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AFN National Chief Phil Fontaine Responds to Supreme Court Decision on *R v. Powley*: "A Victory for Constitutional Rights"

Assembly of First Nations National Chief Phil Fontaine today responded to the Supreme Court of Canada's decision in *R v. Powley* dealing with Métis hunting rights.

"Today's decision is a victory for Constitutional rights," said National Chief Fontaine. "We applaud the Supreme Court for continuing to recognize and uphold the reality of Aboriginal and Treaty rights in section 35 of Canada's 1982 Constitution. We want to move forward with Canada to give full recognition to the Constitutional rights of Aboriginal peoples."

The *Powley* decision specifically states that: "Section 35 reflects a new promise: a constitutional commitment to protecting practices that were historically important features of particular aboriginal communities. A certain margin of flexibility might be required to ensure that aboriginal practices can evolve and develop over time."

"This flexibility provides us with the opportunity to explore how we can give life to our rights in a modern context," said the National Chief. "We prefer to take a proactive approach and work together with governments because as we all know the courts are time-consuming and costly for all of us."

The National Chief also noted another positive aspect of the decision relating to the definition of Métis identity. The decision states that a minimum "blood quantum" (or blood percentage) is not a defining factor in determining who is Métis.

"We have never endorsed the federal approach of using blood quantum as the sole determinant of Indian status identity," said National Chief Fontaine. "This has only led to imposed definitions and categories of Indian status. Self-identification and community recognition are the most important factors and First Nations, as governments, have the right to identify their own citizenship. This case supports the position that we need to address *Indian Act* challenges in defining Indian status."

“Clearly these issues will not go away. Dealing with them cooperatively and constructively will help us all move forward. I look forward to working with all levels of government to realize the promise of section 35,” said National Chief Fontaine.

The Assembly of First Nations is the national organization representing First Nations in Canada.

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