

Des femmes, des hommes, des régions, **nos ressources...**



## The Register of the Domain of the State An essential infrastructure in public land management

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Bureau de l'arpenteur général du Québec

Marrakech, Morocco, May 20th 2011



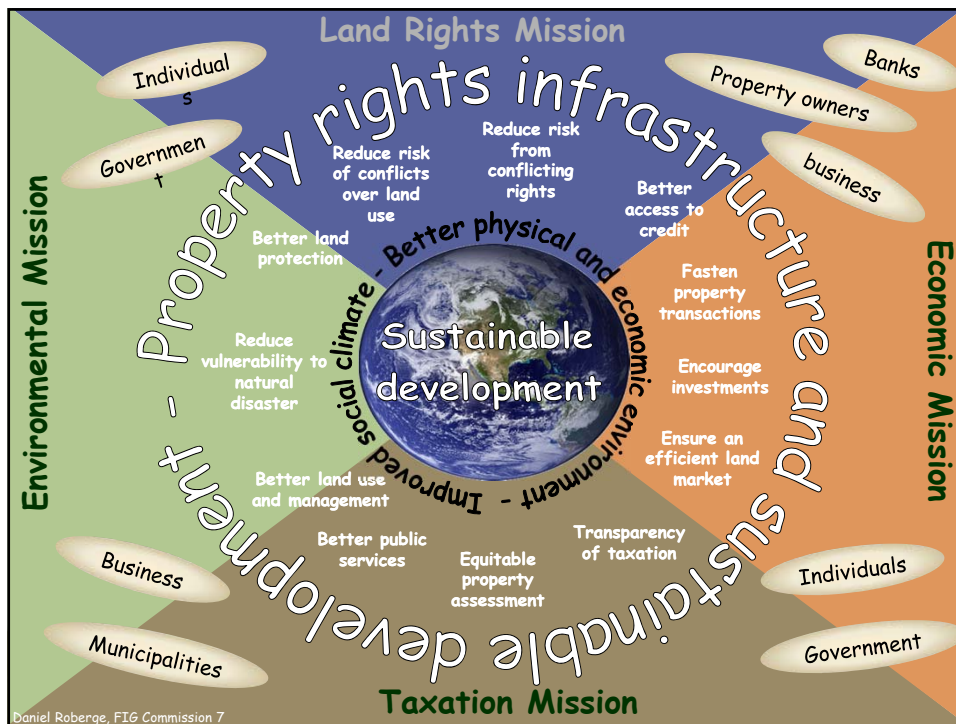
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### Presentation plan

- Land rights infrastructure and sustainable development
- Public land management in Québec
- Register of the domain of the State
  - Description
  - Quick overview

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## Infrastructure of sustainable development

- In short, no country can hope to carry out sustainable development without setting up a public register of property rights
- Major international organizations like UN-Habitat, the FAO, the World Bank, and the International Federation of Surveyors, recognize the importance of such infrastructure in reducing poverty and promoting development.

## Infrastructure of sustainable development

- Should cover all types of land
- Too often, limited to private land, either because of a lack of means or a lack of vision. Priority given where the majority of land transactions take place.
- Mistake not to cover also public land:
  - result in poor management of public land
  - major share of state wealth, both in developed and developing countries.
  - public land is often poorly managed and almost all countries underuse the resources they contain Zimmermann (Zimmermann, 2007),
- Poor land governance has enormous consequences in many spheres: economic development, poverty reduction, environment, political legitimacy, peace and security, and development cooperation.
- Few examples of good practices.

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## Land rights infrastructure in Québec

Foncier Québec is the sector of the ministry responsible to establish and keep updated the land rights infrastructure which consist in:

- the cadastre
- the land register
- the archives of the Surveyor-General of Quebec
- the Register of the domain of the state

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## Public land in Québec it is ...

- 92 % of the territory including :
  - Lands and interior water : 1 397 218 km<sup>2</sup>
  - Marine territories : 153 313 km<sup>2</sup>
- More than 300 000 active rights, constraints and protected areas ;
- More than 10% of Québec economic activity

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## Problems on public land

- Context :
  - Many departments and public agencies according rights or establishing constraints and protected areas
  - Large variety of rights and risks of unexpected overlaps
  - Scattered land information in many registers
  - Insufficient tools to have a complete vision

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## Problems on public land

- Consequences :
  - Lack of consistency sometimes in government actions on land
  - Possible awarding of conflictual rights with risks of complaints and legal proceedings
  - Land information data hard and costly to obtain without any garanty of reliability

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## Register of the Domain of the State

### Objectives :

- Constitute an official, complete, reliable and up-dated register of all information concerning rights in public land
- Promote a coherent management of public land and a better efficiency
- Contribute in the improvement of land rights protection
- Facilitate access to information about rights in public land

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## The Register of the Domain of the State

### The new register contains the following information :

- Private and public ownership of land (tenure).
- Transactions concerning public land (via an automated link with the Québec Land Register (private territory)
- Rights of use granted by departments and public bodies and constraints and protected areas established by the State
- All land surveys officialized after the establishment of the new register
- Archive data from the former register

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## The Register of the Domain of the State

### Act respecting the ministère des Ressources naturelles et de la Faune

**12.2.** The functions and powers of the Minister, as Surveyor-General of Québec, consist in :

- 1) surveying the lands in the domain of the State and Québec's borders;
- 2) describing the limits of administrative territories and territories with special legal status, in cases under the Minister's authority;
- 3) **establishing and updating the Register of the domain of the State;** and
- 4) administering the Act respecting land survey (chapter A-22).

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## The Register of the Domain of the State

### Act respecting the lands in the domain of the State

26. As Surveyor-General of Québec, the Minister shall establish and update a public register called the “Register of the domain of the State”, [...], in which alienations and acquisitions of land and immovable rights, names of parties, transfers of authority, administration and other rights, natural resource development rights, special legal status under an Act, restrictions on use, management delegations and land surveys are registered.

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## The Register of the Domain of the State

### Act respecting the lands in the domain of the State

Deeds to be registered.

27. Except in the cases referred to in section 28, a **minister or a public body designated by the Minister must immediately register any deed referred to in section 26, as well as the geographical location and the geometric representation of the land concerned**, determined in accordance with the instructions of the Surveyor-General of Québec.

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## The Register of the Domain of the State

### Act respecting the lands in the domain of the State

28. The registrar (Land Register) must send the Surveyor-General the information required to register the deeds of acquisition or alienation of lands or immovable rights by the State that are published in the land register, as well as any other deed concerning the State identified in a list drawn up jointly with the Surveyor-General.

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## The Register of the Domain of the State

The main features of the register are :

- Simple access (via Internet) and safe operation (public-key government infrastructure)
- Access based on spatial reference data
- Input on an ongoing basis by government departments and bodies
- Requests for registration must :
  - ✓ come from issuers duly accredited with the Office of the Surveyor General
  - ✓ comply with the established exchange specifications
  - ✓ be signed electronically.
- Office of the Surveyor General responsible for the updating of tenure (automated link with the Land Register and the Cadastral division) and land surveys

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## The Register of the domain of the State

- According to the Strategic Plan of the Department of National Resources and Wildlife, the registration of active rights (initial loading) should have been completed (all rights and constraints registered) by March 2011
- This objective has been reached at 99,3%

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## Some success key factors

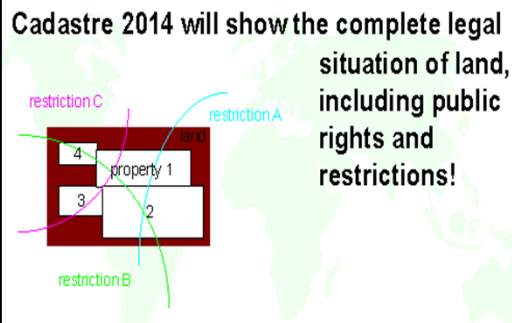
- Clear support from the authorities
- Clear legal and administrative framework in regard of the roles and responsibilities of each stakeholder
- Good communication and support given to each issuer-partner helping them preparing and registering their rights and constraints in the register
- Support the adaptation of the systems of some issuers managing large volume of data (expertise and budget \$)

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## A concrete example of the Cadastre 2014

- FIG Commission 7 has described its vision of the cadastre of the future, known as Cadastre 2014.
- This sets out the full legal situation of a given territory, including rights and restrictions of public right, and abolishes the separation between maps and registers.
- The Register of the Domain of the State is therefore a concrete example of the Cadastre 2014 approach, as applied to public land.



Source : FIG

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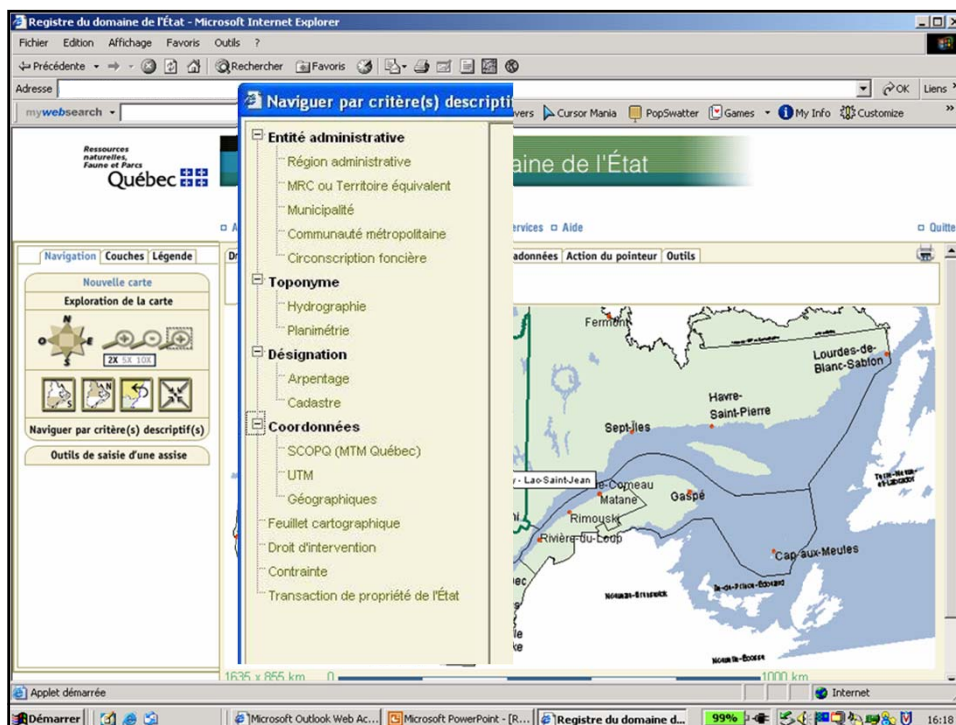
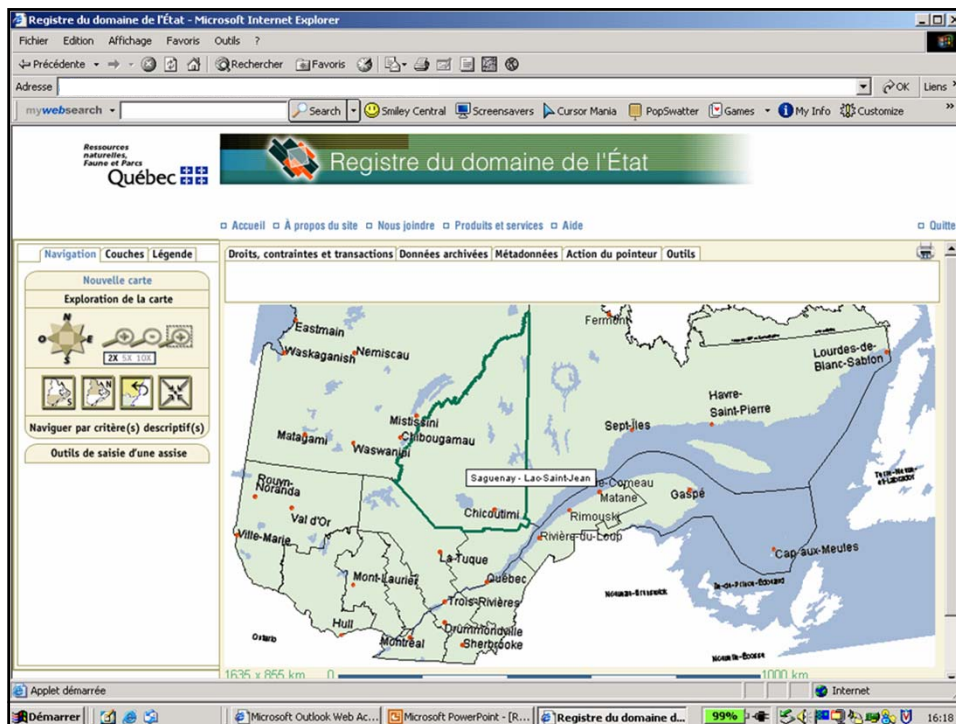
## The Register of the domain of the State

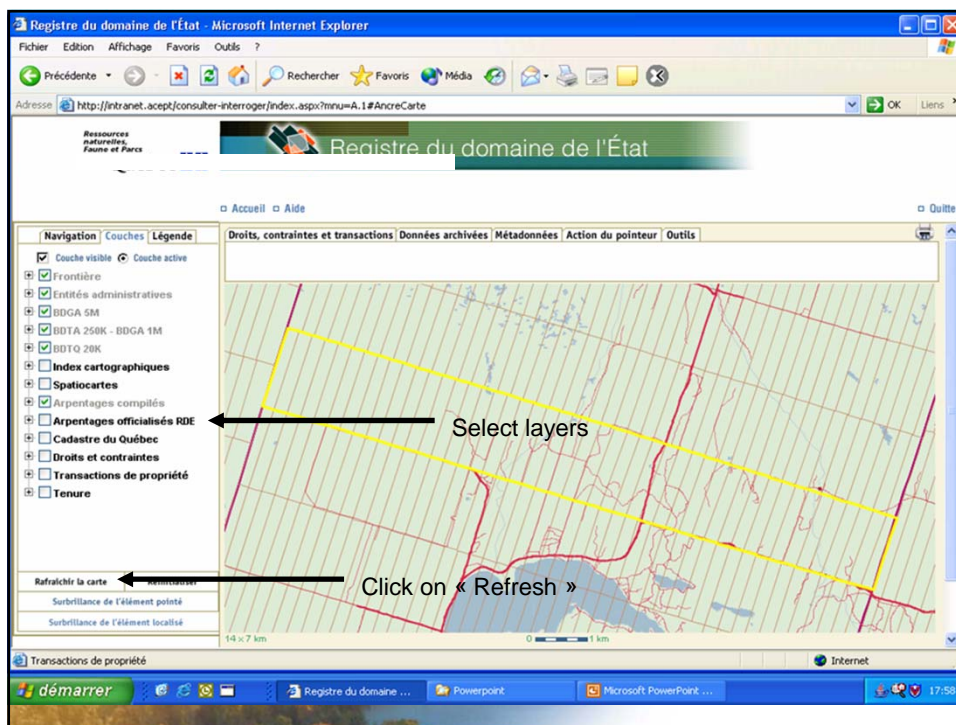
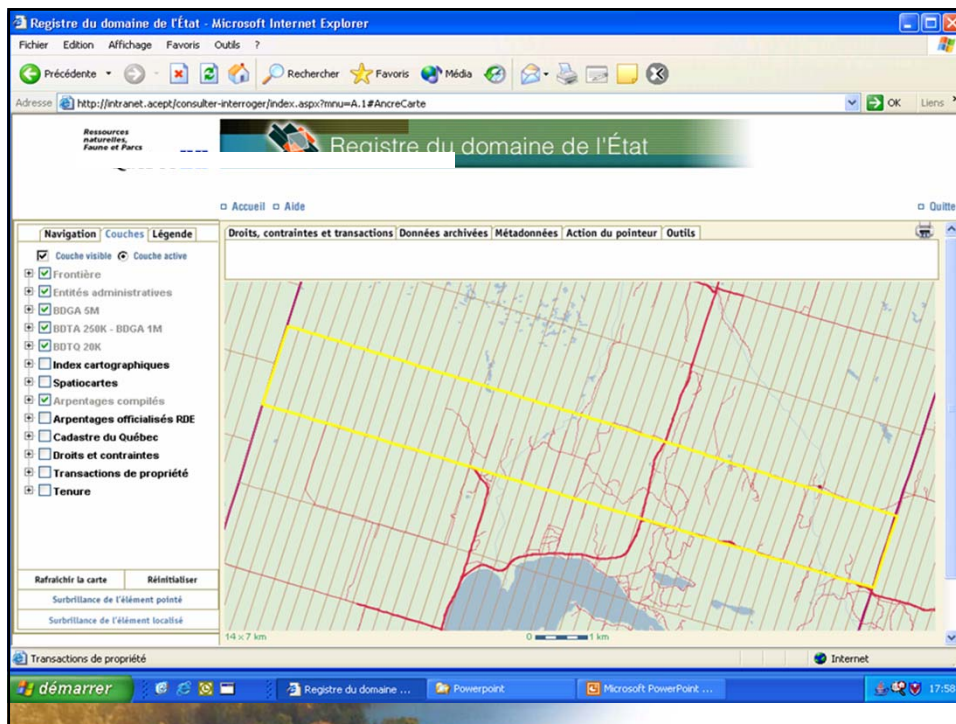
The new Register :

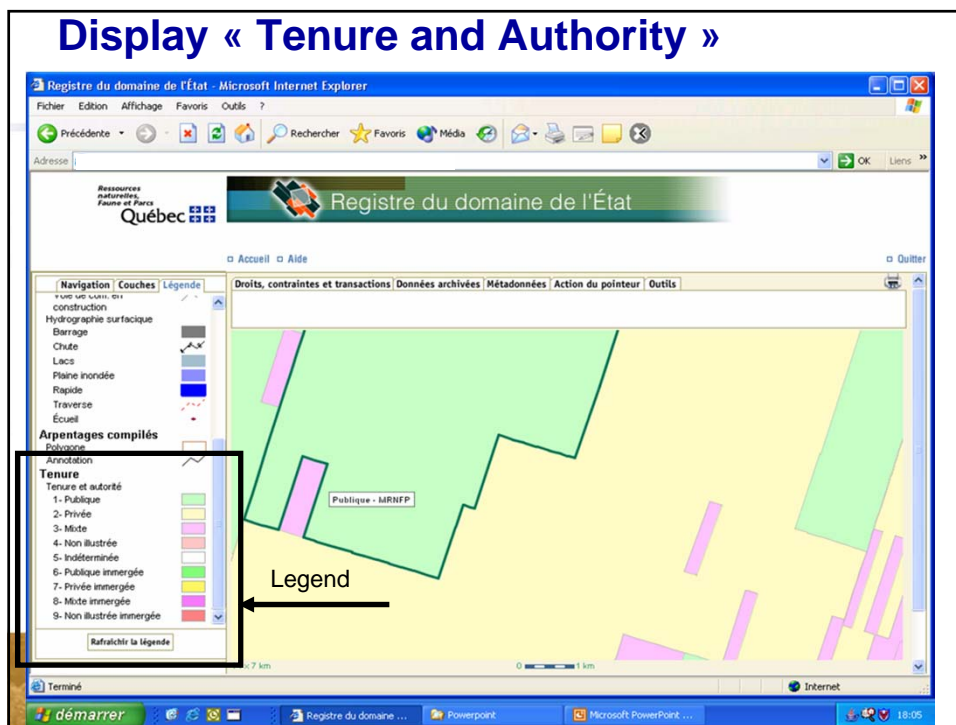
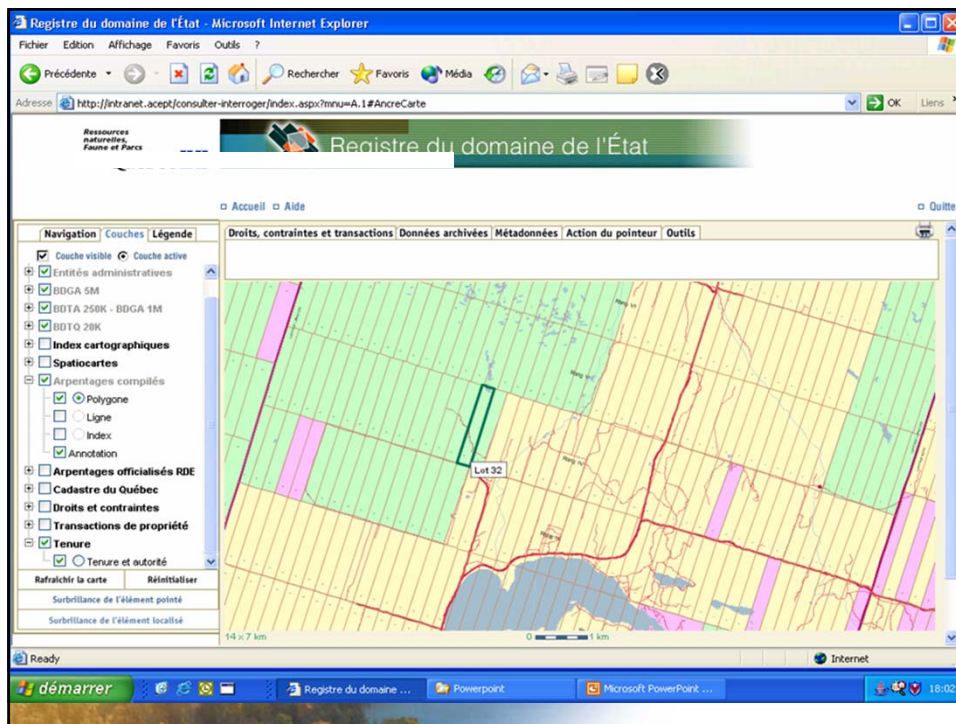
- Simplify processes
- Increase productivity
- Improve coherency in government actions
- Improve access to information
- Give more accurate information
- Improve service delivery

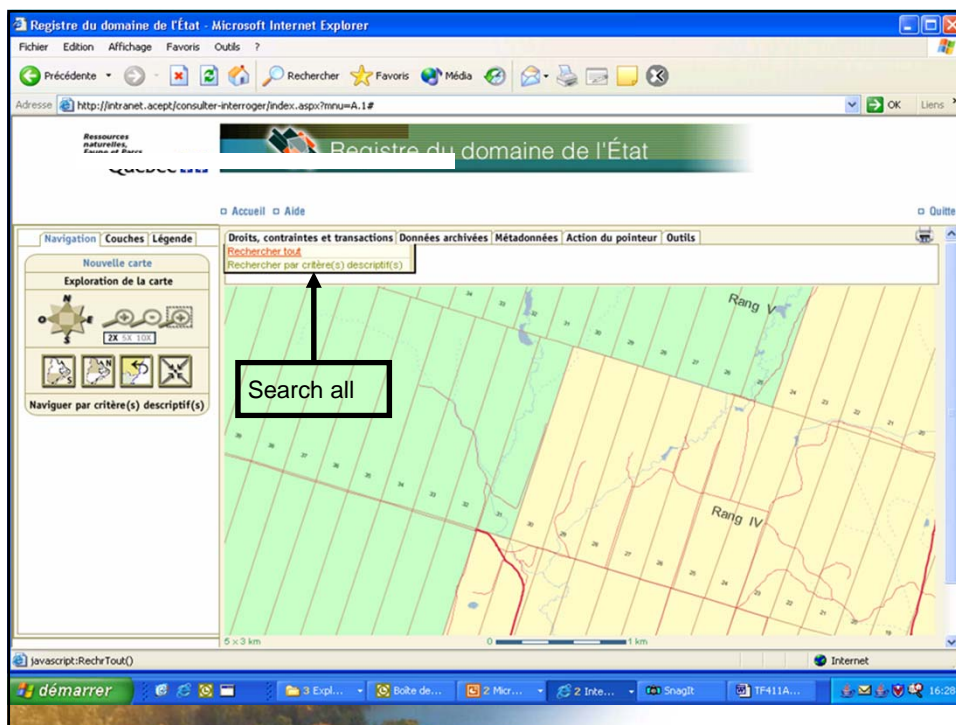
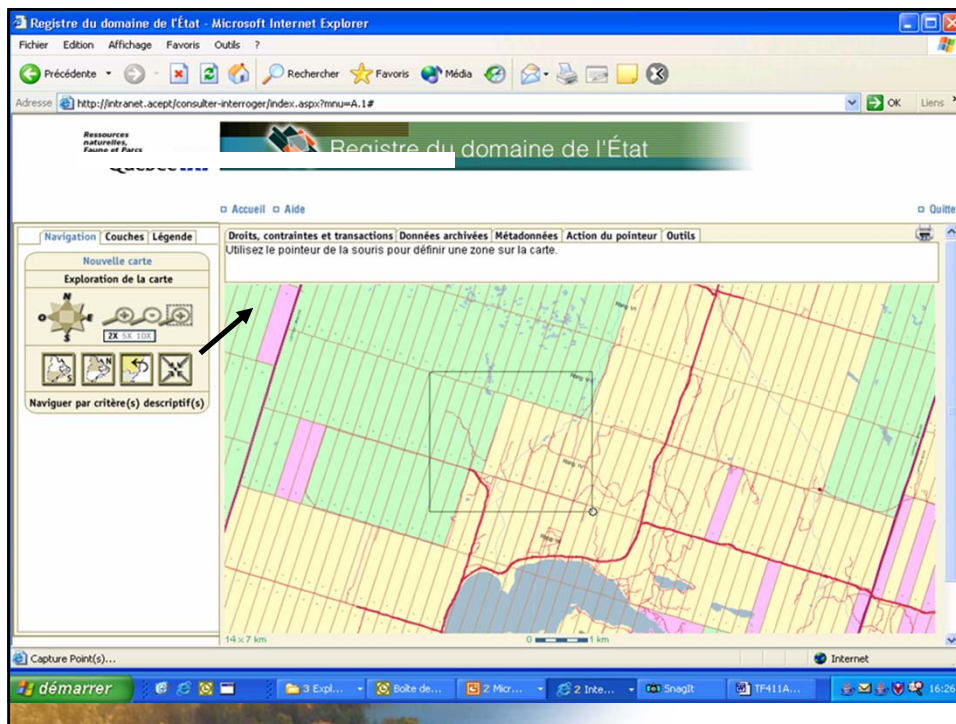
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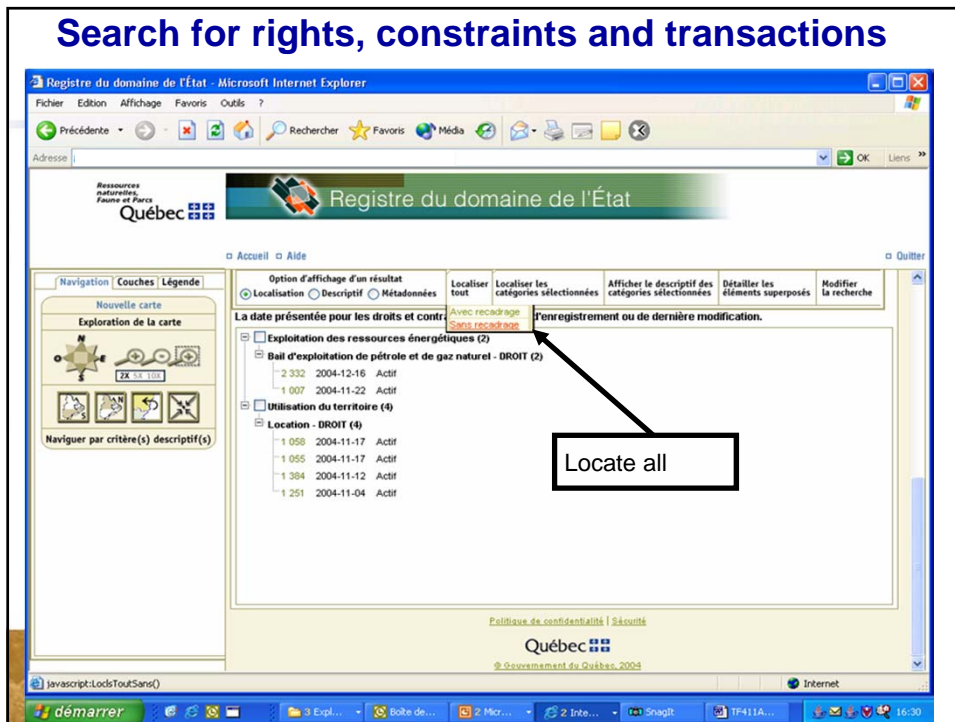
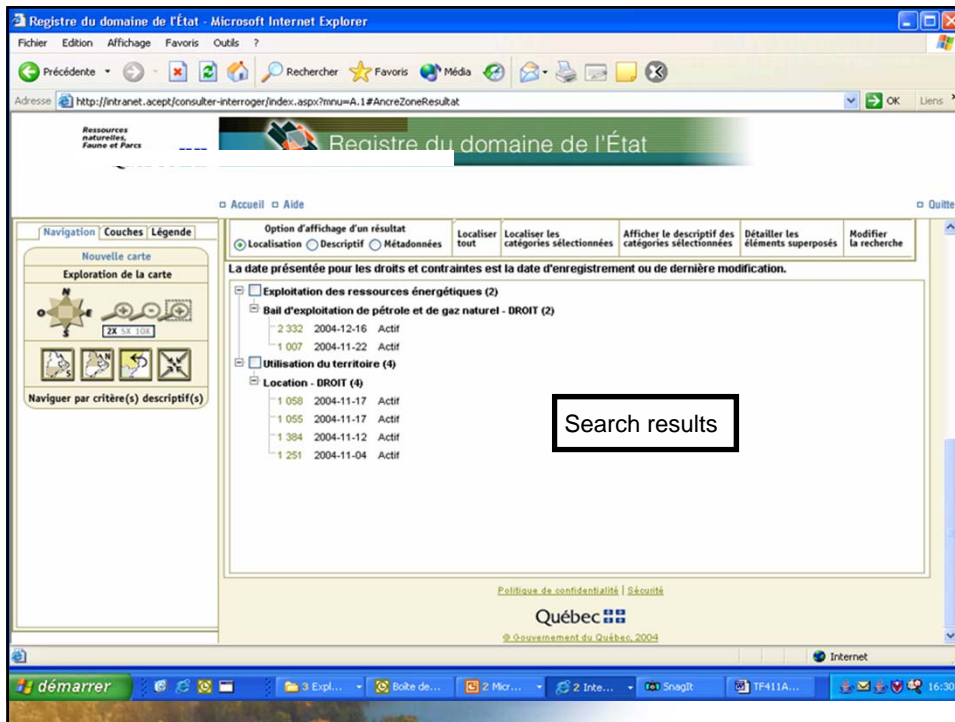
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## Search for rights, constraints and transactions

## Display the Description File of a Right



## Display the Description File of a Right

Fiche descriptive du droit d'intervention - Microsoft Internet Explorer

Droit d'intervention

Localiser Imprimer Métadonnées

droit : Territoire / Direction Générale de la Gestion du Territoire Public QC

Dossier(s) : 300103  
200526

Émetteur à l'origine du droit : Information non disponible

Titulaire(s)

Nom : Jean Lacasse

Identifiant : Lac1

Assise du droit

Description : lot 15 du rang 4 du canton Amos  
lot 16 du rang 4 du canton Amos

Document(s) d'attribution

Type de document : Arrêté ministériel

Identifiant : GOO 10-10-2004 page 2500

Date : 1 octobre 2004

Type de document : Arrêté ministériel

Identifiant : H10 cycle 2

Date : 1 octobre 2004

Historique

L'historique porte sur les données enregistrées depuis la mise en ligne du Registre du domaine de l'État le 5 janvier 2005. D'autres informations ayant trait à l'historique de certains droits ou de certaines contraintes peuvent également être disponibles dans les données archivées de l'ancien registre Terrier (SITAT).

Historique

Fermer

## Display the History File of a right

Fiche descriptive du droit d'intervention - Microsoft Internet Explorer

Droit d'intervention - Historique

Localiser Imprimer Métadonnées

Numéro du droit : 1 055 ( Historique du droit )

Nature de droit : Location

Description sommaire du droit : Description sommaire du droit

Prise d'effet : Date non disponible

Mise à jour : 26 octobre 2004 Type de transaction : Amendement

Échéance : 20 octobre 2015

Fin d'effet :

Émetteur

Responsable du droit : Ministère des Ressources naturelles, de la Faune et des Parcs  
Territoire / Direction Générale de la Gestion du Territoire Public

Dossier(s) : 300103  
200526

Émetteur à l'origine du droit : Information non disponible

Titulaire(s)

Nom : Marc Lebrun

Identifiant : Leb1

Assise du droit

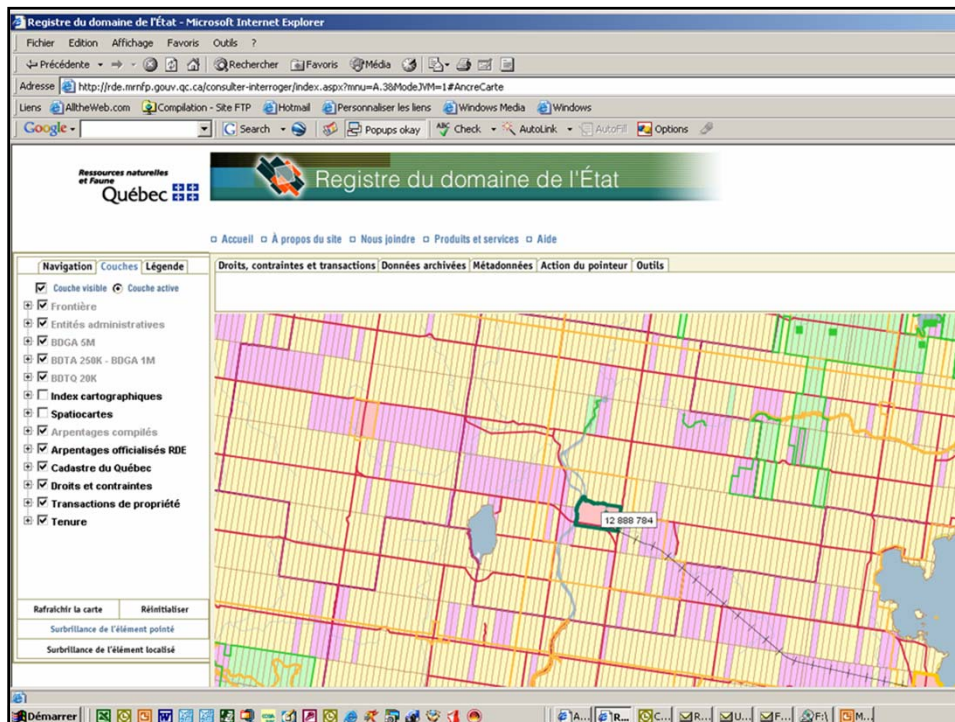
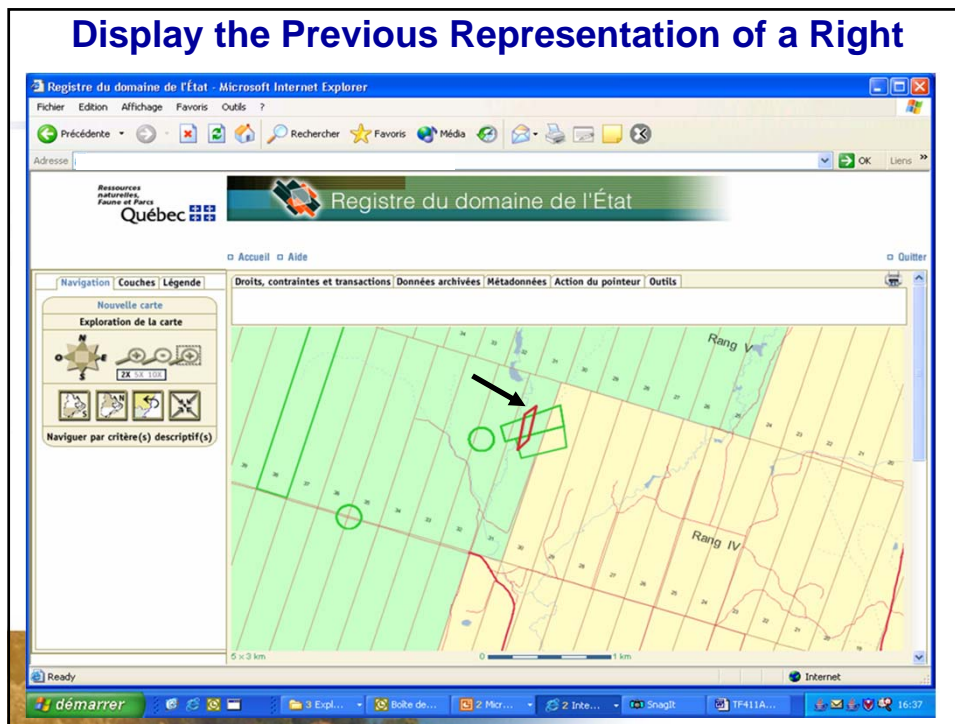
Description : lot 15 du rang 4 du canton Amos  
lot 16 du rang 4 du canton Amos

Document(s) d'attribution

Aucun document disponible

Fermer

## Display the Previous Representation of a Right



Fiche descriptive du sommaire de l'acte au long - Microsoft Internet Explorer

**Sommaire de l'acte au long**

Mise en garde : La présente fiche constitue un sommaire des actes juridiques conservés dans le Registre du domaine de l'État pour cet acte au long et n'a aucune valeur juridique. Pour obtenir une information complète et officielle, consultez le site du Registre foncier du Québec en ligne. (<http://www.registrefoncier.gouv.qc.ca/sirf/>).


Imprimer

Numéro d'inscription au registre foncier :	12 888 784
Date d'inscription :	29 novembre 2005
Acte juridique	Vente
Date de saisie au RDE :	5 décembre 2005
Vendeur :	Le MINISTRE DES RESSOURCES NATURELLES ET DE LA FAUNE
Acquéreur :	TRUDEL, Gilles
Remarque :	Clauses spéciales, servitude.
<b>DÉSIGNATION</b>	
Cadastre :	Village de La Sarre (072320)
Numéro de lot :	409
Remarque :	La correspondance de cette désignation à l'arpentage primitif est : le lot 3 du Bloc 30 du Village de La Sarre de l'arpentage primitif du canton de La Sarre.
Localisation :	Cette désignation est géoréférencée par une entité de plus grande dimension.

Localiser Métadonnées

Fermer

Surbrillance de l'élément localisé



Démarrer

**Merci**  
**Thank you**

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