

First Nations Self-Determination

What is self-determination?

Self-determination is the **fundamental right of First Nations peoples to make decisions about their own lives, communities, lands and futures**. It is not an abstract or radical concept. It is a **well-established principle of international law** and a practical framework for achieving better governance, policy and community outcomes.

At its core, self-determination asks:

- **Who holds decision-making power?**
- **Whose knowledge systems are recognised?**
- **Whose voices shape laws and policies?**

For First Nations peoples, self-determination flows from their **inherent sovereignty**, that has never been ceded.

A foundational human right

Self-determination is embedded in:

- The **Charter of the United Nations**
- The **International Covenants on Civil and Political Rights** and **Economic, Social and Cultural Rights**
- The **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**

International human rights law treats self-determination as an **ongoing process**, not a single outcome.

For First Nations peoples, self-determination underpins rights to:

- Political participation and representation
- Land, culture and language
- Treaty-making and truth-telling
- Economic empowerment and community control

Despite this, settler-colonial states – including Australia – have historically resisted fully embedding self-determination in domestic law and policy.

How self-determination is understood

There is no single definition. Self-determination is **dynamic and contextual**, shaped by the priorities, cultures and histories of different First Nations peoples. Common and complementary framings include:

- **Human rights** – grounding self-determination in international law and accountability
- **Community control and wellbeing** – improving social, cultural and economic outcomes through First Nations-led governance
- **Capabilities and gender justice** – recognising the importance of individual agency, particularly for First Nations women and girls
- **First Nations-defined approaches** – privileging the voices of those asserting the right

A unifying and accessible understanding is that **self-determination is simply the right to make decisions**—it is 'the river in which all rights swim'.

Self-determination in practice: Australia

First Nations peoples in Australia have pursued self-determination since invasion, despite continued systemic exclusion. Today, self-determination is being advanced through many diverse and hard-won mechanisms, including:

Aboriginal Community-Controlled Organisations (ACCOs)

- Community control over service design, delivery and accountability
- Demonstrated better outcomes across health, education, justice and wellbeing

- Central to the **National Agreement on Closing the Gap** and its Priority Reforms

ACCOs shift power from governments to communities—moving from government intervention to shared authority and responsibility.

Treaty in Victoria

- The **2025 Statewide Treaty** marked a historic breakthrough
- Established permanent First Nations institutions, truth-telling, accountability mechanisms and infrastructure investment
- Recognises coexistence between First Nations sovereignty and Crown sovereignty

Treaty is widely recognised as a **primary vehicle for self-determination**.

First Nations Voices

- **South Australia's First Nations Voice to Parliament** (legislated in 2023) provides structured, regional and state-level First Nations representation
- Demonstrates how elected First Nations advisory bodies can strengthen democracy and policy outcomes when governments engage in good faith

National political representation

- The **Council of First Nations** and the **2025 National Gathering** signal renewed momentum for a national, First Nations-led representative body
- Any enduring representative model must be **independent, community-driven and protected from political interference**

International context

Globally, self-determination is expressed through varied models:

- **Aotearoa (New Zealand):** Treaty of Waitangi and tino rangatiratanga
- **Nordic countries:** Sámi Parliaments with legislated advisory powers as well as constitutional recognition
- **Turtle Island (Canada):** Constitutional recognition, treaties and negotiated self-government

Australia remains an **international outlier**, particularly in its lack of constitutional recognition and national treaty.

What must happen next

Advancing genuine self-determination in Australia requires **structural reform**, not symbolism. Key priorities include:

Truth-telling and Treaty

- National commitment to treaty-making and truth-telling, alongside state and local processes
- Learning from Victoria's Yoorrook Justice Commission and Treaty framework

Following through on the Uluru Statement from the Heart

- The Uluru Statement remains a **living roadmap**, despite the 2023 referendum result
- Constitutional recognition of Australia's First Peoples is essential for stability, protection and long-term reform

A Federal Human Rights Act

- Would give domestic effect to internationally recognised human rights, including UNDRIP
- Provide accountability mechanisms and centre human rights in government decision-making

Economic self-determination

- First Nations authority over economic decisions affecting Country and community
- Implementation of Free, Prior and Informed Consent
- Sustained investment in community-controlled organisations

Economic self-determination strengthens sovereignty, culture and collective wellbeing—it is not optional or peripheral.

Why self-determination matters

Self-determination is **not a threat to national unity**. It is a pathway to:

- Better policy and service outcomes
- Stronger, more inclusive democracy
- Honest reckoning with Australia's shared history
- Justice grounded in respect, not control

When First Nations peoples are empowered to lead their own affairs, **communities thrive**.

ANTAR's position

Self-determination is central to justice, reconciliation and a shared future.

The challenge is not understanding what it means—it is **political and social will**.

The Uluru Statement from the Heart remains an invitation to the Australian people. Our response to it is a test of our commitment to fairness, truth and democracy.

[Self-determination is] "...the river in which all rights swim... This is because, at its most basic, self-determination 'is the right to make decisions...' The right flows from and is connected to Indigenous peoples' status as prior self-governing communities who have not ceded their sovereignty." Michael Mansell

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ANTAR is proud to acknowledge and pay our respects to First Nations Peoples as the traditional owners of the lands on which we work across the continent.