

# **Transnational Indigenous Advocacy Networks and the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples**

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## INTRODUCTION

Indigenous peoples influenced the development of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).<sup>1</sup> But, without meaningful domestic implementation, this instrument remains a distant aspiration for Indigenous communities. The arduous process of building the global Indigenous movement resulted in its adoption and secured a place for Indigenous peoples as recognized actors influencing international human rights law. With the creation of an international instrument that unequivocally affirms Indigenous peoples' individual and collective rights, attention now turns to the lagging domestic diffusion of these standards. The gap between UNDRIP's lofty promises and the lived realities of Indigenous peoples underscores the need for sustained and strategic advocacy to ensure the full implementation of these rights. Building upon Keck and Sikkink's perspectives on transnational advocacy networks,<sup>2</sup> this article modifies and adapts the framework within the context of Indigenous advocacy and introduces the concept of transnational Indigenous advocacy networks (TIANs). It takes the conversation further by conceptualizing and analyzing Indigenous advocacy collaborations that operate across borders to bridge the gap between the rights affirmed in UNDRIP and their domestic realization.

TIANs are not just transnational advocacy networks engaged in Indigenous causes; they are distinct structures with four interrelated characteristics that respond to the particularities of Indigenous peoples and Indigenous rights advocacy: multiple spheres of operation, shared principled ideas, an advocacy approach, and information framing strategy.<sup>3</sup> Keck and Sikkink describe transnational advocacy networks as emerging from the "boomerang pattern" when domestic activists seek assistance from international allies after failed attempts to pressure states to respect human rights.<sup>4</sup> TIANs differ from other transnational advocacy networks in this regard. They emerge conversely through webs of established Indigenous rights advocates operating internationally who initiate or maintain connections with domestic Indigenous groups. Their objective is to build enduring collaborative relationships grounded on shared principles that promotes Indigenous rights and realize UNDRIP standards through active and concurrent engagement in both international and domestic arenas. Unlike conventional advocacy networks, TIANs' operations are based on

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1 G.A. Res. 61/295, *United Nations Declaration on the Rights of Indigenous Peoples* (Oct. 2, 2007) [<https://perma.cc/HZ6M-J2NL>].

2 MARGARET E. KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS* (Cornell Univ. Press 1998) [<https://perma.cc/DB55-VADV>].

3 The four distinctive characteristics – multiple spheres of operation, shared principled ideas, advocacy approach, and information strategies – are analyzed in section 3.

4 KECK & SIKKINK, *supra* note 2, at 36.

the indispensable involvement of Indigenous peoples and organizations. Their work is also guided by fundamental Indigenous values. Although Indigenous peoples are not a homogeneous group, certain values resonate across Indigenous research ethics, including “honor, trust, honesty, humility . . . commitment to the collective and respectful relationship with the land.”<sup>5</sup> The effectiveness of TIANs depends significantly on their attentiveness to these values.

Transnational alliances among Indigenous groups are not new. Collaborations between Indigenous groups and non-governmental organizations (NGOs) were compelling during the drafting process of UNDRIP.<sup>6</sup> Particularly, the global Indigenous movement was involved in the drafting process from the 1970s.<sup>7</sup> The adoption of UNDRIP was a remarkable achievement, establishing a universal framework of minimum Indigenous rights standards. By expounding on existing human rights principles and fundamental freedoms within the context of Indigenous peoples’ realities, UNDRIP responds to Indigenous peoples’ human rights concerns.<sup>8</sup> Despite this milestone, UNDRIP standards have not adequately translated into the domestic sphere. It has informed legislative and judicial decisions in some states, but the practical realization of its provisions remains unsatisfactory.<sup>9</sup> The International Law Association Committee on the Rights of Indigenous Peoples (ILA Committee) has found that, although many states have revised laws to acknowledge Indigenous rights, the legislative reforms did not effectively further their actualization.<sup>10</sup> Indigenous communities continue to face systemic barriers such as land dispossession, environmental degradation, inaccessible justice systems, and violations of both collective and individual rights.<sup>11</sup>

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5 DIANNE BIIN ET AL., *PULLING TOGETHER: A GUIDE FOR RESEARCHERS*, HILK’ALA 39 (BCcampus 2021).

6 For a detailed analysis of Indigenous peoples’ influence in shaping the language of the UNDRIP, see Lola Ayotunde, *Evaluation of Indigenous Peoples Influence During the Drafting Process of UNDRIP*, in *RESEARCH HANDBOOK ON THE INTERNATIONAL LAW OF INDIGENOUS RIGHTS* 56 (Dwight Newman ed., 2022).

7 Augusto Willemsen-Diaz, *How Indigenous Peoples’ Rights Reached the UN*, in *MAKING THE DECLARATION WORK: THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES* 16, 30 (Claire Charters & Rodolfo Stavenhagen eds., 2009).

8 *United Nations Declaration on the Rights of Indigenous Peoples*, U.N. DEP’T ECON. & SOC. AFFS., <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples> [<https://perma.cc/GQB4-XB95>].

9 See G.A. Res. 77/203, *Rights of Indigenous Peoples* (Dec. 15, 2022) [<https://perma.cc/8SCM-EHLS>]. For more reports on the enforcement of Indigenous rights principles in various contexts, see *Annual Thematic Reports: Special Rapporteur on the Rights of Indigenous Peoples*, UNHR OFF. OF THE HIGH COMM’R FOR HUM. RTS., <https://www.ohchr.org/en/special-procedures/sr-indigenous-peoples/annual-thematic-reports> [<https://perma.cc/4JFX-RPYH>].

10 *Implementation of the Rights of Indigenous Peoples: Draft Final Report*, INT’L L. ASS’N: KYOTO CONF. (2020), <https://www.ila-hq.org/en/documents/ila-comm-impl-rights-ind-peoples-final-report-dec-13-2020> [<https://perma.cc/6DLB-YCAP>].

11 *Id.* at 17.

Civil society organizations play an essential role in bridging the gap between international commitments and their domestic implementation. They monitor compliance, advocate for reforms, raise public awareness, and institute or support litigation processes to hold violators accountable. The Expert Mechanism on the Rights of Indigenous Peoples has stressed the importance of both international and national civil society organizations in advancing the implementation of UNDRIP at regional, national, and grassroots levels.<sup>12</sup> These organizations can further the actualization of UNDRIP principles through collaborations across multiple levels, “finding an ally and a partner in the fight for human rights.”<sup>13</sup> The ILA Committee has also called on Indigenous activists and NGOs to intensify pressure on states to implement international standards effectively,<sup>14</sup> but acknowledges that local Indigenous actors often face reprisals, threats, and harassment.<sup>15</sup> Thus, the support of international partners and stronger transnational collaborations is crucial in protecting local Indigenous voices and ensuring the comprehensive implementation of UNDRIP principles at the local level.

However, the increasing internationalization of Indigenous movements has consequences for local communities. Some movements have shifted focus away from domestic politics out of “fear of losing their identity in the labyrinthine interests of state power.”<sup>16</sup> Numerous communal movements have merged with regional or international movements engaged in agendas beyond the scope of the state.<sup>17</sup> Indigenous organizations’ heightened attention on international advocacy and diminished attention to local issues undermines the realization of international Indigenous rights standards domestically. International Indigenous activists have been accused of neglecting pertinent issues, such as women’s rights, like states.<sup>18</sup> Indeed, there is a call for Indigenous movements to focus more on communal issues now that some formally aspirational rights are affirmed in UNDRIP.<sup>19</sup> As Joji Carino of the Forest Peoples Programme has stressed, there is a pressing need to re-strategize to close the gaps between international and domestic activism and focus on helping Indigenous groups achieve international

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12 Hum. Rts. Council, *Efforts to Implement the United Nations Declaration on the Rights of Indigenous Peoples: Establishing Effective Monitoring Mechanisms at the National and Regional Levels for the Implementation of the Declaration*, ¶¶ 46-54, U.N. Doc. A/HRC/EMRIP/2023/3 (May 30, 2023) [<https://perma.cc/5F94-UN2N>] [hereinafter *Efforts to Implement the United Nations Declaration on the Rights of Indigenous Peoples*].

13 *Id.* ¶ 52.

14 *Id.* at 21.

15 *Id.* at 6.

16 Priti Singh, *Global Configurations of Indigenous Identities, Movements and Pathways*, 145 *THESES ELEVEN* 10, 20 (2018).

17 *Id.*

18 Rauna Kuokkanen, *Self-Determination and Indigenous Women’s Rights at the Intersection of International Human Rights*, 34 *HUM. RTS. Q.* 225, 237–238 (2012).

19 Rebecca Hardin & Kelly Askew, *Claims, Rights, Voices, and Spaces in the Global Indigenous Peoples Movement*, 2 *J. L. PROP. & SOC’Y* 49 (2016).

Indigenous rights standards domestically.<sup>20</sup> The expansion of international Indigenous rights movements is progressive, but it can be challenging to effectively straddle local, national, and international domains without the support of partners.

Against this backdrop, this article proposes TIANs as collaborative structures, composed of Indigenous organizations and allies, connected by the shared principles and Indigenous values. Their constituents are advocates operating internationally and domestically under a durable, strategic, and inclusive structure. TIANs are designed around four distinguishing characteristics expounded in this article, which position them to bridge the persistent gap between international recognition and domestic implementation of Indigenous rights. While some existing organizations exhibit elements of TIANs,<sup>21</sup> no coalition of Indigenous rights advocates has yet embodied the full model conceptualized here.

#### WHO ARE INDIGENOUS PEOPLES?

It is imperative to contextualize the term “Indigenous peoples” as it is used in this article. Although there is no generally accepted definition of the concept, this article does not attempt to propose a definition or engage in debates about whether one is necessary, as such those questions fall beyond the scope of this research. Since many international rights and corresponding responsibilities of states are directly tied to indigeneity, the term “Indigenous peoples” has acquired increasing significance in international law and international relations. Despite the term’s acquired relevance in global practice and politics, it has not received any generally recognized legal meaning. The positivist approach promotes the precise description of the term Indigenous peoples in order to determine the “scope of application” of applicable laws.<sup>22</sup> Conversely, the constructivist approach takes the concept of Indigenous peoples as “embodying a continuous process in which claims and practices in numerous specific cases are abstracted in the wider institutions of international society, then made

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20 Holly Eva Ryan, *Event Report: The Global Indigenous Movement: Past Achievements, Future Challenges*, FOREST PEOPLES PROGRAMME (Mar. 26, 2015), <https://www.forestpeoples.org/es/publications-resources/news/article/event-report-the-global-indigenous-movement-past-achievements-future-challenges/> [https://perma.cc/TDE8-RAZQ].

21 Coalition for the Human Rights of Indigenous Peoples reflects some of the features of TIANs, including its shared principled commitment to advancing the implementation of UNDRIP and its inclusion of non-Indigenous organizations within the network. See *The Coalition*, COAL. FOR THE HUM. RTS. OF INDIGENOUS PEOPLES, <https://www.declarationcoalition.com/coalition/> [https://perma.cc/VFN8-56YN]. However, it has not fully developed the strategic information-framing capacities or cultivated the strong domestic bases across different countries, which are envisioned as central to TIANs. *Id.*

22 Benedict Kingsbury, *‘Indigenous Peoples’ in International Law: A Constructivist Approach to the Asian Controversy*, 92 AM. J. INT’L L. 414 (1998).

specific again at the moment of application in the political, legal and social processes of particular cases and societies.”<sup>23</sup>

The *definition* of “Indigenous peoples” was a controversial issue during the drafting process of UNDRIP. While many states argued that a clear description of the concept is a prerequisite for the application and scope of Indigenous peoples’ rights, Indigenous representatives expressed their staunch unwillingness to be subjected to outside definitions.<sup>24</sup> Some African and Asian government representatives insisted on the inclusion of the meaning of Indigenous peoples in UNDRIP. Some observers believed that some states insisting on the inclusion of the definition of Indigenous peoples were more interested in a definition that could be applied to exclude Indigenous peoples within their states from the scope of UNDRIP.<sup>25</sup> The U.N. Special Rapporteur on Indigenous Peoples, Erica Daes, argued against the imposition of a definition because Indigenous peoples have suffered from the definitions imposed by others in the past.<sup>26</sup>

The implications of leaving out the definition of the concept of Indigenous peoples in international law remain debatable.<sup>27</sup> Scholars have attempted to define, or at least provide factors that delineate, Indigenous peoples. From the historical perspective, Anaya defines the term “Indigenous” broadly as “the living descendants of pre-invasion inhabitants of lands now dominated by others.”<sup>28</sup> Anaya argues that Indigenous identity is rooted in a deep, long-standing, and ancestral connection to the land where Indigenous peoples live or wish to live. This connection is considered significantly stronger than that of other, more powerful groups residing in the same or nearby areas. Anaya goes on to describe Indigenous peoples, nations, or communities as “culturally distinctive groups that find themselves engulfed by settler societies born of the forces of empire and conquest.”<sup>29</sup>

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23 *Id.* at 415.

24 Erica-Irene Daes, *The Contribution of the Working Group on Indigenous Populations to the Genesis and Evolution of the U.N. Declaration on the Rights of Indigenous Peoples*, in *MAKING THE DECLARATION WORK: THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES* 54–55 (Claire Charters & Rodolfo Stavenhagen eds., 2009).

25 John B. Henriksen, *The U.N. Declaration on the Rights of Indigenous Peoples: Some Key Issues and Events in the Process*, in *MAKING THE DECLARATION WORK: THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES* 79 (Claire Charters & Rodolfo Stavenhagen eds., 2009).

26 Erica-Irene Daes, *An Overview of the History of Indigenous Peoples: Self-Determination and the United Nations*, 21 *CAMBRIDGE REV. INT’L AFF.* 7, 8–9 (2008).

27 Scholarly works that discuss the implications of the definition of the concept of Indigenous peoples include: PATRICK THORNBERRY, *INDIGENOUS PEOPLES AND HUMAN RIGHTS* 33–60 (Manchester Univ. Press, 2013); Siegfried Wiessner, *The Cultural Rights of Indigenous Peoples: Achievements and Continuing Challenges*, 22 *J. INT’L L.* 121, 126–27 (2011); Patrick Macklem, *Indigenous Recognition in International Law: Theoretical Observations*, 30 *MICH. J. INT’L L.* 177, 203–209 (2008).

28 JAMES ANAYA, *INDIGENOUS PEOPLES IN INTERNATIONAL LAW* 3 (Oxford Univ. Press, 2004).

29 *Id.*

Some scholars have proposed criteria that delineate Indigenous peoples.<sup>30</sup> However, none of the prescriptions are generally accepted, as they are either too inclusive or restrictive.<sup>31</sup> The special rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Martinez Cobo, emphasized that no definition is all-inclusive and Indigenous peoples should be allowed to decide the appropriate definition.<sup>32</sup> Instead, he outlined objective criteria applicable in identifying Indigenous peoples. For international decisions that may impact the future existence of Indigenous peoples, Cobo characterizes Indigenous communities, peoples, and nations as:

[T]hose which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.<sup>33</sup>

The self-identification approach aligns with Indigenous peoples' argument that the concept of Indigenous peoples should be free from any definition.<sup>34</sup> Self-identification is a fundamental criterion for delineating the recipients of international Indigenous rights because "the concept of 'Indigenous' is not capable of a precise, inclusive definition which can be applied in the same manner to all regions of the world."<sup>35</sup> While self-identification is promoted as the international law standard, there is a need to counter unfounded propositions by groups claiming to be Indigenous. To

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30 See, e.g., Amelia Cook & Jeremy Sarkin, *Who Is Indigenous? Indigenous Rights Globally, in Africa and Among the San in Botswana*, 18 TUL. J. INT'L & COMP. L. 93 (2010); Martin Scheinin, *What are Indigenous Peoples?*, in MINORITIES, PEOPLES AND SELF-DETERMINATION 3 (Nazila Ghinea & Alexandra Xanthaki, eds., 2004); Jerry Firestone, Jonathan Lily & Isable Torres de Noronha, *Cultural Diversity, Human Rights, and the Emergence of Indigenous Peoples in International and Comparative Environmental Law*, 20 AM. U. INT'L L. REV. 219 (2005).

31 Cher Weixia Chen, *Indigenous Rights in International Law*, 1 OXFORD RSCH. ENCYCLOPEDIA INT'L STUD. 1, 5 (2014).

32 José R. Martínez Cobo (Special Rapporteur of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities), *Study of the Problem of Discrimination Against Indigenous Populations: Conclusions, Proposals and Recommendations*, ¶¶ 367–369, U.N. E/CN.4/Sub.2/1986/7/Add.4 (1987) [<https://perma.cc/M6RU-HDB9>] [hereinafter *Cobo Study*].

33 *Id.* ¶ 379.

34 Daes, *The Contribution of the Working Group on Indigenous Populations to the Genesis and Evolution of the U.N. Declaration on the Rights of Indigenous Peoples*, *supra* note 24, at 54–55.

35 Erica-Irene Daes (Chairperson-Rapporteur), *Working Paper on the Concept of 'Indigenous Peoples'*, Working Group on Indigenous Populations, ¶ 9, U.N. Doc. E/CN.4/Sub.2/AC.4/1996/2 (June 10, 1996) [<https://perma.cc/C62U-WMYE>]; see also Daes, *An Overview of the History of Indigenous Peoples: Self-Determination and the United Nations*, *supra* note 26, at 7.

weed out such unsubstantiated claims, international instruments generally enumerate common objective traits of Indigenous peoples in addition to self-identification.<sup>36</sup> One objective criterion that is usually emphasized is the special and spiritual connection to ancestral lands.<sup>37</sup> Indigenous peoples can be deciphered through three approaches: chronological, relational, and normative.<sup>38</sup> The chronological approach defines Indigenous peoples as the earliest occupants of parts of the world forcefully overtaken by Europeans, while the relational approach focuses on the social and economic deprivations of Indigenous peoples.<sup>39</sup> The normative approach defines Indigenous peoples as “people who feel rooted in their surroundings, entertain a custodial sense about their territory and resources, are bound together primarily through moral bindings and entertain a sense of reciprocity and mutuality reinforced by egalitarian ethos.”<sup>40</sup> While Anaya’s definition cited above is akin to the chronological approach, Cobo’s definition is normative.

The chronological and relational approaches have some inherent shortcomings. They focus on specific and limited traits of Indigenous peoples without adequate consideration for other pertinent characteristics. These limited approaches may result in the erroneous inclusion of some groups that share the identified characteristics of Indigenous peoples. For instance, Pacific Islanders who immigrated to the United States have identities rooted in numerous locations, eras, and traditional structures.<sup>41</sup> Pacific Islanders have some of the traits of the chronological and relational approaches, but some of them do not identify as Indigenous Americans.<sup>42</sup> However, the normative approach defines Indigenous peoples “not as an exclusivist concept but an inclusive project.”<sup>43</sup> This article adopts the

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36 *Cobo Study*, *supra* note 32, ¶¶ 379–80; *Indigenous Latin America in the Twenty-First Century: The First Decade*, WORLD BANK GRP., <https://documents1.worldbank.org/curated/en/145891467991974540/pdf/Indigenous-Latin-America-in-the-twenty-first-century-the-first-decade.pdf> [https://perma.cc/63P9-DNJJ]; Jeff J. Comtassel, *Who is Indigenous? ‘Peoplehood’ and Ethnonationalist Approaches to Rearticulating Indigenous Identity*, 9 NAT’L & ETHNIC POL. 75 (2003); Kingsbury, *supra* note 22, at 453–55.

37 *Cobo Study*, *supra* note 32, ¶ 380; *Indigenous Peoples and the United Nations Human Rights System: Fact Sheet No. 9/Rev. 2*, UNHR OFF. COMM’R FOR THE HUM. RTS. 6 (2013).

38 Roy Burman, *Indigenous and Tribal Peoples in World System Perspective*, 1 STUD. TRIBES & TRIBALS 7, 8 (2003).

39 *Id.* at 8–9.

40 *Id.* at 9.

41 Meripa Taiai Godinet, Halavalu Ofahengaue Vakalahi & Noreen Mokuau, *Transnational Pacific Islanders: Implications for Social Work*, 2 SOC. WORK 113, 115 (2019).

42 *Asian Americans and Pacific Islanders Data Disaggregation*, U.S. DEP’T OF EDU., <https://www.ed.gov/grants-and-programs/grants-special-populations/grants-native-americans-alaskan-natives-and-pacific-islanders/asian-american-and-pacific-islander-data-disaggregation#resources> [https://perma.cc/5E2P-UX52]; For detailed analysis about Pacific Islanders in the U.S. and accounts from several Pacific Island groups, see Meripa Taiai Godinet & Halavalu F. Ofahengaue Vakalahi, *The Drums of Our Ancestors*, in TRANSNATIONAL PACIFIC ISLAND AMERICANS AND SOCIAL WORK: DANCING TO THE BEAT OF A DIFFERENT DRUM 1 (2014).

43 Godinet & Vakalahi, *supra* note 42, at 9.

normative approach in delineating Indigenous peoples because this approach does not focus on Indigenous peoples' economic or historical challenges. It avoids some of the shortcomings of the chronological and relational approaches and adequately recognizes Indigenous peoples' relationship with their environment and community. Essentially, this article applies the often-referenced description prescribed by Cobo.

#### ADVOCACY NETWORKING ACROSS BORDERS

As civil society organizations become increasingly influential in the international arena, collaboration among them has become an important mechanism for enhancing their impact. The prevalence of the internet, social media, telephones, and other communication technologies has made cross-border advocacy not only feasible but increasingly attractive.<sup>44</sup> Advocacy networks bring together organizations that have agreed to collaborate by sharing knowledge, expertise, and resources with the aim of achieving a collective objective. The study of such networks spans political science, law, and other related disciplines, offering valuable insights into the evolving role of non-state actors in international affairs.

Although the idea of advocacy networking emerged earlier, it was Keck and Sikkink's prodigious work that spurred academic inquiries into transnational advocacy networks (TANs).<sup>45</sup> They define TANs as "networks of activists, distinguishable largely by the centrality of principled ideas or values in motivating their formation" and highlight the ways these networks influence policy, discourse, and norm development.<sup>46</sup> TANs typically emerge as a result of domestic activists fail to achieve change at home and instead appeal to international allies for support.<sup>47</sup> This model has been adopted by various transnational campaigns, such as the eradication of violence against women, which rapidly became a shared cause uniting women's organizations worldwide.<sup>48</sup> Since then, the TANs framework has become a widely used organizational structure in advocacy efforts ranging from labor rights campaigns targeting Nike factories in Asia<sup>49</sup> to environmental and human rights campaigns spanning multiple continents.<sup>50</sup>

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44 See Luis Hestres, *Tools Beyond Control: Social Media and the Work of Advocacy Organizations*, 3 SOC. MEDIA & SOC'Y 1 (2017).

45 KECK & SIKKINK, *supra* note 2, at 10–12. For a detailed scholarly assessment of the theory of TANs two decades later, see Peter Evans & César Rodríguez-Garavito, *Introduction: Building and Sustaining the Ecosystem of Transnational Advocacy*, in TRANSNATIONAL ADVOCACY NETWORKS: TWENTY YEARS OF EVOLVING THEORY AND PRACTICE 8 (2018).

46 KECK & SIKKINK, *supra* note 2, at 1.

47 *Id.* at 10–12.

48 *Id.* at 165–98.

49 George Sage, *Justice Do It! The Nike Transnational Advocacy Network: Organization, Collective Actions, and Outcomes*, 16 SOCIO. SPORT J. 206–07 (1999).

50 Maria Guadalupe Moog Rodrigues, *Urgent Action! Transnational Mobilization Against Disaster in Rondônia*, in GLOBAL ENVIRONMENTALISM AND LOCAL POLITICS: TRANSNATIONAL

The literature on TANs highlights several strengths. These include their ability to aggregate common interests, facilitate mentorship between experienced and emerging groups, amplifying diverse voices, and leverage collective influence to challenge entrenched power.<sup>51</sup> Transnational coalitions have, for instance, been advanced as crucial strategies for overcoming shortcomings in state and international climate responses, particularly by demanding that human rights concerns remain central to climate policy.<sup>52</sup>

Additionally, Indigenous groups have long been involved in international collaborations. Beginning in the late twentieth century, Indigenous representatives used platforms such as the U.N. Working Group on Indigenous Populations to build alliances and articulate their shared experiences of dispossession, marginalization, and human rights violations.<sup>53</sup> Despite their cultural and regional diversity, Indigenous advocates emphasized the commonality of their struggles and aspirations.<sup>54</sup> The tactful formation of the Indigenous global movement led to the adoption of UNDRIP and secured a place for Indigenous peoples as international actors with influence on international human rights law.

Yet the structures through which Indigenous advocacy has historically operated, particularly social movements, have inherent limitations. Social movements are typically webs of informal and transient collaborations based on shared identities between individuals, groups, or organizations involved in political or cultural struggles. They are composed of people or organizations with common beliefs, working on contentious issues and using different forms of demonstrations.<sup>55</sup> They are created with the hope of achieving specific goals, and once they achieve their objectives or fail,

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ADVOCACY NETWORKS IN BRAZIL, ECUADOR, AND INDIA 33–48 (2004); Alexandra-Maria Boese, *Hybrid Transnational Advocacy Networks in Environmental Protection: Banning the Use of Cyanide in European Gold Mining*, 21 INT'L ENV'T AGREEMENTS: POL., L. & ECON. 285, 287 (2021); Michele Betsill & Harriet Bulkeley, *Transnational Networks and Global Environmental Governance: The Cities for Climate Protection Program*, 48 INT'L STUD. Q. 471, 474–76, 484 (2004).

51 DERRICK COGBURN, *TRANSNATIONAL ADVOCACY NETWORKS IN THE INFORMATION SOCIETY: PARTNERS OR PAWNS?* 265–66 (2017). For scholarly analysis of the effectiveness of transnational advocacy networks, see, e.g., Shayna Plaut, *Cooperation is the Story: Best Practices of Transnational Indigenous Activism in the North*, 16 INT'L J. HUM. RTS. 193, 194–209 (2012); Maria G. Rodrigues, *Rethinking the Impact of Transnational Advocacy Networks*, 5 NEW GLOB. STUD. 1, 5–7 (2011); Jutta Joachim & Birgit Locher, *Transnational Activism in the EU and the UN*, in *TRANSNATIONAL ACTIVISM IN THE U.N. AND THE EU: A COMPARATIVE STUDY* 3–19 (2009).

52 Tracey Skillington, *Climate Change and the Human Rights Challenge: Extending Justice Beyond the Borders of the Nation State* 16 INT'L J. HUM. RTS. 1196, 1208 (2012).

53 See Ayotunde, *supra* note 6.

54 As one of the Indigenous representatives expressed, “despite the many regions of the world we represent and the variety of cultures we command . . . [the] worldwide struggle [is] the same; for preservation of our land base, the environment, religious freedom, culture, and language.” Alexander Ewen, *Introduction: An Indigenous Worldview*, in *VOICE OF INDIGENOUS PEOPLES: NATIVE PEOPLE ADDRESS THE UNITED NATIONS* 24 (1994).

55 Donatella della Porta & Alice Mattoni, *Social Movements*, in *THE INTERNATIONAL ENCYCLOPEDIA OF POLITICAL COMMUNICATION* 1496 (Gianpietro Mazzoleni et al., eds., 2015).

they cease to exist. The continuity of social movements is tied to the persistence of their objectives or engagement in other related agendas.<sup>56</sup>

The disconnection between global advocacy and local realities underscores the challenge of maintaining momentum simultaneously at the international and national levels. Despite significant recognition of Indigenous peoples' contributions to the development of international law, a gap remains in the literature. A dearth of scholarly attention has been paid to Indigenous advocacy networks, which are designed not only to influence international law but also to ensure its implementation domestically. Existing structures, such as social movements, have made significant contributions, but they are not well-suited to bridge the divide between international achievements and local enforcement.

The global Indigenous movement that influenced the drafting of UNDRIP exemplifies both the strength and limits of transnational mobilization.<sup>57</sup> While successful in shaping international norms, this movement has struggled to ensure that international standards are translated into domestic contexts, where Indigenous peoples continue to face systemic barriers. This article addresses this gap by conceptualizing TIANs as a pragmatic structure for Indigenous advocacy across borders. TIANs are specifically designed to integrate Indigenous values and pool advocates' resources and efforts in pursuit of a shared objective: advancing the domestic implementation of international Indigenous rights standards.

#### TRANSNATIONAL INDIGENOUS ADVOCACY NETWORKS

While some existing organizations may share certain features of TIANs, this analysis focuses on networks that embody four interrelated dynamics outlined below. TIANs extend beyond the traditional classifications of Indigenous organizations due to the diversity of their constituents, the multiple scopes of their operations, advocacy approach and information framing tactics. Unlike conventional transnational advocacy networks, TIANs do not follow the "boomerang pattern," in which domestic activists appeal to international allies after unsuccessful efforts to influence their states.<sup>58</sup> Instead, TIANs are introduced here as umbrella structures that bring

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<sup>56</sup> See Doowon Suh, *What Happens to Social Movements After Policy Success? Framing The Unintended Consequences and Changing Dynamics of the Korean Women's Movement*, 53 SOC. SCI. INFO. 3, 4, 23–25 (2014).

<sup>57</sup> Scholars such as Lightfoot and Barelli recognize the important role of the global Indigenous movement in the development of the UNDRIP. Barelli adopts the "social movement framework" in analyzing the global movement of Indigenous peoples and the foundation of the political power of Indigenous representatives during the drafting of the UNDRIP. MAURO BARELLI, *SEEKING JUSTICE IN INTERNATIONAL LAW: THE SIGNIFICANCE AND IMPLICATIONS OF THE U.N. DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES* 111–12 (2016); SHERYL LIGHTFOOT, *GLOBAL INDIGENOUS POLITICS: A SUBTLE REVOLUTION* 1–4 (2016).

<sup>58</sup> KECK & SIKKINK, *supra* note 2, at 36.

together Indigenous advocates already active in international spaces but who maintain durable and reciprocal connections with domestic Indigenous organizations. Operating fluidly across both international and domestic domains, TIANs are founded on the shared principle of promoting and protecting Indigenous rights. Their purpose is to bridge the persistent divide between global recognition and local implementation, ensuring that international norms translate into practical outcomes for Indigenous communities.

Essentially, TIANs are platforms for the meeting of different Indigenous rights advocates strategically employing information politics to influence norms, hold states accountable, and push for the effective implementation of Indigenous rights standards. Building on Keck and Sikkink's conceptualization of transnational advocacy networks, this article adapts and applies their four distinguishing components to the context of Indigenous advocacy. Although TANs also embody these elements, TIANs apply them in ways that are unique to Indigenous struggles, values, and organizational realities. As this section demonstrates, these characteristics differentiate TIANs from other Indigenous organizations or advocacy networks.

### *I. Multiple Spheres of Operation*

As states and non-state actors interact within the global system, they shape both the development and implementation of international law. Constructivist international relations theory explains that ideas and interests are not static but are constructed and reconstructed through these interactions.<sup>59</sup> Non-state actors such as civil society groups and multinational corporations engage within the international order to advance their values and interests. Indigenous groups, like other actors, seek to participate in global processes to shape international policies and legal standards to protect their rights and communities. What sets TIANs apart is their capacity to condense the divide between international and domestic realms by creating fluid, reciprocal connections among their members. They are envisioned as multiple-sphere structures, equally invested in influencing international Indigenous rights law and integrating those norms domestically.

This is contrary to many NGOs or international non-governmental organizations (INGOs) that focus exclusively on either the global or local politics. Indigenous movements involved during the drafting process of UNDRIP demonstrate the limitations of the social movement model.

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<sup>59</sup> Ted Hopf, *The Promise of Constructivism in International Relations Theory*, 23 INT'L SEC. 171, 178–79 (1998); Hoyoon Jung, *The Evolution of Social Constructivism in Political Science: Past and Present*, 9 SAGE OPEN 1, 4–7 (2019).

Although they emerged from domestic groups, once they became immersed in international processes, their domestic engagement diminished.<sup>60</sup> The effectiveness of TIANS depends on their ability to exert influence across both spheres. As Tarrow and della Porta argue, the lasting impact of cross-border advocacy goes beyond building partnerships but may lie in “the implosion of international issues into domestic politics through the multiple belongings and flexible identities of these rooted cosmopolitans.”<sup>61</sup> This implies that the long-term impact of TIANS depends on the collaboration of transnational and domestic actors in diffusing international Indigenous rights standards into national contexts.

There are existing Indigenous rights organizations that demonstrate the value of sustained partnerships across realms. For example, the International Work Group for Indigenous Affairs collaborates with grassroots organizations worldwide in generating periodic reports about Indigenous communities’ concerns and human rights challenges.<sup>62</sup> Forest Peoples Programme also partners with Indigenous communities and tribal governments to raise awareness and promote Indigenous rights standards.<sup>63</sup> These organizations show the importance of collaboration with local actors, particularly in accessing reliable information. While these organizations often collaborate with local communities, they do not operate within the same organizational structure as proposed for the constituents of TIANS. Their engagement with the communities tends to be limited to specific projects or periods. Their membership is also restricted to Indigenous groups. Therefore, they do not reflect the advocacy structure of TIANS, which is flexible and open to allies.

Considering the diversity of actors that will comprise TIANS, it is imperative to build a bridge between international and domestic members to adequately appreciate their different contributions and areas of expertise. Generally, transnational activism implicates collaboration between domestic players and allies across borders, which sometimes results in the involvement of international civil organizations in domestic civil causes.<sup>64</sup> For TIANS, component advocacy organizations will collaborate across borders while rooted domestically or engaged concurrently with their

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60 Singh, *supra* note 16.

61 Sidney Tarrow & Donatella della Porta, *Conclusion: “Globalization,” Complex Internationalism, and Transnational Contention*, in *TRANSNATIONAL PROTEST AND GLOBAL ACTIVISM: PEOPLE, PASSIONS AND POWER* 238 (2005). In comparison to transnational advocacy, see the concept of *rooted cosmopolitanism*. Stuart Taberner, *A Rooted Cosmopolitanism*, in *TRANSNATIONALISM AND GERMAN-LANGUAGE LITERATURE IN THE TWENTY-FIRST CENTURY* 233 (2017).

62 *IWGIA’s Global Network*, IWGIA (Mar. 11, 2011), <https://www.iwgia.org/en/network.html> [<https://perma.cc/N84R-3X24>].

63 *Id.*; *Working with Forest Peoples to Protect Their Rights and Forests*, FOREST PEOPLES PROGRAMME, <https://www.forestpeoples.org/> [<https://perma.cc/7CJ9-FLS7>].

64 See SIDNEY TARROW, *POWER IN MOVEMENT: SOCIAL MOVEMENTS AND CONTENTIOUS POLITICS* 255–56 (3rd ed. 2011).

domestic constituents. This capacity to operate concurrently across multiple spheres is crucial for the transplantation of international Indigenous rights standards to national and local grassroots. TIANs are thus proposed as networks whose members interact across national boundaries but remain firmly connected to their domestic bases. Their objectives are not exclusively tied to international or domestic causes. Rather, they are international and national organizations advancing the implementation of international Indigenous rights norms domestically. Given their likely cross-cultural and global membership, the leadership of TIANs must create bridges to connect members, take up the role of an intermediary, and develop the required skills to communicate and manage multicultural and professionally diverse groups. By forming assiduous webs spread across the world, TIANs would be well positioned to sustain long-term collaborations and promote the realization of Indigenous rights across various regions.

## II. Shared Principled Ideas

A second defining feature of TIANs is the centrality of shared principled ideas. Advocacy networks are distinct from other civil society organizations because they organize around “ideas that specify criteria for determining whether actions are right or wrong and whether outcomes are just or unjust are shared principled beliefs or values.”<sup>65</sup> Likewise, TIANs are bound together not merely by strategic interests but by a unifying normative commitment to promote Indigenous rights and advance the full implementation of UNDRIP’s principles.<sup>66</sup> This shared value represents the unifying thread among the diverse members of TIANs. This distinguishes them from organizations such as governance networks, which may organize around the central belief in the right to political participation, but are open to diverse values and ideas.<sup>67</sup> However, TIANs are guided by non-negotiable, shared principles ingrained in international Indigenous rights law and the principles of UNDRIP. These include the right to self-determination, collective rights, the right to equality and non-discrimination, and economic, social, and cultural rights.<sup>68</sup>

Several Indigenous groups operate on the basis of the Indigenous rights principles discussed above, with some focusing on particular aspects of Indigenous issues and others addressing a broader range of issues affecting

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<sup>65</sup> KECK & SIKKINK, *supra* note 2, at 44, n. 2.

<sup>66</sup> This emphasis on shared principled ideas aligns closely with two principal tenets of constructivist international relations theory: “that the structures of human association are determined primarily by shared ideas rather than material forces, and that the interests of purposive actors are constructed by these shared ideas rather than given by nature.” Alexander Wendt, *Four Sociologies of International Politics*, in *SOCIAL THEORY OF INTERNATIONAL POLITICS* 1 (1999).

<sup>67</sup> PETER WILLETTS, *THE VOICE OF WHICH PEOPLE? TRANSNATIONAL ADVOCACY NETWORKS AND GOVERNANCE NETWORKS AT THE UNITED NATIONS* 18 (2013).

<sup>68</sup> G.A. Res. 61/295, *supra* note 1, arts. 1-5.

Indigenous peoples. The Saami Council, for instance, comprises nine member organizations from four countries and promotes Saami interests and rights in a broad sense.<sup>69</sup> By contrast, the Indigenous Environmental Network and Land Rights Now focus on specific issues affecting Indigenous peoples, including environmental protection and land rights, respectively.<sup>70</sup>

Generally, advocacy networks are receptive to issues that resonate as questions of justice. Such issues are sensitive, stir reactions, and draw volunteers and advocates to the networks.<sup>71</sup> Keck and Sikkink identify two issues with which TANs often engage: those that respond to normative logic and those that follow a juridical and institutional logic.<sup>72</sup> Normative logic applies to issues involving direct harm to vulnerable groups. The success of such campaigns depends on the “causal story” that links the issue in question to a particular person or organization.<sup>73</sup> The Indigenous Environmental Network, for example, links climate change to extractive corporations’ practices.<sup>74</sup> With a target that is easily identifiable and connected to the calamities of a group of people, advocacy networks can easily garner the sympathy of the public and support of their members. Institutional conflict, on the other hand, applies to legal or policy structures that perpetuate inequality.<sup>75</sup> Historically, advocates have mobilized against laws that excluded Indigenous peoples from property ownership, voting, or other rights of equal participation.<sup>76</sup> The targets of institutional logic advocacy are usually governments and policymakers. In both cases, principled ideas about justice are what make these campaigns resonate, mobilize support, and sustain participation.

While Keck and Sikkink present advocacy networks’ shared principled ideas as driven by benevolence and selfless motive,<sup>77</sup> Carpenter argues that “organizational survival” and “normative concerns” carry equal weights in

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<sup>69</sup> *About the Saami Council*, SAAMI COUNCIL, <https://www.saamicouncil.net/en/the-saami-council> [<https://perma.cc/3RJ6-695Z>].

<sup>70</sup> *Our Mission*, INDIGENOUS ENV’T NETWORK, <https://www.ienearth.org/about/> [<https://perma.cc/GDK8-3V5Y>]; *About*, LAND RTS. NOW, <https://www.landrightsnow.org/about/> [<https://perma.cc/6ACZ-LMP9>].

<sup>71</sup> KECK & SIKKINK, *supra* note 2, at 26.

<sup>72</sup> *Id.* at 27.

<sup>73</sup> *Id.*

<sup>74</sup> *Indigenous Principles of Just Transition*, INDIGENOUS ENV’T NETWORK, <https://www.ienearth.org/justtransition/> [<https://perma.cc/38T9-XVZ2>].

<sup>75</sup> KECK & SIKKINK, *supra* note 2, at 28.

<sup>76</sup> For example, Indigenous peoples of Canada have fought against laws or policies that conflict with their inherent Aboriginal and treaty rights. Wendy Moss & Elaine Gardner-O’Toole, *Aboriginal People: History of Discriminatory Laws*, LIBR. OF PARLIAMENT (Nov. 1987), [https://publications.gc.ca/collections/collection\\_2008/lop-bdp/bp/bp175-e.pdf](https://publications.gc.ca/collections/collection_2008/lop-bdp/bp/bp175-e.pdf) [<https://perma.cc/7XS6-WZ28>].

<sup>77</sup> KECK & SIKKINK, *supra* note 2, at 8-9.

shaping the issues on which these networks focus.<sup>78</sup> For TIANs, their normative issues and continued existence are essential, but the former outweigh the latter. The intended members of TIANs are *advocates* who may not directly benefit from the course of their network. Hence, the network's survival is not as important to such organizations as the shared principled ideas that propelled their establishment. Regardless, the longevity of TIANs depends on their ability to achieve their goals, and the realization of these goals depends on how they can establish collaboration and productive relationships among their members and sustain their members' interests and support. Although organizational survival may influence the choice of advocacy issues for TIANs, they should not have the same weight as normative concerns. In addition to the shared principled ideas that bind the membership of TIANs, they can influence other international actors through the strategic dissemination of information. TIANs would not only have shared principled ideas, but their members must also work together to support causes and normative principles that align with these shared ideas, and they can achieve this common objective through a strategic advocacy approach.

### *III. Advocacy Approach*

The principal strategies of TIANs are their *network of advocates* and information politics. While networked advocacy is not novel, it gained popularity in the 20th century with the rise of telecommunications and, more recently, the internet. Wide access to information technology significantly reduced the financial and logistical barriers to collaboration across borders, enabling advocates to coordinate transnational campaigns more effectively than ever before. Advocacy is a distinctive characteristic of advocacy networks. Their members collaborate to advance causes "that cannot be easily linked to their interest."<sup>79</sup> While other forms of Indigenous civil organizations often stress identity and common historical experiences as their unifying factor, diversity of membership is an asset for TIANs. Their constituents are not limited to Indigenous peoples, but also include allies committed to the implementation of Indigenous rights norms. This inclusive structure distinguishes TIANs from earlier international Indigenous movements, which were primarily shaped by Indigenous peoples' shared histories of colonization.

Indigenous groups have increasingly embraced collaborations with non-Indigenous partners. Idle No More, for instance, founded by three First

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<sup>78</sup> Charli Carpenter, *Studying Issue (Non)-Adoption in Transnational Advocacy Networks*, 61 INT'L ORG. 643, 663 (2007).

<sup>79</sup> Margaret E. Keck & Kathryn Sikkink, *Transnational Advocacy Networks in International and Regional Politics*, 51 INT'L SOC. SCI. J. 89, 91 (1999).

Nations women and a non-Indigenous ally, exemplifies the power of inclusive advocacy.<sup>80</sup> The movement rapidly gained momentum, sparking solidarity protests in several countries, including the United States, Germany, and New Zealand.<sup>81</sup> One of Idle No More's founders, and the only non-Indigenous founder, Sheelah McLean, reflected that the movement's popularity and influence stemmed from the fact that everyone was involved, although more could have been achieved with deeper engagement from non-Indigenous allies.<sup>82</sup> The Coalition for the Human Rights of Indigenous Peoples, comprising Indigenous organizations, human rights advocates, and religious groups, including Amnesty International and KAIROS, also demonstrates how Indigenous rights advocacy can benefit from the involvement of non-Indigenous allies.<sup>83</sup>

Still, Indigenous networks often restrict membership to Indigenous communities or individuals, with allies maintained as external partners, funders or advisors. Carey and Lydon observe that many Indigenous networks limit their membership to "people who were historically dispossessed of their lands, territories and resources and for whom there is no clear postcolonial future because the settlers came to stay."<sup>84</sup> In recognition of the contributions of "mainstream" NGOs to Indigenous issues, the Aboriginal Peak Organisations Northern Territory developed NGO Partnership Principles to guide the "partnership-centered approach" between the Indigenous organizations and mainstream NGOs.<sup>85</sup> This is an example of Indigenous organizations collaborating with non-Indigenous organizations without opening their membership to non-Indigenous partners.

On the contrary, the unifying factor of TIANS is not common historical experience but shared principled ideas about the promotion and protection of Indigenous rights, as articulated in UNDRIP. The constituents are webs of advocates brought together under the umbrella of TIANS with endorsed tactics for political actions to protect and promote Indigenous peoples'

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80 *About the Movement: An Indigenous-Led Social Movement*, IDLE NO MORE, <https://idlenomore.ca/about-the-movement/> (last visited Feb. 1, 2026) [<https://perma.cc/264F-ARPJ>].

81 Tim Groves, *Idle No More Events in 2012: Events Spreading across Canada and the World*, THE MEDIA CO-OP (Dec. 27, 2012), <http://www.mediacoop.ca/story/idle-no-more-map-events-spreading-across-canada-an/15320> [<https://perma.cc/8BGW-2N76>].

82 Lenard Monkman & Brandi Morin, *5 Years After Idle No More, Founders Still Speaking Out*, CBC NEWS, (Dec. 11, 2017), <https://www.cbc.ca/news/indigenous/idle-no-more-five-years-1.4436474> [<https://perma.cc/FPU6-QR3T>].

83 *The Coalition*, *supra* note 21.

84 Jane Carey & Jane Lydon, *Introduction: Indigenous Networks – Historical Trajectories and Contemporary Connections*, in INDIGENOUS NETWORKS: MOBILITY, CONNECTIONS AND EXCHANGE 15 (2014).

85 *Background: NGO Partnership Principles*, ABORIGINAL PEAK ORGANISATIONS NORTHERN TERRITORY (2013), <https://web.archive.org/web/20160312054756/https://www.amsant.org.au/apont/background-ngo-partnership-principles-2/> [<https://perma.cc/9CK9-EKNH>].

rights. This opens the space for a wider range of actors, including Indigenous community groups, non-Indigenous allies, mainstream NGOs, academics, philanthropic foundations, environmental movements, and religious organizations, so long as they commit to upholding the network's principled foundation. To avoid the pitfalls of hierarchy or marginalization among members, TIANS must embrace flat organizational structures characterized by trust, mutual respect, reciprocity, and teamwork.<sup>86</sup> Despite the diverse players in TIANS, a common denominator is the recognition of their common interest. The goal is not to privilege one set of actors over another but to create a space where Indigenous and non-Indigenous participants can jointly strategize while respecting the centrality of Indigenous voices and values.

#### *IV. Information Strategy*

In an era where information can be disseminated instantly across borders, international activists recognize the significance of broadcasting information that is not readily accessible or apparent to the global audience. Following Keck and Sikkink's typology of information politics, symbolic politics, leverage politics, and accountability politics,<sup>87</sup> TIANS can employ information as both a persuasive tool and a mechanism of accountability. Their dual positioning, rooted in domestic realities and active in international forums, equips them to generate credible, timely, and impactful information that amplifies Indigenous voices globally.

First, TIANS can collect and frame information that is otherwise inaccessible to international audiences. Indigenous storytelling, which relays historical experiences and cultural practices, has long functioned as a form of resistance and advocacy.<sup>88</sup> During the drafting process of UNDRIP, Indigenous peoples presented their concerns to the international community by linking the issues to human suffering, which had a profound moral force, and highlighted the "gravity and urgency" of states' response to Indigenous issues.<sup>89</sup> Likewise, TIANS can frame information about the social, economic, political, and environmental struggles of Indigenous communities in ways that resonate with both domestic and international stakeholders. Their domestic constituents would ensure access to grassroots issues, while their international reach allows them to externalize this

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<sup>86</sup> See Alan Hudson, *NGOs' Transnational Advocacy Networks: From 'Legitimacy' To 'Political Responsibility'?* 1 GLOB. NETWORKS 331, 336 (2002).

<sup>87</sup> KECK & SIKKINK, *supra* note 2, at 16.

<sup>88</sup> See James Anaya, *International Human Rights and Indigenous Peoples: The Move Toward the Multicultural State*, 21 ARIZ. J. INT'L & COMP. L. 13 (2004); ADRIENNE CHAN, *STORYTELLING, CULTURE, AND INDIGENOUS METHODOLOGY IN DISCOURSES, DIALOGUE AND DIVERSITY IN BIOGRAPHICAL RESEARCH* 170 (Alan Bainbridge, Laura Formenti, & Linden West, eds., 2021).

<sup>89</sup> BARELLI, *supra* note 57, at 119.

information where it will have the most significant political effect. By disseminating credible, timely, and pungent reports, TIANs can boost their influence over other actors' behavior.

Second, TIANs can employ information politics to hold states accountable through the "mobilization of shame."<sup>90</sup> In light of the wide acceptance of UNDRIP and states' commitment to affirm and protect the rights of Indigenous peoples, TIANs can monitor states' compliance, expose instances of non-compliance, and publicize them through periodic reports, campaigns, and international forums. Organizations such as the North American Indigenous Caucus,<sup>91</sup> Minority Rights Group International,<sup>92</sup> Amazon Watch,<sup>93</sup> and Survival International<sup>94</sup> periodically publish reports on the struggles of Indigenous peoples in different parts of the world and identify governments lagging in protecting Indigenous rights. Reputation chastisement has different implications for states. For states that revere their human rights reputation, leverage politics is more effective.<sup>95</sup> States with poor international human rights reputations may not be propelled to take positive actions, but they risk international retribution.<sup>96</sup>

Finally, TIANs can employ symbolic framing by situating Indigenous struggles within broader global discourses. This involves contextualizing local events in a way that highlights their broader significance and urgency. For example, during the COVID-19 pandemic, the Coalition for the Human Rights of Indigenous Peoples highlighted the disproportionate impact of the virus on Indigenous communities by linking infection rates to systemic inequalities and the lack of essential services within these communities.<sup>97</sup> The U.N. Permanent Forum on Indigenous Issues subsequently called on

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90 KECK & SIKKINK, *supra* note 2, at 23.

91 *Compilation of Issues Raised and Recommendations Advanced by the North American Indigenous Caucus to The United Nations Permanent Forum on Indigenous Issues Between 2008-2012 In Connection with Implementation of the United Nations Declaration on the Rights of Indigenous Peoples*, NORTH AMERICAN INDIGENOUS CAUCUS (2012), [https://web.archive.org/web/20230121011354/https://afn.ca/uploads/files/northamericancaucus\\_issues\\_presented\\_to\\_unpfii.pdf](https://web.archive.org/web/20230121011354/https://afn.ca/uploads/files/northamericancaucus_issues_presented_to_unpfii.pdf) [<https://perma.cc/AX7J-93X3>].

92 *What We Do*, MINORITY RTS. GRP. INT'L, <https://minorityrights.org/programmes/> [<https://perma.cc/ZX4N-KFDV>].

93 *Protecting the Amazon and Our Climate by Supporting Indigenous Peoples*, AMAZON WATCH, <https://amazonwatch.org/work> [<https://perma.cc/94RG-TSJ6>].

94 *How We Work*, SURVIVAL INT'L, <https://www.survivalinternational.org/whatwedo> [<https://perma.cc/WBD3-4MA5>].

95 For an analysis of how states develop their human rights identity, see Claudia Fuentes-Julio, *Norm Entrepreneurs in Foreign Policy: How Chile Became an International Human Rights Promoter*, 19 J. HUM. RTS. 256 (2020).

96 See THOMAS RISSE & STEPHEN ROPP, INTRODUCTION AND OVERVIEW IN THE PERSISTENT POWER OF HUMAN RIGHTS: CAMBRIDGE STUDIES IN INTERNATIONAL RELATIONS 3, 17 (2013).

97 Lucy Scholey, *Indigenous Peoples' Rights Must Be Respected During COVID-19*, AMNESTY INT'L (Apr. 15, 2020), <https://amnesty.ca/features/indigenous-peoples-rights-must-be-respected-during-covid-19/> [<https://perma.cc/ZVF8-QRQG>].

states to prioritize Indigenous needs in their pandemic responses.<sup>98</sup> Symbolic framing can significantly spur public awareness and support, pressuring states to respect Indigenous rights.

While social movements were instrumental in the creation of UNDRIP, they lacked the sustained institutional structures necessary for long-term monitoring and enforcement. However, TIANs are recommended as an inclusive platform that is not restricted to Indigenous peoples but is open to *advocates* with a common commitment to Indigenous issues. This article presents a fluid and adaptive sphere of operation for Indigenous networks, characterized by concurrent influence and operations in both domestic and international arenas. This form of networking creates an ideal structure for sharing information and resources to advance the shared idea of ensuring the actualization of Indigenous rights across borders.

#### KEY CONSIDERATIONS FOR TIANS' EFFECTIVENESS

This article proposed TIANS as pragmatic collaborative structures to promote Indigenous interests and bring international Indigenous rights law to life domestically. A practical question is whether Indigenous peoples will be amenable to working within the structure of TIANS and with their multiple constituents. This section examines four practical issues that might limit the success of TIANS as Indigenous advocacy platforms and proffers strategies for circumventing these probable limitations.

##### *I. Tendencies for Power Imbalances*

The success of TIANS rests on their ability to navigate both local and transnational spheres without replicating the very power imbalances they seek to dismantle. If decision-making authority becomes concentrated in the hands of well-resourced international organizations or prominent allies, the networks risk losing legitimacy among the Indigenous communities. As de Waal observed in his discussion of “anti-colonial” and “anti-neo-colonial” solidarity approaches, humanitarian solidarity between “faraway oppressed” people and Western organizations can become futile if power asymmetries are left unchecked.<sup>99</sup> With disproportionate voices or marginalization among the membership of TIANS, Indigenous peoples may perceive the networks’ advocacy efforts as another attempt to impose neocolonial agendas on them.

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<sup>98</sup> Anne Nuorgam (Chair of the Permanent Forum on Indigenous Issues), *Message to Ensure Indigenous Peoples Are Informed, Protected and Prioritized During the Global COVID-19 Pandemic*, UNDESA (Apr. 6, 2020), [https://www.un.org/development/desa/indigenous-peoples-es/wp-content/uploads/sites/34/2020/04/UNPFII-Chair-statement\\_COVID19.pdf](https://www.un.org/development/desa/indigenous-peoples-es/wp-content/uploads/sites/34/2020/04/UNPFII-Chair-statement_COVID19.pdf) [https://perma.cc/PNX2-VS99].

<sup>99</sup> ALEX DE WAAL, *GENEALOGIES OF TRANSNATIONAL ACTIVISM IN ADVOCACY IN CONFLICT: CRITICAL PERSPECTIVES ON TRANSNATIONAL ACTIVISM* 18 (2015).

To avoid this pitfall, Indigenous peoples directly impacted by a campaign must hold meaningful decision-making power in strategic planning, rather than simply being consulted after plans have been finalized. Campaigns must be grounded in the realities of the communities they serve, with advocacy positions shaped by domestic priorities. Power balance also depends on how material resources, knowledge, and representation are managed. International partners often have greater access to funding and popular media platforms, but without deliberate measures, these advantages can lead to repression of local Indigenous groups. TIANs must therefore be intentional in creating equitable funding arrangements, supporting Indigenous-led communications, and respecting Indigenous knowledge governance frameworks. This includes ensuring that Indigenous communities have control over their stories and narratives around their data.

## *II. Reliance on Domestic Bases*

While domestic Indigenous groups are indispensable to the vision and functioning of TIANs, heavy reliance on them also creates vulnerabilities that can limit the network's effectiveness. Domestic actors are transnational networks' primary source of information on the lived realities of Indigenous communities. As Martin notes, activists, "whether on local or regional or national levels, maintain mobilization through transnational advocacy networks based on the strength of their domestic mobilization."<sup>100</sup> Grassroots organizations are often the first to detect rights violations and whether states are meeting their international commitments. However, these roles depend on the political and social landscape in which they operate, and such environments can vary widely.<sup>101</sup> In states with weak democratic systems, the involvement of local Indigenous rights groups in TIANs may be severely constrained if they are exposed to legal sanctions, harassment, or other forms of political retribution for their advocacy work.

Resource insufficiency also poses a significant challenge for domestic Indigenous organizations. An inadequate budget for operational needs, combined with the immediate demands of addressing urgent local crises, such as land dispossession, environmental degradation, or threats to community safety, makes sustained engagement in transnational networks difficult. Domestic actors may become too overwhelmed by pressing needs on the ground, causing them to disengage from transnational issues and their commitment to the networks. Hence, the ability of TIANs to maintain a reliable domestic base is, to a large extent, dependent on political climate

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<sup>100</sup> PAMELA MARTIN, *THE GLOBALIZATION OF CONTENTIOUS POLITICS: THE AMAZONIAN INDIGENOUS RIGHTS MOVEMENT* 132 (2003).

<sup>101</sup> Thomas Risse-Kappen, *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures, and International Institutions*, 42 *CAMBRIDGE STUD. INT'L RELS.* 21, 21–22 (1995).

and socioeconomic realities of domestic groups – factors outside the networks' direct control.

Despite these challenges, TIANS can play a pivotal role in strengthening the capacity of their domestic bases. By providing financial support, training, and technical expertise, TIANS can help domestic groups abate some of their challenges. The networks can also facilitate access to international human rights bodies, such as U.N. agencies, which may, in turn, apply pressure on governments to respect and implement UNDRIP.

### *III. Inconsistent Evaluations of the Success of a Campaign*

Considering the diverse constituents of TIANS, there is a possibility of having divergent opinions about what constitutes a “successful” campaign. Domestic Indigenous groups, for example, may be less inclined to view a campaign as successful until they witness tangible changes in policies or practices that directly affect their communities. On the contrary, other advocacy partners may be satisfied with laws integrating UNDRIP into national legal frameworks. These varying benchmarks for success can influence the degree of commitment and can create tension within the network. The experience of other transnational advocacy networks illustrates this challenge. During the campaign against Celulosa Arauco y Constitucion, a Chilean pulp manufacturer, members of the network evaluated their outcome in different ways.<sup>102</sup> For the World Wildlife Fund, the campaign was successful because it improved awareness about Chile's environmental problems. Greenpeace agreed with this assessment, pointing to the establishment of new environmental institutions as a significant outcome. The World Rainforest Movement, however, rejected this assessment, describing the environmental institutions as ineffective.<sup>103</sup> This divergence indicates that members entered the campaign with varying understandings of the core problems, the desired outcomes, and the metrics for measuring the campaign's success.

For TIANS, such inconsistencies can be problematic when working on multi-stage objectives such as the full implementation of UNDRIP. Some members may regard the enactment of laws integrating UNDRIP into national legal frameworks as a decisive victory. Others may view such a milestone as only the beginning, with true success being measured by whether governments change their practices and reform their institutions in line with UNDRIP's standards. To mitigate the risk of inconsistent expectations and disillusionment among constituents, TIANS should establish a shared understanding of campaign goals. In particular, they

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<sup>102</sup> Christina Kiel, *How Transnational Advocacy Networks Mobilize: Applying the Literature on Interest Groups to International Action*, 3 JOSEF KORBEL J. ADVANCED INT'L STUD. 77 (2011).

<sup>103</sup> *Id.* at 94.

should make clear that their ultimate aim is not merely to secure formal commitments to respect UNDRIP, but to ensure Indigenous peoples fully realize the rights affirmed in UNDRIP. As Noakes aptly states, “navigating the competing interests and ideas of constituent organizations is endemic to all network politics.”<sup>104</sup> Clear communication about campaign objectives, expected outcomes, and evaluation criteria is essential to the long-term sustainability of TIANS.

#### *IV. Questioning the Potency of International Human Rights Law*

The effectiveness of international human rights law in protecting vulnerable groups has long been the subject of academic debate.<sup>105</sup> Critics like Eric Posner have argued that optimistic ambitions in human rights law should be replaced with more practical approaches to rights promotion, as persistent violations reveal that the human rights law is unreliable.<sup>106</sup> One recurring concern is the absence or ineffectiveness of enforcement mechanisms, which results in a failure to translate international norms into meaningful changes. The U.N. has acknowledged these shortcomings and noted the urgent need for the development of legal standards and monitoring mechanisms to promote and protect human rights.<sup>107</sup> Consequently, much attention has been given to international monitoring bodies tasked with devising strategies to ensure compliance with international law.<sup>108</sup>

Indigenous peoples have also been confronted with the limitations of international human rights law. Despite the wide adoption of UNDRIP by a majority of states, Indigenous communities throughout the world struggle to see its principles realized. Factors such as the democratic structure of states and politics impact the operationalization of UNDRIP norms domestically. In some jurisdictions, national laws offer weak remedies for violations of Indigenous rights.<sup>109</sup> The gap between UNDRIP’s promises

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<sup>104</sup> Stephen Noakes, *Transnational Advocacy Networks and Moral Commitment: The Free Tibet Campaign Meets the Chinese State*, 67 INT’L J. 507, 524 (2012).

<sup>105</sup> Par Engstrom, *Human Rights: Effectiveness of International and Regional Mechanisms*, THE INT’L STUD. ENCYCLOPEDIA (2010); Douglass Cassel, *Does International Human Rights Law Make a Difference*, 2 CHI. J. INT’L L. 121 (2001).

<sup>106</sup> ERIC POSNER, *THE TWILIGHT OF HUMAN RIGHTS LAW*, 7-8 (Oxford Univ. Press, 2014); Eric Posner, *Human Welfare, Not Human Rights*, 108 COLUM. L. REV. 1758 (2008).

<sup>107</sup> *Effective Implementation of International Human Rights Instruments: Development of the Human Rights Treaty System*, UNHR OFF. OF THE HIGH COMM’R, <https://www.ohchr.org/EN/HRBodies/Pages/DocumentsSystem.aspx> [<https://perma.cc/EM9J-Z54N>].

<sup>108</sup> Ilaria Carnevali, *Opening Speech of RR Ilaria Carnevali at the 10th Glion Human Rights Dialogue: Transforming Universal Norms into Local Reality – National Mechanisms for Implementation, Reporting, and Follow-Up (NMIRFs), and the Strengthening the U.N. Human Rights System’s Effectiveness and On-The-Ground Impact*, U.N. DEV. PROGRAMME (Oct. 16, 2024), <https://www.undp.org/fr/morocco/discours/opening-speech-rr-ilaria-carnevali-10th-glion-human-rights-dialogue> [<https://perma.cc/FEK2-LZCL>].

<sup>109</sup> Brenda Gunn, *Remedies for Violation of Indigenous Peoples’ Human Rights*, 69 UNIV. OF TORONTO L. J. 150 (2019).

and what national systems deliver can fuel pessimism among Indigenous peoples about the effectiveness of international law in protecting rights, especially when those rights come into conflict with states' economic or political interests. Almost two decades after UNDRIP's adoption, many of its core principles remain aspirational for Indigenous communities. While the U.N. reports that UNDRIP has informed legislative reforms and judicial decisions in some countries, the practical implementation of its provisions remains uneven and, in many cases, deeply unsatisfactory.<sup>110</sup> In evaluating the effectiveness of international law, Cassel observes that: "Over time, the extent to which international law serves as a useful tool for protection of human rights will depend mainly on its contribution to a broader set of transnational processes that affect the ways people think and institutions behave."<sup>111</sup> However, international law offers advocacy actors a recognized normative framework to pressure states and mobilize domestic and transnational support. By shaping public consciousness, global expectations, and diplomatic relations, international law can indirectly influence state behavior by making noncompliance politically costly.

Despite the setbacks in domestic implementation, UNDRIP has played a critical role in affirming and publicizing minimum Indigenous rights standards. As Odumosu-Ayanu observes, "[international law] retains some ability to reverse effects of domination," which explains why Indigenous peoples continue to engage with it as both a tool of resistance and a platform for engaging "with dominant economic and political systems."<sup>112</sup> Although international law is imperfect, when leveraged through persistent advocacy, its normative influence is a vital tool in the struggle for the full realization of Indigenous peoples' rights.

#### CONCLUSION

The adoption of UNDRIP by a significant majority of the U.N. General Assembly was a landmark achievement in international law—one made possible through the persistent efforts of Indigenous movements. While UNDRIP provides a comprehensive legal framework to confront injustices against Indigenous peoples, its principles may remain aspirational without sustained advocacy and robust mechanisms to ensure accountability. Despite the momentum generated by UNDRIP, there remains a wide gap between formal recognition of Indigenous peoples' rights and the lived experiences of Indigenous communities. Implementation of UNDRIP is often hindered by state resistance, inadequate legal frameworks, entrenched

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<sup>110</sup> *Efforts to Implement the United Nations Declaration on the Rights of Indigenous Peoples*, *supra* note 12.

<sup>111</sup> Cassel, *supra* note 105, at 122.

<sup>112</sup> Ibranke T. Odumosu-Ayanu, *Indigenous Peoples, International Law and Extractive Industry Contracts*, 109 AM. J. INT'L L. UNBOUND 220, 221 (2015).

colonial legacies and economic, political, and social priorities. These challenges are compounded by the disconnect between domestic and international advocacy, as international Indigenous organizations often lose sight of urgent community concerns.

Fulfilling the principles of UNDRIP requires systematic and durable structures capable of bridging the gap between domestic and international domains, ensuring that advocacy remains grounded in community priorities while sustaining pressure at the transnational level. Hence, this article has proposed Transnational Indigenous Advocacy Networks as a platform for sustainable collaboration. Building on Keck and Sikkink's concept of transnational advocacy networks, TIANs are conceptualized as distinct structures defined by four interrelated characteristics: multiple spheres of operation, shared principled ideas, advocacy strategies, and information strategies. These networks are designed to integrate diverse constituents, maintain strong domestic connections and facilitate meaningful engagement across borders. By combining international reach, support from diverse partners and strong domestic bases, TIANs offer a pragmatic and enduring advocacy model that can advance the implementation of UNDRIP and turn its aspirations into tangible improvements for Indigenous peoples worldwide.