



# NEWS RELEASE

## Supreme Court decision may allow Indigenous groups outside Canada to claim rights inside Canada

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For Immediate Release

**VANCOUVER**—Last year a decision by the Supreme Court of Canada set a precedent, which may open the door for Indigenous groups outside Canada to claim certain rights—including title and constitutionally protected rights—within Canada’s borders, finds a new study released today by the Fraser Institute, an independent, non-partisan Canadian public policy think-tank.

“While the Court’s decision garnered little attention, it may have profound and far-reaching implications across the country,” said Dwight Newman, law professor at the University of Saskatchewan and author of *The SCOC and Transboundary Indigenous Rights Claims: Understanding the Implications of the 2021 Decision in Desautel*.

In April 2021, in a majority decision (in the R. v. Desautel case), the Supreme Court ruled for the first time that the term “Aboriginal peoples of Canada” could include Indigenous communities that today exist entirely outside of Canada.

As a result, Indigenous communities now located in other countries but with historic connections to territories in Canada—and there are a number of communities along the U.S. and Greenland borders—may seek to claim certain rights (including land claims) in Canada.

“While the exact implications of this decision remain unclear, it’s significantly complicated the already complex field of Indigenous rights and has likely triggered future litigation,” Newman said.

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**MEDIA CONTACT:**

Dwight Newman, Professor of Law  
University of Saskatchewan

*To arrange media interviews or for more information, please contact:*  
Mark Hasiuk, Senior Media Relations Specialist, 604-688-0221 ext. 517,  
[mark.hasiuk@fraserinstitute.org](mailto:mark.hasiuk@fraserinstitute.org)

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