

Third Ad Hoc Expert Meeting on Consumer Protection

**Geneva, 22-23 January 2015**

Supplementary Memo on:

**Draft Resolution for the revision of the  
UNGCP**

by

**Consumers International**

The views expressed are those of the authors and do not necessarily reflect the views of  
UNCTAD



Supplementary memo to UNCTAD regarding **the Draft resolution (DR) on Consumer Protection for consideration by the UN General Assembly**: UNCTAD meeting, Geneva, January 2015

**This memorandum refers to deleted wording that has not been highlighted in the Draft resolution.**

The DR that was distributed on December 22<sup>nd</sup> clearly marks new text in bold. However, it does not mark deletions at all and no explanation is given to the reader about how to track the changes. Naturally the reader is drawn to examine the sections in bold as they are obviously new, but there is no warning to the effect that existing text may have been modified. We therefore, wrongly assumed that it had not been modified, other than a few minor amendments which we assumed were for updating purposes. Other delegates may have made the same assumption.

### **Process**

CI have commented on the DR circulated on December 22<sup>nd</sup> 2014 and in the first point of the summary, we welcomed the reaffirmation of the existing text of the UNGCP. We stated: ***'We note with agreement that almost the entirety of the existing UNGCP is incorporated. This means that our strongly expressed view that the existing GLs be incorporated into the resolution has been almost entirely upheld, and we welcome this reaffirmation. However, this raises issues of repetition and redundant text as some of the new text overlaps with existing text. Our recent proposal to the secretariat ..... was that we understood there to be an ongoing process of revision to make the document more manageable and reduce duplication. As yet this is not apparent'***

In the above quoted passage we signalled that the new insertions of text would in due course require some editing to reduce repetition and redundancy. We do not see the precise existing text as sacrosanct, and in 2013 we indicated that it needed amendment including some deletions. However we indicate above that such amendment should be part of a *process of revision*. Such a process is not aided if the amendments are not signalled to participants in the process.

### **Substance**

We have identified the following changes that are not clearly signalled to the reader. There may be others.

**Replacement of ‘governments’ by ‘member states’ throughout DR Annex.**

In our main response to the DR we indicated that: “the most significant change” (to existing text) “was the replacement of ‘governments’ by ‘member states’ throughout. This could prove to be significant in that local or sub-federal governments are **not** member states, but they **are** governments. We assume that lower tiers of government can be considered to be generally bound by commitments made by their national governments, but in the light of the above amendment we propose that text be inserted to make this clear. This point is doubly important in that it applies to governments as **legislators** and **regulators** on the one hand and **service providers** on the other, a dichotomy which the Guidelines have never adequately recognised”.

**GL 5: removal of ‘relevant international agreements’ from the existing text of UNGCP.**

We oppose the removal of reference to ‘*relevant international agreements.*’

GL 5 amends existing GL 2 which reads in part: ‘*Governments should develop or maintain a strong consumer protection policy, taking into account the Guidelines set out below and relevant international agreements.*’. The removal of reference to ‘*relevant international agreements.*’, would be inconsistent with the intention, expressed elsewhere in the text, to recognise the work of other international organisations. Such recognition could of course take in agreements made by the UN itself.

**GL 5: removal of ‘environmental’ before ‘circumstances.’**

We oppose the removal of ‘*environmental*’ before ‘*circumstances*’ as proposed by the DR.

GL 5 amends existing GL 2 which reads, after the reference to international agreements: ‘*In so doing, each Government should set its own priorities for the protection of consumers in accordance with the economic, social and environmental circumstances of the country and the needs of its population, bearing in mind the costs and benefits of proposed measures.*’

**GL 6: removal of reference to ‘education on the environmental, social and economic impacts of consumer choice.’**

GL 6d) is part of the ‘*legitimate needs*’ clause (existing GL 3). The relevant present text is as follows:

*‘3. The legitimate needs which the guidelines are intended to meet are the following:.....*

*d) Consumer education, including education on the environmental, social and economic impacts of consumer choice;’*

Given that sub-para g) deals with the promotion of sustainable consumption patterns, there may be scope for amendment here, but as it stands the amendment in the DR removes the direct and explicit link between education and consumer impact and in particular undermines the promotion of such education to children. While there is later discussion of consumer education in Section G and elsewhere, the whole point of this GL is that it is the most comprehensive and thus the most quoted. Furthermore, the later GL 39 on consumer education has also been amended to remove reference to the impact of consumer choice (see below).

**GL 9: Removal of ‘and people living in poverty.’**

We oppose this deletion, which goes beyond an edit and should have been signalled.

**GL 9** amends existing GL 6 which reads as follows: ‘Governments should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection policies. Special care should be taken to ensure that measures for consumer protection are implemented for the benefit of all sectors of the population, particularly the rural population and people living in poverty’.

The removal of the phrase; ‘and people living in poverty’ alters the balance of the GL and we oppose that shift. As indicated earlier, we are not opposed to amendment of the existing text, nor to deletions *per se*, which will be mainly of an editorial nature. For example, in 2013, we suggested the rebalancing of the old text which tends to equate rural conditions with poverty and has not caught up with demographic shifts such as the growth of peri-urban slums. But amendments of the kind made by the DR should be notified and any policy shifts discussed.

**GL 39: Removal of “information on the environmental impacts of consumer choices and behaviour and the possible implications, including benefits and costs, of changes in consumption”.**

We oppose this deletion.

**GL 39** comes under section F: **Education and information programmes** and amends existing GL 35.

This amendment corresponds with the earlier amendment to GL 6d) and sets a pattern which is contrary to the encouragement of awareness of the need for sustainable consumption.

**GL 39: Removal of “Consumer groups, business and other relevant organizations of civil society should be involved in these educational efforts”.**

We oppose this deletion at this stage.

It will appear deeply discouraging to those of our many members that take part in consumer education programmes, and who make strenuous efforts to raise issues of the impact of consumer decisions on such matters as climate change. In fairness, we acknowledge that it is, to some extent balanced by later text in para 42 (see below) but the absence of any indication or explanation makes it difficult for readers to understand the reason for the change.

On a matter of detail we proposed in 2013 that this GL be amended to refer, after ‘special attention should be given to’: to ‘**women, who are often the principal purchasers for family needs, and to...**’ before ‘the needs of disadvantaged consumers’.

**GL 41: Deletion of ‘environmental protection’ and ‘efficient use of materials, energy and water’.**

We are opposed to these deletions, while noting that there may be editing changes that could be made as is also the case with the rest of the DR.

**GL 41** amends existing GL 37 (still part of the section on **Education & information**). In our main response to the DR we have already picked up the amendments to **GL 41** which now show up as **41 f) and g)**. We repeat the relevant text of our DR response here:

“The new text deletes existing GL 37g) which refers to ‘environmental protection’ and ‘efficient use of materials, energy and water’. This is replaced as new **41 f)** by ‘as appropriate, pollution and environment’ without being signalled in bold as new text. This seems to us to be pointless and retrograde and unnecessarily qualified by ‘as appropriate’. We are intrigued to see that it is a reversion

to the original 1985 wording which was amended in 1999 when sustainable consumption was inserted. We suggest that the 1999 text be retained and we have suggested reference to climate change elsewhere”.

**GL 42: Deletion of ‘including on the environmental impacts of consumption patterns and on the possible implications, including benefits and costs, of changes in consumption’.**

We oppose this amendment while bearing in mind the possibility of changes of an editorial nature.

**GL 42** still under **education and information programmes** amends existing GL 38 by making the above deletion. The current GL 38 reads: *‘Governments should encourage consumer organizations and other interested groups, including the media, to undertake education and information programmes, including on the environmental impacts of consumption patterns and on the possible implications, including benefits and costs, of changes in consumption, particularly for the benefit of low-income consumer groups in rural and urban areas’*. The reference to governments encouraging consumer organisation and other interested groups, remains in place.

**Conclusion**

The above deletions show a clear pattern, namely that reference to the social, and in particular, environmental impacts of consumer choice and consumption patterns should be reduced within the UNGCP. Some reference still remains in **GL 28 and 48** but these are restricted to information not to education. We have already stated our view that some editing will be needed and that the new inserts have actually increased the element of repetition. We can accept that the secretariat were under pressure to meet the timetable of the January conference and some editing may have started but then been terminated for lack of time. But that does not explain the selective nature of the changes, and signalling them to the reader would not have taken any further time. It is hard to avoid the impression that there is a clear policy steer to reduce the emphasis on consumer education in the environmental area. The other excisions regarding poverty and international agreement are also significant matters of policy and go beyond simple editing matters. The changes amount to a significant policy shift and should have been clearly signalled.

*CI January 2015*