



To: Michael Fakhri, United Nations Special Rapporteur on the Right to Food

From: National Family Farm Coalition

Date: December 5, 2025

## Key questions and types of input/comments sought

Please respond to any of the following questions, focusing on those most relevant to your experience or expertise:

### 1. What government laws, policies, or projects limit or deny access to land and territory for farming, grazing, gardening, or fishing?

The main public policies that limit or deny access to land and territory for farming, grazing, gardening, or fishing are those that limit access to public lands (i.e. national parks which are managed by the federal government) and waters for the purposes of environmental conservation. Conservation is important, and under the Biden administration, the federal government attempted to make small in co-management of public lands with indigenous communities, which would have been even better. However, these policies and protections are very quickly being dismantled by the Trump administration, particularly around allowing increased logging on public lands. Public policies that protect wilderness areas are very important and need to be protected and expanded, especially with the participation of Indigenous peoples and rural communities.

In terms of agriculture, it is important to note that as the agriculture sector in the United States has become increasingly governed by market-based policies - from how prices are set, how land is distributed and re-distributed, and to financing and support to farmers - farmland prices have reached historic highs, farmers are burdened with historic levels of debt, and land is increasingly becoming owned by large corporate actors.

Federal farm policies which encourage overproduction and advantage economies of scale mean that small- or family-scale farmers are often not able to earn a living farming on a small or family-scale piece of land; in order to be economically viable within the free market US farm policy, a farmer must farm vast amounts of land, which requires vast amounts of money to either purchase or rent. Many farmers do not have this money, especially new and beginning farmers, and there are few programs that provide grants or fair access to credit to acquire land, despite the fact that the agricultural statistics show that 89% of farms, on 45% of our agricultural land, are 'small family farms', but they only make up 18% of the production value (<https://www.ers.usda.gov/data-products/charts-of-note/chart-detail?chartId=105916>). Additionally, preserving farmland for small-scale food producers and communities rarely shows (if ever) up as a priority in government policy. If government policies embraced minimum price supports, which would ensure that farmers could make a living farming on a small- or medium-sized farm, instead of pursuing economies of scale and exports, then the land access situation would be improved.

On top of that, the ways that public support programs for farms work incentivizes mono crop production on bigger farms, which makes it harder for farmers to stay on the land. Crop insurance is primarily available for major commodity and specialty crops, and conservation practices like cover cropping and diversifying production through intercropping can invalidate a crop insurance policy (<https://civileats.com/2023/09/20/how-crop-insurance-prevents-some-farmers-from-adapting-to-climate-change/>). It makes much more economic sense to farm a monocrop on many acres than it does to diversify your farm on a smaller piece of land. Additionally, crop insurance direct payments benefit larger farmers more than smaller farmers since they are based on how much land a farmer farms and how much of a given crop they produce. While insurance does exist for diversified operations, it is a very complex program and very few farmers are able to use it. It is therefore much easier for the biggest farms to expand and take more land than it is for a new and beginning farmer to access land because of the structure of farm support programs.

Finally, small farmers, and especially farmers of color and socially disadvantaged farmers, have been denied access to credit and loans to run their farming operations, which has resulted in many farmers of color, and particularly Black farmers, losing their land. Black farmers won a landmark class action lawsuit against the US Department of Agriculture in 1997 for decades of discrimination against Black farmers, which resulted in the loss of millions of acres of Black-owned farmland. However, this discrimination still continues. Additionally, smaller farmers that want to farm in a more ecological or diversified way often struggle to access fair credit. Lenders prefer to lend to big commodity farms whose income is often more secure because of their crop insurance policies. Farmers that wish to work collectively, or families that own land jointly, face additional barriers in accessing both programs and financing that will allow them to build and maintain food-based enterprises. And it is quite challenging for non-citizens to access farmland, because non-citizens are systematically denied to both public and private financing tools and legally barred from accessing public agriculture programs. Additionally, some US states are introducing bills (although few of them have been passed into law) that would explicitly prohibit specific nationalities from owning farmland. This is a major concern.

In turn, these policies that advantage bigger, commodity farms also contribute to increasing farmland prices and rents, to the disadvantage of farmers and rural workers and to the advantage of Wall Street real estate speculators. Farmland consolidation and increasing farmland prices are the cause of US government farm policies that do not manage supply, ensure a fair price, and stop overproduction and that do not provide adequate financial support and credit for farmers to run their operations. Therefore, in many ways, federal government support to farmers incentivizes farm and land consolidation.

That said, there are many states - specifically Iowa, Kansas, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, and Wisconsin - that have laws dating back 100 years that ban or limit corporate ownership of farms. According to the National Agriculture Law Center (<https://nationalaglawcenter.org/overview/corporatefarminglaws/>):

"The primary goal of corporate farming laws is to protect the economic viability of family farms in light of the threats from competition with corporate-owned or corporate-managed farms. Some proponents of corporate farming laws also argue that corporate-owned or managed farms are more likely than family farms to inflict serious environmental damages and will be unfairly protected from liability for these damages by the farms' corporate status...Corporate farming laws vary from state to state but typically establish a general prohibition on corporate farming activities, set out certain exemptions to the general prohibition, and provide a legal mechanism for forcing corporations to divest ownership of land held in violation of the law. Some corporate farming laws exempt cooperative associations from their restrictions, provided certain conditions are satisfied. Others permit certain corporations to acquire farmland even though the corporation would otherwise be prohibited from engaging in farming or purchasing the agricultural land...Several corporate farming laws exempt "family farm corporations." To qualify as a family farm corporation, the entity typically must be comprised of family members who are within a certain degree of kinship and who must own a majority of the voting stock in the corporation."

These have recently come under attack as corporations seek to access farmland in these states. These laws are important and need to be defended and expanded. At the same time, however, a number of states have recently introduced and passed laws banning foreign ownership of farmland. Again, according to the National Agriculture Law Center:

"States that have a foreign ownership law include: Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wisconsin. Other states, such as Maryland and New Jersey, have enacted statutes that permit foreign persons to purchase or hold real estate within their state to some degree...Even though approximately twenty-five states have foreign ownership laws, each state has taken its own approach to restricting foreign ownership of farmland within its borders. For example, some states define "agricultural land" and "farming" differently from other states, restrict only certain types of foreign investors, or allow foreign purchasers to acquire a certain acreage amount of farmland...Because each state has taken its own approach to its foreign ownership law, many states restrict different types of foreign investors, such as foreign individuals or nonresident aliens, foreign businesses and corporations, or foreign governments."

We support state laws that restrict corporations from owning agricultural land, and while we see that foreign ownership can also be a problem, we are concerned that the focus on foreign ownership misses the bigger issue of corporate ownership.

## 2. Are you witnessing or experiencing land grabbing, evictions, or concentration of land ownership?

The United States was founded on and still espouses individual, private property rights over collective rights. Land access has historically required access to wealth and political power. Rather than being based on human rights, land access has been achieved as a result of theft and dispossession.

We are witnessing land grabbing, evictions, and concentration of land ownership in several ways. However, there are few public policy tools for tracking land tenure trends, and particularly the role of corporate actors in land markets, so we lack detailed, documented information on the scope and scale. The US Department of Agriculture conducted a Census of Agriculture in 2022 (and we await the results of the Tenure, Ownership, and Transition of Agricultural Land (TOTAL) Survey report, which should be released in late 2025 or early 2026), which produced some helpful and illuminating information regarding the increasing land ownership concentration in the United States. According to the US Department of Agriculture's 2022 Census of Agriculture report, the number of farms decreased 6.9% since 2017 to 1.9 million farms, while at the same time the average farm size increased 5% up to 463 acres from 441 acres in 2017. Additionally, the numbers of small- and medium-scale farms all decreased, but only the largest farms (over 5,000 acres) increased over this period ([https://www.nass.usda.gov/Publications/Highlights/2025/Census22\\_HL\\_FamilyFarms\\_FINAL.pdf](https://www.nass.usda.gov/Publications/Highlights/2025/Census22_HL_FamilyFarms_FINAL.pdf)). Additionally, these farms (5,000 or more acres) were only 2% of all farms, yet they controlled 42% of all farmland. In 2002, the largest farms only controlled 35% of all farmland. Farms with less than 50 acres made up 42% of all farms, yet only control 2% of all farmland ([https://www.nass.usda.gov/Publications/Highlights/2024/Census22\\_HL\\_FarmsFarmland.pdf](https://www.nass.usda.gov/Publications/Highlights/2024/Census22_HL_FarmsFarmland.pdf)).

Finally, the report found that 39% of U.S. farmland is rented from others, where "1,786,268 non-operating landlords participated in 1,851,796 ownership arrangements (for example, individuals, partnerships, trusts, corporations, or other entities) and rented out 283,447,669 acres to farmers and ranchers for agriculture."

[https://farmlandinfo.org/wp-content/uploads/sites/2/2024/01/AFT\\_FIC\\_TOTAL\\_TalkingPoints\\_2023.pdf](https://farmlandinfo.org/wp-content/uploads/sites/2/2024/01/AFT_FIC_TOTAL_TalkingPoints_2023.pdf). Additionally, in the previous TOTAL Survey of 2014, principal landlords 65 and over owned and rented out 131,823,201 acres out of 911,050,002 acres of land in farms in the 48 contiguous states in 2014 TOTAL Survey. As these farmers retire and pass away and the land changes hands, nearly 300 million acres of agricultural land could change hands in the next 20 years. This amounts to one third of the land in farms in the contiguous U.S. ([https://farmlandinfo.org/wp-content/uploads/sites/2/2024/01/AFT\\_FIC\\_TOTAL\\_TalkingPoints\\_2023.pdf](https://farmlandinfo.org/wp-content/uploads/sites/2/2024/01/AFT_FIC_TOTAL_TalkingPoints_2023.pdf)).

First, financial corporations are increasingly buying farmland, timberland, and access to fisheries. Ever since the 2008 financial crisis, financial companies have been moving into "real assets," both in order to hedge against the stock market and also to find new sources of value on which to speculate. According to data from the National Council of Real Estate Investment Fiduciaries (NCREIF) Farmland

Index, institutional ownership of farmland rose three-fold from 2009 to 2022, while the market value of those properties increased from under two billion dollars to over \$14 billion in the same time period. Enthusiastic institutional investors in farmland include Nuveen, the investment manager of the Teachers Insurance and Annuity Association (TIAA), a financial services provider that controls \$1.3 trillion in assets. Since 2007, TIAA has accumulated over 700,000 acres in the United States and over 3 million acres of farmland worldwide, worth roughly \$10 billion. Meanwhile, Harvard Management Company, which manages Harvard University's \$50 billion endowment, had at one point amassed two million acres of farmland and timberland globally, including California vineyards, Australian cotton farms, and Brazilian vegetable operations. Wealthy individuals are also buying farmland. After a 2017–2018 farmland buying spree by his financial management company, Cascade Investments LLC, software magnate Bill Gates is now America's largest individual farmland owner with almost 242,000 acres to his name (see [https://nffc.net/wp-content/uploads/SellingOuttheDelta\\_FINAL.pdf](https://nffc.net/wp-content/uploads/SellingOuttheDelta_FINAL.pdf)). Large financial corporations are also buying up residential housing, a trend which has garnered more press and political attention (<https://www.cnbc.com/2025/10/07/home-sales-investors-make-up-highest-share-of-buyers-in-5-years.html>). Financial corporations' large-scale land acquisitions have contributed to rising farmland prices, increasing land consolidation, and a shift in production away from food crops and towards export commodities.

Second, the ongoing financial challenges faced by family farmers - low farm prices due to chronic overproduction and inadequate farm support policies, as mentioned above - lead to situations where farmers tell children not to farm. Children are encouraged to take up a different career, and farmers feel forced to sell their land, often to big corporations. Currently, the US is facing a generational change in land ownership as the majority of farmers reach retirement. A large farm and land consolidation is in process. Rather than address these financial challenges, public policy in recently-passed federal legislation (i.e., the One Big Beautiful Bill Act) lifted caps on commodity payment programs that disproportionately subsidize large-scale agriculture, which will enable program participants to outbid their smaller-scale neighbors on land rentals and purchases and further concentrate land.

Third, the continued loss of farmland owned by African-Americans due to discrimination and racism has led to an unjust land distribution. In 1910, African-Americans owned 16 to 19 million acres of farmland but have less than 3 million acres today, and Black farmers represent just over 1% of all U.S. farmers. African-American farmers lost their land due violence, to discriminatory lending practices from US government farm offices which denied them access to credit, and to legal challenges to Black land inheritance. While violent displacement is less prevalent than in the early to mid- 20th century, displacement still happens in more subtle legal and financial ways, usually through predatory financing. In 1999, the landmark legal case Pigford v. Glickman awarded over \$2 billion to Black farmers who lost their farms due to discriminatory lending from the US Department of Agriculture (USDA) from 1981 to 1996. Despite the legal victory, Black farmers continue to face discriminatory lending from local USDA offices and struggle to access fair credit to finance their farms. Additionally, many African-American farmers were unable to access will and estate planning services, either due to racism and discrimination or to 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 programs or financing. It also creates a serious vulnerability since any of the heirs can initiate a sale of the land. It is estimated that 1/3 of African-American-owned land in the U.S. South region is heirs' property, and many heirs' property owners report that they are constantly bombarded with requests to sell the land ([https://nffc.net/wp-content/uploads/SellingOuttheDelta\\_FINAL.pdf](https://nffc.net/wp-content/uploads/SellingOuttheDelta_FINAL.pdf)). Additionally, Indigenous communities have also lost land due to legal disputes around inheritance..

Fourth, we continue to see land acquisitions for fossil fuels and energy pipelines, using "eminent domain," which is the government's claim on the land for the public good. The most egregious example of such a land grab was the Dakota Access Pipeline that was opposed by the Standing Rock reservation, and state security forces were deployed against the community. Many fights continue, especially regarding new proposed CO2 pipelines, which are part of Carbon, Capture, and Storage (CCS), a controversial "false solution" to climate change.

### **3. What role do State policies or "development" projects (e.g. dams, industrial zones, tourism) play in land loss or displacement?**

The Trump Administration has pursued several policies that have contributed to land loss and displacement. First, the Trump Administration issued Executive Orders mandating that any policies that were, in their view, geared toward "Diversity, Equity, and Inclusion," were to be stopped and cut. This Executive Order impacted many programs, but one very relevant program was the Land, Capital, and Markets grant, which is a government program that provides \$300 million in funds to community-based organizations to acquire or secure land access for historically marginalized and oppressed communities. 50 different organizations were grantees of this project, using the funds to purchase land for Black, Indigenous, and People of Color communities, tribal organizations, and farmers. While the program has not been officially canceled, the funds have generally not been released. Many communities that could have accessed some land now no longer can.

Second, the Trump Administration is pushing for the development of Artificial Intelligence through streamlining policy and mobilizing research funds and supporting the construction of numerous data centers around the country through streamlining regulations and zoning (<https://www.whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf>). These data centers require water and land, and they have targeted farmland as a key location for the data centers. Additionally, technology corporations are taking advantage of recent public investment in rural broadband internet that was supposed to help rural people compete in jobs and education, but may instead make their land better targets for data centers. Family farmers and rural communities are experiencing land loss and land consolidation due to the public and private support for Artificial Intelligence.

One challenge, however, is that very few policies exist that could help people to prevent development in their areas, and the one federal policy that does exist, the National Environmental Protection Act, is constantly being attacked and undermined. Moreover, it can be difficult to stop a development project through a lawsuit under the National Environmental Protection Act.

Finally, the Trump administration has recently attempted to sell off millions of public land to mining, timber, and oil companies as part of the One Big Beautiful Bill Act (OBBA). While this provision was removed, the Trump Administration is still proceeding with this strategy by weakening protections for 175 million acres of public lands

(<https://www.americanprogress.org/article/the-trump-administrations-expansive-push-to-sell-out-public-lands-to-the-highest-bidder/>).

Additionally, the Trump Administration is making public land available to private businesses for grazing livestock, allowing some of the wealthiest ranchers in the country to pay far less than other ranchers with less means

(<https://www.propublica.org/article/grazing-ranchers-public-lands-trump>).

#### **4. How does climate change affect land use and tenure in your community, either physically or through related policy measures?**

First, climate change is negatively affecting production, which negatively affects farm income. When farmers are farming on rented land, lower farm income makes paying rent harder, potentially resulting in them losing that land. For farmers that own their own land, successive years of low production and low farm income may increase their debt and discourage farmers from continuing to farm and to instead decide to sell their land. Our members also report that they are changing their production practices from row crops (like soybeans) to shorter-cycle vegetable production because they cannot get through a whole growing season without being hit by a hurricane.

Second, after climate change events like flooding and wildfires, farmers can be facing large losses and debt. This creates the opportunity for predatory purchasing by other entities who can buy land for cheap. Our members also report that in some cases they need to abandon farmland that has been in their families for generations because of chronic flooding that makes the land unusable of farming.

Because of increasing and worsening climate change, continued access to water is now a big issue. The lack of water makes it harder for farms to succeed, while corporate farms do what they can to take as much water as possible, and financial companies and agribusiness firms are buying up land as a way to control this water

(<https://globalaginvesting.com/nuveen-launches-3b-private-us-farmland-reit-with-exposure-to-californias-central-valley/>).

Additionally, one of the main policy "solutions" to climate change is Carbon, Capture, and Storage/Sequestration (CCS), which means that fossil fuel companies would find a way to inject carbon into the earth instead of releasing it into the air. These companies need land to put carbon into, and they need land for pipelines carrying liquified carbon from coal plants and to the land where the carbon will be sequestered. These deals impact farmers and ranchers, affecting ranchers' grazing allotments, and threatening the health of the land and water.

Finally, another reason for financial corporations' interest in agricultural lands is to also be able to generate carbon credits that they can sell. Therefore, misguided climate change policies again promote land consolidation and concentration.

#### **5. Which parts of the supply chain are the most put in danger by changes in land use (monocrops, plantations, storage and marketing)?**

Overall, the U.S. is losing farmland. In 2017, there were 900 million acres of agricultural land, and in 2022, there was 880 million acres. The majority of the agricultural land that was lost was permanent rangeland and pastureland, which is believed to be due to the consolidation of farms, particularly in livestock.

The U.S. cattle herd is currently smaller than it has been in decades. The size of the U.S. cattle herd is always somewhat cyclical, but climate change - and lack of affordable feed - is a major factor. This has triggered a domino effect where the smaller herd size contributes to a consolidation of the animal/meat slaughter sector, which in turn depresses farm-gate prices for ranchers, and makes it harder for ranchers to rebuild their herd size.

Finally, in terms of overall production, the US agricultural sector is increasingly producing commodities, making the U.S. a net importer of fruits, vegetables, and food that people actually eat, which has impacts on all parts of the supply chain.

#### **6. How do current land and natural resource governance frameworks in your country or region address the tenure rights of small-scale fishers and coastal communities? Are these rights adequately recognized and protected?**

Current land and natural resource governance frameworks continue to maintain individual private property rights, and the market-based system of land access and almost entirely ignore collective tenure rights of small-scale fishers and coastal communities.

To prevent overfishing, many fisheries are managed by determining the total allowable catch of each species and then allotting quota or "catch shares" to the existing fisherfolk in that fishery. While this management model prevents overfishing, some fisheries in the U.S. allow quota to be traded and sold to non-fishers, and in those fisheries, serious consolidation is occurring. Corporate fishing operations are buying quota from smaller boats, and in some cases, hedge funds and private equity are getting involved, in what we

call “ocean grabbing” (<https://www.propublica.org/article/fishing-new-bedford-private-equity>). Additionally, consolidation is increasing the price for quota, making it hard for new fishers to access fisheries without a lot of money.

**7. Do you have examples of conflict over land use among constituencies or between communities and government institutions? Can you share any successful techniques and experiences for sharing territories and resolving disputes between communities?**

The Biden Administration issued an Executive Order on co-stewardship of public lands with Indigenous Tribes, which are sovereign nations and have treaties with the U.S. government (<https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3403-joint-secretarial-order-on-fulfilling-the-trust-responsibility-to-indian-tribes-in-the-stewardship-of-federal-lands-and-waters.pdf>). The Executive Order acknowledged the important role that Indigenous Peoples have played in stewarding land, and the implementation of it was considered to be a success, with the U.S. Department of the Interior working with numerous Indigenous Tribes to manage public lands. The full list of successful collaborations is included in the “2nd Annual Report on Tribal Co-Stewardship from December 2023”: <https://www.doi.gov/media/document/annual-co-stewardship-report-2023>.

**8. Which tools for decolonization of land systems do you know or is your community using, including measures addressing digital-based neo-colonization?**

The colonial project in North America was, in large part, a capitalist project, and therefore we respond to the question of how to decolonize land systems by working to de-commodify and de-financialize land. One of our members, Agrarian Trust, is working to provide land to communities through an innovative Commons model that uses land trusts (a non-profit legal structure) that allows for community governance and oversight. They are transitioning land from private ownership (by purchasing the land with help from donors and others) to local, community-governed commons, which then allows for collectively stewarding land, water, soil, and ecosystems for the benefit of all people and species, now and into the future.

This work builds on the long history of community land trusts in the U.S. The first community land trust was “New Communities” and was created in 1969 as part of the Civil Rights Movement to protect and advance African-American land access and food production. They pioneered community land ownership, and the community land trust model was adopted by many urban communities as a way to provide access to affordable housing. There are over 300 community land trusts in the U.S., with continued growth and collaboration with land banks and housing initiatives. Additionally, communities are using various legal tools to maintain land access (though they are still quite far from decolonization), such as conservation easements, which create restrictions on what can be done on the land which will benefit communities looking to farm in healthy ways for communities, as well as land trusts and alternate forms of land governance and ownership.

Recently, Indigenous organizations and movements have called for “Land Back,” which is a return of lands to Indigenous tribes and organizations. Indigenous movements are engaged in reclaiming in a variety of ways, ranging from advocating for legislation for state governments to return state land to tribes to accepting private land donations. Indigenous movements consider Land Back to be healing for the systematic and legal violent land theft of Indigenous land over the past centuries. Additionally, social movements are working to secure land for community food production through purchasing land outright as well as organizing land occupations of public land.

Another key way that we are able to de-commodify and de-financialize land is through ensuring that as much agricultural land is engaged in conservation practices. In particular, federal programs like the Conservation Reserve Program, which take poor quality agricultural lands out of production for 10-15 years to be re-wilded, and the Conservation Stewardship Program, which encourages conservation practices like cover cropping and protecting pollinator habitats, are very important tools for our family farm members.

**9. How can accountability for women’s land rights be ensured and how can improved data collection support this accountability and advance women’s rights to land and food.**

It is very important to have data collection on land access and ownership that is disaggregated by sex, as well as data collection on access to public agriculture-related programs (for example, access to credit) disaggregated by sex.

We also propose that quotas or funding be set aside for public ag-related programs (for example, access to credit) for women.

Finally, it is important to implement, monitor, evaluate, and hold accountability for human rights frameworks regarding land, particularly the Voluntary Guidelines on the Governance of Tenure (VGGTs), the UN Declaration on the Rights of Peasants (UNDROP), and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

**10. Have you been able to meaningfully participate in national or international discussions on land tenure and governance? If not, which processes have excluded you?**

Our members have been able to participate meaningfully in national discussions on land tenure and governance and at the international level through our presence in the CSIPM/CFS. However, there is limited policy action happening at the national level. Additionally, national level policy actions are rarely linked to international policy and human rights.