

The University of Chicago

**What's the Matter with CANZUS? Understanding Canada,  
Australia, New Zealand, and the United States' UNDRIP Reversal**

By Tessa May Webb



July 2024

A paper submitted in partial fulfillment of the requirements for the Masters of the Arts degree in the Master of the Arts Program in the Committee on International Relations

Faculty Advisor: Julian Go  
Preceptor: Adam Parker

**ACKNOWLEDGEMENTS:**

I am deeply thankful to my preceptor, Dr. Adam Parker, and my advisor, Dr. Julian Go, for their valuable guidance throughout this process. I also acknowledge my mentors, both athletic and academic, who facilitated the opportunities that led me to this program. Lastly, I am grateful for the unwavering support of my friends, family, and the farm.

**TABLE OF CONTENTS:**

<b>Introduction</b>	3
<b>Theory</b>	5
<b>Methodology</b>	14
<b>Analysis</b>	
A. International Norms	18
B. Domestic Politics	25
C. Localization	31
<b>Discussion and Conclusion</b>	38
<b>Bibliography</b>	43

## INTRODUCTION:

In the pursuit of soft power and competition for symbolic capital on the world stage, a nation's adherence to global norms becomes a strategic as well as ethical consideration. Yet in 2007, four countries renowned as liberal, democratic leaders in the international community—the United States, Canada, Australia, and New Zealand—voted against the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). While this initial move was surprising, what followed was equally puzzling: within a decade, all of these countries had signed the declaration, despite the text remaining unchanged.

The factors that informed the shift from public rejection to endorsement of UNDRIP by CANZUS states (Canada, Australia, New Zealand, and the United States) remain underexplored. This research confronts two key questions: what led to the reversal of position, and how did these states execute this on the world stage? Examining this case highlights the reasons why states risk deviation from norms and conditions that may prompt such a change in calculus. Furthermore, the public and documented nature of this example allows for an in-depth exploration of how these states justified their shift in positioning to the international community and reveals calculated efforts to reconstruct the implications of the declaration long after the ink has dried.

I start this paper by exploring why this series of events is so unexpected. I then examine the limitations of existing literature, which largely focuses on the initial rejection of the declaration. While providing insights into states' decision-making processes—particularly the perceived threat to sovereignty from self-determination principles—current research does not adequately address the rationale behind subsequent endorsement. This study also extends

previous work by incorporating analysis of formerly confidential communications and a UNDRIP draft by Australia and Canada, which have not been considered in earlier explorations of the topic.

Following this, I propose that the convergence of international norms and domestic factors—rather than either in isolation—contributed to the eventual endorsement of UNDRIP by CANZUS states. Analyzing this case through the lens of Putman’s two-level game, supplemented by global fields theory, offers a solid explanatory framework. To support this, I emphasize the existence of an international norm of Indigenous rights, present both before and after states endorsed the declaration. This is demonstrated through an analysis of speeches made during the initial rejection and subsequent endorsement, which reference the norm and signal adherence. These speeches indicate that it has consistently been advantageous for states to be perceived as symbolically supporting Indigenous rights. Process tracing for each CANZUS state identifies key domestic events—changes in coalition politics, activism, and transfers of power—that served as tipping points, aligning domestic win-sets with international expectations and facilitating the shift in stance. Finally, this research examines how states used rhetorical adaptation techniques to inhibit a space between compliance and rejection: localization. Analyzing speeches and proposed amendments reveals how the meaning of the declaration was reinterpreted to align with domestic perspectives.

This study is also able to extend previous work by incorporating an analysis of formerly confidential communications and the UNDRIP draft released by Australia and Canada, which have not been considered in earlier explorations of the topic. Ultimately, I argue that CANZUS states navigated the complexities of international expectations while addressing domestic

realities—specifically the incongruence between self-determination-based Indigenous rights frameworks and sovereignty— by engaging in localization strategies.

### **THEORY:**

#### *Historical Background: Contextualizing CANZUS and UNDRIP*

In 1923 and 1925, Haudenosaunee Chief Deskaheh and Māori religious leader T. W. Ratana attempted to bring attention to Canada and New Zealand's failure to uphold treaties with the League of Nations (Corntassel 2008, 128). Thus, the concept behind the United Nations Declaration on the Rights of Indigenous Peoples predates the formation of the United Nations itself.

Following World War II, the global shift toward upholding the structure of sovereign nation-states resulted in the recognition of Indigenous peoples as distinct cultural minorities with ongoing aspirations for self-determination, rendering them vulnerable to state actions. Lightfoot notes that since this recognition, countries that pride themselves on being exemplary advocates for human rights have sought to be perceived by the international community as proactively protecting Indigenous rights (2010, 101).

In 1982, the United Nations Economic and Social Council established the Working Group on Indigenous Populations to develop a specific human rights framework. By 1985, the group had prepared a draft, reaching an agreement on the final text in 1993. The Sub-Commission on the Prevention of Discrimination and Protection of Minorities approved this draft the following year. By 2006, the UN Human Rights Council recommended that the General Assembly adopt

the draft declaration (United Nations Declaration on the Rights of Indigenous Peoples Home Page, 2022).

Rather than establish legally enforceable obligations, the term "declaration" within the United Nations indicates that the parties involved aim to articulate shared intentions through a non-binding agreement. The overarching goal of UNDRIP is to set a global standard that guarantees dignity and improves the well-being of Indigenous peoples. The document encompasses 46 articles outlining various rights, both individual and collective, spanning domains such as health, education, language, and rights to physical and intellectual property (United Nations Treaty Collection, 2024).

The most contentious element of the declaration is its use of the term "self-determination." The 1948 Universal Declaration of Human Rights, drafted by Western states, emphasizes individual rights and their alignment with the modern liberal democratic state (Eureti 2020, 12). CANZUS states prefer to frame Indigenous rights within this individualized context. However, the declaration explicitly identifies self-determination as the foundational principle for upholding Indigenous rights. One of the UN's purposes is to "develop friendly relations among nations based on respect for equal rights and self-determination" (UN Charter, 1945, Article 1, para. 2). This underscores that, within the UN framework, self-determination has implications for what is regarded as statehood, and therefore self-determination as the basis for Indigenous rights would entail recognizing Indigenous communities as rightful sovereign entities.

Therefore, on Thursday, September 13, 2007, while the United Nations General Assembly adopted the declaration by a large majority, with 143 votes in favor, four nations voted

against it—Canada, the United States, Australia, and New Zealand. These states possess a common factor that partially explains their deviant behavior. In 1953, the United Nations General Assembly Resolution 637 outlined criteria for decolonization, emphasizing the significance of geographical distance, or "saltwater," between territories and their colonizing nations (United Nations General Assembly 1953, A/RES/637(VII) A, B, and C). Essentially, these states established a framework where physical separation between colonizers and colonized peoples became a prerequisite for valid claims to decolonization, thereby exempting themselves from its implications. This system rationalized grounding Indigenous rights in universal human rights principles instead of following the self-determination model proposed by UNDRIP (Nelson, 2009, 2).

The origin of this rule can be traced to Belgium's relinquishment of its colonial territories under decolonization mandates and its advocacy for the United States to apply similar self-determination principles to Native American populations (Leon-Diaz, 2002). Decolonization posed a threat to the state-building processes that had developed over the past couple of centuries in settler-majority countries. Consequently, U.S. officials rejected this proposal and promoted the saltwater thesis to evade compliance. This stance was later adopted by other states with Indigenous populations that shared similar incentives to avoid decolonization efforts.

#### *Insights from the Literature:*

Previous research has explored the position of CANZUS states within the saltwater thesis as an explanatory factor for their initial resistance to signing UNDRIP. However, this study expands on that understanding by examining the reasons behind their subsequent reversal in



stance and how, during this resistance, these states employed norm localization to align compliance with international norms with domestic realities.

Sheri Lightfoot has extensively examined compliance dynamics regarding Indigenous rights norms in saltwater thesis nations. She argues that CANZUS states engage in selective endorsement to create the appearance of upholding Indigenous rights while avoiding compliance with more robust and potentially threatening articles (Lightfoot 2012, 102). Lightfoot's analysis indicates that state actions in this context align with both rationalist and constructivist predictions about state commitment (2012, 104). States express concerns over the legitimacy of the processes by which these rights norms emerged, highlighting the normative significance of this particular cluster of norms. CANZUS nations simultaneously qualify their status and strategically adjust the content of these norms to align with their existing policies and practices, ensuring compliance without any intent for further implementation. This work primarily focuses on compliance—or lack thereof—with the declaration itself, leaving open the question of why these states initially opted for rejection before endorsement.

The link between the saltwater thesis and CANZUS states' behavior is further documented by Andrew Eureti. His work distinguishes between approaching Indigenous rights from a human rights perspective and a self-determination perspective, underscoring the motivations behind CANZUS states' decisions to either reject or sign the declaration without adherence. However, it does not explain the shift from one position to another (Eureti 2020, 15). Eureti also suggests that Indigenous populations in CANZUS and non-CANZUS states pursue rights differently: those in CANZUS states tend to frame their advocacy within the human rights framework, while those in non-CANZUS states advocate for self-determination (Eureti 2020, 9).

Kristy Gover supports this notion, stating that "these distinctive features of settler–state constitutionalism influence the CANZUS states' engagement with international standard-setting on Indigenous rights and may explain their persistent objection to certain rights provisions of UNDRIP" (Gover 2015, 349).

*Potential Explanations:*

Theoretical frameworks can provide a foundation from which to build an explanation for unexpected state behavior. This analysis will outline existing perspectives in international relations related to this situation, identify potential explanations for the behavioral change, and highlight their limitations in fully accounting for this course of action. The reality is more nuanced, involving complex interactions between domestic and international factors rather than being driven by either in isolation.

From a realist perspective, one might argue that the shift in CANZUS states' positions on UNDRIP was driven by changes in external power dynamics, impacting the benefits and costs of signing the declaration. Realism suggests that states act primarily in their self-interest, prioritizing power and security above all else (Lightfoot 2012, 101). From this viewpoint, state commitment to international norms is contingent upon the alignment of these norms with state interests. If a state alters its position on an international agreement, this could reflect a change in the balance of incentives and costs due to shifting international pressures.

While realists argue that states comply with international law only when it aligns with their power or security concerns, the case of UNDRIP demonstrates a situation where states sought to appear compliant with the normative implications it represented regardless of their

intentions to sign the declaration (Canestaro 2006, 115). The subsequent public endorsement of UNDRIP, despite internal resistance and modifications, indicates a desire to project an image of compliance with international norms. This suggests that the symbolic value of endorsing UNDRIP outweighed the potential costs, thereby challenging the realist assertion that norms are merely "convenient justifications for self-interested behavior" (Goertz 1992, 637).

Norm theory suggests that the eventual endorsement of UNDRIP by CANZUS states resulted from significant shifts in international attitudes. According to Finnemore and Sikkink, changes in compliance dynamics around Indigenous rights may have reached a tipping point, moving from the emergent stage—where norm entrepreneurs strive to persuade a critical mass of states to adopt a new norm—to the cascade stage (1998, 895). However, the short time frame between 2007 and 2010 challenges this hypothesis, as norm transformations typically take longer to materialize. While exceptional events can drive rapid shifts in norms, the actions of CANZUS states indicate a reframing of existing norms rather than a strengthening of them. This analysis underscores the need to further investigate the underlying drivers and dynamics influencing CANZUS states' decisions regarding UNDRIP.

#### *Global Field Theory and the Two-Level Game:*

Existing research suggests that CANZUS states refrained from signing UNDRIP due to concerns about compatibility with domestic agendas focused on maintaining sovereignty over Indigenous populations. Implementing Indigenous rights through a self-determination framework, as opposed to a human rights approach, posed significant challenges for these governments, resulting in their refusal to endorse the declaration. Recognizing the potential depreciation of symbolic capital from this deviation on the international stage, states sought to

mitigate reputational harm by reaffirming their commitment to human rights leadership through public rhetoric.

Expanding on this explanation, I argue that the later endorsement of UNDRIP was not primarily driven by mounting international pressure. Instead, shifts in domestic politics played a crucial role. This aligns with Robert Putnam's two-level game theory, which argues that domestically, advocacy groups lobby for policies aligned with their interests, while politicians form alliances with these groups to consolidate power (1988, 428). Internationally, governments strive to balance domestic demands with the need to minimize negative repercussions from global events. In response to domestic pressures, CANZUS states engaged in rhetorical adaptation to align the declaration's principles with national interests, reframing concepts within the articles to weaken regulatory implications. This created an overlap between international and national win-sets, allowing states to satisfy both local constituents and the international community without completely abandoning prior positions.

Global Fields Theory further explains CANZUS behavior regarding UNDRIP. This framework enhances Putnam's theory by considering how individual strategies, social relationships, and the broader international environment influence conflicts, interests, and global participation (Go 2008, 209; Buchholz 2008, 213). It posits that countries operate within a complex system, competing for various forms of capital—both material and symbolic—shaped by global dynamics (Go 2008, 208). Our understanding of state actions benefits from a recognition that powerful states often seek symbolic capital to reinforce dominance and legitimize their position in the global hierarchy, rather than solely pursuing fiscal resources or military power.

Incorporating a global field perspective provides additional insights by considering non-state actors as significant players (Lim 2021, 1064). This relevance is particularly pronounced in examining UNDRIP endorsement, as NGOs and domestic advocates significantly influenced the process. Global Fields Theory also connects the calculations from two-level game theory to the observable acts of states on the world stage. When influential stakeholders oppose or remain indifferent to a proposal, resulting institutions often become symbolic or ceremonial, indicating a lack of genuine commitment and a disconnect between behavior and stated commitments (Lim 2021, 1079).

By focusing on the power and security of ruling governments within their own countries, rather than solely their power relative to other states, Global Fields Theory offers a nested understanding of how CANZUS states engage in norm localization and rhetorical adaptation to navigate both international and domestic pressures (Scoville and Fligstien 2020, 80). Thus, this analysis draws on both two-level game theory to clarify the simultaneous international and national political dynamics influencing CANZUS actions and Global Fields Theory while challenging the binary of compliance and deviance.

#### *Mechanisms of Norm Localization: Aligning International Norms with Domestic Realities*

In addition to recognizing the alignment of national and international interests as pivotal in motivating previously hesitant states to endorse the declaration, I argue that norm localization played a crucial role in effecting this reversal and fostering convergence. Norm localization offers an alternative to the conventional binary framework of 'cooperation versus defection', which is deemed inadequate for addressing unconventional compliance scenarios such as those surrounding UNDRIP (Stein 1982, 304).

States exhibited both deviation and adherence over time regarding their status as signatories to the declaration. Moreover, the existence of decoupled norms illustrates that signing the declaration signals cooperation with the act of signing itself but does not necessarily ensure compliance with its substantive articles. Norm decoupling occurs when norms are symbolically upheld without corresponding actions. In the realm of human rights, this disconnect arises when states lack the capability or motivation to fully implement human rights norms they have formally endorsed. Meyer et al. suggest that such decoupling is common “because nation-states are shaped by an external culture that cannot simply be transplanted wholesale as a fully functioning system” (1997, 152). Hafner-Burton and Tsutsui describe the practice of signaling commitment through public acts, such as signatures, as “window dressing” (2005, 1373). They argue that this practice persists due to the lack of robust oversight and enforcement mechanisms in international human rights agreements, allowing a gap between formal commitments and practical efforts.

Engaging with a decoupled norm, such as that of upholding indigenous rights, complicates the binary classification of deviance and adherence. However, norm localization, as conceptualized by Eimer, Lütz, and Schüren, introduces a third option where states adapt norms to ensure fulfillment (2016, 434). Norm localization is defined as “a complex process and outcome whereby norm-takers harmonize transnational norms, including those previously institutionalized regionally, with local beliefs and practices” (Acharya 2004, 241). In this conceptualization of norm adaptation, norm-takers are not passive recipients but actively shape norms to fit local contexts (Winanti & Hanif 2020, 265). This adaptation can occur through three mechanisms of rhetorical adjustment: accentuation, addition, and subversion expanding the

scope for varying degrees of compliance. Accentuation involves emphasizing certain aspects of norm implementation domestically. Addition includes incorporating supplementary purposes into the norm's application. Subversion entails deviation from the norm while technically adhering to its wording (Eimer, Lütz, and Schüren 2016, 450). These mechanisms enable states to demonstrate commitment to international standards while tailoring implementation to local constraints.

Payne's examination of global debates on labor standards highlights how framing agents strategically distort frames to maintain power or serve their interests. Importantly, Payne notes that "even broad compliance with the new standard may not mean that actors achieved general agreement about its underlying basis" (2001, 46). This concept is relevant to declarations related to Indigenous rights, which lack enforcement power and can be interpreted in multiple ways. Payne emphasizes the importance of communicative processes, an insight that informs the methodology of this study.

## **METHODOLOGY:**

This qualitative research employed a combined approach of process tracing and discourse analysis to investigate the decision-making processes and rhetorical strategies of CANZUS states regarding UNDRIP. The methodology consisted of the following components:

### *Discourse Analysis*

To demonstrate that the international norm of Indigenous rights was well-established when the CANZUS states declined to sign UNDRIP, discourse analysis was conducted on the speeches announcing both the rejection and the endorsement of the declaration. This analysis

aimed to highlight the presence of the norm by examining the lengths to which states went to express their commitment to Indigenous rights, despite not signing the document.

If states merely asserted their refusal and outlined their objections to the declaration, it would suggest a lack of international pressure to uphold the norm. Conversely, if they attempted to appeal to the spirit of the document, this would indicate the existence of normative pressure at the time of rejection, thereby ruling out changes in international norms as the reason for their eventual endorsement.

Discourse analysis also supported the theory that states engaged in localization through rhetorical adaptation techniques. By reviewing CANZUS states' public statements and speeches regarding UNDRIP, the study identified examples of subversion, accentuation, and addition. Primary sources for analysis included speeches, official statements, and diplomatic communications from the United States, Canada, Australia, and New Zealand during critical junctures related to UNDRIP. This focus aimed to identify patterns of rhetorical adaptation and strategic framing. For instance, during the 107th Plenary Meeting on September 13, 2007, representatives from New Zealand, Canada, the United States, and Australia articulated their reasons for not signing UNDRIP. Subsequent statements from these states, released when they endorsed the declaration, also shed light on the evolution of their positions. This analysis demonstrated how states actively shaped the implications of the declaration and interpreted its underlying sentiments. A lack of significant instances of rhetorical adaptation would indicate that states did not actively influence the declaration's implications through these methods, potentially undermining the theory. Each rhetorical technique would be validated if the texts contained the following:



- Subversion: Statements reflecting contrary behaviors, or technically legal compliance that opposes the spirit of UNDRIP, including that of self-determination.
- Accentuation: Disproportionate importance placed on, or repetition of, specific phrases, articles, or sentiments.
- Addition: Rhetoric implies compliance will be accompanied by other legal or normative actions that could contravene the intended purpose of UNDRIP.

### *Archival Research*

Australia's national archives, released in December 2023, reveal efforts spanning from 2002 to 2003 to mitigate the implications of UNDRIP that began during its drafting phase. The Chrétien Liberal government of Canada initiated the creation of an alternative declaration that favored CANZUS states, as shown in internal communications seeking support from "like-minded states." Australia joined Canada in this endeavor to modify the 1993 draft. These previously confidential documents provide valuable insights into the behind-the-scenes contradictions and policy debates, highlighting the extent to which states were conscious of their attempts to alter the language and influence the potential implications of UNDRIP.

### *Process Tracing*

Process tracing uncovered the sequence of events and decision points that led to changes in CANZUS states' stances on UNDRIP. This approach was essential for identifying the internal dynamics, strategic considerations, and influences shaping their decisions. Specifically, the analysis examined potential shifts in domestic political dynamics and their alignment with the

timing of these changes. If process tracing had failed to reveal a coherent sequence of events or decision points that correlated with domestic political dynamics or strategic considerations, it would have challenged the theory that internal factors and strategic adaptation significantly influenced the states' decisions.

### *Limitations and Triangulation*

The study recognizes the inherent limitations of relying solely on public speeches and official statements, as they may not fully capture internal deliberations or hidden agendas. However, these sources are valuable, especially when examining rhetorical adaptation, which gains significance from its performance on the world stage. By triangulating multiple sources and employing a systematic approach to discourse analysis and process tracing, this research aims to provide a nuanced understanding of how and why CANZUS states navigated their stance on UNDRIP. If multiple sources did not produce a consistent narrative or evidence supporting the theory, this would suggest that it had failed to accurately explain the states' behaviors regarding UNDRIP. Through this methodological framework, this research seeks to contribute to broader discussions on international norms and state behavior, particularly in situations where states engage in the strategic adaptation of global standards to fit domestic interests.

### **ANALYSIS:**

To address the inquiry posed at the outset of this paper and support the proposed theory, it is essential first to establish the presence of an international norm regarding Indigenous rights. This analysis begins by examining the speeches delivered by representatives of each dissenting country at the UN General Assembly on September 13th, 2007, for indications of this norm.

The second section focuses on the domestic political climates and identifies factors that may have led to the alignment of international normative pressure with local political conditions. This includes examining the speeches given at the time of signing for evidence that the alignment resulted from internal dynamics rather than external factors.

In the final section, these speeches are analyzed to identify rhetorical adaptation strategies used to localize the declaration. Additionally, the section examines the edits made by Canada and Australia when proposing their alternative draft.

### **International Norms:**

In the realm of international relations, norms are defined as "collective expectations about proper behavior for a given identity" (Jepperson et al. 1996, 54). In the context of non-binding declarations that lack intrinsic enforcement power, strong norms serve as the primary enforcement mechanism. The norm of Indigenous rights emerged as a concept distinct from general human rights in the late 1960s, following advocacy from Indigenous leaders. This led to the recognition of "indigeneity" as an internationally acknowledged identity and established the promotion of Indigenous rights as a normative imperative (Lightfoot 2008, 90). According to Finnemore and Sikkink's framework, this norm is classified as constitutive rather than regulative. Constitutive norms are crucial for shaping new interests, actors, and forms of action, while regulative norms primarily guide existing state behaviors (1998, 890).

The principle of self-determination serves as a normative basis for reforms related to the constitutional recognition of Indigenous rights to land and self-governance (Eureti 2020, 26). However, it poses challenges to the sovereignty of colonial governments, as recognizing

Indigenous self-governance and land rights would require these governments to share or relinquish their authority. By choosing not to sign the declaration, these four countries expressed broader disagreements with the drafting process and raised concerns about the clarity of the content and its potential impact on existing political structures. CANZUS states sought to uphold the normative principles of UNDRIP while distancing themselves from its specific provisions.

The influence of the norm of Indigenous rights within the international community is evident in public speeches by CANZUS states in three key ways: first, they place weight on their existing commitment to the norm; second, they offer explanations beyond objections to self-determination for their decision not to sign; and third, they stress the non-binding nature of the declaration.

*Demonstrating Commitment to Indigenous Rights Norms without Endorsement:*

During the 61st session of the UN General Assembly, where the declaration was initially endorsed, New Zealand's address prominently highlighted the nation's "established and unparalleled process for addressing grievances," positioning the country as supportive of the declaration's principles while abstaining from direct endorsement (Banks to UN General Assembly 61st Session 2007, 13). This strategic stance allowed New Zealand to maintain a reputation as a dedicated advocate for Indigenous rights.

Similarly, Canada's opening remarks echoed New Zealand's thematic emphasis, asserting an "enduring commitment" to Indigenous rights (McNee to UN General Assembly 61st Session 2007, 12). However, Canada voiced procedural concerns regarding the fragmented adoption of the final text, underscoring engagement in Indigenous issues through long-standing participation

in the Working Group on Indigenous Populations since 1985, while expressing dissatisfaction with the negotiation process.

The United States, in its address, pointed to existing federal arrangements with tribes, highlighting the degree of self-governance already afforded to Indigenous groups within the current system (Hagen to UN General Assembly 61st Session 2007, 15). The U.S. raised apprehensions about the broader implications of the declaration, particularly its potential impact on domestic relations with Indigenous tribes. Despite opting not to sign, the U.S. reiterated a commitment to promoting Indigenous rights globally, combating racial discrimination, and supporting Indigenous participation in democratic processes, demonstrating a continued aspiration to be perceived as a leader on these issues.

Even in choosing not to sign, these states underscored the enduring influence of Indigenous rights as a norm. A recurring theme in their speeches was the message that abstention did not signify a rejection of Indigenous rights but rather a recognition of challenges in implementing the declaration's provisions and procedures. As Posner and Goldsmith argue, "Talk about norms implies belief in them, which in turn means that nations are influenced by them. Moreover, talk about norms can influence the content of norms and thereby influence national behavior" (2000, 5). Therefore, deliberate efforts to convey support for the international norm of Indigenous rights indicate that this norm held considerable sway and influence by 2007.

#### *Attempts to Justify Deviance:*

The strong norm favoring the perception of upholding Indigenous rights is underscored by the dissenting states' efforts to justify rejecting UNDRIP. Many of their objections focused on

procedural and implementation concerns rather than explicitly questioning the spirit of the declaration, indicating a desire to be seen as supportive of its underlying ideals.

Australia's statement expressed apprehension about certain self-determination clauses, suggesting that their implementation could challenge democratic governance by granting a subgroup the power to veto legitimate decisions of a democratic and representative government. The speech further noted concerns about the implications of the declaration on established domestic political structures intended to support Indigenous land rights, indicating that certain provisions could undermine these structures. Australia indirectly referenced the saltwater thesis, arguing for exemption from applying a self-determination model of Indigenous rights, stating, "Self-determination applies to situations of decolonization and state breakups into smaller entities with defined populations. It also applies where disenfranchised groups within defined territories are denied political or civil rights. It is not a right applicable to an undefined subgroup seeking political independence" (Hill to UN General Assembly 61st Session 2007, 11). This assertion reflects Australia's position as a settler majority colony seeking exemption from UNDRIP's implications.

Similarly, New Zealand expressed concern with Article 26 which pertains to land rights. Their representative stated "Indigenous peoples have a right to own, use, develop, or control lands and territories they have traditionally owned, occupied, or used. For New Zealand, the entire country potentially falls under the scope of this article" (Banks to UN General Assembly 61st Session 2007, 13). This statement aimed to distinguish New Zealand's capacity and willingness to implement the declaration's provisions from that of other countries potentially subject to similar self-determination principles.

Canada highlighted concerns regarding the broad provisions related to lands, territories, and resources, which it feared could lead to diverse interpretations and potentially affect settled treaty matters. Article 19, requiring consent from Indigenous populations for legislative actions affecting them, was particularly contentious, with all four states expressing doubts about its practical application (McNee to UN General Assembly 61st Session 2007, 13). This aligns with Putnam's assertion that emphasizing domestic constraints can provide negotiating advantages in international contexts (1988, 440).

The United States underscored its preference for a declaration that would establish "a tangible and ongoing standard of achievement universally accepted, observed, and upheld," suggesting dissatisfaction with the current declaration's clarity and enforceability (Hagen to UN General Assembly 61st Session 2007, 16). Similar concerns over ambiguity and the potential for conflicting interpretations were echoed by the other CANZUS states, underscoring their reservations about the declaration's text.

By challenging the drafting process, illustrating impracticalities in implementation, and arguing for the sufficiency of existing efforts to uphold Indigenous rights, these states did not simply reject UNDRIP outright. This indicates their awareness that abstaining was advantageous domestically but could compromise their international status and symbolic capital.

#### *The Strength of Non-binding Declarations Backed by International Norms:*

The power of Indigenous rights as an international norm is evident in the CANZUS states' consistent emphasis on the non-binding nature of UNDRIP throughout the endorsement process. This insistence reflects a shared understanding that had any nation signed the

declaration, it would be expected to adhere to its principles and be vulnerable to accusations of deviation, despite the absence of an enforcement mechanism. The repeated allusion to the declaration's non-binding nature, along with extensive efforts to modify its implications, underscores its significance. If UNDRIP were genuinely perceived as inconsequential, merely symbolic, or aspirational, there would be little reason to reiterate this point. Furthermore, states may have chosen to sign solely to avoid accusations of non-compliance, believing that such an action would not impose obligations for implementation. Consequently, the very act of non-endorsement itself serves as evidence of the declaration's strength and the robust norms underlying it.

For instance, Australia asserted during its endorsement, "While it is non-binding and does not affect existing Australian law, it sets important international principles for nations to aspire to" (Macklin to Parliament House, Canberra 2009). Similarly, the United States invoked Article 46 as a safeguard for sovereignty, stating, "The United States supports the Declaration, which—while not legally binding or a statement of current international law—has both moral and political force. It expresses both the aspirations of Indigenous peoples around the world and those of States in seeking to improve their relations with Indigenous peoples" (Department of State 2009, 1).

Upon eventual endorsement, Canada noted the declaration's impact on global perceptions and the protection of Indigenous rights: "These efforts have resulted in a monumental shift in the global will to protect the rights, culture, language, dignity, and well-being of Indigenous people worldwide" (Bennett to United Nations Permanent Forum on Indigenous Issues, 2016).



New Zealand's approach involved highlighting differing interpretations of the declaration within the international community, stating "New Zealand acknowledges the ongoing process of dialogue and debate over the meanings that may be given to the aspirations put forward by the Declaration" (Sharples to United Nations Permanent Forum on Indigenous Issues, 2010). This pronouncement both endorses the declaration and simultaneously undermines its authority by emphasizing its potential for varied interpretation, thus creating a broader policy space that could accommodate compliance.

The perception of an existential threat to sovereignty being posed by this ostensibly benign and non-regulatory document is best illustrated through confidential discussions between Canada and the U.S. These discussions reveal efforts to maintain a level of generality to mitigate potential regulatory implications, stating that the objective was "to keep the language of rights and obligations, but at a level of generality that is appropriate to a draft declaration" (Draft Declaration on the Rights of Indigenous Peoples - Decision JH02/0267/CAB, Cabinet Memorandum 2003, 8). Records from 2003 indicate that "Australia aimed to negotiate with Canada for a robust and comprehensive alternative text to counter the status of the existing draft and prevent it from attaining the status of customary international law," as articulated in a May 2003 cabinet submission by Australian ministers (Draft Declaration on the Rights of Indigenous Peoples - Decision JH02/0267/CAB, Cabinet Memorandum 2003, 7). There was also concern that "A strong and complete substitute draft is necessary to counter the status of the existing draft and to ensure that negotiations over the existing draft do not continue for another decade to form the basis for negotiations for a binding convention." The power of language is further demonstrated by the assertion that "The language of the original draft is similar to that of a

binding convention" (Draft Declaration on the Rights of Indigenous Peoples - Decision JH02/0267/CAB, Cabinet Memorandum 2003, 5). This suggests that even in the absence of a higher authority yielding enforcement mechanisms, departures from a declaration can be perceived as detrimental to a nation's reputation.

*Indigenous Rights Norms as a Deciding Factor in Endorsement:*

This analysis underscores that the norm of upholding Indigenous rights was firmly established when these states opted not to sign the declaration. Evidence includes the strong emphasis on Indigenous rights in public speeches, the efforts by dissenting states to justify their rejection, and the insistence on the declaration's non-binding nature. Further examination of speeches reveals a lack of references to the international community as a source of pressure, and there were no significant international advocacy efforts, such as protests or boycotts, that influenced the decision-making process. Consequently, international factors remained relatively stable during both the signing and non-signing periods, indicating that they cannot be considered the sole explanation for the evolving stances.

**Domestic Politics:**

Throughout the period encompassing both the rejection and subsequent endorsement of UNDRIP by CANZUS states, the international norm of Indigenous rights remained largely constitutive but consistent. Changes in the domestic environment between these phases provide an additional lens for understanding this shift. As argued by Posner and Goldsmith, international discourse can resonate domestically, influencing internal political dynamics (2000, 14). Domestic norm entrepreneurs, activists, and media discourse can elevate the political

significance of declarations like UNDRIP, generating internal pressures for compliance. Political shifts, such as changes in ruling parties, also play a pivotal role in shaping a state's stance. These factors, often overlooked in traditional analyses of international relations, are crucial for comprehending how states navigate global norms and their impact on foreign policy (Putnam 1988, 432).

Rhetorical strategies aimed at preserving domestic sovereignty while accommodating international norms, as well as the influence of global debates on local advocacy groups and citizens, exemplify this dynamic. This dual interaction aligns with theories of two-level game and global fields theory, which elucidate how states negotiate between domestic imperatives and international expectations. In the following section, I will outline key domestic events coinciding with CANZUS states' endorsement of UNDRIP.

*New Zealand:*

New Zealand's initial reluctance to sign UNDRIP in 2007 was rooted in concerns over endorsing principles of Indigenous self-determination. However, by 2010, significant changes in the domestic political landscape prompted a reversal of this stance. The pivotal shift occurred when the National Party formed an unexpected coalition with the Māori Party, following the controversy surrounding the Foreshore and Seabed Act under the previous Labour Party Government ( Marsh and Miller 2012, 284).

Statements made in Parliament underscored the role of the Māori Party in pressuring the National Government to endorse the Declaration. Metiria Turei of the Greens recognized this influence, stating, "This battle has been going on for 20-odd years, and I acknowledge and pay

respect to the Māori Party – to Tariana Turia, to Pita Sharples, and their team – which has managed to pressure a National Government into recognizing the agreement" (Turei in New Zealand Parliamentary Debates, 2010). Similarly, Jim Anderton of the Progressive Party highlighted the political dynamics at play, emphasizing the coalition's motivations, as well as a domestic awareness over the ambiguity of what signing on to the document would commit the country to:

"In fact, Mr Power, the Minister of Justice, told Parliament that the Government is considering the different meanings of the aspirational text. Well, which meaning did the Government sign up to? Did it not know? Has the Government read it? Does it know what it means? The answer to all those questions is no. It has nothing to do with it. It is to do with the deal between National and the Māori Party to get the Māori Party to run alongside the Government " (Anderton in New Zealand Parliamentary Debates, 2010).

These statements, reflecting both support and opposition to the endorsement, converge on a crucial point: New Zealand's decision to sign UNDRIP was not primarily influenced by external international pressures or normative shifts. Instead, it emerged from domestic political bargaining between the National Party and the Māori Party to secure a coalition government. In summary, New Zealand's eventual endorsement of UNDRIP in 2010 exemplifies how internal political negotiations and coalition dynamics, rather than external pressures, ultimately shaped the country's approach to UNDRIP.

#### *Australia:*

Australia also underwent a significant change in leadership that impacted the agenda on Indigenous rights between the initial refusal and subsequent endorsement of UNDRIP. Shortly after the Howard government's rejection, Kevin Rudd of the Labor Party delivered a landmark speech known as "The Apology," which recognized the Stolen Generations as the first order of

business for his administration. This moment set a new tone for government policy, distinctly contrasting with the approach of the previous administration (National Museum of Australia, 2023).

Under Rudd's leadership, the government reformed a representative Indigenous body that had been dissolved during Howard's tenure, signaling a broader shift in sentiment regarding Indigenous rights in Australia. Following Rudd's speech, public support for the sentiments of The Apology surged to 69% (Shanahan 2008, 1), a marked increase from the 57% of Australians who opposed the idea of an apology in 2000 (Grattan 2000, 2). Despite this positive shift in public opinion regarding symbolic acknowledgment, only 30% of the population supported government compensation for victims of past injustices (Shanahan 2008, 2).

Thus, while the domestic political climate under Rudd became more conducive to expressions of Indigenous rights at the time of signing, this support did not extend to a consensus on substantive measures or self-determination. Instead, the environment was more accommodating to endorsing a non-binding declaration like UNDRIP, reflecting the complexities of public sentiment surrounding Indigenous rights in Australia.

#### *Canada:*

Between 2009 and 2010, Canada underwent a critical transformation period as global peers like New Zealand, Australia, and the United States reassessed their stances on UNDRIP. This endorsement in 2010 signaled a commitment to its principles, though it did not immediately translate into national legal integration.

Further shifts in Canada's political landscape occurred with the election of the Liberal Government in 2015, which prioritized aligning Canadian law with UNDRIP. The Canadian Truth and Reconciliation Commission highlighted UNDRIP as a pivotal "call to action," reinforcing domestic pressures for legislative reform (Truth and Reconciliation Commission of Canada 2015, 9). This momentum culminated in the passage of Bill C-15, receiving royal assent on June 21, 2021, marking Canada as the first and only original dissenting nation to legally adopt UNDRIP rather than merely endorse it (Department of Justice Canada 2021). Canada's trajectory can be delineated into three stages: initial rejection, the subsequent withdrawal of rejection, and a firm commitment to legal compliance. Throughout each phase, domestic advocacy and the presence of a liberal government intersected to propel steps toward alignment.

Canada's decision to endorse UNDRIP highlights the complex relationship between international and national political dynamics. The Assembly of First Nations explicitly called for Canada's withdrawal from the United Nations Human Rights Council after its negative vote on UNDRIP (Barrera 2008). This shows how domestic stakeholders can leverage international alliances to influence national policy, emphasizing the domestic-international interplay.

*USA:*

During the Bush administration, the United States refused to sign UNDRIP; however, this stance shifted significantly with the onset of the Obama administration. Following Barack Obama's announcement regarding the signing of the declaration, a document was released outlining initiatives aimed at promoting government-to-government relationships and improving the lives of Indigenous peoples (Remarks by the President at the White House Tribal Nations Conference 2010). Notably, many of the provisions included in this document were not

specifically designed for the benefit of Indigenous communities but were intended to enhance the well-being of the population more broadly (U.S. Department of State 2010, 6).

The document explicitly indicated that the decision to change U.S. policy was primarily driven by domestic pressure and consultation rather than by increased international demands. It stated:

"The decision to review the U.S. position on the Declaration came in response to calls from many tribes, individual Native Americans, civil society, and others in the United States, who believed that U.S. support for the Declaration would make an important contribution to U.S. policy and practice with respect to Native American issues" (1).

Additionally, it acknowledged that alignment with domestic policy was a significant consideration: "The decision by the United States to support the Declaration was the result of a thorough review of the Declaration by the relevant federal agencies" (1).

Ultimately, the shift in U.S. policy under Obama represents a broader recognition of Indigenous rights as an essential element of national policy, shaped by grassroots advocacy and a changing political landscape. While signing UNDRIP was a symbolic victory, it also set the stage for potential future reforms. Therefore, this endorsement required substantial political will to ensure its effective presence domestically, as implementation would depend on the commitment of domestic agencies and governing bodies.

*From Resistance to Alignment:*

The progression of CANZUS states from rejection to endorsement of UNDRIP illustrates that their support was driven by a confluence of domestic advocacy, the strategic mobilization of international pressure by domestic actors, and evolving political commitments, ultimately

leading to decisive action. The alternative declaration proposed by Canada and Australia in 2003 underscores their broader concerns regarding the enforceability of UNDRIP and its implications for national policies. When their suggested amendments were not incorporated during the initial drafting phase, they opted to reject the declaration outright.

The decision to change positions was influenced by factors that extended beyond external international pressures or the strength of prevailing norms. Instead, these reversals were precipitated by the emergence of a domestic tipping point, wherein supporting the declaration became politically advantageous for the governing parties. As domestic pressure intensified, states began to reinterpret the document in ways that aligned with their political agendas, revealing parallels between their alternative drafts and the rhetoric employed after signing.

The next section will explore how this strategic adaptation of rhetoric allowed CANZUS states to navigate a third space that provided them with the benefits of both rejection and adaptation on the international and national stage— localization.

### **Localization:**

The concept of localization clarifies the nuanced responses of CANZUS states to the international norm of Indigenous rights as articulated in UNDRIP, especially in the context of their positioning within the saltwater thesis. By utilizing rhetorical adaptation, these states effectively navigate international pressures while simultaneously addressing their distinct domestic contexts and strategic interests.

Instead of outright rejecting a norm, localization involves leveraging the norm's principles to minimize perceptions of violations (Acharya 2004, 250). Rhetorical adaptation



plays a pivotal role in this strategy, enabling states to construct arguments that use the norm's content to defuse compliance pressures and mitigate perceptions of normative breaches. Eimer, Lütz, and Schüren illustrate how rhetorical adaptation—through addition, subversion, and accentuation—shapes arguments that reduce compliance pressure or the appearance of non-compliance, demonstrated in Table 1 (2016, 85). This approach allowed CANZUS states to navigate the complex terrain of international norms while safeguarding their strategic interests and addressing local realities, effectively managing the dynamics of the two-level game. In this context, norms were localized to the specific domestic frameworks of these states, including their governance structures, land settlements, and political systems, which vary across countries. Through this process, CANZUS states redefined norms to better align with their national interests while maintaining an appearance of compliance on the international stage.

*Subversion:*

Subversion is demonstrated by rhetoric on the brink of non-compliance, maximizing the use of available “policy space”. This technique of subversion is illustrated by these CANZUS states endorsing UNDRIP while diluting its original intent and shaping the norm to better align with their domestic agendas and sovereign interests. This strategic adaptation allowed them to reconcile initial opposition with a subsequent acceptance that was more symbolic than substantive.

For example, New Zealand explicitly stated its intention to prioritize existing practices over making changes to comply, noting, "Further, where the Declaration sets out principles for Indigenous involvement in decision-making, New Zealand has developed, and will continue to

rely upon its own distinct processes and institutions that afford opportunities to Māori for such involvement" (Sharples to United Nations Permanent Forum on Indigenous Issues, 2010).

Article 46 was particularly invoked by all four states in their endorsement speeches, serving as a provision to carve out space for non-compliance. The USA included in their accompanying document to Obama's announcement speech that "As explained in Article 46, the Declaration does not imply any right to take any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States" (Department of State 2009, 3). Australia also made a similar statement but went further to attempt to construct an alternative, more favorable definition of self-determination: "Through the Article on self-determination, the Declaration recognizes the entitlement of Indigenous peoples to have control over their destiny and to be treated respectfully. Article 46 makes it clear that the Declaration cannot be used to impair Australia's territorial integrity or political unity" (Macklin to Parliament House, Canberra 2009).

Subversion in these instances occurs by simultaneously endorsing the declaration while referencing specific aspects that allow these states to act in ways that diverge from its intended spirit. This dual approach enables them to maintain a façade of compliance while pursuing their own interests.

*Accentuation:*

The domestic rhetoric of these states emphasizes different aspects of the international document, portraying the Declaration's role as aspirational rather than substantive. In their endorsement speech, Australia stated, "The universal aspirations contained in the Declaration

can help build understanding and trust” (Macklin to Parliament House, Canberra 2009). This approach assigns symbolic significance to the declaration, downplaying its substantive implications.

Similarly, New Zealand framed the Declaration as expressing aspirations rather than imposing binding obligations, aligning it with traditional human rights frameworks (Sharples to United Nations Permanent Forum on Indigenous Issues, 2010). This maneuver aimed to prioritize indigenous rights over achieving self-determination for their indigenous populations.

The document released by the Department of State alongside the President’s speech specified, “Indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that Indigenous peoples possess certain additional, collective rights. The United States reads all of the provisions of the Declaration in light of this understanding of human rights and collective rights” (Department of State 2009, 3). The U.S. also utilized accentuation by emphasizing the spirit of consultation rather than referencing free, prior, and informed consent, as demanded in Article 10 of the Declaration (Remarks by the President at the White House Tribal Nations Conference, 2010). These strategies enabled CANZUS states to manage international expectations while safeguarding their domestic autonomy and strategic interests.

*Addition:*

Canada's endorsement of UNDRIP in 2016 marked a significant rhetorical adaptation through addition, emphasizing alignment with existing constitutional protections for Indigenous rights and introducing implications that extend beyond the telos of the original document.

Minister Bennett declared, “By adopting and implementing the Declaration, we are excited that we are breathing life into Section 35 and recognizing it now as a full box of rights for Indigenous peoples in Canada” (Bennett to United Nations Permanent Forum on Indigenous Issues, 2016). Framing the Declaration as reinforcing and expanding upon these existing rights, Canada localized the norm within its constitutional framework, addressing concerns about sovereignty challenges. This approach aimed to enhance Indigenous rights while affirming national sovereignty, moving away from earlier fears that UNDRIP posed a threat to state authority (Bennett to United Nations Permanent Forum on Indigenous Issues, 2016).

When Dr. Pita Sharples announced New Zealand's support for UNDRIP at the United Nations, he highlighted alignment with the principles of the Te Tiriti o Waitangi, the founding document of New Zealand, as an additional strategy (Sharples to United Nations Permanent Forum on Indigenous Issues, 2010). This rhetorical adaptation emphasized New Zealand's existing practices and frameworks, suggesting compliance with the Declaration's aspirational goals without necessitating significant policy shifts.

Australia similarly emphasized that UNDRIP affirms international human rights, aligning it with their existing policies under the Australian Human Rights Commission (Macklin to Parliament House, Canberra 2009). “Australia’s existing obligations under international human rights treaties are mirrored in the Declaration’s fundamental principles.” This approach broadens the scope for adherence through general laws, rather than specific measures exclusively for Indigenous peoples, framing their endorsement as consistent with existing commitments.

Addition serves as a powerful tool for localization, allowing overlaying of domestic laws and actions to be construed as valid forms of compliance.

*Canada and Australia's 2003 Draft:*

Examining the draft developed by Canada and Australia demonstrates that not only were states engaging in this behavior, but they were intentional and aware in their attempt to do so. This insight highlights the importance that states place on wording even in non-binding declarations. If such declarations held no weight, it is unlikely that states would invest effort in reshaping the document to align with their broader conception of human rights issues, rather than specifically addressing the issue of Indigenous rights through self-determination. A comparison between the original draft proposed by the Working Group of the Commission on Human Rights and the revised draft by Canada and Australia illustrates a deliberate move towards generality. This strategic move aimed to dilute specific calls to action for Indigenous peoples as a distinct group, effectively sidelining the idea that their unique needs can not be addressed within the existing broader human rights framework. The original draft stated:

"Indigenous Peoples have the right to the restitution of the lands, territories, and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used, or damaged without their free and informed consent. When this is not possible, they have the right to just and fair compensation. Unless otherwise freely agreed upon by the people concerned, compensation shall take the form of lands, territories, and resources equal in quality, size, and legal status."

In contrast, the version proposed by Canada and Australia:

"States should take measures, as appropriate, to address Indigenous Peoples' disadvantage, including through increasing access to land." (Cabinet Submission JH03/0212 - Draft Declaration on the Rights of Indigenous Peoples - Decision JH03/0212/CAB, 2003, 19)

This clearly demonstrates the removal of specific measures that align with a self-determination interpretation of Indigenous rights principles. By rephrasing the declaration,

states assume the role of norm-makers, crafting a more generalized document with reduced enforcement power.

A second instance of rhetorical reframing also involves the contentious element of self-determination within the declaration. In a revised version, where the italicized text was added by Australian and Canadian officials, it is clear that self-determination, as understood by Indigenous rights activists and the decolonial movement, is not acknowledged as a viable option.

"Indigenous peoples have the right to freely determine their political status and to freely pursue their economic, social, and cultural development. *(Based on Article 1(1) of the covenants noted above, the Canadian preference is to include this wording, in addition to the following agreed paragraphs, along with a strong reference to Article 1(1) in the DRIP preamble).*

The political status of Indigenous peoples and the means of pursuing their economic, social, and cultural development are matters for resolution between the state and Indigenous peoples, respecting the jurisdiction and competence of government and the needs, circumstances, and aspirations of the Indigenous people involved.

Indigenous peoples have the right to self-governance of their internal and local affairs, through representative institutions and other appropriate means, between states and indigenous peoples." (Cabinet Submission JH03/0212 - Draft Declaration on the Rights of Indigenous Peoples - Decision JH03/0212/CAB, 2003, 19)

This again moves the emphasis back to states being able to make their own decisions on what counts as adhering sufficiently to indigenous rights principles, and that this would not include self-determination as it is understood by the decolonization movement.

#### *Localization through Rhetorical Adaptation:*

The statements made at the time of signing illustrate how CANZUS states used reframing and rhetorical techniques aimed at diluting Indigenous rights norms to better align with their preferred interpretations. Analyzing the edits proposed in Canada and Australia's alternative draft further underscores that these states viewed signing the document with its original wording

as potentially threatening to their sovereignty. This perception required them to clearly articulate their interpretation of the document's implications in their speeches. Localization thus provided an ideal solution, allowing these states to present themselves as compliant with a constructed version of the document that was politically advantageous domestically while also aligning with prevailing international normative preferences.

### **DISCUSSION AND CONCLUSION:**

In his 1988 work, Robert Putnam asserts, "It is fruitless to debate whether domestic politics really determine international relations or the reverse. The answer to that question is clearly 'Both, sometimes.' The more interesting questions are 'When?' and 'How?'" (Putnam 1988, 427). This paper contributes to this discourse by demonstrating that while CANZUS states required established international norms on Indigenous rights to engage with the declaration, endorsement occurred only after significant shifts in their domestic political climates.

While navigating the complexities of how CANZUS states managed international reputational effects, theories of global fields and two-level game theory provide direction. Lim's assertion that "global actors accumulate and exercise international authority as a kind of capital to persuade, argue, and even coerce other actors to accept new shared definitions that emerge at the global level" is evident in how these relatively powerful states actively shaped norms through their rhetoric during the signing process (Lim 2021, 1070).

By initially refraining from signing the declaration, these nations signaled broader disagreements with its drafting process, raising concerns about clarity and potential impacts on established political structures. This strategic decision reflects their intention to uphold

Indigenous rights in principle while distancing themselves from specific provisions they deemed flawed. Thus, they highlighted procedural objections and preserved moral credibility, often framing Indigenous rights as human rights rather than self-determination, consistent with the concept of saltwater thesis nations. CANZUS states, often wielding considerable influence within the United Nations, can transform potentially impactful declarations into mere symbolic gestures, diluting their effect or aligning them more closely with human rights principles than with self-determination ideology. This study suggests that CANZUS states actively reconstructed norms rather than passively conform to them. This reconceptualization involved shifting traditional interpretations to better align with state interests, evidenced by deliberate changes in language and terminology within official discourse. For instance, "self-determination" is reframed as "self-government," "consent" as "consultation," and there is a preference for emphasizing "aspiration" over strict regulation.

Analyzing the grounds given for abstaining from signing the declaration reveals a conscious awareness among states of their deviation from expected norms. This includes exploring how specific terms and narratives evolved over time to align with national interests while navigating international expectations. Finnemore and Sikkink support this approach, noting that "norms prompt justifications for action and leave an extensive trail of communication among actors that we can study" (1998, 892). Indeed, the speeches and statements examined illustrate that the reasons given for an action can be as revealing as the action itself.

Internal, formerly confidential communication between Australia and Canada underscores the complexity of the self-determination debate. Due to the recent release of these documents, this study is among the first to incorporate them into the analysis. It suggests that



Australia and Canada had a vested interest in limiting the scope of the declaration. If the declaration were purely symbolic with no binding power as realists would suggest, these governments would not have invested so much effort in crafting an alternative version they could accept and implement.

As Posner and Goldsmith argue, "We conjecture that the appeal to the basis of obligation will occur at the lowest level of abstraction consistent with the characteristics of the intended audience" (2000, 17). In this context, the careful selection of language in these statements aims to address the concerns of both domestic and international audiences and mitigate dissonance between their previous rejection and subsequent acceptance. This case also illustrates how signatory states reinterpret documents post-signing, broadening definitions of compliance to accommodate resistance to self-determination principles expressed by CANZUS states. Speeches align closely in terminology with that of Canada and Australia's proposed alternative as opposed to the actual declaration.

A consensus among nations has emerged that ceremonial endorsement suffices to maintain state reputations, reflecting a form of normative evasion described by Buzas. This intentional minimization of normative obligations often disconnects formal endorsements from genuine commitment, particularly under conflicting pressures for compliance and domestic resistance (2018, 363). Statements issued by these states construct Indigenous rights as a norm decoupled from genuine obligations.

The insights gained from this research underscore the complex interplay between national interests and international norms. By revealing the active role that CANZUS states play in norm reconstruction, this analysis challenges prevailing notions of passive compliance. Furthermore, it

highlights the importance of rhetorical strategies in shaping the interpretation and implementation of international norms, contributing to a deeper understanding of the dynamics at play in the global discourse on Indigenous rights.

This study builds on existing literature by emphasizing the convergence of international norms and domestic factors within the framework of global fields theory to examine how the interplay between global and local influences shapes state behavior, rather than merely focusing on the initial rejections of UNDRIP. The proposed theory underscores the necessity of both established international norms regarding Indigenous rights and shifts in domestic political climates to create favorable conditions for adherence.

Rhetorical adaptation plays a pivotal role in this process, as evidenced by the analysis of speeches and the 2023 declaration draft from Canada and Australia. These examples illustrate how states strategically employ language to construct a version of the declaration that aligns more closely with their domestic agendas while maintaining the appearance of upholding international norms. The analysis of domestic political incentives further highlights how internal and external pressures shape state behavior. Internal communications and public speeches reveal the complexities involved in balancing domestic sovereignty concerns with international expectations. The concept of norm decoupling emerges as a significant theme, wherein states symbolically endorse norms without implementing them in practice, as noted by scholars such as Meyer et al., Hafner-Burton, Tsutsui, and Buzas. This case demonstrates the nuanced ways states engage with international declarations, suggesting that symbolic compliance often conceals deeper strategic considerations and ongoing resistance to certain principles.

The findings presented here illustrate that even non-binding agreements like UN declarations can elicit defensive behavior, suggesting they hold greater power than commonly believed. When confronted with the sovereignty challenges presented by the self-determination implications of UNDRIP, CANZUS states engaged in a complex calculus between symbolic endorsement and outright rejection. They navigated the tension between international norms and domestic political realities, striving to reconcile these pressures into coherent policy choices. This dynamic is reflected in public discourse, revealing the intricate balance states seek to maintain between international credibility and domestic sovereignty when addressing Indigenous rights.

**BIBLIOGRAPHY:**

- Adcock, Fleur. "The UN Special Rapporteur on the Rights of Indigenous Peoples and New Zealand: A Study in Compliance Ritualism." *The New Zealand Yearbook of International Law* 10 (2012): 97–120.
- Acharya, Amitav. "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism." *International Organization* 58, no. 2 (2004): 239–75. <https://doi.org/10.1017/S0020818304582024>.
- Barnett, Michael, and Martha Finnemore. "The Politics, Power, and Pathologies of International Organizations." *International Organization* 53, no. 4 (1999): 699–732.
- Barrera, Jorge. "AFN [Assembly of First Nations] Plans to Invite 'Visionary' Chavez to Visit Canada." *Canwest News Service*, February 7, 2008. [https://web.archive.org/web/20110522075415/http://www.handsoffvenezuela.org/canadian\\_indigenous\\_leaders\\_invite\\_chavez.htm](https://web.archive.org/web/20110522075415/http://www.handsoffvenezuela.org/canadian_indigenous_leaders_invite_chavez.htm)
- Bourdieu, P. (1991). *Language & symbolic power* (G. Raymond & M. Adamson, Trans.). Cambridge, UK: Polity.
- Braithwaite, John, Makkai, T., & Braithwaite, Valerie. (2007). *Regulating Aged Care: Ritualism and the New Pyramid*. 10.4337/9781847206855.
- Buchholz, L. (2008). "Field Theory and the Globalization of Art: Rethinking 'Interdependency'." *Practicing Bourdieu, In the Field & Across the Disciplines*. An International and Interdisciplinary Conference. University of Michigan, Ann Arbor.
- Buchholz, L. (2016). "What is a Global Field? Theorizing Fields beyond the Nation-State." *The Sociological Review*, 64(2\_suppl), 31-60. <https://doi.org/10.1111/2059-7932.12001>.
- Buzás, Zoltán I. "Is the Good News About Law Compliance Good News About Norm Compliance? The Case of Racial Equality." *International Organization* 72, no. 2 (2018): 351–85. <https://doi-org.proxy.uchicago.edu/10.1017/S0020818318000024>.
- Canestaro, Nathan A. "Realism and Transnationalism: Competing Visions for International Security." (2006).
- Charlesworth, Hilary. "Rituals and Ritualism in the International Human Rights System." In Nehal Bhuta, and others (eds), *The Struggle for Human Rights: Essays in Honor of Philip Alston*, Oxford University Press, 2021. <https://doi.org/10.1093/oso/9780198868064.003.0002>. Accessed January 26, 2024.
- Charlesworth, Hilary and Emma Larking. "The Regulatory Power of the Universal Periodic Review." In Hilary Charlesworth and Emma Larking (eds), *Human Rights and the Universal Periodic Review: Rituals and Ritualism*, Cambridge University Press, 2014.

Available at SSRN: <https://ssrn.com/abstract=3088290> or <http://dx.doi.org/10.2139/ssrn.3088290>.

- Cooke, M., Mitrou, F., Lawrence, D., Guimond, E., & Beavon, D. "Indigenous Well-Being in Four Countries: An Application of the UNDP's Human Development Index to Indigenous Peoples in Australia, Canada, New Zealand, and the United States." *BMC International Health and Human Rights* 7 (2007): 9. doi: 10.1186/1472-698X-7-9. PMID: 18096029; PMCID: PMC2238768.
- Eimer, Thomas R., Susanne Lütz, and Verena Schüren. 2016. "Varieties of Localization: International Norms and the Commodification of Knowledge in India and Brazil." *Review of International Political Economy* 23 (3): 450–79. doi:10.1080/09692290.2015.1133442.
- Erueti, Andrew, and Centre for International Governance Innovation. "The UN Declaration on the Rights of Indigenous Peoples: A Mixed Model of Interpretation." *UNDRIP Implementation: Comparative Approaches, Indigenous Voices from CANZUS*. Centre for International Governance Innovation, 2020. <http://www.jstor.org/stable/resrep24304.5>.
- Finnemore, Martha, and Kathryn Sikkink. "International Norm Dynamics and Political Change." *International Organization* 52, no. 4 (1998): 887–917. <http://www.jstor.org/stable/2601361>.
- General Assembly. Resolution 637 "The Right of Peoples and Nations to Self-Determination." A/RES/637(VII) A, B, and C, December 16, 1952. Accessed at <https://digitallibrary.un.org/record/666129?ln=en#record-files-collapse-header>.
- General Assembly, U.N. GAOR, 61st Sess., 107th plen. mtg., U.N. Doc A/61/PV.107 (Sept. 13, 2007). Accessed at [undocs.org/en/A/61/PV.107](http://undocs.org/en/A/61/PV.107).
- George, Alexander L., and Andrew Bennett. *Case Studies and Theory Development in the Social Sciences*. Cambridge, MA: MIT Press, 2007.
- Go, Julian. "Global Fields and Imperial Forms: Field Theory and the British and American Empires." *Sociological Theory* 26, no. 3 (September 2008): 201-229. Published by American Sociological Association. <https://www.jstor.org/stable/20453107>.
- Goertz, Gary, and Paul F. Diehl. "Toward a Theory of International Norms: Some Conceptual and Measurement Issues." *The Journal of Conflict Resolution* 36, no. 4 (1992): 634–64. <http://www.jstor.org/stable/174303>.
- Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada. "Highlights from the Report of the Royal Commission on Aboriginal Peoples." Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, September 15, 2010. <https://www.rcaanc-cirnac.gc.ca/eng/1100100014597/1572547985018>.

- Gover, Kirsty. "Settler-State Political Theory, 'CANZUS' and the UN Declaration on the Rights of Indigenous Peoples." *European Journal of International Law* 26, no. 2 (2015): 345-373. doi:10.1093/ejil/chv019.
- Grattan, Michelle. *Sydney Morning Herald*. 08 Mar 2000: 2
- Hafner-Burton, Emilie M., and Kiyoteru Tsutsui. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110, no. 5 (2005): 1373–1411. <https://doi.org/10.1086/428442>.
- Hurd, Ian. "Legitimacy and Authority in International Politics." *International Organization* 53 (1999): 379–408.
- IWGIA. "The Indigenous World 2024: United States of America." IWGIA, March 25, 2024. <https://www.iwgia.org/en/usa/5396-iw-2024-united-states.html>.
- Jackson, Moana. "The Face Behind the Law: The United Nations and the Rights of Indigenous Peoples." [2005] *NZYbkNZJur* 14; (2005) 8.2 *Yearbook of New Zealand Jurisprudence* 10.
- Jepperson, Wendt, and Katzenstein. "Norms, Identity, and Culture in National Security." In *Culture and National Security*, edited by Katzenstein, 33-75, 1996.
- Katene, Selwyn, and Rawiri Taonui. *Conversations About Indigenous Rights: The UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand*. Auckland, New Zealand: Massey University Press, 2018.
- Kavalski, Emilian. "Relational Theories in International Relations." *Oxford Research Encyclopedia of International Studies*. January 31, 2023. <https://doi.org/10.1093/acrefore/9780190846626.013.681>.
- Lightfoot, Sheryl R. "Emerging International Indigenous Rights Norms and 'Over-Compliance' in New Zealand and Canada." *Political Science* 62, no. 1 (2010): 84-104. DOI: 10.1177/0032318710370584.
- Lightfoot, Sheryl R. "Indigenous Rights in International Politics: The Case of 'Overcompliant' Liberal States." *Alternatives: Global, Local, Political* 33, no. 1 (2008): 83–104. <http://www.jstor.org/stable/40645237>.
- Lightfoot, Sheryl R. "Selective Endorsement Without Intent to Implement: Indigenous Rights and the Anglosphere." *The International Journal of Human Rights* 16, no. 1 (2012): 100-122. DOI: 10.1080/13642987.2012.622139.
- Lucas Szulczynski. *United States v. Cooley: A Step Towards Tribal Sovereignty*. 56 *UIC L. Rev.* 697 (2023).

- Jenny Macklin. Minister for Families, Housing, Community Services and Indigenous Affairs. "Statement on the United Nations Declaration on the Rights of Indigenous Peoples." Parliament House, Canberra, April 3, 2009. [https://www.un.org/esa/socdev/unpfii/documents/Australia\\_official\\_statement\\_endorsement\\_UNDRIP.pdf](https://www.un.org/esa/socdev/unpfii/documents/Australia_official_statement_endorsement_UNDRIP.pdf).
- Marsh, Ian; Miller, Raymond (2012). [Democratic Decline and Democratic Renewal: Political Change in Britain, Australia and New Zealand](#). Cambridge University Press. p. 284. ISBN 9781139537018.
- Miller, Robert J. "The Doctrine of Discovery: The International Law of Colonialism." *The Indigenous Peoples' Journal of Law, Culture, & Resistance* 5 (2019): 35–42. <https://www.jstor.org/stable/48671863>.
- National Archives of Australia. "Cabinet Submission JH03/0212 - Draft Declaration on the Rights of Indigenous Peoples - Decision JH03/0212/CAB." Contents range 30 May 2003 - 10 Jun 2003. Series number A14370, control symbol JH2003/212. Access status open. Item ID 32711252. Accessed July 10, 2024. <https://recordsearch.naa.gov.au/SearchNRRetrieve/Interface/ViewImage.aspx?B=32711252>.
- National Archives of Australia. "Cabinet Memorandum JH02/0267 - Draft Declaration on the Rights of Indigenous Peoples - Decision JH02/0267/CAB." August 1, 2002 - August 26, 2002. Accessed July 10, 2024. <https://recordsearch.naa.gov.au/SearchNRRetrieve/Interface/ViewImage.aspx?B=203019479&S=10&R=0>.
- National Museum of Australia. "Defining Moments: National Apology." 2023. Accessed July 6, 2024. <https://www.nma.gov.au/defining-moments/resources/national-apology>.
- Native American Rights Fund. "Anniversary of the Indian Citizenship Act, June 2, 1924." Native American Rights Fund, November 8, 2022. <https://narf.org/anniversary-indian-citizenship-act/>.
- Nelson, R.L. (2009). Introduction. In: Nelson, R.L. (ed.) *Germans, Poland, and Colonial Expansion to the East*. Studies in European Culture and History. Palgrave Macmillan, New York. [https://doi.org/10.1057/9780230618541\\_1](https://doi.org/10.1057/9780230618541_1).
- New Zealand Parliamentary Debates "Ministerial Statements — UN Declaration on the Rights of Indigenous Peoples — Government Support." April 20, 2010. Vol. 662, p. 10229. [https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD\\_20100420\\_0000071/ministerial-statements-un-declaration-on-the-rights-of](https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20100420_0000071/ministerial-statements-un-declaration-on-the-rights-of).
- Obama, Barack. "Remarks by the President at the White House Tribal Nations Conference", December 16, 2010. Accessed at <https://obamawhitehouse.archives.gov/the-press-office/2010/12/16/remarks-president-white-house-tribal-nations-conference>.

- Payne, R. A. "Persuasion, Frames and Norm Construction." *European Journal of International Relations* 7, no. 1 (2001): 37-61. <https://doi.org/10.1177/1354066101007001002>.
- Permanent Forum on Indigenous Issues, United Nations Economic and Social Council. *Permanent Forum on Indigenous Issues: Report on the Twentieth Session (19-30 April 2021)*. 2021. Accessed at <https://digitallibrary.un.org/record/3942831?ln=en>.
- Putnam, Robert D. "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42, no. 3 (1988): 427–60. <http://www.jstor.org/stable/2706785>.
- Raustiala, Kal, and Anne-Marie Slaughter. "International Law, International Relations and Compliance." In *Handbook of International Relations*, edited by Walter Carlsnaes, Thomas Risse, and Beth Simmons, 538–558. London: SAGE Publications, 2002.
- Sharples, Pita. Speech at the United Nations Permanent Forum on Indigenous Issues. April 20, 2010. [https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD\\_20100420\\_0000071/ministerial-statements-un-declaration-on-the-rights-of](https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20100420_0000071/ministerial-statements-un-declaration-on-the-rights-of).
- Shanahan, Dennis. "The Australian; Canberra, A.C.T." February 19, 2008. <https://www.proquest.com/docview/356976002?sourcetype=Newspapers>.
- Simpson, Audra. *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Durham, NC: Duke University Press, 2014.
- Simpson, Audra. "Subjects of Sovereignty: Indigeneity, the Revenue Rule and Juridics of Failed Consent." *Law and Contemporary Problems* 71, no. 3 (2008): 191–215. <https://www.jstor.org/stable/27654632>.
- Stein, Arthur A. "Coordination and Collaboration: Regimes in an Anarchic World." *International Organization* 36, no. 2 (1982): 299–324. <https://doi.org/10.1017/S0020818300018968>.
- Taonui, Rāwiri, and Rawiri Taonui. "The Treaty of Waitangi, colonialism and Maori protest." *Social Alternatives* 34, no. 4 (2015): 41-46. doi: 10.3316/INFORMIT.283801149697083.
- Te Puni Kōkiri. "Review of the Māori Community Development Act 1962." Te Puni Kōkiri, September 30, 2022. <https://www.tpk.govt.nz/en/a-matou-mohiotanga/community-development/review-of-the-maori-community-development-act-1962>.
- Truth and Reconciliation Commission of Canada. *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. Truth and Reconciliation Commission of Canada, 2015. Accessed at <https://publications.gc.ca/site/eng/9.800288/publication.html>.
- United Nations. *Charter of the United Nations and Statute of the International Court of Justice*. San Francisco, 1945.



- United Nations, General Assembly, 61st Session. "Declaration on the Rights of Indigenous Peoples: Resolution / Adopted by the General Assembly." A/RES/61/295, October 2, 2007. Accessed at <https://digitallibrary.un.org/record/604319?ln=en>.
- United Nations. United Nations Declaration on the Rights of Indigenous Peoples. New York, United Nations, 2007. Accessed at <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.
- United Nations. United Nations Declaration on the Rights of Indigenous Peoples: Adopted by the General Assembly, 13 September 2007. New York: United Nations, 2008.
- United Nations. Universal Declaration of Human Rights. Paris, United Nations, 1948. Accessed at <https://www.un.org/sites/un2.un.org/files/udhr.pdf>.
- United Nations Economic and Social Council. Permanent Forum on Indigenous Issues: Report on the Twentieth Session (19-30 April 2021). 2021. Accessed at <https://digitallibrary.un.org/record/3942831?ln=en>.
- UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, <https://www.refworld.org/docid/3ae6b36c0.html> [accessed 27 July 2024].
- UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 27 July 2024].
- United Nations, International Covenant on Economic, Social, and Cultural Rights, 1966. <https://www.ohchr.org/sites/default/files/documents/professionalinterest/cescr.pdf>. Accessed June 19, 2023.
- UN Human Rights Council. "Role of Prevention in the Promotion and Protection of Human Rights: Report of the United Nations High Commissioner for Human Rights." A/HRC/47/37, 7 May 2021. Accessed at <https://www.ohchr.org/en/documents/thematic-reports/ahrc4737-role-prevention-promotion-and-protection-human-rights-report-united>.
- U.S. Const. art. VI, cl. 2.
- U.S. Department of State. "Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples: Initiatives to Promote the Government-to-Government Relationship & Improve the Lives of Indigenous Peoples." 2009. Accessed July 10, 2024. <https://2009-2017.state.gov/documents/organization/184099.pdf>.
- Watson, Irene. "Aboriginal(ising) International Law and Other Centres of Power." Griffith Law Review 20, no. 3 (2011): 619–640. doi: 10.1080/10383441.2011.10854713.

Wilson, Richard Ashby. "Representing Human Rights Violations in Tribal Court Jurisprudence." *American Anthropologist* 103, no. 2 (2001): 412–428. <https://doi.org/10.1525/aa.2001.103.2.412>.

Winanti, Poppy Sulistyaning, and Hasrul Hanif. "When Global Norms Meet Local Politics: Localising Transparency in Extractive Industries Governance." *Environmental Policy and Governance* 30, no. 5 (August 7, 2020): 263–75. <https://doi.org/10>

World Health Organization. "Indigenous Peoples." World Health Organization. Accessed July 26, 2024. [https://www.who.int/health-topics/indigenous-peoples#tab=tab\\_1](https://www.who.int/health-topics/indigenous-peoples#tab=tab_1).