

INTRODUCTION

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Land has been the cornerstone of the Aboriginal rights movement since its inception. Because of our inherent and eternal relationships with our country, it is only natural that the theft of that land remains a continuing wrong against Aboriginal nations and that reparation of that land remains a continuing aspiration of Aboriginal people.

In addition to that, Aboriginal people have always understood that the claim to land was more than just an aspiration to reclaim traditional territory. The return of land was also part of the aspiration to be self-sufficient and self-sustaining. And in contemporary Aboriginal communities, the claim to land is clearly linked to the aspiration to engage in the mainstream economy.

Both native title and land rights have been mechanisms attempting to deliver some form of land justice to Aboriginal people and both types of land reparation have fallen far short of the aspirations of Aboriginal people.

This edition of the *Journal of Indigenous Policy* seeks to highlight some of the current debates about both the native title and land rights regimes.

We begin with a discussion of the five principles of land tenure that were released by the Howard-appointed National Indigenous Committee. Particularly, the focus on privatisation of land and forced consent from traditional owners has caused concern amongst Indigenous people who are experts on Aboriginal land issues.

We also look at the proposals for amendments to the New South Wales Land Rights Act. The review process has highlighted some of the problems that exist in land rights regimes such as transparency of governance structures, the capacity to utilise land for economic measures and the relationship between land councils and traditional owners.

Finally, we look at the tension that has arisen between the two land reparation systems which pit the interest of traditional owners against Aboriginal people who also have an historical connection with the land.

What is apparent in this overview is that the regimes established to facilitate return of land or to recognise interest in it have problems in their administration that mean that the processes are cumbersome and in danger of being ineffective and thus further complicating the capacity for Aboriginal people to reclaim their interest or title to their traditional land bases.

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