



Input for the Working Group on the Rights of Peasants and Other People Working in Rural Areas

Report on Peasant Territories on Land and Sea

**South Centre
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Background

The South Centre welcomes the chance to contribute to the Working Group's thematic report on Peasant Territorialities of Sea and Land. As an intergovernmental think tank of developing countries, the South Centre emphasises that realising the rights recognised in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), particularly Article 17, depends on a fundamental shift in how "territory" is legally understood and economically managed.

The following inputs consider how the current multi-crisis of climate change, biodiversity loss, and systemic inequality threatens the very survival of rural communities, making the protection of peasant territories not just about asset distribution but a crucial requirement for human dignity and global food security.¹

Concept of Peasant Territory

The idea of "peasant territory" should go beyond the dominant view that treats land mainly as an asset or as a mere means of production. Territory should be conceptualised as a socio-ecological concept in which cultural identity, social structures, and sustainable production intersect, a concept also known as territoriality. It serves as the foundation for the rights to food, food sovereignty, and sustainable development. This view aligns with the feminist notion of "body-territory" (cuerpo-territorio), often expressed by rural women in

¹ Maria Natalia Pacheco Rodriguez and Luis Fernando Rosales Lozada, 'The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: One Step Forward in the Promotion of Human Rights for the Most Vulnerable' (2020) South Centre Research Paper 123 <https://www.southcentre.int/wp-content/uploads/2020/11/RP-123.pdf> accessed 16 February 2026.

Latin America, which links the protection of land to the safeguarding of women's physical integrity and rights.²

The concept of 'territoriality' has also been acknowledged in the jurisprudence of regional human rights courts as something more than a defined geographical area under the jurisdiction or control of a state, organisation, or individual. Over the years, the understanding of territory has broadened to include natural resources vital for survival. For instance, the Inter-American Court of Human Rights (IACtHR) has held that the right to territory encompasses the protection of the environmental integrity of land, water, and forests.³ The IACtHR ruling cited UNDROP to extend protections to peasant families, taking into account "the particular situation of this population in order to safeguard their rights".⁴ This implies that the concept of 'peasant territories' encompasses the interlinkages between water, food, the environment and human rights.⁵

Article 17 of UNDROP is transformative, as it recognises the "social function" of land, extending beyond the rights conferred by individual property to include collective rights to tenure, management, and use. This provision supports local practices by legitimising customary tenure systems, often informal yet vital for managing commons such as communal pastures and fishing grounds.⁶ In many local contexts across developing countries, this approach offers a protective framework against the commercialisation and gentrification of rural land. It also considers peasants' access to land a fundamental right necessary for an adequate standard of living, and emphasises that States must ensure equitable access and protect communities from displacement.

Concentration and Access to Resources

The concentration of land ownership in rural areas in many countries has been reinforced by land financialization. Recent data shows a sharp rise in land inequality, with the top 10% of rural residents controlling 60% of the land's value, while the bottom 50% owns only 3%.⁷ At the same time, international investment agreements and the typical Investor-State Dispute Settlement (ISDS) mechanisms they contain may exacerbate this disparity by prioritising foreign investors' interests over those of peasants or states' sovereign rights to regulate for the public good.⁸ This is because when States attempt to implement agrarian

² Priscilla Claeys and Deborah Delgado Pugley, 'Peasant and Indigenous Transnational Social Movements Engaging with Climate Justice' (2015) BICAS CMCP 15 <https://www.iss.nl/en/media/cmcp15-claeysdelgado> accessed 16 February 2026.

³ *Case of the Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*. Merits, Reparations and Costs. Series C No. 400.

⁴ *Ibid.* par. 136

⁵ *Ibid.* para. 275.

⁶ Pacheco Rodríguez y Rosales Lozada, n 1.

⁷ Ward Anseeuw and Giulia Maria Baldinelli, 'Uneven Ground: Land Inequality at the Heart of Unequal Societies' (2020) International Land Coalition/Oxfam Synthesis Report <https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2020-11/uneven-ground-land-inequality-unequal-societies.pdf> accessed 16 February 2026.

⁸ Johannes Schwarzer, 'Investor-State Dispute Settlement: An Anachronism Whose Time Has Gone' (2018) South Centre Investment Policy Brief 12 https://www.southcentre.int/wp-content/uploads/2018/12/IPB12_Investor-State-Dispute-Settlement-An-Anachronism-Whose-Time-Has-

reforms, enforce environmental laws, or reverse privatisation or the granting of licences to protect peasant territories, they often face multimillion-dollar lawsuits from transnational corporations. This often creates a "regulatory chill," where governments delay land redistribution or environmental measures out of fear of such lawsuits, thereby strengthening corporate control over large rural regions.⁹

Concerning maritime territories, the "Blue Economy" has often served as a vehicle for dispossession, a trend increasingly referred to as "ocean grabbing." Although intended as part of sustainable development efforts, the rapid growth of coastal tourism, offshore energy generation, and industrial aquaculture has often resulted in the exclusion of local communities. For example, small-scale fishers are consistently marginalised in marine spatial planning,¹⁰ and the privatisation of coastal areas for luxury resorts or industrial ports physically displaces fishing communities and cuts off their access to traditional landing sites. This marginalisation worsens with the industrialisation of fisheries, where heavily subsidised foreign fleets deplete stocks even within the exclusive economic zones (EEZs) of developing countries, threatening the food security and economic sustainability of local artisanal fishers.

Regarding water sources and forests, the privatisation of these commons has fragmented the hydrological cycles and ecosystems on which peasants rely. For example, the industrial exploitation of forests for timber or monoculture plantations, such as oil palm, often ignores the customary use rights of local communities and affects the biodiversity that sustains peasant agroecological systems. Similarly, water privatisation transforms a common good into a scarce commodity, forcing peasants to compete with industrial agriculture and mining for access to water resources essential to their crops and livestock.¹¹

Likewise, "green grabbing" has emerged as an equally exclusionary trend, given that it involves the appropriation of land and resources for environmental ends, such as biodiversity conservation, carbon offsetting and biofuel production. While 'green grabbing' is usually linked to efforts on sustainability and climate mitigation, it frequently results in the denial of access to local communities in their territories.¹²

Financial mechanisms like REDD+ (Reducing Emissions from Deforestation and Forest

[Gone_EN.pdf](#) accessed 16 February 2026.

⁹ Daniel Uribe Teran, 'The Constitutional Shield: How Colombia's Judiciary Shapes Investment Treaties Through Joint Interpretation' (2025) South Centre Investment Policy Brief 28 <https://www.southcentre.int/investment-policy-brief-28-6-november-2025/> accessed 16 February 2026.

¹⁰ David Vivas Eugui, Diana Barrowclough and Claudia Contreras, 'The Ocean Economy: Trends, Impacts and Opportunities for a Post COVID-19 Blue Recovery in Developing Countries' (2021) South Centre Research Paper 137 <https://www.southcentre.int/wp-content/uploads/2021/10/RP-137.pdf> accessed 16 February 2026.

¹¹ Luis Fernando Rosales Lozada, 'The Midterm Comprehensive Review of the International Decade for Action on Water for Sustainable Development amid growing tension between a human rights perspective and the commodification and privatization of water' (2023), South Centre Policy Brief 117, <https://www.southcentre.int/policy-brief-117-14-march-2023/> accessed 17 February 2026.

¹² Lorenza Arango and others, 'Land grabbing, land dispossession, land rush: what can we learn from Colombia?' (2025) 52(7) Journal of Peasant Studies <https://doi.org/10.1080/03066150.2025.2554822> accessed 17 February 2026.

Degradation) can commodify forests and biodiversity, transforming them into carbon assets for international markets rather than ecosystems for local subsistence. This can lead to injustices in access to resources and to the exclusion of communities from decision-making, often exacerbating historical conflicts.¹³ This process could also revalue land in ways that privilege external investment and global environmental goals over the customary rights and livelihoods of peasants, effectively dispossessing them under the guise of "green" development.¹⁴

Challenges and Good Practices

Legal acknowledgment of collective tenure rights remains a key challenge for peasant and fishing communities. In many areas, customary use isn't recognized as a legitimate property right, making communities susceptible to eviction by the State or private entities. This legal instability is worsened by the criminalisation of land defenders. Leaders opposing land grabbing or environmental harm often face strategic litigation against public participation (SLAPPs) or criminal charges, a pattern UNDROP seeks to oppose.

Effective land recovery and protection requires securing land rights as a key step for conservation. The adoption of "rights-based approaches" that go beyond top-down directives to recognise the self-governance of peasants and rural communities is an important mechanism for protecting collective tenure rights. Similarly, participatory mapping and formalising customary land tenure within Other Effective Area-based Conservation Measures (OECM) frameworks could ensure that conservation efforts do not cause displacement or resemble 'fortress conservation.'¹⁵ By incorporating Free, Prior, and Informed Consent (FPIC) and respecting various governance models, like communal assemblies and local cooperatives, these strategies aim to prevent landscape fragmentation and keep landholders as its primary stewards and decision-makers.¹⁶

Furthermore, strategic litigation utilising regional human rights systems has proven effective. Thus, the African Court on Human and Peoples' Rights (AfCHPR) has affirmed that the preservation of traditional lifestyles is sufficient to ground a claim to land rights, a principle that can be broadly applied to peasant communities maintaining traditional relationships with their territories.¹⁷ Peasants and young women play a central but often invisible role in the defence of territory. Empowerment initiatives that explicitly link women's

¹³ Richard Alumasa Alusiola, Janpeter Schilling and Patrick Klär, 'REDD+ Conflict: Understanding the Pathways between Forest Projects and Social Conflict' (2021) 12(6) *Forests* 748 <https://www.mdpi.com/1999-4907/12/6/748> accessed 17 February 2026.

¹⁴ James Fairhead, Melissa Leach and Ian Scoones, 'Green Grabbing: A New Appropriation of Nature?' (2012) 39 *J Peasant Stud* 237.

¹⁵ World Wildlife Fund, *Other Effective Area-Based Conservation Measures (OECMs): Synthesis Report* (WWF 2022) https://assets.worldwildlife.org/www-prd/documents/OECM_Synthesis_Report.pdf accessed 17 February 2026.

¹⁶ Harry D Jonas and others, 'Equitable and Effective Area-Based Conservation: Towards the Conserved Areas Paradigm' (2021) 27(1) *Parks* 71 https://parksjournal.com/wp-content/uploads/2021/05/10.2305-IUCN.CH.2021PARKS-27-1en_Jonas_et_al.pdf accessed 17 February 2026.

¹⁷ *African Commission on Human and Peoples' Rights v Republic of Kenya* (Order - Compliance Summary) App No 006/2012 (4 December 2025).

land rights to food security, such as the "joint titling" programs, have shown promise in enhancing women's leverage in community decision-making.¹⁸

Recommendations

To protect and strengthen peasant territorialities, the South Centre recommends to the Working Group on the rights of peasants and other people working in rural areas to consider the following actions:

First, States must incorporate Article 17 of UNDRIP into their domestic law by enacting legislation that recognises collective tenure rights and the social function of property, acknowledging customary possession as a valid form of ownership, and facilitating procedures for the demarcation and titling of peasant territories.

Secondly, the global community needs to tackle the fundamental causes of land concentration, including considering its relationship with the international investment framework. Investment treaties should include enforceable exceptions that safeguard the government's ability to pursue agrarian reform and protect rural livelihoods, without exposing them to the risk of legal complaints.

Third, in the context of the 'Blue Economy,' there is a need to implement Human Rights Impact Assessments and provide small-scale fishers with 'preferential access' to coastal zones. To address issues like 'green grabbing,' conservation strategies should move away from authoritarian 'fortress' methods towards rights-based approaches such as OECMs, which prioritise the self-governance of peasants and rural communities.

Finally, funding approaches for climate change and conservation must be revised to support peasant communities rather than displace them. Climate finance should prioritise strengthening peasant agroecology as a means of climate adaptation, rather than backing land-heavy carbon offset projects that encourage green grabbing. Furthermore, international financial institutions need to establish strict safeguards to guarantee their funding does not contribute to forced evictions or the privatisation of communal lands.

¹⁸ Ruth Meinzen-Dick and others, 'Women's Land Rights, Food Security and Resilience: A Review of Evidence and Pathways' (2019) IFPRI Strategy Paper <https://www.ohchr.org/sites/default/files/documents/issues/food/cfis/interlinkages-land-food/subm-interlinkages-between-land-cso-18-international-food-policy-research-itute.docx> accessed 17 February 2026.