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UNGGIM Effective Land Administration

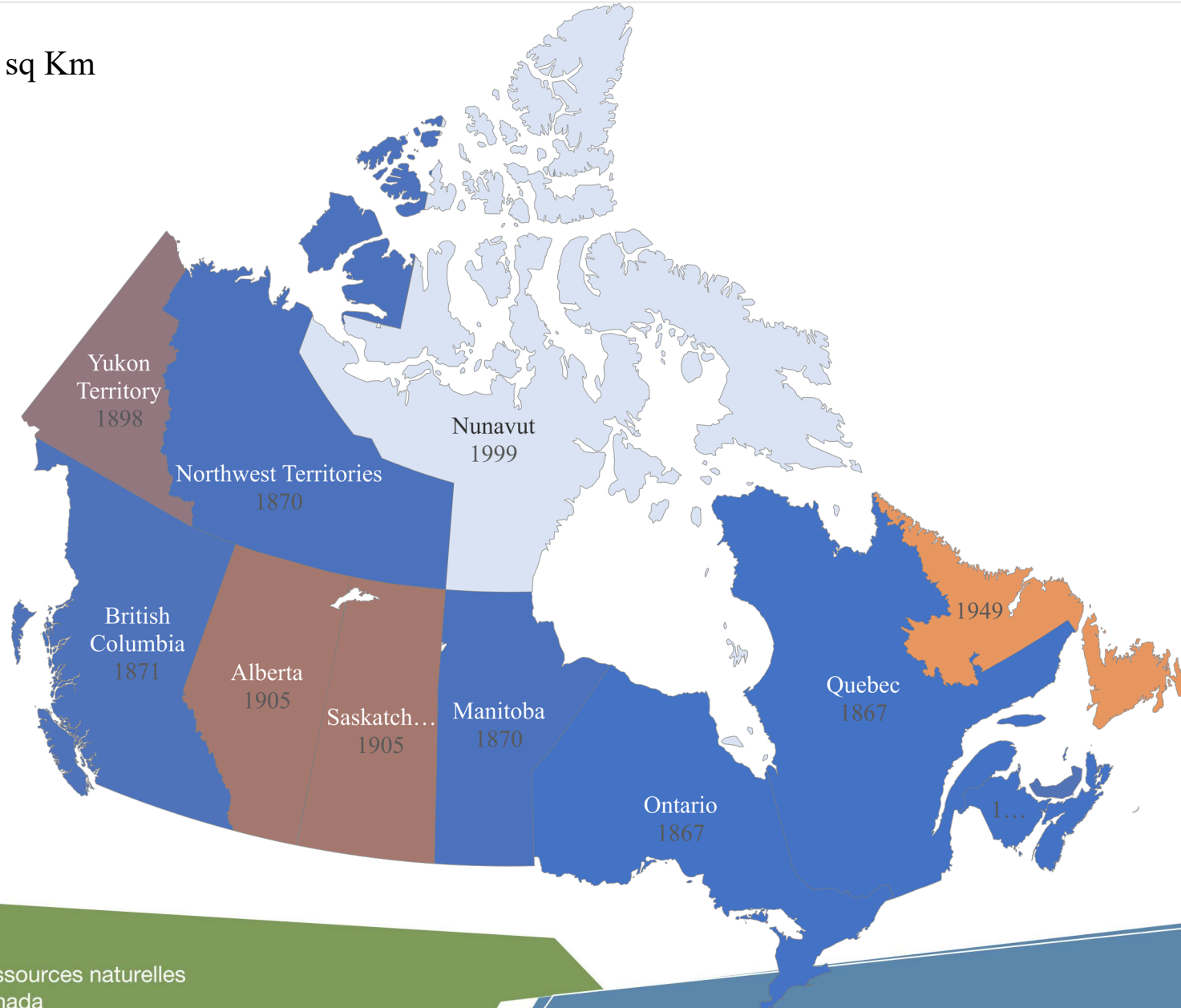
Using UN-IGIF to compare Land Tenure Systems in Canada including Indigenous lands

April 2024 - Aguascalientes, Mexico

Canada

Provinces and territories in Canada

CANADA is 10 millions sq Km



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Distribution of Legislative Powers over Property Rights under the Constitution Act 1867

Federal Powers Section 91

- ❖ Public Property
- ❖ Beacons, Buoys, Lighthouses, and Sable Island
- ❖ Indigenous Peoples, and Lands reserved for Indigenous Peoples

Provincial Powers Section 92

- ❖ the management and sale of the public lands belonging to the province and of the timber and wood thereon;
- ❖ property and civil rights in the province.

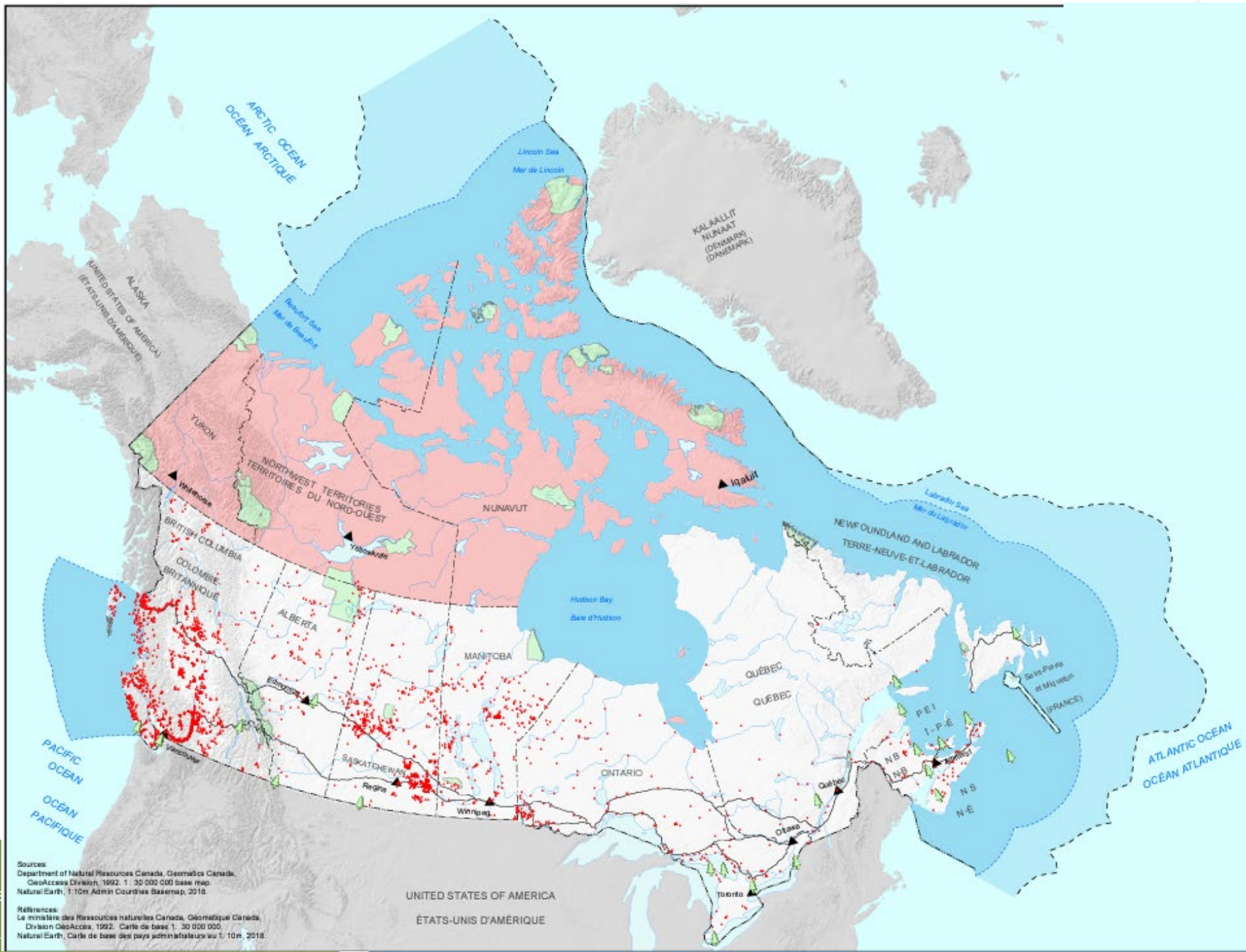
The Constitution Act of 1982 (section 35) recognizes and affirms the existing Indigenous and treaty rights of the Indigenous peoples in Canada, including any rights that exist by way of land claims agreements or may be so acquired.



Canada Lands

Federal responsibilities

- First Nation Reserves
- Territorial Lands
- National Parks
- Offshore Area
- International Boundary



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Methodology

This questionnaire was developed based on various sources:

- Cadastral Template developed by the Permanent Committee on GIS Infrastructure for Asia and the Pacific (PCGIAP) in collaboration with the International Federation of Surveyors (FIG);
- Framework for costing and Financing land administration services (COFLAS) developed by UN Habitat, including financial aspects;
- Land Administration Systems survey prepared by the Working Party on Land Administration (WPLA) of the United Nations Economic Commission for Europe (UNECE);
- Canadian Council On Geomatics (CCOG) Cadastral Forum sub-committee members.

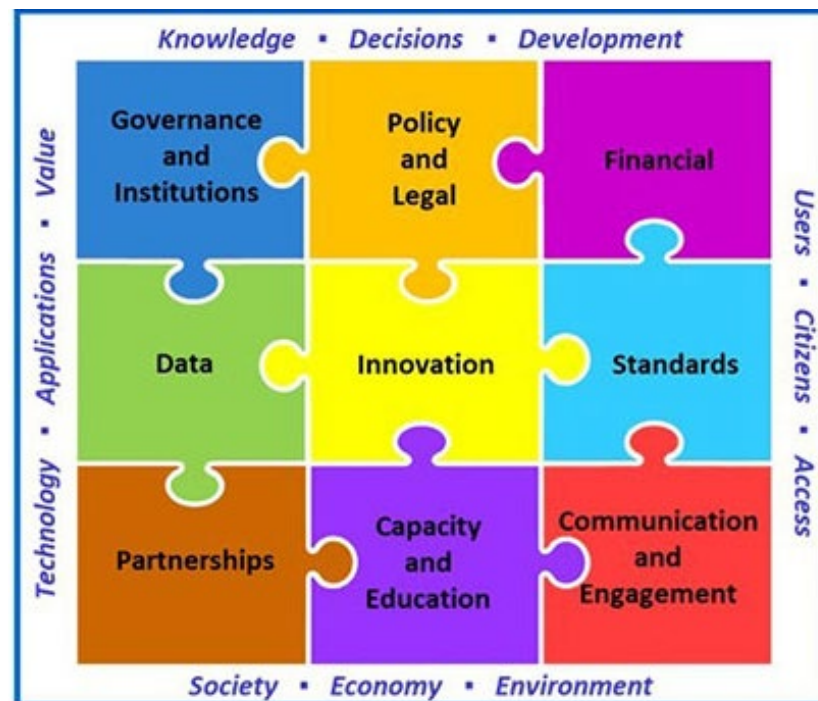
Perspective

- First time that such comparative analysis of land tenure systems is performed in Canada.
- Information for some provinces is incomplete.
- Living analysis that will be completed and updated in the coming years.

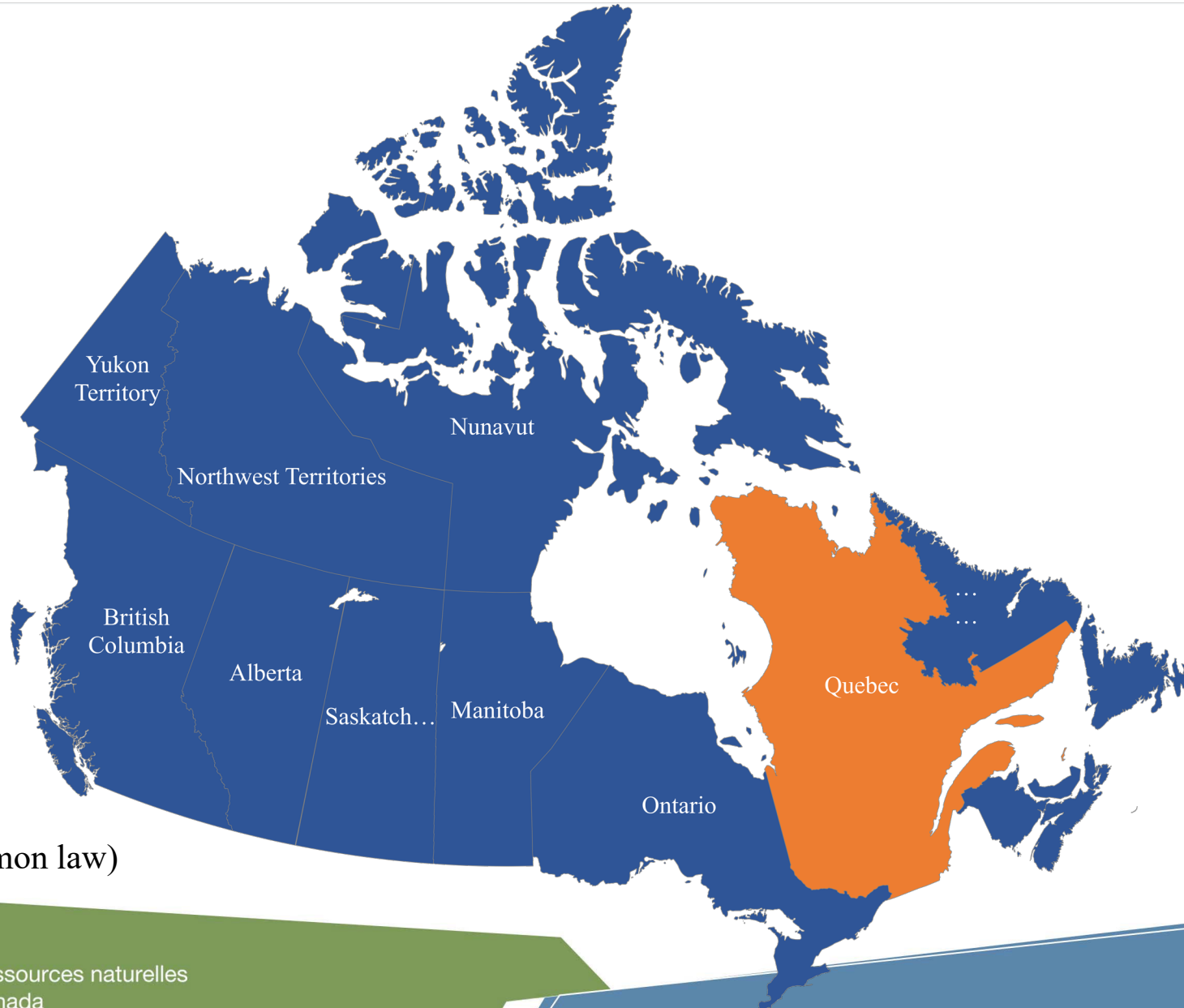


Framework

Questionnaire is divided following the 9 strategic pathways of the Integrated Geospatial Information Framework (IGIF) developed by the UN Group of experts on Geospatial and Information Management (UN-GGIM) :



Legal System



Common Law

Civil Code

Indigenous Lands (Common law)



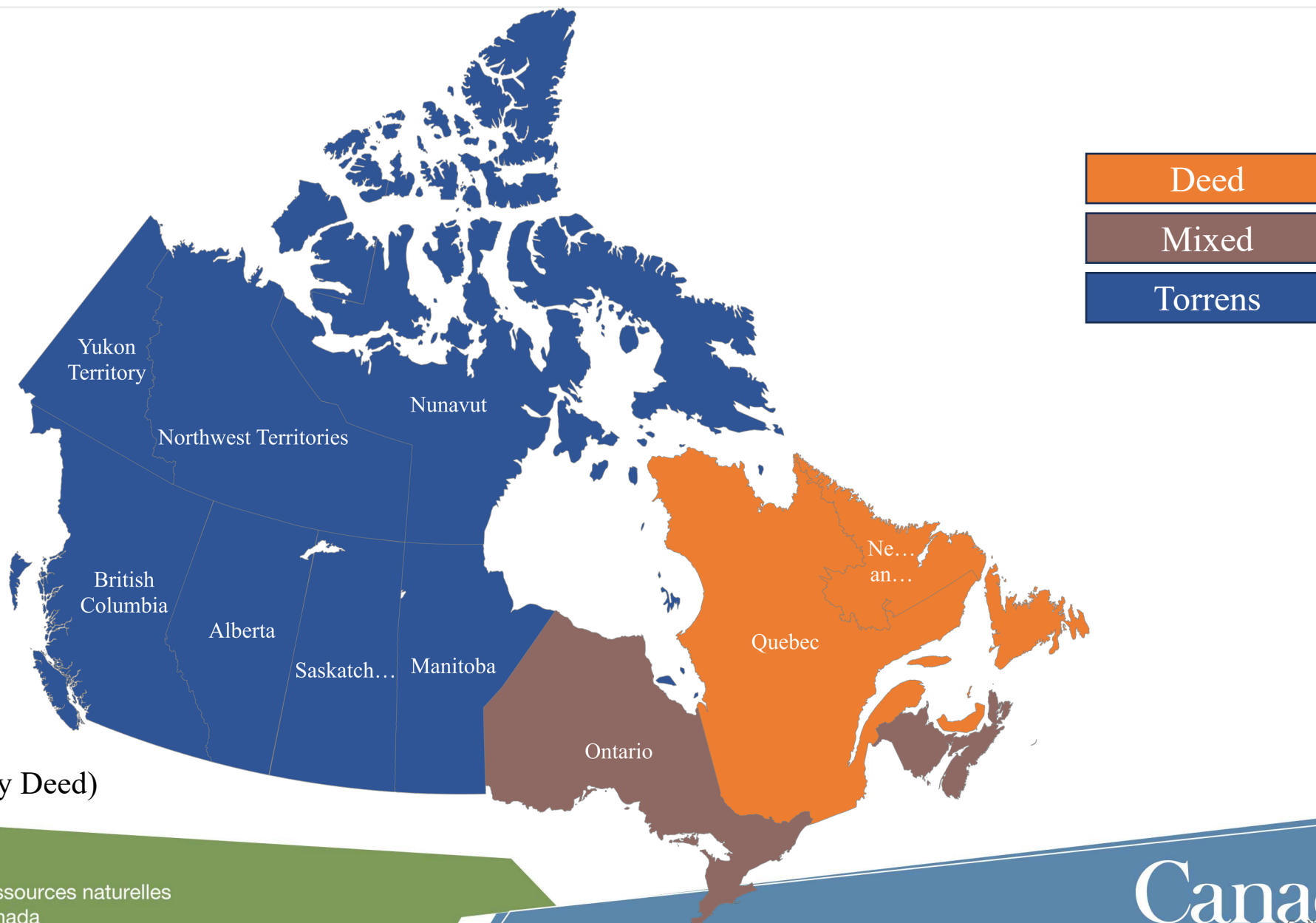
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Provinces & Territories	Type of System	Partnership	Mandatory registration	Adverse possession	Unique ID for registration	Demarcation	% Guaranteed titles by the state
Alberta	Torrens	Data Partnership	Yes	Yes	Yes	Private: No Public: Yes	100
British Columbia	Torrens		Yes	Yes	Yes	Yes	100
Manitoba	Torrens	PPP Teranet	T: Yes D :No	Yes	Yes	Yes	95
New Brunswick	Mixed		T: Yes D :No	T: No D :Yes	Yes	No	53
Newfoundland and Labrador	Deed		No	T: No D :Yes	No	Private: No Public: Yes	
Nova-Scotia	Mixed		No	Yes		No	
Ontario	Mixed	PPP Teranet	Yes	Yes	Yes	No	99
Prince Edward Island	Deed		Yes	Yes	Yes	No	
Québec	Deed		Yes	Yes	Yes	Private: No Public: Yes	0
Saskatchewan	Torrens	PPP ISC	Yes	No	Yes	Yes	100
Northwest Territories	Torrens		Yes	No	Yes	Yes	100
Nunavut	Torrens		Yes	No	Yes	Yes	100
Yukon	Torrens		Yes	No	Yes	Private: No Public: Yes	100
Federal ILR/FNLR	Deed		No	No	Yes	No	0
Federal CIRNA	Deed		No	No	No	No	0
Nisga'a	Torrens		Yes	No	Yes	Yes	100
Westbank	Deed		No	No	Yes	Yes	0



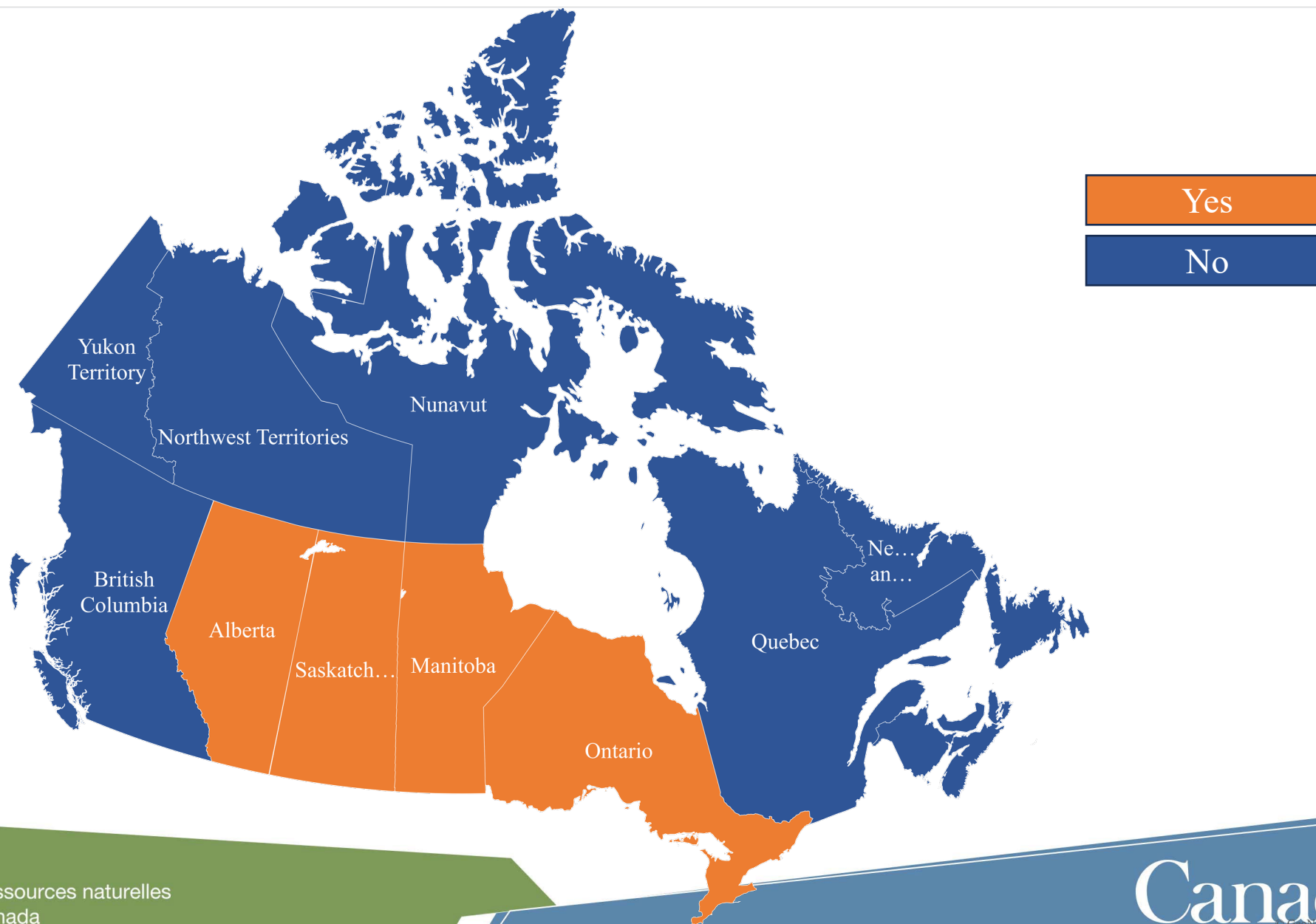
Registration System



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Private-Public Partnership (PPP)



Indigenous Lands - No



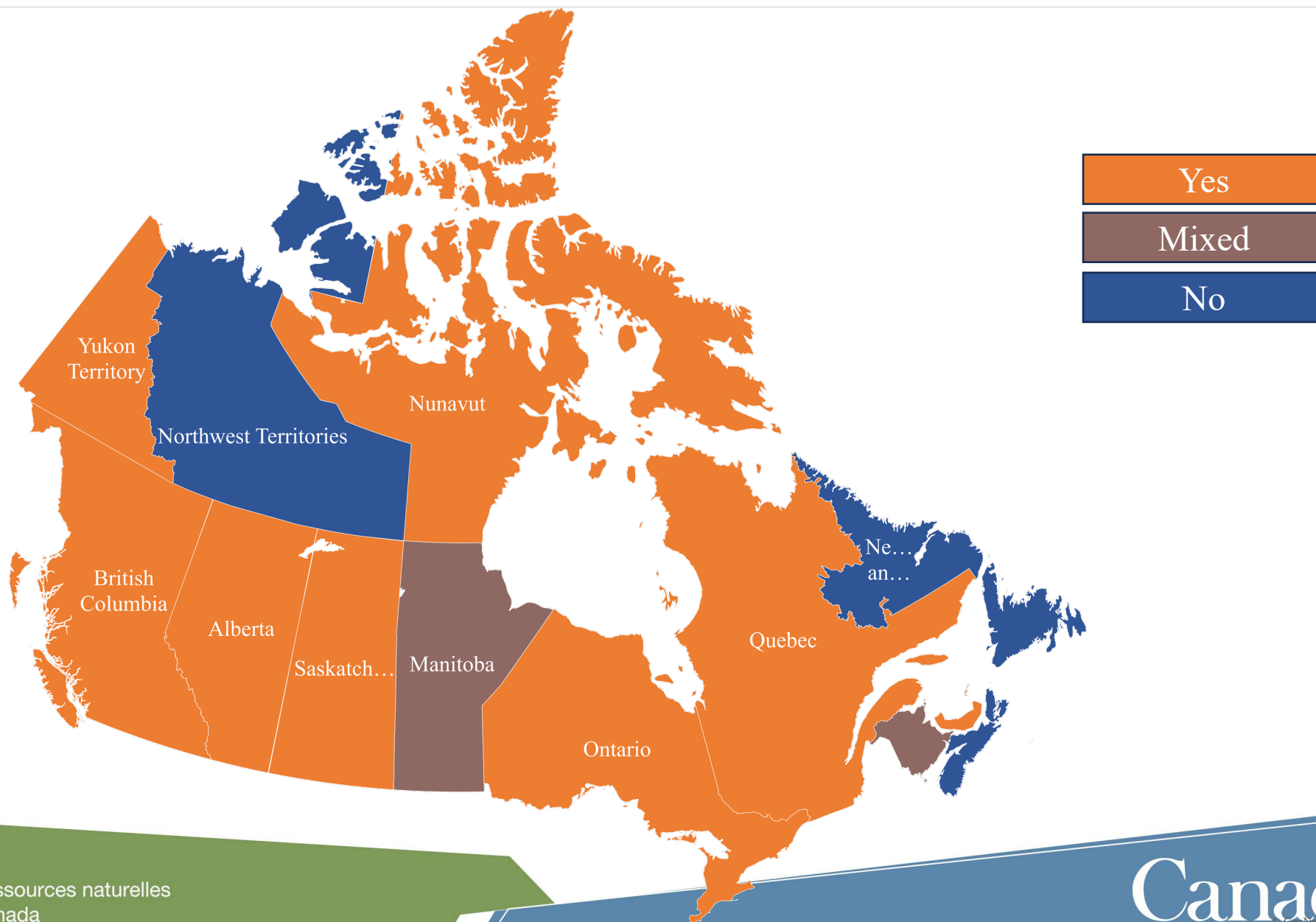
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Mandatory Registration



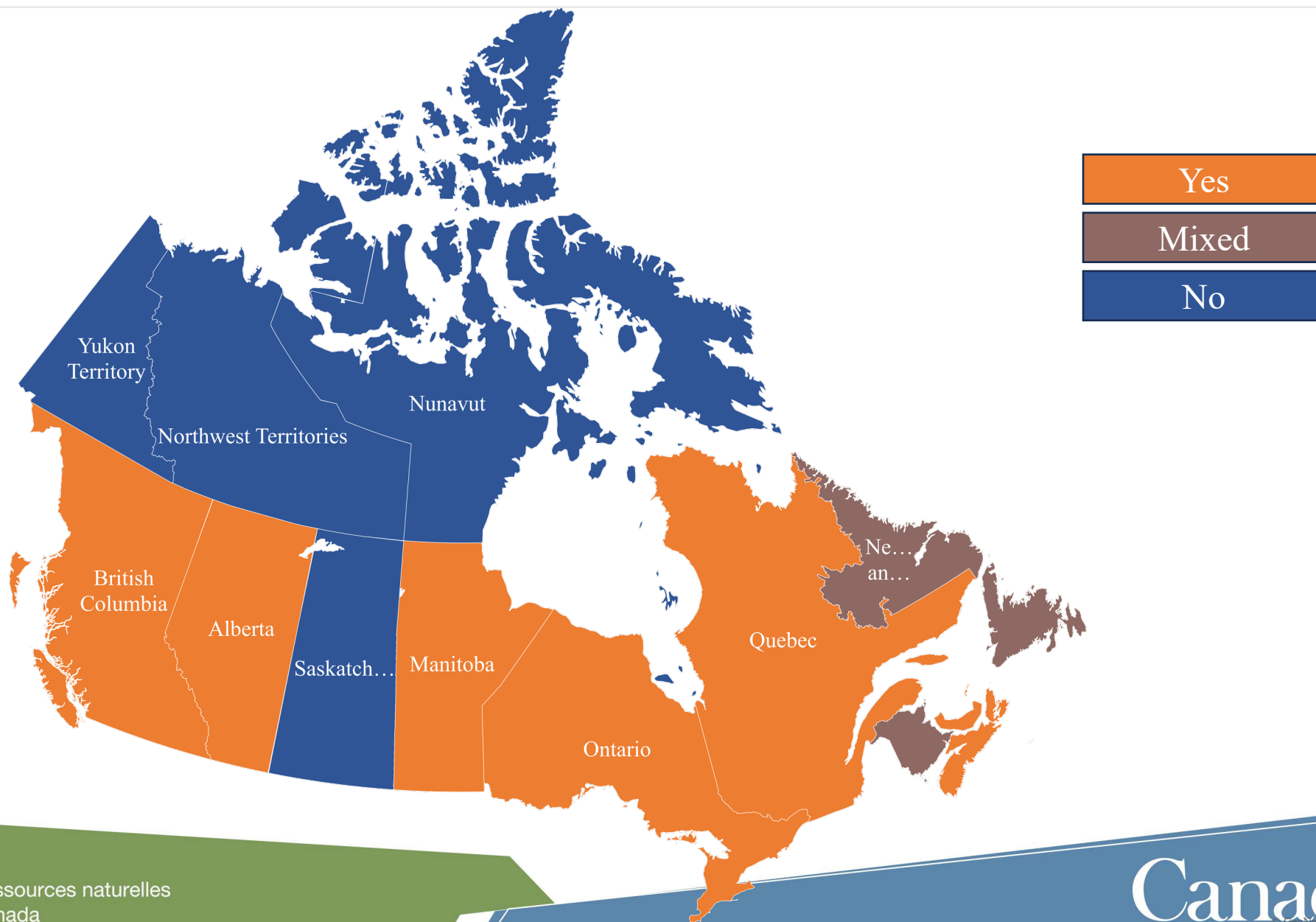
Indigenous Lands - No



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Adverse Possession



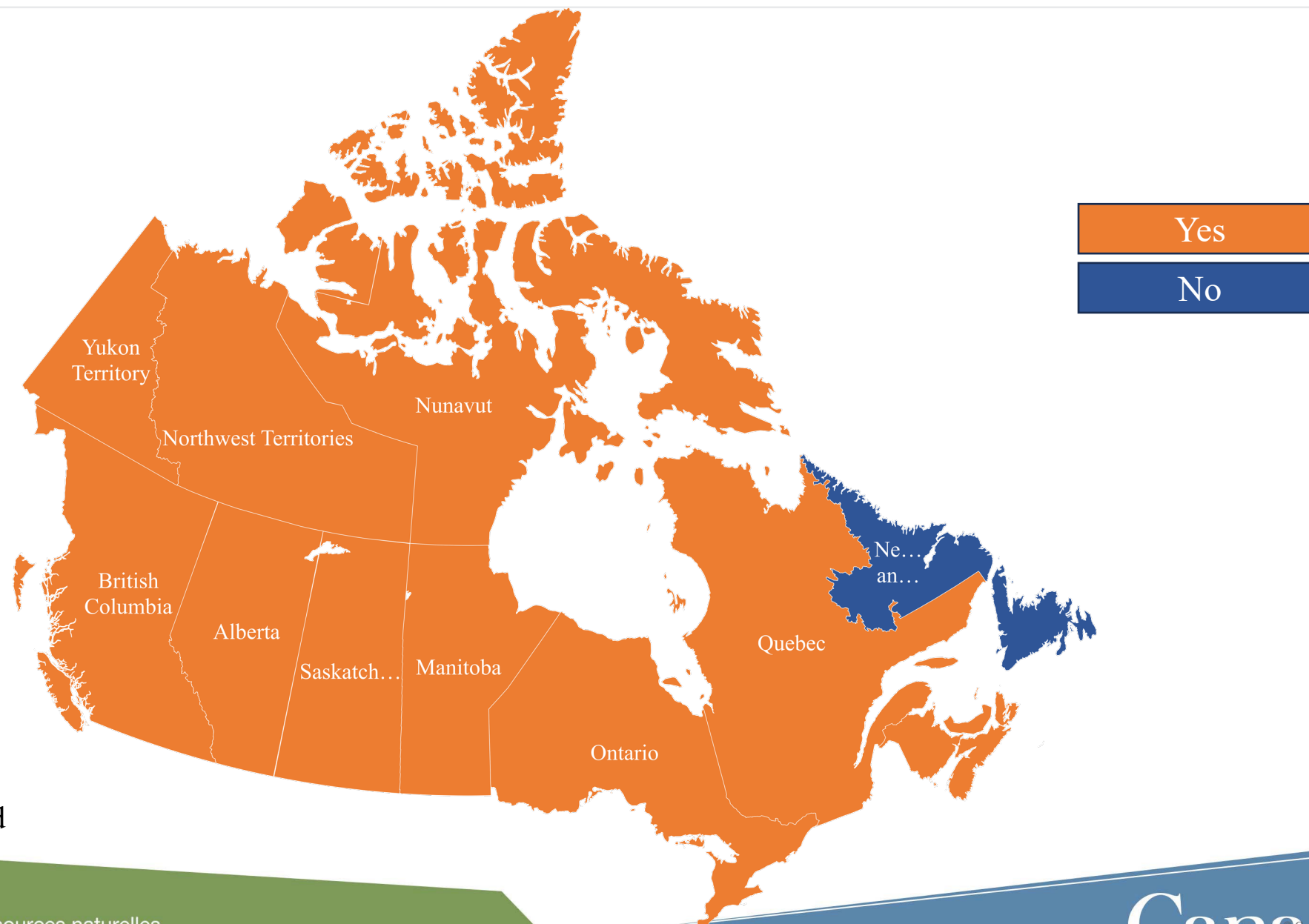
Indigenous Lands - No



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Unique ID



Indigenous Lands - Mixed



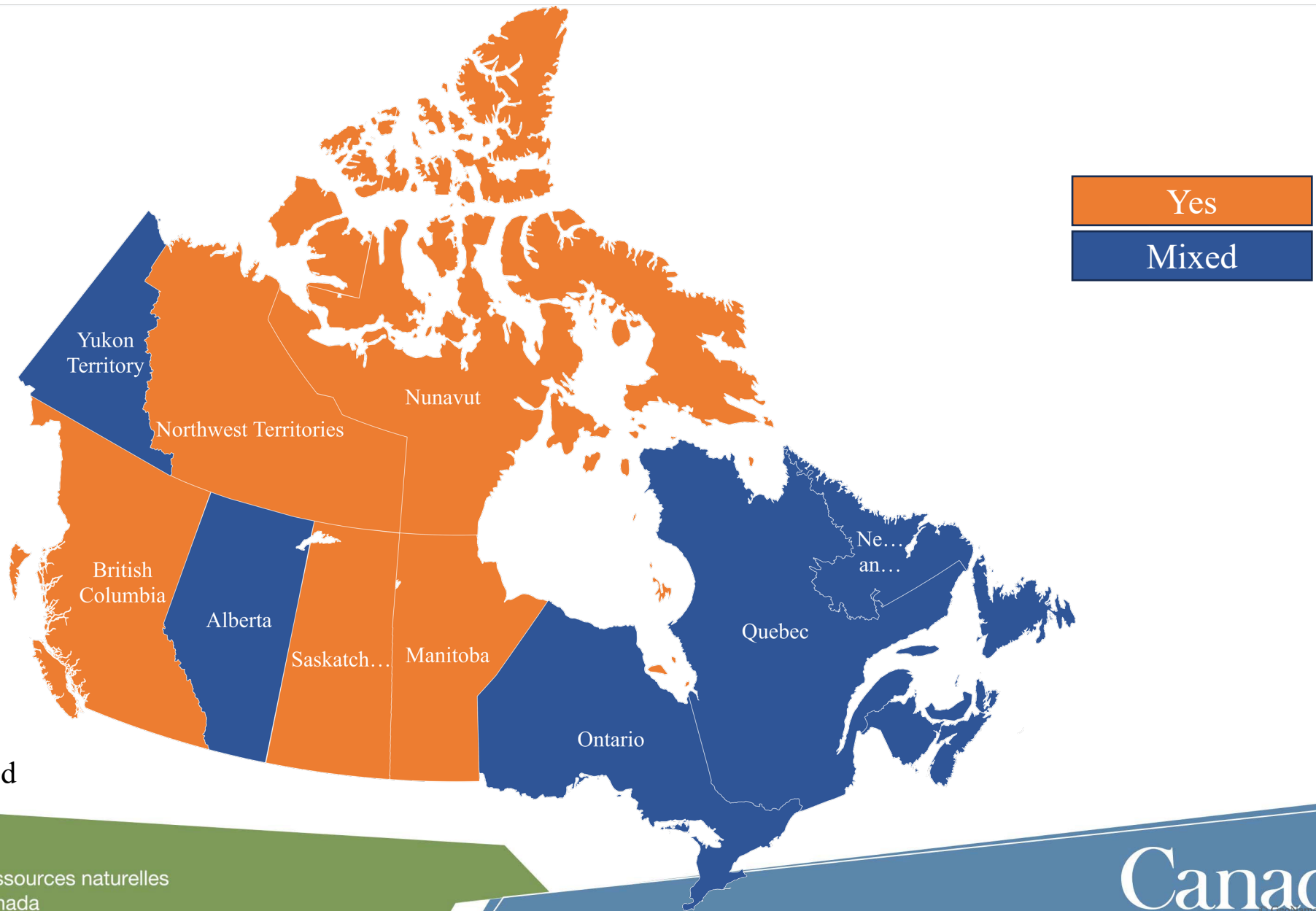
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Mandatory demarcation



Indigenous Lands - Mixed



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Governance and Institutions

	PRIVATE LANDS		PUBLIC LANDS
	Land registry	Cadastre	Public lands
Newfoundland & Labrador	Service NL	Association of NL Land Surveyors	Ministry of Fisheries and Natural Resources
New-Brunswick	Service New-Brunswick; self-funded		Ministry of Natural Resources and Energy Development
Québec	Single self-funded organization: Land Rights Infrastructure and Geospatial Information Sector Ministry Natural Resources and Forests		
Ontario	Teranet (PPP) under the supervision of Service Ontario (Ministry of Public and Business Service Delivery)	Ministry of Natural Resources and Forestry	Ministry of Natural Resources and Forestry
Alberta	Service Alberta (Minister of Alberta Environment and Protected Areas)	Ministry of Environment and Protected Areas	Ministry of Environment and Protected Areas
Saskatchewan	Office of Public Registry Administration (OPRA), Ministry of Justice Operation of the registers: Information Services Corporation (ISC), a private company (PPP).		
British-Columbia	Land Title and Survey Authority (LTSA); self-funded		Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Lands Branch.
Yukon	Land Titles Office	Federal Government Surveyor General Branch	Ministry of Energy, Mines and Resources
North-West Territories	Land Titles Office	Federal Government Surveyor General Branch	Land Titles Office
Nunavut	Land Titles Office	Federal Government Surveyor General Branch	Land Titles Office



Land Surveying Profession in Canada

- Approximately 3000 professional licensed land surveyors
- 11 regulatory authorities
 - one per Province and
 - one for Federal lands.
- Mutual Recognition Agreement on Labour Mobility between all the 11 regulatory bodies



Indigenous Lands – Canadian context

- Indigenous land was initially identified as a federal responsibility
 - *Constitution Act 1867* - Indigenous Peoples, and Lands reserved for Indigenous Peoples
 - *Indian Act* (1876)
- Indigenous rights are constitutionally protected.
 - *Constitution Act of 1982* - recognizes and affirms the existing Indigenous and treaty rights of the Indigenous peoples in Canada, including any rights that exist by way of land claims agreements or may be so acquired.
- Government to Government agreements
 - Self-Government agreement (started in 1970's)
 - *Framework agreement on First Nation Land Management* (1990's)
- The United Nations Declaration on the Rights of Indigenous Peoples (2007)
 - In 2021, Canada adopted the *United Nations Declaration on the Rights of Indigenous Peoples Act*

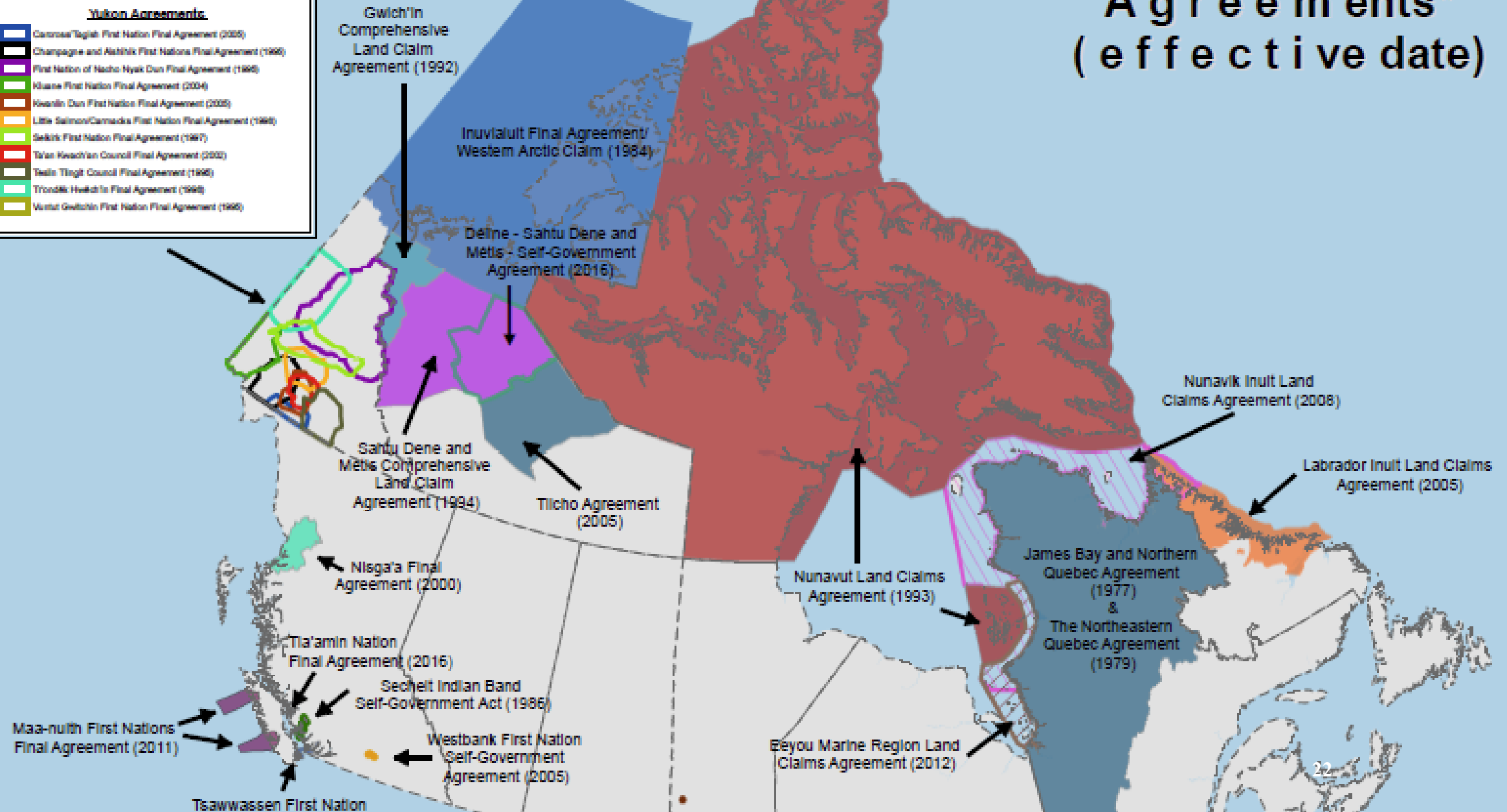




Modern Treaties and Self-Government Agreements* (effective date)

Yukon Agreements

- Carcross/Tagish First Nation Final Agreement (2005)
- Champagne and Aishihik First Nations Final Agreement (1990)
- First Nation of Nahcho Nyak Dun Final Agreement (1999)
- Klane First Nation Final Agreement (2004)
- Kwanlin Dun First Nation Final Agreement (2005)
- Little Salmon/Carmacks First Nation Final Agreement (1998)
- Selkirk First Nation Final Agreement (1997)
- Tà'ne Kwech'yan Council Final Agreement (2002)
- Teslin Tlingit Council Final Agreement (1995)
- Tłı̨ch'ya First Nation Final Agreement (1999)
- Vuntut Gwitchin First Nation Final Agreement (1995)



Agreement on First Nation Land Management
 In Canada, 3050 reserves lands are held by
 approximately 600 First Nations

More than 1/3 are implementing, developing or
 have formally expressed interest to operate
 under their own land code.



Indigenous Lands – Canadian context

- As Indigenous Governments are **regaining their inherent rights to self-government**, Indigenous Governments decide what aspects of federal legislation they want to incorporate in their self-government agreements:
- Treaties and land claims provide for land management systems
 - Registration system
 - Survey system



INDIGENOUS LANDS

Indian land Registry

- Managed by Canada
- Interests are registered in accordance with the Indian Act

Under Indian Act
64%

First Nation Developing
their own land code
16%

First Nations Operating
under their own land code
19%

Self Government
1%

First Nation Land Registry

- Administered by Canada
- Interests are registered in accordance with the Land Code

Now Developing a new First Nation Land Governance Registry

- Managed by First Nations
- Interests are registered in accordance with the Land Code

Self Government First Nations Registries:

- Independent (e.g., Nisga'a Nation)
- Provincial (e.g., Tsawwassen First Nation)
- Territorial (e.g., Tłıchǫ Nation)
- Indian land registry and Provincial (e.g., shíshálh Nation)
- Self-Governing First Nations Land Registry (e.g., Westbank First Nation, Whitecap Dakota)



Acknowledgements

- Canadian Council On Geomatics (CCOG) Cadastral Forum sub-committee members for their time, contribution and support.



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