



Resource Manual to Support Revisions to the UN Guidelines For Consumer Protection

September 2013

About Consumers International

Established in 1960, CI is the world federation of consumer rights groups. Our goal is to ensure that consumer rights can never be ignored. With over 240 member organisations spanning 120 countries, we serve as the only independent and authoritative global voice for consumer rights. We are a registered UK charity.

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1. Purpose of the Resource Manual and Introduction

The purpose of this Resource Manual is to equip and enable CI Members to:

- Actively participate in the campaign for the revision of the United Nations Guidelines for Consumer Protection (hereafter 'the Guidelines');
- Commit to the process of keeping them up to date; and
- Continue efforts for their implementation.

About the UN Guidelines for Consumer Protection

For more than a quarter of a century consumers around the world have benefitted from the adoption by the UN General Assembly of the Guidelines in 1985.

This Resource Manual explains how you can be part of the global campaign to ensure the Guidelines cover the new issues for today and for the future. It describes how Consumers International (CI) plans to campaign for new Guidelines and how you can participate.

The revision of the Guidelines has a long history and CI has been campaigning for a comprehensive revision since the mid-1990s. Early efforts were partially successful when a chapter on sustainable consumption was added in 1999 (see Annex III). Many areas are in need of revision and the current project is directed to achieving that.

The United Nations Conference on Trade and Development (UNCTAD) is the UN agency given responsibility for the Guidelines. This Resource Manual describes how UNCTAD is managing the review. Key participants are identified and information on how governments, intergovernmental organisations and CI have been engaged in the process is given. In particular, the role of ad hoc expert groups is explained and the recent formation of specific working groups to take the revision forward. This Resource Manual describes the process going forward with an indication of when further developments will arise and how CI proposes to influence them.

CI Members are called on to engage with national and regional consumer policy makers to ensure a positive outcome to the revision of the Guidelines.

2. Why this campaign?

Brief outline of the Guidelines and their importance

The Guidelines were drafted by the former Economic and Social Council (ECOSOC) and adopted by the General Assembly in 1985 (Resolution A/C.2/54/L.24 9TH). They have been taken up by more than 100 countries in local consumer protection laws.

The Guidelines in brief

The Guidelines call upon governments to develop, strengthen and maintain a strong consumer policy, and provide for enhanced protection of consumers by enunciating various steps and measures around the following eight issues:

- A. Physical safety;
- B. Promotion and protection of consumers economic interests;
- C. Standards for the safety and quality of consumer goods and services;
- D. Distribution facilities for essential consumer goods and services;
- E. Measures enabling consumers to obtain redress;
- F. Education and information programmes;
- G. Promotion of sustainable consumption; and
- H. Measures relating to specific areas:
 - a. Food
 - b. Water
 - c. Pharmaceuticals.

In the 28 years since the Guidelines were first agreed, commentators and policymakers have come to describe the principles in the language of consumer “rights”. The Guidelines in their current form do not specifically use the term “rights” and, in fact, describe the list of matters covered in terms of “legitimate needs”. As a matter of construction, consumer groups have correctly concluded that in order to realise “legitimate needs” of consumers and to better facilitate implementation, the rights-based approach is reasonable. In this regard, a common, if some what aspirational, restatement of the Guidelines can be found in the publications and advocacy of CI which renders the Guideline as eight aspirational consumer rights. They are the:

1. Right to basic needs;
2. Right to safety;
3. Right to choice;
4. Right to redress;
5. Right to information;
6. Right to consumer education;
7. Right to representation; and
8. Right to healthy environment.

Although specifically drafted to deal with issues of consumer protection, the Guidelines have also become widely accepted as having a dimension in competition law and policy. This is hardly surprising as the objectives

of competition law and policy in common with consumer policy is the enhancement of the welfare of consumers.

The Guidelines provide a framework for use in elaborating and strengthening national consumer protection policies and legislation. They are also intended to encourage international cooperation in this field. In 1999, the Guidelines were expanded to include the principle of sustainable consumption. The conclusions drawn from a recent UNCTAD meeting reaffirmed the fundamental role of consumer policy for inclusive economic development and its importance in empowering consumers. Despite the widespread use of the Guidelines by Governments around the world, there is no consistent support for either implementation or revision. CI and other consumer groups have been responsible for reminding UNCTAD and Member States of the importance of the Guidelines and the need for their revision.

Where did the Guidelines come from?

Before the mid-twentieth century, consumers had limited rights with regard to their interaction with products and commercial producers. Consumers had limited ground on which to defend themselves against faulty or defective products, or against misleading or deceptive advertising methods. The consumer movement began to gather a following, pushing for increased rights and legal protection against malicious business practices. By the end of the 1950s, legal product liability and protection against misleading and deceptive conduct in the marketplace were becoming commonplace in national laws of developed countries. Apart from limited international law provisions, there were no laws or codes which provided international guidance on measures to protect the interests of citizens as consumers.

With the formation of CI (then known as the International Organisation of Consumers Unions or IOCU) in 1960, a forum developed for conversations between consumer groups from different countries. By the early 1980s, consumer groups from more than 100 countries were involved and developed a strong international lobby for the elaboration of international principles or laws.

In 1981, ECOSOC *"requested the Secretary-General to continue consultations on consumer protection with a view to elaborating a set of general guidelines for consumer protection, taking particularly into account the needs of the developing countries"*. In 1983, draft guidelines for consumer protection were submitted to ECOSOC in response to its request. Following extensive discussions and negotiations, the Guidelines were adopted by consensus resolution of the UN General Assembly on 9 April 1985. They have since been amended by the addition of a new section on sustainable consumption on 26 July 1999.

Who wrote the Guidelines?

The text of the Guidelines was prepared by ECOSOC and based on material prepared by the Organisation for Economic Cooperation and Development (OECD), the US's Consumer Bill of Rights and the considerable volume of consumer protection guidance produced by national consumer agencies and CI.

How the world has changed since 1985 and how the Guidelines need updating

The Guidelines address the interests and needs of consumers worldwide and recognise two principal concerns: 1) the imbalances that consumers face in economic terms, education levels and bargaining power; and 2) the importance of promoting just, equitable and sustainable economic and social development.

The objectives that the Guidelines seek to promote are quite wide-ranging:

- To assist countries in achieving adequate protection for their population as consumers;
- To promote production and distribution patterns responsive to the needs and desires of consumers;
- To encourage high levels of ethical conduct by those engaged in the production and distribution of goods and services to consumers;
- To assist countries in curbing abusive business practices by all enterprises at the national and international levels that adversely affect consumers;
- To facilitate the development of independent consumer groups;
- To further international co-operation in the field of consumer protection; and
- To encourage the development of market conditions that provide consumers with greater choice at lower prices.

Since the Guidelines were adopted in 1985, there have been some major changes in national economies and the international situation that might be taken into account in the extension of the Guidelines. On the national level, the privatisation of public enterprises and the introduction of competition into new service areas are requiring consumers to make new choices that require new information. On the international level, the increase in global trade is presenting consumers with an expanding variety of products from unfamiliar producers, making it more difficult to make informed choices.

The Guidelines were not intended to be a static document. They need to be continually revisited in the light of changes in social, political and economic systems.

Implementation of the Guidelines

More than 100 countries now have laws that are based on the Guidelines. Our objective is to get such laws enacted in every nation. In an implementation report on the Guidelines, UNCTAD found that they were highly relevant and remain as the key source of advice and guidance on the establishment of laws and policies for consumer protection in member countries. Within nations that have yet to adequately reflect the Guidelines in their laws, there is potential for productive action to persuade their legislatures to do so at the regional level.

One of the more important developments in the European Union has been raising consumer protection across its member nations by way of Directives. The motivation for this has more to do with achieving freer trade amongst member nations than greater protections for consumers. The Association of Southeast Asian Nations (ASEAN) is now moving in the same way and other regional groupings are taking steps.

Laws do have the potential to improve the lives of people in terms of their access to safe and effective goods and services if there are practical ways to enforce those laws, eg, through redress. However, the effectiveness of laws for ordinary citizens is very limited without adequately skilled and resourced government agencies to enforce them. There remain many countries that either have no such agency or have an agency which does not have the capacity to enforce consumer protection laws.

3. What are the obstacles to the revision of the UN Guidelines for Consumer Protection?

The UN, with its many agencies, is a large and complex system. Its members are 193 nation states of the world. It is an intergovernmental organisation, but at its beginning in 1945, ECOSOC, which is the principal organ for promoting international economic and social cooperation and development, granted 41 non-governmental organisations consultative status. There are now nearly 4,000 organisations recognised by ECOSOC, but only 147 with general consultative status. These are organisations recognised as having the capacity to contribute across the range of ECOSOC's responsibilities. CI was given such status in 1977.

Although a number of consumer organisations are recognised by ECOSOC and a few have special consultative status, CI is the only one with general consultative status which is more significant. Most other organisations with general consultative status are concerned with social and economic development assistance or social development generally. The international employer and employee organisations also have this status. The two organisations which perhaps are most interested in how well markets do or do not work and to what extent regulation is needed are the International Chamber of Commerce (ICC - www.iccwbo.org) and the International Federation of Agricultural Producers which were given general consultative status in 1946 and 1947 respectively. Over the years, the ICC has been a particular opponent of greater regulatory protection of consumers as advocated by the consumer movement, however, on some occasions the ICC has supported CI positions.

UN specialised agencies and international organisations with consumer policy/protection responsibilities

A number of UN specialised agencies and other international organisations are responsible for matters relevant to the protection of consumers and CI participates in consultations with them (see Annex II). There are provisions in the Guidelines with direct relevance to their work and proposed revisions could assist them. Moreover, effective implementation of the Guidelines globally assists agencies to meet their objectives. It is important that they be made aware and participate in the Guidelines revision and implementation.

United Nations Conference on Trade and Development

Among the many organisations established by the UN is UNCTAD, which first convened in Geneva in 1964. The conference was institutionalised to meet every four years, with intergovernmental bodies meeting between sessions and establishment of a permanent secretariat.

UNCTAD's stated main goals are to:

- Work as a laboratory of ideas and to provide on-the-ground assistance to help developing countries raise living standards through trade, investment, finance and technology;
- Help developing countries benefit from the globalised economy; and
- Contribute to international debate on emerging issues related to developing countries and the world economy.

CI is designated as an international NGO participating in the activities of UNCTAD in its "General Category". As such, CI is recognised as being able to make a contribution across the full range of UNCTAD activities.

UNCTAD was given responsibility for the Guidelines. Because UNCTAD's focus is on trade, its work is limited to ensuring that markets, globally and nationally, work efficiently.

The key then is to persuade Member States of the relevance of the Guidelines to the UNCTAD mandate.

Persuading all Member States will not be easy. It's possible that some economically powerful states, especially those that host large transnational corporations, will take a position of opposition to extension of the Guidelines and efforts to assist in their implementation.

Working constructively with Member States to champion the revision has paid off. It will be important for the cause to be seen as making markets work better for the economic development of the less developed nations.

4. UNCTAD's plan for the UN Guidelines for Consumer Protection

Outline

Earlier sections of this paper have described the Guidelines; provided an outline of their importance to consumers and summarised their implementation since they were adopted by the UN in 1985. This section traces key steps taken by UNCTAD in the revision, the future timetable and actions taken by CI to influence the process.

The long road to revision

Over the years, there have been many steps and missteps along the path of revision and apart from the addition of the sustainable consumption chapter in 1999, no major progress has been made. In 2010, however, a formal process of revision commenced.

The Sixth UN Review Conference of the Multilaterally Agreed Set of Equitable Principles for the Control of Restrictive Business Practices (or 'the Set') held in Geneva in November 2010 invited UNCTAD to convene two ad hoc expert group meetings between 2010 and 2015 about the interface between competition policy and consumer welfare.

The current process receives its impetus from the conclusions of the First Ad Hoc Expert Meeting on Consumer Protection which took place in Geneva in July 2012. The meeting assembled experts from national consumer agencies, competition authorities, CI and representatives of civil society to discuss the interface between competition and consumer policies and emerging issues in consumer protection.

Particular attention was given to consumer protection in the midst of the financial crisis. The need to take into account the latest developments in the marketplace, such as e-commerce and other technological advancements, was highlighted. At the same time, it was noted that certain issues affecting consumers living in poverty, such as access to basic goods and services, require continued action.

The Ad Hoc Expert Meeting concluded by emphasising that there was a need to revise the Guidelines in order to meet the needs of today's circumstances. The key finding was that there had been *"radical changes in the marketplace"* and it was recommended that *"UNCTAD should undertake discussions regarding the possibility of updating the United Nations Guidelines for Consumer Protection"*. Importantly, the expert committee also called on UNCTAD to *"undertake to collaborate on the content of potential revisions"*.

The current Guidelines were drafted by ECOSOC and adopted by the General Assembly in 1985 (Resolution A/C.2/54/L.24 9TH). Following the meeting of consumer policy experts, UNCTAD expressed the view that *"The Guidelines remain a valid and relevant document for consumer protection policy and have been used to draft a significant number of national consumer protection laws. In order for these Guidelines to continue to provide an important framework, a number of areas have been identified for their improvement. Firstly, since there has not been any form of revision since 1999, their content does not reflect the issues covered in the most contemporary consumer protection laws and policies. Secondly, their scope of application does not correspond with the usual powers of modern consumer protection authorities. Finally, the Guidelines are not backed by a state-of-the-art compilation of the best practices and common trends in the field of consumer protection."* In launching the current revision process, UNCTAD seeks to address these issues.

The first stage of the revision process involved an initial consultation process with stakeholders: Member States, international organisations and consumer groups. UNCTAD invited participants to complete a questionnaire relating to the issues addressed in the Guidelines. Particular attention was paid to the ‘*emerging issues*’ of consumer protection: e-commerce, financial services and possible options for multilateral cooperation.

Legal form of the Guidelines

There is discussion of the question of upgrading the Guidelines to some kind of international legal instrument that could be enforced. Broadly speaking, there are three arguments against this. The first is that there would be very considerable opposition from some nations. The US would probably be one of the most highly resistant and a long and resource-intensive campaign could result in an instrument of more limited scope than that of the present Guidelines. The second is that getting all nations to complete the processes for ratification of such an instrument would see a further number of years elapse. Furthermore, if only one nation refuses to ratify, then we will have lost the unanimous support which is a precious advantage of the existing Guidelines. And the third is that, in the end, enforcement of such international instruments is vexed and time and resource consuming so obtaining any useful protection of consumers in any particular country by means of an enforceable international instrument would be rare.

The Guidelines Implementation Report

As a result of the consultation process, UNCTAD compiled and summarised submissions and circulated a draft of the Implementation Report. The objectives of this report were to establish a benchmark on the use and adoption of the Guidelines, to highlight the emerging issues for consumer protection and to identify a number of areas for their improvement. A version of the report has subsequently been presented to the Consumer Policy Committee of the OECD in April 2013, the International Consumer Protection and Enforcement Network (ICPEN) and other UN regional meetings. Following this round of consultations and submissions, the report was submitted to the 13th Intergovernmental Group of Experts (IGE), Second Ad Hoc Expert Group Meeting on Consumer Protection, which was held in Geneva in July 2013.

UNCTAD sought submissions from Member States and CI, together with other international organisations to participate in the project. It was seen as important that the consultation process recognised and integrated the initiatives taken within the legislative processes of Member States, along various relevant documents, guidelines and proposals produced by the OECD, ICPEN and CI. The goal of the expert meetings was to collect information on the current state of consumer protection, through the completion of a comprehensive implementation schedule.

In undertaking work on the revision, the UNCTAD Secretariat was requested to prepare a report containing proposals for revised Guidelines for consideration by the Intergovernmental Group of Experts on Competition Law and Policy. The Group met in 2011 and held its second and final session in July 2013.

What is the mandate of UNCTAD and what should it be?

The mandate of UNCTAD is determined every four years at a Ministerial Council. The current mandate (the Doha Mandate - http://unctad.org/meetings/en/SessionalDocuments/td500_Add_1en.pdf) sets out agreed conclusions on policy analysis and the role of UNCTAD for the coming period on the overall theme of “Development-centred globalization: towards inclusive and sustainable growth and development”. Key elements of the mandate include: enhancing and enabling the economic environment

to support inclusive development; strengthening all forms of cooperation and partnership for trade and development; addressing persistent and emerging development challenges and their implications for trade and development; and promoting trade, investment, entrepreneurship and related investment policies to foster economic growth and sustainable development.

Accompanying the mandate was a political declaration known as the “Doha Manar” (http://unctad.org/meetings/en/SessionalDocuments/tdL425_en.pdf), referring to the Arabic term for beacon, which lent strong support to the efforts of UNCTAD in promoting inclusive development through commerce and structural change for the next four years. The Manar states: “We recognize the need to make our common economic life more conducive to progressive structural change, more productive of inclusive and sustainable growth and development and more effective in fostering broad-based inclusion in a new and more robust social contract.” At the same time, it acknowledges the need to strengthen UNCTAD and the impact of its work by enhancing its efficiency, effectiveness, transparency, accountability and partnerships.

The Manar also recognises the economic significance of the revolutionary protests occurring over the past year. “The winds of change blowing in many parts of the world today attest to the desire of populations for responsive policies that foster participatory and inclusive approaches to development towards achieving prosperity for all,” it says.

The mandate states: “Development-centred globalization sets the stage for inclusive growth and development and contributes towards reducing poverty and creating jobs, adding that development strategies should be inclusive and designed to meet human needs. In addition, the role of the Millennium Development Goals and other internationally agreed development targets were still instrumental to achieving those needs by 2015. “People have similar needs and aspirations, including freedom, human rights, in particular the right to development, decent work [and] all aspects of affordable health care and good governance at all levels.” Since those ends were closely interconnected, development strategies should be based on an integrated and holistic approach, if the desired policy options were to emerge.

As for the role of UNCTAD in achieving development-centred globalisation, the organisation remained the UN’s focal point for the integrated treatment of trade and development, as well as related issues in the areas of finance, technology, investment and sustainable development. UNCTAD should, through the three pillars of its mandate — consensus-building, policy-oriented analysis and technical cooperation — continue to deliver meaningful results, within available resources, while enhancing synergies and promoting collaboration with the efforts of other international organisations, according to the mandate.

Specifically, it should contribute to global efforts to transition towards a green economy; continue to monitor and assess the evolution of the international trading system and its trends from a development perspective; and continue to support the specific needs of least developed countries, Small Island Developing States, middle-income countries and those with economies in transition.

Despite the broad mandate given by ministers at UNCTAD XIII, resource constraints and internally-imposed priorities for action give the impression that the organisation has a more limited vision.

Some see that UNCTAD’s current focus on trade means its responsibilities are limited to working on ensuring that markets, globally and nationally, work efficiently. We will call this *Interpretation 1*. Even many of those who see UNCTAD as having a role to promote equity think that this should be limited to operation of markets. We will call this *Interpretation 2*. This means that getting UNCTAD to act in relation to many of the provisions of the Guidelines, which are concerned with protecting and/or advancing the interests of consumers in

non-market circumstances, is problematic. We will call the perspective that UNCTAD should be concerned about the protection of consumers and advancement of their interests in the widest sense and thus adequacy of the entire Guidelines' provisions and the effectiveness of their implementation *Interpretation 3*. If either Interpretation 1 or 2 prevail it would be clear that UNCTAD is an unsatisfactory auspice for the Guidelines.

UNCTAD's secretariat seems inclined to *Interpretation 1* and that its work is restricted to consideration of consumer protection only in the context of competition law and policy. It is for this reason that the Ad Hoc Expert Meetings on Consumer Protection were convened with the task of considering "*the interface between competition and consumer policies*". This limited interpretation of UNCTAD's mandate is a major impediment to effective revision of the Guidelines. CI is concerned that, in the absence of a clear mandate to a UN body for the responsibility of monitoring, revision and implementation of the Guidelines as a whole, they will never achieve their full potential and that the welfare of millions of consumers around the world will be compromised. It is for this reason that CI has put forward a recommendation that a UN commission be established with responsibility for the Guidelines. More information on this follows below.

CI and the revision process

Following the first meeting of the UN Ad Hoc Committee on Consumer Experts in July 2012, CI and CUTS International (Consumer Unity and Trust Society – International - <http://www.cuts-international.org/>), in conjunction with the Government of India's Ministry of Consumer Affairs, held a two-day, high-level global meeting on '*Review of United Nations Guidelines for Consumer Protection*' in New Delhi, during February 2013.

The meeting was attended by experts working on consumer issues across various sectors around the globe. The objective of the meeting was to examine possible areas for redrafting and revision. The meeting developed a set of substantive recommendations to UNCTAD from CI and its global membership.

CI's suggestions for revision to the Guidelines

CI has adopted the strategy of amending the Guidelines rather than the development of a completely new document. There is much in the existing Guidelines that is still valuable and they have been a reference point for consumer protection since 1985. Proposals which arose at the high level meeting included:

- Recognition of March 15 as the International Day for Consumer Protection;
- Stronger provisions and language to increase the overall strength of the Guidelines;
- Broader definition of consumers and producers;
- Incorporation of specific provisions on 'access to essential goods and services';
- Reference to participation by consumer organisations in regulation, representation, policy formulation, redress (as adjudicators and board members) and the need for support from governments for development of consumer associations;
- Sector-specific proposals such as measures offering protection to consumers of financial services, water, energy, food and pharmaceuticals;
- Incorporation of issues pertaining to e-commerce, digital products, data protection and access to knowledge;
- Incorporation of provisions dealing with aspects of data protection;
- Enforcement of already existing laws and procedures;
- International monitoring of application of the UNGCP by UNCTAD and CI; and

- Establishment of a UN Commission on Consumer Protection to monitor and facilitate implementation of the Guidelines.

Particular emphasis was given to amendments to the Guidelines arising from changes in communications and information technology. Under the heading, 'Proposed Amendments on Digital Age' these proposals included:

- Safeguarding consumers against the collection, use, disclosure or loss of their personal information without their consent;
- Promotion of parity in the treatment of consumers of online or digital products or services, with similar products and services provided in offline or analogue form;
- Access to knowledge, as a precondition of full participation of consumers in cultural, civic and educational affairs; and
- Provisions to stop suppliers of digital products and services from employing technologies that prevent consumers from using products or services in ways or for purposes that would otherwise be reasonable, lawful and safe.

CI World Consumer Rights Day programme

Soon after the high level meeting in New Delhi, CI and more than 90 CI Members launched the "Consumer Justice Now!" campaign to highlight the vital importance of consumer protection in a wide variety of ways. CI members in Asia, Latin America and the Caribbean launched a range of awareness-raising activities while in Europe and Africa new websites and campaigns were launched as well. The goal of "Consumer Justice Now!" is to highlight efforts to revise and extend the Guidelines. Accompanying the campaign is a new CI publication, *The State of Consumer Protection around the World* which assesses consumer protection measures taken in 60 countries based on surveys conducted in November 2012 and January 2013. The report provides a valuable resource for all CI Members wishing to participate in the Guidelines revision campaign. A link to the report can be found in the source list (see Annex I).

Second UNCTAD Ad Hoc Expert Meeting on Consumer Protection, Geneva, July 2013

Soon after the CI high-level conference, the Second Ad Hoc Expert Meeting on Consumer Protection was convened by UNCTAD to discuss the Implementation Report on the United Nations Guidelines for Consumer Protection (1985 - 2013) which was prepared by the UNCTAD secretariat as a result of the extensive consultation process described above. Further issues were highlighted by Member States and stakeholders for inclusion in the Guidelines revision process.

The meeting determined that the Guidelines have been widely recognised as valid and useful and the importance of amending these Guidelines based on the contemporary economic and social context remained the basis of the meeting.

The main focus of discussion at the 2013 UNCTAD meeting concerned four issues:

- Financial services and consumer protection;
- E-commerce and consumer protection;
- Monitoring, evaluation and implementation; and
- Other issues.

Summary of the discussions

The Second Ad Hoc Expert Group Meeting on Consumer Protection (11 and 12 July 2013) was devoted to the state of implementation of the Guidelines in 2013. As contained in UNCTAD's Implementation Report on the United Nations Guidelines for Consumer Protection and reiterated throughout the meeting, the Guidelines were unanimously recognised as remaining still valid and useful and some areas were discussed for potential future inclusion.

During the first day of the Expert Group Meeting, several potential issues for inclusion were discussed (see programme of work as adopted). Two of these issues were recommended by all of the experts to be included in the potential revision of the Guidelines. These issues were: e-commerce and financial services. However, the individual contributions by experts placed different emphasis on different aspects of these two topics. In respect to e-commerce, all experts recognised the considerable contribution of the OECD as well as national experiences. The relevant instruments of the OECD that were reviewed included: Guidelines for Consumer Protection in the Context of E-commerce (1999); Policy Guidance for Addressing Emerging Consumer Protection and Empowerment Issues in Mobile Commerce; Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders; Recommendations of the Council on Consumer Dispute Resolution and Redress; Policy Guidance on Online Identity Theft; and Policy Guidance for Protecting and Empowering Consumers in Communication Services.

UNCTAD was asked unanimously to build on this body of work for the preparation of the 7th UN Review Conference. In particular, several concrete issues were discussed as being relevant including the scope of e-commerce with respect to online and mobile payments, cross-border e-commerce, and physical and digital goods and services; the need for appropriate national regulatory framework and treatment that is no less favourable than that in traditional commerce; the identification of rights and obligations of consumers and providers; formal, informal and alternative redress mechanisms; the identification and prevention of fraud; data protection and privacy; information and education campaigns; international cooperation; and substantive issues such as security and transparency of the transactions, misleading/deceptive/fraudulent online advertisement, disclosure policies and cooling-off periods.

Concerning the issue of financial services, once again all experts acknowledged the work of the OECD, as well as many national and regional experiences, as major advances since the adoption of the Guidelines. The OECD G-20 High-level Principles on Financial Consumer Protection (HLP) of 2012 were presented, and several experts commented on its scope, coverage and relevance.

Some experts were of the view that although the HLP were relevant, the Guidelines' revision should not merely duplicate existing work but go further to include additional issues, such as the scope of financial services, particularly new and complex products; remittances; the identification of rights and obligations of consumers and providers; institutional structure, especially separate and unitary agency architectures, and cooperation with other relevant entities; civil and criminal responsibility, remuneration policies, deposit guarantees and responsible lending; informal, formal and alternative redress mechanisms; information and education campaigns; the identification and prevention of fraud; international cooperation; equal treatment and non-discrimination; special consideration for vulnerable consumers; universal access and combatting of financial exclusion.

It was agreed, without exception, that e-commerce and financial services were key issues that required inclusion in the Guidelines, and there were a number of additional issues for which experts made proposals for consideration. These included data protection, cross-border trade, tourism, collective proceedings and class

actions, principle of integration with other governmental policies, public and universal services, energy, transport, real estate, access to knowledge, and abusive advertising. Of these issues, many experts disagreed on the degree to which data protection should be addressed in the revision, with some suggesting that it should not be considered at all. There was widespread, but not universal, recognition of the need to expand the scope of the Guidelines revision. It was suggested that a number of these issues could be addressed generally in the Guidelines, rather than warranting new sections for each. Further, it was also proposed that the role for identifying the 'main' issues among this list could fall under the auspices of an established working group.

Monitoring assessment and evaluation

Several experts were of the view that there was a need for ensuring appropriate monitoring mechanisms for the implementation of the Guidelines. Some delegates proposed the establishment of a UN Commission for Consumer Protection, the main functions of which would include acting as a platform for the exchange of best practices, experiences and expertise; creating a system of monitoring and evaluation of compliance with the Guidelines; and providing incentives for better implementation of the Guidelines. In contrast, it was also suggested that most of these functions may be performed effectively and cost-efficiently through voluntary peer reviews of consumer policies, without the need of establishing a new UN body.

Regarding the development of the issues discussed during the previous day, experts expressed their interest in assisting the Secretariat to prepare a report for the upcoming IGE in 2014 and later for the 7th Review Conference in 2015. In this process of reporting to the UN Conference, the Secretariat will invite interested Member States and relevant stakeholders to voluntarily nominate experts who can assist in the preparation.

Although, there was convergence in thinking on some of the issues and wide differences on others, the overall tone of the meeting strongly favoured action to update the Guidelines and ensure they are implemented widely to enhance consumer welfare.

Financial services and consumer protection issues

In relation to financial services, there was a strong consensus at the meeting that this was a key area in which future revision of the Guidelines should be focused while at the same time dealing with some of the general issues more broadly. Issues such as universal access to financial services, financial education and problems of vulnerable consumers were raised. Other measures on financial services proposed for inclusion were:

- Principles, of equal treatment and non-discrimination, universal access and the fight against financial exclusion, special consideration to vulnerable consumers;
- Identification of rights and obligations of consumers and providers;
- Civil and criminal liability, remuneration policies, deposit guarantees, responsible lending;
- Redress schemes, formal and alternative redress mechanism, industry ombudsman;
- Control of fraud;
- Consumer education and financial services;
- Policies to deal with consumer indebtedness;
- Overseas remittances;
- Consumer rights in relation to the use of debit cards;
- Competition consequences of financial sector bail-out schemes;
- Institutional structure and cooperation between agencies; and

- International cooperation.

E-commerce issues

Following the discussion of financial services, delegates to the conference also provided strong endorsement for the inclusion of a substantive section of the Guidelines on e-commerce. Central to this discussion is the need to foster consumer trust and confidence in e-commerce and appropriate measures may include the enactment of consumer codes, self-regulation mechanisms and complementary regulations. In addition, increased consumer rights protection in electronic transactions, the need to include return of payments in fraud cases and the protection of children were matters raised for consideration. Finally, there was the view that the new work needs to include cross-border measures to bridge internal domestic laws of affected countries. Key issues for further elaboration are:

- Scope of e-commerce, online and mobile payments, cross border e-commerce, group buying;
- Physical and digital goods and services;
- The need for national regulatory frameworks;
- Identification of the rights and obligations of consumers and providers;
- Redress mechanism, ie, focusing on formal, informal and alternative redress mechanisms;
- Online advertisement, disclosure policy issues through promotion of security and transparency of transactions;
- Identification and combating of fraudulent practices;
- Data protection and privacy;
- Online dispute resolution mechanisms;
- National and international regulation;
- Information and education campaigns; and
- International cooperation.

In the conversation which followed, it was proposed that not all matters need to be dealt with and that the focus should be on issues specific to e-commerce and separately addressing the issues which appeared to be cross-cutting.

CI cautioned that there was a need to have a holistic approach in addressing these issues. It was indicated that any amendment to the text on e-commerce to include new issues should also be replicated in other sections of the Guidelines. In concluding the discussion on e-commerce, there was a need to cross reference this work with general principles (other existing principles in the international system) on the issues raised under e-commerce.

Monitoring and evaluation framework

In a concluding session, CI proposed the setting up of a “Standing Consumer Protection Commission” under the auspices of the UN to monitor the implementation of the Guidelines, a proposal which was supported by Benin and Malaysia. Other countries strongly opposed the proposal of setting up an independent commission resulting in no concrete decision being reached on this matter. The meeting formed a working group to further explore this matter. The countries and organisations which volunteered included Malaysia, Seychelles, CI, Benin, Brazil, Burkina Faso, Chile, Nigeria, Dominican Republic and Botswana.

Should continuing issues arise in relation to the Guidelines, there is a very strong case for establishment of such a commission.

Other issues

A number of cross-cutting or other issues were discussed in a wide-ranging discussion. While many delegations spoke on one or more issues, there was no consensus on the overall merits of matters raised. Some felt the list to be too long and risked tying up the revision process while others felt most matters to be important areas for augmentation of the Guidelines. An important debate ensued with some arguing that only matters which touched on competition law and policy are within the mandate while others argued against that proposition.

CI challenged the wisdom of cutting down the list of issues. It was of the view that the Guidelines should have an open list of issues rather than having a narrow focus, and that it was of their nature to be wide ranging.

The following were identified as other issues:

- Data protection;
- Cross border trade;
- Tourism;
- Collective proceedings and class actions;
- The principle of integration with other governmental policies;
- Public and universal services;
- Energy;
- Transport;
- Real estate;
- Access to knowledge; and
- Abusive advertising.

Future UNCTAD work plan

The UNCTAD Secretariat confirmed that the review of the Guidelines is proceeding from its work on the interface between competition and consumer protection. The mandate for the Ad Hoc Expert Group Meetings on Consumer Policies was derived from the agreed conclusions of the 6th UN Review Conference in 2010. In its agreed conclusion, the conference requested the UNCTAD Secretariat to hold two Ad Hoc EGMs on the interface between competition and consumer policies and present its report to the 7th UN Review Conference, scheduled for 2015. The 14th session of the Intergovernmental Group of Experts Meeting on Competition Law and Policy (2014) will serve as a preparatory meeting to the 7th UN Review Conference.

UNCTAD is required to report to the UN Review Conference on the work carried out during the two EGMs, which took place in 2012 and 2013. The UNCTAD report to the UN Review Conference will include a summary of the agreed conclusions of the first Ad Hoc EGM and the Secretariat Report of the second Ad Hoc EGM, as well as any issues which the IGE 2014 might propose of the consideration of the UN Review Conference.

During the preparatory process for the UN Review Conference (from now until 2015), UNCTAD has committed to consult and seek input from Member States on the work programme of the conference to be decided on during the next IGE in 2014. Work will be carried out by experts nominated by Member States. Four working groups will be formed to assist the secretariat in preparing a report to the 7th UN Review Conference,

scheduled for 2015. While open to new nominations, delegates who have already volunteered to participate in these groups are as follows:

Table of working groups and countries and organisations which have opted in

Financial services and consumer protection	E-Commerce and consumer protection	Implementation of the Guidelines	Other issues
Brazil	Brazil	Benin	Open to nomination
Bulgaria	Benin	Brazil	CI
Chile	Bulgaria	Botswana	
CARICOM	Chile	Burkina Faso	
Dominican Republic	CARICOM	Chile	
France	Dominican rep	Dominican rep	
Guyana	Korea	Chile	
Germany	Rep of Malaysia	Gabon	
Rep of Malaysia	Morocco	Rep of Malaysia	
Namibia	Oman	Nigeria	
Philippines	Peru	PNG	
Peru	PNG	Peru	
USA	Seychelles	Seychelles	
CI	Turkey	CI	
Delhi School of economics	USA		
	CI		
	ICC		

Seventh UN Review Conference

As at the date of publication of this manual there is no currently published timetable by UNCTAD for the newly-formed working groups to meet nor is there clarity on how the outputs of these working groups will be converted into consensus text and recommendations for revision of the Guidelines.

The Seventh UN Review Conference which will be held in 2015 will provide an opportunity for UNCTAD to discuss the Guidelines and agree on the text of revisions. In so doing, the next Intergovernmental Group of Experts Meeting on Competition Law and Policy (2014) will serve as a preparatory meeting to the UN Review Conference.

UNCTAD is required to report to the UN Review Conference on the work carried out during the two Ad Hoc EGMs on Consumer Policies, which took place in 2012 and 2013. The UNCTAD report to the UN Review Conference will include a summary of the Agreed Conclusions of the First Ad Hoc EGM and the Secretariat Report of the Second Ad Hoc EGM, as well as any issues which the IGE 2014 might propose of the consideration of the UN Review Conference. During the preparatory process for the UN Review Conference (from now until 2015) the Secretariat will consult and seek input from Member States on the work programme of the conference to be decided upon during the next IGE in 2014.

Ad hoc group terminated

At the outset of the EGM it was declared that there will be no further meetings of the ad hoc group. Future work will be undertaken through the working groups established. The UNCTAD Secretariat made clear its

position that future work on the Guidelines should relate to the intersection between consumer protection and competition policy. This was based on the limited interpretation of UNCTAD's general mandate. (The assigned task was to explore the interface between competition policy and consumer protection.) The UNCTAD Secretariat also argues that the organisation does not have the expertise to deal with all areas of consumer protection.

Proposal for a UN Commission on Consumer Protection

In the final discussion, CI highlighted the need and importance of implementing the Guidelines in letter and spirit. CI again strongly proposed establishing a UN Commission on Consumer Protection to monitor progress of the implementation of the Guidelines based on the principles of the United Nations Commission on Human Rights (UNCHR) or the UN Commission on Sustainable Development. Such a commission could also become an efficient platform for all countries to share best practices. CI also stated that since CI and other consumer organisations are at the disadvantage of contributing only after all other parties, there is a need to reform the process.

UNCTAD's next steps

Following the conclusion of the Second Conference of the Ad Hoc Panel of Consumer Experts, there is an opportunity for CI Members to participate in working group meetings on e-commerce, financial services, cross-cutting and other issues, and monitoring and implementation.

At first it was unclear whether a working group was established in relation to the other issues, and the Secretariat's note of the July meeting suggested that a narrower set of issues to be discussed by the group would first be settled through further consultations. However, the Chair of the meeting, from the French consumer protection and competition agency DGCCRF, has subsequently independently clarified that no *a priori* stance would be taken on whether or not the issues covered by the group would be a 'narrower set'. Thus, all subjects are open for discussion, and will be for the working group itself to determine the breadth of the issues it considers. The Chair also clarified that the "other issues" working group would be open to all volunteers.

The next available forum for UNCTAD to discuss and agree on any Guideline revisions will occur at the 7th UN Review Conference on Competition Policy to be held in 2015. The purpose of this Conference is described in Paragraph 4 of the Action Points below.

If there is agreement at this Conference on revisions, UNCTAD would then be expected to propose a resolution to be carried forward for decision by the UN General Assembly. This may first be put to ECOSOC.

It may be that agreement is not reached or it may be that agreement is only reached on limited revisions unacceptable to CI. In either of these cases, it would be necessary to take the campaign to ECOSOC. It would be essential to have a number of Member States, probably at least three, prepared to make a strong case for revision or greater revision at ECOSOC. At the same time, these states should argue for establishment of the proposed Standing Commission on Consumer Protection.

5. What CI Members can do

UNCTAD has undertaken to facilitate a number of working groups to progress discussion and drafting of proposed amendments to the Guidelines and ultimately to submit them to the UNCTAD meeting on competition to be held in 2015. As noted in Section 4 above, working groups have been formed to deal with e-commerce, financial services, cross-cutting and other issues, and the general issue of monitoring and evaluation.

CI Members are in a unique position to influence the future direction and extent of revisions to the Guidelines. Member organisations in those countries that have already opted into the working groups should seek to meet with appropriate government policymakers to ensure they have a full understanding of the views CI has formed on matters relevant to the specific working groups in which the country has enrolled. In relation to member organisations in countries which have not opted into working groups, UNCTAD has expressed the view that participation is open to governments and other organisations to join in. There is an opportunity for CI Members in countries currently not participating fully in the working groups to encourage their government's consumer policy officials to opt into other groups and to take a position on the issues raised in the cross-cutting groups as well.

The following suggestions are provided to encourage member organisations to join with the many CI Members who have brought the project so close to success. CI Members will generally be well skilled in most if not all of the suggested activities, so for many this list is offered as an *aide memoire*. Any CI Member which in fact is lacking in experience in any of these activities should contact CI for guidance.

Action points for CI Members

1. Getting started - accompanying this Resource Manual are a number of key documents which provide a more detailed background to the Guidelines, detailed information on CI's analysis and proposals for revision and the implementation paper prepared by UNCTAD.
2. CI Members are encouraged to actively engage in this campaign by familiarising themselves with the CI position on each of the areas proposed for revision and:
 - In the case of Members in countries which have opted into a working group, to seek meetings with policy officials to brief them on the views of the organisation (to the extent that they correspond with the views of CI);
 - In the case of Members whose country has not opted into any of the working groups or has opted into one or two of the groups, steps should be taken to put submissions to the government to contact UNCTAD with the request for involvement in the working groups or additional working groups;
 - As a preliminary step, Members are encouraged to define their aims and objectives – organising with other CI Members and other possible collaborating organisations in their country. In the case of e-commerce and financial services, most countries will have a number of consumer groups concerned with these issues. Short-term coalitions built around achieving the revision of the Guidelines in these areas could strengthen links among consumer groups and build a consensus in Member countries to take an active and positive approach to revision of the Guidelines.
3. CI Member groups in countries which are also involved in regional trade or policy blocks should seek to work with CI colleagues elsewhere in the region or trading bloc with similar goals to those described in paragraph 2 above. CI Members in groups such as ASEAN, the European Union, the Commonwealth

and Mercosur/Mercosul (Mercado Común del Sur/Mercado Comum do Sul) may have the opportunity of working together to influence powerful economic and geographical groups of countries.

4. In developing a campaign strategy for your country, it is important that submissions or representations made to national consumer protection policy officials are relevant to Member countries and put forward in a way which is accurate and persuasive. Members that can present case studies from their own work or can convey evidence from position papers from CI are more likely to bear fruit in encouraging Member countries of UNCTAD to take action to enhance the welfare of their consumers.

While at first glance, there seems to be ample time until 2015 for consumer action, in reality the available time is much shorter. It will take time to persuade CI Member countries to opt into working groups and to brief those who have already done so. There will also be turnaround time for them to correspond with Member States of regional trade and policy organisations and intergovernmental bodies such as UNCTAD. Consequently, CI Members are encouraged to commence these activities as soon as possible.

Connecting with the decision makers

Determining the proper authority to approach in a CI Member country is usually quite straightforward. Most commonly the ministry or department responsible for foreign affairs or international relations will have responsibility for representation at UNCTAD. In any event, initial approaches through the regular contacts CI Members have with national government agencies will quickly disclose the competent authority and the identity of key public policy officials responsible for formulating and briefing international representatives. CI has produced an abundance of background information on these issues and CI Members should make full use of this in seeking to brief officials. For further information, a list of source documents can be found at Annex I.

CI Consumer Justice and Protection Network

This CI e-network is an exclusive service for CI Member and Supporter organisations interested in consumer justice and protection. Available directly to your email account, it is a place for sharing information, ideas and strategy relating to consumer justice and protection. CI will also use this network to share information we receive about matters relevant to this area of work. The aim of the e-network is to increase the dialogue between consumer standards bodies, consumer groups and other interested parties within the CI membership. To contribute, visit <http://lists.consumersinternational.org/www/info/cjp> and click “subscribe” to request membership.

Lobbying - personal representations

Most CI Members will be well experienced in briefing consumer policy officials or lobbying members of the government and opposition party members and senior civil servants in support of a policy position. Personal representations built on specific local case studies and supported by international policy positions are the most powerful means of securing support for lobbying activities.

Using the media - building widespread support

Nearly all CI Members will have experience in influencing local media on consumer issues of importance in their country or region. With the continued rapid growth of globalisation of markets and regulation, there is a great opportunity for CI Members to persuade local and regional media outlets of the importance of improvements to consumer protection on subjects such as financial services, e-commerce and the

cross-cutting issues about which CI is proposing enhancement to the Guidelines. Many CI Members find that having built public consciousness using the media that public policy officials are far more easily persuaded to act.

Campaign tools

Tools including the use of consumer phone-ins, surveys and social media campaigns can easily bring positive attention to the range of issues which CI wishes to pursue in the revision of the Guidelines. For example, many consumer and other civil society groups have built strong campaigns using surveys based on online tools such as Survey Monkey and media such as Twitter.

Overcoming objections - dealing with or neutralising opposition

Most consumer campaigns will meet with some objections. Industry associations will almost always oppose consumer protection measures believing they will add to costs, reduce productivity or multiply “red tape”. Overcoming objections and dealing with opposition will be an important part of this campaign and will build the overall capacity of CI Members to be effective in other areas. Sharing ideas on successful campaigns and persuasion strategies between domestic and international colleagues is at the heart of the strength of the international consumer movement.

Keeping records and sharing lessons learnt

As noted earlier in this paper, early efforts to reform the Guidelines commenced in the 1990s. Many CI Members have been engaged in this process. It is important to keep good records of strategies and approaches used in this campaign to pass on successful techniques and also stories about approaches which fail, to future consumer activists. These can also be compiled regionally and internationally so that CI as a whole can learn from work done.

Building broad-based support

In the 28 years since the Guidelines were first implemented, efforts designed to enhance the welfare of consumers through consumer protection measures have gained broad support. The issues currently being raised for inclusion in the Guidelines are ones which should be able to be shown as having broad-based support as well.

Communications

The wealth of material produced by CI, particularly at the high-level conference on the Guidelines held in New Delhi in February 2013, provides a very rich source of material which can be used in communications strategies by CI Members. Press releases, conference presentations and social media campaigns built around these issues will draw attention to them in Member countries and assist Members in gaining a higher profile in their countries.

Conducting research, use of case studies/local examples

A common feature of government policy making in the era of globalising economic policy and multilateral treaties on trade investment and regulation, is that governments are more likely to respond to evidence-based submissions. CI has already provided a range of information which can easily be used in campaigns however

such evidence is made much more compelling when there is a domestic application of this. Local information on the lack of financial services education or unfair and misleading conduct in the marketplace can be quite persuasive in encouraging Member countries to engage in the Guidelines' revision process. Of special relevance is the use of case studies and local examples.

Extensive research on the proposed amendments related to e-commerce and access to knowledge was undertaken by CI through Members and experts in India, Brazil and South Africa which was published in June 2013 in the volume "Updating the UN Guidelines for Consumer Protection for the Digital Age" (see Annex I).

Mobilising resources for your work

CI Members are encouraged to investigate possible sources of funding for this work. Some governments may be prepared to assist. This would be especially important for contributing to international work. CI Members who participate in cross border or regional consumer forums, involvement and participation in regional and international meetings can add an important element to the revision campaign. A capacity to localise examples and showcase studies relevant to the areas of revision will enhance your role in the meetings and may assist in getting funding to attend. As always, there are often opportunities for Members to join CI delegations.

Implementation, monitoring and evaluation

As the campaign for the revision of the Guidelines proceeds, CI will be providing a continuous stream of information to Members as developments occur. At the local level, it is highly recommended that CI Members may similarly monitor developments in their own jurisdiction or regional jurisdictions and share this information with CI.

While the overall goal of this campaign is the successful and comprehensive revision of the Guidelines, active participation by CI Members in their own countries can also have great benefits in furthering the extent to which the existing Guidelines are fully implemented and provide opportunities for enhancement of other local laws and consumer protection measures even where they don't directly relate to the Guidelines. To this extent, CI Members may obtain a considerable measure of success domestically even before revisions are agreed to the Guidelines.

Next steps

During the period until the Seventh UN Review Conference which will be held in 2015, there are many steps required:

- Text for new provisions need to be developed, negotiated and agreed;
- CI Members need to engage with national consumer policy makers; and
- Further discussion is needed on the form of the Guidelines in the UN system.

Annex I

List of source documents relating to the UN Guidelines for Consumer Protection

1. Consumers International Submission to the Second Ad Hoc Expert Meeting on Consumer Protection (UNCTAD)

Second Ad Hoc Expert Meeting on Consumer Protection Geneva, 11-12 July 2013
 Contribution on the Revision of the United Nations Guidelines for Consumer Protection
 Consumers International
http://unctad.org/meetings/en/Contribution/IGE2013_UNGCP_CI_en.pdf

2. Description and Goals of the UN Conference on Trade and Development (UNCTAD)

The United Nations Conference on Trade and Development (UNCTAD) was established in 1964 as a permanent intergovernmental body. It is the principal organ of the United Nations General Assembly dealing with trade, investment, and development issues.

The organisation's goals are to "maximize the trade, investment and development opportunities of developing countries and assist them in their efforts to integrate into the world economy on an equitable basis." The creation of the conference was based on concerns of developing countries over the international market, multi-national corporations, and great disparity between developed nations and developing nations.

http://en.wikipedia.org/wiki/United_Nations_Conference_on_Trade_and_Development

3. The United Nations Guidelines for Consumer Protection (UNGCP)

The UNGCP is a declaration of best practices in consumer protection law and policy. The Guidelines are not binding, but do provide a set of basic consumer protection objectives upon which governments have agreed, thereby serving as a policy framework for implementation at a national level. Whilst directed primarily at governments, some provisions of the Guidelines are also directed at businesses.

http://en.wikipedia.org/wiki/United_Nations_Guidelines_for_Consumer_Protection

4. Text of the United Nations Guidelines for Consumer Protection

Department of Economic and Social Affairs, United Nations Guidelines for Consumer Protection (as expanded in 1999)

http://unctad.org/en/PublicationsLibrary/UN-DESA_GCP1999_en.pdf

5. UNCTAD Implementation Report of the UN Guidelines for Consumer Protection

Trade and Development Board, Commission on Trade and Development
 Intergovernmental Group of Experts on Competition Law and Policy, Thirteenth session
 Geneva, 8–12 July 2013

Consultations and discussions regarding peer reviews on competition law and policy, review of the Model Law on Competition and studies related to the provisions of the Set of Principles and Rules Implementation report on the United Nations Guidelines for Consumer Protection

(1985–2013)

http://unctad.org/meetings/en/SessionalDocuments/ciclpd23_en.pdf

6. CUTS Report of the Second Ad Hoc Expert Meeting

Second UNCTAD Ad Hoc Expert Meeting on Consumer Protection, CEO Palais des Nations, Geneva, 11 to 12 July 2013. CUTS REPORTING - DAY ONE (11th July 2013)

The Second Ad Hoc Expert Meeting on Consumer Protection has been organised by UNCTAD to discuss the Implementation Report on the United Nations Guidelines for Consumer Protection (1985 - 2013) as prepared by UNCTAD Secretariat as a result of consultation process on the revision of the UNGCP and its conclusions, plus further issues that have been highlighted by Member States and stakeholders as candidates for inclusion in the UNGCP revision process.

<https://groups.google.com/forum/#!msg/cuts-trade/forum/e75ZfVRlka4/ibtMlzZrAgAJ>

7. UNCTAD Revision Notice for the UN Guidelines for Consumer Protection

UNCTAD is currently in the process of revising the UN Guidelines for Consumer Protection. This follows directly from the conclusions of the Ad Hoc Expert Meeting on Consumer Protection that took place in Geneva between the 12th and 13th July 2012, which recommend that “UNCTAD should...undertake discussions regarding the possibility of updating the United Nations Guidelines for Consumer Protection” and “undertake to collaborate on the content of potential revisions”.

<http://unctad.org/en/Pages/DITC/CompetitionLaw/UN-Guidelines-on-Consumer-Protection.aspx>

8. UNCTAD Matrix Summarising Implementation of the Guidelines

[Revision of United National Guidelines for Consumer Protection \(2012\) -- Matrix](http://unctad.org/en/PublicationsLibrary/UN-DEAS_GCP_Matrix.xls) (UNCTAD/GCP/2012/Matrix)
http://unctad.org/en/PublicationsLibrary/UN-DEAS_GCP_Matrix.xls

9. CUTS report on the CUTS/CI high level meeting on the review of the Guidelines

Brief Report, Global Meeting, ‘Revision of United Nations Guidelines for Consumer Protection’ New Delhi, February 26-27, 2013. Consumers International (CI) in collaboration with CUTS International and co-hosted by the Ministry of Consumer Affairs, Government of India organised a two-day, high-level Global Meeting on ‘Review of United Nations Guidelines for Consumer Protection’ at Hotel Crowne Plaza Rohini, New Delhi, on February 26-27, 2013. The meeting was attended by experts working on consumer issues across various sectors around the globe. The objective of the meeting was to examine possible areas for redrafting and revision. The deliverables from the meeting are a set of substantive recommendations to UNCTAD from CI and its global membership.

http://cuts-international.org/cart/pdf/Report-Global_Meeting_on_Revision_of_United_Nations_Guidelines_for_Consumer_Protection.pdf

10. Background paper on the Guidelines and their implementation by Robin Brown

The UN Guidelines for Consumer Protection: Making Them Work in Developing Countries
Robin Brown, April 2011, Foundation for Effective Markets and Governance

<http://a2knetwork.org/sites/default/files/infosoc2012-ch5.pdf>

11. Updating the UN Guidelines for Consumer Protection for the Digital Age

Research from India, Brazil and South Africa on the proposed revisions of the Guidelines pertaining to e-commerce, Internet and Access to Knowledge.

<http://a2knetwork.org/guidelines>

12. CI submission to UNCTAD on the Guidelines

CI statement to UNCTAD on e-commerce and the Guidelines

<http://a2knetwork.org/ci-statement-unctad-e-commerce-and-un-guidelines>

13. UNCTAD Ad Hoc Expert Group Meeting on Consumer Protection (11-12 July 2013)

Summary of the Chairperson, UNCTAD Ad Hoc Expert Group Meeting on Consumer Protection (11-12 July 2013)

(Final version not yet published, draft on file with CI)

Summary of the Substantive Issues

(Final version not yet published, draft on file with CI)

14. The State of Consumer Protection around the World, Consumers International, revised April 2013

http://www.consumersinternational.org/media/1139741/eng_cp_summary_april.pdf

15. The Doha Mandate

http://unctad.org/meetings/en/SessionalDocuments/td500_Add_1en.pdf

16. The Doha Manar

http://unctad.org/meetings/en/SessionalDocuments/tdL425_en.pdf

Annex II

UN agencies and international organisations with consumer policy/protection responsibilities

World Intellectual Property Organization (WIPO) - www.wipo.int

WIPO is responsible for promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development, subject to the competence and responsibilities of the United Nations and its organs, particularly the United Nations Conference on Trade and Development, the United Nations Development Programme and the United Nations Industrial Development Organization, as well as of the United Nations Educational, Scientific and Cultural Organization and of other agencies within the United Nations system.

Food and Agriculture Organization of the United Nations (FAO) - www.fao.org

FAO acts as a neutral forum to negotiate agreements and debate policy on agriculture, forestry and fisheries and trade in products of these industries. It is also a source of knowledge and information especially for developing countries and countries in transition in the modernisation and improvement of agriculture, forestry and fisheries practices, with the aim of ensuring good nutrition and food security for all.

Codex Alimentarius Commission - www.codexalimentarius.org

The Commission is responsible for the Codex Alimentarius (Latin for "Book of Food") which is a collection of internationally recognised standards, codes of practice, guidelines and other recommendations relating to foods, food production and food safety. It functions as an international reference point for the resolution of disputes concerning food safety and consumer protection

International Organization for Standardization (ISO) - <http://www.iso.org>

Founded in 1947, ISO is a voluntary international standard-setting body, the members of which are national standards organisations. While it is not an intergovernmental organisation, ISO standards in effect regulate the standards of a large number of goods, services and industrial processes. The bulk of the work of ISO is done by the 2,700 technical committees, subcommittees, and working groups. Each committee and subcommittee is headed by a Secretariat from one of the member organisations.

World Health Organization (WHO) - <http://www.who.int>

Established in 1948, the World Health Organization is a specialised agency of the United Nations that is concerned with international public health. While much of its wide mandate is of interest to the consumer movement, WHO's work to improve nutrition, food safety and food security, to control breast-milk substitutes and tobacco and to ensure availability of efficacious pharmaceuticals is particularly relevant.

United Nations Environment Programme (UNEP) - <http://www.unep.org/>

UNEP coordinates the UN's environmental activities especially in assisting developing countries in implementing environmentally sound policies and practices. It was founded 1972 and is headquartered in Nairobi, Kenya. The health of the atmosphere, marine and terrestrial ecosystems, environmental governance and moves toward a green economy are included in its mandate.

It has played a significant role in developing international environmental conventions, promoting environmental science and information and illustrating the way those can be implemented in conjunction with policy, working on the development and implementation of policy with national governments,

regional institutions in conjunction with environmental non-governmental organisations (NGOs). UNEP has also been active in funding and implementing environment-related development projects.

UNEP has aided in the formulation of guidelines and treaties on issues such as the international trade in potentially harmful chemicals, transboundary air pollution, and contamination of international waterways.

The World Meteorological Organization and UNEP established the Intergovernmental Panel on Climate Change (IPCC) in 1988. UNEP is also one of several Implementing Agencies for the Global Environment Facility (GEF) and the Multilateral Fund for the Implementation of the Montreal Protocol, and it is also a member of the United Nations Development Group.

International Civil Aviation Organization (ICAO) - <http://www.icao.int/>

ICAO codifies the principles and techniques of international air navigation and fosters the planning and development of international air transport to ensure safe and orderly growth. It's headquartered Montreal, Canada.

International Telecommunication Union (ITU) - <http://www.itu.int/>

ITU is responsible for international information and communication issues. It coordinates the shared global use of the radio spectrum, promotes international cooperation in assigning satellite orbits, works to improve telecommunication infrastructure in the developing world, and assists in the development and coordination of worldwide technical standards. It is based in Geneva, Switzerland.

Relevant non-UN international organisations with consumer policy/protection responsibilities or the work of which has an impact on consumer interests

International Monetary Fund (IMF) - www.imf.org

The IMF is an international organisation that was initiated in 1944 at the Bretton Woods Conference and formally created in 1945 by 29 member countries. Its then stated goal was to assist in the reconstruction of the world's international payment system post-World War II. It now has 188 members. The organisation's stated objectives are to promote international economic cooperation, international trade, employment, and exchange rate stability, including by making financial resources available to member countries to meet balance of payments needs. It is headquartered in Washington, DC, United States.

World Bank - www.worldbank.org

The World Bank is an international organisation also initiated in 1944 at the Bretton Woods Conference and formally created in 1945 by 29 member countries. Its purpose then was also post war reconstruction. It is now focussed on provision of loans to developing countries for capital programmes. Its official goal is the reduction of poverty. According to its Articles of Agreement (as amended effective 16 February 1989), all its decisions must be guided by a commitment to the promotion of foreign investment and international trade and to the facilitation of capital investment.

The World Bank comprises two institutions: the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA).

There is an NGO-World Bank Committee which meets regularly on both a global and regional basis to discuss issues of mutual concern.

The World Bank should not be confused with the World Bank Group, which comprises the World Bank, the International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA), and the International Centre for Settlement of Investment Disputes (ICSID).

World Trade Organization (WTO) - www.wto.org/

The WTO is an intergovernmental organisation established in 1995 to supervise and liberalise international trade. The WTO evolved from the 1948 General Agreement on Tariffs and Trade (GATT). The organisation deals with regulation of trade between participating countries; it provides a framework for negotiating and formalising trade agreements, and a dispute resolution process aimed at enforcing participants' adherence to WTO agreements, which are signed by representatives of member governments and ratified by their parliaments.

Organisation for Economic Co-operation and Development (OECD) - www.oecd.org

The OECD is an international economic organisation of 34 countries founded in 1961 to stimulate economic progress and world trade. It is a forum of countries committed to democracy and the market economy, providing a platform to compare policy experiences, seek answers to common problems, identify good practices and co-ordinate domestic and international policies of its members.

While its members are developed countries, the positions it takes are influential globally. Of particular interest to CI is the work of its Consumer Policy Committee.

Its Development Assistance Committee plays an important role in evaluating the effectiveness of international development work of its member nations and in effect holds them to account in terms of the contribution they make.

Annex III

Comparative case studies of other consumer movement interventions at the UN

1. Extending the Guideline to include sustainable consumption

Since 1985, increased attention has been given to linkages between environmental concerns and economic and social development, involving discussions in new areas such as that of sustainable consumption. A chapter devoted specifically to the relationship between consumption and production patterns and sustainable development was included in Agenda 21, which was adopted at the 1992 Earth Summit in Rio. Work in this area has continued within the UN system through the establishment of the Commission on Sustainable Development and its International Work Programme on Changing Consumption and Production Patterns.

In 1995, CI was able to persuade the Commission on Sustainable Development to expand the Guidelines for Consumer Protection to cover sustainable consumption. According to ECOSOC Resolution 1995/53, the Council “Requests the Secretary-General, in cooperation with the development funds and programmes of the United Nations, the regional commissions and other relevant bodies and agencies of the United Nations system, to continue to provide assistance to governments, at their request, in implementing the Guidelines for Consumer Protection, to elaborate Guidelines in the area of sustainable consumption patterns, taking into account the work undertaken in other intergovernmental forums, and to examine the possible extension of those Guidelines into other areas.”

ECOSOC later requested, in resolution 1997/53, that the Secretary-General continue efforts to implement the Guidelines for Consumer Protection and to continue work on the elaboration of the Guidelines to encompass sustainable consumption patterns and other areas. In addition, ECOSOC requested that the extension of the Guidelines be undertaken through an inter-regional expert group meeting, in collaboration with interested Governments, CI and other concerned entities in this field. A meeting was organised to elaborate specific recommendations for the extension of the Guidelines in the area of sustainable consumption for submission to the 1998 session of ECOSOC, through the sixth session of the Commission on Sustainable Development.

CI played an integral role in the preparatory work for the extension of the Guidelines, promoting an understanding of the issues. In ECOSOC resolution 1997/53, which was sponsored by Brazil and Chile and co-sponsored by 15 Member States, CI was requested to prepare draft inputs for the new Guidelines, incorporating elements of sustainable consumption. Proposed texts prepared by CI on the basis of extensive consultations among its Members in many countries were integrated into this report, along with background information prepared by the UN Secretariat. Following an intensive campaign led by CI and actively supported by many of its Members, the Guidelines were expanded to incorporate many of CI’s recommendations in an additional chapter on sustainable consumption which was agreed in 1999.

2. The global campaign to fight tobacco

This campaign, which has involved a number of CI Members, is perhaps the greatest illustration of what an organised global campaign of civil society organisations/NGOs can achieve. The campaign, which now brings together 350 participating organisations, has resulted in the World Health Organization Framework Convention on Tobacco Control (WHO FCTC), one of the most quickly-ratified treaties in UN history. The treaty was adopted by the 56th World Health Assembly (WHA) on 21 May 2003. It became the first WHO treaty adopted under article 19 of the WHO constitution. The treaty came into force on 27 February 2005. It was signed by 168 countries and is legally binding in 177 ratifying/accessioned countries. There are currently 19 non-parties to the treaty (10 which have not signed and 9 which have signed but not ratified).

The FCTC is a supranational agreement that seeks “to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure

to tobacco smoke” by enacting a set of universal standards stating the dangers of tobacco and limiting its use in all forms worldwide.

The treaty is notable for its unprecedented inclusion of NGOs throughout the negotiation and drafting processes. According to Elinor Wilson, the past vice-president of World Heart Federation, “the FCTC is an excellent example of government/non-governmental collaboration through the Framework Convention Alliance resulting in global public health gains.” Such collaboration between NGOs and the WHO forever changed the way that the WHO treats NGOs, and in 2002 the WHO constitution was amended to reflect this shift in relations.

The Alliance continues to campaign to get the recalcitrant nations to sign on to the treaty and for implementation of its provisions around the world.

3. Junk Food Generation campaign

Unhealthy diets contribute to a range of non-communicable diseases such as heart disease, cancer and diabetes. These diseases now account for more deaths than communicable diseases, with rates of growth highest in emerging and developing countries. In this context, the marketing of food high in fat, sugar and salt to children is not only exploitative of vulnerable consumers but also contributes to a growing health emergency.

CI has a long history of work on food marketing to children, having contributed to the WHO Strategy on Diet, Physical Activity and Health and conducted early surveys of food marketing to children in 1996, 2002 and 2004.

In 2007, CI supported the passing of a WHA resolution calling for the WHO to develop guidelines on the marketing of food and non-alcoholic beverages to children and launched the Junk Food Generation campaign to influence the development of these guidelines.

The campaign was launched on World Consumer Rights Day 2008 with the publication of the Consumers International/International Obesity Taskforce (IOTF) Recommendations for an International Code on Marketing of Foods and Non-Alcoholic Beverages to Children.¹ The IOTF is a well-respected international network of specialists working on obesity.

To create media interest, many CI Members also organised a “Lunchbox challenge”, where school children chose from healthy and unhealthy food items and then explained their choices to the media. The exercise created interesting quotes about the ability of packaging and advertising to influence children’s choices.

To raise awareness about the issue, CI also worked with its Members to conduct a number of international surveys of marketing practices and regulations:

1. Junk Food Trap: a survey of food marketing to children in Asia and the Pacific region²
2. Cereal Offences: a wake-up call on the marketing of unhealthy food to children³
3. Fried and tested: an examination of fast food marketing to children
4. Left Wanting More: a survey of food companies policies on marketing to children

1 [http://www.consumersinternational.org/media/314595/recommendations for an international code on marketing of foods and non-alcoholic beverages to children.pdf](http://www.consumersinternational.org/media/314595/recommendations_for_an_international_code_on_marketing_of_foods_and_non-alcoholic_beverages_to_children.pdf)

2 <http://www.consumersinternational.org/news-and-media/resource-zone/junk-food-trap-a-survey-of-food-marketing-to-children-in-asia-and-the-pacific-region>

3 <http://www.consumersinternational.org/news-and-media/resource-zone/cereal-offences>

As an NGO in official relations with the WHO, CI was also able to make statements at subsequent WHAs and WHO Executive Board meetings pushing the WHO and member states to be more ambitious in the development of the guidelines. CI also contributed to formal consultations organised by the WHO.

A set of recommendations on the marketing of food and non-alcoholic beverages to children were adopted by the WHA in 2010.⁴ Although the recommendations fell short of what CI was calling for, they did include a number of strong points including on the role of governments and in particular on marketing in places where children gather.

The campaign also helped to influence the adoption by the European Network on reducing marketing pressure on children⁵ which consists of countries in the WHO European Region having a joint interest in reducing the marketing pressure towards children, of their own set of recommendations. The food industry also introduced a number of pledges in response to the proposals although the impact of these commitments is disputed.

CI has continued to support its Members in pressing for the implementation of the guidelines, often in the face of stiff opposition from the food and advertising industry, including the publication of a manual for the monitoring of food marketing to children and a toolkit for national campaigning on the issue.

4. Financial services campaign

CI launched the Consumers for Fair Financial Services campaign in 2010 to address the shocking lack of financial consumer protection that continues to prevail in most countries.⁶

Financial consumer protection is a long standing concern for many CI Members, however the 2008 financial crisis created a brief window during which governments appeared to be more open to introducing effective regulation. A survey for WCRD 2010 highlighted CI Members work on financial services and how consumers around the world faced many of the same problems. This was the background for the CI council decision to launch a campaign.

The target for the campaign was the G20 as they had taken the lead in addressing the financial crisis. CI developed a call for action covering five key areas of financial consumer protection.

The campaign was enthusiastically supported by CI Members with articles in high profile newspapers, and lobby meetings with government officials and ministers. CI provided briefing materials but Members also used local issues with financial services to make their case. The G20 does not have a secretariat, which underlined CI's reliance on the ability of Members lobbying their national governments.

The campaign was very successful and played a major role in persuading the G20 leaders to instruct the Financial Stability Board (FSB) to report back to the next summit in 2011 on "options to advance consumer finance protection".⁷ In a subsequent meeting of G20 finance ministers the Organization for Economic Co-operation and Development (OECD) was called upon to develop common principles on consumer protection in financial services.

Over the next 12 months, CI's input included:

1. The launch of a detailed set of recommendations. This document established CI as a serious participant in the discussion and was produced early enough to influence the drafts and discussion that followed.

4 <http://www.who.int/dietphysicalactivity/marketing-food-to-children/en/>

5 <http://www.helsedirektoratet.no/english/topics/about-the-network/Sider/default.aspx>

6 <http://www.consumersinternational.org/news-and-media/news/2010/10/ci-launches-g20-financial-services-campaign>

7 <http://www.consumersinternational.org/news-and-media/press-releases/2010/11/consumer-groups-around-the-world-welcome-g20-commitment-on-financial-consumer-protection->

2. Three regional and international consultations enabling FSB and OECD staff to hear directly from CI Members.
3. Detailed comments on drafts of the G20/OECD principles and a number of presentations to the OECD taskforce responsible for drafting.
4. Ahead of the G20 finance ministers meeting in October, the publication of an open letter from consumer organisations in all G20 economies calling on G20 leaders to commit to supporting strong consumer protection measures in financial services.⁸

Throughout the campaign the support of CI's Members in the countries that held the G20 presidency was particularly important (South Korea in 2010, followed by France in 2011).

G20 leaders finally endorsed the FSB report⁹ and OECD high level principles¹⁰ on financial consumer protection in the Cannes declaration¹¹ released on 5 November 2011. The declaration calls for the OECD principles to be adopted within the G20, guidelines to be developed for their implementation and progress reports to be presented at future summits. CI welcomed the G20 declaration and called for the FSB recommendations to be implemented and the OECD principles to be strengthened through the development of detailed guidelines and assessments of how the principles are implemented at the national level.

5. The 'miracle of Marrakesh': negotiating the VIP Treaty for books for the blind

On 13 September 2013, the Program on Information Justice and Intellectual Property (PIJIP) at the American University, Washington, DC held a panel¹² on the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.¹³ The people involved in the negotiations explained that from the start of the diplomatic conference, it appeared that the treaty would not be successful. So how did the "miracle of Marrakesh" happen? Here's how the panelists saw it.

Justin Hughes began by explaining that negotiating the treaty was much more difficult than it should have been. Interestingly, it wasn't the publishers who were most opposed to the Treaty. Ruth Okediji noted that:

"The publishers who are going to be most affected were the least outspoken in terms of expressing you know, comments that would create a push back at the political level."

The negotiation process was difficult for two related reasons. First, it was a battleground for disputes between developed and developing countries that percolates throughout WIPO. Okediji expanded on this, particularly from the perspective of the Africa group, explaining that:

"Within WIPO there's been a longstanding coalition of countries that really were concerned I think both about WIPO and the processes at WIPO."

For the Africa group, then, it became important that they did not want to see a splintered treaty for the visually impaired, rather than pushing for a larger package of reforms that would deal with public interest concerns that were material to socioeconomic development across the range of IP. Luis Villaroel, from Universidad Mayor in Chile, explained that changing the culture of global IP discourse was critical:

"You have to change the culture and if we change the culture, we will not only solve the problem for the blind but also for the libraries for educators and so on."

8 <http://www.consumersinternational.org/media/842391/ci-open-letter-to-g20-finance-ministers.pdf>

9 http://www.financialstabilityboard.org/publications/r_111026a.pdf

10 <http://www.oecd.org/dataoecd/58/26/48892010.pdf>

11 [http://www.g20.org/Documents2011/11/Cannes Declaration 4 November 2011.pdf](http://www.g20.org/Documents2011/11/Cannes%20Declaration%204%20November%202011.pdf)

12 <http://www.pijip-impact.org/events/marrakesh/>

13 http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=245323

This, of course, was precisely what copyright owners were worried about. According to Okediji: “This was more scary to many industries than anything else because to characterize this as a human rights treaty really opens the door to more ways” to limit IP than “those who were concerned about the normative changes...were comfortable with.”

Publishers and the motion picture industry were particularly concerned about what kind of precedent the Treaty was going to set. Scott Labarre noted that this is a human rights treaty, not a copyright treaty. Chris Marcich, from the EMEA, responded that not only access but also authors’ rights are fundamental rights, so they “tried to contribute constructively to a process that did what needed to be done and what had to be done in which we had a responsibility to do without doing damage elsewhere.” Marcich continued:

“The principles that were at stake that some were trying to undermine are fundamental to the existence of a sector that is important not only to this country’s interests but [others as well]. This is, this was a difficult process. It’s one in which our motivations were continuously challenged.”

In this context, the motion picture industry had to work hard to demonstrate its commitment to the treaty:

“We demonstrated that we were committed to getting a treaty that did what was needed and what was called for...in the circumstances but [did] not make unnecessary sacrifices.”

Jamie Love said that there was a really interesting split in the negotiations: while most WIPO disputes are north/south, there was a split between the US and almost everyone else. The UK, Switzerland, Northern European, even Japan joined the positive side of the treaty “within the first couple of hours of the substantive negotiations”.

So how did the ‘miracle of Marrakesh’ happen?

Nearly everyone agreed that the NGOs played a crucial role – particularly NFB, WBU, KEI, the Open Society Foundation, and the library associations. Okediji pointed out that:

“Without the support for the NGOs, the robust kind of communication that we were getting and the representation and pressure would not have occurred.”

With US lobbyists isolated, from Love’s perspective, the negotiations really shifted once KEI, WBU, and others and the mainstream press started to highlight opposition to the treaty. Love asserted that the copyright industry, broadly defined, were reluctant to be publicly seen to oppose a treaty for the blind, and that there was a real change when the *Washington Post* published a full-page story on lobbying by the industry.

At the same time, KEI was running campaigns naming and shaming the CEOs of companies like General Electric, Exxon, Monsanto, and Patten Caterpillar with large patent portfolios who were opposing the treaty for no direct reason. Stevie Wonder promised to fly to Morocco to put on a concert if the Treaty was successfully concluded. The WBU held a press conference explaining how important the issue was, which some panelists thought had a significant impact. Hughes, on the other hand, said that “when you’re negotiating 15 hours a day, you don’t pay much attention to anything else”, so there was “not a lot of awareness” of the press conference or other external lobbying.

A somewhat alternate history presented by the panel was that everyone was motivated by a strong sense of goodwill. Some panelists suggested that one reason the treaty was finally concluded may have been that Moroccan Minister of Communications “made an impassioned speech to the delegates” and threatened to close the airports. Some panelists thought that this joke actually played a significant role, in that the Moroccan Government really wanted to get a positive outcome, which created some momentum and goodwill around the negotiations.

Either way, the Treaty has now been concluded; it’s time to increase pressure on national governments to actually ratify it and make the necessary changes to domestic law.