

ANTAR



Land Back Factsheet

“When we say ‘land back’ we are asserting Country’s Law – the First Law (and what will be the last Law) – including our rights and our commitment to protecting, healing and sustaining Country, now and for generations to come.... It’s loaded with the political resistance of the Aboriginal land rights movement and all of the protest cries of our Elders who marched. It stands for the justice and reparations we have never received, the safe-haven our grandmothers always wished for us, the staunchness of the frontlines and resistance sites... and it represents hope for our generation today – in finding and fulfilling our special purpose as Indigenous peoples, once again.”¹

Kaleesha Morris - Gumbaynggirr, Dunghutti and Kulkalgal, 2022

“Land Back is about reclaiming Indigenous spheres of influence and sovereignty and extending our values to result in better stewardship of ecological, political, and economic systems.”²

NDN Collective

¹ Kaleesha Morris, [“Land Back and Language”](#), Common Ground. 22 October 2022.

² Nikki A Pieratos, Sarah S Manning, and Nick Tislen, [“Land Back: A meta narrative to help indigenous people show up as movement leaders”](#) *Leadership*, 17 (1), pg 51

What is the Land Back movement?

The Land Back movement is a transnational collaborative movement and political framework which facilitates the relationships and organisation of movements towards genuine collective liberation from oppression and white supremacy.³ The movement principally campaigns for the return of land to – and, in some cases, increased access to and management of lands and waters by – First Nations Peoples. Land Back should be understood not through Western conceptions of land ownership but rather as an expansive concept that goes beyond the acquisition of land to include custodianship, caring for Country, and establishing pathways toward cultural and community prosperity. To that end, it is an anti-colonial intersectional movement grounded in and driven by respect for First Nations sovereignty and self-determination, working to promote the revitalisation of First Nations languages and cultures, the protection of sacred sites and cultural heritage, the enhancement of First Nations food and water sovereignty and ultimately, a shift towards greater decision making powers for First Nations Peoples.⁴

“Land back encompasses historical relationships of dispossession and invasion. It also encompasses connection, reconnection, Country, relationships – things that are integral to us as Blackfullas. It’s a strong statement, and it speaks to the core of what has happened and what needs to happen in this country.”⁵

Boe Spearim, Gamilaraay and Kooma man

Since the establishment of the colony in what is now known as Australia, First Nations Peoples have been deliberately and systematically dispossessed from their land as well as excluded from meaningful participation in

³ [“LANDBACK”](#), NDN Collective

⁴ Gemma Pol, [‘Land Back’](#), Common Ground, 26 October 2022

⁵ Boe Spearim, [‘Land Back with Gamilaraay Next Generation’](#), Common Ground, October 20 2022

decision-making processes about the issues that affect their lives and communities. This extends to contemporary systems of land ownership and governance in so-called Australia, much of which is under private ownership or Crown land. Even where First Nations Peoples rightful connection to their land is recognised through Native Title and freehold title, the rosy picture of land return has a darker reality. Despite 54 percent of Australian landmass being covered by exclusive and non-exclusive Native Title and freehold title, only 26 percent of Australia's land mass includes decision-making power and exclusive possession.⁶ So much of the Land Back movement in Australia is about First Nations Peoples reclaiming their rightful decision-making power over the lands which they have been custodians of for more than 60,000 years.⁷

“Land Back is really about the decision-making power. It’s about self-determination for our Peoples here that should include some access to the territories and resources in a more equitable fashion, and for us to have control over how that actually looks.”⁸

Jesse Wentze, Chair, Canada Council for the Arts

The centrality of land to settler colonialism

In order to properly appreciate the significance of the Land Back movement, it is critical to understand and acknowledge the fundamental objective of the settler colonial project: access to and ownership of land and the resources therein. In its attempts to secure land as territory, the settler colonial project seeks to eliminate the ‘native’ in order to erect a new colonial society on the expropriated land base.⁹ Settler colonial invasion, then, is a structure as

⁶ Josh Nicholas, Calla Wahlquist, Andy Ball and Nick Evershed, [‘Who Owns Australia?’](#), *The Guardian*, 21 May 2021

⁷ [‘What is Land Back?’](#), David Suzuki Foundation

⁸ *ibid*

⁹ Wolfe, P. ‘Settler colonialism and the elimination of the native’. *Journal of Genocide Research* 8, no.4 (December 2006)

opposed to a one-time event, and one that is premised on settler ownership of stolen Indigenous land, extraction of its resources, and dislocation of First Nations Peoples.

Understanding this, we can see how the Land Back movement requires a confrontation of Australia's foundations as a settler colonial nation and demands a collective reckoning not only with how the land was unjustly stolen but with how the structure of settler colonialism endures today. In this way, Land Back acknowledges the necessity of the return of land as part of a broader unravelling of settler colonial systems and white supremacy. Given the centrality of land to settler colonialism, decolonisation is only achievable with the return of Indigenous land along with recognition of the ancient and enduring relationship between First Nations Peoples and the land that they were born from, remain connected to and to which they will one day return.¹⁰ Tuck and Yang assert, "Decolonisation brings about the repatriation of Indigenous land and life; it is not a metaphor for other things".¹¹ In this sense, the Land Back Movement is an act of decolonisation and is fundamental to combatting the injustices of settler colonialism as it not only rematriates the land but facilitates the revitalisation of First Nations livelihoods, knowledges, languages, culture and sovereignty.

"Land Back means a reckoning with so-called Australia's history and the unjust ways land was stolen. And the movement isn't just about land" ¹²

Gemma Pol, Wiradyuri, Ngemba and Paakantji

Land Back globally

Land Back as a transnational collaborative movement, campaigns for the land rights of First Nations Peoples worldwide and has been met with growing

¹⁰Tuck E and Yang K W. 'Decolonization is not a metaphor.' *Decolonization: Indigeneity, Education & Society* 1, no. 1 (September 2012)

¹¹ *ibid*

¹² Gemma Pol, '[Land Back](#)', Common Ground, 26 October 22

popularity and successes across the globe. In Hawaii protests took place in 2019 as elders blocked the access road to the sacred mountain Mauna Kea, resisting the proposal to build another telescope on the mountain impacting the landscape and ecosystem.¹³ Brazil had a momentous Indigenous land rights win in 2021 as the Supreme Court upheld the Maya Peoples' rights to their land which was challenged by an arbitrary cut-off date.¹⁴ Ecuador returned 42,390 hectares – the ancestral homeland Pë'këya – to the Siekopai people, recognising them as the rightful owners in 2023.¹⁵ Canada had its largest land transfer in 2024, giving two million square kilometres of land to the people of Nunavut including decision-making powers and full control of the land.¹⁶ International success has illustrated a progressive development of Land Back for First Nations Peoples with increasing amounts of land returns paving the way for First Nations justice on a global scale.

Land Back is foundational to the rights and justice of all First Nations Peoples, making it a necessary priority for all colonised states world-wide. Officially the land rights of First Nations Peoples has been recognised internationally through the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into the General Assembly in 2007.

Article 26:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional

¹³ Kim Kaschor, '[Here are 3 places to watch the Land Back movement unfold in 2023](#)' CBC Radio, 7 Jan 2023

¹⁴ Andrea Carvalho, '[Indigenous Peoples Secure Decisive Victory in Brazil](#)', Human Rights Watch, 25 September 2023

¹⁵ '[Ecuador's Siekopai Nation Wins Historic Land Back Victory In The Amazon Rainforest](#)', Amazon Frontlines, November 2023

¹⁶ Mahnaz Angury, Angelica Waite, '[Canadian Prime Minister Justin Trudeau has signed a devolution agreement with the Indigenous territory of Nunavut](#)', SBS News, 20 January 2024

ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.¹⁷

Article 25:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.¹⁸

UNDRIP was adopted by the majority; 144 states in favour, 4 votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions with the 4 votes against now in support of the declaration.¹⁹ UNDRIP illustrates the agreed upon responsibility of states to uphold the land governance, spiritual and cultural connection and land rights of the First Nations Peoples whose land they stole.

Case Study: The NDN Collective

The global nature of Land Back is highlighted by the NDN Collective who have been a forerunner in the Land Back movement in the United States. The NDN Collective is a First Nations-led organisation based on Turtle Island (North America), and focused on First Nations empowerment and the creation of sustainable solutions on First Nations Peoples' terms.²⁰ While the movement for

¹⁷ [UNDRIP](#), p19

¹⁸ [ibid](#)

¹⁹ '[United Nations Declaration On The Rights Of Indigenous Peoples](#)', United Nations Department of Economic and Social Affairs

²⁰ [NDN Collective](#)

Land Back is historically rooted, the meta-narrative of the NDN Collective's Land Back campaign has aided in its popularisation in recent years, notably on social media under the hashtag #LandBack. A pivotal moment being the Black Hills protests which brought attention to the undelivered treaty obligation of the American Government to return The Black Hills (aka Mount Rushmore) – a key hunting ground – to its traditional owners. Many people were arrested and the protest aided in the popularity of the Land Back campaign globally.²¹

Land Back in Australia

Native Title and Land Rights

One avenue of the Land Back movement in Australia is situated in the legal sphere with two related but distinct mechanisms: Native Title and Land Rights. Although both mechanisms have seen much progress, limitations have also meant that alternative routes to land returns with greater custodianship and control have been sought out. Whilst Native Title and Land Rights both work to recognise First Nations Peoples' rights to the land, they differ in their operation and outcomes.

The key differences

Land Rights

- Has statutory origins, i.e. created by government actions
- Achieves ownership more fully as Land rights are recognised in the form of alienable freehold title, meaning exclusive possession is able to be exercised;

²¹ Nikki A Pieratos, Sarah S Manning, and Nick Tislen, "[Land Back: A meta narrative to help indigenous people show up as movement leaders](#)" *Leadership* 17, no. 1, pg 52

- Land available to be claimed is limited, as it must be Crown land that is deemed unneeded (at present or in the future), unused and unoccupied;²² and
- Does not require the title holder to have a traditional or customary connection to the land

Native Title

- Has common law origins, i.e. courts recognising pre-existing rights and interests in the land
- Includes the controversial requirement of having to prove a traditional ongoing connection to Country;
- Land available to be claimed is less limited, and can include vacant crown land, reserves, parks, forests, beaches, some leases, land held by government agencies or First Nations Peoples;²³ and
- Provides the Native Title holder with a bundle of rights and interests in respect of the land but does not result in ownership or guarantee decision-making powers. Native Title is usually non-exclusive.²⁴

For decades, Native Title and Land Rights have been the primary vehicles for facilitating Land Back in Australia. Land has steadily been returned to First Nations Peoples, who as at 2013 held title to approximately 33% of terrestrial Australia²⁵. Although the amount of land under Aboriginal or Torres Strait Islander ownership or management may appear to be significant, the reality is that when considering the location (mostly remote, rural and peri-urban) and limited commercial value of the land, as well as the distribution of the First Nations population in Australia, it is unsurprising that only a small percentage of this land has proven valuable in empowering First Nations Peoples to achieve their cultural, social, economic and environmental aspirations.

²² [‘Native Title and Land Rights’](#), PBC

²³ [‘Understanding Land Rights and Native Title’](#), Collaborate NSW

²⁴ Common Ground Team, [‘Land Rights and Native Title’](#), Common Ground, 20 October 2022

²⁵ Altman, J. (2014) ‘The political ecology and political economy of the Indigenous titling “revolution” in Australia’, *Maori Law Review – 2014 Indigenous Law Speaker Series*.

Comprehensive Settlements

Some of the most successful Land Back examples can be seen in more recent years, in the form of modern comprehensive land settlements across the country (e.g. the Noongar Settlement, or the Yamatji Nation Indigenous Land Use Agreement), which can include not only a transfer of land, but also compensation packages, rights to cultural activities, and formal recognition of connection to the land. Meaning, comprehensive settlements are better placed to achieve the economic, cultural, political and social autonomy for First Nations peoples which was aimed for but failed under Native Title.²⁶ These contemporary settlements pose new legal possibilities and precedents for returning land and compensation through Native Title and land use agreements.

Native Title Claims

Native Title claims are more straightforward in their application and limited in what they can offer in comparison to comprehensive settlements. Native Title can provide land transfers, occasionally including Indigenous Land Use Agreements (ILUAs) at the cost of a slow and expensive process. Exemplified by the recent achievements of the Eastern Maar people who now have rights to access, use, protect and be consulted on plans to develop their lands as part of their Native Title granted in 2023, marking Victoria's first Native Title decision in a decade.²⁷ The Middamia claim group was granted Native Title over Middamia Country near Perth this year, after an extensive battle with the first land claims being made in 1997.²⁸ These settlements highlight the slow and long overdue response to the [Mabo Decision](#), the landmark decision to overturn the myth of terra nullius - land belonging to no one - which was used to justify colonisation. The High Court in its rejection of terra nullius, officially recognised that First Nations Peoples had lived on this continent for thousands of years before

²⁶ Dr Tran Tran, Mia Stone, Lilli Ireland, Kieren Murray, '[Comprehensive Settlement: Heads of Agreement](#)', AIATSIS, August 2021

²⁷ '[Land returned to Eastern Maar people in Victoria's first native title decision in a decade](#)' The Guardian, 28 March 2023

²⁸ Giovanni Torre, '[Almost three decades after claims lodged, Traditional Owners celebrate Native Title win in WA](#)', NIT, 12 March 2024

colonisation, living under their own laws, customs and rights leading to the creation of Native Title.²⁹ The results of which are being gradually actualised as the settler colonial state of Australia acknowledges that these lands are unceded by First Nations Peoples, and are therefore under their continued and unbroken custodianship. However, greater protection of the rights associated with land settlements, along with guaranteed decision-making powers for First Nations Peoples, are needed to ensure that the associated land title will not be extinguished, diminished or ignored in the face of competing interests, most commonly related to resource extraction and development opportunities.

Land Rights Claims

Land rights are another avenue of Land Back with the purpose of transferring crown land to Aboriginal Land Councils. Demonstrated in the transfer of over 34 hectares of Lake Macquarie Crown land to the Biraban Local Aboriginal Land Council in 2022.³⁰ The drastically slow process of land rights claims has created a substantial backlog as First Nations Peoples can be left waiting for a determination for decades. In 2022 a NSW Parliament report disclosed over 38,000 claims remained unprocessed and over 60 percent of those claims were more than 5 years old, meaning with the current system it would take 22 years for the claims to be determined.³¹ Rightful land rights claims are falling victim to the systematic failures of the land claims process, languishing in the stagnation of bureaucracy and impeding First Nations Peoples right to their lands, thus restricting the potential of Land Back in Australia .

Residential Developments and Aboriginal Land Councils

Major residential developments have shown to be a great example of the potential of Land Back to empower First Nations communities. The Darkinjung Local Aboriginal Land Council has undertaken several residential developments on freehold land that was returned under the NSW land rights system. The first

²⁹ [‘The Mabo Case’](#) AIATSIS

³⁰ [‘Aboriginal Land Claims’](#), NSW Government

³¹ [‘Facilitating and administering Aboriginal land claim processes’](#), Audit office of NSW, 28 April 2022

major deal was in 2004 by the Darkinjung Local Aboriginal Land Council, a \$42 million sale of a development site at Northern Entrance to Mirvac.³² Since then, the Darkinjung Local Aboriginal Land Council was given approval to subdivide the land they owned in Blue Haven in 2011. By 2018, 110 lots were created as part of the sub division which Darkinjung undertook itself, of which 10% were retained for housing for their First Nations members.³³ Land Back is enacted, as land is returned to Aboriginal Land Councils from the state under land rights, creating freehold title which is able to be sold and profited from. In turn enabling economic opportunities and greater housing outcomes for First Nations communities achieved through residential developments. Often Aboriginal Land Councils while being rich in land assets lack genuine funding to maintain such land, whilst also facing restrictions and difficulties in claiming, planning, developing, using or even activating land to the benefit of First Nations communities.³⁴ Hence, the selling of small portions of land owned by Aboriginal Land Councils acts as an economic vehicle in which social and cultural benefits can be funded and achieved, resulting in First Nations empowerment and sovereignty.

“Recognising First Nations land rights affirms our cultural authority, traditional knowledge and Law. It also creates space for our political and economic participation in mainstream society.”³⁵

Common Ground

Buying Land Back

In 2022, a group of Anaiwan people from the New England area of northern NSW successfully reclaimed 240 hectares of their traditional lands. The group led this Land Back initiative as a means of revitalising their culture and

³² Ken Ticehurst MP, [‘Second Darkinjung new business launched: new funeral fund for NSW Central Coast Aboriginal people.’](#) Parliament of Australia, 26 March 2006

³³ [‘Dream becomes reality for Darkinjung Members’](#) New South Wales Aboriginal Land Council, 10 May 2016

³⁴ Media Unit, [‘Opinion: Why is it so hard for Local Aboriginal Land Councils to develop land when the public needs are huge?’](#), Western Sydney University, 11 July 2023

³⁵ Common Ground Team, [‘Land Rights and Native Title’](#), Common Ground, 20 October 2022

language. As a result of successful crowd funding and widespread public support, the group was able to buy back a portion of their land.³⁶ Members of the local Nēwara Aboriginal Corporation have spoken to the value of buying land back directly. They believe that obtaining land through the government systems of land rights and Native Title has ‘strings attached’ and caveats, whilst owning the land outright allows for true First Nations self-determination.³⁷

The [Newara Aboriginal Corporation](#) has reported many achievements in 2023 including a: Community cultural burn; New ranger position; New illustrated language book; Song and Dance Camp; Family & skinship workshops; Anaiwan language programs and Cultural experience programs.³⁸

The achievements of the Newara Aboriginal Corporation demonstrates the importance and potential of Land Back. With genuine land custodianship, First Nations Peoples and especially younger peoples are better able to connect with their culture, community and Country, through the revitalisation of language and traditional practices. Furthermore, the community ownership model established by the Newara Aboriginal Corporation challenges the logic of residential property ownership, and asks Australians to consider the greater possibilities and purpose of land beyond individual asset ownership.³⁹ Through Land Back, the Anaiwan people exemplify a hopeful future of First Nations sovereignty, self-determination, prosperity and healing on Country.

“Buying land outright means self-determination. We can do what we like with it.”⁴⁰

Dave Widders, Anaiwan man

³⁶ Lindy Kerin, Karen Michelmore, [“It's ours': Crowdfunded land buyback lets Anaiwan connect with Country](#), NITV, 21 March 2022

³⁷ Tom Plevy, [‘On our own terms’: Anaiwan people look to buy 240 hectares of bushland to reclaim country](#), 23 February 2022

³⁸ Newara Aboriginal Corporation, [Highlights of 2023](#), Facebook, 29 December 2023

³⁹ Sujata Allan and Jennifer Hamilton, [‘On property prices, colonisation and climate change’](#), Overland, 30 March 2022

⁴⁰ Tom Plevy, [‘On our own terms’: Anaiwan people look to buy 240 hectares of bushland to reclaim country](#), 23 February 2022

Case study: Newara Aboriginal Corporation and Women's Shelter Armidale Cultural Ceremonial Revival on Anaiwan Country

The [Women's Shelter Armidale](#) (WSA) partnered with the Newara Aboriginal Corporation to revive Anaiwan Women's Ceremonial skills and as a result, restore lost cultural connections on Anaiwan Country. The loss of Lore suffered by the Anaiwan people due to the dispossession of their land, meant that there were no culturally trained Anaiwan women able to conduct a smoking ceremony when the WSA sought to do so. After this became apparent, the WSA created the Smoking Ceremony Lore Revival Program in collaboration with the Newara Aboriginal Corporation which aimed to reconnect local women elders and emerging elders with traditional Smoking Lore as practised by men within the community. The program has exposed how the loss of Anaiwan culture and cultural connection to Lore negatively impacts local First Nations women, families and community, and as a result highlights the necessity of programs like itself. The WSA has recognised how the move by the Anaiwan community to support their clients provides both an opportunity for ongoing community education on domestic and family violence and raises the profile of the associated issues within the community. The staff at the WSA have observed the immense benefit of culturally significant interventions to the First Nations women in their community. The Smoking Ceremony Lore Revival Program perfectly illustrates the cultural resurgence and community benefit that Land Back is able to facilitate. [Watch the Video](#)

Giving Land Back

Beyond land rights, Native Title and reclaiming ancestral land through private purchase, Land Back can also be facilitated through private land return. Increasingly, private landowners are 'handing back' their land – or portions of it – to Traditional Owners. This exchange is a testament to the transformative potential of the Land Back movement to foster genuine practical reconciliation and direct action. Two examples of this are:

- In 2019, Jane and Tom Teniswood returned half of their 220 hectare land to the Aboriginal Land Council of Tasmania, marking the first private land return in Tasmania and one of the first significant private land returns in Australia;⁴¹
 - “Reconciliation is great but it’s so much talk, so many documents and no action. This is just a symbol of action. This land will relink us all, it’s already relinking us.” Jane Teniswood – Windsong 2019
- In South Australia, Zarna Carter returned her 30 acre property in the Flinders Ranges to the Nukunu Wapma Thura Aboriginal Corporation, which will now be used for cultural ceremonies and practices and to cultivate native foods.⁴²

Private owners returning their land to First Nations communities is one of the most direct expressions of Land Back, and avoids many of the issues, limitations and stagnation of pursuing land through either the Native Title or land rights systems in Australia. Furthermore, these meaningful land returns allow for greater connection and understanding between non-Indigenous Australians and First Nations Peoples.

Private land returns are a powerful recognition from non-Indigenous people of the unceded sovereignty of First Nations Peoples over their lands. They are also a form of direct action as people take justice into their own hands, righting the wrongs of the settler colonial state, challenging established power dynamics and subverting the power of the government by directly enacting the change that the state is unwilling or unable to do itself. What privately facilitated ‘Land Back’ initiatives ultimately demonstrate is the transformative power and potential of people and interpersonal relationships to create better systems based on equity, justice and care.

⁴¹ Phoebe Hosier, [‘Tom and Jane own 220 hectares — today they’re handing back half to the Aboriginal community’](#), ABC News, 21 Feb 2019

⁴² Lucas Forbes, [‘Tears as landholder gives Flinder Ranges land to traditional owners’](#), ABC News, 26 August 2021

“The governments have been somewhat lazy in their efforts but people power seems to be the way...What we're seeing now is individuals saying 'I can do that, I will be in control of what I want to give and not at the whims of others who may have other views.'”⁴³

Graeme Gardner, Aboriginal Land Council of Tasmania (ALCT) manager

Case study: Aboriginal Land Council Tasmania Charity

After the momentous handover of land from Jane and Tom Teniswood, the Aboriginal Land Council of Tasmania has noted a growing interest among landowners to return their private land to First Nations Peoples, in an effort to better protect and conserve the land from development and as an act of repatriation in recognition that the land always was and always will be First Nations land.⁴⁴ As a result of this interest, the Aboriginal Land Council of Tasmania set up a charity called [Giving Land Back](#). Giving Land Back invites Tasmanian residents to help secure private freehold land for First Nations Peoples, including through monetary donations, gifting land directly or bequeathing money or land in their will.⁴⁵ With First Nations land ownership in Tasmania making up only one percent of the Tasmanian landmass, and formal government hand backs stalling, private land hand backs offer a new and better way to return land to First Nations Peoples as part of an overarching attempt to create people-led alternatives to failing government policy. .⁴⁶

“Giving Land Back is our ask of ordinary people to help us take another step towards justice, equality and opportunity.”⁴⁷

Michael Mansel, Palawa Man and Chairman of the Aboriginal Land Council of Tasmania

⁴³ Phoebe Hosier, '[More private landowners looking at giving their properties back to Tasmanian traditional owners](#)', ABC News, 3 November 2019

⁴⁴ *ibid*

⁴⁵ '[Giving Land Back](#)', Aboriginal Land Council of Tasmania

⁴⁶ *ibid*

⁴⁷ *ibid*

Case study: The Land Back Foundation

[The Land Back Foundation](#) is a First Nations owned Australian impact fund and reparations scheme, working to enable the transfer of land and property assets back to First Nations Australians.⁴⁸ The foundation provides funding through donor investors and donations to purchase land and housing for First Nations communities, whilst using educational resources and advocacy to change the narrative around land and property, the colonial load and truth-telling.⁴⁹ Land Back underpins the Foundation's transformative work to create a culture of repair through philanthropic reparations, narrative change and healing. This foundation demonstrates another pathway for Australians to engage with Land Back more directly, and illustrates the intersections of the movement with other critical interventions such as advocacy and truth-telling in a way which promotes the healing of culture.

“Land Back stands for the repair of everything that was stolen, damaged, or appropriated in the colony of Australia. From the dispossession of land to the damage to kinship structures, language, food sources, water rights, sustainable housing, and access to Country. Land is the source and Land Back is the solution.”

The Land Back Foundation

Case Study: The Future WA Government Land Transfer

Premier Roger Cook of the WA Government has discussed plans to transfer eight percent of WA's land mass to Traditional Owners, through an estate named the Aboriginal Lands Trust to improve economic and housing outcomes for First Nations Peoples in WA. The land would cover 20 million hectares including 284 parcels of land, five pastoral leases, and 142 permanent

⁴⁸ [The Landback Foundation](#)

⁴⁹ [‘Strategic Overview’](#), The Landback Foundation

Aboriginal settlements.⁵⁰ Tenure rules have limited the Aboriginal Lands Trust in its ability to develop the land and aid the housing crisis faced by the First Nations community. Through the land transfer, control can be given to First Nations Peoples bypassing tenure rules and allowing greater flexibility in how the land is used so it can be better aimed at the needs of the communities. If this massive transfer of land does go ahead it would be a historic moment for all of Australia but especially the First Nations Peoples of WA and the Land Back movement more broadly.

Land Back: Beyond Ownership

"We see land as not something to be owned, but something that owns us. So land back isn't necessarily about land ownership. Land back is about culture back, language back, ceremony back, water back."⁵¹

Common Ground

Despite discussions of land being returned, bought and reclaimed, Land Back as a movement and a paradigm cannot – and should not – be understood through the Western concept of land ownership. In First Nations worldviews, it is land/Country/Mother Earth that owns and sustains all life, not the other way around. To First Nations Peoples, Country is a sacred entity. The spiritual relationship between First Nations People and Country finds its origins in the Dreamtime, and is the foundation of all other relationships between all land, water, skies, flora and fauna; essentially everything from the cosmic to the molecular. The complex and interwoven nature of these relationships is captured beautifully in First Nations kinship/moiety systems. In short, to harm Country, is to harm family and self.

⁵⁰ David Prestipino, '[WA's 20 million-hectare plan to boost home ownership in remote Indigenous communities](#)', National Indigenous Times, 11 January 2024

⁵¹ Gemma Pol, '[Land Back](#)', Common Ground, 26 October 2022

First Nations Peoples share a deep and unwavering belief that if you care for Country, it will care for you. By this view, meaning comes from the land, and it is how people treat and respect the land that reflects their humanity. Thus, land cannot be understood as property or something to be owned, but should be understood as a sacred and relational entity.⁵²

As part of this relational worldview, First Nations Peoples understand and prioritise their relationships to land as reciprocal. In this way, Land Back is about caring for Country in a way that allows the land and First Nations Peoples to coexist in harmony and to thrive alongside – as opposed to at the detriment of – one another. Rowen White, a Mohawk seed farmer and author, uses the term rematriation over Land Back explaining, “Indigenous land back and rematriation is in service to restoring relationality with the land... (rematriation) can transcend the narrow western/imperial concept of land ownership/land tenure.”⁵³

By understanding the goals and deeply relational framework of Land Back beyond land acquisition and ownership, we can better appreciate its vast potential and intersectionality with other deeply urgent issues such as climate justice, food sovereignty and language revitalisation.

Climate Justice

As the climate crisis worsens and global demands for climate action intensify, the inextricable connection between Land Back as a movement and climate justice are made clearer, and as a result the importance of the Land Back movement becomes more widely accepted.

Land Back involves overriding the current harmful land management practices of governments which continue to erode natural biodiversity, invest in unsustainable practices and extract finite resources resulting in global warming.

⁵² Mary Graham, [‘Some Thoughts about the Philosophical Underpinnings of Aboriginal Worldviews’](#), Australian Humanities Review

⁵³ Rowen White, [‘We need a new ancient lexicon to help us seed the new world’](#), Instagram, 19 November 2023

First Nations custodians possess generations-old land governance and management practices and sophisticated knowledge systems which are focused on reciprocity, sustainability and care for Country.⁵⁴ Land back is then achieved by incorporating First Nations land management practices, including First Nations Peoples in decision-making processes, investing in First Nations governance and returning First Nations Peoples to their lands so they can protect and care for Country now and for future generations.⁵⁵

The Land Back movement recognises First Nations Peoples as the caretakers and protectors of their land, skies, waterways and flora and fauna, as well as being custodians who hold significant responsibilities and rights to Country. Many First Nations Peoples also hold sophisticated and extensive knowledge of cultural land management practices based on knowledge systems that have been passed down for generations and which stem from the foundational cultural principle of caring for Country.

For example, in Australia, new research shows that complex and sophisticated First Nations fire management techniques and systems began as far back as 40,000 years ago.⁵⁶ Due to climate change, large-scale resource extraction and other human activities, wildfires in Australia are becoming more common and more severe in many regions, often with catastrophic results and significant environmental, personal and economic losses. As researchers have noted, one likely reason for the increase of these devastating fires in Australia is the drastic reduction of Indigenous fire management after European arrival.⁵⁷

While First Nations and other Indigenous Peoples account for just five percent of the world's population, they protect and care for an estimated 80 percent of remaining biodiversity and 90 percent of cultural diversity on the planet, as shown in Figure 1.⁵⁸ Increasingly, 'everyday' citizens around the world, along

⁵⁴ ['Causes of Global Warming'](#), WWF Australia

⁵⁵ Gemma Pol, ['Land Back'](#), Common Ground, 26 October 2022

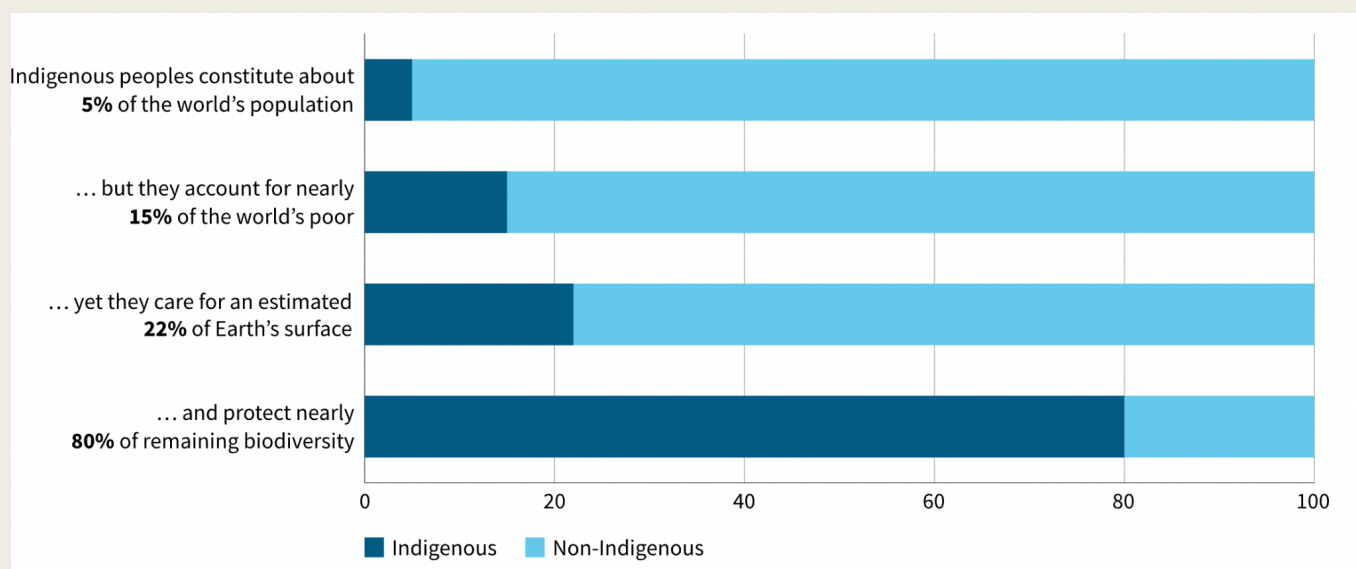
⁵⁶ Cassandra Rowe, Corey J. A. Bradshaw and Michael Bird, ['Indigenous fire management began more than 11,000 years ago: new research'](#) The Conversation, 12 March 2024

⁵⁷ David Bowman and Ben J. French, ['Our land is burning and western science does not have all the answers'](#), The Conversation, 19 November 2019

⁵⁸ Mearns, Robin, and Andrew Norton, eds. ['Social dimensions of climate change: Equity and vulnerability in a warming world'](#). World Bank Publications, December 2009.

with climate organisations, NGOs and even some government agencies, are recognising the ways in which Land Back will inevitably lead to the protection, restoration and revitalisation of ecosystems worldwide. The 2022 Conference of the UN Convention on Biological Diversity led to the adoption of the Kunming-Montreal Global Biodiversity Framework, committing nations to ‘halt and reverse nature loss by 2030’ through a human-rights approach.⁵⁹ Significantly, the framework recognises the rights of First Nations Peoples and local communities, along with their pivotal role in the conversation of biodiversity.⁶⁰ As the pressure for climate justice builds around the world, its intersections with Land Back as a movement and political framework will only continue to grow.

Figure 1⁶¹



The Land Back movement increases in its necessity as climate targets and goals get closer and the climate crises surmounts. With First Nations Peoples and allies continuing to put pressure on governments globally to return the land to the traditional owners. We must turn to our oldest and most knowledgeable land

⁵⁹ Convention on Biological Diversity, '[Kunming-Montreal Global Biodiversity Framework](#)', UN Environment Programme, 19 December 2022

⁶⁰ '[Indigenous Peoples and the Kunming-Montreal Biodiversity Agreement](#)', Transformative Pathways, 30 August 2023

⁶¹ '[National and international frameworks](#)', Australia State of The Environment

management practitioners to not only aid but lead biodiversity conservation, enabling pathways for food sovereignty and language revitalisation.

“If we truly want to achieve the top-level goal of the UN Convention — to save biodiversity and reverse the extinction crisis — we must simultaneously secure the land rights of Indigenous peoples and local communities at scale. We cannot achieve one goal without achieving the other.” ⁶²

Karl Bukart, Deputy Director of One Earth

Food Sovereignty

Given that land is the source of many knowledge systems and lifeways for First Nations Peoples, the impact of British invasion and the ongoing structure of settler colonialism in Australia has continuing detrimental effects on their abilities to engage in traditional (and contemporary) foodways and cultural practices. In this way, food sovereignty – that is, the right of First Nations Peoples to maintain and develop their own capacity to grow, hunt and harvest their own foods and engage in their own food practices, including respecting cultural and productive diversity – is an important part of the Land Back movement, allowing for the reconnection and renewal of First Nations foodways by removing barriers to their access to traditional lands.

Recent years have seen many successes both internationally and closer to home for food sovereignty through Land Back:

- In 2020, the Mi'kmaq First Nation bought 50 percent of the Clearwater Seafoods company, gaining ownership and increasing food security and economic prosperity for the Mi'kmaq community; ⁶³

⁶² Karl Burkart, '[Indigenous land rights take center stage in a new global framework for biodiversity conservation \(commentary\)](#)', Mongabay News, 24 March 2022

⁶³ Leyland Cecco, '[We won': Indigenous group in Canada scoops up billion dollar seafood firm](#)', The Guardian, 13 November 2020

- The Wiyot Tribe bought part of their ancestral lands, Tuluwut Island in 2000 after years of fundraising. In 2019 the city of Eureka signed the island's deed back to the tribe, returning most of the island. This deed marked the United State's first known voluntary municipal land return, given without exchange, no sale, trade or lawsuit was required.⁶⁴ Since then clean up efforts have begun the process of restoring marine and land habitats to ensure food sovereignty and security, which are key priorities for the community.⁶⁵
- In Australia, Yuin and Bunurong man and renowned writer Bruce Pascoe is using his farm, through the work of the Black Duck Food enterprise, to restore traditional native cultural practices – including food growing and land management – in an effort to gain greater food sovereignty and economic benefit for First Nations Peoples in Australia.⁶⁶
- The [Native Foodways](#) social enterprise led and owned by First Nations Peoples uses Indigenous Knowledges to increase the regenerative and culturally respectful cultivation and distribution of native foods, aiding in the establishment of the native food industry in Australia. Native foodways have consolidated a native foods network, connecting First Nations-led native food farms, kitchens and stores. Collaborating with people and communities across Australia to share native foods with everyone to the benefit of First Nations Peoples.⁶⁷
- [Bush to Bowl](#) is another First Nations owned social enterprise working in the native food industry, with a nursery and farm located on Guringai Country. Bush to bowl facilitates a culturally safe working space for First Nations Peoples to work, connect and share their knowledge in the native food industry. Additionally, they seek to educate the Australian public on

⁶⁴ Sarah Holder, '[This Land Is Your Land: A City Returns a Stolen Island to a Native Tribe](#)' Bloomberg, 6 November 2019

⁶⁵ Melissa Montalvo, '[Indigenous Food Sovereignty Movements Are Taking Back Ancestral Land](#)', Civil Eats, 31 March 2021

⁶⁶ [Black Duck Foods](#)

⁶⁷ '[What We Do](#)', Native Foodways

native plants and foods, in order to enable a greater engagement and understanding of First Nations culture and knowledge.⁶⁸

“Now we’re in the process of completing that healing process by bringing back the traditional plants ... so our eels, and our oysters can grow back ... then we can start the healing process for the whole world. But in order for us to do that, we need our traditional foods.”⁶⁹

Ted Hernandez, Tribal Chairman of the Wiyot Tribe

With First-Nations led enterprises paving the way, non-Indigenous led organisations are increasingly recognising the importance of First Nations food sovereignty. The [Australian Food Sovereignty Alliance](#) has created a First Peoples First strategy in recognition of the need to support the sovereignty and rights of Aboriginal and Torres Strait Islander Peoples and decolonise Australia’s food and agriculture systems.⁷⁰

Food sovereignty is an act of decolonisation as it maintains the cultural practices, traditional economies and knowledges that colonisation sought to destroy.⁷¹ Reinvigorating the native food industry is a testament to the survival, perseverance and ongoing opposition of First Nations peoples to the colonial project. Native foods provide a constant reminder of a way of life which predates colonisation and a promising path forward for a sustainable and culturally respectful food industry. Genuine food sovereignty can only be achieved through land back, illustrated with the exploitation of First Nations native food knowledges and cultural practices, less than two percent of native food in Australia is coming from First Nations Peoples or First Nations led

⁶⁸ ‘[About Us](#)’, Bush to Bowl

⁶⁹ Arcata Main Street, ‘[Oyster Festival 2020: History of Arcata Bay presented by Ted Hernandez of the Wiyot Tribe](#)’, Youtube, 23 June 2020

⁷⁰ ‘[First Peoples First](#)’, Australian Food Sovereignty Alliance

⁷¹ Nicole Davies, ‘[Indigenous agriculture is a Land Back issue](#)’, Ricochet, 28 July 2021

businesses.⁷² Food sovereignty is intrinsically linked to Land Back and environmental restoration, as the return of stolen lands is necessary for First Nations Peoples to take care of and revitalise natural habitats. Which in turn, ensures the establishment of sustainable First Nations foodways in which First Nations Peoples can farm native foods on First Nations lands.

“The revitalization of songs, dances, ceremonies, stories, and methods relating to the planting and harvesting of food species is at the heart of our efforts, with concurrent attention to the inseparable issues of food access and food injustice. We are striving to restore what colonialism has and continues to take from our territories and kitchen tables, but justice is not possible without the reparation and restitution of our territories. When we talk about food sovereignty, we are talking about Land Back.”⁷³

Nicole Davies, Red River Métis, Saulteaux

Language Revitalisation

Much like the interruption and attempted eradication of First Nations foodways, the settler colonial project in Australia – and in particular the dispossession of First Nations Peoples from their land and waterways and disconnection from culture – waged a systematic and deliberate war on the languages of First Peoples. As Deputy Chair and Commissioner of the Yoorrook Justice Commission Travis Lovett recently highlighted, language is at the heart of identity and culture.

“How many of our people get to walk around talking in language? Practising culture?... Our children growing up in schools, very

⁷² Adam Byrne, [‘What is food sovereignty and what can it look like in our communities?’](#), Bush to Bowl, 15 March 2024

⁷³ Nicole Davies, [‘Indigenous agriculture is a Land Back issue’](#), Ricochet, 28 July 2021

rarely is our language taught, our history taught. But we can learn other people's languages."⁷⁴ Travis Lovett, Kerrupmara and Gunditjmara man

First Nations Peoples' rights to their languages are enshrined in The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 13 which states:

Indigenous Peoples have a right to their languages, histories, oral traditions and more, which must be protected by the State.⁷⁵

It is clear that First Nations Languages are best protected, empowered and taught on Country as language is inexplicably connected to the land.⁷⁶

Language is a reflection of Country and its landscapes, demonstrated by place names which contain knowledges of the land and its history.⁷⁷ [Songlines](#), a significant knowledge system for First Nations Peoples, encodes knowledge about the interrelated land, sea and sky, connecting sites of knowledge through land features to create a route for people to travel safely and learn from Country.⁷⁸ Songlines can only be preserved through the protection of environmental biodiversity, and only activated through the use of First Nations languages, connecting First Nations communities to Country and culture.⁷⁹ Thus, the return of land is necessary to the restoration, revival and revitalisation of First Nations languages, as language is learnt from and taught through Country.

"The land actually gave birth to our language. Language and culture are inseparable."⁸⁰ Bua Benjamin Mabo

⁷⁴ [Yoorrook Commission Justice Commission](#)

⁷⁵ [UNDRIP](#), p12

⁷⁶ There is also an important place for remote learning opportunities in respect of First Nations language revival. This acknowledges the large and growing numbers of First Nations Peoples now living 'off Country'; individuals that would nonetheless find great strength and pride in learning their traditional language/s.

⁷⁷ Kaleesha Morris, '[Land Back and Language](#)', Common Ground. 22 October 2022.

⁷⁸ Neale, M., & Kelly, L. '[Songlines: the power and promise](#)'. Thames & Hudson Australia Pty Ltd. (Oct 2020).

⁷⁹ Kaleesha Morris, '[Land Back and Language](#)', Common Ground. 22 October 2022.

⁸⁰ '[FAQS](#)', AIATSIS, nd

Allyship and Landback

While the Land Back Movement is led by and rightly centres the activism, initiatives and resistance of First Nations Peoples around the world, it also provides a platform and opportunity for non-Indigenous allies to engage with efforts towards repatriation, redistributive justice and truth-telling. Land Back is inherently uncomfortable and unsettling for many non-Indigenous Australians as they are confronted with the truth of the ways in which so-called Australia was built and how its settler colonial structure persists, including the many ways in which non-Indigenous peoples in Australia continue to benefit from the legacies of colonisation.⁸¹ As non-Indigenous people we must ask ourselves, how did we come to be here on this land, and through what mechanisms are we able to enjoy our current privileges? Land Back demands a reckoning with the truth, only through this acknowledgement and discomfort can non-Indigenous peoples begin to engage in true allyship.

In this way, Land Back can be understood as a deeply provoking and uncomfortable process by which non-Indigenous Australians can begin to ask and answer some difficult questions for themselves. For instance, what can we do for these lands and waters we live and rely on? What are our responsibilities to land? How can we stop the destruction of Country? Land Back is centred around the relationship of peoples to the land, water and skies, for non-Indigenous peoples this relationship may be different however we all have a role to play, everyone has a responsibility to take care of our country.

Engaging with Land Back means letting First Nations Peoples take the lead. It means not obstructing, instead supporting and enabling First Nations Peoples to take care of the lands, waters and skies that are rightfully theirs, using ancient methods and knowledges that they know work. Land Back means amplifying their voices.

⁸¹ Kaleesha Morris, '[Land Back and Language](#)', Common Ground. 22 October 2022.

In practice non-Indigenous people can engage with Land Back in a variety of meaningful ways: by privately returning land back to First Nations Peoples, donating to First Nations-led charities and organisations, 'paying the rent' through initiatives like the [Pay The Rent Grassroots Collective](#), or dedicating time and resources to help rehabilitate and care for Country.⁸²

The Future of Land Back

With its transnational reach and its transformative and intersectional nature, Land Back as a movement provides a new pathway toward the urgently needed decolonisation of our systems, structures and above all, our thinking. It urges us to rethink notions of responsibility and care for Country, to reconsider our Western notions of land ownership and to engage in radical new ways of direct collective action that are based on true justice, equity and liberation. It is abundantly clear that colonial thinking is not only extractive, violent and oppressive, but fundamentally unimaginative. It keeps us stuck within the bounds of the status quo and forestalls any real progress toward a more sustainable, just, collaborative and healthy future that must necessarily be built on the foundations of justice and self determination for First Nations Peoples.⁸³

In contrast, Land Back invites and calls for a shared future in which reciprocity, respect and relationality are at the centre; where underlying norms of oppression and large-scale dispossession are confronted and rejected, where notions of ownership are abandoned so that true custodianship can be embodied not only for the benefit of the lands and waters but also all those – both human and otherwise – who inhabit it. Land Back fundamentally reminds us that the lands and waters on which we work, live and hopefully flourish are those which have been taken care of for millennia by First Nations Peoples. The future, then, can only be Land Back.

⁸² *ibid.* and [Pay The Rent](#)

⁸³ Gemma Pol, '[Black Duck Foods Sowing Seeds for First Nations Food Sovereignty](#)', Common Ground, 26 October 2022

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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.**