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Land and the right to food

Report of the Special Rapporteur on the right to food, Michael Fakhri

Summary

In the present report, submitted to the Human Rights Council pursuant to Council resolution 58/10, the Special Rapporteur on the right to food, Michael Fakhri, discusses how land and water are the basis of life. He notes that treating land like a commodity and a resource is one of the most destructive global practices and a major cause of hunger and starvation. He outlines the problems of the immense concentration of land in the hands of corporate actors. He also outlines important legal tools to counteract this destructive force, such as the Convention to Combat Desertification, tenure rights, and the right to land and territory.

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I. Introduction

1. The beauty of the land cannot be contained, since it is what makes human life possible. On the land is where we find what makes life worth living.[1] And yet, corporations and rich people destroy land's life-giving force by capturing large tracts of land and placing them into an investment portfolio. Through property and investment laws, governments and international financial institutions transform land and people's territory – with all the accompanying history and culture – into a simple commodity to be bought by those with power and money. Land is becoming increasingly commodified and concentrated in the hands of the few, causing more dispossession, inequality and conflict. The Special Rapporteur received numerous submissions from different countries highlighting how threats to people's land rights and right to land and territory often arise from projects driven by development plans.

2. Land and the water that flows through and around it underpins communities' livelihood, social cohesion and dignity. Cultural, social, economic and political practices around land and water are how people and communities make meaning and create power. People's relationship with land reflects their relationship with life itself. When that relationship is reciprocal, when people take care of the land as the land has taken care of them, people live with greater dignity.[2] When people's relationship with land and water is extractive, they live with a greater degree of oppression and exploitation and occupation becomes more prevalent. Moreover, how the land is treated always reflects how marginalized people working on and living with the land are treated; if the land is exploited, so too are the people working on and living with the land.

3. Land, therefore, plays an essential role in the realization of human rights, especially the right to food.[3] At a time when violence and displacement are escalating globally, access to food and land is increasingly under threat – making already marginalized communities more vulnerable. Land is not just a natural resource that enables food production; people's decisions about how to use land and water to produce, share and market food are an expression of self-determination. The Committee on Economic, Social and Cultural Rights has noted that secure and equitable access to, use of and control over land for individuals and communities is essential to eradicate hunger and poverty and to guarantee an adequate standard of living.[4] Recently, the Special Rapporteur on the right to adequate housing has highlighted how the commodification of land undermines people's identity, culture, belonging and roots and has caused gross human rights violations.[5]

4. In 2006, the Food and Agriculture Organization of the United Nations (FAO) organized a key conference that put agrarian reform on the international agenda. The International Conference on Agrarian Reform and Rural Development and its resulting declaration generated greater international recognition of the inextricable links between access, use and control of land and other natural resources, and the eradication of hunger and malnutrition and the achievement of sustainable development – all as a human rights matter.[6] In the light of the issues outlined in the present report, the Second International Conference on Agrarian Reform and Rural Development, being held in February 2026 in Colombia, is more important than ever.

[1] Mahmoud Darwish, "On This Land", available at https://readalittlepoetry.com/2025/10/06/on-this-land-by-mahmoud-darwish/.

[2] Sara Eleanora Maria and others, *We Take Care of the Land as the Land Has Taken Care of Us* (Beirut, Rosa Luxemburg Stiftung, 2024).

[3] Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999), paras. 12 and 13, and general comment No. 26 (2022), paras. 1 and 26; and Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, guidelines 2 and 8.

[4] Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022), para. 1.

[5] See A/80/351.

[6] See https://www.nyeleni.org/IMG/pdf/2006_03_FinalDeclaration_FAO_Conference_En-1-3.pdf.

II. Framing the problem: the rush to grab land

5. Much as there was the European colonial "scramble for Africa" during the late nineteenth and early twentieth centuries, there has been a rush to grab rural land around the world that accelerated in 2007, around the time of the food crisis, and continues today. Moreover, from a people's perspective, violence and displacement resulting from occupation by private actors yields the same result as displacement and dispossession caused by national laws and policies, and the occupation of territory by another State.

A. Corporations

6. During the time of the financial crisis of 2008 and 2009, corporations and financial investors turned their attention to large land acquisitions and speculation. As the rush to grab land rises, it creates massive inequality in access to and control and ownership of land – which leads to massive inequality of wealth and to systemic hunger, poverty and violence. In the context of climate change and biodiversity loss, the availability of arable land and hunting opportunities, and access to fishing territories, are becoming more limited – making the risks to the right to food from land grabs more acute. Today, 1 per cent of the world's farms control 70 per cent of the world's agricultural land.[7]

7. The largest 10 transnational landowners together control 404,457 km^2 – an area larger than Japan. The top 10 are the following:

(a) Blue Carbon (United Arab Emirates) – Focused on carbon projects in Africa and the Caribbean.

(b) Macquarie Group (Australia) – Operates through agricultural investment vehicles with holdings in Australia and Brazil.

(c) Olam Group (Singapore) – Engaged in extensive food commodity operations and plantation management.

(d) Manulife (Canada) – Owns land via Hancock Natural Resource Group, including timberland and farmland.

(e) Arauco (Chile) – One of the world's largest forestry companies, with major landholdings in South America.

(f) Shell (United Kingdom of Great Britain and Northern Ireland) – Controls land for ethanol production in Brazil (via a joint venture, Raízen), with growing involvement in carbon offset markets.

(g) TIAA/Nuveen (United States of America) – Manages large tracts of farmland across Latin America, the United States, and other regions, often through joint ventures (such as Radar, in Brazil).

(h) Edizione (Italy) – This holding company of the Benetton family owns pasture and cropland in Argentina.

(i) CRESUD (Argentina) – A company with a portfolio of agricultural land and real estate assets, with major landholdings in South America.

(j) Wilmar International (Singapore) – A global agro-industrial company with vast palm oil plantations in South-East Asia and Africa.[8]

8. Investment treaties are part of the problem. There is no strong evidence that international investment law attracts foreign investment, but there is strong evidence that international investment law enables inequality by prioritizing international investors'

[7] Philip Seufert et al., *Lords of the Land: Transnational Landowners, Inequality and the Case for Redistribution* (FIAN International and Focus on the Global South, 2025), available at https://www.fian.org/files/is/htdocs/wp11102127_GNIAANVR7U/www/files/Lords_Land_Fian_20250602_fin.pdf.

[8] Ibid.

property rights over local people's human rights. International trade law is also part of the problem. Export-oriented policies have created incentives for corporations to buy large tracts of land for the purposes of growing commodities to feed the industrial food system instead of healthy food to feed local communities. Because trade law has incentivized the export of commodities, peasants have gradually been pushed off their land, as they are unable to produce sufficient quantities or to afford inputs, nor can they guarantee their own livelihoods solely from the production and marketing of their food. Today, the rush for land is becoming more and more complex, with the increased use of different financial instruments in relation to land acquisition.

B. National governments: laws and policies

9. National laws also enable the rush to grab land by transnational corporations. The laws of Argentina and Nicaragua highlight common techniques that States use to violate peoples' right to food, land rights and right to land.[9]

10. In Argentina, deregulation and executive decrees have facilitated land concentration and foreign ownership. Decree No. 820/2016, and auctions of State assets such as rural land, have facilitated land grabs and limited access by small-scale producers and family farmers to land. The Incentive Regime for Large Investments encourages land concentration and the extractivist production model, threatening productive diversity, social justice and agroecological systems.[10] In addition, the expansion of monocultures and mineral exploitation promoted through the proposed policies may lead to deforestation, pollution and loss of biodiversity, affecting essential resources such as water and soil. The National Institute of Family, Peasant and Indigenous Agriculture was defunded, resulting in budget cuts, programme reductions and the dismissal of support technicians, which effectively limits the permanence and productive access of small-scale producers. Similarly, the National Institute of Agricultural Technology underwent restructuring, which led to the suspension of the 30-year-old Pro Huerta programme. Currently, there is reportedly more incentive to develop projects in the hands of foreign corporations than to support national family farming.[11]

11. In Nicaragua, the Inter-American Commission on Human Rights found that Indigenous Peoples and people of African descent on the country's Caribbean coast were facing systemic patterns of violence, causing mass displacement. The Commission found that the violence stemmed from actions and omissions on the part of the State that had enabled lands and natural resources belonging to Indigenous communities and people of African descent to be appropriated and exploited, benefiting both the national Government and private industries.[12] For example, the Constitution of Nicaragua was reformed in a way that reduces communal property rights by allowing exploration for and exploitation of natural resources (essentially forests and soil) where the agricultural and fishing areas of Indigenous Peoples are located, without consultation through free, prior and informed consent. Nicaragua also created a National Plan to Combat Poverty, covering the period 2022–2026, which has established frameworks and technical regulations that are very favourable for foreign private investment to set up and grow in the country. However, these policies have facilitated a massive invasion of settlers, who have been dispossessing communities of their agricultural land, exacerbating violence and destroying water resources, thereby effectively limiting subsistence farming and fishing activities. Despite the formal recognition of Indigenous communal property through the Law on the Communal Property Regime of Indigenous Peoples and Ethnic Communities (Law No. 445) and the Law on the Statute of Autonomy of the Autonomous Regions (Law No. 28), the State facilitates the loss of communal lands and the forced displacement of communities, mainly through its failure to

[9] Angela Serrano and others, "The 'return' of land grabbing?", *Journal of Peasant Studies*, vol. 52, No. 7 (October 2025).

[10] See https://soberaniaalimentaria.ar/.

[11] Submission by Glenda Inés Mangia, food and agroecology coordinator, Cauce Foundation, Argentina. Environmental Culture, Ecologist Cause.

[12] See https://www.oas.org/es/cidh/informes/pdfs/2025/informe_afro_%20ind%C3%ADgenas_nicaragua.pdf.

comply with the legally required land titling process, which allows for violent invasion by armed settlers, often in line with their extractive interests.[13]

12. National laws and policies can often have racist results in land distribution. In the United States, African Americans owned 16 to 19 million acres of farmland in 1910 but have less than 3 million acres today, and Black farmers now account for just over 1 per cent of all farmers in the United States. African American farmers lost their land due to violence, discriminatory lending practices by government farm offices which denied them access to credit, and legal challenges to Black land inheritance. While violent displacement is less prevalent than in the early to mid-twentieth century, displacement still happens in more subtle legal and financial ways, usually through predatory financing. In addition, many African American farmers were unable to access will and estate planning services, either due to racism and discrimination or to a lack of resources to afford attorneys, and when they passed, they left their land to heirs without a clear title. This is called "heirs' property", and it creates a serious liability for heirs since, without a clear title – one landowner on the deed – the landowner cannot access government farm programmes or financing. It also creates a serious vulnerability, since any of the heirs can initiate a sale of the land. It is estimated that one third of African American-owned land in the South of the country is heirs' property, and many owners of heirs' property report that they are constantly bombarded with requests to sell the land.[14]

C. National governments: buffer zones

13. One common way in which States displace and dispossess people from their land is by creating "buffer zones" for the purported purpose of ecological conservation or security. In Nicaragua, the Border Territory Law imposes broad territorial restrictions by designating a 15-kilometre-wide strip along land borders (including the Coco/Wangki River) and a 25-kilometre-wide strip along maritime borders. This designation as a "border security" zone gives the State control that overlaps with communal titles, threatening the food security of the communities of the Coco River by restricting their access to vital areas for agriculture and fishing.[15]

14. In Palestine, under the Oslo framework, a 58 km-long, 0.5 km-wide buffer zone was established along Gaza's northern and eastern borders, covering 8 per cent of Gaza (209 km²), encompassing some of the most agriculturally productive lands in Gaza and including major groundwater wells. Despite the official 300-metre land buffer, Israeli forces attack individuals and properties up to 1.5 km inside Gaza.[16] This "access-restricted area" covers 62.6 km² – 85 per cent of Gaza's maritime area and, critically, more than 35 per cent of its agricultural land – rendering it partially or fully inaccessible.[17]

15. In 2005, the Israeli regime widened the zone further to 24 per cent (87 km²), affecting 7.5 per cent of the population, mostly farmers, who cannot reach their lands and consequently have planted harvests that do not require daily care, and low-growing crops and trees, as all plants over 80cm are forbidden, supposedly to prevent their use as natural hideouts. Over 16 per cent of the farmers in the Gaza Strip are dependent on these lands.[18] By mid-2009, nearly 46 per cent of the agricultural land was inaccessible due to buffer-zone restrictions and destruction.[19]

16. Fishing zones have also been gradually restricted: from 20 nautical miles under the Oslo Accords, to 12 nautical miles in 2002, to 6 nautical miles in 2006 and then to 3 nautical miles in 2007. Since October 2023, the Israeli regime has entirely prohibited maritime access,

[13] Submission by the Network of Indigenous Peoples' Defenders of Nicaragua.
[14] Submission by the National Family Farm Coalition.
[15] Submission by the Network of Indigenous Peoples' Defenders of Nicaragua.
[16] Submission by the BADIL Resource Center for Palestinian Residency and Refugee Rights.
[17] See A/79/171 and https://www.ochaopt.org/content/between-fence-and-hard-place.
[18] Submission by the BADIL Resource Center for Palestinian Residency and Refugee Rights.
[19] See https://www.un.org/unispal/document/auto-insert-205890/?utm_.

effectively banning fishing and navigation.[20] As of November 2025, the Israeli regime maintains complete maritime control, denying Palestinians any sea access.[21]

17. During the current genocide that accelerated in October 2023, the Israeli deliberate destruction of land and the environment has been systematic. Over 95 per cent of Gaza's agricultural land has been rendered unusable. By mid-2025, 97.1 per cent of tree crops, 82.4 per cent of annual crops and 95.1 per cent of shrubland had been destroyed. Over 1,200 agricultural wells and thousands of farms, greenhouses and irrigation systems had been ruined. Less than 5 per cent of cropland remains cultivable or accessible.[22]

18. In November 2023, the Israeli regime created a new 1-kilometre-deep buffer zone, covering 16 per cent of the Gaza Strip, which previously accounted for around 35 per cent of Gaza's cultivated land and supplied a major share of its food production. The newly announced "Yellow Line" significantly expands no-go zones, blocking Palestinian access to homes and farmland, and encompassing nearly 58 per cent of Gaza's territory. By formalizing land and coastal expropriation, the erosion of food systems is deepened further, in violation of the Palestinian right to self-determination, which encompasses control over natural resources, by shifting control of land and resources to foreign colonial control.[23]

19. In Nepal, the Land Act and the Forest Act have created conflicts in relation to the settlements at the buffer zones. The buffer zones of Chitwan National Park and Bardiya National Park in Nepal have dense and ethnically diverse populations. As of 2024, the Chitwan National Park buffer zone has an estimated population of over 300,000 across 12 municipalities in Chitwan, Makwanpur, Nawalpur and Parsa and the Bardiya National Park buffer zone has an estimated population of 133,470. The Chitwan National Park buffer zone includes historically marginalized communities such as the Tharu, Majhi, Musahar, Bote and Chepang, while the Bardiya National Park buffer zone is home to Indigenous Peoples including the Tharu and Magar and other groups including Dalits, Brahmin and Chhetri. Both regions are predominantly agrarian, with high poverty rates; 14.3 per cent of households in the Chitwan National Park buffer zone are landless and nearly 50 per cent face food insecurity for over six months a year.

20. At the centre of this conflict are Indigenous Peoples, who often have to struggle for generations to regain access to and control over their ancestral lands and natural resources.[24] Forests and land, for Indigenous Peoples, are not merely means of livelihood but also a part of their culture, identity, dignity and survival. The park authorities and security forces (e.g. the Nepali Army) have the responsibility to conserve wildlife and prevent human encroachment on it. Such a conservationist policy tends to clash with Indigenous and local communities, particularly when they try to access and use ancestral lands or natural resources.

21. Buffer zone committees and user groups, in principle established to represent community interests, are most often considered to be closer to park authorities. These institutions are dominated by local elites and tend not to be regarded as legitimate, especially by marginalized communities that feel disenfranchised from the decision-making process. Moreover, non-native settlers, including Dalits and other migrants, are also striving for land ownership. Some of them have been living in the buffer zones for a long time but are still at risk of being evicted without their occupancy and use rights being legally established.[25]

[20] See https://www.un.org/unispal/wp-content/uploads/2025/06/OPT-Protection-Cluster_Building-to-Starvation-Systematic-Attacks-on-Fishing-in-Gaza.pdf?utm.

[21] Submission by the BADIL Resource Center for Palestinian Residency and Refugee Rights.

[22] Ibid.

[23] Ibid.

[24] See NPL 3/2020. All communications mentioned in the present report are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments.

[25] Submission by the Community Self-Reliance Center.

D. Digitalization

22. Governments, international institutions and business actors are increasingly promoting digital technology as a way to increase tenure security, transparency and efficiency of land administration, and to protect against fraud and corruption. Digital techniques include mapping and demarcating land using Global Positioning System devices and drones, storing information related to land ownership and use in digital registries and cadastres, and using digital tools and platforms to carry out land transactions and to define policies.[26] The ability to collect, access, store, process, analyse and use land-related data increasingly determines who controls land and related natural resources. Looking at countries such as Brazil, Georgia, India, Indonesia and Rwanda, the use of digital tools has the potential to contribute to improving land governance, but there are also considerable risks. Land-related digitalization processes are not generally embedded in human rights. As a result, thus far, digitalization is reproducing, consolidating and even exacerbating existing forms of exclusion and marginalization.[27]

III. Framing the problem: discrimination based on gender and sexual orientation

23. Human rights law has long recognized that discrimination against women in their access to, use of and control over land is globally problematic and enables gender-based inequality and violence, especially for rural women and Indigenous women.[28] It is also well established under international human rights law that it is illegal to discriminate against lesbian, gay, bisexual, transgender and intersex persons. Unfortunately, patriarchy and discrimination against people on the basis of their gender and sexual orientation in relation to land remain prevalent today.

24. The Special Rapporteur received evidence from many countries highlighting how national laws and cultural practices, either formally or through gender-neutral (as opposed to gender-responsive) laws, denied lesbian, gay, bisexual, transgender and intersex persons and women access, use and control over land. For example, in Tunisia, local custom perpetuates the rule that a woman cannot manage or claim her land rights without the consent of a guardian; this neutralizes the theoretical protections provided by formal laws.[29] Family and inheritance laws and cultural practices in many countries limit enjoyment by lesbian, gay, bisexual, transgender and intersex persons and women of the material benefits provided by family law that allow for inheriting land.

25. Moreover, women's work in the food system is often made invisible, leading to further inequality between women and men. In El Salvador, for example, on the Single Identity Document, many rural women are listed as "housewives", which limits their participation in agricultural programmes and access to credit, in effect limiting rural women's right to land. Despite local campaigns to change the relevant regulations in order to facilitate access and titling, the proposals have been rejected by government authorities.[30]

[26] See https://www.fian.org/en/digital-technologies-cut-off-access-to-land-2/.

[27] FIAN International, "Disruption or déjà vu?: digitalization, land and human rights" (November 2020), available at https://www.fian.org/files/files/FIAN_Research_Paper_Digitalization_and_Land_Governance_final.pdf.

[28] Convention on the Elimination of All Forms of Discrimination against Women, arts. 13–15; Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016) on the rights of rural women, and general recommendation No. 39 (2022) on the rights of Indigenous women and girls; and Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022) on land and economic, social and cultural rights, paras. 13–15.

[29] Submission by Souad Mahmoud, Alliance for Food Sovereignty in the Middle East and North Africa, Tunisia.

[30] Submission by Women, Land and Soil Roundtable (MMST) El Salvador.

IV. Resistance

26. The Special Rapporteur thanks the scores of individuals who responded to his call for input for the present report and shared their stories of struggle to defend their land. He thanks those who have shared similar stories throughout his mandate, and especially the participants in the Global Land Forums in 2022 in Amman and in 2024 in Bogotá for their contributions to the present report. Indeed, during the coronavirus disease (COVID-19) pandemic, the Special Rapporteur was told stories of both resistance and sadness, as Indigenous Peoples and communities were displaced from their homes.

27. The persecution, harassment and assassination of land defenders remains a major concern in Guatemala, where families, Indigenous communities such as the Kaqchikel Maya people in San Juan Sacatepéquez and human rights defenders resisting the occupation of their land and defending their ancestral lands face violence, criminalization, environmental harm, and forced displacement by armed actors and businesses or landowning interests, often amid inadequate protection against assaults, destruction of their crops, and threats.[31] This mirrors the steadfast Palestinian opposition against Israeli State-supported settler violence that has recently escalated in the occupied West Bank, where settlers have destroyed homes and agricultural land and uprooted olive groves.[32]

28. The Special Rapporteur also offers what he has learned about the limits of human rights law. For many people, their relationship with land is not one that begins from a place of entitlement but from a place of responsibility. People fight for their human rights, for their life and dignity, in order to be able to meet their responsibilities to their land and territory, to their ancestors and to future generations. In this, the Special Rapporteur has witnessed people's relationship with their land and territory as divine.[33] A United Nations report is unable to capture this type of core aspect of people's relations with their land and territory.

29. However, the poem "Bless This Land", by Joy Harjo of the Muscogee Nation, provides a way for the Special Rapporteur to show great gratitude and respect for those individuals who, in a spirit of trust and solidarity, have shared their stories of struggle with him. As the Secretariat policy on the preparation of official documents[34] does not allow poetic works to be included in official documents, the poem can be found here: https://perma.cc/9563-JY7G. In this poem, we are reminded to ask for the lands to bless us and even to bless the destruction of this land, "for new shoots will rise up from fire, floods, earthquakes and fierce winds to make new this land ... to bless the creation of new land, for out of chaos we will be compelled to remember to bless this land".

V. Soil and desertification

30. Without fertile soil the world cannot eat – to abuse soil is a violation of the right to life itself. Yet approximately 33 per cent of land is classified as degraded because of erosion, salinization, compaction, acidification and chemical pollution. Land degradation has intensified over the past decades as a result of mounting pressures from industrial agriculture and livestock operations, including overcultivation, overgrazing and forest clearing. These aspects are compounded by rapid urban expansion, deforestation, and climate-related events such as prolonged droughts and coastal flooding, which contribute to soil salinization and reduced land productivity.[35]

31. Unfortunately, deforestation to expand the agricultural frontier, as in the Amazon, for example, is leading to severe degradation of fertile soils. Soil erosion washes away between 20 billion and 37 billion tons of topsoil each year, reducing the soil's ability to store water

[31] See GTM 7/2025, GTM 5/2025 and GTM 4/2025; and submission by Asociación Maya Uk'ux.
[32] See https://www.ohchr.org/en/press-releases/2025/07/israel-un-experts-call-end-violence-state-and-settlers-west-bank.
[33] Mahmoud Darwish, "To our land", *The Butterfly's Burden* (Port Townsend, Copper Canyon Press, 2007).
[34] ST/CS/SER.A/45.
[35] A/80/213, para. 31.

and, consequently, increasing water irrigation needs. The loss of soil is practically irrecoverable, since regenerating 2 to 3 centimetres of soil can take up to 1,000 years.[36]

32. This makes the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (Convention to Combat Desertification) an important tool to realize the right to food. It provides a binding framework through which to insist that States restructure land and food systems, redirect public and private finance away from extractive land uses, and protect the territories and practices of those who actually feed their societies in some of the most fragile and degraded environments on earth.

33. The objective of the Convention, set out in its article 2, is to combat desertification and mitigate the effects of drought "with a view to contributing to the achievement of sustainable development in affected areas" through "effective action at all levels, supported by international cooperation and partnership arrangements". Articles 4, 5 and 6 outline clear obligations: affected country Parties must adopt integrated strategies that address the underlying causes of desertification, give priority to improvement of the living conditions of affected populations, and ensure participation of local communities; and developed country Parties commit to providing substantial financial resources, technology and capacity support.

34. The organizing concept today is "land degradation neutrality": by 2030, Parties pledge to avoid, reduce and reverse land degradation so there is no net loss of "productive" land. Tied to target 15.3 of the Sustainable Development Goals, land degradation neutrality has brought better monitoring, but it has also entrenched a problematic offset logic: degradation in one place is tolerated if "restoration" occurs somewhere else. This suits blended-finance funds, carbon and biodiversity offsets, and large bankable landscape projects. It does not ask who is displaced, who loses access to land and water, and whose territory is turned into a sacrifice zone so that other areas can be reported as "neutral".

35. The Convention to Combat Desertification must be read alongside international human rights laws and instruments. Read together, these instruments make it clear that land degradation which foreseeably undermines people's ability to feed themselves is not only an environmental failure; it is a violation of the right to food and of peasants' and Indigenous Peoples' rights.

36. Recent work by the secretariat of the Convention to Combat Desertification, FAO and land rights coalitions has tried to pull the Convention back from technocratic neutrality. A technical guide on integrating the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security into land degradation neutrality makes it explicit that secure, legitimate tenure, including communal and customary systems, is a non-negotiable foundation for restoration. Land movements insist there is no "empty" or "underused" land; what satellite maps label as "degraded" is often where pastoralists, small-scale farmers and Indigenous communities live and produce food.

37. Seen from a right-to-food and peasants' rights perspective, the Convention to Combat Desertification is not neutral at all. It can be mobilized to defend territories of small-scale food production, or it can be used to clean up the ecological fallout of a food system organized around extraction and export. The Special Rapporteur has paid particular attention to Mali, South Africa, the State of Palestine and Venezuela (Bolivarian Republic of) as tests of whether the Convention will be read as an instrument for structural change or as another layer of technocratic reporting that leaves power relations untouched.

38. Across Mali, South Africa, the State of Palestine and Venezuela (Bolivarian Republic of), desertification is not an external environmental shock. It is shaped by specific legal and economic regimes.

39. In Mali, a combination of colonial irrigation legacies, contemporary land grabs and climate security narratives compresses peasant and pastoral spaces and accelerates degradation. In South Africa, a dual agrarian structure and a highly concentrated food system leave communal drylands degraded and under-supported, while export-oriented agriculture

[36] Ibid.

receives infrastructure, finance and policy attention. In the State of Palestine, an entrenched system of occupation and apartheid uses land degradation, enclosure and destruction of agricultural systems as tools of control, and in Gaza as part of a wider strategy of starvation and destruction. In the Bolivarian Republic of Venezuela, an oil-dependent, import-heavy food regime and delayed support for campesino agroecology have left dryland communities exposed to both environmental and economic shocks.

40. In all four contexts, the Convention to Combat Desertification is in force. Affected communities and social movements are already invoking the Convention to frame land and food struggles in legal terms. For the right to food, a rights-based reading of the Convention to Combat Desertification implies three directions.

41. First, land degradation data, land degradation neutrality targets and national action programmes should be treated as evidence of structural injustice in food systems, not just as environmental indicators. Where degradation is concentrated in the territories of peasants, Indigenous Peoples and rural workers, the core question is how land, water and seeds are controlled and for whose benefit. Monitoring under the Convention to Combat Desertification should be explicitly linked to States' obligations under article 11 of the International Covenant on Economic, Social and Cultural Rights and under the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.

42. Second, implementation of the Convention should be assessed against benchmarks derived from human rights obligations: secure and equitable access to land and water; protection of customary and communal tenure; support for agroecology and other peasant-led forms of production; and meaningful participation by affected communities, including rural women, in decisions about land, restoration and finance. Land degradation neutrality and other restoration initiatives that enclose a commons, displace communities or privilege corporate actors over peasants and pastoralists should be treated as contrary to the object and purpose of the Convention.

43. Third, in situations such as in the State of Palestine, where desertification is directly linked to occupation, annexation and settlement, compliance with the Convention to Combat Desertification cannot be evaluated separately from international humanitarian and human rights law. A State cannot plausibly claim to be fulfilling its obligations to combat desertification while simultaneously destroying seed systems, agricultural infrastructure and access to land and water for an occupied population, or using environmental degradation as a method of warfare and forcible transfer.

VI. Tenure and land rights

44. Land tenure describes social systems that define how individuals and groups access, use and control land, including the water, living beings and minerals on and in the land. Land tenure systems vary widely in form. They could be oral agreements or customary arrangements that have been in place for generations, or they could be legal documents registered in a formal land title system. However, all these tenure systems, whether informal (unwritten) or formal (written), are rules that specify who can use the land, for how long and under what conditions.[37] Land tenure systems are made up of both individual and collective land rights.

45. Land tenure security is a set of relationships with respect to land, established through statutory or customary law or informal or hybrid arrangements, that enables one to access, use and control one's land and territory in security, peace and dignity.[38]

46. Too often, the political focus or prioritization is on the narrower notion of "property rights", which only addresses individual ownership of land. However, even property rights

[37] Food and Agriculture Organization of the United Nations (FAO), Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

[38] A/HRC/25/54, para. 5.

are not a singular right that grants an individual absolute power over land. Property rights are better understood as a "bundle of rights" that establish a relationship among different people and that can be negotiated or regulated differently, such as possession, control, exclusion, enjoyment and disposition.[39]

47. A report by the Global Land Observatory, an FAO initiative, provides a rare global review of land tenure. It offers the following useful categorizations:

(a) Land tenure is often grouped into three broad categories to allow for global comparison: public, private and customary. This simple categorization contains multiple variations and hybrids within the complex web of land tenure systems. Systems can overlap and vary significantly between their legal and practical status.

(b) All three categories of tenure systems can be further characterized as State or non-State with respect to legal ownership. State land includes public domain land, States' private assets, and non-documented and non-recognized customary lands. Non-State land includes private land under absolute, freehold and leasehold ownership, as well as documented private and common holdings under collective rights for Indigenous Peoples, Afrodescendent peoples and other traditional and non-traditional communities. One additional category – other land – exists to account for a small number of systems with context-specific cases that fall outside the two main categories. Examples include land for religious establishments.[40]

48. With this understanding of land tenure in mind, and looking at how land is used and occupied in practice, the main types of land tenure systems existing in practice around the world can be summed up as follows:

(a) Twenty-eight per cent (3.7 billion ha) of the world's land is public land, owned and managed by States. This land is designated for public use – such as roadways, seashores and other public infrastructure. Public land also includes States' private assets and large tracts of terrestrial protected areas.

(b) Eighteen per cent (2.4 billion ha) of the world's land is owned by private individuals and corporations. Another 2 per cent (0.2 billion ha) operates under States' private asset arrangements.

(c) Forty-two per cent (5.5 billion ha) of the world's land is customary land. Of these lands, only 8 per cent (1 billion ha) is formally recognized with documented ownership rights, individually or collectively. For the 34 per cent that is not recognized and documented, 13 per cent (1.7 billion ha) is under designated use rights and 21 per cent (2.7 billion ha) is unrecognized by governments.[41]

49. One of the biggest threats to people's human rights and land rights is the fact that their customary rights are not recognized by the government. This makes them vulnerable to government policies that enable the creation of buffer zones, and corporate land grabs.

50. The breakthrough in international law and policy was the successful negotiation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, endorsed in 2012 by the Committee on World Food Security. The Guidelines are the first international "soft law" instrument to address land tenure. Most importantly, they employ a human rights-based approach to enhance the governance of tenure to realize the right to adequate food by incorporating key human rights or related principles, including human dignity, non-discrimination and gender equality.

51. A central aspect of the approach taken in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food

[39] Wesley Newcomb Hohfeld, "Some fundamental legal conceptions as applied in judicial reasoning", *Yale Law Journal*, vol. 23, No. 1 (November 1913), and "Fundamental legal conceptions as applied in judicial reasoning", *Yale Law Journal*, vol. 26, No. 8 (June 1917).

[40] FAO, International Land Coalition, and Centre for International Cooperation in Agronomic Research for Development, *The Status of Land Tenure and Governance* (forthcoming).

[41] Ibid., pp. 96 and 97.

Security is the concept of "legitimate tenure rights". The Guidelines prescribe that States should not only protect tenure rights that are legally recognized by the State, but also customary rights. That is, States should recognize and respect all legitimate tenure right holders and their rights.[42]

52. The tenure rights of fisher peoples were further strengthened by the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, of 2015, according to which States should recognize, respect and protect all forms of legitimate tenure rights, taking into account, where appropriate, customary rights to aquatic resources and land and small-scale fishing areas enjoyed by small-scale fishing communities.[43] The Special Rapporteur has outlined the human rights of fishers in a recent report.[44]

53. Since 2012, international law, policy instruments and national laws and policies have tried to balance the recognition, safeguarding and promotion of legitimate tenure rights with development plans and investment schemes. Unfortunately, the result has been that international and national policies continue to favour development plans and investment schemes over legitimate tenure rights.[45]

VII. Right to land and territory

54. Indigenous Peoples' right to land and territory is outlined in the United Nations Declaration on the Rights of Indigenous Peoples (arts. 25–32). Most crucially, this includes the right not to be forcibly removed from their lands or territories without the free, prior and informed consent of the Indigenous Peoples concerned (art. 10). Free, prior and informed consent is the right of Indigenous Peoples to give or withhold their consent for any action that would affect their lands, territories or rights. In turn, States have a duty to provide effective mechanisms for prevention of, and redress for, any action which has the aim or effect of dispossessing them of their lands, territories or resources (art. 8 (2)). This includes a duty to provide Indigenous Peoples with a special and differentiated consultation process.[46]

55. Peasants, pastoralists, fishers and rural communities have the right to land, individually and/or collectively, the right to have access to and to sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, and the rights to achieve an adequate standard of living, to have a place to live in security, peace and dignity, and to develop their cultures as outlined in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (art. 10.) This includes the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, and the right to participate in the management of these resources (art. 5). Those rights are further articulated throughout the same Declaration (arts. 3–5, 17–18 and 21). This includes the right to active, free, effective, meaningful and informed participation in decisions concerning the exploitation of natural resources that they hold or use, taking into account existing power imbalances between different actors (arts. 2 (3) and 5 (2) (b)).

56. States have a particular duty to respect, protect and fulfil fisher peoples' right to territory by ensuring that small-scale fishers, fish workers and their communities have secure,

[42] Ibid., principle 3.1.

[43] See para. 5.4.

[44] A/HRC/55/49.

[45] La Via Campesina, "The guidelines on the responsible governance of tenure at a crossroads" (December 2015), see https://viacampesina.org/en/2015/12/the-guidelines-on-the-responsible-governance-of-tenure-at-a-crossroads/; and Gabriele Wadlig, "The international law of land (grabbing): human rights and development in the context of racial capitalism", *Chicago Journal of International Law*, vol. 25, No. 2 (February 2025).

[46] Inter-American Court of Human Rights, *Case of the Kichwa Indigenous People of Sarayaku v. Ecuador*, judgment, 27 June 2012, paras. 165 and 166; and African Commission on Human and Peoples' Rights, *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, communication No. 276/2003, 4 February 2010, para. 212.

equitable and socially and culturally appropriate tenure rights to fishery resources (marine and inland) and small-scale fishing areas and adjacent land, with special attention paid to women with respect to tenure rights.[47] Beyond the waters, these communities depend on secure access to shoreline areas and riparian zones that serve multiple essential functions: as places to live, conduct ceremonies, bury their ancestors, bring in their catch, launch boats, maintain boats and fishing gear, process fish, and store equipment. For them, the coast and inland water bodies represent a complete living environment where daily life, work and culture intersect across both land and sea. This integrated relationship with coastal territories is particularly vital for women, who depend heavily on shared coastal resources and common areas.

57. The territorial needs of fisher peoples and Indigenous Peoples cannot be separated into clear categories of "fishing areas" versus "land areas" – their livelihoods and cultures require integrated access to entire coastal and inland landscapes where generations have lived, worked and maintained their traditions. Fisher peoples and Indigenous Peoples often have a long, centuries-old tradition of fishing, shaped by their own institutions and governance systems for mediating their relationships with natural resources.[48]

58. The Special Rapporteur therefore reiterates that any reference to land, land rights and the right to land includes the water flowing through and around it. In fact, this is why it is more accurate to describe these human rights entitlements as land and territorial rights.

59. The concept of territory also encompasses particular areas of land where certain communities and peoples live, farm, hunt, herd, roam, forage and pray (among other activities) and have done so over generations. Territorial rights constitute the self-determination and autonomy of people.[49] Because most State borders are the result of colonial and postcolonial demarcation, communities' and peoples' territories frequently cross these borders. Colonial and postcolonial borders cannot undo millennia of kinship and ethnic ties between peoples and the land. For example, the Inuit people's territory spans across Canada, the Russian Federation and the United States, as well as Greenland. The Kurdish people's territory spans across Iraq, the Syrian Arab Republic and Türkiye. The territory of Palestine is still recognized under international law as a singular territory, ruled as a British Mandate from 1920 to 1948, and since then governed by Israel and the State of Palestine. The territory of the Confederated Tribes of Siletz Indians is a federation of different tribes that have come together to hold collective sovereignty over territory within the state of Oregon in the United States. Bedouin peoples are nomadic tribes in West Asia that roam within certain territorial spaces.

60. If land is essential to life, and with this broader concept of territory in mind, then everyone has a right to land and territory. What remains underarticulated is what the right to land and territory means for particular individuals, communities, peoples and constituents.

61. The right to land is the right of all peoples – Indigenous, ethnic and working – to have effective access to, control over and use of land in rural and urban settings, and to live on land as a space, territory and source of life.[50] In the context of the right to food, this includes land and territory that allows for people to make available and to have access to adequate food that is nutritious, sustainable and culturally appropriate. The right to land is plural and diverse. For both rural and urban communities and peoples, the right to land includes access to land for housing, kitchen gardens, community forests, landing space to access the sea, the lake or the river, land access for right of way, playgrounds for children, access to water,

[47] Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, para. 5.3.

[48] Submission by Velia Lucidi, Working Group on Fisheries of the International Planning Committee for Food Sovereignty.

[49] "Land, Territory and Dignity" Forum (March 2006), see https://www.hlrn.org/img/documents/ICARRD%20ngo%20Decl_en.pdf.

[50] See United Nations Declaration on the Rights of Indigenous Peoples; United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas; A/HRC/25/54; and Saturnino M. Borras, Jennifer C. Franco and Sofia Monsalve Suárez, "Land and food sovereignty", *Third World Quarterly*, vol. 36, No. 3 (2015), p. 60.

spiritual spaces, and community spaces to reproduce the culture and politics of society.[51] In rural settings, it might mean agrarian reform that redistributes land from the hands of the few to a wider number of individuals and communities to govern, use, access or own based on principles of equity, participation and transparency. As the Special Rapporteur has outlined in previous reports, in order to mitigate and adapt to climate change and biodiversity loss, land laws and policies should serve the strategy of agroecological transition through regenerative land use and production systems.

62. For example, for communities of African descent in Colombia, the right to land, understood as secure, sustained and culturally appropriate access to collective territories, is a precondition for the existence of Afrodescendent food systems. However, the inadequate guarantee of territorial rights (titling, protection of title holders, autonomy, and prior consultation, among other things) results in violations of the right to food, such as loss of fertile soils, reduction of artisanal fishing areas, degradation of mangroves and forests, and exposure to illegal or extractive activities that displace subsistence crops and traditional practices. Afrodescendent agri-food systems in Colombia are ways of life that combine subsistence agriculture, artisanal fishing, fruit gathering in mangroves and forests, and community exchange practices, sustained by a historical and vital relationship with the land.[52]

VIII. Justice and occupation

63. Disputes over land and territory, especially over resources, are at the heart of almost every international and civil conflict in the world. This is why land reform is at the heart of every process designed to bring justice and peace, as seen in Colombia and South Africa.

64. The Special Rapporteur strongly encourages States to focus on creating and supporting mechanisms that resolve disputes among different constituents and communities, especially with a focus on gender equity. If States stop treating land as a commodity and focus instead on helping peoples to live with each other with their overlapping territories and need to share resources, it will foster a life of greater peace and dignity. The Special Rapporteur welcomes the submissions received from Brazil and South Sudan, which provide examples of best practices.

65. In this section of the report, the Special Rapporteur focuses on Palestine. This is because the Israeli regime in the occupied Palestinian territory is not a temporary military occupation but a settler-colonial project that operates through racial domination, land appropriation and the organized deprivation of basic needs – and starvation has been central to this project. Indeed, the Supreme Court of Israel recently legitimized starvation as a weapon of war in Gaza.[53] As such, the Palestinian struggle is the global exemplar for the struggle against the global rush to grab land. Almost every technique of dispossession, dislocation and occupation is used or developed by Israel against the Palestinian people. Moreover, the Palestinian struggle highlights how State policies that create increasing rates of dislocation and dispossession produce hunger and starvation.

66. Today, because of the expanding occupation and starvation campaign by Israel that accelerated in 2023, we are witnessing an unabated genocide that has been unfolding for two years, supported by major geopolitical powers, and is the fastest starvation campaign in history. The Special Rapporteur has already detailed the starvation campaign by Israel in Gaza.[54]

67. The “question of Palestine” is as old as the United Nations itself, though its origins began during the British Mandate in the early twentieth century. The recent so-called ceasefire has only slowed down the genocide and starvation campaign of Israel and has not slowed down its expanding occupation into Palestinian, Lebanese and Syrian territory. It is

[51] See https://www.tni.org/en/article/reforming-pattern-of-land-use-web-of-land-access-and-mosaic-of-property-institutions.

[52] Submission by ILEX Acción Jurídica.

[53] See https://opiniojuris.org/2025/05/14/how-did-the-israeli-supreme-court-legitimise-starvation-as-a-weapon-of-war-an-autopsy-of-a-ruling-part-1/.

[54] See A/79/171.

worth focusing on Palestine, because the international legal and political mechanisms that will ultimately realize the Palestinian people's right to return and self-determination will be the same mechanisms that will rebuild the United Nations that died in the last two years or whatever multilateral system that will come after the United Nations.

68. In the present report, the Special Rapporteur highlights the West Bank. Umm al-Rihan is a village of around five hundred Palestinians, in Janin Governorate, trapped since 2004 in a seam zone behind the separation wall. It lies adjacent to lands occupied in 1948 and is encircled by the separation wall and military checkpoints. The only access is through a single Israeli military gate. As was recounted to the Special Rapporteur by one resident: "Our village has been a prison since the wall came in 2004. But after 7 October, the prison became a closed cell." The gate is also a point of calorie control. Soldiers and guards enforce quotas: during Eid, families are allowed no more than five kilograms of meat or five chickens; on ordinary days, three kilograms or three chickens. Eggs are counted. Live animals are barred. Agricultural seedlings and saplings are often sent back. Household appliances such as washing machines and refrigerators are refused entry. "This is not a blockade on weapons," the villager notes, "it is a blockade on life."

69. The economic consequences are severe. Much of the village's land lies outside the separation wall. In previous years, farmers who lived outside the seam zone sometimes received one- or two-day permits to pick their olives, a period that was already inadequate. Since October 2023, these limited permits have stopped. The harvest rots on the trees. Villagers are forbidden to transport their own olive oil out through the gate, blocking their access to markets and depressing their income. A house under construction has been demolished, and at least two poultry farms have been destroyed or prevented from operating under the guise of planning law.

70. The most telling change, however, is in the legal language on their permits. For years, their documents described them as "citizens of a seam area". "Now," says the same villager, "they have changed our papers. We are no longer citizens. The permit says we are 'residents of a seam area'. From citizen to resident. They are telling us we do not belong, that our right is temporary. When they change your name on a document, they are preparing to erase you from the land."

71. Umm al-Rihan exposes the logic of the permit regime. The occupier does not simply authorize movement; it redefines belonging. The permit is presented as an act of authorization; in reality, it is a structured denial of the original, inherent right of a people to live, move, farm and eat on their own land.

72. Since 7 October 2023, Israel has deployed an expanded legal and administrative system designed to reorder land governance in the occupied West Bank. These measures constitute a coordinated framework that restructures territorial authority, consolidates settlement expansion, and severs Palestinians from the land, water and spatial conditions necessary to sustain food systems and collective life. Law operates here as a mechanism of land confiscation.

73. State land declarations: Since October 2023, Israel has issued some of the largest State land declarations since the 1980s, under Military Order No. 59 (1967). These declarations, relating to land exceeding 2,000 hectares in 2024, extinguish Palestinian tenure and convert agricultural and grazing areas into exclusive Israeli-managed land. Their geographic distribution creates territorial continuity for settlements and removes entire communities from vital food-producing zones.

74. Land registration under Israeli civil authority: The Security Cabinet decision of 11 May 2025 to resume land registration in Area C shifts adjudication to the Israeli Land Authority and the Settlements Administration. This process formalizes decades of land confiscation and converts Palestinian use into Israeli title under evidentiary standards that Palestinians cannot realistically meet. Registration functions as a civilian annexation mechanism.

75. Civilianization of settlement governance: Government decisions between 2023 and 2025 transferred planning, zoning and land allocation from the military to the civilian Settlements Administration. Settlements are incorporated into Israeli domestic systems of

law, budgeting and infrastructure, while Palestinians remain under military rule. This dual framework accelerates settlement expansion and entrenches structural inequality in land access.

76. Military confiscation orders: After October 2023, the military issued a series of seizure orders (including 24/9/T, 24/85/T and 25/8/T), justified as urgent security needs. These orders confiscate agricultural terraces, orchards and grazing routes for bypass roads and settlement-linked corridors. Although framed as temporary, they produce permanent changes that fragment Palestinian land and embed settlement infrastructure.

77. Closed military areas, firing zones and nature reserves: Israel has expanded classifications under Military Orders No. 378, No. 1651 and No. 363, designating large areas as closed military zones, firing zones or nature reserves. These measures remove Palestinian communities from their land while settlers continue agricultural and tourist activity. Such designations act as administrative confiscation without formal expropriation.

78. Judicial reinforcement: Israeli courts have repeatedly upheld administrative and military confiscation regimes. In the seam zone cases (HCJ 7945/23 and HCJ 8112/23), the court accepted indefinite closure of agricultural gates. The court refused to dismantle the Homesh outpost (in August 2024), despite its construction on private Palestinian land. It rejected appeals against demolitions in Masafer Yatta and enabled the demolition of critical water and agricultural infrastructure under Military Order No. 1797. Judicial deference stabilizes and legitimizes dispossession.

IX. Conclusions and recommendations

79. **The Special Rapporteur, who is from a mountain village in Lebanon, shares an aphorism that his father recounted to him during the writing of the present report: "One cannot live long on a mountain without learning how to share the sky."**

80. **The Special Rapporteur invites Member States to discuss their best practices with regard to the right to land, land reform, agrarian reform, and their follow-up plans for the Second International Conference on Agrarian Reform and Rural Development, during the interactive dialogue, since this would be a unique opportunity to create a constructive record around the issue of land and human rights.**

81. **The Human Rights Council should recognize all communities' and peoples' right to land and territory.**

82. **States should prioritize the legitimate tenure rights of marginalized groups such as Indigenous Peoples, peasants, small-scale fisher peoples, pastoralists, forest peoples, women and lesbian, gay, bisexual, transgender and intersex persons, among others. Accordingly, States should:**

(a) **Recognize and respect all legitimate tenure right holders and their rights;**

(b) **Safeguard legitimate tenure rights against threats and infringements;**

(c) **Promote and facilitate the enjoyment of legitimate tenure rights;**

(d) **Provide access to justice to deal with infringements of legitimate tenure rights.**[55]

83. **Prioritizing all legitimate tenure rights does not necessarily entail formalizing these rights.**

84. **In regard to the Second International Conference on Agrarian Reform and Rural Development, the Special Rapporteur supports the call by some civil society**

[55] As prescribed by the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

actors and Indigenous Peoples to build on the normative advancement in human rights and for the following outcomes from the upcoming conference:[56]

(a) **Equitable access, use and control of land and natural commons as an essential part of eradicating hunger and transforming food systems towards agroecology;**

(b) **Understand and focus on the interrelationship between land/territories and the ecological, climate and biodiversity crises;**

(c) **Redistributive land reforms and land restitution in the context of growing inequalities and the fight against poverty;**

(d) **Legal recognition and protection of Indigenous Peoples' territories, collective and customary rights and tenure systems;**

(e) **Access, use and control of land and related commons for gender and intergenerational justice (generational renewal);**

(f) **Secure and equitable rights over natural resources to promote peace and self-determination.**

85. **The Special Rapporteur strongly encourages States to use the right to land and territory as an overriding framework for the outcomes of the Conference, and for the issue of sharing territories and resolving disputes between communities and peoples to be on the agenda.**

86. **States should also adopt a territorial approach to land, fisheries, forests and water governance, recognizing territories as living systems central to the realization of the right to food and the right to a clean, safe and sustainable environment.**

87. **With regard to countering discrimination based on gender and sexual orientation, States should:**

(a) **Reform discriminatory inheritance and family laws to ensure women's equal rights to own, inherit, use and control land;**

(b) **Recognize and enforce women's rights within customary and collective tenure systems, including mandatory gender parity in land governance bodies;**

(c) **Collect and publish gender-disaggregated land and tenure data, capturing ownership, use rights, decision-making authority, compensation, and impacts of eviction.**

88. **In regard to fisherfolk, States should:**

(a) **Include fisheries and coastal territories within land governance frameworks, consistent with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication;**

(b) **Ensure that small-scale fisherfolk have secure access to fishing grounds, shorelines and landing sites, mangroves, riparian zones and processing areas;**

(c) **Protect the rights of women fishers and lesbian, gay, bisexual, transgender and intersex fishers, including through legal recognition of processing, trading and post-harvest activities**.

89. **In regard to digitalization, States should:**

(a) **Put particular emphasis on marginalized people, taking into account their rights and needs;**

[56] Nury Martínez, Saúl Vicente Vásquez and Philip Seufert, "Towards the Second International Conference on Agrarian Reform and Rural Development (ICARRD+20): an opportunity to advance the realization of the right to land and territories", *Journal of Peasant Studies*, vol. 52, No. 7 (September 2025).

(b) **Respect, protect and promote all legitimate tenure rights, as well as different forms of tenure, especially collective and customary tenure and management systems;**

(c) **Guarantee effective participation by all tenure rights holders at all stages of the digitalization process, in particular organizations representing marginalized people and rural communities;**

(d) **Ensure that land-related digitalization processes are supportive of broader policy objectives, such as realization of the right to food and nutrition, poverty eradication, social stability and justice, and rural development, as well as the sustainable use of land and related resources.**

90. **Refrain from using digital land registries or cadastral systems to extinguish unwritten or collective tenure claims.**

91. **Guarantee non-digital, accessible alternatives for land registration and allocation, and dispute resolution.**

92. **Treat land and tenure data as a public good, ensuring transparency, community oversight and protection from corporate capture.**