

First Peoples Nation State

What would a First Peoples state look like? Is it plausible? Is it achievable? Is it desirable?

The concept of self-government is one which needs to be considered considering the 2023 referendum result. Without a treaty and agreed co-sovereignty, FNP are entitled to seek and pursue the unceded right of self-government. As noted above this right could take the form of a federation of nations represented by a council of elders with the specific responsibility of representing the federation to the Government of Australia.

Such a role would fulfil the political structures of Aboriginal nations which are grassroots initiated, from the outside in, and would allow for a united front to be presented on issues that particularly affect us and our people. While it may be seen as para-constitutional and therefore without rights, as the representative of the collective who make up each clan and language group it is invested with the same rights other nations have in relation to the Commonwealth, the right to protect sovereignty and ensure its citizens are fairly treated within the jurisdictions of both nation and Commonwealth. This is in line with the present stated concept of shared sovereignty.

By being spatial and not geographical, it will not have particular authority but instead while allowing dual citizenship relinquish day to day responsibility for the provision of services etc. retaining only the right to speak Government to Government on the issues of importance such as housing, health, education etc. and provide advice and guidance based on cultural protocols in relation to these matters.

Unlike the Voice which would have been legislated and funded by the Commonwealth, the First People's Council (FPC) would be legislated under FP lore and self-funded from the royalties and rent levied on companies and corporations who benefit from using or accessing Aboriginal/Torres Strait Islander land. It could be argued that there is no legal, in Western terms, power to such a process but there is a moral and ethical right to request and to comply. Building on the corporate support for the Voice and the increasing number of institutions, corporations, and governments with such as Reconciliation Action Plans etc. the possibility of raising sufficient funds is not beyond possibility. Members of organisations who supported the Voice would also have a moral and ethical reason to both be asked and to respond positively.

The particulars of how the Council is comprised will need to be carefully considered. As Land Councils and other similar bodies are legislated/formed under Government oversight and funding they would be excluded from the Council. Membership would need to be elders or those the elders delegate the responsibility to on their behalf, and would need to declare conflict of interests such as government (Federal or State) employment, involvement with Land Councils etc. They can represent Nations and the clans that make up nations to ensure a suitable cross-section of young and old, male and female representation.

This is a preliminary discussion paper and the details of formation, structure, membership etc. will need to be agreed upon by an appropriate lead body prior to formation of the council. While it is important it follows First Peoples protocols and ways of working, it will need to fulfil certain legal requirements to be set up, access funds etc. There are precedents within Australia for financing for example to be undertaken in culturally appropriate ways and this also needs to be considered.

It is worth remembering that this process will take a similar time as it would have taken to get a fully effective Voice happening due to the need for legislation, formation of infrastructure and staff and more. Some suggested this would have been 5 – 10 years.