

Consumer Input in Establishing a Framework of Consumer Protection to Enhance Fair Trading and Equity in the Global Market Place

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The panelists were invited to offer a discrete or a comparative assessment of consumer participation in lawmaking in other regions of the world and to question other panelists. The point of departure for their discussion was an article published in the Spring 1997 issue of *Advancing the Consumer Interest*, written by professor Norman Silber of Hofstra Law School which criticized the underdeveloped character formal representation and participation by consumer affairs professionals in public and private lawmaking processes in the United States. It urged consumer affairs professionals to "do more to increase respect for their expertise and formalize their role in law drafting committees."

Dean Rachagan outlined the strong formal role of consumer affairs specialists in Malaysia -- very different from the role of professionals in the United States-- but cautioned that actualization of the formal assignments was problematic, and that enforcement of existing protective rules and laws represented a major challenge. He also explained, with illustrations, several examples of ways in which international standards and trade negotiations in which consumer participation did not include participants from his region undercut or neglected consumer welfare in Malaysia. Andre Lazzarini presented a discussion of the political and sociological contrast between the development of consumer protection courts and legal representation in Brazil and the United States.

Professor Sihanya presented an examination of African developments which focused on difficulties attached to realizing and implementing the Model Law for Consumer Protection in Africa, a law in whose drafting he played a leading role. Cem Kaner illustrated difficulties in participating on behalf of consumers in private lawmaking bodies by discussing Article 2B of the Uniform Commercial Code, concerned with the licensing of intellectual property and computer software.

All the panelists debated three core issues that face those who would provide effective consumer participation throughout the world: the problem of establishing a reputation for general and specialized competence and for providing accurate assessments without access to skills and resources that may be chiefly accessible to industry and commercial interests; of demonstrating that "consumer participants" in fact participated on behalf of constituents; and of promoting views that can be identified as consonant with the "consumer interest."

Endnotes

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