

The United Nations Declaration on The Rights of Indigenous Peoples (UNDRIP)

- UNDRIP is a human rights instrument that outlines the rights of Indigenous Peoples around the world.
- Indigenous advocacy for international recognition began in the 1920s with Haudenosaunee and Maori leaders like Chief Deskaheh and T.W. Ratana, who challenged treaty violations at the League of Nations.
- Development began in the 1970s for an international rights document.
- Indigenous leaders were central to the creation of UNDRIP.
- They challenged settler-colonial power structures and asserted Indigenous sovereignty on the international stage, confronting resistance from nation-states invested in maintaining white patriarchal sovereignty.
- The formation of UNDRIP would take decades to complete.
- 144 member states supported it, 4 states opposed it:

Canada	Australia
United States	New Zealand
- These states would take 2-3 more years to endorse it.



Deploying Virtue, Denying Justice: The Illusion of Recognition Through UNDRIP

An distillation of Aileen Moreton-Robinson's "Virtuous Racial States: The Possessive Logic of Patriarchal White Sovereignty and the United Nations Declaration on the Rights of Indigenous Peoples"

The Settler State's Virtuous Mask

Aileen Moreton-Robinson critically examines how settler colonial states such as Australia, Canada, New Zealand, and the United States strategically engage with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Despite appearing supportive, these states use their endorsement to reinforce their own authority and preserve colonial power structures. Colonial states maintain control through a possessive and racialized logic of sovereignty. They weaponize virtue and recognition to protect colonial interests, while denying Indigenous Peoples' true sovereignty and justice.

Context: UNDRIP and Settler States

- In 2007, the UN General Assembly passed UNDRIP with overwhelming support.
- Australia, Canada, New Zealand and the United States were the only countries to vote against it.
- Almost 50% of the WORLD's Indigenous population lives within these states.

Why?

- These states viewed the Declaration as a **threat to their sovereignty** – especially around provisions of land and self-determination.

How did they respond?

- They eventually endorsed UNDRIP, but only **after asserting that it would not be legally binding** or challenge existing national laws.
- They **mobilized the language of virtue**.
- States use language like "virtue," "rights," and "recognition" to deflect from ongoing dispossession.
- These terms are mobilized to maintain international reputation while denying true self-determination.
- States claimed to support Indigenous rights while ensuring that no material or legal changes occurred.

"It is interesting that these four states express no real concern about the moral and political force of the Declaration. This is because, as members of the United Nations, their sovereign independence is guaranteed. It is their sovereign right to subject Indigenous peoples to their law, morality and politics without intervention" (Moreton-Robinson, p. 650).

Key Definitions

Virtuous Racial States

Settler colonial nations that project an image of moral authority by engaging in human rights discourse while upholding colonial structures.

Patriarchal White Sovereignty

A system where whiteness and patriarchy work together to maintain political and legal power over Indigenous Peoples and lands

Possessive Logic

An ideology that centers on ownership and control, especially of Indigenous lands. It underpins settler colonial sovereignty.

UNDRIP, White Possession, and the Limits of Settler Recognition

Power and Control



- UNDRIP remains performative and does not challenge settler state sovereignty.
- States are able to interpret, engage and implement the Declaration selectively, reinforcing their authority.
- States have interpreted UNDRIP in a manner that supports the colonial control through the illusion of progress.
- This illusion of progress masks ongoing control and dispossession.
- While UNDRIP appears to support Indigenous sovereignty and land rights, it has no enforcement mechanisms. Settler states maintain ultimate decision-making over its implementation.
- Indigenous rights are only recognized on the settler state's terms, and are only accepted when they don't interfere with state sovereignty.
- Declarations like UNDRIP are non-binding, and thus reinforce colonial hierarchies.
- True justice requires the return of land, redistribution of power, and structural change - NOT symbolic recognition.

Performance

- Endorsing UNDRIP is a performative gesture by settler states to signal progressiveness and support for Indigenous rights.
- No meaningful structural change accompanies this performance; settler states retain full authority over how rights are interpreted and implemented.
- This performance of virtue is superficial. There's no fundamental shift in how power or land is structured.
- Canada, USA, Australia and New Zealand aim to convince the United Nations that they genuinely care for Indigenous peoples and regret historical injustices. They want to be seen by the world as moral, inclusive, and globally responsible.



Perception and Projection

- Canada, USA, Australia and New Zealand perceived Indigenous sovereignty as a threat to their assumed authority over land and law.
- By endorsing UNDRIP, they project a moral, progressive image internationally, but domestically reinforce settler dominance and maintain colonial power.
- UNDRIP enables the state to appear virtuous while maintaining the dispossession of Indigenous Peoples.
- Their endorsement does promote real change.



Possessive Logic

- Possessive logic is the belief that settler states inherently own Indigenous lands and have the right to manage and define Indigenous rights.
- This logic is premised on ownership, control, and exclusion.
- This logic excludes Indigenous law, erases relational responsibilities to land.
- Possessive logic denies and refuses what it cannot own.
- It "has served to define the attributes of personhood and property through the law".
- It's been used to determine who qualified as white, and granted privileges and legal rights to those within that category.
- Moreton-Robinson argues that possessive logic deploys virtue as "a strategic device to oppose and subsequently endorse the Declaration".
- This performance of virtue, embedded in the possessive logic of patriarchal white sovereignty, strips Indigenous Peoples of moral authority, allowing racism to persist under the appearance of goodwill.



Patriarchal White Sovereignty

- It is a racial and gendered regime of power that maintains state control and authority.
- This structure upholds settler control over land and political authority.
- Moreton-Robinson argues that patriarchal white sovereignty is the foundational structure of settler states, operating through a possessive logic that constructs the nation-state as the rightful owner of Indigenous lands.
- This power structure has allowed the government to use the law to facilitate the appropriation of land and "enabled the death of Indigenous peoples who impeded progress".
- The government legitimized their actions by dehumanizing Indigenous Peoples.

Politics of Recognition

- UNDRIP is framed as recognition politics, which assimilates Indigenous Peoples into settler frameworks without altering state power.
- Moreton-Robinson critiques recognition politics as a form of assimilation rather than decolonization.
- Recognition is not decolonization.

Today....

Following many years of First Nations advocacy, Canada's Parliament passed the UNDRIP Act in 2021. This Act affirms UNDRIP as an international human rights instrument and commits the federal government to aligning Canadian laws with its principles. It requires the co-development of an action plan with Indigenous Peoples, annual progress reporting, and a framework to address systemic injustices.

However, significant shortcomings remain:

- The Act lacks clear enforcement mechanisms.
- It does not make the standards of UNDRIP legally binding in domestic law.
- Language in the legislation is vague. For example, it states a main goal is "to support Indigenous peoples' exercise of the right to self-determination" and "take all measures necessary" (Government of Canada). Terms like this are vague, leaving room for delayed or limited action.
- Canada retains ultimate decision-making power—undermining Indigenous peoples' right to free, prior, and informed consent.
- It risks that recognition remains performative, rather than transformative.

To truly fulfill the vision of UNDRIP, Canada must move beyond symbolic gestures and demonstrate a willingness to share power, dismantle colonial legal structures, and support Indigenous self-determination in practice, not just in policy

Bibliography

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