

STRATEGIES TO UPGRADE SLUMS (DECISION 320 OF 2022 AS A CASE STUDY)**Saif Ahmed Abdullah**

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Slums are considered one of the foremost problems suffered by developed countries as well as developing countries, and due to the expansion of this phenomenon and its repercussions in recent years in Iraq in general and in Baghdad in particular, it has become necessary to address this phenomenon and provide effective solutions to what exists on the ground and limit its spread, especially after

-The United Nations Millennium Development Goals, which emerged in 2000, were issued, where Goal 7-11 called for the necessity of achieving a significant improvement in the living conditions of more than 100 million people living in slums (slums) by 2020.

-The Iraqi Council of Ministers issued Decision No. 320 of 2020, which granted all trespassers on government agricultural lands (which do not conflict with public interests and public services). The Council of Ministers issued Resolution No. 286 of 2022 regarding the engineering and service effort team to introduce services to the encroachment areas. This resolution was the nucleus for providing services to these areas and finding housing solutions.

Research problem:

The phenomenon of informal housing is exacerbated in most Iraqi cities. The reason for the exacerbation of this phenomenon is due to the economic, political and social conditions, the deterioration in the application of the law and the failure to develop real solutions by stakeholders to address it.

Research hypothesis:

The application of Resolution 320 to informal areas contributes to a large extent to reducing the percentage of total or partial removal of encroaching housing units and thus reducing the economic costs resulting from the application of a real treatment for informal areas.

The aim of the research:

Study of Cabinet Resolution No. 320 of 2022 regarding the ownership of squatters on government agricultural lands, which will include more than 90% of them. Accordingly, the objective is:

-To what extent can the study area covered by Resolution 320 be suitable for urban and planning livability.

-To what extent can the study area be upgraded according to planning standards and maintained to become a residential area or merged with an adjacent residential area.

Research methodology:

- 1 -The research relied on analyzing the data obtained from the relevant government departments.
- 2- The research relied on Arab and foreign references related to the research topic.

Slums in Baghdad, its causes and stages of development

One of the most important reasons for the emergence of slums in Baghdad is migration from the countryside to the city. It is difficult to set a specific date for the beginning of this migration due to the lack of accurate statistics that enable us to know it, but it began after World War I (1914-1918) after the British occupation and continued until approximately the early sixties of the last century.

Reasons for the emergence of slums:

There are multiple reasons and different circumstances for the growth of slums in different countries of the world and they differ from one place to another, including (poverty, high demand, lack of investments targeting the needs of the poor, standards and regulations) (Othman and Jalal, 2019, p. 81). Below we review the most important of these reasons:

- 1 -The phenomenon of urban growth: The expansion of urban growth is one of the most prominent reasons that led to the existence of informal housing and the subsequent problems related to unemployment, urban poverty, transportation problems, and environmental pollution, in addition to the expansion of the housing problem and the inability of a large part of the people to obtain suitable housing. (Al-Rahmani, 2012, p. 45)
- 2 -The high general rate of natural increase: which resulted from the low mortality rate and the increase in births due to the development of the field of medicine and medical services in the city.
- 3 -Migration: which is migration from the outskirts towards the center and from the countryside to the city and living in informal areas and encroachment on neighborhoods within the city and reducing family income, all of which occurs due to the increase in house rents in cities, which helps in the expansion of the phenomenon of informal housing. (Fakher, 2008, p. 15)
- 4 -Failure to provide adequate housing: by the state for the low-income segment of society, which contributed to the increase in the housing deficit. (Al-Rahmani, 2012, p. 45)
- 5 -Failure to implement legislation and laws: which prevent encroachment due to poor political and security conditions.
- 6 Failure to keep pace with the basic plan for the expansion taking place in cities: and to re-evaluate and update it periodically and develop alternatives to accommodate housing problems. (Jaber, 2017, p. 363)
- 7 -The rural nature of immigrants: The desire of immigrants to live within one area due to their rural nature on the one hand and their inability to buy regular adjacent housing on the other hand, so they resorted to building outside the city limits illegally.
- 8 -Ignorance and low educational level: and illiteracy of family owners in informal housing areas, which contributed to expansion without giving importance to the environmental aspect. (Al-Ridawi, 2012, p. 457)
- 9 -Investment concentration in some cities: which made them increasingly attract immigrants in search of job opportunities to improve their financial situation, which was met by rising rents and increasing land prices within cities. (Amanat Baghdad, 2008, p. 7)

10- The integration of cities with neighboring villages: which is one of the most important factors in the emergence of informal housing neighborhoods, because these villages are annexed to the city with all its services and unsuitable conditions, and thus become informal housing areas within cities. (Mutlaq and Abbas, 2023, p. 96)

Stages of the growth of informal housing in Baghdad

1- The first stage, which extends from 1920 to 1977

-The first informal residential settlement of shacks near the train station east of Baghdad, and with the passage of time, the mud houses increased until it became known as the Khandaq neighborhood. In 1941, after the second British occupation of Iraq, where British forces were stationed in Baghdad, which required the need for workers to establish camps for soldiers and build roads, which encouraged migration to Baghdad, new informal settlements appeared, the most important of which are (Al-Shakriya) in Al-Karkh and (Al-Washash) north of the Mansour area currently. (Salem, 2005, pp. 15-16)

The second stage: It is the stage of the Iran-Iraq war in the eighties of the last century, which witnessed the emergence of informal areas again within cities in their empty squares and on their outskirts for reasons including:

-Increased migration towards the capital due to the war

-Population increase as a result of high growth rates. (Al-Jubouri, 2008, p. 175)

-The third stage: It is the post- The occupation in (2003) witnessed the weakness and absence of the law in addition to the weakness of the supervision of municipal institutions, which contributed greatly to the return of the phenomenon of random housing and spread until it reached state institutions and their properties and the plots distributed to citizens by the state and in military headquarters and mass organizations. After the phenomenon of random housing on the outskirts of cities, it became widespread within neighborhoods and between the corridors of the city and in distinct places. (Mulla Hawish, 2005, pp. 244-246)

-Classification of random areas in Baghdad

-Random areas in Baghdad are classified into three categories:

- Random areas built on agricultural lands that were built using fixed materials and some of them are characterized by their modern and advanced construction, and this type of random areas is classified as one of the good neighborhoods that can be treated by changing the use of the land from agricultural to residential and then providing infrastructure services for it, and this category constitutes approximately (85)% of the total random areas and their three classifications, and is distributed in Baghdad and on its sides Karkh and Rusafa (Al-Jubouri, 2020, p. 14)

- The second category represents random gatherings in the squares and spaces within the city, which were built with unstable and simple materials and lack the availability of services, whether social, health or infrastructure. This category constitutes approximately (12)% of the total random housing in Baghdad.

- As for the third category, it represents random gatherings that have taken government departments and their buildings as their location (such as commercial markets, schools and camps) on a temporary basis. The percentage of this category is (3)% of the total random housing in Baghdad. (Hashem, 2015, p.

168)

Policies to solve the problem of informal housing in Baghdad

The Iraqi government has adopted several policies to address the problem of informal housing, including:

1 -The policy of removal and resettlement: In 1955, the Iraqi government concluded an agreement at the time between the Greek Doxiadis Foundation and the Reconstruction Council. This agreement was for long-term housing projects, and one of these projects was a project to establish four residential complexes in Baghdad, each containing approximately (1000 houses). The projects are (the East Baghdad Housing Project, the West Baghdad Housing Project, the Thousand Houses Project, and in Bab Al-Muadham, the Nation's Houses Project (Ahmed, 2004, p. 119).

The government removed all informal areas during the period (1961-1965) and relocated the residents to the cities of Al-Thawra (Al-Sadr) and Al-Sha'la in two stages. The first stage included the construction of (119 houses) in the city of Al-Thawra (Al-Sadr) in 1961 based on designs prepared by the Doxiadis Company. (Al-Ansari, 1998, p. 6)

The second stage consisted of plots Residential distributed with an area of (144 m²) per plot within the city of revolution (Sadr) and an area of (144-160 m²) in the city of Al-Shaala at a rate of (8) people per plot and allowing beneficiaries to build without a building permit in order to speed up the construction process. (Al-Saray, 2013, p. 161) Also providing social services and a main center containing markets, educational centers, entertainment facilities, a health and cultural center, and infrastructure services (electricity, water, sewage, streets). The process of removal and resettlement contributed to the formation of the largest population gathering of immigrants in Baghdad and merged with the urban fabric and later turned into a factor attracting rural migration towards Baghdad. (Ahmed, 2004, p. 120)

2- establishing agricultural projects (model): The purpose of which is to return immigrants from inside Baghdad to outside it (reverse migration). An example of this is the Al-Shahimiya project in Wasit Governorate, the 17th of July project, and the 30th of July project (to which approximately 3,500 families were displaced) from the cities of Al-Thawra (Al-Sadr) and Al-Sha'la. However, these projects (reverse migration) failed and most of the families that were displaced returned to the capital. The reason for their failure is the failure to take into account the economic and social aspect of those with limited income when developing treatments for the slum areas. (Al-Saray, 2013, p. 161)

3 -Study of the Japanese consultant (JCCF): The Japanese consultant, in cooperation with the Baghdad Municipality in 1987, conducted a study to solve the problem of informal housing and encroachment. This study is considered one of the most important studies that accurately identified the locations of encroachers and the reality of the encroachers and developed solutions to this problem based on the laws and decisions that stipulated solving this problem. The Japanese consultant study presented several alternatives and solutions to house encroachers in Baghdad, including the following solutions:

-The first alternative: Choosing suitable sites to resettle (encroachers in the city of Baghdad). Several requirements were taken into consideration when choosing the site, including:

A- Services should be available on the site (water, electricity, sewage, streets, etc.).

B- Work areas should be available on the site.

C- The site should be more than (5 km) outside the borders of the Baghdad Municipality.

D- A site should be available on the Karkh side and another on the Rusafa side.

)Al-Jubouri, 2008, p. 195)

-The second alternative: Adopting studies and research in the work and focused on:

A- Identifying (10-12) sites within the boundaries of the Baghdad Municipality, specifically within ten kilometers.

B- Surveying economic effectiveness

C- Analysis of current settlements, are they (improving, deteriorating, stable, growing.

C- Analysis of financial, social and economic costs.

C- Focusing on the legal aspect of squatters.

H- Developing a draft for the resettlement stages.

Based on what was stated in the second alternative, (12) sites were identified from the random areas in Baghdad for the purpose of field study and survey to determine the problem, know its size and develop solutions Suitable for it, where five random areas were selected on the Karkh side and seven random areas on the Rusafa side.

This study gave a clear picture to decision makers on the importance of studying all economic, social, urban and environmental variables. Based on these variables, the two alternatives were proposed to resettle the residents of the slums. The two sites are (Nahrawan) to house the squatters on the Rusafa side and (Abu Ghraib) to house the squatters on the Karkh side. The selection of these two sites was based on several considerations, including:

A- The residents can benefit from the services available in Baghdad.

B- The advantage of the site as they are located within the structural design of Baghdad.

C- The availability of roads that connect the two sites to the capital.

D- Social communication between the residents of the site and their relatives in Baghdad.

Benefiting from the city in obtaining a job opportunity. (Al-Saray, 2013, p. 163)

4 -Legislation of laws and decisions: In order to address the problem of informal housing, the Iraqi legislator issued a number of laws and decisions, some of which were regulatory, others addressed the problem by removal, and some of which tended towards ownership, because most of the encroachments are on lands owned by the state. The following is a breakdown of these laws and decisions according to their type:

A- Regulatory laws and decisions:

- Law No. (84) of 1931: Article (44) first defined the duties of the municipality to develop city plans by dividing the city into several regions and developing plans that specify the directions of streets, areas, public shops, and buildings as well.

- Roads and Buildings System No. (44) of 1935: It is a set of rules for roads and their width, especially for buildings, where the city was divided into six urban areas within the boundaries of the municipality's plans, and the building areas, setback from the street, and building percentage were determined as well.

- Resolution No. (581) of 1981: The Baghdad Municipality was directed to own the orchards and lands located within its borders that are not agricultural according to the basic design of the city of Baghdad

)Mutlaq and Al-Shabr, 2016, pp. 95-96(

B- Laws and decisions related to removal:

- The Basic Plan Law for the City of Baghdad (156) of 1972: It is considered the first urban plan characterized by legal obligation, as it emphasized not changing the use of the land and not allowing construction except by obtaining a building permit from the Baghdad Municipality, and that the permit is not granted unless the use matches what is in the basic plan.

- Resolution No. (222) of 1977: This resolution prohibited the separation of orchards and agricultural lands for non-agricultural purposes that fall within the basic plans if they are within the designs for agricultural use.

- Resolution No. (1181) of 1982: This resolution gave the authority to the head of the administrative unit to remove the encroachment that falls within the boundaries of his administrative unit and hold him responsible and punish him if he provides services to the encroachers or does not remove the encroachment.

- Resolution No. (37) of 1987: According to this resolution, the Mayor of Baghdad is prohibited from continuing with illegal construction or use that does not conform to the basic plan for the city of Baghdad and issuing a warning to the person responsible for that to remove the causes and address them within the period and manner determined by the Baghdad Municipality.

- Resolution No. (51) of 1989: This resolution gave the Baghdad Municipality the right to remove the agricultural lands and orchards that are used for purposes other than those specified for them under the basic design for the city of Baghdad.

- Resolution (154) of 2001: This resolution clarified that encroachment is considered encroachment if it is on state and municipal properties and within the boundaries of the basic design of cities and without obtaining the original approvals, and includes construction whether it is in violation of the basic design or in accordance with it, as well as the exploitation of lands or buildings, where committees are formed from the Ministry of Agriculture and Finance.

The Real Estate Registration Department, the concerned municipality and the party concerned with the encroached property, must take the necessary measures to remove the encroachment and the encroacher must pay the encroachment removal fees within 10 days from the date of notification. In the event of refusal, he will be detained and will not be released until he pays what is due on him. (Al-Saray, 2013, p. 165)

C- Laws and decisions that gave the right to ownership to encroachers:

- Land Rent Correction Law No. (51) of 1959: This law gave the encroachers the right to own land after they pay its estimated value by a special committee for this purpose that follows up on ownership requests, provided that the land is within the city's master plan.
- Resolution No. (1490) of 1978: This resolution gave the right to those who encroached on residential homes from employees, farmers, workers and merchants before 4/15/1978 on a land that is endowed, giving them the right to own it under the conditions specified by the resolution, which are:

- The person who submits a request to own the house must be the actual occupant of the property.

- The land that is to be owned must be designated as a residential area according to the basic design of the city.

- Submitting the ownership request within one year from the date of issuance of the resolution.

-Paying annual amounts determined by special committees for this purpose.

•Resolution (548) of 1979: This resolution stipulated that anyone who encroached on a residential home on land owned by the state before 1/1/1979 has the right to own the home with certain conditions, which are:

-The encroachment must be within the residential uses of the basic design of the cities.

-The encroachment must be built with fixed materials (cement, stone, bricks).

-The land is estimated at its real value and paid in appropriate installments.

-A financial penalty and imprisonment were determined for anyone who encroaches after the enforcement of this decision.

•Resolution No. (156) of 2001: The resolution stipulated that anyone who encroaches before 1/1/2001 on state or municipal land and within the boundaries of the basic design has the right to own it according to the following conditions:

-Paying its real value when submitting the application for ownership.

- The encroachment must be within the residential area in the basic design.

-The building must be made of fixed materials (brick, stone, cement

-The applicant must be the same person who occupies the property.

- The applicant must meet the conditions for ownership and residence in the governorate within its own controls and legislation. (Mutlaq and Al-Shabr, 2016, pp. 96-97)

•**Resolution (320) of 2022:** This resolution came to activate previous effective resolutions issued, including those related to Baghdad and the borders of the Baghdad Municipality and those related to other governorates to solve the housing problem and encroachment on state-owned lands, as the Council of Ministers decided in its sixth regular session held on 11/28/2022 to approve the following:

-Amending the Baghdad Municipality and municipal institutions in the governorates the basic design of cities after the approval of the Ministry of Construction, Housing, Municipalities and Public Works and changing the different uses of lands on which housing units were built randomly and owned by the state and built before the issuance of this resolution.

-Activating the Baghdad Municipality Resolution (581 of 1981) (1) for the purposes of owning land that was not used for the purposes of this resolution.

-Activating the municipal institutions in the governorates Law (80 of 1970) and its effective instructions and Resolution (184 of 2002) (3) for the purposes of owning land that was not used for the purposes of this resolution.

-Baghdad Municipality and municipal institutions in the governorates shall prepare sectoral designs for the areas covered by the provisions of this decision in a manner consistent with the design of modern cities. In the event of the existence of constructed houses that cannot be treated according to the amended designs, they shall be removed and the owner of the house shall be compensated with a residential plot that is compatible with no less than the minimum division limit.

-Baghdad Municipality and municipal institutions in the governorates shall grant ownership of the lands that have been divided for the purposes of this decision to their occupants at the value estimated by the assessment committees in accordance with the provisions of Articles (7,8) of the Law on the Sale and

Lease of State Property (21 of 2013) (1) as amended, as an exception to the public auction based on the provisions of Article 40 of the aforementioned law.

-The competent municipal department shall grant ownership of the lands to their occupants on a common basis, one real estate unit, in the event that there are areas less than the minimum division limits.

-The following conditions shall be required of the applicant for ownership:

☐ To be the actual beneficiary of the land according to inventories submitted by a committee headed by the head of the administrative unit and the director of the municipality and state properties in the governorate.

☐ It is not permissible to own more than one plot for the applicant.

☐ An application must be submitted to the relevant municipality directorate within a period not exceeding (90) working days starting from the date of issuance of this decision.

-This decision shall be implemented on state-owned lands on which residential buildings are built with fixed structures and that it is a regular inhabited residential complex.

-This decision does not include lands allocated for public benefit projects (2) or built on oil or ground electricity lines.

-The Ministry of Agriculture, the Baghdad Municipality, municipalities, administrative units and other relevant bodies shall take the necessary measures to prevent new encroachments and follow up on cases of encroachment on agricultural lands and orchards and take legal action against encroachers after the implementation of this decision.

In addition to the details mentioned in the decision, there were criteria for both the Baghdad Municipality and the municipalities in the governorates, which are:

1 -The distribution is subject to the division law, whereby an area of more than 800 m and not less than 200 m is not given and is determined according to the geographical areas.

2 -The origin of the legislation of the decisions is for low-income people who do not own housing, so whoever owns housing or land from the state does not have the right to own it.

3 -All agricultural lands of which 30% or more have been exploited up to 70% for non-agricultural purposes are converted to residential and 30% for services and the agricultural status is canceled from them, while agricultural lands whose exploitation rate for residential purposes is less than 30% are not converted and remain agricultural.

4 -After the issuance of Resolution 320 of 2022, a work schedule was prepared by the Baghdad Municipality and the Director of Municipalities of Baghdad Governorate to complete the draft resolution, which was in stages, namely:

A- Taking an aerial photograph of all encroachment areas to limit the encroached residential floors because any encroachment after the issuance of the decision is not included in the decision.

B- Opening the application for a period of (90 days), which ended in March 2023.

C- There are (14 municipalities) in the Baghdad Municipality, all municipalities conducted a site, aerial and field survey.

Th- Interrupting these surveys with the requests submitted by the trespassers.

C- Submitting information and inventories to the Designs Department / Baghdad Municipality to review

them and find out whether the lands in which the encroachment occurs do not intersect with the public interest and whether they are consistent with the basic design of the city of Baghdad.

H- Addressing the departments and ministries that own the encroachment areas for the purpose of transferring their ownership to the Baghdad Municipality according to Resolution 521 of 1981, which authorized the Baghdad Municipality to expropriate all state-owned lands.

K- Submitting the lands included to the Ministry of Agriculture to activate the solution committees and convert them to residential type.

D- The Designs Department prepares the sectoral designs for the areas included in the expropriation within the approved standards for residential area designs.

d- The lands are sold by the Baghdad Municipality to their occupants (encroachers) where they are sold by public auction as an exception to the procedures, i.e. without competition and for amounts determined by the state property sales committees consisting of (the head of the committee, the Mayor of Baghdad, the membership of the Real Estate Registration and State Properties, the Ministry of Agriculture and the Ministry of Municipalities). (Source: Baghdad Municipality - Department of Relations and Media) It is worth noting that the Baghdad Municipality has now reached the stage of cross-referencing the information that reached the Designs Department and the extent of its consistency with the basic design of the city of Baghdad, and addressing the ministries for the purpose of acquiring the lands that have been encroached upon, and because most of these lands do not belong to the Baghdad Municipality, this matter requires a great deal of time and effort. We also point out that all agricultural lands are included in this decision, Contract 117, Contract 35 and Contract 25. (Source: Baghdad Municipality / Design Department)

According to a statement by the Ministry of Agriculture on 11/18/2023 to the Iraqi News Agency, 81 thousand dunums are covered by Resolution 320 at the level of all governorates, and the percentage of encroachers not covered by this resolution does not exceed 3% of them.

- Resolution No. 286 of 2022 was also issued regarding the engineering and service effort team to introduce services to the encroachment areas. This decision was the nucleus for providing services to these areas and finding housing solutions.

We note from the above Resolution 320 that it is considered a successful policy if it is implemented as planned by the concerned authorities because it addresses the problems of ownership and the right to ownership, and on the other hand, it addresses the services that the slums have always suffered from by issuing Resolution 386 regarding providing engineering effort for services. However, if we avoid the negatives that accompany its implementation, we will reach a feasible policy that achieves benefit for the beneficiaries and the goal that governments aspire to in addressing the phenomenon of slum housing. The most important obstacle to the success of the upgrading policy when it was implemented was (ownership) because the beneficiaries do not feel safe, so they have less motivation to improve their environment because they feel fear of displacement or removal. On the other hand, the most important obstacle to the success of the property ownership policy was the greed of the beneficiaries of the increase in the prices of their residential areas, which prompted them to sell or rent their housing units and go to a new random settlement. If we merge the upgrading and property ownership policies together, it will result in

a new policy that is useful in addressing the phenomenon of random housing, with the addition of an amendment regarding ownership, which is not giving the right to those who own the property to sell or rent it at least for a period of (10 years to create a sense of belonging among them) and to impose deterrent penalties on violators to avoid the greed of some of those who benefit from it and to create new hotbeds and settlements in addition to creating a sense of security among them and thus a sense of belonging to the residence and the area in general, thus achieving participation in improving their environment and upgrading it.

Conclusions:

- 1 .The slums appear as a result of the absence of law, especially after the events of 2003, and the inability of the regulatory authorities to apply the removal laws to the squatters.
- 2 .The main problem of the slums is the lack of infrastructure services such as water, sewage, paved roads, in addition to other services such as schools, clinics, and youth centers.
- 3 .The areas where the encroachment occurs are characterized by their cheap prices, which helps in the growth of slumson them, most of which are owned by the state as agricultural lands or otherwise.
- 4 .Most of the squatters are attached to the areas they have encroached on because they fulfill a large part of their life requirements, which is housing, because they do not own it.
- 5 .The implementation of Resolution 320 of 2022 contributes greatly to solving the problem of slums by focusing on the two most important problems of this phenomenon, which are providing the right to ownership and providing services later

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