

**Intergovernmental Group of Experts on Competition Law and
Policy, Fifteenth Session**

Geneva, 19-21 October 2016

RPP Research and Partnership Platform

Contribution

**Laura Best, Miemie Struwig & Sibongile Muthwa- Nelson
Mandela Metropolitan University**

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



Nelson Mandela
Metropolitan
University

for tomorrow





Introduction

**Research
process**

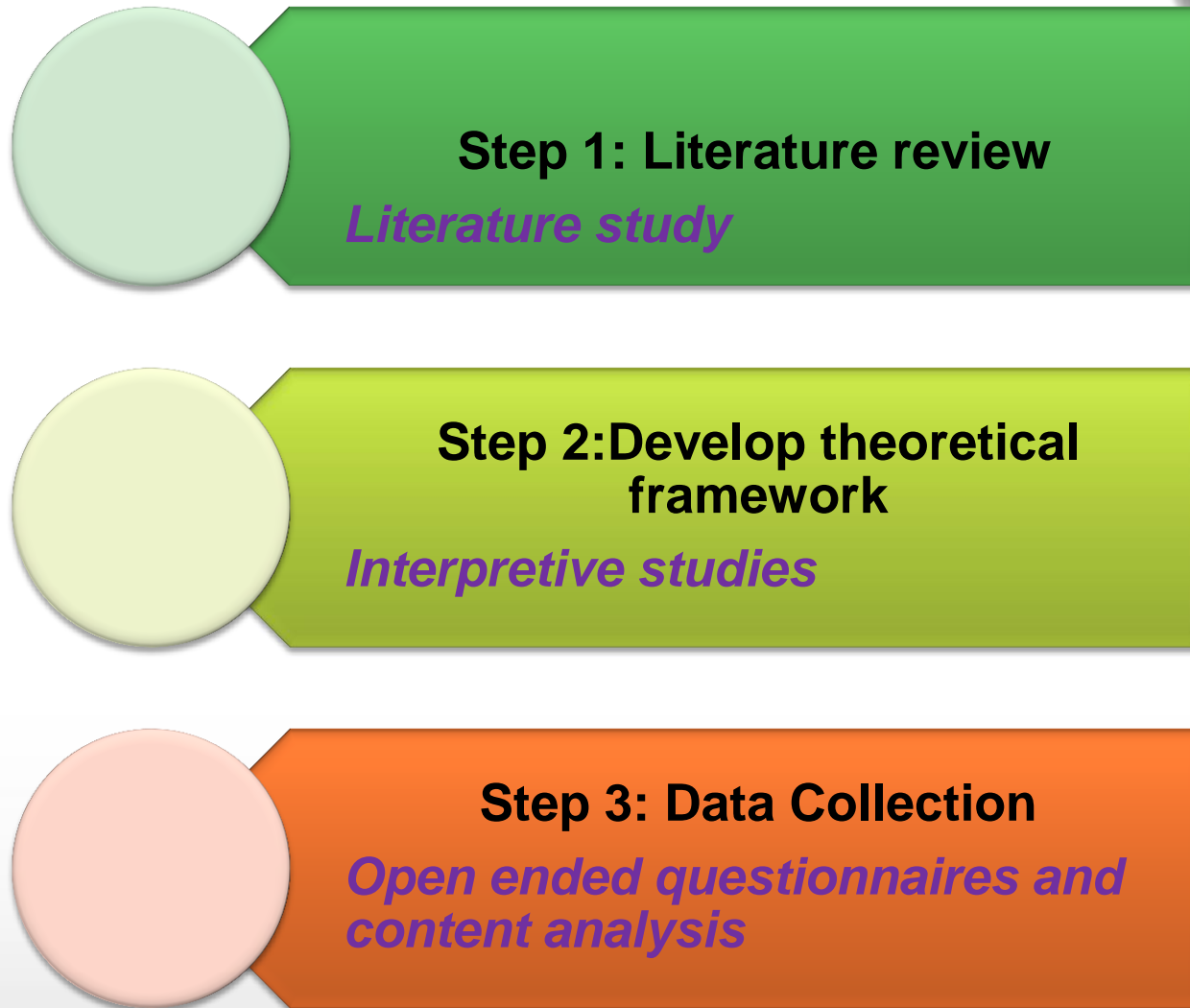
**Challenges of
the framework**

A preliminary overview of South African consumer protection legislation, newly drafted as it is, shows that it does not explicitly incorporate sustainable consumption.

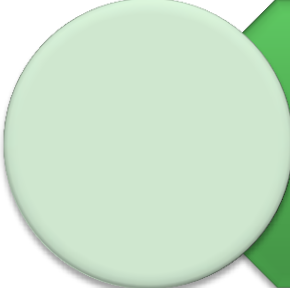
Policies that impact on and relate to the mandates of a number of departments are developed in isolation within one particular department.

In South Africa, a good example of disassociation is consumer protection policy and environmental policy

Results of empirical study: Descriptive statistics: Mean values



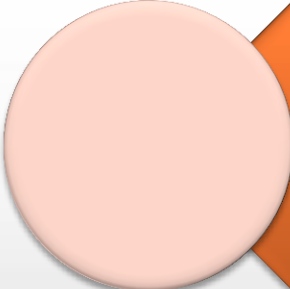
Results of empirical study: Descriptive statistics: Mean values



**Step 4: Extract best practices and
propose framework for SA**
Interpretive studies

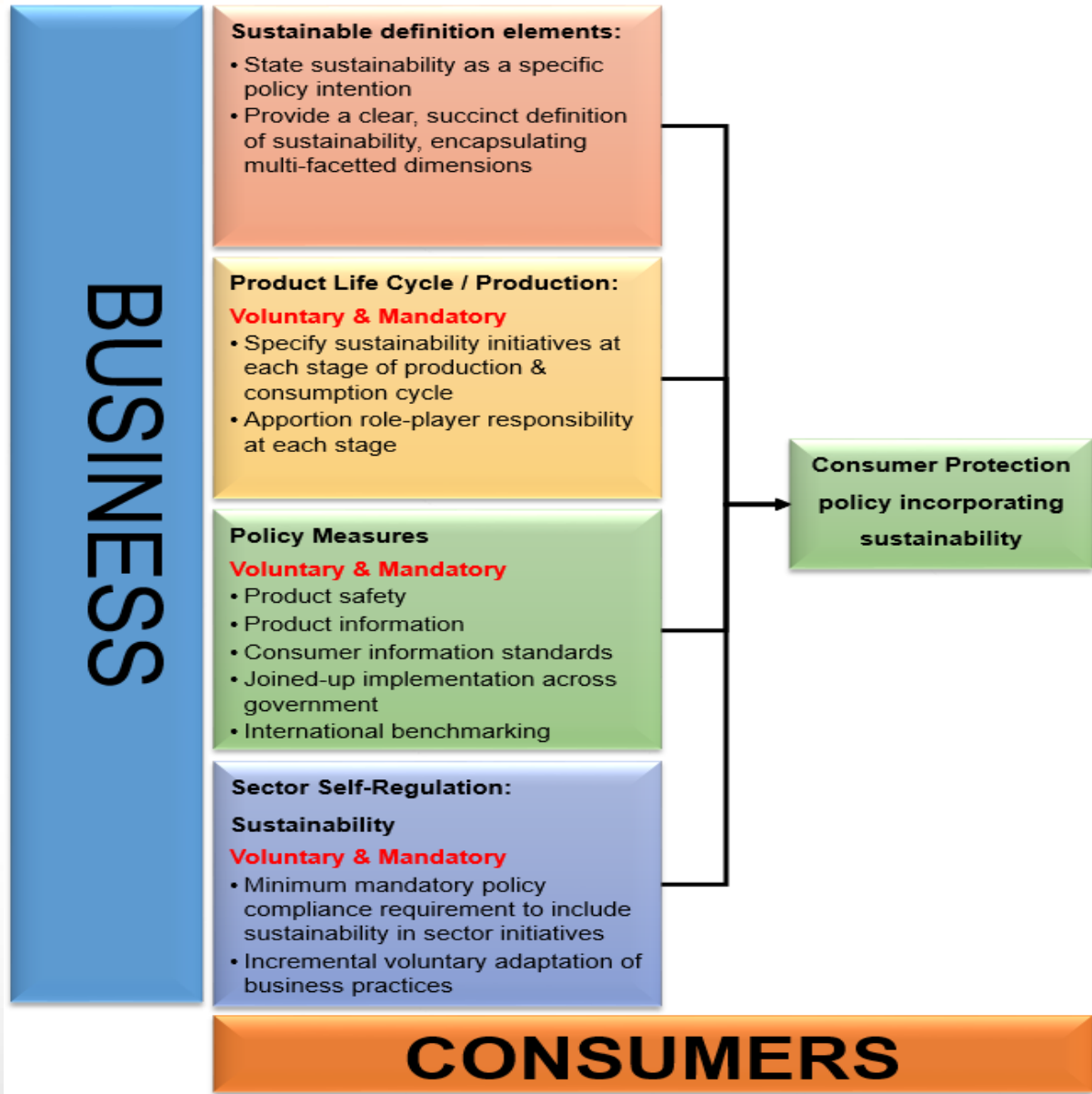


**Step 5: Validate proposed
framework**
Expert reference groups



Step 6: Recommendations
Interpretive studies

A theoretical framework



Research design and results

Table 3: Country Questionnaire Responses Received

Country Responses Received			
African Countries	Response	Other Countries	Response
Botswana	Yes	Australia	No
Egypt	Yes	Brazil	No
Ghana	No	El Salvadore	No
Kenya	No	Germany	No
Mauritius	Yes	New Zealand	Yes
Namibia	No	Singapore	No
Nigeria	No	Sweden	Yes
Seychelles	No	United Kingdom	No
Tanzania	Yes	United States	Yes
Tunisia	No		
Zambia	Yes		

UNEP and further updates

- Australia
- Brazil
- Chile
- Senegal
- Germany
- Japan
- China

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-faceted 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

Two sets of evaluators:

The first set comprised members of the National Consumer Tribunal

The second set were business people

Results of the evaluations

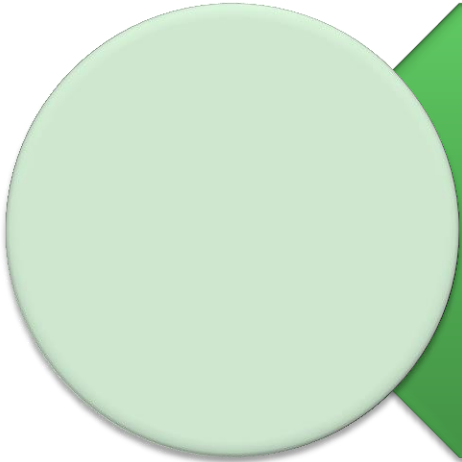
Both the consumer protection experts and the business people expressed support for the proposed framework

Confirmed the four aspects of the proposed policy framework

Framework is workable and can be implemented

Additional Guiding Principles for Sustainability Measures in South African Policy

- Acknowledgement that sustainability is a complex and multi-faceted 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

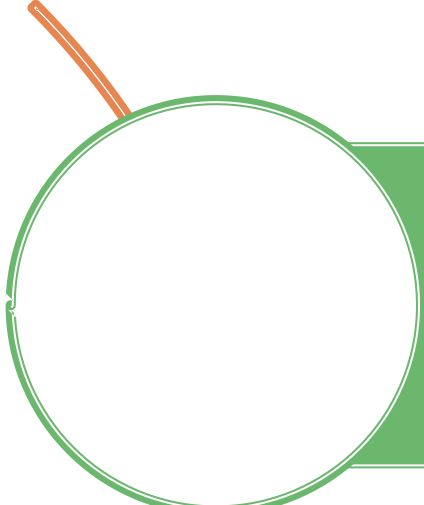


To make sustainability explicit within each of the eight rights in the Consumer Protection Act such that this is articulated in each right



To develop policy and an implementation plan on sustainable household consumption

How business responded to proposed framework

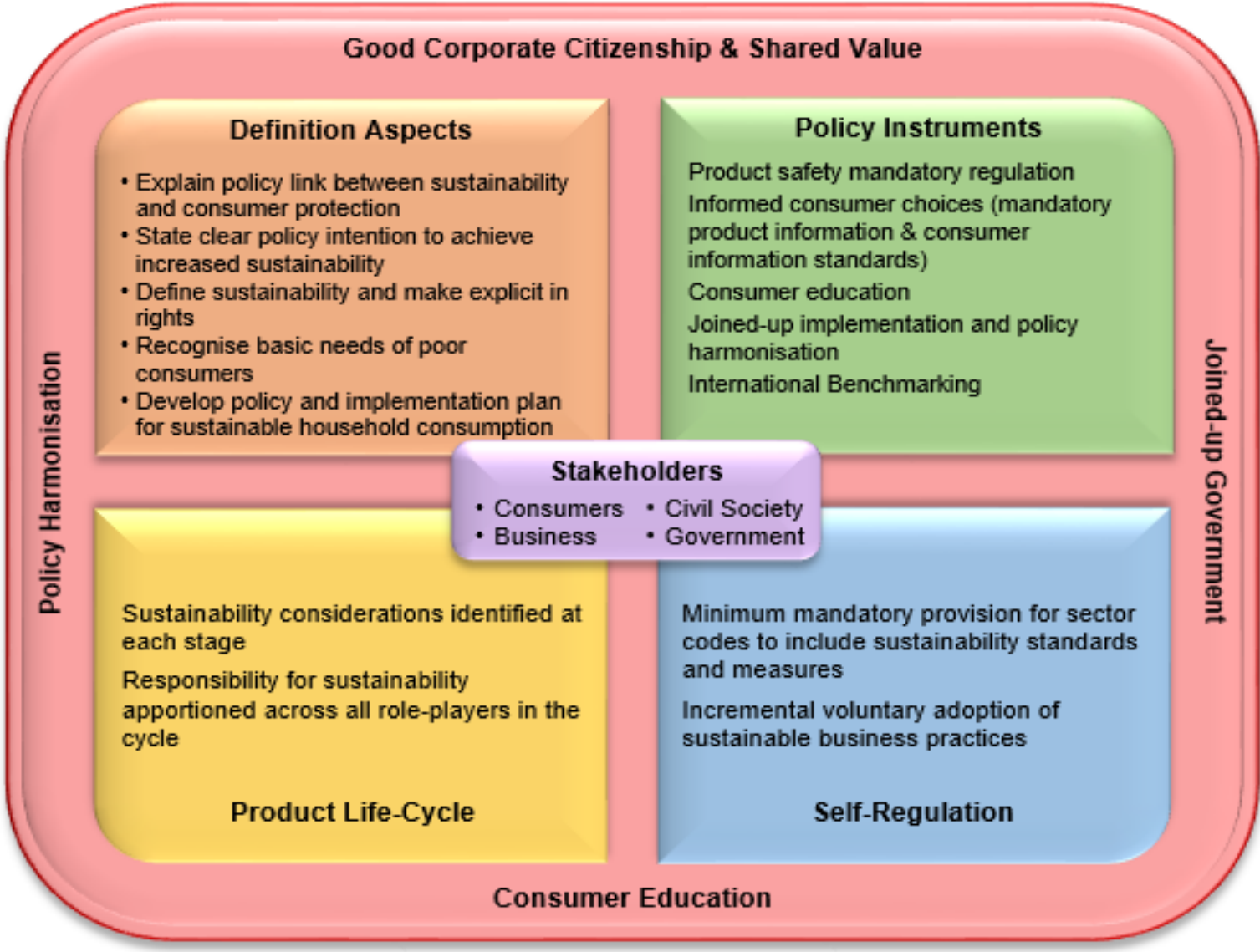


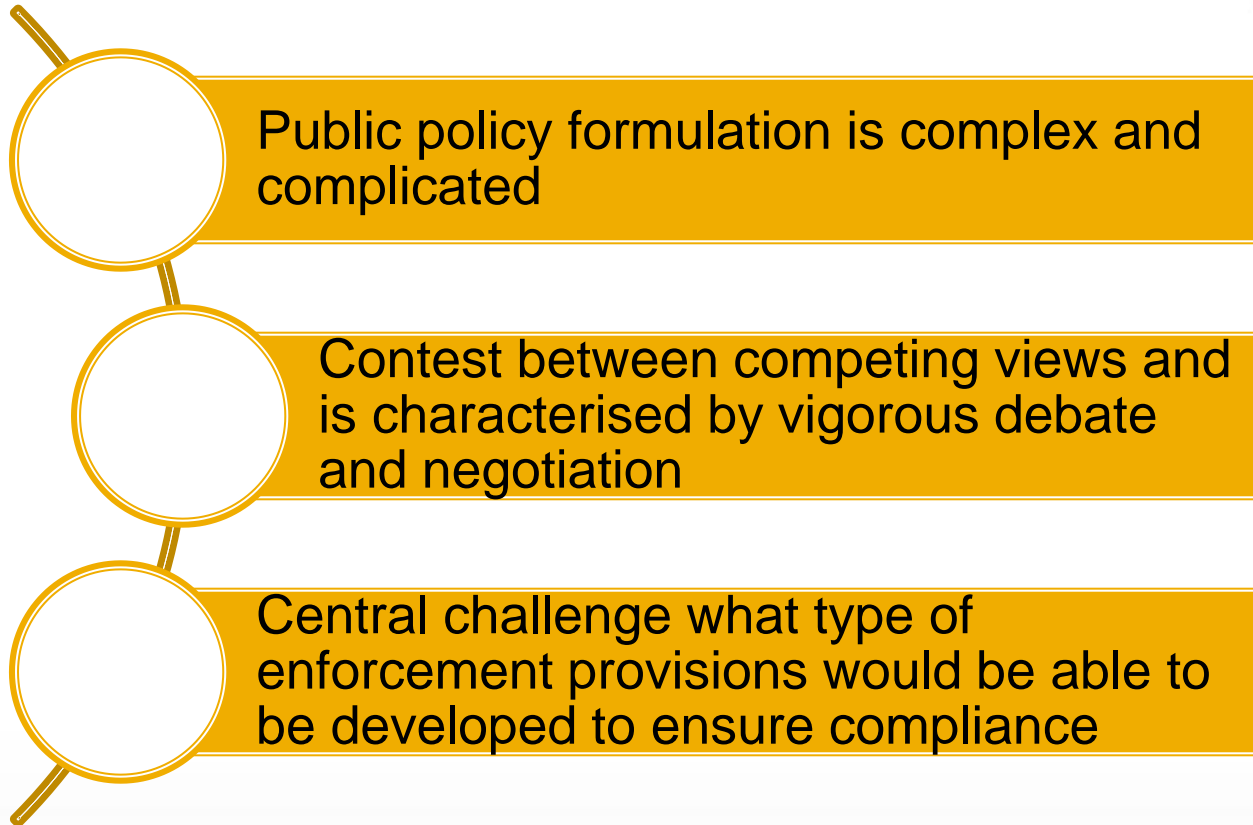
Specifically, the basic needs of poor consumers in South Africa, and the impact of poverty on sustainability policy intentions, needs to be factored into the proposed Framework.

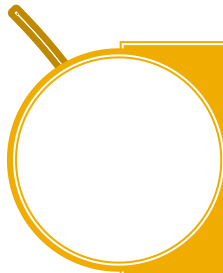


The importance of engaging and involving stakeholders who will implement or benefit from the intended policy was articulated

Proposed framework for South Africa







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?

