



An Overview of Aboriginal and Treaty Rights and Compensation for Their Breach (Purich's Aboriginal Issues Series)

Robert Mainville

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A pressing issue today is how to compensate Aboriginal peoples for the infringement of their rights. Aboriginal rights include more than a title; within the fiduciary relationship between the federal government and Aboriginal peoples is the issue of compensation for the infringement of Aboriginal and treaty rights. In an historical and legal context, Mainville examines Aboriginal and treaty rights origins, major Canadian court decisions that have defined them, the impact of the Canadian Constitution, and the limits to the government's ability to infringe upon Aboriginal and treaty rights. Mainville argues that while Canadian law can provide guidelines for compensation, expropriation law is inadequate to address the issue fully, and instead provides clear and practical principles for compensation.

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