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**Aid Program**

**ASEAN AUSTRALIA DEVELOPMENT COOPERATION PROGRAM  
PHASE II (AADCP)**

# **ROADMAPPING CAPACITY BUILDING NEEDS IN CONSUMER PROTECTION IN ASEAN**

**Consumers International**

**SUBGROUP REPORT (FINAL)  
28 MARCH 2011**

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## ABSTRACT

This report presents the outcomes of an assessment of the capacity building needs in Consumer Protection in the AMS Subgroup (Brunei Darussalam, Cambodia, Lao PDR and Myanmar) with specific focus on six-selected consumer areas, contributing towards a regional framework. The research project addressed gaps in both human and institutional capacities related to specific needs for improved effectiveness and long-term sustainability in dealing with consumer issues and consumer protection areas. Twenty-six stakeholders in Brunei Darussalam, Cambodia and Lao PDR completed a general survey with limited responses from Myanmar. Information and data was supplemented with Key Informant Interviews and Roundtable Discussions. The findings suggested that there were limited exposures and activities related to consumer rights or consumer protection in the AMS Subgroup. Thus, a relatively high level of capacity building needs is required by all the relevant stakeholders in the Subgroup countries, particularly technical assistance to overcome difficulties in implementing consumer protection activities and programs due to inadequate finances, human resources, inter-agency coordination, laws, and physical infrastructure and facilities to carry out consumer protection programs. Specific technical assistance and support for developing a principal Consumer Protection Act, consumer policy, and consumer protection master plan were also identified as important areas for capacity building at the national levels. This report highlights human and institutional capacity gaps and recommendations for Consumer Protection agencies and organisations in the AMS Subgroup, through a proposed Subgroup roadmap and best practices in consumer protection program. In the short term, recommendations are made to focus on developing a strong foundation for consumer protection by building awareness and educating consumers and relevant stakeholders, along with strengthening enforcement and redress mechanisms.

Keywords: Consumer protection, capacity building, complaints, redress mechanisms, best practices, AMS Subgroup.

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## ABBREVIATIONS

AADCP II	ASEAN Australia Development Cooperation Program Phase II
ACCCP	ASEAN Coordinating Committee in Consumer Protection
ACCP	ASEAN Committee on Consumer Protection
ACCSQ	ASEAN Consultative Committee on Standard and Quality
ADR	Alternative Disputes Resolution
AEC	ASEAN Economic Community
AEGFS	ASEAN Expert Group on Food Safety
AFTA	ASEAN Free Trade Agreements
AOC	Actual Operating Context
ASEAN	Association of Southeast Asian Nations
ASEAN ISIS	ASEAN Institute of Strategic and International Studies
ASEC	ASEAN Secretariat
B2B	Business-to-business
B2C	Business-to-consumer
CAMCONTROL	Directorate-General of the Cambodia Import-Export Inspection and Fraud Repression, Cambodia.
CBD	Convention on Biological Diversity
CBL	Community Broadband Library
CCPID	Competition, Consumer Protection, and Intellectual Property Rights Division
CEP	Consumer Education Program
CI	Consumers International
CIKL	Consumers International Kuala Lumpur
CMP	Consumer Master Plan
CP	Consumer Protection
CPA	Consumer Protection Act
CPC	Code of Professional Conduct
CSO	Civil Society Organisations
EU	European Union
FAO	Food and Agriculture Organisation-United Nations
FOC	Formal Operating Context
FOMCA	Federation of Malaysian Consumers Associations
GDP	Gross Domestic Product
GHS	Globally Harmonised System
GMO	Genetically Modified Organisms
GMP	Good Manufacturing Practice
GS	General Survey
ICT	Information and Communication Technology
IOCU	International Organisation of Consumers Unions
ISO	International Organisation for Standardisation
KII	Key Informant Interview
MC	Mark of Conformity

MCMC	Malaysian Communications and Multimedia Commission
MDTCC	Ministry of Domestic Trade, Cooperatives and Consumerism
MoH	Ministry of Health
MSQH	Malaysian Society for Quality in Health
n.d	Not dated
NA	Not Available
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
PIS	Phone & Internet Services
RAPES	Rapid Alert System & Information Exchange
RTD	Roundtable Discussion
SEACC	Southeast Asian Consumer Council
SEA-CCRC	South East Asian Countries Consumer Redress Centre
SEA-CPAN	Southeast Asian Consumer Protection Agencies Network
SEOM	Senior Economic Officials Meeting
SPSS	Statistical Package of Social Sciences
TV	Television
UN	United Nations
UNDP	United Nations Development Program
US-FTC	United States Federal Trade Commission
WG	Working Group
WTO	World Trade Organisation

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## EXECUTIVE SUMMARY

Consumer protection is an important requirement that needs to be addressed in the ASEAN Economic Community, which is committed to market liberalisation as a means of accelerating economic development.

As the ASEAN Member States (AMSs) are at different stages of political, social and economic development, it was therefore felt that the capacity building for consumer protection in Brunei Darussalam, Cambodia, Lao PDR and Myanmar (referred to as the BCLM), would probably need greater attention. These countries have a combined population of almost 76 million, arguably have an under developed consumer protection regime. These countries are still at the early stage of incorporating consumer protection (CP) in their development plan. Cambodia and Myanmar, Brunei Darussalam does not have a principal consumer protection law. Lao PDR, has put in place a *Consumer Protection Law 2010*, which provides a comprehensive legal framework for consumer protection.

The information and data used in the preparation of this Subgroup Report was obtained in the course of drafting the main regional report. The methodology used has been described in the regional report. A total of 30 respondents, consisting of a mix of government departments, statutory bodies and regulatory bodies (16), non-governmental organisations (8), private sector organisations (3), and others (3) such as industry/commercial associations, cooperatives and associations of professionals, participated in the general survey covering the BCLM. Most of the stakeholders are involved in traditional consumer protection work such as complaints handling and issues related to consumer goods and services, food safety and product safety.

There is a wide repertoire of consumer laws in the countries in the Subgroup, but they address consumer protection needs in specific situations and are often enacted on an *ad hoc* basis in response to new challenges which consumers face in the evolving market place. Hence, the laws are disparate and lack a comprehensive framework.

Existing consumer laws in the Subgroup cover the following aspects of consumer protection, albeit not in the same degree of width and depth: Complaints handling, redress mechanisms, standardisation for product safety and quality supply of essential goods, multi-level marketing, pyramid selling, unfair terms of contract, weights and measures, advertisements and unfair competition. These also cut across the six core consumer areas covered in this study viz: Product Safety and Labelling, Phone, Internet and E-commerce, Consumer Credit & Banking, Healthy Environment, Healthcare services and Professional (legal and medical) services. .

However, the consumer laws that are in place is not proportionate to the degree of protection enjoyed by consumers in the Subgroup. Consumers in the BCLM Subgroup still face many basic

problems with regard to the consumption of goods and services. Common complaints relate to consumer concerns such as high prices of essential goods and services, counterfeit goods, poor design and poor quality, shelf life of goods, product labels, weights and measures, non-availability of replacement parts, warranties and misleading advertisements.

With regard to services, there are complaints against banks regarding complicated procedures, terms and conditions for loans and services, high interest rates or service fees. Consumers face frequent technical hitches with telecommunication and Internet service, which are exacerbated by poor customer services. Healthcare services are often not satisfactory, with complaints about high fees, hospital equipment, competency of medical practitioners. With regard to the environment, there are complaints about indiscriminate dumping of waste, presence of hazardous chemicals such as pesticides, lead and mercury in products and in the environment and air pollution.

The capacity of the governments in the Subgroup to enforce consumer protection is low mainly due to the lack of resources. Redress mechanisms for consumers in the Subgroup are limited; consumers generally have to resort to litigation or appeal to the providers of the goods or service if they feel aggrieved.

Challenges to the effective implementation of redress mechanisms in the Subgroup include the following: Lack of consumer friendly, independent redress mechanisms, low level of literacy, lack of awareness of existing avenues for redress, complex procedures for filing complaints, difficult access to avenues for redress and lack of voluntary organisations, which can provide assistance to consumer who need assistance in seeking redress.

Some consumer programs are being implemented in the Subgroup using the mass media and the educational system. The primary objective of these consumer programs is awareness raising and consumer education.

All the countries in the Subgroup reported that they encountered difficulties in all the factors that were surveyed, namely: laws, finances, information to key subject areas, human resources, physical infrastructure; institutional capacity, and inter-agency coordination.

The absence of a general consumer protection law is not the greatest obstacle that countries in the Subgroup face in providing adequate protection for consumers; even the existing laws are not being very effectively enforced. What is more important are the human and institutional capacity issues that these countries face which result in a lack of effective enforcement of the laws that are already in place. The main causes of weak enforcement of consumer laws can in turn be traced to lack of funds. Another key factor in weak enforcement is inadequate human resources which is linked to lack of training opportunities. Shortage of funds also results in

limited technical facilities and infrastructure for testing. All these shortcomings are compounded by a low level of awareness of consumer rights and consumer protection issues, among the people in the region. Educational/awareness programs are necessary to explain to the government agencies, industry, media and public of the objectives, scope and relevance of CP to facilitate compliance and generate support for implementation.

Notwithstanding the above considerations, the development of consumer protection capacity in the Subgroup should follow the same pathway as has been delineated in the main report, for the rest of the region. This is because the vision of the ASEAN ECONOMIC Community 2015 cannot be realised without the participation of the countries in the Subgroup as equal partners with the other countries in the region. Hence the priorities for capacity building for consumer protection in the region would apply equally to the Subgroup as they would to the region as a whole. However taking into consideration the socio - economic situation of the countries in the Subgroup and the current state of consumer protection in these countries, it is recommended that particular attention is given to the following aspects of consumer protection in the short and medium term:

- i. establishing and implementing a principal consumer protection act and enhancing consumer laws
- ii. building awareness and educating consumers and relevant stakeholders
- iii. strengthening capacity for enforcement of laws
- iv. enhancing redress mechanisms
- v. developing human resources for consumer protection

By strengthening these aspects of consumer protection, the countries in the Subgroup will be able to build up a strong foundation for consumer protection and a better appreciation of consumer rights. This in turn can enable the countries in the Subgroup to leap frog easily into a consumer protection regime that is comparable to the advanced countries in the world.

The report recommends that serious consideration should be given to accelerating consumer protection policies, plans and legislation to meet the levels of economic integration in a single market. This could be done with reference to the capacity needs and priorities which are addressed in Chapter 5 of the Regional Report: *“Road-mapping Capacity Building Needs in Consumer Protection in ASEAN.”*



# 1. INTRODUCTION

## 1.1 PROJECT BACKGROUND

Consumer protection is an important requirement that needs to be addressed in the ASEAN Economic Community (AEC) which is committed to market liberalisation as a means of accelerating economic development. Increasing globalisation with its attendant increase in competition and newer forms of consumption such as cross-border purchases and e-commerce makes it all the more important that the capacity for consumer protection keeps pace with the new trends and challenges in the market place.

In order to achieve an equitable level of protection for consumers in the region, the AMS Subgroup consists of Brunei Darussalam, Cambodia, Lao PDR and Myanmar (BCLM), will require a range of specific strategic capacity building measures. These policies, legislation, enforcement mechanisms, resource mobilisation including financial and human resource development, acquisition of expertise and skills in relation to consumer products and services and regional planning in order to provide consumer protection that is adequate for the 21<sup>st</sup> century and relevant to the ASEAN region.

To achieve this, the ASEAN Australian Development Cooperation Program (AADCP) Phase II has collaborated with Consumers International Kuala Lumpur (CIKL) to carry out the “*Road-Mapping Capacity Building Needs in Consumer Protection in ASEAN*” project with the following objectives:

- To develop a capacity building roadmap for consumer protection in AMSs and in the ASEAN region, particularly involving core consumer areas - product safety and labelling, consumer credit and banking, phone & Internet services and E-commerce, environment, health care services and professional medical and legal services.
- To propose an implementation plan and assessment option for the capacity building roadmap that is applicable nationally and regionally

The Project attempted to map the consumer protection framework in AMSs through assessing current legislation related to consumer protection, the regulatory environment, elements of redress available for consumers, compliance by businesses, new approaches for better consumer protection, fair and competitive markets, consumer responsibility through awareness and educational programs. Six core consumer areas regarded as important in meeting the needs of consumers in terms of products and services were examined. These areas are product safety and labelling, phone & Internet services and E-commerce, consumer credit and banking, environment, health care services and professional services, specifically related to medical and legal professionals.

The review and analysis of policies and laws entail the identification of existing consumer protection laws, such as the principal Consumer Protection Act (CPA) or other consumer-related laws.

The framework for mapping of the actual situation of consumer protection in the Subgroup countries applies the *rights-based approach* which underlies the United Nations Guidelines on Consumer Protection and which is being increasingly adopted world-wide by governments as their consumer protection framework. The rights-based approach emphasises social justice for consumers who do not have access to basic goods and services. The UN Guidelines represents an international regulatory framework for governments to strengthen consumer protection nationally.

The fundamental rights of consumers as espoused by the UN Guidelines and Consumers International are reiterated here as follows:

1. The right to basic needs
2. The right to safety
3. The right to information
4. The right to choose
5. The right to representation
6. The right to redress
7. The right to consumer education
8. The right to a healthy environment

In addition, the framework also takes cognisance of the UNDP's Human Development Index which provides an overview of consumers' access to basic needs in a country annually. Furthermore the study examined the Constitutional provisions and other forms of protection for consumers as well as the legal rights for consumer organisations to exist and represent consumers which are in place in a number of AMSs.

#### *Organisation of Report*

This Subgroup Report is complemented with individual Country Reports from Brunei Darussalam, Cambodia, Lao PDR and Myanmar, and to be read in tandem with a Regional Report. This Subgroup Report is part of the research titled "*Road-mapping Capacity Building in Consumer Protection in ASEAN.*" This report is organised into 5 Chapters. Chapter 1 provides general background on ASEAN and a general state of consumer protection in the region. Chapter 2 outlines the methods applied for data gathering that led to the outcomes and findings presented in this report. Findings of the project are presented in Chapters 3, 4 and 5. The general mapping and situational analysis on national legislation and consumer protection

programs are presented in Chapter 3. Chapter 4 covers the assessment on the capacity building needs of the various stakeholders that took part in the project, and Chapter 5 presents some recommendations and a Subgroup road-map for capacity building needs in consumer protection at the national and Subgroup level.

## 1.2 Background on the AMS Subgroup

The ASEAN member states (AMSs) are at different stages of political, social and economic development. It was therefore felt that the capacity for consumer protection in Brunei Darussalam, Cambodia, Lao PDR and Myanmar (referred to as the BCLM) would probably need greater attention. These countries have a combined population of almost 76 million, are relatively less economically developed, with the exception of Brunei Darussalam. Cambodia, Lao PDR and Myanmar with largely agrarian economies are among the world's least developed countries<sup>1</sup>. In terms of economic development however Brunei Darussalam ranks much higher than the other three countries in the Subgroup. On the other hand, the people of Brunei Darussalam enjoy free medical, dental and health care which is provided through government hospitals, health centres and clinics are spread throughout the country. The Population to Doctor ratio is 706:1. The country has one of the most advanced telecommunications facilities in the region with the fixed line telephone density second only to Singapore. The country has an extensive network of copper and fibre optic cables, digital exchanges with international connectivity via satellite systems and fibre optic submarine cables systems. In 2005, Brunei Darussalam ranked 30<sup>th</sup> with a high Human Development Index (HDI) of 0.894; in comparison Lao PDR, Cambodia and Myanmar ranked 130, 131 and 132 with HDIs of 0.601, 0.598 and 0.583<sup>2</sup> respectively. However, Brunei Darussalam, in common with Cambodia and Myanmar does not have a principal consumer protection and arguably, a relatively under developed consumer protection regime. Interestingly, Lao PDR, in spite of its low HDI, has a newly minted *Consumer Protection Law 2010* which provides a comprehensive legal framework for consumer protection.

Within the AMS Subgroup, Cambodia, Lao PDR and Myanmar are categorised as low-income countries. Brunei Darussalam is classified as high income (non-OECD).<sup>3</sup> In approaching the capacity building in consumer protection within the Subgroup, it is imperative to acknowledge the existence of low-income consumers and basic needs, particularly food, tends to dominate low-income household budgets.<sup>4</sup>

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<sup>1</sup> See <http://www.unohrlls.org/en/ldc/related/62/>

<sup>2</sup> See [http://www.photius.com/rankings/human development index 1975-2005.html](http://www.photius.com/rankings/human%20development%20index%201975-2005.html)

<sup>3</sup> "World Bank List of Economies January 2011" Accessed from <http://siteresources.worldbank.org/DATASTATISTICS/Resources/CLASS.XLS>

<sup>4</sup> World Business Council for Sustainable Development. Accessed from [http://www.wbcsd.org/DocRoot/I9Xwhv7X5V8cDIHbHC3G/WBCSD\\_Sustainable\\_Consumption\\_web.pdf](http://www.wbcsd.org/DocRoot/I9Xwhv7X5V8cDIHbHC3G/WBCSD_Sustainable_Consumption_web.pdf)

Population growth and economic development is driving consumption around the world. This will add to the demand for goods and services. As world population is projected to grow driven largely by growth in developing countries and lower per capita income, the number of middle class consumers is expected to increase, which is evident in Brunei Darussalam, Cambodia, Lao PDR and Myanmar. Consumers in the AMS Subgroup also fall with in the 3 main categories as:

### ***The Wealthy Consumer***

The wealthy consumer is one who has money to purchase more than what she/he needs, has access to technology, sophisticated consumer goods, jet travel, luxury cars and assets.

### ***The Middle Class Consumer***

A second category is the middle class consumer. The middle class in ASEAN is seen as the new markets for products such as processed foods, computer software, educational services, mobile phones, films and televisions.

### ***Subsistence Level Consumers***

ASEAN is also home to a third category of consumers who live below the subsistence level. Sometimes they are referred to as the non-consumers. They may not fall within the market definition of “consumers”, that is, a purchaser of goods and services provided by a market economy. Nevertheless, the absolute poor are consumers of the environment, or legislation and of a political system. They have an important place in any discourse on consumer protection.

Rungit Singh (n.d) specifically defines “consumers” as: *“A person who acquires or uses goods or services for:*

- (i) personal use.*
- (ii) domestic or household purpose*
- (iii) personal consumption”*

Consumers in Rungit’s context of cross-border consumer redress include tourists, expatriates, diplomatic staff or permanent residents meeting the definition of consumers above.

Rungit Singh (n.d) further describes that consumer context does not include *“goods or services acquired for trade purposes, manufacturing process or professional services”* or *“negotiable instruments, shares, debentures and money”* or *“recovery of land or interest in land”*.

### 1.3 CONSUMER PROTECTION IN THE AMS SUBGROUP

The need to protect consumers is obvious. Consumers face risks from using fake or spurious goods, receiving misinformation or suffering restriction of consumer choice. The legal maxim of *Caveat Emptor* (let the buyer beware) is a reality that consumers across the world encounter. The notion of *Caveat Emptor* was inherent from the time human beings began to engage in some form of exchange of goods and services.

The ability to exercise consumer rights, nonetheless, depends on several factors, such as consumer's purchasing power and the economic environment. As long as social and economic inequities exist, consumer protection primarily serves the interest of those who have the purchasing power, and are therefore, active participants in the market.

H.E. Ong Keng Yong in his Speech (2006)<sup>5</sup> emphasised that consumer policy plays a strategic role in enhancing the quality of life and managing consumer issues. As such, consumer protection measures should be inherently integrated into the legislation of the ASEAN Member States. It was also acknowledged and implied that protection of consumers goes beyond legislations, whereby good practices should be integrated through good standards development practices, good manufacturing practices, as well as good governance and enforcement measures relating to practices that may pose harmful consequences to consumers.

Rachagan (2006) outlined impact of AFTA on consumers in ASEAN generally. This impact is related to product safety and labelling, services, e-commerce, as well as health and food.<sup>6</sup> As summarised in Table 1.1, The efforts to improve consumer welfare in the AMS Subgroup have become apparent based on the emerging issues and complaints that have been observed in the BCLM (Table 1.2).

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<sup>5</sup> Former Secretary-General of ASEAN at the Southeast Asian Conference on Consumer Protection. (2006). Technical Cooperation for Consumer Protection. Bali, Indonesia, 5-7 November. Accessed from <http://www.aseansec.org/18906.htm>

<sup>6</sup> Presentation at the 2<sup>nd</sup> Southeast Asian Conference on Consumer Protection – Technical Cooperation on Consumer Protection. Bali, Indonesia. 5-7 November 2006.

**Table 1.1:** Impact of AFTA on Consumers in ASEAN.

Sectors	Impact of AFTA
Product Safety and Labelling	<ul style="list-style-type: none"> <li>• Dumping, double standards, product recalls, non-tariff barriers, and health, safety, environment, Standards, certification and testing recognition and accreditation</li> <li>• ASEAN Cosmetic Directive</li> <li>• labelling - language, symbols and requirements</li> <li>• Information on products</li> </ul>
Services	<ul style="list-style-type: none"> <li>• Sectoral approach: Air Transport, Business Services, Construction, Financial Services, Maritime Transport, Telecommunication, Tourism, recognition and certification Professional Services, worker migration, tourism and cross-border public movement</li> </ul>
E-Commerce	<ul style="list-style-type: none"> <li>• e-ASEAN (Economy, Society, Government).</li> <li>• e-ASEAN Framework Agreement (national laws and policies, mutual recognition of digital signature, secure e-transactions, personal data protection and consumer privacy, ADR)</li> </ul>
Health and Food	<ul style="list-style-type: none"> <li>• Access to affordable health care</li> <li>• Trade liberalisation on health sector, privatisation, harmonisation of standards and regulations</li> <li>• Food safety policies, standards and guidelines (GMOs, Maximum Residue Limits of Pesticides)</li> </ul>

*Source:* Compiled from Rachagan (2006).

**Table 1.2:** Main Consumer Complaints Within the AMS Subgroup Related to Products.

	Main Complaints				
	1st	2nd	3rd	4th	5th
<b>Brunei Darussalam</b>	High prices of products in general viz-a viz income	Prices of essential goods are constantly increasing	Limited Warranty (mobile phones)	Limited availability of spare parts (such as phone batteries)	-
<b>Cambodia</b>	Poor quality products, limited or no warranty, no price tagging	Difficulty to get replacement or spare parts	Increased prices of essential goods (sugar, garlic, cooking oil, vegetable, gasoline, petrol)	Lack of labelling on products	-
<b>Lao PDR</b>	Fake goods are available in the market – substandard and hazardous	Customers choose to buy fake branded goods of poor quality, no warranty and not value for money	Misleading advertisements	Expired goods on shelf, no proper labelling	Cheating by sellers of weights & quantity of goods/ products
<b>Myanmar</b>	Increase in prices	Misleading labelling	Limited availability	Poor quality	-

### 1.3.1 Consumer Complaints

Complaints are the windows to consumer problems in a country, locality and community. Many consumer laws owe their existence to the fact that consumer made the effort to complain and seek redress. Consumer complaints too highlight weaknesses in existing laws. Inadequate laws therefore are amended when complaints reveal their weaknesses.

#### **Brunei Darussalam**

Complaints on “high prices of products and services” in general were seen as the main complaints from consumers in Brunei, followed by “increases in price of essential products and services” and “limited warranty” (Table 1.2). In Brunei, issues related to mobile phones

(including warranty card and battery replacement problems) as well as issues related to cars (including warranty and spare parts) were seen as the main complaints related to services (Table 1.4).

### **Cambodia**

In Cambodia, the main consumer complaints related to goods and services were “poor quality products”, “poor services”, “difficulty to get replacement or spare-parts” “increase in prices of essential goods” as well as “lack of labelling on products” (Table 1.2). In terms of services, Cambodian consumers complained more about financial institutions (interest rates, procedures for borrowing and risks related to property); telecommunications (price, quality of services, technical and customer service); healthcare services (hospital equipment, inexperienced doctors, poor services, wrong diagnosis and high death rates in hospitals); environment services (poor waste collection); quality of education; and complaints related to unstable energy prices, and lack of accessibility of electricity in rural areas (Table 1.3).

### **Lao PDR**

Consumers in Lao PDR complained more about issues related to fake goods are substandard and hazardous to health (e.g medicines). Furthermore, as consumers chose to buy fake branded goods of poor quality available in the market, consumers were not getting value for their money with no warranty provided (Table 1.2). The main complaint related to services in Lao PDR was about internet use which frequently had technical problems. Healthcare was also among the main complaints in Lao PDR. Patients had to pay for medical services in hospitals including medicines and medical check-up. Other issues such as dumping of waste by factories into water sources, air pollution, as well as odour caused by animal farms were also the concern of Laotian consumers (Table 1.3).

### **Myanmar**

In Myanmar, consumers face potential harm and health risk arising from the presence of hazardous chemicals such as pesticides, lead and mercury in products and environment.<sup>7</sup> Some consumer complaints related to products and services include<sup>8</sup>:

- Increase prices of goods (may be due to limited price control mechanisms).
- Actual shelf-life of products is shorter than advertised or notified to consumers.
- Limited availability of product spare-parts, especially in rural areas.
- Poor design and quality of goods.

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<sup>7</sup> Presentation by Phone *et al*

<sup>8</sup> Information received from Stakeholder consulted in the Secondary Data Collection Instrument of this Study

In relation to six consumer areas, various other consumer concerns and complaints have been highlighted. Rachagan (n.d) highlighted consumer concerns related to e-commerce, in particular, includes:

- No Prior knowledge of retailers credibility and accountability (security and authenticity).
- Product status (actual cost/hidden cost, availability, non-arrival of goods, refunds).
- Unfair contract terms and conditions (payment mode, return policy and costs, etc).
- Privacy and Personal Information (unauthorised use of personal information).
- Dispute Resolution (applicable laws, complaint handling, procedures, forum).

#### **1.4 CONCLUSION**

Recognising that economic growth, liberalisation and globalisation bring new challenges for consumer protection, it is important to build the capacity of officials and institutions and to empower consumers to operate effectively in this market. These capacity building needs have to be systematically identified in order to prepare a Roadmap to enhance consumer protection in ASEAN.

The next chapter will discuss in greater detail the Methodology used for the purposes of the Roadmap.

**Table 1.3:** Main Consumer Complaints within the AMS Subgroup Related to Services for the Year 2009.

		Main complaints					
Countries		1st	2nd	3rd	4th	5th	6th
Consolidated Subgroup	<b>Brunei Darussalam</b>	Complaints related to phone and internet services such as expensive internet charges, speed and coverage, billing, and security.	Generic complaints on healthcare services such as long wait at public hospitals and expensive and limited hours at private hospitals.	-	-	-	-
	<b>Cambodia</b>	Complaints on financial institutions interest rates, difficult to borrow, risk related to property	Complaints on telecommunication price, quality of service, fixed price, technical and customer service	Complaint on hospital as experience and quality of doctors, equipment, poor service, bed place in hospital, wrong diagnosis, death rate in hospital	Complaints on environment services especially in rural areas, air pollution in city, poor waste collection	Complaints on quality of education	Complaints related to unstable energy, prices, high price for private sector service, lack of electricity in rural areas
	<b>Lao PDR</b>	Internet users complaint that they cannot use it well. Frequent technical disorder	Patients have to pay for medical services in hospitals including medicine and medical check-up	Factories dump waste in water source, air pollution	Some industrial factories give poisoned waste to fish in rivers nearby their communities	People in some communities suffer from bad smell from animal farms (e.g pig farm)	-
	<b>Myanmar</b>	Limited access and affordability for phone and internet services	Limited access to credit facilities	Inadequate solid waste management	-	-	-

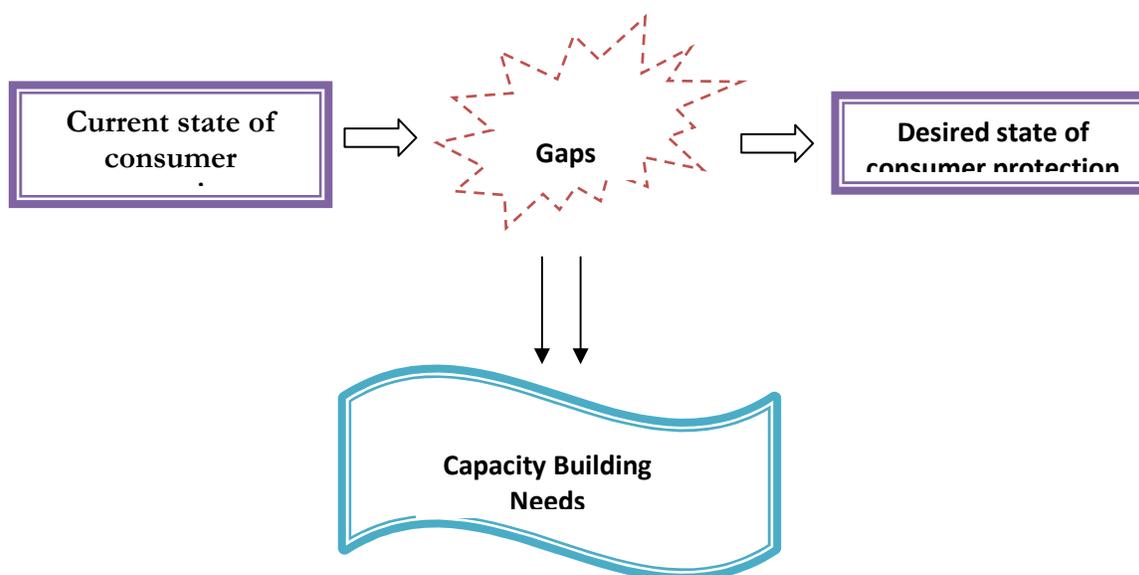
## 2. METHODOLOGY

### 2.1 APPROACHES

The primary focus of this study was to identify capacity building needs for consumer protection in the AMSs, and to provide a roadmap for meeting those needs. The Formal Operating Context (FOC) and Actual Operating Context (AOC) were examined. The FOC involves legislation, policies and regulations that govern the responsibilities of the governments, businesses, consumers, and other stakeholder in the area of consumer protection. The FOC also includes the structures related to consumer protection. The AOC on the other hand relates to the protection levels actually experienced by consumers, viewed from a rights-based perspective. The AOC includes governance and consumer welfare matters e.g. how enforcement mechanisms actually operate, the nature of consumer complaints/injuries and the nature of redress and compensation which consumers actually obtain.

To identify the existing gaps and deficiencies in the current operating context of consumer protection vis-à-vis a comprehensive protection regime so that capacity building needs can be identified. Figure 2.1 illustrates the basic approach applied in the Project that looked at the gaps that existed as barriers to the desired state of consumer protection, both at the national and regional contexts. The gaps were translated into the areas for capacity building that were recommended in order to attain the desired outcomes.

**Figure 2.1:** A Schematic Illustration of the Basic Approach for Mapping the Capacity Building Needs in Consumer Protection.



The steps involved in carrying out this study were as follows:

- Step 1 : Gather secondary data related to consumer protection including redress mechanisms and areas for capacity building related to consumer protection.
- Step 2 : Meetings and discussions among CIKL and consultants regarding identification of stakeholders' or targeted participants, analysis and responsibilities.
- Step 3 : Design questionnaire using preliminary and baseline information gathered in **Step 1** and findings from **Step 2**.
- Step 4 : Administer pilot study/pre-testing among CIKL members to test the adequacy of the instruments.
- Step 5 : Revise questionnaire based on findings from pilot study/pre-testing to ensure national and regional appropriateness and adequacy.
- Step 6 : Administer the general survey simultaneously in all AMS.
- Step 7 : Analysis of General Surveys and reports on preliminary findings.
- Step 8 : Conduct Key Informant Interviews.
- Step 9 : Conduct Roundtable discussions following completion of key informant interviews to validate and share findings of both the General Survey and Key Informant Interview.

## 2.2 DATA COLLECTION PROCESS

The Study applied four data collection instruments to support and complement the accuracy and reliability of information gathered as follows:

- Instrument 1: Secondary Data Collection
- Instrument 2: General Survey Questionnaire
- Instrument 3: Key Informant Interview Questionnaire
- Instrument 4: Roundtable Discussion Program

The materials for the literature were obtained from annual reports and any other related reports or studies from the relevant agencies, including the preliminary findings of the study conducted by Consumers International in 2009 entitled "*The Asia Pacific Consumer Laws Analysis*" where baseline information of consumer protection and competition laws in Asia Pacific have been established.

Primary data was obtained from the BCLM through a survey questionnaire. The General Survey (GS) sought to obtain data and information from relevant stakeholders who were involved in

consumer protection in one or more of the six core consumer areas covered in the study, about their functions and activities related to consumer protection. The questionnaire also required respondents to identify the difficulties encountered in providing consumer protection in their respective areas of work. In addition they were asked to rate their level of difficulty for different aspects on their work, on a scale of one to seven.

The stakeholders were also required to indicate the type and form of capacity building assistance that they preferred. The questionnaire was structured to map information on consumer protection laws, regulations, policies, codes of conduct, consumer protection programs and initiatives; redress mechanisms; and, human and institutional gaps in the selected consumer protection areas.

The task of identifying individual respondents and administering the questionnaire was left to the focal points in each of the BCLM in consultation with Consumers International Kuala Lumpur (CIKL). The number of respondents in each country ranged between 7 and 21 stakeholders. In the case of Myanmar only 4 stakeholders attempted the General Survey. Even though the GS was distributed to the relevant stakeholders, only 4 agencies did try to answer the questionnaire. However, none of the four GS was fully completed as required.

Another source of information for the study was obtained through key informants in each country. In Myanmar, however, no key informant interviews were conducted due to the limited time and availability of key informants.

The final source of information was Round Table Discussions (RTDs) in all the four Subgroup countries, involving 10-20 persons comprising representatives of senior, mid-level or junior-level government officials, ACCP members, NGOs, academia, legal, medical and industry/business associations.

### **2.3 DATA ANALYSIS**

Six types of analysis were performed on the data from the General Survey using the 17.0 version of Statistical Package of Social Sciences (SPSS) in order to identify priority areas for capacity building and gaps in consumer protection (Table 2.2). Only GS from Brunei Darussalam, Cambodia and Lao PDR were subjected to this statistical analysis. Due to technical and structural circumstances or incomplete entry, this statistical analysis could not be performed on the GS from Myanmar.

**Table 2.1:** Types of Statistical Analysis Used.

Type of Analysis	SPSS analysis
Normality test of the data	Kurtosis and skewness, P-P Plot
Reliability test of the data	Cronbach alpha
Organisational profile and consumer protection measures	Frequencies
Level of difficulty in implementing consumer protection programs and activities	Frequencies, Index
Capacity building needs and form of assistance required	Frequencies, Index
Relationship between level of difficulties and capacity building needs	Pearson correlation, T-Test

An index was developed to measure capacity building needs, using an interval scale of 1 to 7. Level 1 is the least priority and Level 7 is the highest priority. The Index level was based on the total scores (i.e the total computed score for all items related to capacity building needs) and the mean for each area of capacity building need. The mean for the total score is called the Index for each item listed in the questionnaire.

Overall, both qualitative and quantitative methods were used in the study. Qualitative information obtained from Key Informant Interviews and Round Table Interviews was used to substantiate or supplement quantitative information obtained from the general survey. This was done in order to ensure that the findings are more comprehensive, in-depth, accurate and relevant to the stakeholders.

## 2.4 SCOPE AND LIMITATIONS

### 2.4.1 Scope of Key Consumer Areas

The Project focused mainly on the aspects of consumer protection that been specifically identified as being of particular relevance to the ASEAN's goal of becoming a single market. Table 2.2 describes the selected six core areas, which were addressed in the study with the general aspects of CP

**Table 2.2:** Selected Core Consumer Areas and Issues of Focus.

Key consumer areas		Specific consumer-related aspects
1.	Product Safety and Labelling	Consumer products including Food (excluding drugs and medicines).
2.	Phone & Internet Services, and E-commerce	Broadband services, online purchases, access and quality, security, data protection.
3.	Consumer Credit and Banking	Banking and financial institutions providing loans; money lending, hire purchase or other financial assistance to consumers.
4.	Environment	Policies, laws and programs for safe and healthy environment, products or services related to water, energy and air, quality.
5.	Healthcare Services	Public and private health care services, pharmaceuticals, access, quality.
6.	Professional Services	Chargeable fees and accountability with regards to legal and medical professions, consumer redress, access to services.

#### 2.4.2 Limitations

1. *GS Respondents:* Primary data collection was carried out through an administered questionnaire to selected stakeholders only. These are government entities, regulatory authorities, regional institutions or intergovernmental organisations, NGOs, training institutions for government officials, business associations, academic institutions and think tanks. The responses of the individuals were likely to be influenced by their positions and their perception of how the survey findings would be utilised. They were therefore more likely to present an overly rosy picture of the state of consumer protection in the country.
2. *Consumer Areas:* This study focused only on six consumer protection areas that were selected based on their common and high degree of relevance to consumers, and as identified for being the critical areas that are targeted for and affected by ASEAN trade development agenda. A more comprehensive survey of the status of consumer protection in any country, especially in the AMS Subgroup would take into consideration the consumer's access to basic needs such as food, shelter, and education.
3. *Time:* The duration of the mapping period was five months (August - December 2010), whereby each AMS was generally allocated with 3-4 weeks of mapping exercise through the GS. For Myanmar, the time duration for mapping through GS in December 2010

was much shorter, i.e within 2 weeks. The time duration was considered to be relatively short.

4. *Language:* The questionnaire was drafted in English, which was not the operating language of organisations in most of the AMSs. Hence individuals had to be identified within the organisations that could either complete the questionnaires themselves or assist others by translating the questions into their native language.

## 2.5 PROFILE OF STAKEHOLDERS

The profile of stakeholders for the General Survey (GS) was mainly captured from Brunei Darussalam, Cambodia and Lao PDR with limited participation from Myanmar. As such, limited quantitative data was captured for Myanmar in subsequent statistical analysis. However, necessary information was captured through a RTD, which was held with the relevant stakeholders in each country.

A total of 30 respondents in the AMS Subgroup participated in the GS. The GS respondents represent a mix of government departments, statutory bodies and regulatory bodies (16), non-governmental organisations (8), private sector organisations (3), and others (3) such as industry/commercial associations, cooperatives and associations of professionals.

**Table 2.3:** Total Number Stakeholders Attempted the General Survey

Countries	Government	Private sectors	NGOs	Other	Total number of stakeholders
<b>Brunei Darussalam</b>	8	0	1	2	11
<b>Cambodia</b>	1	1	5	1	8
<b>Lao PDR</b>	3	2	2	0	7
<b>Myanmar<sup>a</sup></b>	4	-	-	-	4

*a: A total of four stakeholders from the government agencies attempted the General Survey (GS) questionnaire. However, the GS were considered as partially complete due to insufficient information and explanation furnished.*

Among the respondents from Brunei Darussalam, Cambodia and Lao PDR (Table 2.4), 11 (42%) stakeholders were equipped with technical staff for consumer affairs and 7 (27%) which also had a dedicated unit for consumer affairs. No similar information was available from Myanmar's stakeholders.

A higher percentage of respondents were involved in basic and more traditional areas of consumer protection work such as complaints handling, consumer goods and services, food

safety and product safety. It was noted that very few respondents did consumer protection work related to hire purchase and traditional sources of consumer credit such as pawn shops and money lenders.

**Table 2.4:** Stakeholders in AMS Subgroup with Human Resources for Consumer Protection.

	No. of Stakeholders <sup>a</sup>
Technical staff for consumer affairs	11 (47%)
Technical staff and dedicated unit for consumer affairs	7 (27%)

*a: stakeholders were only based on those in the 3 countries in the AMS Subgroup (excluding Myanmar due to incomplete information)*

This however does not provide an accurate picture of the importance of redress mechanisms in each country in dealing with a wide range of consumer interests.

Further Table 2.5 highlights specific functions of these stakeholders with regards to redress mechanisms.

As noted within the AMS Subgroup, it was noted that all major form of redress mechanisms such as complaint handling, mediation and arbitration as well as Tribunal exists, except Small Claims Courts. It is also important to note that in Brunei Darussalam, none of the GS or KII or RTD stakeholders were aware of these functions of the Small Claims Tribunal.

**Table 2.5:** Consumer Redress in ASEAN Member States (Stakeholders responses).

Countries	Consumer redress				Total number of stakeholders
	Complaints handling	Mediation and arbitration	Small claims procedures/ courts	Tribunal	
Brunei Darussalam	7	1	0	0	11
Cambodia	2	1	0	1	8
Lao PDR	1	2	0	0	7
Myanmar	2	-	-	-	4
<b>All countries</b>	12	4	0	1	25

In terms of the functions related to consumer protection, a higher percentage of the respondents, as expected, stated that they performed functions related to the protection of

consumer rights in general and dealt with consumer complaints, as compared to training or R&D.

- Protection of consumer rights in general
- Addressing complaints
- Monitoring laws/policies/codes of conduct
- Enforcing relevant laws
- Review of relevant laws
- Training
- Research and development

## **2.6 CONCLUSION**

The study employed a mix of quantitative and qualitative methods to analyse the formal and actual operating context of consumer protection in the AMSs. A similar methodology was used to identify and quantify the capacity building needs for consumer protection in the region.

The next chapter will discuss the situational analysis of consumer protection in the AMSs.

### 3. MAPPING AND SITUATIONAL ANALYSIS OF CONSUMER PROTECTION LEGISLATION AND PROGRAMS WITHIN THE AMS SUBGROUP

This chapter examines consumer protection policies, legislation, institutional mechanisms and programs that make up the context of consumer protection in the AMS Subgroup (Brunei Darussalam, Cambodia, Lao PDR and Myanmar or also referred to as “BCLM”).

#### 3.1 GOVERNANCE

The four AMSs grouped and referred to as the “AMS Subgroup”, were primarily based on the development state of their national consumer protection law (Table 3.1).

**Table 3.1:** The AMS Subgroup and the Status of Principal Consumer Protection Law.

Country	Principal Consumer Protection Act
Brunei Darussalam	At drafting stage
Cambodia	Being finalised
Lao PDR	Drafted, awaiting formal promulgation
Myanmar	At preliminary discussion stage

The governments of the countries in the Subgroup have enacted laws designed to protect consumers in different areas of consumption. However the extent of coverage provided by the laws and the degree of protection afforded to consumers vary from country to country. Consumer –related laws in the Subgroup in general do not appear to be based on a coherent consumer protection policy; rather they address the need for consumer protection in specific situations and attempt to keep abreast of new situations and challenges which consumers face in the evolving market place. As a result, BCLM have a wide repertoire of consumer laws, which are disparate and lack a comprehensive framework that can ensure optimum coverage and protection for the consumer. It is only in recent years that attempts have been made to rationalise and consolidate the various laws into a cohesive and comprehensive framework. For example, in Lao PDR, a Consumer Protection Law has been drawn up and is awaiting official promulgation. This Principal CP law is based on five basic principles of consumer protection and the rights of consumers to protection in the consumption of goods and services. In Brunei Darussalam, efforts are under way to enact a principal Consumer Protection Act in 2011. The main consumer law currently applied in Cambodia is known as *Law On the Management of Quality and Safety of Products*. However it would appear that the enactment of a comprehensive principal consumer protection legislation in Cambodia and Myanmar might take longer to realise.

In order to facilitate discussion, all these legal arrangements related to consumers are referred to as “*consumer law*”. Consumer law relates essentially to the prescription of safety, labelling, advertising and service standards and the provision of redress (civil, administrative and criminal) in cases where businesses fail to meet those standards. The underlying objective is to prevent or reduce losses and injuries that consumers might suffer from unfair trade practices and unsafe products.

Consumer law often becomes necessary to protect consumers from unethical trade practices such as the dumping or import of dangerous or unhealthy goods into the national market, especially when the ordinary consumers do not have sufficient information.

The AMS Subgroup recognises that the state has the primary responsibility to protect consumers and have enacted various pieces of legislation for this purpose.

Consumer laws provide a basic level of protection for consumers. Generally, a consumer protection law specifically prohibits certain acts, which are deemed to be in violations of consumer rights.

As depicted in Table 3.2, consumer laws in the AMS Subgroup cover a very wide range of aspects of consumer protection aspects, which include:

- Mechanisms for handling complaints and for adequate means of redress
- Standardisation for product safety and quality
- Supply of essential goods
- Weights and Measures
- Unfair terms of contract

**Table 3.2:** Common Areas Covered By Consumer Laws within the AMS Subgroup.

<b>CONSUMER PROTECTION IN GENERAL</b>	<b>Competition</b>	<b>Weight and Measures</b>	<b>Advertisements</b>	<b>Supply of Essential Goods</b>	<b>Standardization Safety &amp; Quality</b>	<b>Unfair contract terms</b>	<b>Complaints and Redress Mechanism</b>
<b>BRUNEI DARUSALAM</b>		√	√	√		√	
<b>CAMBODIA</b>	√	√	√		√		√
<b>LAO PDR</b>	√	√	√		√		√
<b>MYANMAR</b>		√		√	√	√	√

There are laws which have the objective of ensuring a market environment which is more conducive for the protection of consumer interests. Two such laws are worthy of mention:

- 1) **Competition Law** : Prohibits anti-competitive conduct with an appreciable adverse effect on the market. It covers areas such as:
  - Prohibition of fixing of purchase or selling prices
  - Ban on also so-called horizontal arrangements, i.e. arrangements between business partners at the same economic level
  - Abuse of a dominant position in the market
  - Predatory behavior towards competitors
  - Applying dissimilar conditions to equivalent transactions
  - Making the conclusion of a contract subject to acceptance by the other parties of supplementary obligations
  
- 2) **Regulation of advertisements**: Recognises that consumers need to be protected even before they enter into a contract for the purchase of goods and services. Laws on advertisement take into consideration the need for adequate and clear information about the product or service offered, including information about quality, specifications, price and potential risks. On a related matter, consumer laws also aim to protect consumers from misleading and unfair advertising.

Governments in AMS Subgroup have recognised that consumer protection legislation needs to be constantly updated in order to deal with new realities in the market place. These governments have been taking steps to ensure that consumer laws keep pace with the new and constantly shifting challenges faced by consumers as their economies develop and become more globalised. For example, laws have been put in place in response to new consumer products and services such as the internet and time-share facilities, as well as new forms of threats to consumers, such as violation of personal data, and aggressive, unsolicited marketing of credit to vulnerable consumers.

Furthermore as the concept and philosophy of consumer protection evolves, consumer laws are amended or new ones made which provide a greater degree of protection to consumers. For example, the principle of *caveat emptor* (let the buyer beware) which for long was the accepted principle underlying all consumer transactions, is no longer considered acceptable. For example, it is increasingly desired that financial institutions should provide full information about the true cost of credit in simple language when a credit facility is offered to a consumer.

Another example is with regard to contracts between suppliers and consumer; laws have been introduced to ensure that suppliers do not take advantage of their dominant position to impose

unfair terms and conditions on consumers who may not have alternative sources of supply for that particular good or service.

It must be noted that because consumer laws are often enacted in response to protection needs of the market place, which is in a state of flux, the legislation is generally disparate and sometimes overlapping in nature.

### **3.1.1 Consumer Laws for Core Consumer Areas**

National laws in the AMS Subgroup, generally, provide for consumer protection in the six consumer areas in this Study (Table 3.3 to Table 3.6):

- Product Safety and Labelling
- Phone & Internet Services and E-commerce
- Consumer Credit and Banking
- Environment
- Healthcare Services
- Professional Services (Legal and Medical)

It is not possible within the scope of this Report to make a comprehensive listing or analysis of all the laws in each of the above-mentioned areas. The purpose of this report is to highlight key aspects under each of the six-selected core areas. At the same time, an attempt was made to identify gaps and developments elsewhere, which the governments of the BCLM could consider when reviewing their own consumer legislation.

#### ***3.1.1.1 Product Safety and Labelling***

A common area for consumer protection is legislation concerning product safety and the need for adequate information about products. Governments usually regulate the safety and performance of products through two mechanisms, namely, Government/Regulatory Authorities Registration Scheme or Third-party Product Certification Scheme. Products which have a high probability of being hazardous, such as electrical appliances, cosmetics, medicines, safety equipment, and toys are required to be registered with regulatory authority or to be certified by an approved third party as conforming to the requirements of a predetermined standard. *Trade descriptions and Safety requirements laws* are common consumer protection legislation within the AMS Subgroup.

Laws on product safety and labelling usually include the following:

- a. Laws to ensure minimum standards of hygiene and cleanliness in food, including aspects of preparation, packaging, storage, and transportation. Food regulations also cover information on nutrition, ingredients and expiry date. In some cases genetically modified food is required to be identified as such.

Laws to ensure safety and hygiene in food also relate to meat and fish, covering aspects such as slaughter of animals, storage, labelling and transportation of fresh meat and fish.

In Brunei Darussalam for example, the *Public Health (Food) Act (Cap 182) and the Public Health (Food) Regulations (Cap 182, Rg. 1)* to protect consumers from food that may be harmful to health, to monitor food standards and the importation of food from hazardous areas. Another example is the Anukret No.47 on Food Hygiene for Humans (2003) in Cambodia which provides, among other thing that

- Staff who handle food must be clean and attired in protective clothing
- Food products be stored elevated from the ground and protected from contamination by customers
- Products be protected from climatic conditions and from insects and rodents

In Brunei Darussalam, the requirements for *halal* food are also specified by law.

- b. In other categories of consumer goods such as electrical appliances, there are regulations to ensure safety for example by specifying standards (usually based on the International Electro-technical Commission) batch testing/inspection, type approval and third-party product certification schemes. For example in Lao PDR, the Department of Intellectual Property, Standardization and Metrology administer mandatory standards for steel, gasoline and cement.

**Table 3.3:** Aspects of Consumer Laws Related to Product Safety and Labelling, and Phone & Internet Services and E-Commerce within the AMS Subgroup.

	Food Hygiene and cleanliness	Consumer Goods Safety	Halal Food	Phone Services	Internet services	E-Transaction	Computer Use	Privacy in Cyber Space
	PRODUCT SAFETY AND LABELLING			PHONES & INTERNET SERVICES AND E-COMMERCE				
BRUNEI DARUSSALAM	√	√	√	√	√	√		
CAMBODIA	√	√		Draft				
LAO PDR	√	√		√	√		√	
MYANMAR	√	√		√	√	√	√	

Note: Unmarked boxes denote no reported or available information.

### ***3.1.1.2 Phones & Internet Services and E-Commerce***

This consumer area is relatively new for consumer protection interest. Countries in the AMS Subgroup have some form of consumer protection laws covering telecommunications, such as the *Law on Telecommunications 2001* in Lao PDR, and the *Electronic Transactions Law (2004)* in Myanmar. In Cambodia, a draft national telecommunications law was submitted to the National Assembly in 2006.

The range of issues in the area of telecommunications is wide and the degree of protection afforded is not always adequate. The list below, based on the survey, is illustrative of the areas that need to be covered:

- a) Regulation of telephone services
- b) Regulation of internet services
- c) Electronic transactions issues (such as those covered by the Electronic Transactions Act 1998 in Singapore).
  - Definition of electronic commerce (or “e-commerce”) where the internet is the mode of communication in B2B and B2C transactions e.g. online shopping or internet-banking
  - The identity and authentication of the generator of electronic records and messages
  - The legal recognition of electronic signatures
  - The retention of records by electronic means
  - The integrity of electronic records transmitted over networks
  - The limitation of liability for network service providers
  - The formation and the validity of electronic contracts
  - The legislative framework for certification authorities and digital signature
  - The cross certification of foreign digital signatures
  - The use of electronic records and signatures, by government departments and statutory boards
  - Enforcement and investigation powers tailored for electronic transactions
- d) Computer misuse and cyber crime
- e) Privacy in cyberspace

### ***3.1.1.3 Consumer Credit and Banking***

The ASEAN region as a whole is increasingly recognised as an important economic grouping. In this context, consumer credit and banking have also become significant consumer issues for the AMS Subgroup. Hence, the countries in the AMS Subgroup to provide protection for consumers are regularly updating consumer legislation.

A sampling of consumer protection issues with regard to consumer credit and banking that are protected by legislation in the AMS Subgroup is given Table 3.4.

**Table 3.4:** Aspects of Consumer Laws Related to Consumer Credit and Banking within the AMS Subgroup.

	Banking Services	Hire Purchase	Money Lenders	Pawn Broking	Credit Cards
	<b>CONSUMER CREDIT AND BANKING</b>				
<b>BRUNEI DARUSSALAM</b>	√	√	√	√	√
<b>CAMBODIA</b>	√				
<b>LAO PDR</b>	√				
<b>MYANMAR</b>	√	√			

*Note: Unmarked boxes denote no reported or available information.*

*There are two basic policy guidelines for laws relating to consumer credit and banking:*

- a) to furnish the consumer with accurate information about the true cost of credit provided
- b) encourage the development of fair and economically sound consumer credit practices

#### *3.1.1.4.1 Banking and Financial Institutions*

Legislation such as the *Law on Commercial Bank 2006* in Lao PDR, the *Law on Banking and Financial Institutions 1999* in Cambodia, the *Central Bank of Myanmar Law (1990)* and the *Law on Commercial Bank 2006* in Lao PDR covers matters such as:

- Licensing and regulation of financial institutions, in order to develop a sound prudential and regulatory framework to effectively supervise the financial system.
- Ensuring consistency in standards across banks, insurance companies, and securities firms.
- Preventing, and where necessary, providing redress for unfair practices committed by financial institutions
- Spelling out the duties and obligations of banks with regard to Bills of Exchange including checks.

#### *3.1.1.4.2 Hire-Purchase.*

This is a popular source of credit for consumers in the AMS Subgroup especially for the purchase of durable and semi-durable goods such as motor vehicles and electrical items. Governments seek to safeguard the interests of consumer who make use of hire purchase facilities by enacting laws which specify the form and content of hire-purchase agreements, regulate the deposits required for hire purchase as well as the interest payable, and specify the rights and duties of parties to agreement, especially with regard to forfeiture of goods when

installment payments are not made according to schedule.

#### *3.1.1.4.3 Credit Cards*

Although credit cards are not as widely used in the AMS Subgroup as in the rest of the ASEAN grouping, their usage is gaining popularity. With the growth in this form of credit and method of payment, there has been an attendant increase in the number and types of problems faced by consumers. For example, when credit cards can be obtained too easily without the need to meet stringent financial requirements, increasing numbers of consumers are found to be in debt which they cannot manage, often leading to bankruptcy.

In many cases, the terms and conditions of credit which have a direct bearing on the true cost of credit are confusing or misleading, resulting in consumer debt. The governments in the AMS Subgroup are beginning to pay more attention to this area of consumer protection. For example, the Credit Card Directive in Brunei Darussalam which came into effect on 1 January 2010 regulates the issue and usage of credit card which among others, stipulates:

- New credit card applicants to meet minimum financial requirements
- Card users to settle a minimum of 8% of the total outstanding balance on the monthly statement

#### *3.1.1.4.4 Pawnbrokers*

Pawnbrokers are a traditional source of relatively small amounts of consumer credit, which is easy to obtain. Pawn broking activities are governed by legislation, such as the *Pawnbrokers Order 2002* in Brunei Darussalam.

#### *3.1.1.4.5 Money lenders*

Money lenders constitute an important source of credit for those who are unable to have access to credit in the formal banking sector. Recourse to “loan sharks” to obtain credit is not uncommon in the AMS Subgroup, while civil society groups and governments have expressed concerns over the unscrupulous and violent methods used by these loan sharks to recover loans.

Legislation such as the *Money Lenders Act* in Brunei Darussalam attempt to govern the activities of money lenders.

### **3.1.1.4 Environmental Quality and Services**

Consumers’ right to a clean and safe environment is being recognised by all countries in the AMS Subgroup and this is reflected in various legislation on environmental quality in the region. An example of such legislation is the Law on Environmental Protection 1999 in Lao PDR. As presented in Table 3.4, the Environment-related legislation in the AMS Subgroup can be summarised into six categories:

- Air quality
- Water quality
- Noise pollution
- Environmental Public Health
- Waste Management
- Energy conservation and Eco-labelling

#### 3.1.1.4.1 Air quality

All states have at least a basic law to address the need for clean air, by setting emission standards for industrial establishments, motor vehicles and regulating open burning.

#### 3.1.1.4.2 Water quality

A prime consideration would be to conserve and protect water resources from depletion and degradation. Hence legislation has been enacted to regulate and control water pollution by setting standards for discharge of effluents into waterways. The *Law on Water and Water Resources 1996*, in Lao PDR and the Sub-Decree are examples of such legislation.

**Table 3.5:** Aspects of Consumer Laws Related Environmental Quality and Services in the AMS Subgroup.

	Air Pollution	Water Pollution	Noise Pollution	Waste Management	Energy conservation/eco-labelling
ENVIRONMENT					
<b>BRUNEI DARUSSALAM</b>	Draft	Draft	Draft	√	Draft
<b>CAMBODIA</b>	√	√	√		
<b>LAO PDR</b>	√	√			
<b>MYANMAR</b>	√	√		√	

*Note: Unmarked boxes denote no reported or available information.*

#### 3.1.1.4.3 Noise Pollution

This is another aspect of consumer concern that is being increasingly regulated. Hence there are laws to

- Set permissible noise levels in places of work such as factories and construction sites as well as to control the noise level in housing areas when highways are constructed in the vicinity.

- Measure, monitor and record the level of noise in areas where it can pose problems for consumers, and to take remedial action where necessary.

#### 3.1.1.4.4 *Environmental Public Health*

The Municipal Boards Act deals with matters such as:

- Cleaning of streets, removal of refuse, disposal and treatment of domestic and, licensing of hawkers
- Disposal of incinerable and non-incinerable waste
- Littering

#### 3.1.1.4.5 *Waste Management*

Recognising the dangers posed by hazardous waste usually generated by industrial and medical activities, some countries in the AMS Subgroup have laws such as *Hazardous Waste Control Order*<sup>9</sup> in Brunei Darussalam, to regulate the safe handling and disposal of such waste. At the same time it has been found that hazardous waste from other (usually more developed) countries are finding their way into the region. Hence, more states are implementing laws to control the import, export and transit of hazardous and other waste. Generally, BCLM have laws and regulations to deal with municipal solid waste.

#### 3.1.1.4.6 *Energy conservation and eco-labelling*

Countries in the AMS Subgroup are beginning to draft legislate to to conserve energy as part of their efforts to protect the environment.

#### 3.1.1.5 *Healthcare Services*

A common trend that is noticeable in the AMS Subgroup is the privatisation of health care services which is a basic consumer need. Almost all the states in the region have made attempts to protect the interests of the consumer by enacting laws covering health care issues (Table 3.6). For example, the *Public Health Law 2003* in Lao PDR provides that all citizens shall be entitled to health care and interestingly are “entitled to criticise or bring a complaint if they find the health care provided is not in conformity with professional techniques or is not equitable..” Similarly, the *Law Relating to Private Health Care Services* in Myanmar provides directions and strategies towards realising the objectives of the National Health Policy. Legislation on healthcare services covers areas such as communicable diseases eg. *Infectious Diseases Order 2003* in Brunei Darussalam, and sale of medicines such as the *Law on the Management of Pharmaceuticals 1996* in Cambodia.

The following list illustrates the kinds of healthcare components affecting consumer protection that need to be addressed (Table 3.6).

<sup>9</sup> Legislation currently in the making

- Advertisement and Sale of Medicines
- Operation of Private Hospitals and Healthcare Facilities
- Advertisement and Sale of Medicines
- Financing of health care
- Traditional medicines
- Generic Drugs

**Table 3.6:** Aspects Consumer Laws Related Healthcare and Professional Services within the AMS Subgroup.

	Advertisement and Sale of medicines	Private Hospital/ Clinic	Health Financing	Traditional Medicine	Generic Drugs	Registration of Doctors	Registration of Dentist	Registration of Pharmacists	Registration of Nurses	Registration of Traditional Medicines Practitioners	Legal Practitioners Registration
	HEALTHCARE					MEDICAL PROFESSIONAL					LEGAL
BRUNEI DARUSSALAM	√						√	√	√	√	√
CAMBODIA	√					√			√		√
LAO PDR	√		√		√	√					√
MYANMAR		√		√		√	√	√	√	√	√

*Note: Unmarked boxes denote no reported or available information.*

### 3.1.1.6 Professional Services

Professional medical and legal services in the AMS Subgroup as summarised in Table 3.5 are regulated by similar legislations such as for registration of practitioners and for regulating their practices and conducts.

#### Summary

In reviewing the consumer protection legislation in the AMSs, it would be useful to use the *UN Guidelines for Consumer Protection of 1985* as a framework for reference. These guidelines recognise that consumers often face imbalances in economic terms, educational levels and bargaining power; and advocate that consumers should have the right of access to non-hazardous products, as well as the right to promote just, equitable and sustainable economic and social development and environmental protection. It can be argued that consumer protection legislation in the AMSs, by and large, do recognise the principles embodied in the above mentioned guidelines. On the other hand, as has been stated by Asher (1994), many of these laws confer rights without contemplating how difficult it might be to exercise them". It is

important therefore to incorporate into the legislation, avenues for the consumers, especially those with little resources, to obtain redress effectively, when needed.

Consumer protection legislation can also be measured against the eight consumer rights that were formulated by the (then) International Organisation of Consumers Unions (IOCU) - now known as Consumers International (CI) - and adopted at The Hague in 1981. Asher (1994) articulated some views based on the eight consumer rights, where it is possible to identify certain areas where consumer legislation could be reviewed and amended for greater effectiveness.

With regard to the right to safety, manufacturers, importers and in some cases, retailers should be made strictly liable for damage caused by defective goods which they supply. In addition, goods should be reasonably fit for the purpose for which they are normally purchased, or for the purpose for which the consumer bought them (where he or she has made known the purpose to the seller).

In the case of redress, most current laws within the AMS Subgroup would require the aggrieved consumer to resort to legal action against the supplier. Such a course of action is time consuming and often beyond the means of the consumer. Consumer laws should provide for much simpler avenues for redress and also provide more flexibility and authority for state sponsored consumer protection agencies to use greater discretion in acting on behalf of consumers who need redress.

The right to be heard can be given greater substance if there are laws to provide for consumer protection agencies to research into the protection needs in specific market segments and to act as an advocate on behalf of consumers.

There are no laws among the AMS Subgroup relating to the right to consumer education. Consumer education activities are usually carried out by non-governmental consumer protection agencies; on the other hand similar activities implemented by government agencies are often patchy and done on an *ad hoc* basis. It would help if there are laws which impose a specific obligation on the part of consumer protection agencies to conduct consumer education activities and to report on its performance on a regular basis.

In the final analysis, as has been succinctly articulated by Wood (1996) in *“What Consumer Laws Should Do”*, consumer laws should:

- i. Protect consumers from products or services which are dangerous or unsafe, or whose use might cause injury to others;
- ii. Require all necessary information to be given to consumers about the goods and services they acquire, especially in relation to therapeutic goods and toxic products;

- iii. Encourage consumers to acquire only the things they need;
- iv. Ensure consumers can participate in the development of policies which affect them, including giving consumer representatives access to the media;
- v. Provide consumers with cost-effective, speedy and accessible means to enforce their legal rights, provide consumers with a right to compensation if they are injured as a result of unsafe goods or faulty services.
- vi. Establish procedures which ensure consumers are informed about their consumer rights
- vii. Protect consumers from pollution of the environment, encourage the promotion of ethical and socially responsible practices by the producers and suppliers of goods and services;
- viii. Promote the provision of information to consumers about products and substances which may adversely affect them, protect consumers from unethical, unconscionable, and illegal practices especially in the supply or supervision of health; housing and accommodation; education; water; energy; financial services; employment; retirement services; children's services; insurance; investment services; and food.

### **3.2 ENFORCEMENT OF CONSUMER LAWS**

When consumers suffer as a result of poor services, faulty goods, unfair treatment, they expect to get their money back or be compensated. Majority of consumers in the AMS Subgroup are 'subsistence-level' consumers, particularly low income and poor who can ill afford to lose money on sharp practice, shoddy goods or poor services. Government enforcement of consumer law has to focus on curbing bad and unethical business practices through enforcement orders and prosecuting offenders. However, it is also noted that enforcement actions by enforcement agencies or authorities do not necessarily include redress for consumers.

Enforcement of consumer laws encounters new challenges in the digital age. The internet is transforming the way consumers in AMSs buy goods and services. Cross border transactions are becoming more common, with consumers and suppliers being subject to different sets of legislation in their respective states. The internet therefore presents both opportunities and threats to consumers in the area of consumer protection.

### **3.3 REDRESS MECHANISMS**

The right to redress means the right to a fair settlement of just consumer complaints. Consumer redress mechanisms are an essential element of consumer sovereignty and an integral part of a fully functioning marketplace. For example, Small Claims Courts, Consumer Claims Tribunals, Mediation Bureaus, and Complaint Centres are redress mechanisms that are designed to be easily available to consumers in the legal system.

Examples of redress mechanisms in the AMS Subgroup

- **Economic Police – Lao PDR**

- **Medical and Legal Disciplinary Councils** – All countries in the AMS Subgroup
- **NGO Complaints Centres** – Cambodia
- **Organisation of Economic Dispute Settlement** – Laos PDR
- **Regulatory Authorities e.g. Telecommunications Commissions, Consumer Forum, Competition Commission** – Brunei Darussalam, Myanmar
- **Relevant Government Ministries** – All countries in the AMS Subgroup
- **Traditional Dispute Resolution** – Cambodia

### **3.3.1 Redress through Decentralisation Policies**

In countries, where access to redress mechanisms have been decentralised, consumers are able to file complaints at the local levels eg local councils, barangay.

### **3.3.2 Redress through Tribunals**

Consumer claims tribunals have characteristic features of democracy, are established under a statute e.g. Principal Consumer Protection Acts, with the objective of providing cheap, accessible, simple and flexible remedies to consumers.

### **3.3.3 Redress through Alternative Disputes Resolution (ADR) Procedures**

ADR mechanisms have been recognised as a channel to resolve consumer disputes with less cost and speedily. ADR procedures are based on negotiation, conciliation, mediation, arbitration and neutral evaluation.

### **3.3.4 Redress through Codes of Conduct**

Some businesses, industry associations and professional organisations have established self-regulating codes of conduct or ethics for redress of consumer grievances. Some examples of codes of conduct in the AMS Subgroup (Table 3.7):

- i. Legal and Medical Professions
- ii. Advertising
- iii. Chambers of Commerce

**Table 3.7:** Examples of Codes of Conduct for industries in the AMS Subgroup.

Countries		Codes of conducts				
Consolidated Subgroup	<b>Brunei Darussalam</b>	Good Medical and Dental Practice				
	<b>Cambodia</b>	Code of Medical Ethics	Code of conduct for products	Code of Advertising Practice	Code of conduct for promotions on TV	Code of Internal Auditor Ethics
	<b>Lao PDR</b>	NA				
	<b>Myanmar</b>	NA				

NA: Not Available

### 3.3.5 Challenges in Effective Implementation of Redress Mechanisms

Delivering justice to aggrieved consumers is the objective of a redress system. However, the existence of redress mechanisms by themselves does not ensure that consumers will have access to redress. During the course of this research a number of obstacles to optimum access to redress mechanisms by consumers were identified.

Among the main challenges in the effective implementation of redress mechanisms in the AMS Subgroup, are the following:

- i. Lack of awareness among consumers on laws that provide for consumer redress
- ii. Difficult access to avenues for redress such as the relevant government agencies, consumer groups, business associations and professional organisations. Most agencies or organisations involved in consumer redress are urban based.
- iii. Procedures for filing complaints are technical and time consuming.
- iv. Assistance from voluntary organisations is not easily accessible.
- v. Digital Divide. In a number of countries in AMSs, online consumer complaints have been advocated. However, given the Digital Divide in the ASEAN region, consumers who are adept in the use online channels to seek redress for their grievances are mainly the urban, middle class and young consumers. Redress mechanisms which rely heavily on the internet tend to discriminate against rural, illiterate and poor consumers

### **3.4 PROGRAMS AND ACTIVITIES RELATED TO CONSUMER PROTECTION IN THE AMS SUBGROUP**

#### **3.4.1 Brunei Darussalam**

The Employees Trust Fund and banks organise campaigns to improve financial literacy among consumers. Public service announcements are made on radio and television on hire purchase traps and pyramid schemes.

Various government departments undertake consumer education activities that focus on the environment. The Division of Energy organises a yearly Energy Week to promote the use of energy-efficient products. Information on energy saving products and practices is disseminated to consumers. Air quality announcements are relayed through the media. Consumers are encouraged to reduce the use of plastics and adopt rainwater harvesting. The sustainable development agenda is taught in primary and secondary schools. The Environmental Youth Envoy program has been initiated to engage youth in environmental protection.

The government's health promotion program targets all schools, addressing issues like obesity, drug abuse, tobacco use and nutrition. Promotional campaigns for the public include public sanitation, women's health, healthy lifestyle, infectious disease control and unsafe medicines and cosmetics.

Some notable best practices for consumer protection program implementation in Brunei Darussalam is:

- Public service announcements are made on radio and television on hire purchase traps and pyramid schemes.
- The sustainable development agenda is taught in primary and secondary schools. The Environmental Youth Envoy program has been initiated to engage youth in environmental protection.

#### **3.4.2 Cambodia**

Consumer education campaigns are undertaken by the Directorate-General of the Cambodia Import-Export Inspection and Fraud Repression (CAMCONTROL), Ministry of Commerce. These include seminars for businesses, trades people and students on legislation and various consumer issues. Training at school-level is conducted by CAMCONTROL-trained trainers. Publications on consumer issues are distributed, and paid television advertisements and public service announcements are used to reach consumers.

There is no functioning consumer organisation in Cambodia. The Ministry of Post and Telecommunications conducts consumer awareness campaigns mainly through the service providers and occasionally through the media, by providing occasional technical bulletins and holding workshops.

The Cambodian Institute for Research and Rural Development promotes standards for agricultural products and sustainable agriculture and organic food production. The institute trains rural youth and helps farmers to organise themselves. The NGO Gret has established a not-for-profit health insurance program SKY in partnership with the public health service.

Some notable best practices for consumer protection program implementation in Cambodia are:

- Publications on consumer issues are distributed, and paid television advertisements and public service announcements are used to reach consumers.
- The Cambodian Institute for Research and Rural Development promotes standards for agricultural products and sustainable agriculture and organic food production. The institute trains rural youth and helps farmers to organise themselves.
- The NGO Gret has established a not-for-profit health insurance program SKY in partnership with the public health service.

### **3.4.3 Lao PDR**

Some consumer issues are examined at the tertiary education level, but only as relevant to particular courses, e.g. environmental awareness in water resource management. The Food and Drug Department, Ministry of Public Health conducts consumer awareness campaigns using the electronic media, bulletins, pamphlets and posters.

Testing of food and product safety is conducted by laboratories under the Ministry of Public Health and the Ministry of Forestry and Agriculture.

The Ministry of Forestry and Agriculture, and Ministry of Health (MoH) use loudspeaker broadcasts for their awareness campaigns. The MoH and NGOs undertake consumer education in villages covering nutrition, infant health, clean water, malaria and sanitation.

The Lao Bar Association assists the poor and vulnerable persons in remote areas to gain access to justice.

Some notable best practices for consumer protection program implementation in Lao PDR are:

- The Food and Drug Department, Ministry of Public Health conducts consumer awareness campaigns using the electronic media and pamphlets and posters.
- The MoH and NGOs undertake consumer education in villages covering nutrition, infant health, clean water, malaria and sanitation.

### 3.4.4 Myanmar

Much of consumer awareness education is focused on environmental issues. The major impetus for environmental education in non-formal setting comes from United Nations agencies and non-governmental agencies, who work with Myanmar Education Research Department and the Departments of Basic Education.

One notable best practice for consumer protection program implementation in Myanmar is the integration of Environmental Law being offered as a subject in various universities. The new curriculum in the Education System places includes the development of environmental awareness.

## 3.5 GAPS IN IMPLEMENTATION OF CONSUMER PROTECTION

The findings of the general survey indicate that the Difficulty Index for the consolidated Subgroup (Brunei Darussalam, Lao PDR and Cambodia) is higher than for the other countries in the ASEAN grouping, in all key difficulty factors or gaps mapped, namely: laws; finances; information to key subject areas; human resources; physical infrastructure; institutional capacity; and inter-agency coordination (Table 3.8).

In terms of difficulties in implementing consumer protection programs and activities, the survey found that one of the main difficulties concerned the adequacy of finances for agencies involved in consumer protection in Cambodia, Lao PDR and Myanmar. In the case of Brunei Darussalam however, the difficulty with regard to finances was due to the lack of a principal consumer protection law; hence budgetary allocations and access to funds for consumer protection activities were limited. A related difficulty for the AMS Subgroup had to do with office infrastructure such as internet facilities.

Another difficulty was in the area of human resources in terms of availability of adequate staff with appropriate competencies. Difficulty in having access to experts and training programs which are important for developing the institutional capacity of agencies, further impacted on their ability to implement consumer protection programs and activities. Inadequate laws were cited as another obstacle in providing protection for consumers.

**Table 3.8:** Difficulty Index for the AMS Subgroup in Implementing Consumer Protection Programs and Activities.

Factors		Level of Difficulties Index				
		Consolidated Subgroup				
		Brunei	Cambodia	Laos	Myanmar <sup>a</sup>	Total <sup>b</sup>
Adequate laws		4.11	3.29	5.33	-	4.24
Adequate finances		4.25	6.43	6.40	-	5.69
Access to information key subject areas		3.63	4.50	4.00	-	4.04
Human resources	Adequate number of staff	5.20			-	5.44
	Staff with appropriate experience/skills/qualifications	5.50	4.75	5.50	-	5.42
	Staff turnover	3.40	3.25	3.40	-	3.60
Physical infrastructure facilities	Access to Internet	4.60	3.38	4.60	-	3.49
	Office space	3.80	2.71	3.80	-	3.67
	Office location	3.60	3.00	3.60	-	3.37
	Office equipment or facilities (computer, fax, photocopier)	4.40	3.88	4.40	-	3.80
	Facilities (meeting room etc)	4.40	4.86	4.40	-	4.25
Institutional capacity	Access to training	4.40	4.25	4.40	-	4.43
	Access to experts	6.00	5.26	6.00	-	5.46
Coordination among relevant agencies/organisation		4.13	4.38	4.17	-	4.23

*a: no specific information was reported or captured from the General Survey attempted by the stakeholders in Myanmar.*

*b: total is based on the average of the 3 AMSs (Brunei Darussalam, Cambodia and Lao PDR).*

**Inadequate laws** were identified as another one of the main difficulties; Brunei Darussalam stated it as its first main priority. Surprisingly, Lao PDR and Cambodia did not include “laws” among their five main priority areas of difficulties in implementing consumer protection programs and activities (Table 3.8). For both these countries, it was noted that they are already in the process of drafting the relevant consumer protection. Lao PDR, in particular, has their Consumer Protection Law passed by the cabinet, and is in the process of awaiting promulgation. As such, the much needed area for capacity would focus towards awareness building on the Law, as well as on CP in general.

**Institutional capacity** (access to training and access to experts) was also identified among the top difficulties faced by Cambodia. On the other hand, Brunei Darussalam and Lao PDR did not indicate the institutional capacity among the top five priorities (Table 3.8). Further investigations might be needed to rationalise their circumstances.

As indicated in Table 3.8, only Cambodia and Lao PDR indicated difficulties in terms of **physical infrastructure and facilities** – access to internet, office space, office location, office equipment or facilities (computer, fax and photocopier), and facilities (meeting room etc.)

In summary, the gaps in implementing consumer protection programs and activities identified by the AMS Subgroup are:

- Inadequate finances
- Inadequate laws
- Inadequate human resources – insufficient, lacking in competencies (experience, skill and qualification in consumer protection), high turnover
- Inadequate access to training and expert
- Inadequate physical facilities (infrastructure, office facilities and equipments, telecommunication, internet) - (Cambodia and Lao PDR)

In terms of common challenges that are faced by the AMS Subgroup, the gaps were classified as follows:

- inadequate finances
- inadequate human resources
- inadequate inter-agency coordination
- inadequate physical facilities (Cambodia and Lao PDR)

The other less common main constraints are:

- Inadequate laws (Brunei Darussalam)
- Inadequate access to expert (Cambodia)
- Inappropriate office location (Lao PDR)

**Table 3.9:** Five Main Constraints Faced by the AMS Subgroup in Implementing Consumer Protection.

Country	1 <sup>st</sup> constraint	2 <sup>nd</sup> constraint	3 <sup>rd</sup> constraint	4 <sup>th</sup> constraint	5 <sup>th</sup> constraint	Total Number of Stakeholders
<b>Brunei Darussalam</b>	Inadequate laws	Inadequate finances	Inadequate human resources	Inadequate inter-agency Coordination		11
<b>Cambodia</b>	Inadequate finances	Inadequate human resources	Inadequate physical facilities	Inadequate access to experts	Inadequate inter-agency Coordination	8
<b>Lao PDR</b>	Inadequate finances	Inadequate human resources	Inadequate physical facilities	Inappropriate office location		7
<b>Myanmar</b>	na	na	na	na	na	

na: not available (due to incomplete GS)

### 3.6 CONCLUSION

The survey of the actual operating context for consumer protection shows that there is a wide range of legislation already in existence among the countries in the AMS Subgroup although the coverage provided by the laws is far from uniform in all the countries. Nevertheless, there is need to further strengthen policies and legislation for consumer protection in the sub region. Efforts to establish institutional mechanisms, such as redress mechanisms, can also be seen in the sub region. The same can be said for programs and activities for consumer protection. All the countries in the sub region report that they encounter difficulties in terms of finances, staffing, access to training and experts as well as inter-agency cooperation in enhancing consumer protection.

In the next chapter these findings will be used as the basis for developing capacity building needs for consumer protection in the ASEAN sub-region (Brunei Darussalam, Cambodia, Lao PDR and Myanmar).

## 4. CAPACITY BUILDING NEEDS FOR CONSUMER PROTECTION IN AMS SUBGROUP.

### 4.1 PRIORITY AREAS FOR CAPACITY BUILDING IN THE AMS SUBGROUP

The development of the ASEAN consumer market is an important aspect of the Roadmap for an ASEAN ECONOMIC Community (AEC) 2015 because consumption is a key pillar of an integrated economy. The AEC should aim for a high level of consumer protection in order to foster consumer confidence in the ASEAN marketplace. In this context, the relatively different economic situation in Brunei Darussalam, Cambodia, Lao PDR and Myanmar (the AMS Subgroup) require special consideration.

This study surveyed the capacity building needs for consumer protection in the AMS Subgroup in their quest to attain a level of consumer protection comparable to those in developed economies. The findings of the survey were triangulated with key informant interviews among selected stakeholders in each country and finally the findings were verified through country roundtable discussions. However, no KII was conducted and only a round table discussion was held in Myanmar.

Additionally, the focus areas for capacity building for consumer protection were also identified by country representatives from each of the AMSs during the ACCP Workshop (2010). As summarized in Table 4.1, within the AMS Subgroup areas that require more urgent capacity building are as follows (in terms of highly common thrust):

1. *Legislation*: includes enacting a principal consumer protection act and strengthening Consumer Laws (development and implementation), policies and master plans
2. *Institutional structures*: includes establishing CP Agency and Hr Development
3. *Education & Awareness*: includes generating awareness and educating consumers and relevant stakeholders
4. *Enforcement*: includes knowledge and training of enforcement officials
5. *Redress mechanisms*: includes developing and increasing access to redress and complaint handling
6. *Inter-agency coordination*: includes areas of cooperation among government, business and civil society organisation.

**Table 4.1:** Priority Areas for Capacity Building in Consumer Protection Identified by the AMS Subgroup.

Focus Areas	Brunei Darussalam	Cambodia	Lao PDR	Myanmar
Consumer Protection Legislation	<i>a</i>	<i>a</i>	<i>a</i>	<i>b</i>
Institutional Structures	<i>a</i>	<i>a</i>	<i>a</i>	<i>b</i>
Consumer Education & Awareness	<i>a</i>	<i>a</i>	<i>a</i>	<i>b</i>
Enforcement		<i>a</i>	<i>a</i>	<i>b</i>
Master Plan	<i>a</i>		<i>a</i>	
Redress Mechanisms	<i>a</i>	<i>a</i>		
Inter-Agency coordination			<i>a</i>	

*a: identified by the National Focal Points during the ACCP Workshop (2010).*

*b: identified by stakeholders during the national RTD.*

For effective and comprehensive consumer protection in the AMS Subgroup the following elements are required: A consumer policy platform, a consumer master plan, an enabling regulatory environment governed by comprehensive consumer protection legislation, supported by adequate enforcement measures; and well-designed and targeted programs to benefit consumers.

Figure 4.1 illustrates schematically the proposed strategies to bridge the gaps in consumer protection areas for the AMS Subgroup. As illustrated, the outcomes of the strategic actions aimed at achieving the desired state of consumer protection benchmarked against the seven consumer protection elements as summarized in Table 4.1 above. Consequently, the approach and the strategies proposed for the AMS Subgroup are to be implemented in line with the Regional Capacity Building Roadmap for Consumer Protection.

In order to achieve the targeted outcomes, specific actions for capacity building activities would focus on the following areas:

- Developing Policies and Laws
- Implementing Consumer Protection Policies and Laws
- Establishing and Managing Effective Redress Mechanisms
- Implementation and Evaluation of Consumer Protection Programs
- Developing and Implementing Awareness and Educational Programs for Consumer Protection
- Human Resource Development

- Inter-agency Coordination
- Developing Consumer Protection Agencies and Consumer Organisations
- Developing National Standards

#### 4.1.1. Capacity Building in Developing Policies and Laws

A comprehensive national consumer protection policy and legislation provides the basis for an effective consumer protection regime in a country. In order to advance the CP agenda within the AMS Subgroup focus for capacity building could be geared towards the existing institutional structures as indicated in Table 4.2. Within the AMS Subgroup, these existing institutional units currently carry out some CP roles and functions. However, Brunei Darussalam and Myanmar have not been formally mandated particular agency for CP. As such, the development of a mandated CP Agency would be a step forward in enhancing and coordinating CP efforts and initiatives in these countries.

**Table 4.2:** Existing Institutional Structures for Consumer Protection in the AMS Subgroup.

	<b>Current Administrative Unit in-charge of CP</b>	<b>Administrative Structure</b>
Brunei Darussalam	Department of Economic Planning and Development	Prime Minister's Office
Cambodia	CAMCONTROL	Ministry of Commerce
Lao PDR	Consumer Protection & Competition Division	Department of Domestic Trade
Myanmar	National AFTA Unit	Ministry of National Planning and Economic

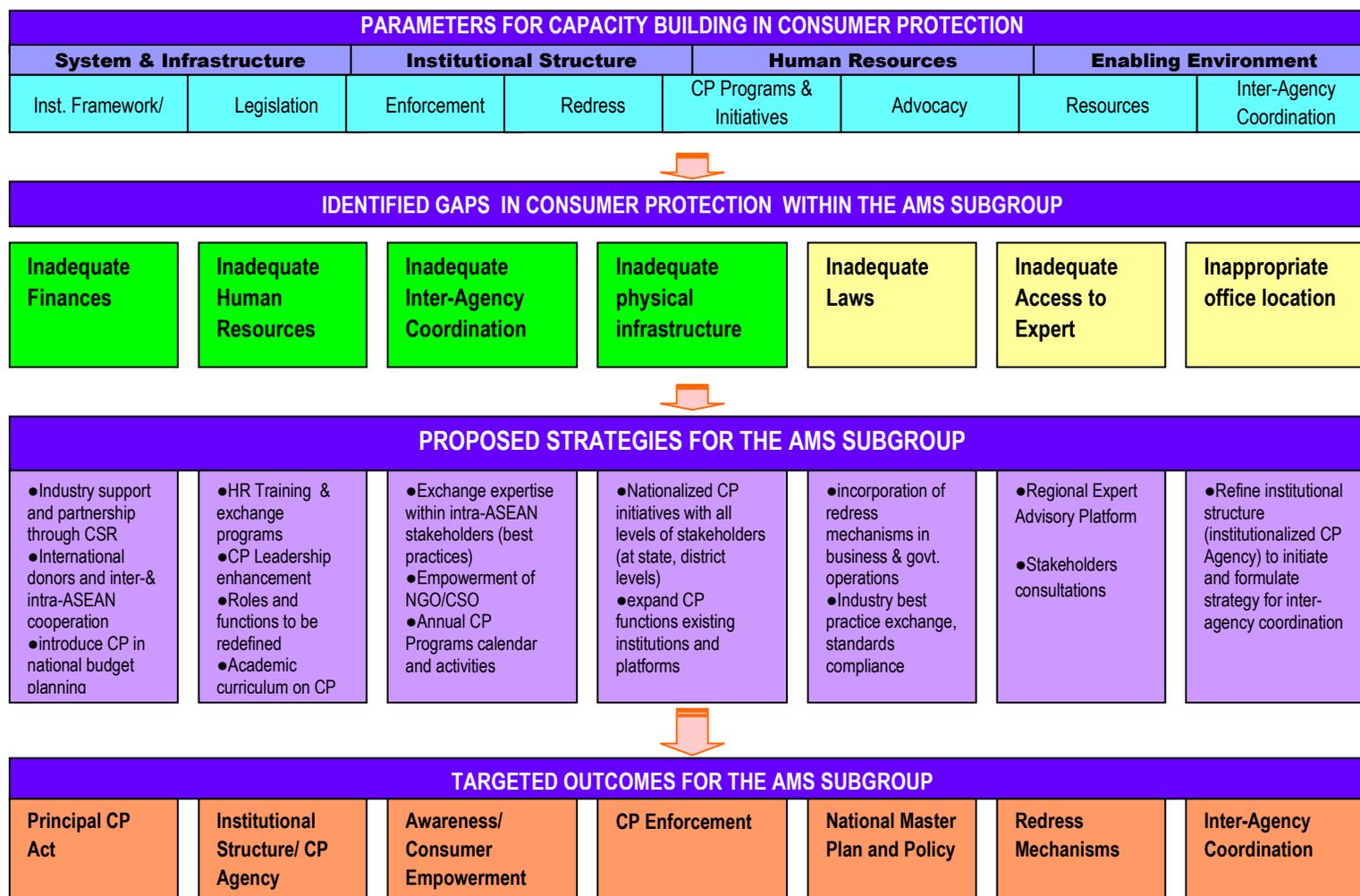
During the ACCP Workshop (2010), the countries in the AMS Subgroup identified the development of a Principal Consumer Protection Act as a priority capacity building need. For Brunei Darussalam, for instance, the capacity building need for developing laws corresponds primarily to the absence of a Principal Consumer Protection Act while for Cambodia a new consumer law is in the process of being legislated. Similarly, the need to develop expertise in reviewing and amending consumer laws to ensure that they remain current and relevant, was another priority.

At a broader level, Lao PDR expressed the need for a Regional Consumer Protection Policy, or Guidelines which is sufficiently flexible to relate to laws at the national level.

The need for capacity building in developing policies and laws stems from the evolving consumer's needs and the changing nature of market needs in the AMS Subgroup.



**Figure 4.1:** Gaps in Present Capacities and Strategies to Bridge the Gaps within the AMS Subgroup for Consumer Protection.



Almost all the countries in the AMS Subgroup recognise that new laws are required to afford protection for consumers in areas such as marketing of cigarettes or tobacco to minors, redress and consumer credit and banking.

The capacity building need for developing policies and laws is high for Brunei Darussalam, Lao PDR and Cambodia, as indicated by the need Index of 6.3 (refer Table A1.1 in Appendix 1). The RTD conducted with the officials in Myanmar also confirmed that there is a similar need in the country. However, due to incomplete data obtained through the GS in Myanmar, the Index level could not be determined.

#### **4.1.2. Capacity Building in Implementation of Consumer Protection Policies and Laws**

While the enactment of appropriate policies is an important step in the setting up of an effective consumer protection regime for a single market, it is equally important that the policies are implemented effectively. In order for this to happen, there are at least basic requirements viz:

- effective institutional mechanisms
- competent personnel

Institutional mechanisms can to some extent be replicated from other countries where they exist, but they would nevertheless need to be adapted to the political, economic and geographical realities of individual countries. For example, a much more decentralised mechanism for consumer redress would perhaps be more appropriate in Indonesia as compared to Brunei Darussalam.

Institutional mechanisms can be effective only if they are staffed by competent personnel. There is need for staff who understand the workings of the institutions concerned to use them for optimum effectiveness, and also staff who understand the protection issues and needs in specific areas.

With regard to implementing consumer protection policy, the Capacity Building Needs indices for the related capacities i.e. establishing institutional mechanisms and for hiring adequate human resources were 5.7 and 5.9 respectively (refer to Table A1.1 in Appendix 1).

#### **4.1.3. Capacity Building in Establishing and Managing Effective Redress Mechanisms**

Consumer protection can be meaningful only if there are provisions for consumers to right the wrongs or to prevent future abuses. Hence a key factor in consumer protection is access to effective redress mechanisms.

As cross-border transactions become more common, there is a corresponding need to establish cross-border or regional redress mechanisms.

It was suggested at the regional workshop that at the national level, a centralised agency for consumer redress along the lines of the consumer tribunal in Malaysia would be an effective avenue for consumers to obtain redress. In addition, a centralised database management system to handle complaints is also indicated as an important aspect of redress.

In this respect, countries in the sub region have expressed a capacity building need

- to set up effective redress mechanisms both at national and regional levels and
- to equip personnel with the requisite expertise and knowledge in the workings of such mechanisms

The Capacity Building Need Index for establishing and managing redress mechanisms for the Subgroup Brunei, Lao PDR and Cambodia was 5.5. The subsequent RTD in Myanmar confirmed that the country has a similar need (Table A1.1 in Appendix 1).

#### **4.1.4. Capacity Building in Implementation and Evaluation of Consumer Protection Programs**

Consumer protection programs, such as financial literacy education, research, promotion of recycling, advocacy, price and code monitoring etc form the bedrock of consumer protection in all countries. Accordingly both government agencies as well as non-governmental consumer organisations expend large amounts of resources to undertake a wide range of consumer protection programs. However, the effectiveness and efficiency of these programs could be improved by rigorously designing and implementing built-in mechanisms for evaluating the programs.

At the same time, a master plan is a useful tool for countries to plan and implement programs and to build the infrastructure for consumer protection. All the countries in the AMS Subgroup have expressed a need to enhance their expertise in developing and using a master plan for consumer protection programs.

Within the AMS Subgroup, individual countries need to enhance their expertise in designing consumer protection programs and in developing tools for rigorous evaluation of the programs that have been implemented.

One of the needs that were identified during in this study is the capacity to implement and evaluate consumer protection programs. The Capacity Building Need Index in this area was

high (6.1) for the Subgroup of Brunei Darussalam, Cambodia and Lao PDR (refer Table A1.1 in Appendix 1). Myanmar expressed a high need for capacity building in this aspect. However, due to incomplete data obtained through the GS in Myanmar, the Index level for the country could not be analysed and determined.

#### **4.1.5. Capacity Building in Developing and Implementing Awareness and Educational Programs on Consumer Protection.**

One of the best ways to ensure protection for consumers is to raise their awareness of consumer issues and to provide them with knowledge about their rights and about the avenues for redress where required. When consumers are empowered with knowledge, they become the driving force for consumer protection.

Awareness and educational programs need to be carried out on an ongoing basis in order to ensure that consumers are aware of their rights because many lapses in protection stem from low awareness of rights and inadequate information.

Consumer education can be done through both formal and non-formal mechanisms. In some countries, consumer education has been integrated into the formal school curriculum. On the other hand, in other countries, consumer awareness and education programs are mainly implemented on a non-formal basis. In this regard, governmental and non-governmental organisations as well as private sector organisations whose activities have an impact on consumers should incorporate a strong consumer awareness and education program.

The idea of an ASEAN consumer education and awareness policy - as a component of the ASEAN regional consumer policy - was mooted at the regional workshop. Such a policy could provide for the inclusion of consumer education in the school curriculum.

The survey uncovered a strong need for capacity building to develop and implement effective programs for awareness and educational programs for consumers. Brunei Darussalam and Lao PDR for example, anticipated the need for capacity building to deliver consumer protection programs, such as information on food safety via TV, radio and comic books while Cambodia envisaged the possibility of working with the Ministry of Education to conduct consumer protection campaigns in schools covering areas such as product safety, labelling and health care.

The Capacity Building Need Index for Developing and Implementing Awareness and Educational Programs For Consumer Protection in the Subgroup of Brunei Darussalam, Lao PDR and Cambodia was 6.2 (refer to Table 4.1 in Appendix 3). Similarly, Myanmar has indicated a high capacity building need in this aspect of consumption.

#### **4.1.6. Capacity Building in Human Resource Development on Consumer Protection**

All the countries in the AMS Subgroup have expressed a strong need for training and development for their personnel involved in consumer protection. Since consumer protection is a relatively new developmental area, many consumer protection agencies in the AMSs have limited exposure and experience in dealing with consumer issues. The need for training is felt in two areas namely:

- in understanding consumer issues, laws, institutions etc.
- in enhancing knowledge in the technical subject matter of the areas covered eg. E-commerce, healthcare, counterfeit products, fair trade laws.

For example, Cambodia has identified the need for assistance in training staff to implement and enforce consumer protection laws and programs. In the case of Lao PDR, the relatively new Division of Competition and Consumer Protection in the Ministry of Commerce and Industry, relies on assistance from non-governmental organisations and foreign governments for training, including training of trainers, while the Ministry of Public Health requires expertise to carry out analysis of food and drugs. Similarly, Cambodia has indicated inadequate human resource as important capacity gap in implementing consumer protection programs. In particular, a strong need for capacity building has been expressed for training on consumer issues such as identification of fraud, counterfeit products, fair trade laws, price fixing and E-commerce

The study disclosed an overall high Capacity Building Need Index (6.4) for training in the Subgroup of Brunei Darussalam, Cambodia, and Lao PDR (refer Table A1.1 Appendix 1). Myanmar too expressed a similarly high need.

#### **4.1.7. Capacity Building in Inter-agency Coordination**

Consumer protection involves cooperation and coordination among different government agencies and, in some instances, with non-governmental organisations. The capacity for different government ministries and departments to develop policies and regulations for consumer protection which are consistent with and complement one another is important. The tendency for each ministry to be protective of its own “turf” and to adopt a silo approach in carrying out its functions, should be consciously overcome in order to advance the interests of consumers. An example of such inter-agency cooperation is the Coordinating Committee on Inspection of Quality and Safety of Products and Services, under the auspices of the Ministry of Commerce in Cambodia. All countries in the AMS Subgroup have expressed the need to develop the capacity of such coordinated actions.

#### **4.1.8. Capacity Building in Developing Consumer Protection Organisations**

While the governments of the countries in the AMS Subgroup recognise that the primary responsibility for consumer protection rests with them, they acknowledge the important role played by consumer protection organisations in this regard. Civil society organisations are often able to reach out to disadvantaged consumers and to transcend bureaucratic boundaries to work with different governmental agencies, and to leverage on their international network to obtain access to knowledge and expertise from across the world.

The development of an enabling environment for the healthy development of non-governmental consumer protection organisations would contribute significantly towards consumer protection in the sub region.

The composite Capacity Building Need Index for developing consumer organisations in Brunei Darussalam, Cambodia, and Lao PDR was 5.2 (Refer Table A1.1 Appendix 1). Myanmar too has expressed a similar need.

#### **4.1.9. Capacity Building in Developing National Standards**

The existence of well-formulated standards for quality and safety of goods and services in a country greatly facilitates consumer protection. The countries in the AMS Subgroup have attempted to develop their national standards, mainly by adapting international standards to the local context. Efforts are underway to institute a comprehensive set of standards and codes of conduct for:

- product safety and labelling
- phone and internet services
- environmental consumer services
- healthcare services
- consumer credit and banking services
- medical and legal professional services

Countries in the AMS Subgroup have expressed the need to enhance their expertise in good standards development practices. Removing unsafe goods from the market is a priority.

The composite Capacity Building Need Index for good standards development Brunei Darussalam, Cambodia, and Lao PDR was 6.3 (refer Table A1.1 in Appendix 1). A similar need is also found in Myanmar.

## 4.2 CAPACITY BUILDING NEEDS IN SIX CORE CONSUMER AREAS

### 4.2.1 Product Safety and Labelling

The growing market for consumer goods and services in the AMS Subgroup has brought with it new challenges for consumers. While consumers are often not sufficiently equipped to make informed decisions, the resources and capacity of consumer protection, regulatory and enforcement agencies are overstretched.

The survey identified a number of common problems faced by consumers with regard to product safety. Product labels, for example on foodstuff or toys, do not always provide sufficient information to ensure that the consumer's safety is not compromised. In other cases, the information provided on labels and in advertisements is misleading.

Consumers in the Subgroup still have to deal with unsafe products such as toys and electrical appliances, and with products whose shelf life has expired. Hazardous chemicals or heavy metals are found in products such as cosmetics, while traditional medicines have been found to contain dangerous chemical substances.

Facilities and mechanisms for comprehensive assessment of hazards and risks associated with new products such as genetically modified organisms and foodstuffs, household pesticides and cosmetics are still limited or inadequate to keep up with the growth in the range of products that come on the market.

It is important for countries to develop strategic interventions to create consumer awareness about product safety and labelling at national levels. An adequate system of consumer protection would include a system for data collection on consumer injuries arising from unsafe products and inadequate labelling. Such a system is common in the AMS Subgroup where by medical practitioners (doctors, clinics, hospitals) maintain records of treatments related to consumer injuries.

### 4.2.2 Phone & Internet Services and E-commerce

Efficient telephone and internet services are a *sine qua non* for the continued growth of the economies and markets in the AMS Subgroup.

Although increasing numbers of consumers in the AMS Subgroup have access to telephone and internet services, there is considerable room for improvement in the quality of these amenities. There are complaints about inadequate infrastructure, frequent interruptions, slow and unstable internet connections and limited coverage especially in rural areas. Consumers also have expressed the need for better avenues for lodging complaints and to seek redress for their

grievances and more prompt responses to complaints. Concerns have been raised about the security of phone and internet communications.

#### **4.2.3 Consumer Credit and Banking**

The sources of credit for consumers in the AMS Subgroup include private and government banks, microfinance organisations, pawn brokers, licensed money and credit cards to a limited extent. There are also cases of consumers resorting to unlicensed moneylenders, when they could not access other formal sources of credit. However, there were no specific reported cases of consumers borrowing from unlicensed moneylenders within the AMS Subgroup.

One of the more common complaints associated with consumer credit relates to the high interest rates that the consumer is burdened with. It is not uncommon for consumers to be ensnared in a spiral of indebtedness after borrowing from credit card companies or money lenders to pay medical bills or to tide over a period of financial difficulty. Improving access to affordable health care would significantly help to reduce chronic indebtedness among sectors of the population who rely on credit facilities to finance their health care needs.

The fact that pawn brokers and unlicensed money lenders play a significant role in the consumer credit markets point to difficulties faced by poor and rural consumers in obtaining access to credit at reasonable interest rates.

#### **4.2.4 Healthy and Safe Environment**

Industry and consumers are now equally concerned about environmental issues, including climate change. The increasing concern about environmental issues is matched by the publicity and debate about pollution and environmental degradation. Consumers are increasingly beginning to recognize that they, together with government and industry have a role to play in ensuring a healthy and safe environment and in dealing with climate change. The effects of climate change for example on crop yields, temperature, floods, which often result in higher insurance premiums, are only just being grasped.

Environmental pollution is a major environmental concern for consumers. With increasing wealth and its concomitant growth in consumption, the disposal of household waste is becoming a serious problem. In addition, consumers in the AMS Subgroup are also still vulnerable to air and water pollution from indiscriminate use of chemicals, from motor vehicles, forest clearing and open burning, all of which require comprehensive legislation and stringent enforcement to ensure consumer protection.

#### **4.2.5 Healthcare Services**

With growing affluence there are greater demands on health care services. Many governments face difficulties in coping with the demand and are relying on the private sector to play a complementary, or even a primary role in providing for the health care needs of the people.

The main consumer problems related to health care services spring from a shortage of manpower and resources. Common complaints such as lack of beds, long waiting time for treatment, insufficient drugs, overcrowding, faulty equipment etc are symptoms of inadequate resources as well as lapses in policy planning for health care services.

#### **4.2.6 Professional Services**

In the increasingly affluent ASEAN economies with an expanding middle class, the professional services offered by medical and legal practitioners have become important for consumers. This trend is also evident, albeit to a lesser extent in the AMS Subgroup. Many common transactions make use of the services of legal practitioners, for example in drawing up contracts of sale and purchase, in settling disputes, in transferring properties and inheritances, family and domestic issues and in dealings with insurance companies.

Similarly, consumers seek services of medical practitioners not only in times of illness, but also to ensure well being and to enhance the quality of life. Affordable and reliable medical and legal services can therefore be considered an essential area of consumer protection.

The professional activities of medical and legal practitioners are governed by their respective professional associations which play an important role in providing protection for the consumer. Nevertheless, consumers do encounter problems such as fraud, dishonest practices and breach of confidentiality or corruption in their transactions with these professionals.

### **4.3 CONCLUSION**

All the countries in the AMS Subgroup experience various forms of difficulties in implementing consumer protection programs. Their capacity building needs range from developing, implementing and monitoring policies and laws, implementing consumer protection programs, establishing redress mechanisms to developing and implementing consumer awareness and educational training programs. Their capacity building needs cut across all the six core consumer areas that were identified.

The most preferred form of assistance was training to develop their competency in dealing with consumer protection issues in the context of the six core areas.

In the context of the AMS Subgroup, a study should be undertaken on the impact of accelerating consumer protection policies, plans and legislation to meet the levels of economic integration in a single market. The lowest common denominator in quality and standards of consumer protection in a common market pose challenges.

These capacity needs and priorities are addressed in Chapter 5 of the Regional Report: Road-mapping Capacity Building Needs in Consumer Protection in ASEAN.

## 5. RECOMMENDATIONS FOR CAPACITY BUILDING ON CONSUMER PROTECTION IN THE AMS SUBGROUP.

### 5.1 PRIORITISATION OF FOCUS AREAS FOR CAPACITY BUILDING IN CONSUMER PROTECTION

Although the challenges faced by consumers in the focus areas and six core areas mentioned above are varied, the number of elements for capacity building that cut across all or most of the focus areas for consumer protection have been identified in terms of priority and sequencing based on Weigner's framework for prioritising requirements. In using this model, each of the focus areas was considered against two scales and detailed analyses of these scales were illustrated in the Region Report under Section 4.6.

### 5.2 PRIORITISATION OF FOCUS AREAS FOR CAPACITY BUILDING IN CORE CONSUMER AREAS

Although the challenges faced by consumers in the six core consumer areas are varied, a number of common elements for capacity building for consumer protection were identified during the course of the study (refer Tables A1.2-A1.7 Appendix 1).

- i. **Awareness and educational programs** for consumers was considered to be important for consumer protection in all areas of consumption. Agencies involved in consumer protection had a need to enhance their capacity to implement effective awareness and educational programs.
- ii. There was a need for capacity building for **developing, implementing and assessing effective consumer protection programs** in all the core areas.
- iii. Leadership and management development was considered an important need for agencies involved in consumer protection.
- iv. An important capacity building need was identified with regard to **Research and Development** on consumer protection in all the core areas viz, product safety, phone and internet services, consumer credit and banking, the environment, health care and professional services.
- v. Many agencies also expressed a capacity building need for developing and implementing a **management information system** on various aspects of consumer protection. The capacity to **develop, implement and evaluate policies** for consumer protection in

- different areas of consumption such as product safety, phone and internet services, consumer credit, and healthcare was identified as another priority.
- vi. The capacity to **monitor and enforce laws, codes of conduct and compliance** to standards was found to be important for enhancing consumer protection with regard to product safety, banking and consumer credit, health care and professional medical and legal services.
  - vii. Capacity building needs were also identified with regard to the **good standards development** practices for consumer credit and banking, environmental issues, health care and professional services.
  - viii. The establishment of effective **redress mechanisms** especially in the area of phone and internet services, consumer credit and banking and healthcare, was another aspect of consumer protection where capacity building needs were identified.
  - ix. More **technical assistance** was sought in the area of phone and internet services, consumer credit and banking, the environment, and professional services, so that consumer protection could be enhanced.

In addition, the following capacity building needs for consumer protection were also found to be important for the countries in the AMS Subgroup (Refer Tables A1.2-A1.7 in Appendix 1).

- Training on risk assessment for product safety
- Technical assistance on product safety and labelling
- Technical assistance on environment and consumer protection
- Training on financial literacy
- Ethical financial and banking practices
- Clean development mechanism with regard to the environment
- Ethical marketing of drugs and medicines
- Rational use of medicines and supplements
- Training on patient safety standards
- Understanding the specific health needs of women

### 5.3 FORMS OF ASSISTANCE FOR CAPACITY BUILDING

The most preferred form of assistance for capacity building was training to develop expertise in consumer protection with regard to the six core areas.

At the same time, the countries in the AMS Subgroup also registered a high preference index (more than 5) for the other forms of assistance on which they were surveyed namely:

- Training on fund raising

- Training on management/leadership
- Manuals and tool kits
- Networking assistance
- Training on management/leadership
- Twinning or partnership with agencies or institutions within the region
- Seminars/Workshops/Forum/Symposium
- Staff exchanges/Secondment
- Study and exposure visits
- Provision of Experts
- Information Technology systems (e.g. database management)
- Internships

However, assistance in the form of Web-based products (such as e-forum, e-courses) registered a relatively low preference index of 4.9 (Refer Table A1.8 in Appendix 1).

#### **5.4 SUBGROUP ROAD-MAP FOR CAPACITY BUILDING IN CONSUMER PROTECTION**

In recommending the following strategies to bridge the gaps in achieving the targeted outcomes for consumer protection (Figure 4.1 earlier), it is recognised that the choice of an appropriate strategy is imperative to effectively build capacity. The strategy choice of the following recommendations would be influenced by various factors such as:

- The particular or the national context within which the actions will apply
- Pre-existing capacities to support and enable change
- Government's role and functions in administering and achieving change
- Government's sphere of influence to effect change

Therefore, first and foremost, the AMS Subgroup governments must work towards institutionalising a dedicated CP agency with full mandate, budget and human resources to implement the recommendations put forth.

The proposed time-frame in implementing the actions recommended are based on the achievable capacity by 2015, categorised as follows:

1. Short-term: within 2 years (2012)
2. Medium-term: within 3 years (2011-2013)
3. Long-term: within 5 years or beyond (2011-2015 and beyond)

The Subgroup Roadmap recommended in this Section, is to complement the individual Country specific Capacity Building Roadmap, and the Regional Roadmap, which are provided separately under the Country Report and the Regional Report.

#### 5.4.1 Institutionalising a dedicated CP Agency/ Acting CP Agency.

##### ***Strategy 1: Enhancing the Capacities of the Acting-CP Agencies***

The implementation of the recommended strategies also assumes the imperative roles and responsibilities of the acting-CP Agencies at the National level (Table 4.2). At the regional or Subgroup Level, the roles and responsibilities are to be carried by the ASEAN Secretariat, particularly, the CCPID.

A Central (national) CP-Agency to be achieved, in this context of discussion, could be a ministry, a department, or unit, or an independent organisation, within the national institutional framework that will have a clear and mandated roles and functions in Consumer Protection and Empowerment. As discussed, Brunei Darussalam and Myanmar are yet to formally institute their central CP Agencies. For Lao PDR and Cambodia, the capacities of the current CP Agencies require further enhancement to develop greater roles and responsibilities, among others to include:

- 1) Development, coordination and supervision of all activities related to Consumer Protection.
- 2) Policy matters regarding consumer protection, product safety labelling, consumer credit, consumer education, ICT, environment, healthcare and professional services.
- 3) Management of consumer protection database.
- 4) Enabling role in promotion, development and implementation of CP programs with different sectors and stakeholders.
- 5) Promote consumer awareness and enhance consumer empowerment.
- 6) Facilitate and promote interaction and synergy amongst various stakeholders in embracing CP Framework.
- 7) Plan and support nation wide CP infrastructure and ensure adequacy and optimal implementation of CP Programs and initiatives.
- 8) Acting as the catalyst for inter-agency coordination for CP programs and activities
- 9) Provide annual assessment and report on CP activities and development

Actions:

*At National Level*

Short-term

- 1) Redefine roles and functions of the Acting-CP Agency.

Short-Medium Term

- 2) Refine National Institutional Structure to establish an officially mandated Central Consumer Protection Agency

*At Regional/ Subgroup Level*Short-term

- 3) Create a guidelines based on best practices in administrative functions and roles in CP in line with other ASEAN Frameworks and regional targets.
- 4) Facilitate staff exchange from the AMS Subgroup for Case Study visit in other AMSs with fully functioning CP Agency such Singapore and Thailand.
- 5) Assist in engaging expert to conduct assessment and planning to institute administrative change

*Recommended Models of CP-Agencies*

- a) Government-based
  - The Directorate of Consumer Empowerment<sup>10</sup> under the Ministry of Trade and Industry, Indonesia.
  - Office of the Consumer Protection Board, Thailand.
- b) Independent Organisation with Government Affiliation
  - Consumers Association of Singapore (CASE).<sup>11</sup>
  - National Consumer Protection Agency (NCPA) Indonesia.<sup>12</sup>
- c) Other Institutional Framework for CP within AMSs:
  - National Consumer Movement Council, Malaysia
  - National Consumer Advisory Council (NCAC), Malaysia.

Output: Officially mandated CP-Agency

**5.4.2 Finances****Strategy 1: Enhancing Public Private Support and Partnership and/or CSR**

Actions:

*At National Level*Short-term

<sup>10</sup> Was formerly known as the Directorate of Consumer Protection, and renamed since September 2010. The change is also made in relation to the upgraded profile of the Directorate in the Organisation Chart of the Ministry.

[http://www.depdag.go.id/bagan\\_organisasi/](http://www.depdag.go.id/bagan_organisasi/)

<sup>11</sup> Please see CASE at <http://www.case.org.sg/>

- 1) CP-Agency initiates partnership discussion and programs, through CP Advocacy, with consumer organisations and private sponsors on relevant consumer areas and concerns as discussed earlier in Section 5.1 (also as analysed and presented in the individual Country Reports).

Medium-term

- 2) Establish Endowment fund to support and to promote CP programs by matching the funds raised through private initiative- e.g. CASE Endowment Fund, Singapore.

*At Regional/ Subgroup Level*

Short-term

- 1) Facilitate access to best practices on financial sustainability and CP programs within ASEAN and international platforms on through study visit program (e.g BEUC, Singapore, Australia, South Korea, Japan, Hong Kong).
- 2) Schedule group study visit program with hosting country.
- 3) Assist in sourcing for sponsorship for Group Study Visit.

Medium-term

- 4) Create guidelines to facilitate establishment of public-private partnership funding program for CP at ASEAN level.

Long-term

- 5) Establish Public-Private CP Partnership Program Endowment Fund.

*Recommended Public-Private CP Partnership Program*

- CASE Endowment Fund, Singapore.

**Strategy 2: Introducing CP in the National Budgetary and Economic Planning**

Actions:

*At the National Level*

Short-term

- 1) Provide and assist in Needs Assessments or costing exercises to be carried out with a Central Economic Planning Unit and CP expert.

Medium-Long term

- 2) Establish an officially mandated CP-Agency with annually allocated budget to carry out CP programs and initiatives.

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<sup>12</sup> Please see NCPA at <http://pkditjenpdn.depdag.go.id/index.php?page=bpkn>

*At the Regional/ Subgroup Level*Short-term

- 1) Conduct case or feasibility study on European Union approach.<sup>13</sup>

Medium-term

- 2) Conduct Workshop on “Consumer Protection Programs Budgetary Planning and Development” and costing exercises.
- 3) Develop proposal for 5-year Regional Consumer Protection Development Plan.

Long-term

- 4) Sustainability study and assessment on the implementation of the 5-year Plan.

**Strategy 3: Enhancing Mutual Benefits through International Cooperation and Initiatives**

## Actions:

*At the Regional Level*Short-term

- 1) Identify and map appropriate ASEAN Facilities and activities for Achieving CP.
- 2) Identify and map International donors and inter- & intra-ASEAN Facilities for CP programs affiliations.

Medium-Long term

- 3) Conduct forum and regional discussions with AMSs on mode of cooperation and programs.
- 4) Facilitate AMSs to replicate forum and discussion with their national stakeholders.
- 5) Facilitate the establishment of long-term donor funding mechanisms for CP in the AMS.

**Recommended facilities and sources:**

- ASEAN Trade partners through free trade agreements or economic partnership.
- Revive and continue CP projects through partnership with Australian Government and US-FTC
- ASEAN+3 initiatives and sustainable consumption (Japan and South Korea).
- Switch-Asia Initiatives on Sustainable Consumption and Production.
- OECD facilities.<sup>14</sup>

<sup>13</sup> EU 2010 Budget provided Euro 668 million under “ Well-being, Consumer Protection and Culture” , with specific allocation of Euro 73 million for health and consumer protection programs.

<sup>14</sup> See OECD (2008) on “Promoting Sustainable Consumption: Best Practices in OECD Countries”.

- FAO Agriculture and Consumer Protection Department.<sup>15</sup>

### 5.4.3 Human Resources Development

**Strategy: Enhancing Knowledge and Capacity Building through HR Training and Exchange Programs**

Actions:

*At National level*

Short-term

- 1) Conduct training needs assessments and knowledge gaps related to consumer protection within the Acting CP-Agency, through an expert facilitation.
- 2) Conduct training needs assessments and knowledge gaps on CP on sectoral-based stakeholders, through an expert facilitation
- 3) Map and identify areas of training needs, and develop a yearly Training Schedule and Facilities, inter- and intra-ASEAN, through an expert facilitation.
- 4) Facilitate coordination with the National Public Administration Training Institute to introduce and incorporate Consumer Protection Module<sup>16</sup>

Medium-term

- 5) Conduct and implement Training and Exchange Schedule

*At Regional/ Subgroup level*

Short-term

- 1) Map individual CP experts and organisations regionally and internationally.
- 2) Build a Regional CP Advisory Database to facilitate AMSs access to experts.
- 3) Facilitate knowledge sharing among AMSs by developing a consolidated Regional Training schedule offered by stakeholders in AMSs on yearly basis.
- 4) Conduct training, seminar or workshop on emerging consumer issues and technical knowledge (areas as discussed in Chapter 4).
- 5) Facilitate staff exchange and Leadership enhancement programs among stakeholders in AMSs.

Medium term

- 6) Facilitate networking with research/ academic institutions, and introducing CP curriculum and degree programs in the region
- 7) Regional CP Webpage with Statistical database need to be introduced within ASEC webpage.<sup>17 18</sup>

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<sup>15</sup> FAO Agriculture & Consumer Protection Department [http://www.fao.org/ag/portal/index\\_en/en/](http://www.fao.org/ag/portal/index_en/en/)

<sup>16</sup> See EU-Japan Centre for Industrial Cooperation (2009)

Long-term

- 8) Study the feasibility for developing a Regional Consumer Protection Training Centre.<sup>19</sup>

**5.4.4 Awareness and Consumer Empowerment****Strategy: Enhancing awareness through consumer education programs**

## Actions:

*At National Level*Short-term

- 1) Access details and study the feasibility and appropriateness of consumer education programs among carried out by stakeholders in AMSs.<sup>20</sup>
- 2) Facilitate development of consumer education materials, bulletin, informational website.
- 3) Enhance capacity to provide Advisory services on consumer issues and complaint handling.
- 4) Facilitate development empowerment of civil society organisations at community levels.
- 5) Plan and conduct annual nation-wide thematic activities in conjunction with World Consumer Day.

Medium-term

- 6) Develop interactive websites.
- 7) Facilitate the capacity for private sector to adopt consumer protection agenda.
- 8) Applying to be members of Consumers international- to be able to access information and share experiences of CP at regional and global level.

Long-term

- 9) Continuous assessment and monitoring of consumer protection programs and activities.
- 10) Development of consolidated database on consumer protection programs and initiatives.

<sup>17</sup> Current regional webpage of SEACC through its Secretariat in Jakarta has not shown a new development or active maintenance. ASEAN Consumer Protection Network.

<http://pkditjenpdn.depdag.go.id/acpc/index.php?page=isimenu&MenuID=6>

<sup>18</sup> An example of best practice, US FDA for interactive website <http://www.fda.gov/>, also ASEAN Food Security Information System (AFSIS) <http://afsis.oae.go.th/>

<sup>19</sup> For example, a Case study on the Institute of Consumer Protection, Mauritius

<sup>20</sup> Various recommendations are made in the Country Reports

*At Regional/ Subgroup Level*

Short-term

- 1) Facilitate development of consumer education and awareness programs, providing access to best practices information and cooperation with various stakeholders within AMSs.
- 2) Facilitate access to funding bodies to sponsor consumer education and awareness activities.

Medium-term

- 3) Map and consolidate database on consumer education materials, programs, initiatives from AMSs.
- 4) Develop a regional activity calendar from CP-Agencies for potential sharing of material development that can be used at the national level.
- 5) Develop Interactive consumer information Website<sup>21</sup> with links to AMSs and international CP agencies.
- 6) Conduct Workshop on Assessment of Consumer Programs Implementation.

Long-term

- 7) Annual Assessment and Report of Regional consumer protection programs.

## **5.5 CONCLUSION**

Based on documented case studies and experience in dealing with previous consumer protection initiatives, Governments and stakeholders in the AMS Subgroup have identified some challenges that could be specifically addressed through this capacity building roadmap. These include:

- Lack of access to information on consumer protection areas and human resource requirements to support CP development.
- Absence of independent consumer organisations.
- Lack of personnel with appropriate background, qualifications and adequate skill sets.
- Lack of appropriate institutional framework to handle consumer protection.
- Lack of clearly articulated policy to fill the gaps of inadequate laws.
- In-adequate expertise and skills within the State training institutions to lead training programs at the policy maker level.
- Lack of thrust on institutional capacity building in the domain of Consumer Protection.
- Lack of continuity of key functionaries due to transfers, retirement etc.

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<sup>21</sup> Example of the FDA Multi-media Consumer Information  
<http://www.fda.gov/ForConsumers/Multi-MediaConsumerInformation/default.htm>

**Table 5.1:** The AMS Subgroup Implementation Plan for Capacity Building in Consumer Protection.

STRATEGIC THRUST AREAS		PRIORITY ACTIONS		
		SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
1.	<b>HIGH PRIORITY ASEAN REGIONAL CONSUMER PROTECTION POLICY (CPP)</b>	<ul style="list-style-type: none"> <li>Participate in the development of an ASEAN Consumer Policy Framework and Guidelines.</li> <li>Produce National Handbooks on status of consumer policy, master plan, legislation, institutions, redress systems and programs based on study done for the Roadmap in 2010.</li> <li>Participate in a briefing for ASEAN officials, including ACCP, on an ASEAN-wide consumer policy for a single market.</li> <li>Participate in Regional Consultation to identify and prioritise major consumer policy areas for the ASEAN region.</li> </ul> <p>Output:</p> <ul style="list-style-type: none"> <li>National handbook</li> </ul>	<ul style="list-style-type: none"> <li>Participate in developing Draft ASEAN Consumer Protection Policy based on the Guidelines.</li> <li>BCLM to participate in ASEC capacity building for government officials for implementation of an ASEAN consumer policy.</li> <li>Study visits to learn from experiences of EU in consumer policy implementation in an internal market operating in line with competition rules.</li> <li>Participate in in-depth study on impact of accelerating a National Consumer Policy on national regulatory regimes and trade.</li> </ul>	<ul style="list-style-type: none"> <li>BCLM. to study findings and recommendations of impact of accelerating consumer protection regulatory regime.</li> </ul> <p><b>Output: BCLM to publish national study on policy acceleration impact.</b></p>

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
2.	<b>HIGH PRIORITY NATIONAL CONSUMER PROTECTION POLICY (NCCP)</b>	<ul style="list-style-type: none"> <li>• Initiate development of NCCP within framework of ASEAN Regional Consumer Policy to lay foundation of a comprehensive consumer protection regime. <i>(Utilize National Handbook on status of consumer policy, master plan, legislation, institutions, redress systems and programs and outcome of Regional Consultation.)</i></li> <li>• Identify competencies required for drafting of NCCP.</li> <li>• Establish National Consumer Protection Agency in Brunei Darussalam and Myanmar. Study appropriate models.</li> <li>• Obtain stakeholder consensus for the Draft National Consumer Policy.</li> </ul> <p><b>Output:</b></p> <ul style="list-style-type: none"> <li>• Officially mandated CP Agency</li> </ul>	<ul style="list-style-type: none"> <li>• Develop training materials in local languages for public awareness on NCCP.</li> <li>• Enhance capacity of relevant NGOs to advocate policy dimensions.</li> <li>• Implementation of NCCP e.g. develop human resource for Consumer Policy implementation.</li> </ul> <p><b>Output: Consumer policy in BCLM by 2013.</b></p> <ul style="list-style-type: none"> <li>• Include consumer policy in the training of officials in National Administrative Training Agencies dealing with consumer issues.</li> </ul>	<ul style="list-style-type: none"> <li>• Review NCCP policy components.</li> <li>• Identify emerging consumer issues that need to be addressed.</li> <li>• Hold consultations with relevant stakeholders with view to updating consumer legislation and identify policy gaps.</li> </ul>

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
3.	<b>HIGH PRIORITY CONSUMER MASTER PLAN</b>	<ul style="list-style-type: none"> <li>• Establish high level inter-agency committee to commission and oversee development of the Consumer Master Plan at national level as well as address inter-sectoral concerns.</li> <li>• Hold consultation with regulators involved with consumer protection to develop best practice models for legislative reforms and programme formulation.</li> <li>• Identify expertise for drafting Master Plan.</li> <li>• Participate in ASEC consultations on harmonization of consumer protection legislation, regulation and standards.</li> <li>• Identify infrastructure e.g. institutions, human resource needs for harmonization..</li> </ul>	<ul style="list-style-type: none"> <li>• Finalize the Consumer Master Plan with a suite of recommendations for 10 years.</li> <li>• Review of Consumer Master Plan by an expert committee</li> <li>• Draw up human resource and budgetary requirements to implement Consumer Master Plan.</li> </ul> <p><b>Output: Adoption of the Consumer Master Plan by BCLM by 2013.</b></p>	<ul style="list-style-type: none"> <li>• Implement action plans, programs and legislative reforms as recommended in Consumer Master Plan.</li> <li>• Review and monitor implementation of National Master Plan to assess if levels of protection equivalent to that of developed countries have been achieved by 2015.</li> </ul> <p><b>Output: BCLM assessment reports on national master plan implementation published.</b></p>

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
4.	<b>HIGH PRIORITY PRINCIPAL CONSUMER PROTECTION LAW</b>	<ul style="list-style-type: none"> <li>BCLM to review laws to address existing gaps such as redress mechanisms, establishment of independent consumer organisations, consumer welfare funds.</li> <li>BCLM to work towards a Principal Consumer Law with a view to harmonization of regional consumer laws in line with a single regulatory regime for ASEAN, e.g. the implementation of a Single Regulatory Scheme for Cosmetics.</li> </ul>	<ul style="list-style-type: none"> <li>Circulate draft consumer protection law to stakeholders.</li> <li>Hold consultation of consumer protection regulatory authorities with ASEC assistance. Refer to: <ul style="list-style-type: none"> <li>Australia Consumer Law (2011).</li> <li>Consumer Protection Act UK (1987).</li> <li>Trade Practices Act 1974 (Australia)</li> <li>CPA Acts in AMSs.</li> </ul> </li> <li>Enhance enforcement capacity through training of regulatory authorities involved in consumer protection, with ASEC assistance.</li> </ul>	<p><b>Output:</b> By 2015, all AMSs to implement a principal consumer protection act that reflects the harmonization agreements in a single market.</p> <ul style="list-style-type: none"> <li>Develop a communications strategy to popularize the Principal Consumer Protect Law.</li> <li>Monitor implementation of principal consumer protection law.</li> <li>Identify gaps and make amendments to Principal Consumer Protection Law.</li> </ul>
5.	<b>HIGH PRIORITY CONSUMER RELATED LAWS AND STATUES</b>	<ul style="list-style-type: none"> <li>BCLM to appoint expert committees to review all existing consumer related laws and statutes with a view to identifying gaps and consolidating and modernizing laws to meet requirements of changing markets, including harmonization.</li> <li>BCLM to undertake impact audits on legislative reforms, including abuses of legal provisions.</li> </ul>	<ul style="list-style-type: none"> <li>BCLM to review Redress Mechanisms to enhance their responsiveness to the ASEAN single market environment. (Consumers must have the same rights in all AMSs.)</li> </ul> <p><b>Output:</b> BCLM to publish a directory of redress avenues on consumer protection agency websites.</p>	<ul style="list-style-type: none"> <li>BCLM to participate in reviewing the effectiveness and implementation of the “ASEAN Directives.”</li> </ul> <p><b>Output:</b> Training programs implemented on consumer protection legislation in BCLM. <b>Output:</b> BCLM to harmonize national laws on cross-border shopping in single market. <b>Output:</b> Comprehensive Consumer Protection Regulatory Regime in place in all AMSs by 2015. <b>Output:</b> Create a network for industry Ombudsmen</p>

organisations.

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
6.	<b>LOW PRIORITY CODES OF CONDUCT</b>	<ul style="list-style-type: none"> <li>BCLM to map and review industry codes that are in place currently.</li> <li>BCLM to establish self-regulatory mechanisms in key consumer industries such as financial services and telecommunications.</li> <li>Initiate training at national level on Code Monitoring for government officials.</li> </ul>	<p><b>Output: Establish a central code monitoring body in each AMS by 2013.</b></p> <ul style="list-style-type: none"> <li>Consumer protection agencies in BCLM to encourage companies to provide training for employees on company/industry codes of conduct including ISO 26000/Social responsibility.</li> <li>Establish mechanisms for the monitoring of industry codes of conduct e.g. a National centre on code violations and actions taken.</li> </ul>	<p><b>Output: Central code monitoring body in each AMS to publish annual reports on code monitoring activities.</b></p>
7	<b>HIGH PRIORITY ENFORCEMENT</b>	<ul style="list-style-type: none"> <li>BCLM to participate in ASEC briefing on common problems of enforcement for consumer protection agencies and to prepare groundwork for single ASEAN market in all AMSs.</li> <li>BCLM consumer protection officials to participate in ASEC exposure visits to enforcement agencies in more developed AMSs.</li> <li>Participate in task force of ASEAN enforcement officials to develop an enforcement policy for consumer protection that includes a best practice model</li> <li>BCLM to engage in regional consultation to identify gaps in enforcement in context of single ASEAN market.</li> <li>BCLM to study an inter-agency coordination models involved in CP to optimise enforcement mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>Set up functional consumer protection units in all national enforcement agencies, review functions and resources, formulate action plans and identify implementation milestones.</li> <li>Publish advisory materials on enforcement for businesses and consumer organisations.</li> <li>Establish ethical business councils that are producing consumer goods and services.</li> <li>Develop a training programme in enforcement of consumer protection with assistance from ASEC, EU, Australia</li> <li>Develop a strategy on publicity for enforcement actions</li> <li>Update legal provisions for enforcement to ensure that they are appropriate for the 21<sup>st</sup> Century (plug loopholes)</li> <li>Compile Best Practices in Consumer Protection Enforcement through a review of AMSs Regulations.</li> <li>Develop enforcement performance measures</li> </ul>	<ul style="list-style-type: none"> <li>Update legal provisions for enforcement to ensure that they are appropriate for the 21<sup>st</sup> century (plug loopholes).</li> </ul> <p><b>Output: Develop a database of enforcement cases to identify legislative and policy gaps, monitor trends in non-compliance of laws and identify weaknesses in enforcement and redress issues in BCLM by 2015.</b></p> <p><b>Output: Best Practice Enforcement Model developed in all AMSs by 2015.</b></p> <p><b>Output: Create a national network of enforcement partners, including local authorities in all AMSs.</b></p>

Table 5.1 Continued....

STRATEGIC THRUST AREAS	ACTION PLANS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
8. <b>HIGH PRIORITY REDRESS MECHANISMS</b>	<ul style="list-style-type: none"> <li>• Undertake a study of redress mechanisms available in BCLM on the basis of performance, effectiveness, operating processes and procedures to evaluate for access, fairness, accountability and independence of redress schemes.</li> <li>• Training for BCLM on redress mechanisms, to be organised by ASEC, particularly on alternative dispute resolution processes such as conciliation, mediation and arbitration.</li> <li>• Create a model framework for complaints handling to ensure that consumer redress reaches all levels of society.</li> </ul>	<p><b>Output:</b> Utilize findings of the study (see left column) to establish multiple redress mechanisms e.g. Tribunals, Alternative Dispute Resolution (ADR) by 2013 that will provide access to cheap, effective redress. The Consumer Protection Law should include provisions for ADR.</p> <p><b>Output:</b> Establish National Complaints Centre by consumer NGOs where feasible by 2013.</p> <ul style="list-style-type: none"> <li>• BCLM to study redress procedures in other AMSs to replicate best practices.</li> <li>• Harmonise methodology of classifying and reporting consumer complaints</li> <li>• Establish a central database for complaints handling to enable regulators and policy makers to assess gaps in the process of complaints handling and redress, trends in complaints as well as best practices in complaints handling and redress across CP areas.</li> <li>• Develop strategy for using media as partners to generate awareness of complaints by 2013.</li> <li>• Establish Ombudsmen &amp; Public Complaints Bureaus at government levels in AMSs.</li> <li>• Establish a call centre for complaints. Promote adoption of ISO standards.</li> </ul>	<p><b>Regional Output:</b> Institute mechanisms for cross- border redress for aggrieved consumers by 2015.</p> <p><b>Output:</b> Establish a Consumer Legal Action Fund in all AMSs.</p> <ul style="list-style-type: none"> <li>• Establish a good data management system with robust back-end processes for redress in all AMSs. BCLM to be provided training by ASEC in data management.</li> <li>• Introduce an Intelligence System for a high profile single complaints centre register for consumers to register cases of breach of consumer laws.</li> <li>• AMS governments to act collectively against consumer scams and enhance CP for victims of mass consumer fraud.</li> </ul>

Table 5.1 Continued....

STRATEGIC THRUST AREAS	ACTION PLANS		
	SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
9. <b>HIGH PRIORITY CORE CONSUMER AREAS</b>	<ul style="list-style-type: none"> <li>• <b>Product Safety of Goods and Services:</b> <ul style="list-style-type: none"> <li>• Develop comprehensive product and services safety policy in BCLM. The aim of the policy should be to produce a common product safety regime throughout ASEAN as consumers travel for tourism, work and business.</li> <li>• Establish a National Commission on Consumer Safety related to goods and services in all AMSs by 2011.</li> <li>• Commission to review all national laws and regulations on safety and goods and services, including aspects of healthcare products and children's toys by 2012.</li> <li>• Establish comprehensive quality infrastructure to ensure safety of goods and services including standardization (e.g. (ISO 9000/14000/22000/27001/)) Conformity assessment, standard development and information, testing, inspection and product certification.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Product Safety of Goods and Services:</b> <ul style="list-style-type: none"> <li>• Adopt suitable national/international standards on product safety covering products used by children.</li> <li>• Develop the capacity of BCLM to undertake marketplace monitoring of goods and services through exchange programs with developed economies, eg. EU and US.</li> <li>• BCLM to develop laws on product recalls.</li> <li>• Establish National Data Centres on Consumer Injuries including cost of injuries. Share regionally injury information caused by products.</li> <li>• Establish product testing facilities in BCLM.</li> <li>• Establish procedures for the notification to authorities by consumers of allegedly hazardous goods and services, of enabling bans, declaring mandatory standards and imposing a general duty of safety. Enact a product liability act to provide for strict liability.</li> <li>• Collate best practices from ASEAN Member States.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Product Safety of Goods and Services:</b> <ul style="list-style-type: none"> <li>• Harmonise product safety standards of goods and services by 2015 in BCLM.</li> <li>• Establish regional product safety testing facilities through resource sharing.</li> </ul> </li> <li>• Promote independent comparative consumer product testing.</li> </ul>

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
		<p><b>Consumer Credit and Banking</b></p> <ul style="list-style-type: none"> <li>• Appoint task forces with their central banks to develop or review consumer credit regulations (e.g. banning unsolicited credit card cheques, providing adequate information on products, reviewing high cost credit markets)</li> <li>• Carry out a focus group study on the needs of consumers in financial products and services.</li> <li>• Review and reform laws on pawn broking</li> <li>• Work with NGOs and financial institutions to reduce risks of over-indebtedness.</li> </ul>	<p><b>Consumer Credit and Banking</b></p> <ul style="list-style-type: none"> <li>• Collate best practices on access to consumer credit</li> <li>• Develop programs for reforms in the credit market for better consumer protection.</li> <li>• Develop rules on new digital products to ensure that the core principles of consumer protection apply</li> </ul>	<p><b>Consumer Credit and Banking</b></p> <ul style="list-style-type: none"> <li>• Produce financial literacy tool kits, such as guides on managing finance wisely, managing debt, etc.</li> <li>• Establish independent platforms to resolve disputes between consumers and financial service providers. Enact a National Consumer Credit Protection Act</li> <li>• Enact a Equal Credit Opportunity Act based on financial inclusion principles (Refer G20 Financial Inclusion Expert Group)</li> </ul>
		<p><b>Phone &amp; Internet Services and E-Commerce</b></p> <ul style="list-style-type: none"> <li>• Establish task force to review the laws, regulations and codes governing the ICT sector to improve the regulators' and service providers' responsiveness to consumer concerns.</li> </ul> <p>Develop or enhance the National Telecommunications Policies</p>	<p><b>Phone &amp; Internet Services and E-Commerce</b></p> <ul style="list-style-type: none"> <li>• Adopt Best Practice Model for consumer protection in the ICT sector by 2013.</li> <li>• Provide quick, low-cost dispute resolution procedures that are favoured by both consumers and business.</li> </ul> <p><b>Output: Publish consumer education tools and programs to generate awareness among different categories of consumers especially the youth.</b></p> <ul style="list-style-type: none"> <li>• Produce consumer education materials in local languages on ICT on such issues as information disclosure, faulty goods and avenues for complaints and redress.</li> <li>• Institute codes of ethics for various sectors of E-Commerce (e.g. for billing practices and misleading advertising &amp; others)</li> </ul>	<p><b>Phone &amp; Internet Services and E-Commerce</b></p> <p><b>Output: Develop a training model for consumer protection covering cross-border ICT issues at the regional level.</b></p> <ul style="list-style-type: none"> <li>• Establish in BCLM a Consumer Forum and Content Forum for the communications and multimedia industry to improve consumer services.</li> <li>• Adopt a harmonised legal infrastructure for E-Commerce fully in place in ASEAN, as adopted in the Roadmap for an ASEAN Community 2009-2015.</li> </ul>

Table 5.1 Continued....

STRATEGIC THRUST AREAS	ACTION PLANS		
	SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
<p><i>Continued..</i></p> <p><b>CORE CONSUMER AREAS</b></p>	<p><b>Healthcare Services</b></p> <ul style="list-style-type: none"> <li>• Develop Appropriate Health Policy based on national needs and national development plans.</li> <li>• Develop consumer education tools and programs to generate awareness on consumer rights in healthcare.</li> <li>• Increase budgetary allocations for consumer protection programs.</li> <li>• Conduct frequent regional campaigns on the risks of tobacco addiction.</li> </ul>	<p><b>Healthcare Services</b></p> <ul style="list-style-type: none"> <li>• Establish redress mechanisms for complaints related to healthcare services for consumers.</li> <li>- Produce information materials on national health insurance schemes.</li> <li>- Implement a national central data collection system for information on adverse drug reactions.</li> <li>- Establish a national task force to monitor and enforce strictly laws and codes of conduct related to advertisements for drugs, including traditional medicines.</li> <li>- Introduce legislation to control the sale of health products through direct selling</li> </ul>	<p><b>Healthcare Services</b></p> <ul style="list-style-type: none"> <li>- Develop consumer health education modules on the rational use of medicines, adverse drug reactions and lifestyle illnesses.</li> <li>- Introduce Patients' Charters in all AMSs as a tool to promote medical ethics and consumers' health rights and responsibilities.</li> </ul>
	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>- BCLM to develop consumer education tools and programs to generate awareness among on environmental issues on waste reduction and energy efficiency.</li> </ul>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>- BCLM to develop mechanisms for environmentally preferable products and environmental labelling.</li> <li>- Integrate environmental protection into all policies related to consumer protection (legislative, administrative and economic activities).</li> <li>- Study the implications of consumption taxes in the areas of pollution, inefficient use of energy and loss of biodiversity.</li> </ul>	<p><b>Environment</b></p> <p><b>Output: BCLM to develop national policies on sustainable consumption based on the Regional Policy on Sustainable Consumption and Production.</b></p>

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
	<i>Continued..</i> <b>CORE CONSUMER AREAS</b>	<b>Professional Services</b> <ul style="list-style-type: none"> <li>Establish a Task Force to study the inclusion of consumer protection measures for telemedicine in codes of conduct governing the medical and legal professions. The Task Force should also examine redress mechanisms for consumer cases related to tele-medicine.</li> <li>Include Consumer Representation in the Ethics Committees of Medical/Legal Professions.</li> </ul>	<b>Professional Services</b> <ul style="list-style-type: none"> <li>Collate best practices in redress mechanisms.</li> <li>Develop and implement a Notification Policy for Medical and Legal Negligence/Fraud to encourage transparency and accountability.</li> <li>Amend Consumer Protection Laws to include protection for medical and legal negligence, fraud.</li> <li>Establish a Medical Negligence Fund e.g. Medical Malpractice Victim Fund – Thailand.</li> </ul>	<b>Professional Services</b> <ul style="list-style-type: none"> <li>Work with national medical councils and legal disciplinary bodies to enhance compliance with codes of conduct and ethical practices related to the legal and medical professionals.</li> <li>Provide legal assistance for poor consumers to attain redress.</li> </ul>
10.	<b>MEDIUM PRIORITY CONSUMER EDUCATION</b>	<ul style="list-style-type: none"> <li>Establish a Steering Committee on consumer education in order to guide the development of consumer education through formal and non-formal approaches.</li> <li>Undertake a consumer skills deficit study</li> <li>Design a consumer education curriculum that includes communication skills; decision-making skills; problem solving skills; creativity and change management; money management; ethical consumerism and sustainable consumption.</li> </ul>	<ul style="list-style-type: none"> <li>Develop formal and non-formal consumer education programs to meet the needs of rural consumers, low income consumers, workers and migrant workers who all drive the economic engine of ASEAN.</li> <li>BCLM to develop National Policies on Consumer Education.</li> <li>Introduce degree courses in Consumer Protection/Education</li> <li>Include consumer education materials in teacher training programs</li> <li>Train journalists to fulfill their roles as communicators of consumer education.</li> <li>Develop a marketing strategy for better distribution of consumer education materials.</li> </ul>	<ul style="list-style-type: none"> <li>Implement Consumer Education as a subject in the school curriculum.</li> <li>Source ASEAN Scholarships for consumer education.</li> <li>Develop delivery systems and appraisal procedures for consumer education.</li> </ul>

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM 2011-2012	MEDIUM TERM 2011-2013	LONG TERM 2011-2015 and beyond
11.	<b>HIGH PRIORITY HUMAN RESOURCE DEVELOPMENT</b>	<ul style="list-style-type: none"> <li>Review government policies on recruitment of staff for newly established consumer protection agencies in Brunei Darussalam and Myanmar.</li> <li>Participate in consultations, exchange programs, seminars and workshops on consumer issues involving relevant institutions and stakeholders for BCLM.</li> <li>Establish inter-agency committee to identify the core competencies that are required for consumer protection personnel in BCLM. Source expert assistance.</li> </ul>	<ul style="list-style-type: none"> <li>Collaborate with training institutions to develop training programs for consumer protection personnel.</li> <li>Review &amp; restructure career paths for CP personnel to make consumer protection a preferred career option.</li> <li>Develop and implement policies to reduce turnover of personnel in consumer related government agencies.</li> <li>Review performance of personnel involved in consumer protection to identify training and development needs.</li> </ul>	<ul style="list-style-type: none"> <li>Identify and plan to meet newly emerging training and development needs.</li> <li>Mandate national consumer protection agencies to produce consumer policy briefs on emerging issues for policy makers and legislators.</li> </ul>
12.	<b>HIGH PRIORITY ESTABLISHING INSTITUTIONAL STRUCTURES</b>	<ul style="list-style-type: none"> <li>Establish National Consumer Protection Agency with stakeholder representation (women, children, senior citizens, industry, labour).</li> <li>Support with adequate resources NGOs working on consumer protection.</li> </ul>	<ul style="list-style-type: none"> <li>Establish Consumer Protection Agencies/Councils at local levels e.g. local authorities, local councils.</li> <li>Establish Inter Agency Coordination Committee for Consumer Protection as consumer issues cut across many jurisdictions.</li> <li>Establish industry Ombudsmen Organisations to complement government enforcement and compliance regime.</li> </ul>	<ul style="list-style-type: none"> <li>Establish Consumer Information Centres modeled after the Japan Consumer Information Centre. Source assistance from Japan International Cooperation Agency.</li> </ul>
13.	<b>HIGH PRIORITY ASEAN Committee on Consumer Protection (ACCP)</b>	<ul style="list-style-type: none"> <li>ACCP members to participate in development of a Strategic Plan for ACCP from 2011 – 2015 to empower ACCP to achieve the goals, undertake its functions effectively. The Strategic Plan will include a SWOT Analysis of ACCP, its functions in achieving highest levels of consumer protection in ASEAN, resource mobilization, networking capacity, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Implement the Strategic Plan by June 2011.</li> </ul>	<ul style="list-style-type: none"> <li>Review and assess the achievements of ACCP.</li> </ul>

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM	MEDIUM TERM	LONG TERM
14.	<b>MEDIUM PRIORITY CONSUMER NGO DEVELOPMENT</b>	<ul style="list-style-type: none"> <li>Mandate through legislation the recognition and development of consumer NGOs.</li> </ul>	<ul style="list-style-type: none"> <li>Develop institutional capacity of consumer-related NGOs through capacity building programs.</li> </ul>	<ul style="list-style-type: none"> <li>Enable consumer NGOs through legislative basis to represent consumers in class action e.g. Indian Model</li> <li>Develop standard/formal procedures for consumer NGOs to participate formally in national and international organisations (WTO, UN, ASEAN) to advocate the consumer interest.</li> </ul>
15.	<b>MEDIUM PRIORITY WOMEN AND CONSUMER PROTECTION</b>	<ul style="list-style-type: none"> <li>Identify women's NGOs working on consumer protection issues in BCLM for capacity building programs.</li> </ul>	<ul style="list-style-type: none"> <li>Implement gender based training programs on core consumer areas.</li> <li>Establish easily accessible redress centres for complaints from women in rural areas.</li> </ul>	<ul style="list-style-type: none"> <li>Translate the ASEAN Policy for women into national policies in BCLM.</li> <li>Develop consumer education tools on sustainable consumption at the home level as women make decisions on daily household purchases.</li> </ul>
16.	<b>MEDIUM PRIORITY PROTECTION OF CHILDREN AS CONSUMERS</b>	<ul style="list-style-type: none"> <li>Involve organisations working with children to be included in Consumer Protection programs for children.</li> </ul>	<ul style="list-style-type: none"> <li>Develop National Policy Framework on Children as Consumers.</li> <li>Implement ASEAN Guidelines and Codes of Conduct on Advertising and Children.</li> </ul>	<ul style="list-style-type: none"> <li>Implement action plans based on National Policy Framework on Children as Consumers.</li> <li>Prohibit the promotion of consumer goods such as junk food, medicines and cosmetics in schools in AMSs.</li> </ul>

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM	MEDIUM TERM	LONG TERM
17.	<b>MEDIUM PRIORITY ADVOCACY</b>	<ul style="list-style-type: none"> <li>Appoint a Consumer Advocate to bring a national profile for an overall improvement in consumer protection, if feasible.</li> </ul>	<ul style="list-style-type: none"> <li>Hold consultations with all stakeholders who have an interest in improving legislation for consumer protection, obtaining compensation for consumers (victims of fraud, etc), improving effectiveness of consumer education and information. The Consumer Advocate will provide strategic interventions for all areas related to consumer protection.</li> </ul>	<ul style="list-style-type: none"> <li>The Consumer Advocate will champion the cause of disadvantaged consumers, monitor consumer complaints, take collective actions and apportion funding for consumer activities.</li> </ul>
16.	<b>MEDIUM PRIORITY RESEARCH AND DEVELOPMENT</b>	<ul style="list-style-type: none"> <li>Provide incentives for existing institutions in BCLM to undertake research and policy development including educational programs to strengthen consumer protection. (Medium Term/Long Term)</li> </ul>	<ul style="list-style-type: none"> <li>Share research outputs through various channels-publications, media, websites etc.</li> </ul>	

Table 5.1 Continued....

STRATEGIC THRUST AREAS		ACTION PLANS		
		SHORT TERM	MEDIUM TERM	LONG TERM
17.	<b>HIGH PRIORITY ASEAN FACILITY FOR CONSUMER PROTECTION</b>	<p>BCLM to participate in the establishment of the ASEAN Facility for Consumer Protection. (see below)</p> <p><b>Regional</b></p> <ul style="list-style-type: none"> <li>• Establish an ASEAN Facility for Consumer Protection.</li> <li>• Create a database on all CP agencies.</li> <li>• The core functions of facility would be: <ul style="list-style-type: none"> <li>- Creating a database;</li> <li>- All ASEAN organisations involved in consumer protection;</li> <li>- Expert within and outside ASEAN available to advise;</li> <li>- All product standards adopted by each AMSs;</li> <li>- Product bans recall;</li> <li>- National legislation and regulations;</li> <li>- Industry codes;</li> <li>- Key legal cases – both successes and failures;</li> <li>- Training courses and other professional continuing education opportunities available</li> <li>- Bibliography of relevant literature and other research material;</li> <li>- Collection of consumer education and awareness material;</li> <li>- Data on consumer injuries;</li> <li>- Best practice standard form contracts; and</li> <li>- Provide internet discussion and advice networking facility.</li> </ul> </li> </ul>		

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**A: APPENDIX 1**

Table A1.1: Capacity Building Needs in Consumer Protection within the AMS Subgroup.

Factors	Need Index (Scale: 1 - 7)				
	Consolidated Subgroup				
	Brunei Darussalam	Cambodia	Lao PDR	Myanmar <sup>a</sup>	Total
Developing appropriate policies and law in relevant areas of work for consumer protection	6.43	6.13	6.33	-	6.30
Establishing institutional mechanisms for implementing consumer protection policy:					
Hiring competent personnel for implementing consumer protection policy:	6.29	5.00	6.40	-	5.90
Enforcing laws and codes of conducts that protect consumers	6.13	3.86	6.00	-	5.33
Monitoring compliance to laws and codes of conduct	6.71	3.57	5.80	-	5.36
Establishing and/or managing redress mechanisms	6.57	3.88	6.20	-	5.55
Implementation and evaluation of consumer protection programs (e.g. price monitoring and market surveillance)	6.14	6.13	6.17	-	6.15
Awareness and educational programs	6.25	6.25	6.00	-	6.17
Research on existing consumer protection laws to cover emerging issues	6.50	2.71	6.40	-	5.20
Developing consumer organisations (government linked agencies, NGOs, independent)	5.86	3.29	6.20	-	5.12
Good standard development practices related to quality and safety standards	6.33	6.00	6.50	-	6.28
Developing strategic plans for consumer protection	6.50	6.43	6.60	-	6.51
Training staff on consumer issues (e.g. identification of fraud, counterfeit products, fair trade laws, price fixing, E-commerce etc.)	6.86	5.88	6.40	-	6.38
Technical assistance on consumer protection	6.13	6.29	6.50	-	6.31
Developing management and leadership skills	6.71	5.00	6.33	-	6.01
Establishing legal and institutional mechanisms for consumer representation	6.50	4.00	5.67	-	5.39
Information technology management	6.57	4.14	5.83	-	5.51
Consumer issues impacting on women	5.67	3.13	6.17	-	4.99

*a: Due to the limited number and incomplete GS, statistical analysis could not be performed for Myanmar.*

**A: APPENDIX 1**

Table A1.2 Capacity Building Needs in Product Safety and Labelling

Capacity building needs	Index level				
	Consolidated Subgroup				
	Brunei	Cambodia	Lao PDR	Myanmar <sup>a</sup>	Total
Development, implementation and evaluation of consumer protection policies on product safety and labelling	6.00	6.00	5.00	-	5.67
Monitoring and enforcement of laws/codes of conduct and mandatory standards on product safety and labelling	6.33	2.60	6.00	-	4.98
Good standards development practices	5.00	6.20	6.00	-	5.73
Research & Development (R&D) on product safety and labelling	6.50	4.40	6.00	-	5.63
Training on development of standards and monitoring compliance	6.00	5.80	5.00	-	5.60
Training on product labelling	6.00	5.40	5.00	-	5.47
Training on Risk Assessment	6.50	5.00	6.00	-	5.83
Development, implementation and assessment of consumer protection programs on product safety and labelling	6.00	5.60	5.00	-	5.53
Establishment of a redress system (e.g. handling complaints on product safety and labelling)	6.00	4.00	5.00	-	5.00
Technical assistance on product safety and labelling	6.00	5.80	6.00	-	5.93
Establishment of institutional structures for product safety and labelling	4.00	4.00	6.00	-	4.67
Information management system (e.g. consumer injuries, complaints)	6.00	4.20	5.00	-	5.07
Awareness and educational programs on product safety and labelling	6.00	6.40	6.00	-	6.13
Impact of unsafe products on women	6.50	3.40	6.00	-	5.30
Leadership and management development	7.00	5.40	6.00	-	6.13
Networking and stakeholder engagement on consumer protection, product safety and labelling	6.00	5.40	5.00	-	5.47

*a: Due to the limited number and incomplete GS, statistical analysis could not be performed for Myanmar.*

**A: APPENDIX 1**

Table A1.3: Capacity Building Needs in Phone &amp; Internet Services (PIS) and E-commerce.

Capacity building needs	Index level				
	Consolidated Subgroup				
	Brunei Darussalam	Cambodia	Lao PDR	Myanmar <sup>a</sup>	Total
Development, implementation and evaluation of consumer protection policies on PIS & E-commerce	4.00	-	5.00	-	4.50
Monitoring and enforcement of laws/codes of conduct and mandatory standards on PIS & E-commerce	4.00	-	5.00	-	4.50
Good standards development practices on PIS & E-commerce	4.00	-	5.00	-	4.50
Research & Development on PIS & E-commerce	4.00	-	5.00	-	4.50
Training on best practices in redress mechanisms for consumer protection on PIS & E-commerce	4.00	-	5.00	-	4.50
Training on consumer privacy and security	4.00	-	5.00	-	4.50
Training on E-commerce and ethics (e.g. unfair contract terms, billing practices and misleading advertising)	4.00	-	5.00	-	4.50
Development, implementation and assessment of consumer protection programs on PIS & E-commerce	5.50	-	5.00	-	5.25
Establishment of a redress system (e.g. handling complaints) on PIS & E-commerce	4.00	-	5.00	-	4.50
Technical assistance on consumer protection with regard to PIS & E-commerce	4.00	-	5.00	-	4.50
Establishment of institutional structures for consumer protection with regard to PIS & E-commerce	5.50	-	5.00	-	5.25
Educational programs on consumer protection with regard to PIS & E-commerce	5.50	-	5.00	-	5.25
Leadership and management development (including developing skilful workforce and knowledge community)	5.50	-	5.00	-	5.25
Networking and stakeholder engagement on consumer protection and PIS & E-commerce	7.00	-	5.00	-	6.00

*a: Due to the limited number and incomplete GS, statistical analysis could not be performed for Myanmar.*

## A: APPENDIX 1

Table A1.4: Capacity Building Needs in Consumer Credit and Banking

Capacity building needs	Index level				
	Consolidated Subgroup				
	Brunei Darussalam	Lao PDR	Cambodia	Myanmar <sup>a</sup>	Total
Development, implementation and evaluation of consumer protection policies on consumer credit and banking	7.00	7.00	-	-	7.00
Monitoring and enforcement of laws/codes of conduct and mandatory standards on consumer credit and banking	7.00	7.00	-	-	7.00
Good standards development practices on consumer credit and banking	7.00	7.00	-	-	7.00
Research & Development (R&D) on consumer credit and banking	7.00	7.00	-	-	7.00
Training on financial literacy (e.g. managing finance and debt)	7.00	7.00	-	-	7.00
Training on ethical finance and banking practices	7.00	7.00	-	-	7.00
Training on best practices on access to consumer credit	7.00	7.00	-	-	7.00
Development, implementation and assessment of consumer programs on consumer credit and banking	7.00	7.00	-	-	7.00
Establishment of a redress system (e.g. handling complaints) on consumer credit and banking	7.00	7.00	-	-	7.00
Technical assistance on consumer credit and banking	7.00	7.00	-	-	7.00
Establishment of institutional structures on consumer credit and banking	1.00	7.00	-	-	4.00
Information management system (e.g. complaints)	7.00	7.00	-	-	7.00
Awareness and educational programs on consumer credit and banking	7.00	7.00	-	-	7.00
Leadership and management development	7.00	7.00	-	-	7.00
Networking and stakeholder engagement on consumer protection, consumer credit and banking.	7.00	7.00	-	-	7.00

*a: Due to the limited number and incomplete GS, statistical analysis could not be performed for Myanmar.*

## A: APPENDIX 1

Table A1.5: Capacity Building Needs in Environmental Quality and Services

Capacity building needs	Index level				
	Consolidated Subgroup				
	Brunei Darussalam	Lao PDR	Cambodia	Myanmar <sup>a</sup>	Total
Development, implementation and evaluation of consumer protection policies on environment	7.00	-	-	-	7.00
Monitoring and enforcement of laws/codes of conduct on environmental consumer services	7.00	-	-	-	7.00
Good standards development practices related to environment and consumer protection	7.00	-	-	-	7.00
Research & Development (R&D) on environment and consumer protection	6.00	-	-	-	6.00
Environmentally sound technology transfer	6.00	-	-	-	6.00
Training on clean development mechanisms	7.00	-	-	-	7.00
Training on environmentally preferable products and environmental labelling	7.00	-	-	-	7.00
Training on environment and health standards	7.00	-	-	-	7.00
Development, implementation and evaluation of consumer protection programs on environment	7.00	-	-	-	7.00
Establishment of a redress system (handling complaints) on consumer protection with regard to environmental issues (e.g. helpline or hotline for reporting of environmental violations)	7.00	-	-	-	7.00
Technical assistance on environment and consumer protection	7.00	-	-	-	7.00
Establishment of institutional structures on environment and consumer protection	7.00	-	-	-	7.00
Information management system on environment and consumer protection	7.00	-	-	-	7.00
Awareness and educational programs on environment and consumer protection	7.00	-	-	-	7.00
Environment, trade and development related to consumer protection	7.00	-	-	-	7.00
Leadership and management development in development and consumer protection	7.00	-	-	-	7.00
Impact of environmental policies on women	5.67	-	-	-	5.67
Networking and stakeholder engagement on environment and consumer protection	7.00	-	-	-	7.00

*a: Due to the limited number and incomplete GS, statistical analysis could not be performed for Myanmar.*

## A: APPENDIX 1

Table A1.6: Capacity Building Needs in Healthcare Quality and Services.

Capacity building needs	Index level				
	Consolidated Subgroup				
	Brunei Darussalam	Lao PDR	Cambodia	Myanmar <sup>a</sup>	Total
Development, implementation and evaluation of consumer protection policies on healthcare services	6.50	-	7.00	-	6.75
Monitoring and enforcement of laws/codes of conduct and mandatory standards on healthcare services	5.50	-	5.00	-	5.25
Good standards development practices on healthcare services	7.00	-	5.00	-	6.00
Research & Development (R&D) on consumer protection and healthcare services	5.50	-	4.00	-	4.75
Training on health needs of women	6.00	-	1.00	-	3.50
Training on rational use of medicines and supplements	5.00	-	6.00	-	5.50
Training on patient safety standards	5.00	-	7.00	-	6.00
Training on ethical marketing of drugs	5.50	-	7.00	-	6.25
Development, implementation and assessment of consumer protection programs on healthcare services	6.50	-	2.00	-	4.25
Establishment of a redress system on healthcare services	5.00	-	5.00	-	5.00
Technical assistance on healthcare services	3.00	-	1.00	-	2.00
Establishment of institutional structures on healthcare services	1.00	-	3.00	-	2.00
Information management system (e.g. data management system)	3.00	-	1.00	-	2.00
Awareness and educational programs on healthcare services	5.00	-	7.00	-	6.00
Leadership and management development	7.00	-	7.00	-	7.00
Networking and stakeholder engagement on healthcare services	6.00	-	7.00	-	6.50

*a: Due to the limited number and incomplete GS, statistical analysis could not be performed for Myanmar.*

**A: APPENDIX 1**

Table A1.7: Capacity Building Needs For Consumer Protection In Professional Services

Capacity building needs	Index (Scale 1 - 7)				
	Brunei Darussalam	Lao PDR	Cambodia	Myanmar <sup>a</sup>	Total
Development, implementation and evaluation of consumer protection policies on professional services	7.00	6.50	-	-	6.75
Monitoring and enforcement of laws/codes of conduct on professional services	7.00	6.50	-	-	6.75
Good standards development practices on professional services	7.00	6.50	-	-	6.75
Research & Development (R&D) on consumer protection and professional services	7.00	6.50	-	-	6.75
Training on consumer rights and protection related to services of legal or medical professionals	7.00	6.50	-	-	6.75
Training on monitoring compliance of codes of conduct and ethical practices related to the legal and medical professionals	7.00	6.50	-	-	6.75
Training on best practices in redress mechanisms to handle medical and legal services cases	7.00	6.50	-	-	6.75
Development, implementation and assessment of consumer protection programs on professional services	7.00	6.00	-	-	6.50
Establishment of a redress system (e.g. handling complaints) on professional services	7.00	6.00	-	-	6.50
Technical assistance on consumer protection on professional services	7.00	6.00	-	-	6.50
Establishment of institutional structures for consumer protection on professional services	7.00	6.50	-	-	6.75
Educational programs on consumer protection and professional services	7.00	6.00	-	-	6.50
Information management system (e.g. database management)	7.00	6.00	-	-	6.50
Awareness and educational programs on professional services	7.00	6.50	-	-	6.75
Leadership and management development	7.00	5.50	-	-	6.25
Networking and stakeholder engagement on professional services	7.00	6.50	-	-	6.75

*a: Due to the limited number and incomplete GS, statistical analysis could not be performed for Myanmar.*

**A: APPENDIX 1**

Table A1.8: Preferred Forms of Assistance for Capacity Building Needs in Consumer Protection

Forms of Assistance	Preference Index (Scale 1 -7)				
	Brunei Darussalam	Lao PDR	Cambodia	Myanmar <sup>a</sup>	Total
Training on consumer specific area	6.33	6.00	6.13	-	6.15
Training on fund-raising	5.25	6.50	5.50	-	5.75
Training on management/leadership	6.57	6.60	4.63	-	5.93
Manuals and toolkits	6.50	6.00	5.38	-	5.96
Web-based products (such as e-forum, e-courses)	6.33	5.80	2.63	-	4.92
Networking assistance	6.43	6.20	4.63	-	5.75
Twinning or partnership with agencies or institutions within the region	6.25	6.50	4.00	-	5.58
Seminars/Workshops/Forum/Symposium	6.00	6.50	4.25	-	5.58
Staff exchanges/Secondment	6.13	6.00	4.00	-	5.38
Study and exposure visits	6.22	6.33	4.25	-	5.60
Experts	6.43	6.00	4.50	-	5.64
Internship	6.33	6.00	3.50	-	5.28
Certified programs on consumer studies (Diploma, Degree)	6.29	6.17	4.38	-	5.61
Information Technology system (e.g. database management)	6.29	6.00	4.25	-	5.51

*a: Due to the limited number and incomplete GS, statistical analysis could not be performed for Myanmar.*