How Does Agrarian Trust Relate to Land Return?

Agrarian Trust has developed this practice guide in order to:

1. Acknowledge land privatization, theft and injustice across the country, and our positionality as a white-, settler-led nonprofit land trust
2. Express our solidarity with movements for rematriation, reparations, and land return
3. Articulate the ways that Agrarian Trust is committed to allyship and support of land return and BIPOC\(^1\) land tenure
4. Define current limits to Agrarian Trust's ability to effect land return

This guide is a working document which we expect to evolve over time. We are grateful to Cierra Brown, Brittany Koteles, Valentin Lopez, Luis Marcos, Cam Terry, Shakara Tyler, and Nancy Vail for their thoughtful feedback, which has been integrated into this version. We invite you to send further reflections and suggestions to thea@agrariantrust.org.

Acknowledgments

1. We acknowledge that land dispossession, which has been accompanied by resource extraction, ecocide, and genocide, has affected people of all races and ethnicities around the world.
2. We acknowledge the Indigenous people of what is now known as the United States of America — peoples whose ancestors lived on, stewarded, and storied these lands for tens of thousands of years. We acknowledge the genocide and land theft perpetrated against Indigenous people, predominantly by Europeans and European Americans.
3. We acknowledge the Black Americans of this country whose ancestors were captured and enslaved to form the basis of the world’s most powerful economy. We acknowledge the continued, post-slavery exploitation of Black people who were promised land but never received it, have been swindled out of it, and continue to this day to have land taken due to anti-Black racism and systemic discrimination by private, governmental, and other public entities.
4. We acknowledge myriad ways that the US government and other institutions have enacted and perpetuated racism and injustice in land access and ownership. Some examples include the Reservation Act and Dawes Act, and broken and unsigned treaties

\(^1\) In this document, we intend to honor and prioritize Indigenous and Black land justice specifically; land justice for people of color generally, and land justice for all. To honor the different experiences of each of these groups, albeit imperfectly, we use the acronym BIPOC (Black, Indigenous, people of color) throughout this document.
dispossessing Indigenous people of their land; the racist and fraudulent Homestead Act; redlining and racial covenants preventing Black and other people of color from accessing capital and owning homes well into the twentieth century; discriminatory lending practices by the United States Department of Agriculture (USDA) and others still in the twenty-first century; racist policies and practices of the USDA; “Alien Land Laws” excluding Chinese and Japanese immigrants and even their American-born spouses and children from land ownership; forced Japanese internment dispossessing tens of thousands of families of their homes and farms; ongoing immigration barriers for tax-paying Latinx farmworkers; discrimination and hate against Muslim farmers; and more.

5. We acknowledge that the American conservation movement is framed in racist practice2, and that today’s nonprofit land trusts continue to bolster private accumulation of land wealth to white Americans, and exclusion of non-whites from access to land.

6. We acknowledge that as a group, white Americans have accumulated tremendous wealth (including 98 percent of all privately held US farmland) as a result of these various forms of exploitation of land, resources, and people.

7. We acknowledge that as a nonprofit land trust which was founded by and is currently led by white settlers, Agrarian Trust and its leaders benefit from the systems of oppression that have led to the current power structure and land ownership distribution in the United States. We commit to working against these systems of oppression with ongoing, intentional action toward justice — in relationship with, and with accountability to, BIPOC communities.

Statement of Solidarity

1. Agrarian Trust believes there is a fundamental need for widespread “land return” in the United States. We take inspiration from Northeast Farmers of Color Land Trust, Rightful Return, and others in defining land return as the transfer of land to Indigenous, Black, and other people of color, primarily by European-descended white people and institutions, toward healing and repair from historic and current violent theft of land and labor, settler colonialism, and white supremacy. Land return can also include transfer of rights to water, timber, mineral, and other natural resources, or other real property rights such as cultural conservation easements, cultural respect and access agreements, and use permits. We use the broad term of land return to encompass both the Land Back movement led by Indigenous people, and the land reparations movement led by Black people:3

   a. Land Back, or rematriation, works “to restore a people to their rightful place in sacred relationship with their ancestral land.”4 For Indigenous people in the

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3 Definitions adapted from Faithlands Toolkit, by Agrarian Trust, gratitude to Çaca Yvaire.
United States, rematriation encompasses the return of ancestral lands as well as other acts that renew relationship to land, such as returning sacred seeds to Indigenous seed keepers on or near their ancestral lands.

b. Reparations is the act of making amends. Land-based reparations are the act of giving or returning land to African Americans or members of other groups who have historically been dispossessed of their land and/or who have confronted barriers to land access in the form of systematic discrimination.

2. Agrarian Trust supports secure and equitable land tenure for farmers of all races and ethnicities who cultivate regenerative relationships with the land and contribute to the well-being of their communities. Because community well-being is improved when oppressive systems are dismantled, we prioritize allocation of Agrarian Trust resources to projects that address the needs of those who have been most excluded from land, especially BIPOC communities and individuals.

3. Agrarian Trust, like other nonprofit conservation and community land trusts, uses the colonialist construct of private property to innovatively hold land in 501(c)2 Agrarian Commons. It is Agrarian Trust’s intent that this model for local governance and commons-based stewardship honor (though it cannot replicate) pre-colonial systems of relationship, and encourage deeper connections with land.

4. Agrarian Trust and the Agrarian Commons do not intend to replace or interfere with BIPOC-led models for just land access, ownership, and sovereignty, but rather to catalyze, uplift, and support them while growing the Agrarian Commons in solidarity.

Practices Used by Agrarian Trust to Support Land Return

1. Agrarian Trust takes responsibility for educating ourselves about land return, communicating with our constituents about land injustice, lifting up the necessity and possibility of land return, and sharing resources with landowners and others about the path toward participating in land return, while recognizing that land return is not the primary focus of our organization.

2. Agrarian Trust includes native land acknowledgements in public events and presentations and encourages local Agrarian Commons to do so as well. Agrarian Trust is working with partners and allies to build a repertoire of locally meaningful actions that can be taken by Agrarian Commons boards to support land relationships and practices that respect Indigenous, Black, and other communities of color.

3. The Agrarian Commons model – including design/infrastructure, sample documents, etc. – is available and open-source to all. Agrarian Trust prioritizes sharing these resources and what we have learned implementing them with Indigenous, Black, and other communities of color. When appropriate and desired, we provide technical assistance with this open-source model to other communities for their own inspiration, adoption, and adaptation to support their own goals of land decommodification, sovereignty, and connection.

4. Agrarian Trust requests that each Agrarian Commons board learn about and, if possible consult with, local Indigenous groups in the process of establishing the Agrarian Commons and acquiring land.
5. Agrarian Trust advocates for, and can help to create, cultural conservation easements, cultural respect and access agreements, and use permits on land held by Agrarian Commons, when feasible and desired by local Indigenous groups.

6. Agrarian Trust encourages local Agrarian Commons boards to consider and incorporate voluntary land taxes or similar reparative payments into their operating/stewardship budgets, and includes these in template lease agreements for use by Agrarian Commons.

7. Agrarian Trust recognizes the importance of direct land transfer to BIPOC communities and organizations, and respects their autonomy and sovereignty. When invited, Agrarian Trust can introduce and connect BIPOC communities and organizations to funder, landowner, and collaborator relationships.

8. When a BIPOC group wants to create an Agrarian Commons and seeks to partner with Agrarian Trust, Agrarian Trust can prioritize BIPOC leadership and decision-making in these ways:
   a. Support the group if it wishes to create an independent 501(c)3 under the umbrella of its own 501(c)3.
   b. Co-create a 501(c)25 with the group, at least two other 501(c)3 entities, and Agrarian Trust.
   c. Create an Agrarian Commons as a 501(c)2 under the umbrella of the Agrarian Trust 501(c)3, with board members and leadership selected from the BIPOC community.
   d. When it is important to the intent of the Agrarian Commons, the standard bylaws may be enhanced with provisions for BIPOC board leadership and representation.

Support Needed for Land Return That Agrarian Trust Is Not Able to Offer

1. Directly assisting landowners and land trusts to transfer land to tribal entities, nonprofits, other corporations, and individuals outside of the Agrarian Commons — beyond initial conversations and connections to resources and other organizations.

2. Creating cultural respect easements or similar contracts, agreements, or conveyances, on land that is not connected to an Agrarian Commons.

3. Serving as buyer or intermediate landholder for land being transferred to a BIPOC group that is not part of an Agrarian Commons. There are other land trusts that should be held to account for, or are better equipped to serve in, this role.

4. Fundraising or acting as a fiscal agent for land projects that are not connected to an Agrarian Commons.

Although Agrarian Trust does not currently have capacity to engage in supporting land return in these ways, we will advocate for these kinds of support in policy and land trust circles when possible, and encourage other land trusts to develop their capacity to engage in land return in these and other ways.
Land Return Tools

As a companion to this practice guide, we share these resources compiled from many partners and collaborators to support individuals and organizations in engaging with land return and related efforts. We will continue to build out this list over time, so check back frequently for new resources.

- Reparations and Rematriation Map from NEFOC Land Trust
  https://www.google.com/maps/d/u/0/viewer?mid=1YvB3PuH8jeRYoFCLvrKOTQQ3p5NmK&ll=30.217706646655127%2C-153.48596299999997&z=2
- Rematriation and Land Return Resources and Examples from Sogorea Te’ Land Trust
  https://sogoreate-landtrust.org/return-land/
- Legal Tools for Land Return from Sustainable Economies Law Center
  https://docs.google.com/document/d/1I3alQHSRNsY4Q4JZnp5wCNHimRnVO0Gxx4YB4A9XS-o/edit
- How to Rematriate the Land Webinar Recording from Sustainable Economies Law Center
  https://www.youtube.com/watch?v=Oa-2SWJrCIU
- Imagining Land Justice series for religious groups from Nuns and Nones
  https://www.nunsandnones.org/imagine
- Invitations, cultural easements, cultural use agreements, and permits from First Light
  https://firstlightlearningjourney.net/resources/cultural-easements-and-culture-use-agreements/
- Building Indigenous Partnerships from Pie Ranch
  https://drive.google.com/file/d/1yqg3UI81BcwB63NNel4UVf0OmPnjSGR/view?usp=sharing
- Faithlands Toolkit from Agrarian Trust
  https://www.agrariantrust.org/initiatives/faithlands/toolkit/

Articles and Reports

- Preliminary Study of the Impact of the Doctrine of Discovery on Indigenous Peoples
- United Nations Declaration on the Rights of Indigenous Peoples
- Landback: A metanarrative
- Growing the Legacy: Stewarding a Black Agrarian Revival in the Rural South
  https://issuu.com/saafon/docs/saafon_black_land_tenure_project-final

Books

- Systematic Land Theft by Jillian Hishaw
● Land Justice: Re-Imagining Land, Food, and the Commons
https://bookshop.org/books/land-justice-re-imagining-land-food-and-the-commons/9780935028041
● Wealth of the Commons http://wealthofthecommons.org

We invite you to send further resource suggestions to thea@agrariantrust.org.