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Canada Cannot Reconcile with Indigenous Peoples It Chooses Not to See: CAP

OTTAWA — The Congress of Aboriginal Peoples (CAP) is challenging the Government of Canada's unilateral decision to end the Canada-CAP Political Accord, warning that cancelling a political agreement does not erase the Indigenous peoples CAP represents, diminish their rights, or remove the federal government's responsibility to meaningfully engage them on decisions affecting their lives.

“Canada cannot claim to advance reconciliation while narrowing the circle of Indigenous people it is prepared to hear from,” said CAP National Chief Brendan Moore. “Indigenous people do not stop being Indigenous because they live off reserve, lack federal registration, or fall outside the federal government's preferred administrative structures. Their rights do not depend on the existence of a political accord, and neither does their right to be heard.”

According to the 2021 Census, more than 1.8 million people in Canada identified as Indigenous, with approximately 82 per cent living off reserve.

They live in Canada's cities, northern communities, small towns and rural areas. They include status and non-status First Nations people, Métis and Inuit. Their identities, rights and interests exist independently of the political structures governments choose to create or discontinue.

The Canada-CAP Political Accord, signed in 2018, formally recognized a political relationship between CAP and the Government of Canada and established mechanisms for structured dialogue on longstanding issues affecting CAP's constituency.

The Accord did not create CAP's mandate, nor did it create the rights or interests of the people CAP represents. CAP has advocated nationally for its constituency for more than five decades, long before the Political Accord existed, and will continue to do so after its cancellation.

What Canada's decision removes is a formal mechanism through which the federal government committed itself to that relationship. It does not provide justification for excluding CAP or its constituency from federal policy development, engagement or decision-making.

The decision is particularly concerning as Canada marks ten years since the Supreme Court of Canada's landmark *Daniels v. Canada* decision. In 2016, the Court confirmed that Métis and non-status Indians fall within federal jurisdiction under section 91(24) of the *Constitution Act, 1867*. The Court described generations of jurisdictional buck-passing as having left people in a “jurisdictional wasteland.”

“*Daniels* was supposed to help dismantle that jurisdictional wasteland,” said National Chief Moore. “Canada cannot respond ten years later by creating new politically motivated boundaries

to recreate the same problem. Governments do not get to make Indigenous people, their rights or their interests disappear by changing the tables at which they choose to meet.”

CAP respects the distinct rights, histories and relationships of First Nations, Inuit and Métis peoples. But distinctions-based policy cannot be used as a gatekeeping mechanism that allows governments or other organizations to determine that Indigenous people outside particular structures no longer require representation or a voice in decisions affecting them.

No Indigenous organization speaks for all Indigenous peoples in Canada. The existence of one Indigenous-Crown relationship does not invalidate another, nor does recognition of one representative body authorize the exclusion of another's constituency.

CAP and its Provincial and Territorial Organizations have their own mandates, histories, communities and constituencies. Those relationships do not cease to exist because Canada has terminated one political agreement.

The consequences of getting this wrong extend far beyond Indigenous politics.

Federal decisions about housing, health, education, employment, justice, Indigenous languages, child and family services, missing and murdered Indigenous women and girls, economic development, and implementation of the United Nations Declaration on the Rights of Indigenous Peoples affect Indigenous people regardless of where they live or how governments categorize them.

Federal policy must therefore reflect the Indigenous population that actually exists.

Indigenous peoples are also among Canada's youngest and fastest-growing populations at a time when the country faces an aging workforce and shortages in health care, construction, skilled trades, technology and other sectors. Removing barriers to education, training, employment and entrepreneurship is not only essential to reconciliation — it is an opportunity to strengthen Canada's economy.

“When Indigenous people fall through jurisdictional gaps, their needs don't disappear,” National Chief Moore said. “The consequences show up in shelters, emergency rooms, child welfare systems, courts and correctional institutions, and most importantly in the lives of families. Exclusion does not solve those problems. It simply ensures governments encounter them somewhere else.”

CAP is calling on the Government of Canada to account for its decision to terminate the Political Accord and to ensure a meaningful, durable and accountable political relationship with CAP going forward.

But CAP's continued participation in federal discussions affecting its constituency is not conditional upon the existence of the Accord.

“CAP was here before the Political Accord, and we will be here after it,” said National Chief Moore. “Our mandate does not come from Ottawa. The people and communities we represent do not disappear because Canada cancels an agreement.”

Ten years after *Daniels*, Canada faces a larger choice about the direction of reconciliation.

It can build relationships that reflect the complexity and reality of Indigenous Canada, or it can allow administrative categories and political structures to once again push Indigenous people into the spaces between governments.

Canada cannot become stronger by making some of its people invisible. And it cannot reconcile with Indigenous peoples it chooses not to see.

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