with other countries' experiences to assess the effectiveness or ineffectiveness of land dispute resolution procedures in similar circumstances.

The studies reviewed consistently highlight the significant challenges facing the land tenure system in Iraq, which is considered the most pressing constraint on the development of the Iraqi agricultural sector. The gaps identified by the studies underscore the need for legal reforms and economic policies that guarantee farmers' rights, reduce land conflicts, and help achieve food security through development.

3.1. Property Rights Theory and Its Application to Agricultural Reform in Iraq

The concept of "property" embraces a variety of objects, rights, and interests. There are property rights in tangibles such as land and water, and in intangibles such as the performance of a professional singer (Lehmann et al.2020). Tangible things with which property rights can be linked in agriculture are land, rights to use land including the right to transfer land, farm improvements, and livestock (Moon et al., 2021). The reason for linking property rights to tangible things is that: (a) property rights allow the allocation of scarce resources such as land among competing users, and (b) the allocation roles refer to the management of physical items. In property rights literature, the departure for tangible things is to highlight the importance of rights to damage or injure other people's assets, rights to make other people afraid to act, rights

to injure other people's income, etc (Gómez-Limón et al.2020).

However, property rights associated with land can be divided into at least four basic components: the right to transfer, the right to use, the right to use and keep the income for a period of time, and the right to manage and decide (Barzel & Allen, 2023). The concept of property rights extends to determinants of the four basic components of the right, or the functions of the rights. Note that people may have certain determinants or functions of a property right independently of whether they possess the physical asset associated with this property right, jointly possess the asset, or use it (Dahlgren & Whitehead, 2021; Razali et al., 2020).

Consider a rural landlord with units of land who has the ability to observe the outputs produced or the rent the land would generate when combined with tenant inputs. At the same time, a tenant is able to perform labor or receive rent, but the tenant's productivity due to the use of land is unobserved by the landowner. The landowner and tenant make a prior agreement regarding the division of outputs generated through the labor of the tenant or rent (Moon et al.2020). While the landlord or tenant can place use rights in all three outputs, compensation for the agreement is the determinant of a relationship, assuming that production inputs are individually specific (Barzel & Allen, 2023). The tenant is responsible for input allocation if the landowner does not declare any rights to output. A landlord, therefore, will only establish production and also provide inputs needed to share one or more outputs. Because geographic limits, tenancy labor, and maintenance of land quality are mandates of the contract, it is enforceable (Musinguzi et al., 2021). Total production and land quality are limited when the tenant secures output, which restricts his choice of inputs, and the tenant underinvests in land quality. In conclusion, landowners have an incentive to establish a contractual relationship that will allow maximum production and maintenance of land compared with the establishment of a sharecropping relationship or lease to preserve land quality or share output (Juutinen et al., 2021).

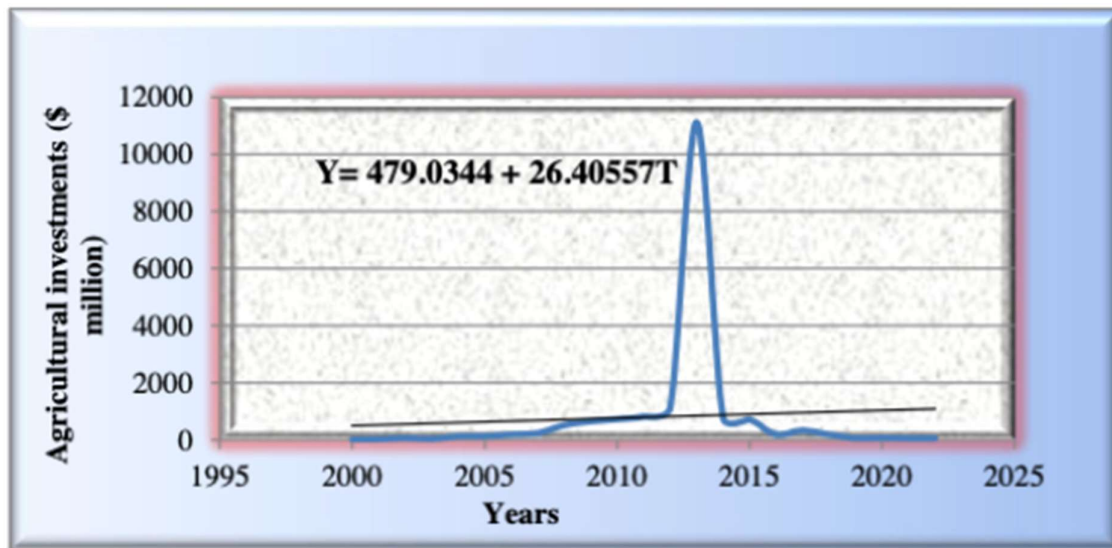
One of the most complex problems that hinder production is the way land ownership laws are managed. Land ownership has been a major reason for hindering agricultural production in Iraq. Therefore, it is necessary to expand the search for methods that can help in finding a radical solution. The new Iraqi regime decreed massive agricultural reform as a restructuring of the indigenous society's most basic institution and natural way of life. The stated intention of the government is to increase food production and to eradicate what they describe as backward and impoverished characteristics of the traditional occupation (Csaki & Lerman, 2021). The old way of life, featuring a mixture of mercantilism and feudalism, became at best obsolete as urban standards of living became basic necessities. The government replaced the private owner with the small "private" holder who in turn is watched over by government agricultural bureaus. The government assigned land, water, crop preferences, prices, the bulk of the labor force, and agricultural capital (Macaulay, 2020).

Traditional agriculture, a private and individualistic enterprise with inherited title and survivorship rights firmly established, is now fragmented with the added security of state-

leased rights. Labor utilized in excess of twelve million person-days per harvest season has been displaced by about 31,000 articulated trucks and trailers, each of which replaces plus or minus 1,000 man-days (Mookherjee et al., 2020). Presently estimated to move in excess of 20 million tons, these trucks destroy cultivated fields and fencerows. Fully one third of the forty or more types of plants utilized by these villagers disappears completely from their economy within a ten-year period after the establishment of government farming. Only government input factors in an import economy make it possible for the villagers to participate at all. The traditional economy had the capacity and need to produce far more food than it now does (Castel-Branco, 2021).

Property Rights Theory is a fundamental concept in institutional economics, emphasizing the importance of clearly defining and protecting property rights to ensure efficient resource allocation and stimulate economic growth. According to this theory, individuals and institutions are more likely to invest in and develop resources when their property rights are legally protected and well-defined. This is particularly evident in the agricultural sector, where secure and protected property rights encourage farmers to invest in land improvements, thereby increasing productivity and achieving sustainable development (Demsetz, 1967). Conversely, the lack of clarity in property rights or the presence of disputes over land ownership reduces the incentive to invest and increases the risks associated with agricultural activities, thus hindering economic and social development. Security of ownership plays a major role in stimulating investments (Coase, 1960). Increasing the confidence and security of investors encourages the formation of long-term projects that may be linked to other projects. Security of ownership is the greatest incentive to increase business and investments in the long term and vice versa (Libecap, 1989). This is what we can witness in Iraq, where uncertainty and increased conflicts have led to the deterioration of this sector and the weakness of local and foreign investments. The curve in Figure 1 illustrates the general level of agricultural investment in Iraq (Mohammad Shahab and Rahim, 2024). This creates an unstable agricultural environment that hinders efforts to achieve food security and sustainable development (Hashimi & Edwards, 1961).

Figure 1: The general trend of agricultural investments in Iraq for the period (2000-2022).



Source: Muhammad Shihab & Rahim (2024).

Albania has provided a model for property laws to effectively address conflicts. Land registration laws and systems were a crucial step towards increasing economic stability through increased investment in the agricultural sector (Cungu & Swinnen, 1999). The policies implemented in Albania were successful in reducing conflicts and significantly increasing agricultural production (Muller & Munroe, 2008). The laws and procedures created a reliable land administration system that can increase the security for insurance companies and banks to think more about stability and investment (Cungu & Swinnen, 2018). Therefore, based on property rights theory, developing the property system and learning from some experiences would be an effective solution. To achieve sustainable agricultural development, Iraq must prioritize reforms in property rights. These reforms should focus on developing a modern land registration system that relies on technology such as Geographic Information Systems (GIS) to ensure accuracy and transparency.

Historical Background and Ideological Influences on the Land Tenure and Property System in Iraq

During the Ottoman rule from 1534 to 1638, Iraq was governed by a hierarchical land tenure system centered on feudalism and central authority. During the early period of the Ottoman occupation of the country, the *Timar* system was implemented, which granted land as rewards to military leaders and elites in exchange for their service (Kawtharani, 2023). Under this system, peasants worked the land as peasants and soldiers during war, and had no property rights, with their produce largely taken as taxes and tributes by landlords and officials. This exploitation led to the backwardness of the agricultural sector and discouraged any long-term investment in the land by those who worked it. Ottoman policies focused primarily on revenue extraction rather than agricultural improvement. Lack of investment in irrigation and infrastructure stagnated agricultural development, and local farmers remained poor and unable to produce at their optimum level (Karpas, 1972).

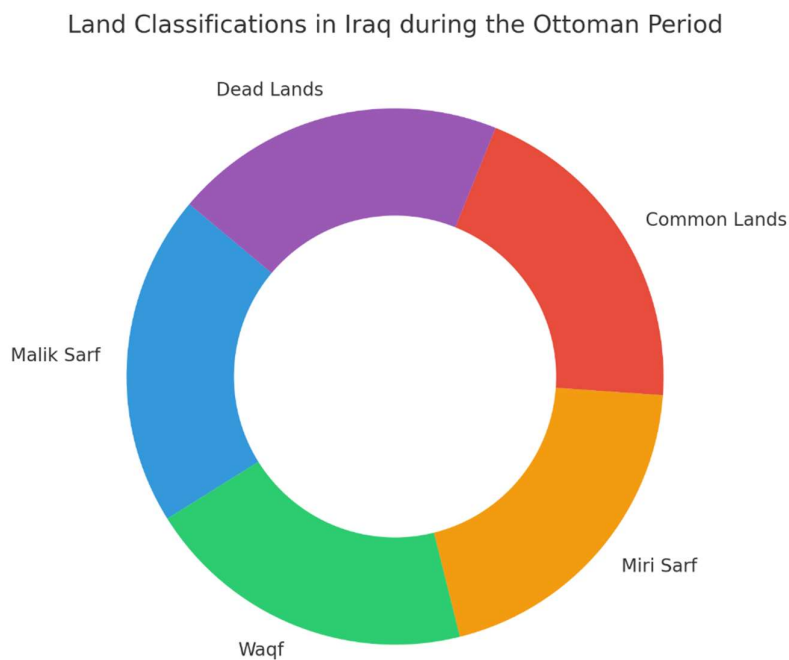
The second Ottoman era relied on tribal leaders rather than military leaders to exercise control over agriculture. Making sheikhs the feudal lords in this era made them exert all kinds of pressure on peasants to increase production, to meet the demand of the European market after the discovery of the steam engine and the second industrial revolution. These pressures created an environment of injustice, corruption, crime, inefficiency and rural backwardness. By the end of Ottoman rule, the agricultural sector in Iraq was characterized by widespread inequality, which paved the way for land reforms (Karpas, 1972; L. H. Ossmi & Ahmed, 2017). The Ottoman occupation left a legacy of deep-rooted economic and social conflicts and inequality in land ownership in Iraq, which had long-lasting effects on society and development. Inefficiency and social discrimination remained largely unaddressed until the establishment of the Iraqi state in the twentieth century (Kawtharani, 2023).

During the last Ottoman period 1868-1917, the Ottoman governor (governor) carried out agrarian reform in Iraq, and was the instigator of the Ottoman Land Law of 1858, which was an implementation of the *Tanzimat* reforms. This system relied heavily on tribal leaders to exercise control and pressure on peasants to increase production, to meet the increasing demand for agricultural goods in the new European market after the discovery of industrial machines. The great pressure on peasants created an environment of injustice, arbitrariness and inefficiency. The Ottoman government's plan to increase production for the agrarian reforms in 1868 required some decisions from; First, it was necessary to end the conflict over ownership between sheikhs and peasants, because the circles of conflict formed tensions in some areas, and this hindered production. Second, the Ottoman government saw the need to enhance the stability of the nomadic tribes, the tribes west of the Euphrates, which were unstable and also practiced robbery and internal wars, and this hindered the wheel of production. Third, the Ottoman government had to start building a new irrigation system. Canals were built to bring more people into agricultural life. It contributed to the stability of the nomadic tribes by providing water for agricultural lands and the cities of Najaf, part of Karbala and part of Babylon (Hamdani, 2011).

The percentage of nomads in Iraq was close to 50% at that time and then decreased to 19% in 1905 (Hamdani, 2011). Some nomadic tribes preferred a stable life dedicated to practicing agriculture to obtain a stable economic resource (Nawar, 1968). This stability for the nomadic tribes was a guarantee of the presence of cheap farmers and even labor. Some tribal sheikhs wanted to settle on the land, especially after the emergence of land ownership owned by the sheikhs and the increase in profits gained from agriculture. The committee found that tribal stability provided a greater guarantee of income from taxes. But these tribes and sheikhs have become a burden on the law and democracy in recent years, even in other Arab regions (Tuastad, 2021). However, there may have been more excellent agricultural production and greater power through opening up to the world market (Ali, 1979). Changes in the administration organization made the Iraqi nomads more connected to the central government and indicated the end of the isolation they were in (Lutsky, 1971). The Land Law of 1858 classified agricultural land ownership in Iraq as follows: First, (*malik sarf*) private property (land owned by individuals) which was mostly owned by a few in Iraq (Murad, 1992). Second,

(*waqf*); land owned or managed by a specific party, for example a Muslim religious council. Third, (*miri sarf*), *miri*; arable or cultivated land acquired for the state through confiscation of property due to the Islamic conquest (Murad, 1992). The tenant's rights to *miri* were confiscated if he failed to cultivate it. Fourth: *Miri* lands: These are lands that a person has acquired the right to own for the purpose of cultivating them, and he may request to purchase them and then own them. *Miri* lands constitute the largest part of land ownership in Iraq, and these lands can be converted by order of the Sultan into other things (depending on the type of public interest), such as real estate that benefits the entire community or as cemeteries, markets, lakes, or roads. Fourth: Common lands: These are public lands that have no owner. Fifth: Deadlands: These are barren lands that an individual can turn into property with the permission of the Sultan and buy from the state, as evidenced in Figure 2. By the end of Ottoman rule, the agricultural sector in Iraq was characterized by widespread inequality, which paved the way for land reforms (Karpát, 1972; L. H. Ossmi & Ahmed, 2017). The Ottoman era left a legacy of entrenched social and economic inequalities in land ownership, which had long-lasting effects on agricultural development in Iraq.

Figure 2: Land Classifications in Iraq during the Ottoman Period



Source: Authors' own elaboration based on Ossmi and Ahmed, (2017) and Karpát, (1972).

Here is the doughnut chart representing the different land classifications in Iraq during the Ottoman period.

Malik Sarf: Private property owned by individuals.

Waqf: Land owned or managed by a religious council.

Miri Sarf: Arable or cultivated land acquired by the state.

Common Lands: Public lands with no owner.

Dead Lands: Barren lands that could be developed into property with the Sultan's permission.

These disparities and inefficiencies remained largely unaddressed until the establishment of the Iraqi state in the twentieth century (Kawtharani, 2023). After the establishment of the Iraqi monarchy in 1921, the government's primary goal was to initiate agrarian reforms, and the government implemented various promises of legislation aimed at redistricting land and boosting agricultural production. The Agrarian Reform Law of 1932 was a prominent example of reforms that aimed to break up large provinces and distribute them into smaller parcels (Kingston & Paul W. T., 2002).

The monarchy era from 1921 to 1958 was generally a prosperous time for Iraqi agriculture, marked by large investments in dams, irrigation canals, infrastructure, and advanced farming methods. The monarchy implemented large-scale irrigation initiatives in various regions of Iraq that increased the area of arable land and boosted agricultural productivity (Fayyad, 1963). Moreover, there were significant efforts to reform agricultural practices, which led to significant increases in production. However, the implementation of reforms was inconsistent, resulting in an uneven distribution of land, allowing wealthy and influential landowners to maintain a great deal of power and control. Despite these differences, the era was marked by relative stability and significant progress in agriculture (Eppel, 1998). Large disparities and conflicts over land ownership persisted despite the significant progress made by agricultural policies during the royal era in strategic projects that led to a significant increase in production. The failure to adequately address disparities in landowners' shares led to social and political unrest that reached its peak in 1958 (Alheis, 2011). There were other attempts following the 1958 revolution to reform the land through Law 30 of 1958, which aimed to redistribute large plots and divide them among landless peasants and impose restrictions on land ownership to ensure more equitable distribution, rural development and poverty alleviation (Baali, 1969). Despite these goals and the law's aim to achieve justice and increase production, the implementation of this law was hampered by a great deal of legal ambiguity. The resistance of the powerful landowners who still enjoy the same influence, always find devious ways to circumvent the law and maintain control by manipulating the articles and paragraphs (Farouk-Sluglett & Sluglett, 1983). This period saw the establishment of agricultural cooperatives to pool resources and increase efficiency (Hussein, 1958). However, these cooperatives failed due to political interference, corruption, and mismanagement.

The agricultural sector in Iraq suffered from inefficiency, corruption, and the diversion of resources towards military efforts, especially during the Iran-Iraq War of 1980–1988 and the Gulf War of 1990–1991. These conflicts depleted the agricultural sector, leading to dependence on imports and a significant decline in domestic food production (Nasrawi Abbas, 1994). The fall of the regime in 2003 marked the beginning of a new phase in Iraq's history, marked by attempts at economic liberalization amid political chaos.

The destruction of infrastructure, the displacement of rural populations, and ongoing conflicts

severely limited any attempts to revive agriculture. Land tenure issues have been complicated by the return of tribal and sectarian rivalries, making it challenging to implement coherent policies (Tai. K., 2010). The post-2003 era in Iraq has been marked by opportunities and challenges. While there is potential for significant growth in the agricultural sector, the absence of stable governance and a clear legal framework continues to hamper progress. Resolving land ownership disputes and creating incentives for investment in agriculture remain critical challenges for Iraq's development (Susanto et al., 2024).

3.2. Albanian Historical Background

The history of property rights in Albania is intricately connected to its political, social, and economic transformations. These transformations have spanned several distinct eras: The Ottoman period, the early 20th century (encompassing both Italian and German occupations), the communist period from 1945-1990, and the post-1990 period of transition toward a market economy and European integration. Each of these eras has played a crucial role in shaping the property rights framework in Albania (Leka, 2016). During the Ottoman period, Albania's land ownership system was deeply rooted in the feudal structure, known as the *Timar* system, which was prevalent across the Ottoman Empire (Malcolm, 2020). The military feudal system meant that agricultural land was allocated to military officers in exchange for their services, which meant that peasants had no property rights. The Ottoman regime retained control over land transactions, and agricultural land was rarely transferred to private ownership (Galgano, 2006). The Ottoman government's attempt to update the land ownership law in 1856 to allow individuals to register their private ownership was a good step, but the process was marred by corruption and land registration was only for the powerful and senior officials and the law remained unclear to the public.

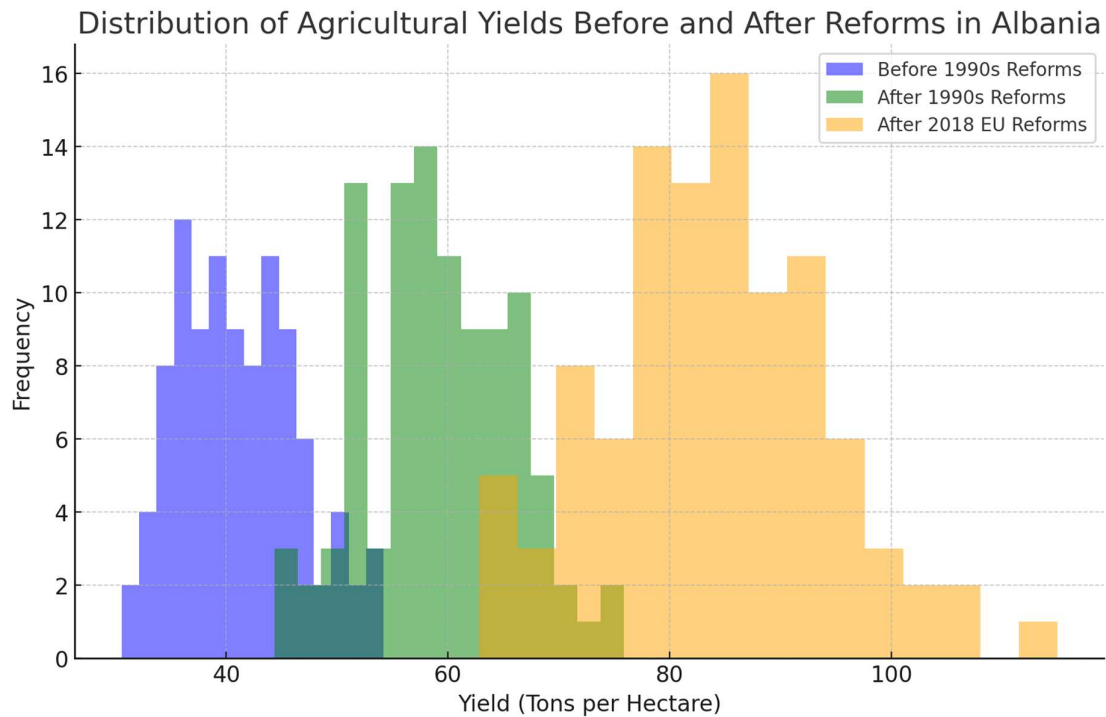
The legacy of these policies laid the foundation for subsequent disputes over land ownership in all regions, as locals found their own laws to preserve some private land, and these laws played a role in preserving the rights of some, but not to the required level (Merebashvili & Dzamukashvili, 2024). Albania's independence in 1912 from Ottoman rule marked the beginning of a coherent national law, despite facing internal unrest and foreign occupations in the early years (Malcolm, 2020). The Land Code of 1925 and the Civil Code of 1929 marked the beginning of the country's legal path, the latter recognizing private property as sacred and inviolable, laying the foundation for modern property rights in Albania. However, the law limits ownership, aiming to balance individual rights with broader social objectives (Cungu & Swinnen, 1999). The Italian and later German occupations during World War II interrupted the development and enforcement of these property laws. The war and subsequent occupations caused widespread displacement and uncertainty over land ownership, as the legal system was unable to keep pace with the rapid changes and territorial shifts. Additionally, the temporary nature of foreign rule meant that significant legal reforms were not implemented, leaving many of the pre-existing issues unresolved (Galgano, 2006). This period underscores how external pressures and occupation can disrupt the natural evolution of a legal system, leading to gaps that later governments would need to address. The challenges of this era set the stage for the radical changes that would come under the communist regime, where private property would

be entirely abolished in favour of state ownership (Cungu & Swinnen, 2018). During the communist period, private property trends took a different direction from the property rights framework established by the laws of 1929. In 1945, with the establishment of the People's Republic, the state pursued a policy of complete national (Zhllima & Rama, 2013).

The state took control of all means of production and private property, whether agricultural or otherwise, was abolished. This was in the 1967 constitution, which enshrined the principle of state ownership of the means of production and prohibited all private economic activities outside state control. Instead of wealth and individual property, land and production resources were tools for achieving collective goals according to the transformation driven by the Marxist-Leninist ideological vision of a centrally planned economy (Doçe & Halili, 2021) state planning was dissolved and these policies had a significant impact. Collective farms replaced private farms, which led to the deterioration of the sector and a decline in production (Deininger, 2002). By the late 1980s, agricultural production had stagnated, contributing to the spread of economic crises. The state's tight control also stifled innovation and investment, as individuals had no incentive to improve land they did not own. Individuals had no incentive to develop land they did not own, and agricultural production declined in the 1980s (Konjo and Swynen, 2018). This era highlights the dangers of excessive state control and the abolition of private property rights. Recognizing private property again required a radical reform of the laws in Albania after the fall of the Soviet Union and the fall of communism. The 1991 Land Law was a pivotal piece of legislation that greatly facilitated the transfer of ownership from the state to individuals (Konjo and Swynen, 1999). In addition, this law was the first state recognition of private land ownership after the communist era (Konjo and Swynen, 2018).

The main driver of the new property rights reforms has been Albania's ambition to join the European Union. As part of the accession requirements, Albania must align its laws with EU standards, especially in property rights. One of the tools for resolving disputes has been a modern, high-tech land registry system, and considerable success has been achieved in modernizing the property registry system, to reduce disputes and improve transparency. The adoption of technologies such as geographic information systems (GIS) has played a major role in modernizing land records and ensuring accurate documentation (Cungu & Swinnen, 1999). The integration process also brought challenges, particularly in harmonizing the diverse legal traditions that have affected property rights in Albania over the years. However, the adoption of EU-compliant property laws has increased legal certainty and attracted more foreign investment, contributing to economic growth (Susanto et al., 2024).

Figure 3: Distribution of Agricultural Yields before and after Reforms in Albania



Source: Authors' own elaboration based on Müller & Sikor (2006), Ervis & Anxhela (2024) and World Bank (2019).

Figure 3, above shows the distribution of agricultural yields in Albania across three distinct periods:

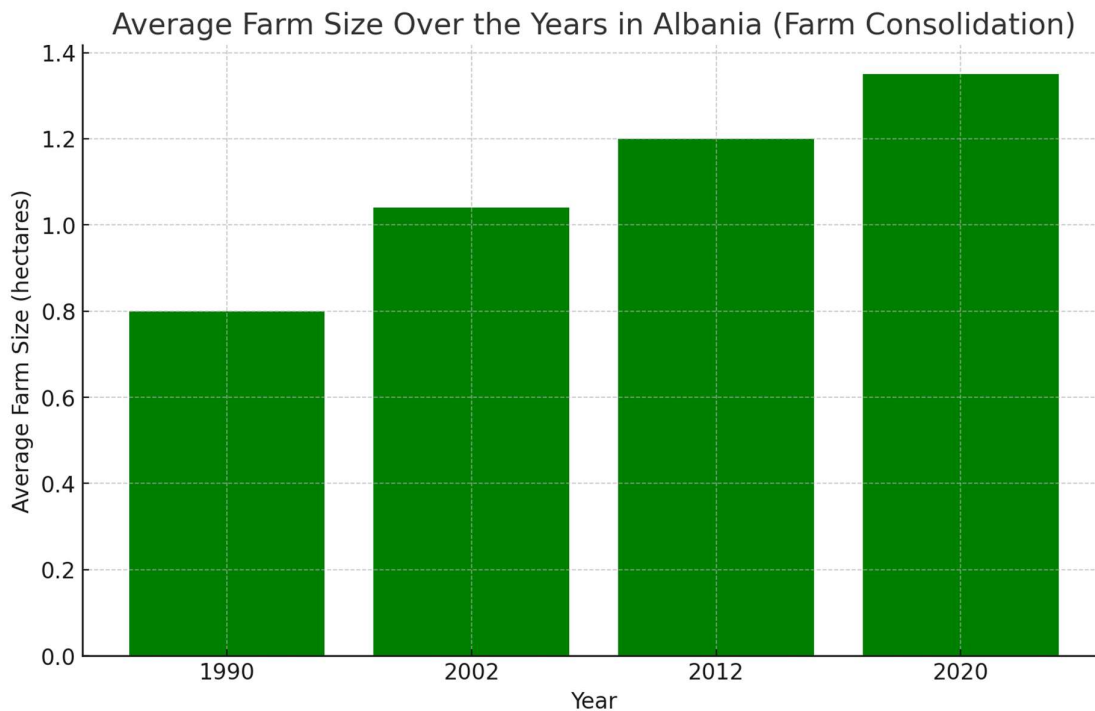
Before 1990s Reforms (in blue): Yields were generally lower, with most data points clustering around 35-45 tons per hectare.

After the 1990s Reforms (in green): yields improved noticeably, with most data points clustering around 55-65 tons per hectare (World Bank, 2019).

After 2018 EU Reforms (in orange): Yields increased significantly, with most data points now clustering around 75-90 tons per hectare, showing the substantial impact of reforms associated with Albania's integration into the European Union (Müller & Sikor, 2006). This visualization emphasizes the marked improvement in agricultural productivity in Albania following significant land reforms, particularly after preparing to join the EU.

These reforms have contributed to sustainable economic growth by attracting higher levels of domestic and foreign investment (Schmidt, 2023). By creating a more accurate and accessible high-tech registry, investors are making the process easier and thus increasing confidence in the property market. Consequently, positively affecting the land size, the investment projects started to collect the fragmented land to make the investment more beneficial by increasing the production, which will lead to an increase in the yield. Figure 4 shows the average farm size over the years in Albania, reflecting the trend of farm consolidation from 1990 to 2020 (Zhllima et al., 2021). The chart illustrates how farm sizes have gradually increased, indicating a consolidation of agricultural land over time.

Figure 4: Average Farm Size Over the Years in Albania (Farm Consolidation)



Source: Authors' own elaboration based on Zhllima, et al., (2021).

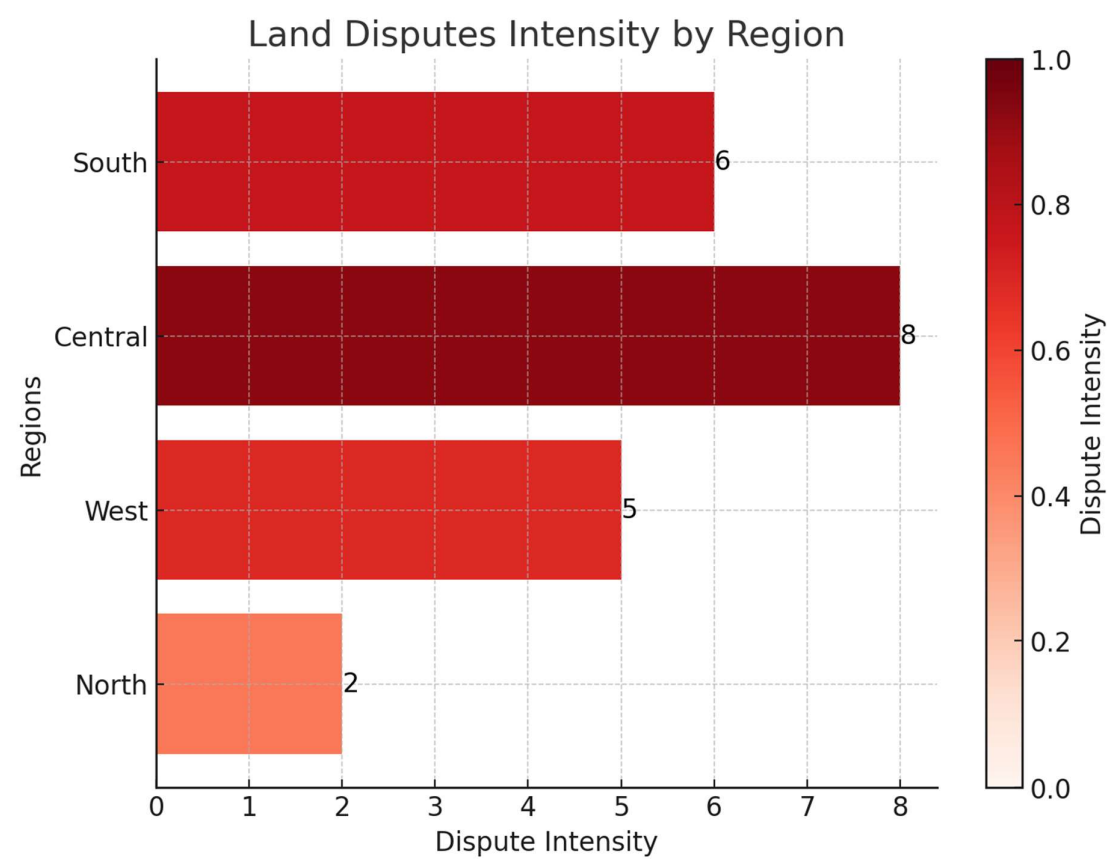
However, aligning Albania's property laws with EU standards has not been without challenges. One major challenge has been reconciling the diverse legal traditions that have influenced property rights in the country. For example, customary law, known as "*the qanun*," remains influential in some rural areas, where it often conflicts with formal legal principles. The law includes traditional rules relating to land ownership, inheritance and dispute resolution, which sometimes conflict with the principles set out in modern property law. Incorporating these customary practices into a unified legal framework that meets EU standards has been a complex and often controversial process (Ervis & Anxhela, 2024; Galgano, 2006).

4. Discussion

The significant similarity between the political and ideological history of Iraq and Albania would benefit development in Iraq. Studying Albania's logical solutions and laws for the property system may help to understand the roots of the problems and consider reforms that help Iraq develop and increase production (Muhammad Shihab & Rahim, 2024). The permanent conflict over property and the weak development of the Iraqi agricultural sector result from the negative historical, political, and social accumulations on the land ownership system. The success of Albania in relatively overcoming many of the problems of the transition from the socialist public property system to private property and the free market proves the effectiveness and success of its legal frameworks and its closeness to commitment to international standards (Cungu & Swinnen, 1999; Sokoli & Doluschitz, 2021). The study proved that the results are similar in the same direction to previous literature, which confirms

that ensuring property security increases economic development and stability, enhances long-term investment and activates production programs (Galgano, 2006).

The conflicts over land in Iraq have led to stagnation in agricultural development. This variable was the most dangerous to production. Even with the availability of financing and labor, the problem of conflicts remains the most prominent and leads to limited investment and development. When comparing the results with previous studies, the findings align with existing literature emphasizing the role of secure land tenure in fostering agricultural investment and productivity. Studies by (Hamoudi & Ayada, 2015). support the notion that unresolved land disputes and fragmented ownership structures in Iraq have led to stagnation in agricultural development (Hashimi & Edwards, 1961). As evidenced in Figure 5, Land dispute intensity by region represents the level of land-related disputes across different regions in Iraq. Figure 5: Land Disputes Intensity by Region in Iraq



Source: Authors' own elaboration based on Unruh, J. (2020), Hashimi R. and Edwards, A. (1961).

The numbers represent the intensity of land disputes: higher numbers indicate more disputes and lower numbers indicate fewer disputes in each region. By using color gradients, the map highlights areas with varying intensities of disputes, with darker shades indicating regions where disputes are more prevalent. For instance, the Central region shows the highest intensity

of land conflicts, suggesting a need for targeted legal and administrative interventions in that area. This visualization helps policymakers quickly identify regions that require focused efforts to address land ownership issues and improve overall land governance.

Suitable land management and tight land information control significantly reduce collisions. highlight how digitalization in land registration in Albania played a crucial role in reducing corruption and enhancing transparency, a strategy that could be adopted in Iraq to address similar issues (Fabbri et al., 2022) In analyzing the results, it is evident that a key limitation in Iraq's land reforms is the lack of an integrated legal framework that considers the country's unique socio-political and cultural context. Unlike Albania, which successfully transitioned from collective to private land ownership, Iraq's attempts at reform have been hindered by legal ambiguities, corruption, and political instability. The Iraqi government's efforts have often been fragmented, lacking the long-term vision needed to achieve sustainable agricultural development.

The discussion also underscores the need for specialized land courts to expedite dispute resolution, drawing from Albania's experience where streamlined legal processes have contributed to land tenure security. Despite the valuable lessons from Albania, it is essential to acknowledge the contextual differences between the two countries. Iraq's ongoing security issues, coupled with deep-seated sectarian conflicts, pose unique challenges that require tailored solutions. While Albania's post-socialist reforms provide a useful model, the Iraqi government must consider localized strategies that address the specific needs of its diverse population. This includes incorporating tribal leaders into formal land management processes and fostering community-based approaches to land reform. The study's findings have broad implications for policymakers in Iraq. By prioritizing legal reforms, enhancing transparency in land transactions, and providing targeted support for rural communities, the government can lay the foundation for a more stable and productive agricultural sector. Furthermore, the integration of digital tools in land registration, as demonstrated in Albania, could significantly reduce corruption and improve land governance in Iraq. Future research should focus on evaluating the effectiveness of ongoing reforms in Iraq's, more detailed case studies are needed.

5. Conclusion

In conclusion, the comparison between Iraq and Albania highlights the critical role of legal frameworks, government support, and stakeholder engagement in achieving sustainable land tenure systems. Albania's successful transition from a socialist land ownership model to a market-oriented system offers valuable lessons for Iraq, particularly in the areas of legal clarity, international cooperation, and community participation. By adopting best practices from Albania and adapting them to its unique context, Iraq has the potential to overcome its land tenure challenges and enhance agricultural productivity. The study concludes that Iraq's agricultural reforms should focus on establishing transparent property laws, ensuring equitable land distribution, and providing incentives for rural investment. Additionally, the integration of digital technologies in land registration, coupled with robust institutional support, is essential

for creating a more secure and efficient land tenure system. While the challenges are significant, particularly in light of Iraq's complex socio-political landscape, the Albanian model provides a promising framework for reform. Finally, the research emphasizes the importance of long-term political commitment and the involvement of all stakeholders in the reform process. Creating a good system and laws to protect holdings helps increase investment in the agricultural sector and also creates a cohesive social environment free from conflicts. The study recommends that Iraq focus on (1) enhancing the legal framework for land ownership to be more inclusive and transparent, (2) adopting a digital land registration system to reduce conflicts, and (3) establishing specialized courts for land-related disputes to ensure fairness and timely resolution.

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