Land Use Disputes requirement in UTZ Code of Conduct
The UTZ Core Code of Conduct for individual and multi-site certification addresses the topic of land use disputes in control point (CP) I.A.5:

There are no significant land use disputes with local communities

Any unresolved land use dispute is addressed through an agreed upon process that includes:
- identification of all relevant parties and their rights,
- a procedure for mutually beneficial negotiation, and
- compensation for infringed land rights.

This applies to existing land and to acquisition of new lands.

The CP is mandatory and applies from year 1 onwards.

Need for guidance
The CP requires that, if there is any unresolved land use dispute, this is being addressed through an agreed upon process. Question has risen if the process to address the land use dispute can take an unlimited period of time, or if certain limitations on the duration apply.

Analysis
The wording of CP I.A.5 is clear in that it aims to prevent that there are unresolved land use disputes, as it says a) that there should be no land use disputes, and b) that any unresolved land use dispute must be addressed through an agreed upon process. The ultimate goal is that disputes are resolved, including compensation for infringed land rights. Therefore, the logic and reasonable interpretation is that the process to address the unresolved dispute cannot take an unlimited period of time, because that would mean that the dispute is not being resolved. CP I.A.5 implies that the process to address the land use dispute must be finalized within a reasonable period of time.

To establish what is a reasonable time period, it makes sense to connect with recognized principles in international human rights law on the length of proceedings. Many national and international human rights conventions include the principle of the right to a ‘fair trial’, which implies among others, that proceedings should be finished within a ‘reasonable time’. Recognized criteria to establish what is a reasonable time include the complexity of the case and the attitude of the respective parties. As a general rule of thumb, proceedings up to 5 years are mostly considered still reasonable, whereas proceedings that take more than 5 years are mostly found unreasonable.

Guidance
CP I.A.5 implies that a process to address an unresolved land use dispute must lead to a resolution within a reasonable period of time. To establish what is a reasonable period of time, the complexity of the dispute and the attitude of the parties involved must be taken into account. As a rule of thumb, a period of more than 5 years is generally to be considered unreasonable.

1. See e.g. UN Declaration on Human Rights, Article 10; European Convention on Human Rights (ECHR), Article 6
2. See European Court of Human Rights: Guide on Article 6 ECHR, 2014