

## **Baghdad's Disappearing Pavements**

**Author:** [Haydar Barak](#)

In the new economy, fast-sell merchants are crowding access to public space.

Iraqi merchants and real estate developers are snapping up public space on Baghdad's streets and pavements, in what many consider to be exploitation of the Iraq's weak regulatory institutions.

Landlord Hany Qasem's commercial unit on a crowded west Baghdad street cuts into an otherwise broad public pavement and reduces it to a scant 1.5 metres wide. That leaves pedestrians squeezing past each other to avoid walking into traffic, a spectacle increasingly common in Iraq's commercial districts.

Qasem says Iraq's recent Law on Architectural Design is "not in accordance with Islamic Sharia", since it would require him to give up 60 metres of his property in order to leave at least three metres of pavement in front of his 20 metre wide shop front.

A Shia, Qasem insisted he would not change his mind even if senior clerics confirmed the law as legitimate.

"I know I'm right on this issue," he said.

But the office of Iraq's most respected Shia cleric, Grand Ayatollah Sayyid Ali al-Huseini al-Sistani, has since issued a fatwa saying the architectural law is valid from a religious point of view.

As for the state, Qasem said it has no right to expect anything from him since it has never provided him with adequate services. "When the state gives me my rights, then it can ask me to fulfill my obligations," he said.

Some merchants are complaining about such attitudes. The owners of shops built before the end of Saddam Hussein's regime say the new, illegal construction is crowding them out of business.

"The new buildings make it hard for passers-by to see my shop," complained Khaled Salim, whose grocery is now hidden from view by two new buildings protruding to either side. "Only my old customers contact me these days."

Iraq's officials are reluctant to start enforcing the law, which calls for six months of fines before an unsanctioned structure is demolished.

"We've issued warnings, and recorded [the offenders]," said Karem al-Asadi, deputy head of the municipal council in the west Baghdad district of al-Rashid.

But he's unwilling to send demolition teams to confront armed and angry landlords given the current lawlessness. "I am afraid to apply the law, as there is no security to protect officials in the absence of any state authority," he said.

It's not just pavements that are disappearing. In west Baghdad's al-Bayaa commercial district, makeshift stands extend far out into the street, as drivers lean on their horns in frustration.

Street vendors merely take advantage of the jammed traffic to wander from car to car, hawking their goods.

"It's a miserable situation," said taxi driver Qais Mahmoud. "They exploit the situation that has followed the fall of the former regime, and they say they're exercising their new freedoms."

Unlike many real estate developers, the street vendors admit they're causing problems, but insist they have few alternatives.

"What shall we do, where shall we go?" asked cosmetics seller Adel Naji. "Renting stores is too expensive."

Haydar Mohammed compares the millions of dinars he would have to pay for a shop with the 50,000 dinars (30 US dollars) he pays to the strongman who controls the street where he has set up his stand selling eggs.

Officials acknowledge they will need to offer an alternative before they can effectively confront the problem. "If we want to limit the number of street vendors, we have to build stores for them," said Hajj Abd al-Hussein, a representative of al-Bayaa municipality.

Once there are shops available to vendors, he says, then the municipality will have the right to punish them.

Haydar al-Husseini and Firas Hamed are trainee journalists with IWPR in Baghdad.

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