Individual property rights on Canadian Indian reserves: The historical emergence and jurisprudence of certificates of possession

Christopher Alcantara, Wilfrid Laurier University

Document Type
Article

Publication Date
2003

Department
Political Science

Abstract
One common misconception is that Indian reserves in Canada do not have individual private property. This is simply not the case, as several different individual private property regimes exist on First Nation territories. The most common type is the Certificate of Possession system, which allows individual Indians to obtain ownership of a tract of reserve land for the purpose of building a house, constructing a business, or exploiting its resources. This paper traces the history of individual private property rights on reserves in Canada and surveys the relevant legislation and caselaw in order to shed some light on the nature of Certificates of Possession.

Comments
This article was originally published in The Canadian Journal of Native Studies, 23(2): 391-424. © 2003 Canadian Journal of Native Studies

Recommended Citation
Alcantara, Christopher, "Individual Property Rights on Canadian Indian Reserves: The Historical Emergence and Jurisprudence of Certificates of Possession" (2003). Political Science Faculty Publications. 6.

https://scholars.wlu.ca/poli_faculty/6