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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Land and sea territorialities under the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Working Group on the rights of peasants and other people working in rural areas in accordance with Human Rights Council resolution [54/9](#).

* [A/81/150](#).



Report of the Working Group on the rights of peasants and other people working in rural areas

Summary

This report examines the global state of the territorialities of rights holders under the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, namely, the socioecological systems integrating land, water, coastal seas, fisheries, forests and pastures. It finds that, notwithstanding recent normative advances, territorial concentration and new forms of land-grabbing, including environmental and oceanic ones, have intensified, affecting peasant, fisher, pastoral and Indigenous Peoples. Drawing on global evidence and documented cases, it identifies the gaps between recognized rights and their implementation, with cross-cutting attention to rural women, and formulates recommendations to States, the Human Rights Council and the United Nations system.

I. Introduction

1. Territory is the enabling condition of the rights of peasant, fisher, pastoral and Indigenous Peoples and rural workers.¹ Their access to, control over and governance of land, water, coastal seas, fisheries, forests and pastures determine not only their food security but also the effective exercise of the full range of rights enshrined in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Without territory, all other rights remain formal entitlements. This premise informs the present report.²

2. The diagnosis reveals a structural paradox. During the same period in which international law has achieved significant normative advances on peasants' territorial rights, with the adoption of the Declaration in 2018, complementary human rights instruments and recent constitutional developments in several States, the concentration of land and natural resources has reached historically unprecedented levels. This gap between normative progress and distributive regression, documented in section III below, is the analytical thread of the report. The quantitative sources employed are publicly accessible; the Working Group on the rights of peasants and other people working in rural areas has privileged primary data from multilateral bodies, civil society contributions and peer-reviewed studies. The Declaration explicitly recognizes the rights of peasants and other people working in rural areas over land (art. 17), water and water resources (art. 21), seeds (art. 19), natural resources (art. 5 (1)), the environment (art. 20) and their own development without discrimination (art. 3). The Committee on Economic, Social and Cultural Rights has interpreted these provisions in its general comment No. 26 (2022) on land and economic, social and cultural rights, adopted on 24 January 2023.³

3. The plural "territorialities", rather than the singular "territory", reflects a deliberate analytical choice by the Working Group. "Territory" designates the surface over which a right is exercised, while "territoriality" designates the concrete mode of relations between a group and that space, including practices of use, systems of collective governance, intergenerational transmission of ecological knowledge and the cultural ties that bind a community to a given place. The plural acknowledges that these relations differ among peasant, fisher, pastoral and Indigenous Peoples and that the Declaration protects them on equal terms. This terminological choice has a direct legal consequence: it requires that protection frameworks recognize the plurality of forms of tenure, governance and use, without assimilating them to individual or State property.

¹ This report is based on submissions from States, civil society organizations, peasants, Indigenous Peoples and researchers in response to calls for inputs for this topic and pertinent data from previous inputs. Throughout the report, the information received as part of the Working Group's calls for inputs will be referenced and footnoted as "submissions received by the Working Group", which can be found on the Working Group's website (<https://www.ohchr.org/en/calls-for-input/2026/call-inputs-wg-peasants-report-peasant-territories-land-and-sea>). Due to word count constraints, the report does not mention specific organizations, communities and movements that are connected to cases, examples and good practices mentioned in country-specific contexts.

² General Assembly resolution 73/165, annex, preamble and arts. 4, 5 and 17. The Working Group grounds this premise in a systematic reading of the provisions of the Declaration on the right to land (art. 17), water (art. 21), natural resources (art. 5) and a healthy environment (art. 20), read in conjunction with the principle of the interdependence and indivisibility of human rights enshrined in the Vienna Declaration and Programme of Action (A/CONF.157/23, Part I, para. 5: "All human rights are universal, indivisible and interdependent and interrelated.").

³ E/C.12/GC/26.

II. Legal framework

A. Declaration on the Rights of Peasants and its conception of the peasantry

4. The analysis of territorialities rests on the subject that the Declaration protects. The definition of the peasantry was the most contested question of the drafting process, and its outcome conditions the scope of every territorial right examined in this report. Article 1 (1) defines a peasant as any person engaged in small-scale agricultural production for subsistence or the market, who relies significantly on family or household labour and other non-monetized forms of work, and who has a special dependency on and attachment to the land. Article 1 (2) extends the protection to those engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and to their dependent families; article 1 (3) includes persons belonging to Indigenous Peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless. The definition is deliberately broad and functional: it captures the diversity of rural ways of life rather than a single mode of production, without subordinating any rights holder to another. The relationship with the land, not the legal form of tenure or the volume of output, is the criterion of protection (art. 1 (1)–(3)).⁴

5. The Working Group underlines that the protection of peasants' rights under the Declaration on the Rights of Peasants and of the rights of Indigenous Peoples under the United Nations Declaration on the Rights of Indigenous Peoples⁵ are complementary and not mutually exclusive: many rights holders belong to both categories, and the recognition of rights under one declaration can never operate to diminish the other.⁶

B. Declaration on the Rights of Peasants and its conception of peasant territory

6. Article 17 of the Declaration on the Rights of Peasants is the most comprehensive codification of peasants' territorial rights in international law. Article 17 (1) establishes the right of peasants to land, individually and/or collectively, including the right to access, use and manage sustainably the related resources: water bodies, coastal seas, fisheries, pastures and forests. Article 17 (3) requires States to legally recognize tenure rights, including customary ones currently not protected by law, and to protect natural commons and their systems of collective use and management. Article 4 complements this architecture by requiring States to eliminate discrimination against peasant women and ensure they enjoy on equal footing with men the rights of the Declaration, including the right to land, water and productive

⁴ On the negotiating history of the definition and its centrality to the Declaration, see M. Edelman, "What is a peasant? What are peasantries? A briefing paper on issues of definition", prepared for the first session of the open-ended intergovernmental working group on the rights of peasants and other people working in rural areas, held in Geneva from 15 to 19 July 2013. Available at: <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/WGPLeasants/MarcEdelman.pdf>.

⁵ General Assembly resolution 61/295, annex.

⁶ United Nations Declaration on the Rights of Indigenous Peoples, art. 45; and United Nations Declaration on the Rights of Peasants, art. 28(1). The complementarity of the two regimes was reaffirmed by the social movements convened at the Second International Conference on Agrarian Reform and Rural Development, held in Cartagena, Colombia, from 24 to 28 February 2026.

resources. Article 5 extends this protection to fishing and pastoral communities by recognizing the right to access, sustainably use and manage natural resources, including pastures and coastal fishing grounds, upon which their livelihoods, food security and cultural reproduction depend.

C. Committee on Economic, Social and Cultural Rights general comment No. 26 (2022)

7. General comment No. 26 of the Committee on Economic, Social and Cultural Rights elevates peasants' territorial access to the status of a prerequisite for the realization of most rights enshrined in the Covenant. It recognizes that access to communal land and community commons is constitutive, not ancillary, to the ways of life of peasants, pastoralists and fisherfolk (para. 19); extends these protections to artisanal fishers and pastoralists as rights holders over fishing grounds, pastures and shared water sources (para. 35); and recognizes agrarian reform as a direct compliance measure under the Covenant (para. 36).⁷ Read with article 17 (6) of the Declaration, these provisions impose on States positive obligations of redistribution, not merely registration. Since land access is essential for survival and cultural realization rather than just a property right, simply formalizing existing, unequal land ownership is legally insufficient. To fulfil their positive obligations, States must actively restructure land tenure systems and transfer land to landless or marginalized groups to ensure equitable access.

D. Convention on the Elimination of All Forms of Discrimination against Women and the territorial rights of rural women

8. Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, and Committee on the Elimination of Discrimination against Women general recommendation No. 34 (2016) on the rights of rural women,⁸ recognize the specific rights of rural women to equitable access to land and productive resources and, when read together with article 4 of the Declaration, generate a substantive equality obligation on territoriality that encompasses individual, collective and customary tenure systems. The gap between normative recognition and documented reality is structural: fewer than 15 per cent of rural women hold secure land rights;⁹ in 43 of the 49 countries with available data, men are more likely than women to own or hold secure rights to agricultural land, and in nearly half of those countries the gap

⁷ General comment No. 26 (2022), paras. 19, 35 and 36. Para. 36 states that agrarian reform, including land redistribution, may be an appropriate measure for States parties to fulfil their obligations under the Covenant, thereby integrating the redistributive dimension within the framework of justiciable rights.

⁸ CEDAW/C/GC/34. The Working Group notes that the category of rural woman does not capture all Indigenous women, as many have migrated to urban areas.

⁹ See <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Realizing-womens-rights-to-land-and-other-productive-resources-2nd-edition-en.pdf>; and Food and Agriculture Organization of the United Nations (FAO), "The gender gap in land rights" (2018), available at <https://openknowledge.fao.org/server/api/core/bitstreams/4966d50c-233b-43a9-8fa7-8d43263dd082/content>. See also FAO, International Land Coalition and Centre for International Cooperation in Agronomic Research for Development, *The Status of Land Tenure and Governance* (Rome and Paris, 2026), chap. 4, p. 108 and fig. 4.1, available at <https://openknowledge.fao.org/server/api/core/bitstreams/b207367a-880e-412a-afdd-955fa943a518/content>.

exceeds 20 percentage points.¹⁰ In the fisheries sector, women, who constitute close to half the labour force in some areas, face additional structural barriers to resource access and to decision-making mechanisms on resource management.¹¹ The free and informed consent requirement for rural women established in complementary standards acquires particular urgency against the new environmental forms of land-grabbing, carbon projects, conservation areas and industrial aquaculture that fall upon territories where women exercise use rights and collective governance without formal title.

E. Voluntary Guidelines of the Food and Agriculture Organization of the United Nations

9. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,¹² endorsed by the Food and Agriculture Organization of the United Nations (FAO) Committee on World Food Security in 2012, was the first comprehensive multilateral instrument on tenure governance. Its section 9 requires the recognition of customary rights holders and the application of free, prior and informed consent. However, the Voluntary Guidelines hold two limitations: their voluntary character leaves enforcement absent, and their procedural rather than redistributive focus creates a risk of capture by financial actors, corporations and large investors.

10. The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication,¹³ endorsed by the FAO Committee on Fisheries at its thirty-first session, in June 2014, extends the concept of tenure governance to aquatic territories. Section 5.4 obliges all Parties to “recognize, respect and protect all forms of legitimate tenure rights”, including “customary rights to aquatic resources and land and small-scale fishing areas enjoyed by small-scale fishing communities”. This obligation extends to passing legislation to enshrine these protections as required.

F. Maritime and coastal territorialities under the Declaration

11. Article 17 (1) of the Declaration, in expressly referring to “coastal seas” and “fisheries” as an integral component of peasant territory, lays the foundation for applying the territorial framework to aquatic spaces. Article 21 may be interpreted expansively to include oceans and seas as vital sources of sustenance, culture and health for coastal communities. This interpretation is consistent with emerging jurisprudence: the Inter-American Court of Human Rights, in *Indigenous Communities Members of the Association Lhaka Honhat v. Argentina*,¹⁴ the first

¹⁰ ILC et al, *The Status of Land Tenure and Governance*, chap. 4, p. 108 and fig. 4.1. In 2024, across 108 countries, 48 per cent of men and 40 per cent of women reported being sole or joint homeowners, a decline of 7 percentage points for women since 2020.

¹¹ See https://www.foodsovereignty.org/wp-content/uploads/2025/10/EN_IPC-Policy-Brief_ICARRD20_COFI_final.pdf; and <https://openknowledge.fao.org/items/7a0b4758-b3a1-4bae-b363-d5c4df122c53>. Submissions received by the Working Group regarding Bragança (Brazil) on women’s participation in the artisanal fishing economy.

¹² See <https://openknowledge.fao.org/items/609a716c-464c-4454-9222-78f5e7cd23f7>.

¹³ See <https://openknowledge.fao.org/items/6090777d-ded2-4c7c-9f00-a032fdc2690f>.

¹⁴ Inter-American Court of Human Rights, *Indigenous Communities Members of the Association Lhaka Honhat (Our Land) v. Argentina*, Judgment of 6 February 2020 (Merits, reparations and costs), Series C, No. 400, paras. 202–209. Reference to this case does not imply endorsement of it in its entirety; rather it represents an example of when territory is considered more broadly than just a property right.

judgment of the Court to distinguish explicitly between “land” and “territory” as differentiated legal categories, giving weight to the socioecological, cultural and environmental dimensions of territory, including water resources.

12. Artisanal fishing communities who participated in the Working Group’s call for inputs have stated consistently that the category of “territory”, as formulated in article 17 of the Declaration, does not fully capture the nature of their ties to the sea, estuaries, mangrove areas and coastal spaces upon which they base their livelihoods, cultural identity and systems of collective governance. The Working Group takes this observation as a legitimate demand for normative visibility and commits to contributing, through this report and its future work, to the evolutionary interpretation of the framework of the Declaration. The scope of the inputs process did not, however, allow sufficient engagement with the territorialities of freshwater fisheries and rural peoples not represented in this report; the Working Group keeps this gap as a priority for its work. In this regard, the concept of *maritorio* or *maretório* advanced by fishing communities and academic scholarship in Latin America to designate the socioecological system integrating sea, coast, estuary and mangrove as an indivisible territorial unit, directly addresses this demand.¹⁵ This concept merits serious consideration in interpreting article 17 of the Declaration as it applies to aquatic and amphibious territorialities.

III. State of rights holders’ territorialities under the Declaration: a global diagnosis

A. The global structure of territorial inequality

13. The global reference study on land tenure and governance,¹⁶ based on agricultural censuses from 131 countries and territories, records an aggregate global Gini of 0.95 and an average of 0.67 for agricultural land distribution, one of the most extreme asymmetries documented by FAO. In total, 85 per cent of holdings, more than 400 million, are smaller than two hectares and control only 9 per cent of cultivable land; the top 0.1 per cent, with 1,000 hectares or more, operate more than half of all agricultural land on the planet.¹⁷ This inequality intensifies when the analysis incorporates documented tenure: in 3 out of the 13 African countries assessed, the top decile controls all formally documented land while the bottom 40 per cent holds none.¹⁸ In total, 42 per cent of the Earth’s surface, 5.5 billion hectares, operates under customary systems that are the territorial base of many rights holders under the Declaration; of that total, only 8 per cent has formally documented rights, 13 per cent operates under partially recognized use rights, and 21 per cent has no

¹⁵ The concept of *maritorio* has been developed by, inter alia, J.C. Skewes et al, “Usos consuetudinarios, conflictos actuales y conservación en el borde costero de Chiloé insular”, in *Magallania*, Vol. 40, No. 1 (2012); and in the submissions received by the Working Group.

¹⁶ ILC et al, *The Status of Land Tenure and Governance*, chap. 6, pp. 168–180.

¹⁷ Ibid., chap. 6, p. 167 and fig. 6.1. Estimates on farm-size distribution are based on the consolidated analysis of the FAO World Census of Agriculture, complemented by Land Matrix Initiative data and national agricultural household surveys.

¹⁸ Ibid., chap. 6, pp. 177–179 and table 6.1. The study notes that this pattern, in which the top 10 per cent of holders controls all formally documented land while the bottom 40 per cent holds none. This is verifiable in Guinea-Bissau, Mali and the Niger, and to a lesser degree in Benin, Côte d’Ivoire, Senegal and Togo.

government recognition.¹⁹ In sub-Saharan Africa, 73 per cent of land is under customary tenure with only 1 per cent formally recognized. The Working Group notes that these are not statistical abstractions: under articles 5 and 17 of the Declaration, territorial concentration at this magnitude is a systematic deprivation of rights that States are under a positive obligation to reverse.

14. The documented concentration (predominantly by agribusiness, extractive industries or institutional investors) has, moreover, a dynamic dimension that static indices cannot capture. The Working Group emphasizes, against a recurrent misreading, that this is not a predicament confined to the global South. In the industrialized economies of the global North, land concentration is equally acute and, in several cases, deepening. In the European Union, 3.1 per cent of holdings controlled 52.2 per cent of agricultural land in 2013, with a Gini coefficient of 0.82, among the most unequal land distributions documented for any industrialized region and comparable to levels recorded in highly concentrated economies of the Global South. In the United States of America, the largest 4.4 per cent of farms by area controlled 61 per cent of agricultural land in 2022, and the same census recorded the loss of more than 140,000 farms in five years; comparable trajectories of consolidation are documented in Australia and Canada. After 1980, concentration rose in every region of the world, including North America and Europe, which confirms that the corporate food system advances on the territories of family and peasant producers irrespective of latitude.²⁰ Alongside this structural concentration, a transactional dynamic accelerates dispossession: since 2000, foreign and domestic corporate investors have acquired 26.7 million hectares of agricultural land worldwide, with 42 per cent concentrated in Africa and an average transaction size of 29,000 hectares.²¹ These figures understate the phenomenon: conventional databases conceal non-operational deals and, above all, processes of medium-scale dispersed accumulation, the “pinprick” transactions conducted by individual actors or local power groups that, in aggregate, produce territorial transformations of comparable magnitude to large corporate deals while leaving no trace in any database.²² Empirical evidence from China, Colombia, Ethiopia and Myanmar documents this pattern:²³ in the Colombian Altillanura, the deepest transformation in the period 2004–2014 came not from large corporate investments but from the accumulation of farms between 300 and 1,500 hectares that deprived Sikuani Indigenous Peoples of subsistence activities without any transaction appearing in international databases. The dominant frameworks, including those driven by climate and biodiversity agendas, tend to

¹⁹ Ibid., chap. 3, pp. 83–88, figs. 3.1 and 3.2. The report indicates that customary tenure holders (Indigenous Peoples and traditional communities) occupy 5.5 billion hectares (42 per cent of the global land surface), but only 8 per cent of global land is documented as their property; 13 per cent operates under partially recognized use rights and 21 per cent has no government recognition.

²⁰ See European Parliament, “Report on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers” (30 March 2017), available at https://www.europarl.europa.eu/doceo/document/A-8-2017-0119_EN.html; and United States Department of Agriculture, “2022 Census of Agriculture” (Washington, D.C., 2024). See also International Land Coalition and Oxfam, *Uneven Ground: Land Inequality at the Heart of Unequal Societies* (2020), documenting that land concentration had risen in North America and Europe since 1980.

²¹ ILC et al, *The Status of Land Tenure and Governance*, chap. 6, pp. 182–183, with data from the Land Matrix Initiative (2025). The average of 29,000 hectares per transaction corresponds to concluded and registered deals in the Land Matrix database since 2000.

²² S.M. Borras Jr. and J.C. Franco, “Land rush”, in *The Journal of Peasant Studies*, Vol. 52, No. 7 (2025), pp. 1668–1676, available from <https://doi.org/10.1080/03066150.2024.2317961>.

²³ S.M. Borras Jr. et al, “Death of agrarian societies by a thousand cuts: non-corporate ‘pin prick’ and medium-scale land grabs”, in *Globalizations* (15 July 2025), available from <https://doi.org/10.1080/14747731.2025.2526296>.

operate within a logic of “formalization without redistribution”: tenure security is defined as recognition of pre-existing occupation, not as correction of the historical asymmetries that produced it.²⁴ An emerging mechanism identified in civil society contributions is the digitalization of land records: without adequate safeguards, the transition from paper to digital cadastres risks erasing customary claims held by communities without technical literacy, connectivity or legal representation, turning a modernization process into an instrument of dispossession.²⁵

15. National net-zero carbon commitments imply additional demands on land that could require up to 1.2 billion hectares, an area equivalent to all the world’s cultivable land,²⁶ and set the conditions for a new wave of land-grabbing of global scale, potentially greater in extent than that of the period 2008–2009.²⁷ In this context, the 35 per cent of land with formally documented rights and the more than 1.1 billion people who consider it likely that they could lose their territorial rights within five years²⁸ are not neutral indicators: they measure the exposure of rights holders under the Declaration to a new round of dispossession under the banner of environmental sustainability. By 2024, carbon credit projects alone covered at least 9.1 million hectares in low- and middle-income countries, frequently without the free, prior and informed consent of the communities occupying those territories.²⁹

B. Aquatic territorialities: fishing, lake and riverside communities

16. Small-scale fisheries employ 90 per cent of all the world’s fishers and fishery workers, approximately half of whom are women, and contribute close to two thirds of global catches for direct human consumption.³⁰ Aquaculture is estimated to account for 56 per cent of the total production of aquatic animals and 62 per cent of total aquatic animal food availability, estimated at 193 million tonnes.³¹ This scale contrasts with the degree of formal recognition of the territorial rights of these communities: their customary tenure systems over fishing grounds, coastal areas, mangroves and estuaries are rarely documented, and the expansion of industrial

²⁴ S.M. Borras Jr. and J.C. Franco, “The global climate of land politics”, in *Globalizations*, Vol. 18, No. 7 (2021), pp. 1277–1297, available from <https://doi.org/10.1080/14747731.2021.1979717>.

²⁵ Submissions received by the Working Group, documenting cases in sub-Saharan Africa and South-East Asia, where digitalization of land records has resulted in the erasure of customary claims. See also ILC et al, *The Status of Land Tenure and Governance*, chap. 3, pp. 95–97.

²⁶ ILC et al, *The Status of Land Tenure and Governance*, chap. 6, pp. 182–183 and figs. 6.4–6.5, with Land Matrix Initiative data (2025). The 1.2 billion hectare estimate derives from K. Dooley, et al., “The Land Gap Report” (Melbourne Climate Futures, 2022), pp. 2–5, available from <https://landgap.org/2022/report>, confirmed in K. Dooley, et al., “Over-reliance on land for carbon dioxide removal in net-zero climate pledges”, in *Nature Communications*, Vol. 15, Art. 9295 (2024), available from <https://doi.org/10.1038/s41467-024-53466-0>.

²⁷ ILC et al, *The Status of Land Tenure and Governance*, chap. 6, p. 181, with reference to “The Land Gap Report” (2022).

²⁸ ILC et al, *The Status of Land Tenure and Governance*, preface, p. xiii, and chap. 3, pp. 90–103, with data from the Property Rights Index (Prindex) 2024 Global Survey. Tenure insecurity rose from 19 to 23 per cent of the global adult population between 2020 and 2024. The figure of 35 per cent of globally formally documented land is recorded in *The Status of Land Tenure and Governance*, preface, p. xiii and chap. 3, p. 88.

²⁹ GRAIN, “From land grabbers to carbon cowboys: a new scramble for community lands takes off” (Barcelona, Spain, 2024), available from <https://grain.org/en/article/7190-from-land-grabbers-to-carbon-cowboys-a-new-scramble-for-community-lands-takes-off>. The figure of 9.1 million hectares is verified from carbon project registries (Verra, Gold Standard) cross-referenced with land allocation records.

³⁰ See <https://openknowledge.fao.org/items/6090777d-ded2-4c7c-9f00-a032fdc2690f>, preface and pp. ix–x.

³¹ See <https://openknowledge.fao.org/items/afac6163-2535-42ad-8aea-b5eabdc8343c>.

aquaculture, coastal tourism and marine renewable energy projects systematically encroaches on those spaces without triggering protection mechanisms. The first systematic review of conflicts and blue injustices in Latin American fishing communities³² documents that blue economy initiatives are responsible for 33 per cent of the conflicts affecting them, with overlapping distributive, social and procedural injustices. Recent research on watershed governance in the region³³ confirms a structural paradox: increasingly advanced normative frameworks, grounded in articles 5, 17 and 21 of the Declaration and in constitutional recognition of the human right to water, contrast with implementation realities marked by market-oriented policies and the concentration of control over water. These dynamics extend to inland water bodies, rivers, lakes and wetlands, territories of life for riverside and lacustrine communities whose customary tenure systems are even less visible than those of coastal fisherfolk.³⁴

17. The case of Isla Escudo de Veraguas, Panama, illustrates these tensions precisely.³⁵ In October 2025, the Ministry of the Environment imposed, through ministerial resolutions,³⁶ a total fishing ban in territory whose jurisdiction had been conferred upon the Ngäbe-Buglé Comarca by formal legislation, a modification that would have required prior consultation with the Ngäbe-Buglé Congress. The community observed that its own traditional voluntary closure practices, from June to February, already exceeded the duration of the State moratorium and that traditional ecological knowledge had not been taken into account. The inequity is compounded because an industrial aquaculture enterprise operates seven nautical miles away without equivalent restrictions.³⁷ The Ngäbe-Buglé response combined local mobilization with recourse to the Human Rights Council, invoking the Declaration on the Rights of Peasants, the United Nations Declaration on the Rights of Indigenous Peoples and the Guiding Principles on Business and Human Rights.³⁸ The facts show concurrent violations of article 17 (1) of the Declaration (access to coastal seas), article 21 (livelihood and health), article 5 (1) (ecological knowledge) and article 10 (participation), as well as a documented gender dimension: Ngäbe-Buglé women, rights holders under article 4 of the Declaration on the Rights of Peasants, are central agents in fish processing and custodians of traditional knowledge, and their exclusion from consultation violates obligations under the Convention.³⁹ The absence of formal documentation cannot operate as a ground for denying protection under the Declaration on the Rights of Peasants: converting

³² D. Prado et al, “Threats and prospects for the viability of small-scale fishing communities in Latin America: A systematic review of conflicts and blue injustices”, in *Ocean & Coastal Management*, Vol. 271 (Jan. 2026).

³³ See <https://www.javerianacali.edu.co/sites/default/files/2026-03/tensiones-sistemicas-agua.pdf>, pp. 3–4.

³⁴ Submissions received by the Working Group documenting cases of inland water body displacement in the Mekong Basin, Lake Chad region and Amazonian floodplains. On the deliberate targeting of water infrastructure, see the destruction of the Kakhovka Dam in June 2023 (see para. 22).

³⁵ The Working Group conducted technical cooperation sessions with Panamanian civil society organizations, including representatives of the Ngäbe-Buglé Comarca and artisanal fishing associations, in 2025.

³⁶ See <https://docs.panama.justia.com/federales/leyes/10-de-1997-mar-11-1997.pdf>; https://www.gacetaoficial.gob.pa/storage/gacetitas/2025/10/30398_C/GacetaNo_30398c_20251030.pdf and <https://vlex.com.pa/vid/resolucion-n-dm-0417-1092807041>.

³⁷ G. Hussain, G., “Panama Shuts Indigenous Fishers Out of Ancestral Waters as Industrial Fish Farm Expands Nearby”, *Sentient Media*, 2025.

³⁸ See <https://icsf.net/newss/panama-indigenous-fishers-appeal-to-un-over-banned-waters/>; and [A/HRC/27/52/Add.1](https://www.unhcr.org/refugees/27/52/Add.1).

³⁹ H. Steiner and M. Maccorquodale, “Deconstructing the Mosaic of Law and Governance in the Santa María Watershed: An Analysis of Perspectives and Preoccupations in the Lower Basin”, (McGill University, 2025).

historically produced legal invisibility into a basis for oceanic dispossession is among the most urgent implementation gaps in this report.

C. Pastoral and transhumant communities: territorial mobility and denied rights

18. Pastoralism, as understood in this report, designates the small-scale, mobile and frequently nomadic or transhumant systems of production, livelihood and governance based on the seasonal use of pastures, savannas, steppes and prairies through the movement of livestock, and sustains the livelihoods of between 200 and 500 million people worldwide.⁴⁰ The Working Group distinguishes this category from large-scale, capital-intensive ranching and industrial livestock operations, which neither depend on common-property regimes nor face the territorial precarity addressed here. The distinction, raised in the Working Group's consultations by the World Alliance of Mobile Indigenous Peoples and by pastoral organizations from Australia, Brazil, Canada and the United States, matters legally: the Declaration protects mobility as a relationship with territory precisely because small-scale pastoralists, unlike industrial producers, hold no individual title to the spaces they use and are the most exposed to dispossession. Its presence is particularly significant in sub-Saharan Africa, where close to half of the world's 120 million pastoralists or small agropastoral producers reside, but extends also to the Sahel, the Horn of Africa, Central Asia, the Middle East and areas of Latin America and South Asia.⁴¹ Unlike other agrarian systems, pastoralism cannot be separated from its spatial dimension: mobility is its functional condition. Without secured access to transit corridors, seasonal pastures and shared water points, the system collapses. Protecting pastoral rights under the Declaration cannot be reduced to guaranteeing a static plot; it requires recognition of a territory in motion.

19. The legal invisibility of pastoralism comes from frameworks never designed to capture mobility as a legitimate form of relationship with territory. Dominant property registration systems, heirs to colonial law and twentieth-century agrarian reforms presuppose physical delimitation and continuity of use as conditions of protection. Seasonal pastures, transhumance corridors and shared water points fit none of these categories, becoming vulnerable to reclassification as vacant, State or investment-available land. The gap between the extent of pastoralism and its legal recognition, particularly acute in sub-Saharan Africa, defines the space of vulnerability in which dispossession mechanisms operate:⁴² agricultural expansion over pastures, the enclosure of transit corridors, the privatization of water points and, more recently, the transformation of pastures into protected areas or surfaces for renewable energy projects under a climate justification, all without activating consultation mechanisms because rights over dynamic territorialities were never formally registered. Civil society contributions document that these processes frequently operate through "slow violence", that is, the gradual erosion of pastoral livelihoods through administrative reclassification, enclosure of water points and progressive restriction of transit

⁴⁰ The estimate of 200 to 500 million people dependent on pastoralism is based on ILC et al, *The Status of Land Tenure and Governance*, chap. 5, p. 134; and E/C.12/GC/26, para. 35.

⁴¹ The distinction was raised by members of the World Alliance of Mobile Indigenous Peoples and by pastoral and rancher organizations from Australia, Brazil, Canada and the United States at the Nyéléni global forum. See <https://nyeleni.org/en/category/newsletters-nyeleni-in-english/newsletter-no-64-pastoralism-at-the-crossroads-between-struggles-and-recognition-soon/>.

⁴² ILC et al, *The Status of Land Tenure and Governance*, chap. 3, p. 84, fig. 3.2: distribution of land tenure by region. Sub-Saharan Africa has the largest gap between customary extent (73 per cent) and formal legal recognition (1 per cent) of any region in the world.

corridors, producing displacement without a single identifiable act of eviction.⁴³ Debt mechanisms also increasingly fragment collective pastoral tenure: individual credit schemes conditioned on titled land incentivize the subdivision of communal pastures and convert shared resources into alienable parcels vulnerable to foreclosure and transfer to external investors.⁴⁴

20. The global 2026 study conducted by FAO, the International Land Coalition and the Centre for International Cooperation in Agronomic Research for Development confirms the scale of this exposure: nearly 60 per cent of customary lands in 64 countries are under threat from industrial activities, and renewable energy projects account for 42 per cent of documented cases, the most frequent threat, ahead of oil and gas extraction (18 per cent), commercial agriculture (14 per cent) and mining (8 per cent).⁴⁵ The wide, flat pastures that characterize pastoral territories, precisely the technical optimal conditions for wind and solar parks, place them at the centre of this emerging pressure. The Working Group considers that this tension is not irresolvable within the framework of the Declaration, but it does require an active interpretation of its provisions. The standard of free, prior and informed consent originated in the law of Indigenous Peoples,⁴⁶ where it is firmly established, and many pastoral communities are themselves members of Indigenous Peoples and entitled to it on that basis. For pastoralists who are not recognized as members of Indigenous Peoples, the operative standard is the autonomous right of participation that article 10 of the Declaration confers on all peasants and rural people, namely, the right to active, free, effective, meaningful and informed participation in the preparation and implementation of decisions that may affect their lives, lands and livelihoods. Read together with article 17 (1), which includes pastures among the resources over which territorial rights are exercised, article 2 (3), and article 10 ground the obligation to consult and cooperate in good faith with the communities concerned before energy transition and conservation projects affecting pastoral territories proceed, seeking their support and ensuring their active, free, effective, meaningful and informed participation. It is inadmissible, under the Declaration, for the global climate agenda to advance at the expense of communities that have contributed least to the crisis it seeks to resolve. In Chad, the establishment of special economic and industrial zones on pastoral lands has displaced transhumant communities from traditional dry-season pastures without compensation or consultation, a case in point of how development projects imposed on unregistered customary territories proceed as though the land were vacant.⁴⁷

21. Effective protection of the territorial rights of pastoral and transhumant communities requires, first, the explicit recognition by States that territorial mobility is a legitimate relationship with territory under article 17 (1) of the Declaration read with article 5 (1), not a lesser or transitional form of tenure. Transhumance corridors, seasonal pastures and shared water points must be identified, mapped together with

⁴³ The concept of “slow violence” is drawn from R. Nixon, *Slow Violence and the Environmentalism of the Poor* (Harvard University Press, 2011), and has been applied to pastoral dispossession referred to in the submissions received by the Working Group.

⁴⁴ Submissions received by the Working Group, documenting debt-driven tenure fragmentation in pastoral communities in East Africa and the Sahel.

⁴⁵ ILC et al, *The Status of Land Tenure and Governance*, chap. 5, pp. 155–157 and fig. 5.10. Renewable energy projects are the most frequent threat to customary lands globally, followed by oil and gas extraction (18 per cent), commercial agriculture (14 per cent), mining (8 per cent) and urbanization (4 per cent).

⁴⁶ First described in the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169), free, prior and informed consent was codified in the United Nations Declaration on the Rights of Indigenous Peoples in 2007.

⁴⁷ Submissions received by the Working Group, documenting the displacement of transhumant communities from dry-season pastures in the Lake Chad region by special economic zones.

the communities and protected through legal frameworks that do not reproduce the static logic of conventional property registers. Second, the participation mechanisms of article 10 must be operationalized so as to reach pastoral communities, whose dispersal and mobility frequently place them outside ordinary administrative planning. The invisibility of these communities in national tenure frameworks is a legal and political construction that States are obliged to correct, and which this report documents as one of the most underaddressed implementation gaps of the Declaration. In this regard, Mali's *Charte pastorale* (Law No. 01-004 of 2001) and its Village Land Commissions (*Commissions foncières villageoises*) provide a documented national framework that recognizes transhumance corridors and seasonal access rights as legally protected tenure forms, offering a replicable model for the implementation of article 17 of the Declaration in pastoral contexts.⁴⁸

D. War and armed conflict as instruments of territorial dispossession of communities under the Declaration

22. According to the Office of the United Nations High Commissioner for Refugees Global Trends report 2025,⁴⁹ as of the end of 2025, there were 117.8 million forcibly displaced people worldwide, compared with 123.2 million as of the end of 2024. The decline is due to a sharp increase in returns, many of which took place under adverse conditions and to areas where insecurity and a lack of basic services persisted. Return without land restitution or guarantees of sustainable reintegration does not resolve territorial dispossession, it merely postpones it. The Sudan illustrates one of the most serious cases of systematic destruction of peasant territories. As of the end of 2025, the armed conflict had caused more than 150,000 deaths; displaced 9.1 million people, creating the largest internal displacement crisis in the world; and triggered the first declared famine since 2020.⁵⁰ United Nations independent human rights experts documented catastrophic agricultural losses: two seasons without harvests, destroyed irrigation infrastructure and systematically looted machinery.⁵¹ In total, 70 per cent of the smallholders of the Gezira Scheme, 880,000 hectares that sustained tens of thousands of peasant families, were displaced, dismantling an agrarian system that for decades was the backbone of Sudanese food sovereignty. The territorial dimension of the conflict is compounded by external extractive interests: before the outbreak, agricultural investments had been agreed covering more than 162,000 additional hectares of irrigated land, and at the start of hostilities foreign companies were cultivating more than 50,000 hectares in the country.⁵² This modality – armed conflict as a mechanism of territorial emptying that facilitates the later appropriation of peasant lands – is a flagrant violation of articles 5, 17 and 28 of the Declaration. Forced displacement also produces differentiated gender effects: Sudanese peasant women, whose tenure rights are frequently informal and derived from community ties, lose upon displacement both physical access to land and the social fabric that gave practical content to their rights, in violation of article 4 of the Declaration and

⁴⁸ Mali, Law No. 01-004 of 27 February 2001 (*Charte pastorale*). See also contribution of Mali to the submissions received by the Working Group, describing the functioning of Village Land Commissions (*Commissions foncières villageoises*).

⁴⁹ Available at <https://www.unhcr.org/media/global-trends-2025-report>.

⁵⁰ See <https://www.unocha.org/publications/report/sudan/sudan-humanitarian-update-1-31-january-2025>; Integrated Food Security Phase Classification, "Sudan: Acute Food Insecurity Situation" (August 2024).

⁵¹ See <https://news.un.org/es/story/2024/09/1532556>.

⁵² See <https://grain.org/en/article/7025>. The data on the 50,000 hectares cultivated by foreign companies and the agreement for an additional 162,000 hectares are verified in this study from contract records and foreign investment databases.

article 14 of the Convention. Reconstruction in post-conflict scenarios cannot be built on individualized tenure models that reproduce this exclusion.

23. The case of the State of Palestine is the most extensively documented instance of systematic destruction of peasant territorialities as a deliberate component of territorial domination, including: more than 5,000 hectares confiscated in the West Bank in the period 2023–2024 alone; 70 per cent of Gaza’s agricultural land devastated since October 2023; the destruction of wells, irrigation, greenhouses and seed stocks;⁵³ and settlement expansion that reached its highest recorded pace in 2024. The continuity between historical dispossession mechanisms, the uncultivated land doctrine, tenure fragmentation and restriction of water rights, and contemporary modalities forms a documented pattern of geopolitical-imperial land-grabbing.⁵⁴ Peasant agrarian resistance, olive cultivation, family farming in areas of restricted access and terrace maintenance are in this context a simultaneous act of subsistence and an exercise of territorial rights.⁵⁵ Palestinian peasant women, custodians of seed systems and agroecological knowledge, are likewise dispossessed of the space in which they exercise the rights recognized in article 4 of the Declaration and article 14 of the Convention. Article 17 (6) of the Declaration is here at its most demanding: it operates as an imperative to protect the very existence of a peasant community against its systematic displacement and destruction.

24. The above cases, together with the patterns documented in northern Myanmar, eastern Democratic Republic of the Congo and the Sahel, make it possible to identify a structural global pattern: that armed conflicts and prolonged occupations operate as accelerators of peasant territorial dispossession, with effects that outlast the duration of the conflict itself. Forced displacement severs community ties with territories; the destruction of agrarian infrastructure dismantles the supports of peasant production; the collapse of registration institutions creates legal vacuums exploited by actors with greater political capacity; and post-conflict reconstruction tends to privilege individualized tenure models that exclude the most vulnerable communities.⁵⁶ Articles 17 (4), 17 (5) and 12 (2) of the Declaration, which prohibit evictions and agricultural destruction as methods of warfare and enshrine the rights to return, compensation, restitution and reparation, are the normative foundations of a post-conflict territorial justice agenda that this report urges States to develop as a priority. The destruction of the Kakhovka Dam in June 2023, which flooded 600 square kilometres of agricultural land in southern Ukraine, and the documented confiscation of agricultural properties in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, demonstrate that this pattern is not

⁵³ See https://content.forensic-architecture.org/wp-content/uploads/2024/10/FA_A-Spatial-Analysis-of-the-Israeli-militarys-conduct-in-Gaza-since-October-2023.pdf; https://content.forensic-architecture.org/wp-content/uploads/2025/08/2025.08.22_The-Architecture-of-Genocidal-Starvation-in-Gaza_FA.pdf; and <https://forensic-architecture.org/investigation/ecocide-in-gaza>.

⁵⁴ W. Wolford et al, “Global land deals: what has been done, what has changed, and what’s next?”, in *The Journal of Peasant Studies*, Vol. 52, No. 7 (2025), pp. 1409–1446.

⁵⁵ F. Panosetti et al, “Agrarian questions in global Palestine: past, present and future”, in *The Journal of Peasant Studies* (21 August 2025), available from <https://doi.org/10.1080/03066150.2025.2537878>.

⁵⁶ This typology of armed conflict effects on peasant territorial rights is grounded in the 2022 report of the Special Rapporteur on the right to food (A/HRC/52/40).

confined to the Global South.⁵⁷ The same logic is illustrated by the exodus of the Armenian population from Nagorno-Karabakh in September 2023, with the displacement of some 100,000 people, who lost access to their lands and properties without documented compensation, demonstrating that the pattern of dispossession linked to armed conflict also operates in Western Asia.

IV. Positive precedents and promising practices: towards effective recognition of territories under the Declaration

25. The Working Group has identified positive precedents: peasant territorial protection is achievable by combining legal recognition, bottom-up governance and structural limits on concentration. These advances occur on three planes: international human rights jurisprudence; national legal figures for collective tenure; and fisheries co-governance models. Nepal's community forestry programme, which has transferred management of 2.24 million hectares of national forest to over 22,000 community forest user groups, shows that collective territorial governance can simultaneously advance tenure security, environmental conservation and poverty reduction, consistent with articles 17 and 20 of the Declaration.⁵⁸

A. *Lhaka Honhat v. Argentina* (Inter-American Court of Human Rights, 2020)

26. In its judgment in *Indigenous Communities Members of the Lhaka Honhat (Our Land) Association v. Argentina*, the Inter-American Court of Human Rights ordered the State to delimit, demarcate and grant a single collective title over more than 400,000 hectares to 132 communities in the Province of Salta after 22 years of litigation, for the first time giving the concept of territory an autonomous and expanded content, and giving independent protection to its socioecological, cultural and hydrological dimensions.⁵⁹ The judgment invoked the Declaration in relation to the peasant settler families cohabiting in the territory with Indigenous Peoples, referring to the Declaration as a supplementary interpretive source in respect of those families, the Court having expressly clarified that it did not base State responsibility on the Declaration (para. 136), and this judgment, when read with article 17, identifies territory as a system of social, ecological and cultural relations, not a sum of plots.

27. As at April 2026, Argentina had not fully implemented the decision: the legal titling of Indigenous land, removal of non-Indigenous (*criollo*) settlers and improvement of water access remain unfulfilled.⁶⁰

⁵⁷ See <https://news.un.org/en/story/2023/06/1137372>; and reports of the human rights monitoring mission in Ukraine, 2023–2025. On Nagorno-Karabakh, see <https://www.ohchr.org/en/statements-and-speeches/2023/09/azerbaijan-armenia-comment-un-human-rights-chief-volker-turk>; <https://geneva.usmission.gov/2023/10/11/joint-statement-on-the-situation-in-nagorno-karabakh/>; <https://www.unocha.org/publications/report/armenia/un-humanitarian-team-wraps-assessment-mission-armenia-azerbaijan>; and A/HRC/57/50/Add.2. See also submissions received by the Working Group on the confiscation of agricultural lands in occupied territories.

⁵⁸ Nepal, Ministry of Forests and Environment, community forestry programme data (2024). See also the submissions received by the Working Group on Nepal's community forestry as a model for collective territorial governance under the Declaration.

⁵⁹ Inter-American Court of Human Rights, *Indigenous Communities Members of the Association Lhaka Honhat (Our Land) v. Argentina*.

⁶⁰ See <https://gnhre.org/?p=10827>.

B. Peasant territoriality figures in Colombia

28. Colombia has developed the world's most advanced normative framework for the legal recognition of peasant territorialities. The peasant reserve zones, reinforced in 2024 as "forms of peasant territoriality",⁶¹ numbered 21 zones covering 1,594,000 hectares as of March 2026, of which 45 per cent are forests, *páramos* or wetlands, which confirms the convergence between peasant territoriality and environmental conservation recognized in articles 17 and 20 of the Declaration.⁶² The peasant agrifood territories,⁶³ which recognize dignified life plans as a participatory planning instrument, extend this architecture to communities organized around integrated agrifood systems. The aquatic agrifood ecosystems,⁶⁴ the first Latin American legal instrument specifically designed for amphibious peasant communities, recognize aquatic food sovereignty as the foundation of territorial ordering. These instruments materially implement articles 17 and 21, and the conceptual model of "land + territory + territoriality" that underlies them offers a replicable reference. A gender gap persists, however, under article 4: peasant women, who are central to the productive systems sustaining these figures, remain underrepresented in their governance bodies. The peasant reserve zones do not confer collective property titles, and all three figures face persistent political opposition threatening their effective implementation.

C. Fisheries co-governance models

29. In the domain of maritime and coastal territorialities, two models merit particular attention. Brazil's marine extractive reserves, established under decree 6,040/2007 as part of the national policy for the sustainable development of traditional peoples and communities, are the most developed model of collective tenure for coastal artisanal fishing communities in the region, although Brazil still lacks legislation explicitly articulating these figures with the rights enshrined in article 17 of the Declaration for oceanic spaces.⁶⁵ The inshore exclusion zones, supported in September 2024 by 79 countries of the Organization of African, Caribbean and Pacific States through a declaration proposing the reservation of coastal areas between 6 and 12 nautical miles for artisanal fishing with 100 per cent community co-governance, point in the same direction at the multilateral level.⁶⁶

30. Chile's territorial use rights in fisheries offer an alternative model of marine territorial co-management through the assignment of collective use rights to artisanal

⁶¹ Colombia, Law 160 of 1994, chap. XIII, arts. 79–84; Decree 1147 of 2024, art. 2.14.13.1; Legislative Act 01 of 2023, amending article 64 of the Political Constitution to recognise the peasantry as a subject of rights entitled to special constitutional protection.

⁶² National Land Agency, registry of constituted peasant reserve zones as at March 2026. In order to address any potential conflict of interest with Indigenous Peoples' territories, the Constitutional Court, in Judgment C-371 of 2014, conditioned the creation of peasant reserve zones on verifying the presence of Indigenous or tribal peoples' territories and, where there is overlap, on carrying out free, prior, informed consultations with such peoples. The implementing regulations prohibit constituting peasant reserve zones on Indigenous reservations and Afro-Colombian collective territories.

⁶³ Available in Spanish at <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=242896>.

⁶⁴ Available in Spanish at https://www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=272596.

⁶⁵ Available from <https://leap.unep.org/en/countries/br/national-legislation/decreed-no-6040-instituting-national-policy-sustainable>.

⁶⁶ See <https://www.cffacape.org/publications-blog/strengthening-iez-with-ssf>.

fishing organizations.⁶⁷ In the Tunisian Kerkennah archipelago, the *charfia* system offers a particularly significant case. Under the Hafsid (thirteenth to sixteenth centuries) and Mouradite (seventeenth century) dynasties, maritime concessions known as *istnezzel* consolidated a customary territorialization of the sea through the assignment of specific portions to family lineages, with hereditary transmission and collective management. The system persists today in 500 to 600 active units involving more than 2,000 families, and operates within a legal pluralism regime where the Tunisian Fisheries Code (Law No. 94-13 of 1994) and jurisprudence recognize de facto the *charfias* as specific real rights derived from possession and local uses.⁶⁸ The recognition in 2020 by the United Nations Educational, Scientific and Cultural Organization (UNESCO) of the *charfia* system as a part of the Intangible Cultural Heritage of Humanity places it on the same analytical plane as Brazilian *maréórios*: both evidence that peasant aquatic territorialities under articles 5 and 17 of the Declaration are not a projection of terrestrial law upon the sea but a customary legal reality that formal frameworks must recognize.⁶⁹

31. A comparative analysis of these precedents identifies the conditions that determine whether normative recognition translates into effective protection. The effective participation of communities in the design and governance of the instruments that recognize them, under article 10 of the Declaration, is a necessary condition of their legitimacy. Equally determinant are timely access to justice, legal remedies and protection of the life and personal integrity of those who defend territorial rights: structural legal corrections do not produce redress if judicial systems fail to protect rights holders in useful time. Formal recognition must also be accompanied by budgetary and institutional mechanisms guaranteeing operability against market pressures, and collective peasant tenure figures require legal treatment on an equal footing with individual private property, consonant with the non-discrimination obligations of articles 3 and 17. The distance between standards and documented reality expresses the power asymmetries that the Declaration was conceived to correct.

V. Conclusions and recommendations

32. **Regular and irregular armed groups, transnational agribusiness, extractive industries and institutional investors systematically drive resource concentration by acquiring land and water rights. This dispossession is increasingly executed by corporate actors using net-zero carbon commitments, renewable energy projects and conservation schemes to enclose customary pastures and aquatic territories. This asymmetry is actively facilitated by State legal architectures that validate individualized, static property while rendering collective and mobile territorialities legally invisible.**

33. **Reversing these asymmetries requires replacing voluntary compliance models with binding regulatory architectures that subordinate corporate activity to human rights obligations. States must impose strict structural limits on concentrating land and water rights, including absolute caps on land**

⁶⁷ Available from <https://leap.unep.org/en/countries/cl/national-legislation/ley-no-18892-de-1989-y-sus-modificaciones-ley-general-de-pesca-y>.

⁶⁸ See <https://leap.unep.org/en/countries/tn/national-legislation/loi-no-94-13-relative-lexercice-de-la-peche>. See also <https://ich.unesco.org/en/RL/charfia-fishing-in-the-kerkennah-islands-01566>; Viviane Bettaïeb and Ameer Oueslati, *Kerkenah, l'archipel de la charfiya* (2025); and <https://www.fondazione Slow Food.com/en/slow-food-presidia/presidio-sui-metodi-tradizionali-di-pesca-delle-isole-kerkennah/>.

⁶⁹ Contribution received in the Working Group's civil society consultation process (memoranda on the *charfias* of Kerkennah, March–April 2026).

accumulation and moratoriums on the transfer of customary lands, waters and pastoral rights to owners or investors. Furthermore, Governments are obligated to regulate business enterprises through mandatory human rights due diligence and the strict consultation obligations and, where applicable, free, prior and informed consent obligations across all extractive, agribusiness and climate mitigation projects. Resolving this imbalance demands positive redistributive action: States must implement comprehensive agrarian reform that actively restructures tenure systems and transfers land to marginalized communities, ensuring that corporate entities are held legally accountable for any displacement or erosion of the collective territorial rights protected by the Declaration.

34. This report identifies the structural gap between the normative framework of the Declaration and the reality of the territorialities of its rights holders. The recommendations that follow derive from the documented findings, are formulated in discharge of the mandate established by the Human Rights Council in its resolution [39/12](#) and rest on the obligations flowing from articles 2, 5, 10, 12, 17, 20, 21 and 25 of the Declaration. The Working Group notes that the rural and Indigenous movements convened at the Second International Conference on Agrarian Reform and Rural Development, held in Cartagena, Colombia, from 24 to 28 February 2026, articulated their demands around four mutually reinforcing axes: recognition of collective and customary tenure; redistribution of concentrated land with caps on accumulation; restitution and reparation for those dispossessed by conflict, colonization and forced eviction; and regulation of the influence of market forces and speculation over land, water and territories.

A. To States

35. The Working Group recommends that States:

(a) Adopt legislation recognizing collective peasant territorialities, including undocumented customary ones, as legitimate and protected forms of tenure, on an equal footing with individual private property rights (art. 17 (3) of the Declaration), with express extension to aquatic territorialities and to transhumance corridors and seasonal pastures;

(b) Ensure that rights formalization processes do not exclude communities dependent on common resources, in accordance with general comment No. 26 of the Committee on Economic, Social and Cultural Rights, which cautions against formalization that deprives peasants, Indigenous Peoples, pastoralists and fisherfolk of access to the resources on which they depend;

(c) Incorporate into national legislation the prohibitions in article 17 (4) of the Declaration, including agricultural destruction and land confiscation as methods of warfare, and operationalize the rights to return, restitution, compensation and reparation under articles 12 (2) and 17 (5), for the more than 122 million people forcibly displaced, so that the diagnosis of conflict-driven dispossession set out in this report is met by a corresponding obligation of redress;

(d) Adopt affirmative measures to ensure that peasant women exercise rights over land, water and productive resources on terms of substantive equality (art. 4 of the Declaration; art. 14 of the Convention), including parity representation in territorial governance bodies;

(e) Establish or strengthen mechanisms limiting territorial concentration, including concentration through corporate structures that are difficult to trace, in fulfilment of article 17 (6) of the Declaration, and adopt moratoriums on the transfer of customary lands to corporate investors in contexts of documented high concentration;

(f) Adopt legal frameworks for the recognition of the territories of pastoral and transhumant communities, transit corridors, seasonal pastures, communal water points, in fulfilment of article 17 (1), and guarantee prior consultation in good faith, ensuring active, free, effective, meaningful and informed participation (arts. 2 (3) and 10) for renewable energy and conservation projects affecting these territories;

(g) Subject carbon projects, payments for ecosystem services, conservation schemes and energy transition projects on customary territories to territorial impact assessments, with effective community participation and equitable benefit distribution (art. 5 (2)).

B. To the Human Rights Council

36. The Working Group recommends that the Human Rights Council:

(a) Request the development of a periodic monitoring mechanism for the implementation of the Declaration on territorialities, including terrestrial, aquatic, pastoral and in conflict contexts, with indicators disaggregated by type of rights holder, tenure modality and region, to be integrated into universal periodic review cycles;

(b) Promote the integration of the framework of the Declaration into the mandates of thematic special procedures related to the rights to food, water and housing, as well as to human rights defenders, Indigenous Peoples, climate change, the environment, foreign debt and the rights of rural women, in order to ensure transversal and coherent protection of peasant territorialities.

C. To the United Nations system

37. The Working Group recommends that:

(a) FAO, the United Nations Environment Programme and the International Fund for Agricultural Development incorporate the Declaration as the guiding normative framework for their operations in rural areas, producing statistical information disaggregated by type of rights holder, so that peasant farmers, artisanal fishers, pastoralists and amphibious communities are each made visible in the data, and advancing the recognition of aquatic territorialities as a differentiated legal category in national tenure frameworks, in line with articles 17 and 21 of the Declaration and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries;

(b) The Conference of the Parties to the Convention on Biological Diversity recognize rights holders under the Declaration as central actors of the Kunming-Montreal Global Biodiversity Framework, ensuring that conservation targets are not achieved at the expense of their territorial rights; and the Committee on Economic, Social and Cultural Rights develop interpretive guidance specifically addressing State obligations regarding aquatic, pastoral and forest territorialities;

(c) International financial institutions and multilateral development banks, including the World Bank, regional banks and green climate funds, integrate the Declaration into their due diligence processes and safeguards, conditioning rural project approval on verification that they will not produce dispossession, displacement or erosion of collective territorial rights protected by the Declaration.

D. To peasant and civil society organizations

38. The Working Group encourages peasant, fishing, pastoral and Indigenous Peoples' organizations to use the Declaration and general comment No. 26 as instruments for strategic litigation, including the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and to systematize their experiences of collective territorial governance, including Colombia's peasant reserve zones, peasant agrifood territories and aquatic agrifood ecosystems, Brazil's *maretórios* and marine extractive reserves, Chile's territorial use rights in fisheries and Tunisia's *charfia*, and equivalent figures, as evidence for the progressive development of international law.
