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RPP Research and Partnership Platform

Contribution

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The views expressed are those of the author(s) and do not necessarily reflect the views of UNCTAD

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Gevena
Due Process:

where rights or interests are affected, the person should be treated fairly.

Fairness:

Substantive fairness: means that a person is treated in accordance with the legal standards applying in a given context;

Procedural fairness: requires procedures that lead to the substantively fair outcomes, while at the same time respecting other general values and principles of the society.
General Principles of Due Process

• each person, should be treated fairly
• fair treatment serves as threshold
• respect for persons > fair treatment > substantive standards > processes
• respecting a right requires: legal standards, institution and procedures
Due Process for Consumer

• diversity, but no exclusion
• legal standard
• institution and dispute resolution
Purpose: to apply law accurately and fairly

(i) gravity of the right or interest is issue;
(ii) the difficulties implicit in deciding the case;
(iii) ease of access by the consumer;
(iv) low cost to the consumer;
(v) the need to treat the consumer respectfully in considering complaints;
(vi) timeliness in decision-making.
OBOR (One Belt One Road) Initiative

• Consumer issue

• Cross-border and e-commerce

• Reconsideration

• Applying UNGCP to OBOR
Major proposed corridors
Thank you.

OBOR Programme, University of Oxford
https://www.law.ox.ac.uk/one-belt-one-road