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Contribution

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The views expressed are those of the author(s) and do not necessarily reflect the views of UNCTAD
A framework to incorporate sustainability into consumer protection policy
Laura Best, Miemie Struwig & Sibongile Muthwa
A preliminary overview of South African consumer protection legislation, newly drafted as it is, shows that it does not explicitly incorporate sustainable consumption.

Policies that impact on and relate to the mandates of a number of departments are developed in isolation within one particular department.

In South Africa, a good example of disassociation is consumer protection policy and environmental policy.
Results of empirical study:
Descriptive statistics: Mean values

Step 1: Literature review
  Literature study

Step 2: Develop theoretical framework
  Interpretive studies

Step 3: Data Collection
  Open ended questionnaires and content analysis
Step 4: Extract best practices and propose framework for SA
*Interpretive studies*

Step 5: Validate proposed framework
*Expert reference groups*

Step 6: Recommendations
*Interpretive studies*
A theoretical framework

**Sustainable definition elements:**
- State sustainability as a specific policy intention
- Provide a clear, succinct definition of sustainability, encapsulating multi-faceted dimensions

**Product Life Cycle / Production:**
**Voluntary & Mandatory**
- Specify sustainability initiatives at each stage of production & consumption cycle
- Apportion role-player responsibility at each stage

**Policy Measures**
**Voluntary & Mandatory**
- Product safety
- Product information
- Consumer information standards
- Joined-up implementation across government
- International benchmarking

**Sector Self-Regulation:**
**Sustainability**
**Voluntary & Mandatory**
- Minimum mandatory policy compliance requirement to include sustainability in sector initiatives
- Incremental voluntary adaptation of business practices

**Consumer Protection policy incorporating sustainability**
## Table 3: Country Questionnaire Responses Received

<table>
<thead>
<tr>
<th>African Countries</th>
<th>Response</th>
<th>Other Countries</th>
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</table>
Additional country information analysed

- UNEP and further updates
  - Australia
  - Brazil
  - Chile
  - Senegal
  - Germany
  - Japan
  - China
Content analysis frame

- Background and Country Policy Context
- Four Components of the Theoretical Framework for Incorporating Sustainability
- Novel Policy Innovations
Results of the qualitative enquiry determining how a range of countries have incorporated sustainability into consumer protection policy

- African countries tended to focus on more narrow environmental policy implications than on the more broadly defined notion of sustainability
- Policy mechanisms that promote sustainability were more evident in the policies and laws of developed countries
- Most African countries, basic needs were foregrounded as the primary concerns of consumers, ahead of sustainability concerns
- Poverty limited consumer choices, particularly if more sustainably produced and eco-efficient goods came at a higher price
Definitional Elements

- Sustainability needs to be stated as a policy intention and the link between consumer protection and sustainability needs to be made explicit in the policy proposition.

- Sustainability needs to be clearly defined in policy, encapsulating the multi-facetted dimensions of sustainability as a concept, because sustainability is conceptually more integrative and multi-dimensional than purely environmental concerns.
Product Life-cycle

- Sustainable production rests on specific initiatives to be implemented at each stage of the production and consumption cycle.

- Sustainable production is more achievable if responsibility for this is apportioned across all role-players in the cycle.
Sector Self-regulation

- Policy should prescribe a minimum mandatory compliance requirement to include sustainability in all sector initiatives, complimented by voluntary sectoral self-regulation.

- Introducing sustainability measures into the business environment should be approached through incremental and voluntary adaptation of business practices.
Policy Measures

- A mix of policy instruments can be developed to incorporate sustainability, starting with an expanded approach to product safety.
- Product information policy mechanisms and consumer information standards enable consumers to make more sustainable consumption choices.
- Sustainability straddles multiple policy domains and effective policy implementation requires co-ordination and co-operation and joined-up implementation across government departments and spheres or levels of government.
- Benchmarking against international guidelines and best practices is useful to inform domestic consumer protection policy.
**Contextual Considerations**

- Economic conditions in poorer countries necessitate placing the basic needs of consumers ahead of sustainability considerations.
- Individual consumers can impact on sustainability through their choices and behaviour and thus consumer education and stakeholder engagement are important and create an enabling environment for policy implementation.
- Policy initiatives and incentives to promote sustainable household consumption should be developed as a means to adjust individual resource consumption patterns.
Validation by expert reference group

Two sets of evaluators:
The first set comprised members of the National Consumer Tribunal
The second set were business people
Both the consumer protection experts and the business people expressed support for the proposed framework.

Confirmed the four aspects of the proposed policy framework.

Framework is workable and can be implemented.
Acknowledgement that sustainability is a complex and multi-facetted phenomenon, which is central to the quality of life needs of future generations.

The need for convergence in the business process value chain between sustainability achievability measures introduced at each phase of the production cycle.

Consumer protection sustainability measures to be balanced against business sustainability, seeking a balance between sustainability, profitability and consumer convenience.

Recognising sustainability as an integral component of good corporate citizenship and shared value in the market place.
To make sustainability explicit within each of the eight rights in the Consumer Protection Act such that this is articulated in each right.

To develop policy and an implementation plan on sustainable household consumption.
Specifically, the basic needs of poor consumers in South Africa, and the impact of poverty on sustainability policy intentions, needs to be factored into the proposed Framework.

The importance of engaging and involving stakeholders who will implement or benefit from the intended policy was articulated.
Proposed framework for South Africa

Good Corporate Citizenship & Shared Value

**Definition Aspects**
- Explain policy link between sustainability and consumer protection
- State clear policy intention to achieve increased sustainability
- Define sustainability and make explicit in rights
- Recognise basic needs of poor consumers
- Develop policy and implementation plan for sustainable household consumption

**Policy Instruments**
- Product safety mandatory regulation
- Informed consumer choices (mandatory product information & consumer information standards)
- Consumer education
- Joined-up implementation and policy harmonisation
- International Benchmarking

**Stakeholders**
- Consumers
- Business
- Civil Society
- Government

**Policy Harmonisation**
- Sustainability considerations identified at each stage
- Responsibility for sustainability apportioned across all role-players in the cycle

**Product Life-Cycle**

**Joined-up Government**
- Minimum mandatory provision for sector codes to include sustainability standards and measures
- Incremental voluntary adoption of sustainable business practices

**Self-Regulation**

**Consumer Education**
Public policy formulation is complex and complicated

Contest between competing views and is characterised by vigorous debate and negotiation

Central challenge what type of enforcement provisions would be able to be developed to ensure compliance
Consumer protection experts who were interviewed were supportive of incorporating sustainability into consumer protection policy.

May be resistance from stakeholders, particularly business, given possible implementation burdens and increased cost of doing business.

Consumer education needed.
Questions?