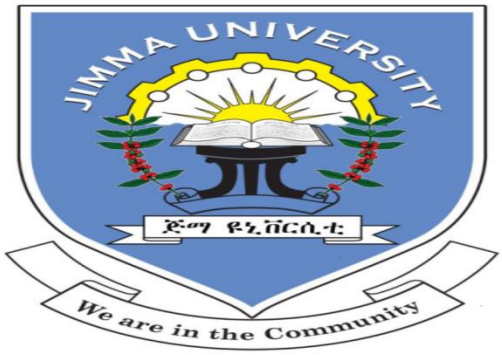

COLLEGE OF LAW AND GOVERNANCE

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Examining the Practice and Enforcement of Consumer Protection Law in Ethiopia, The case of Bench-Sheko Zone, SNNPR (SWEPR).

A THESIS SUBMISSION FOR PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF LLM IN COMMERCIAL AND INVESTMENT LAWS

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PRINCIPAL ADVISOR: YUSUF IBRAHIM (PHD)
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JIMMA, ETHIOPIA

EXAMINING THE PRACTICE AND ENFORCEMENT OF CONSUMER PROTECTION LAW IN ETHIOPIA. THE CASE OF BENCH-SHEKO ZONE, SNNPR (SWEPR)

A THESIS SUBMITTED TO JIMMA UNIVERSITY IN PARTIAL FULFILLMENT OF THE REQUIREMENTS OF THE LLM DEGREE IN COMMERCIAL AND INVESTMENT LAW

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Examining the Practice and Enforcement of Consumer Protection Law in Ethiopia, the Case of Bench-Sheko Zone, SWEPR

A Thesis Submitted to Jimma University In Partial Fulfillment of The Requirements of The LLM Degree Commercial and Investment Law.

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DECLARATION

I, the undersigned, declare that the thesis comprises my own work. In compliance with internationally accepted practices, I have dually acknowledged and refereed all materials used in this work. I understand that non-adherence to principles of academic honesty and integrity, misrepresentation/fabrication of any idea/data/fact/source will constitute sufficient ground for disciplinary action by the university and can also evoke penal action from the sources which have not been properly cited or acknowledged.

Name of student

Signature

Date

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List of Abbreviations and Acronyms

Art.	Article
AU	African Union
ASEAN	Association of Southeast Asian Nations
E.C	Ethiopian Calendar
EU	European Union
G20	Group of 20
ICPEN	International Consumer Protection and Enforcement Network
RTB	Regional Trade Bureau (Ethiopia)
OECD	Organization for Economic Cooperation and Development
PP	Page
SNNPR	South Nation Nationalities and Peoples Representatives
SWPER	Southwestern Peoples of Ethiopia Region
TCCPP	Trade Competition and Consumer Protection Proclamation number 813/2013
TCCPA	Trade Competition and Consumer Protection Authority
TMDO	Trade and Market Development Office
No.	Number
US	United States
UNCTAD	United Nations Conference on Trade and Development
Vol.	Volume
WTO	World Trade Organization

Abstract

Everyone, regardless of human nature or social standing, is a consumer. Every consumer's livelihood depends on their ability to respond to market forces. However, the market is not always optimal for protecting consumers' rights and interests. To avoid illegal market practices and protect consumers' interests, international and national jurisdictions, including Ethiopia, have created consumer protection laws and enforcement institutions. Despite these laws and the agencies in charge of executing them, there are numerous infractions and unlawful market practices in Ethiopia, particularly in the Bench Sheko zone. This paper aimed to examine the enforcement of those consumer protection laws in Bench Sheko zone, SWPER. The research is an empirical one, and the data collected was analyzed through qualitative methodology in light of what was provided under the law and other institutional standards. The study found problems with enforcement of consumer protection in the Bench Sheko zone emanated from legal, institutional, and other problems such as lack of budget, logistics, legal knowledge, political intervention, and prolonged procedure due to the dispersed duty of the enforcing agency. Lack of precision in the jurisdiction of regional courts and in consumer protection violations and corresponding administrative measures also obstructs the enforcement of consumer protection laws in the Bench Sheko zone. Based on those findings, the researcher recommended the law should be revised on regional court's jurisdiction and administrative and criminal penalties, enforcing agencies needed to be restructured and budget, manpower and capacity also be improved in Bench Sheko zone.

Key Words; Consumer, Consumer Protection, Enforcement, Bench Sheko Zone, Ethiopia

CHAPTER ONE

INTRODUCTION

1.1.Background of the Study

Everyone is a consumer, regardless of different status like occupation, age, gender, religion, race...etc. Consumer rights and welfare are an integral part of the life of an individual and we all have made use of them at some or other point in our daily routine[1].

Consumer protection law is a part of public or private law[2] that deals with consumer rights protection and is mainly concerned with the nature of consumer transactions by trying to improve market conditions for the effective exercise of consumer choice.[3] Consumer protection law addresses the failings in individual consumer transactions to grant individual consumers remedies. To this end, it fills gaps that market forces leave unfilled. Thus, it focuses on market failures and offers remedies, and also it aims at promoting consumer welfare. The effectiveness of this law is determined by the quality of its enforcement framework.[4] Therefore, maintaining a well-designed implementation mechanism needs due attention.

Consumer protection regulation refers to a body of law aimed at safeguarding customers' interests at the transactional level. The law aims to safeguard consumers by prohibiting the circulation of goods and services that may endanger their health and safety, as well as guaranteeing that they are fit for human consumption. It also aims to make it possible for customers to receive goods and services that are reasonably priced.[5]

There are international, regional, and national policies, laws, and guidelines that are promulgated for effective practice and enforcement of consumer rights. The United Nations Guidelines for Consumer Protection (hereinafter "UN Guidelines") is the most important source of international consumer law.

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[1]Sandip Balasaheb Bhosale, Strengthening Consumer Protection Against Abuse of Intellectual Property Rights, 2018, available at http://www.legalservicesindia.com/law/article/973/7/ (Acceded on August 9, 2021) pp. 12

[2]United Nations. (2017). Manual on consumer protection. (UNCTAD/DITC/CPLP/2017/1). Geneva: United Nation Conference on Trade and Development. Available at https://unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=1998. (Accessed 25 August 2021). PP. 5

[3]Jaju Kanjo, Recent Development of Consumer Laws in Korea, APEC Information Paper No.6, Korea, May 2005, pp.6

[4]Max Huffman, "*Competition Law and Consumer Protection*", SMU Law Review, Vol.6, No. 4, pp. 103-202, (Southern Methodist University).(2007)

[5]The homepage of https://www.2merkato.com/,or https://www.2merkato.com/articles/general-info/870-consumer-protection-law-in-ethiopia, Last Updated on 23 April 2019

The UN Guidelines state that member States should develop, strengthen or maintain measures relating to the control of restrictive and other abusive business practices which may be harmful to consumers, including means for the enforcement of such measures.[6] The United Nations Guidelines on Consumer Protection remain the most important global instrument in the field of consumer protection, contributing to the development of consumer and merchant relations.[7]Individual nations have a lot of leeway under the UN Guidelines to build consumer protection regulatory systems that are tailored to their legal systems' needs and peculiarities, as well as their specific economic, social, and political circumstances.[8] As a result, the UN Guidelines admit that there are variances in consumer law regimes around the world. One explanation for this approach could be that it is difficult to talk about "consumer" as a homogeneous term from an international perspective.[9] Consumers in many parts of the world differ significantly, and their wants are vastly diverse. The United Nations membership includes countries at diverse stages of economic and social development, as well as varying levels of consumer awareness.[10]

The European Union has also been a particularly fruitful environment for the development of consumer law, and the EU developed the world's most advanced regulatory regime for consumer protection.[11]

The United Nations specialized agencies[12], and Regional bodies[13], developed, inter alia, agreements, resolutions, directives, and guidelines that have a bearing on consumer protection.[14]

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[6] United Nations Conference on Trade and Development, Consumer law, policy and regulatory actions in response to and in the aftermath of the COVID-19 pandemic, UNITED NATIONS PUBLICATION (UNCTAD)TD/B/C.I/CPLP/23 July 2021, available athttps://unctad.org/system/files/official-document/cicplpd23_en.pdf acceded on August 3, 2021, pp. 3

[7] M. Durovic, International Consumer Law: What Is It All About?,43, Journal of Consumer Policy (125–143), 2020, pp.129

[8] *Id*, at 130

[9] *Id*.

[10] *Id*.

[11] *Id*, at 129

[12] Those bodies are the World Trade Organization (WTO), the Group of 20 (G20), the Organization for Economic Cooperation and Development (OECD)

[13] Such as the African Union (AU), the European Union (EU), the Association of Southeast Asian Nations (ASEAN), the Asia Pacific Economic Cooperation (APEC), and the Organization of American States (OAS)

[14]United Nations Conference On Trade And Development(UNCTAD), Manual On Consumer Protection, Ed. 2016, UNITED NATIONS PUBLICATION UNCTAD/WEB/DITC/CLP/2016/1

The OECD, for example, has established a Committee on Consumer Policy (CCP) intending to address a wide range of consumer policy concerns while also encouraging international cooperation among governments.[15]

In Ethiopia, for a long, there was no codified consumer protection law. The protections accorded to consumers have been based on the conglomeration of both public and private laws such as laws of contract, tort, penal, and regulatory laws of different nature. But all these types of laws do not guarantee adequate protection to consumers.[16]

Many scholars and academicians were recommended for the enactment of better policies, legal and institutional frameworks for consumer protection in Ethiopia. Following this, in 2003 the effort has made to the protection of the consumer in trade practice law.[17] Later on, in 2010 the country enacted a proclamation which provides for Trade Practice and Consumer Protection Proclamation No.685/2010.[18] In 2013 also Trade Competition and Consumer Protection Proclamation No.813/2013 (TCCPP) was enacted which repealed and made some improvements to the previous laws. Some researchers[19] still claim that although the improvements made under the new Proclamation are commendable, there are still serious shortfalls that are left unaddressed.

But beyond the shortfalls and prospects under those proclamations and institutions thereto, it needs to have a study whether the law in paper and the existed institutions has practiced and enforced on the ground across the country. As per the researcher's knowledge, there is no research on the practice and enforcement of consumer protection law across the country, rather all researcher claims the gaps in normative elements of law and its institutional structure as an impediment for its enforcement. Thus this issue is left unaddressed by the researchers. Hence this study aims to examine its practice and enforcement in the Bench-Sheko zone.

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[15] M. Durovic, *Supra* note 6

[16] Dessalegn Adera, The Legal and Institutional Framework for Consumer Protection in Ethiopia, LLM Thesis, Addis Ababa University, (June 2011), pp. 3

[17] The Trade Practice Proclamation, Proc. No.329, 2003, *Federal Negarit Gazeta*, 9th Year No.49, Addis Ababa, 17th April 2003

[18] Trade Practice and Consumer Protection Proclamation, Proc. No. 685, 2010, Federal Negarit Gazeta, 16th Year No.49, Addis Ababa, August 2010

[19] Those researches are discussed in detail in the Literature review part, chapter two of this paper

1.2.Statement of problem

The federal parliament of Ethiopia enacted Trade Competition and Consumer Protection Proclamation No.813/2013 (TCCPP) which comes into effect with various amendments to the previous laws.[20]The proclamation establishes the legal and institutional framework for protecting the interests of consumers. It established an autonomous government agency called Trade Practice and Consumer Protection Authority, having judicial functions. The Ministry of Trade as well as the regional trade bureau also has given some authority for the implementation of the proclamation. The Regional trade bureau has its own zonal and woreda structure.

Despite this, in Ethiopia, though consumer protection law was enacted before long years ago its performance is very less[21]. There are several reasons founded by many researchers[22] for its less effectiveness. The Problem in legal framework and institution are among the problems raised by the researcher[23]. Consumer protection law practice and enforcement to the level of the regional and local authority can be a decisive point that affects the proper implementation of consumer protections. However, there is no such kind of arrangement under the Ethiopian consumer protection law while it is undeniable fact that most of the consumers have residents of the regional state in Ethiopia. The regional institutional arrangement in consumer protection law is still a contentious issue for many academicians and researchers[24]. The absence of independent institutions, like TCCPA at the federal level, in regions for enforcement of the law has one of the gaps in our law as raised by many researchers[25].

Bench-Sheko zone is found in southwest Ethiopia which contains six woredas and two city administrations. It is commonly known that the market in the Bench-Sheko zone is many times challenged by unlawful acts like price increase without economic reason, cheating on weight and measurements, price escalation, adulteration of goods, hoarding, lack of quality products and services, problems of alternative access to products, restrictive bargaining position, selling goods

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[20]Trade Competition and Consumers Protection Proclamation, Proc. No. 813, 2013, *Federal Negarit Gazeta*, 20th Year, No. 28.21" March 2014 (hereinafter called TCCPP)

[21]Andinet Haile, Enforcement of consumer protection under the new legal regime of Ethiopia in the light of EU and US laws and practices; comparative analysis, LLM Thesis, central European University, Hungary, 2013

[22] Discussed in detail in chapter two; literature review part

[23]Tessema Elias Shale, A Critical Analysis of the Enforcement Framework of Consumer Protection in Ethiopia: Challenges and Prospects, LLM Thesis, Addis Ababa University, 2011

[24]Desalegn, *supra* note 9

[25]*Id.*

with expiration date and other market problems which have utterly been affecting consumers[26]. Despite that, the institution responsible for enforcement of such violations is unable to control the market manipulation in those areas.

This necessitates that study be conducted for knowing the real causes around the institutions and forwarding a long-term solution for the concerned body. The institution for practice and enforcement of consumer protection is structured in Bench Sheko zone, SNNPR (SWEPR); the attention given to consumer protection in regional and zonal institutional arrangement, such as-professionals designated in such offices for the implementation of consumer protection law, the compatibility of workload and number of workers, the budget allocation for the effective implementation of consumer protection under zonal and woreda level; the interaction of courts and those relevant office for the effective enforcement of violation of consumer protection law; the awareness and legal knowledge of the office workers about consumer protection law; the mechanisms that they interact with the community for awareness creation to consumer in order to protect their rights and any other legal and institutional impediments for effective implementation and enforcement of consumer protection in a mentioned area are need to be considered in the course of the study for examining the implementation and enforcement of consumer protection in Bench-Sheko zone. There is a research gap in this area despite its necessity. Hence, this study has mainly focused on the practice and enforcement of consumer protection in the Bench-Sheko zone, SNNPR (SWEPR).

[26]Benyam Tadesse et al, Factors influencing organic honey production level and marketing: evidence from southwest Ethiopia, (heliyon.2021.e07975), 1-9, (2021), available at https://doi.org/10.1016/j.heliyon.2021.e07975 (Acceded on November 10, 2021), pp.5

1.3.Objective of the study

The research has both general and specific objectives

1.3.1. General objective

The main objective of the study is to examine the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone.

1.3.2. Specific Objectives

The research has the following specific objectives

I. To assess the practice of consumer protection law in Bench Sheko zone.
II. To examine court enforcement of consumer protection law Bench sheko zone.
III. To analyze the shortfall of legal and institutional arrangements for practice and enforcement of consumer protection in Ethiopia, particularly in Bench Sheko zone.

1.4.Research Questions

The research answer the following questions

I. How is the practice of consumer protection law in Bench Sheko zone?
II. What seems the court enforcement of consumer protection law Bench Sheko zone?
III. What are legal and institutional shortfalls for practice and enforcement of consumer protection in Ethiopia, particularly in Bench Sheko zone?

1.5.Research Design and Methodology

1.5.1. Research Methodology

The research is an empirical one. The research used both primary and secondary sources. Interview, questionnaires and observation were employed as primary data. Secondary data is collected from reports and other relevant documents of below-listed institutions and legislations on consumer protection, journals, books, literature, articles, and law reviews of various types relevant to the study, which form the theoretical background of the research. The internet is also used as tertiary source. All the data gathered is qualitatively analyzed for reaching into findings. Laws, institutional standards, and best practices among the participants were applied as a ground for analyzing the collected data.

1.5.2. Subjects and Participants of the Study

Since the study requires the data should be collected from all institutions of woreda trade and market development offices, no sample was applied to the study at the institutional level. Hence the researcher collected necessary data from the following relevant institutions for the practice

and enforcement of Consumer Protection law. Those institutions are Bench Sheko zone Trade and Market Development office and Woreda's and City Administration Trade and Market Development office includes Mizan-Aman city administration TMDO, Seiz city administration TMDO, Semen Bench woreda TMDO, Debub Bench woreda TMDO, Gede Bench woreda TMDO, Shey Bench woreda TMDO, Sheko woreda TMDO and Guraferda woreda TMDO. The other institutions are Bench Sheko zone General Prosecutor office, Bench Sheko Zone High court and Woreda's prosecutor offices.

1.5.3. Sampling Technique and Data Gathering methods

1.5.3.1.Sampling technique

No sampling technique is applied to the participants [at the institutional level] because the institutions are small in number and all are need to be observed and interviewed for having pertinent and conclusive information. In selecting the concerned participants from the expertise of those offices, the researcher employed a convenience sampling technique based on the participants‟ experience, position, expertise, and other attributes to acquire pertinent information capable of addressing the research questions of the study. Because the more they have experience and position them gives accurate information existed on the ground and the data analysis rely on qualitative analysis.

1.5.3.2.Data Gathering Methods

In collecting data, the researcher used semi-structured depth interviews basically for the head of above-listed offices which enables to find all appropriate data for the study, the researcher also prepared open-ended questionnaires for the expertise of those offices, to find remaining and additional data from the head of the office. The researcher also did a report analysis of the above institutions, which is available and relevant. Those all data are qualitatively analyzed.

1.6.. Organization of the Study

The research has had five chapters. The first chapter is introduction/ proposal of the paper/. The second chapter, theoretical and conceptual background of the study. The third chapter, analysis and interpretation of the collected data. And the fourth chapter is the major findings and results of the study and lastly chapter five conclusion and recommendations.

1.7.Research Ethics

In conducting the study, the researcher employed the following ethical considerations

I. **Consent**: - the researcher asked, all the participants of the study, their free consent before they participated in the study
II. **Confidentiality**: - the researcher informed that any confidential information acquired from them is kept in secret unless they are consent, and not to be used for purposes other than the objective of the study.
III. **The anonymity of the participants**: - the researcher tells participants in advance that their identity would not be revealed unless they consented to.
IV. **Proper acknowledgment**: - the researcher made proper acknowledgement to their contribution to the study

1.8.The Scope of study

In terms of study area /geography/ the study bound only on Bench Sheko zone which contains two city administrations and six woredas. Since there are many laws and institutions that deals with consumer protection issues, this study is on Trade Competition and Consumer Protection Proclamation 813/2013. It uses other laws which have an element of consumer protection issues as a reference only.

1.9.Significance of the study

The research draws the attention of the government and its constituencies (especially in Bench Sheko zone) to give due concern for the implementation of consumer protection law in the area. Secondly, it helps the government to revise the legal and institutional shortfalls for the enforcement of consumer protection law. It will also be taken as an empirical source for who wants to do further study on the topic or related study.

CHAPTER TWO

THEORETICAL BACKGROUND ON CONSUMER PROTECTION LAW AND LITERATURE REVIEW

2.1.Theoretical Background on Consumer Protection Law

2.1.1. The Concept and History of consumer Protection

The word 'Consumer' is defined in different ways in different legal systems. There is no acceptable definition at the international level regarding the meaning of the term "consumer".

The Black's Law Dictionary defines "consumer" as a person who buys goods or services for personal, family, or household use, with no intention of resale; a natural person who uses products for personal rather than business purposes.[27]

United Nations Guidelines for Consumer Protection (UNGCP) in its Guideline 3 define a consumer as a natural person, regardless of nationality, acting primarily for personal, family, or household purposes, while recognizing that member states may adopt differing definitions to address domestic specific needs.[28] The guideline provided a flexible and framework kinds of definition which is open to deviating from it. But it emphasizes that the purpose of the transaction is mainly for personal consumption not for commercial purposes.

In EU law, there is no consistent and uniform definition of consumer, and there are also differences among the Member States, partially due to the transposition of EU regulations into national laws. A majority of current EU directives Consumer Rights defines 'consumer' as any natural person who, in contracts covered by this Directive, is acting for purposes which are outside his trade, business, craft, or profession.[29]The concept of a consumer in EU law does not apply to legal persons, even if they have a non-commercial nature, such as non-profit organizations.

While looking into different countries, In the USA there are various legislations deals about consumer protection and they are varied in defining the term consumer. For instance, the Dodd-

[27] B.A Garner; Black's Law Dictionary 8th Edition (St Paul Minnesota: West Publishing Co. Ltd.), pp. 316
[28] Article 3 of UN Guidelines
[29] Article 2(1) DIRECTIVE 2011/83/EU OF THE EUROPEAN PARLIAMENT AND THE COUNCIL, https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1585324548367&uri=CELEX%3A02011L008320220528 (Acceded on 26, October 2021)

Frank Act[30] defines a consumer as an individual or an agent, or representative acting on behalf of an individual.

Consumer Rights Act of UK[31] defines a consumer as an individual which is a natural person rather than legal incorporation acting for purposes that are wholly or mainly outside that individual's trade, business, craft, or profession. The definition takes a turn from the usual practice of including all people whether they are being a legal person or natural. The definition also excluded commercial transactions from the scope of Consumer Protection law.

The India Consumer Protection Act 2019 defines a consumer as "any individual who buys, hires, or avails of any service for a consideration that has been paid or promised," which encompasses offline and online electronic transactions. It does not, however, apply to anyone who gets such products for resale or any other business reason.[32]

Another interesting definition has been adopted in Australia. According to Australian consumer law[33], a person is a 'consumer' if they acquire goods or services that are priced at less than 40,000 USD. A person is also a 'consumer' if they acquire goods or services that are priced above 40,000 USD, but they are 'of a kind ordinarily acquired for personal, domestic, or household use or consumption.

The Ethiopian Trade Competition and Consumer protection Proc. 813/2013 defined ‘consumer’ as a natural person who buys goods and services for his personal or family consumption, whether the price is being paid by him or another person and not for manufacturing activity or resale.[34]

In conclusion, in their meaning of consumer across some countries involved legal person in the definition of consumer. Because of that, there are circumstances in which legal persons can be direct consumers of goods and services and there are also instances in which legal persons may not have equivalent bargaining power with the business person. As a result of this, it is argued that some legal persons, such as associations, owing to their lack of bargaining power and

[30] THE UNITED STATES. (2010). Dodd-Frank Wall Street Reform and Consumer Protection Act: conference report (to accompany H.R. 4173). Washington, U.S. G.P.O.

[31]. *Consumer Rights Act 2015*. Available at: http://www.legislation.gov.uk/ukpga/2015/15/section/68 (Accessed 16 October 2021).

[32] The Consumer Protection Bill, 2019, available at https://prsindia.org/billtrack/the-consumer-protection-bill-2019, (Accessed on November 2, 2021)

[33] Competition and Consumer Act 2010, section 2

[34] Article 2(4) 0f TCCPP

experience should be treated as consumers.[35] Countries such as Austria, France, and the Czech Republic have incorporated legal persons in the definition of a consumer if they are either acquiring goods or services for private use or act as final users. Some other authorities limited their definition to the natural person only. Ethiopian consumer protection law also limited its definition to the natural person. The law assumes that legal persons can negotiate better terms and conditions in their favor while entering into an agreement with the business person.[36] As consumers usually face imbalances in terms of economic power, information, and bargaining power, it is through accessible legal support that consumers' interests can be enhanced. Consumer protection law, in this regard, aims at shaping the nature of consumer transactions, trying to improve market conditions for the effective exercise of consumer choice, and providing remedies in case of Violations.[37] The other deviation is the inclusion of transactions for commercial purposes, this is seen under the Australian definition with a limited context. Hence, in this study, the concept of 'consumer' is construed to what is provided in this proclamation.

Consumer rights protection has a long history around the world. In the ancient and middle centuries, there appear to have been some consumer protection experiences in various countries.[38] For example, Roman private law regulated the buyer's rights and the seller's responsibilities in the event that a product seemed to be defective.[39] In the middle Ages, Austrian law prohibited the addition of starch to margarine in order for market inspectors to detect margarine being marketed as butter. In Austria in the 15th century, the seller of thin or ruined milk was required to consume all of the defective milk himself. Those who bought addled eggs in the 16th century in France might, and even should, throw all of the eggs in the face of the vendor.[40]

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[35]RafalManko, The notion of 'consumer' in EU law, 2013, available at:www.europarl.europa.eu/.../LDM_BRI(2013)130477_REV1_EN.pdf, (Acceded on November 2, 2021), pp.2

[36]Ashenafi Lemecha Moti, Consumers and Third-Parties Protection under the National Payment System Proclamation No.718/2011, LLM Thesis, Addis Ababa University,(Unpublished), 2017, pp.22

[37] Consumer International, consumer protection in Greece and Spain, available at: http://www.consumersinternational.org/media/302124/balancing%20the%20scales%20part%20iii%20consumer%20protection%20in%20greece%20and%20spain.pdf, (Acceded on November 2, 2021) pp.7

[38] S.B. Zharkenova & L. Sh. Kulmakhanova,(2015)Consumer Rights Protection in International and Municipal Law: Problems and Perspectives,(147 – 166*), European Research Studies, Volume XVIII, Issue 4, Special Issue,* pp.150

[39]*Id*.

[40]*Id*.

In modern times, the birthplace of consumer protection was in the United States of America. Rudiments of consumer protection policy appeared in the period of T. Roosevelt.[41] The year 1962 is considered the birth year of modern consumer law and policy. This is the year when US President John F. Kennedy delivered his famous speech, in which he laid the groundwork for the eventual construction of a regulatory system solely dedicated to consumer protection, not just in the United States, but globally.[42] The creation of a new regulatory framework for consumer protection eventually led to the creation of a new legal discipline called consumer law. Over the subsequent fifty-eight years, consumer law has evolved into a distinct field of law that has expanded throughout the world in various forms and to varying degrees[43]. The European Union has offered particularly fertile ground for consumer law to bloom, and the EU has established the world's most advanced regulatory regime for consumer protection[44].

2.2.Consumer Protection Laws and Enforcement Agencies, International Experience

2.2.1. Consumer Protection Laws

Consumer protection law denotes the laws that are relevant for the protection of consumer rights. Policies, strategies, guidelines, soft laws, and hard laws are promulgated at the international, regional, and national levels, with respect to consumer protection.

At the international level, the United Nations General Assembly adopted guidelines for consumer protection in l985 named "United Nations Guidelines for Consumer Protection (UNGCP)"[45]. The United Nations Guidelines for Consumer Protection remain the primary mechanism for seeking the internationalization of consumer law on a global scale. The key principles of consumer protection were first enshrined at an international level in this guideline. Since being established in 1985, The United Nations General Assembly Resolution on Consumer Protection (UNGCP) is now used as the foundation for consumer protection legislation in many nations throughout the world.[46]

The UN Guidelines were revised twice after their adoption: in 1999 and 2015. The first changes, implemented in 1999, were a little but considerable improvement. The second modification of

[41]Consumer Movement in the USA. Available at http://pasha-chistov.narod.ru/USA.html, (Acceded on Nov 2, 2021)
[42]*Supra* note 6, at 127
[43]*Id*.
[44]*Id*.
[45]United Nations General Assembly, Resolution 39/248 of 16 April 1985 (A/RES/70/186). Available at https://www.un.org/documents/ga/res/39/a39r248.htm(Accessed 25 August 2021).
[46] M. Durovic, *Supra* note 6, at 126

the Guidelines in 2015 was far more detailed than the first revision in 1999. The UN General Assembly accepted these revisions on December 22, 2015. The 2015 changes reflect a growing interest in and significance of consumer law around the world. The second revision's goal was to adapt the UN Guidelines to changes in society, economy, advertising techniques, technology, and consumer needs, as well as to prepare them for future changes.[47]

The 2015 modifications acknowledged the need for greater consumer protection around the world, with a focus on cross-border consumer transactions. Some of the new fundamental principles of consumer law have been included as a result of the reform of the Guidelines: e-commerce, financial services, data protection, misleading energy advertising, cross-border trade, transportation, access to universal services, access to knowledge, tourism, and consumer redress are among them.[48]

It gives governments and businesses guidance, claiming that consumers should have the right to non-hazardous products. It also encourages the Member States to adopt or encourage the adoption of appropriate measures, such as legal systems, safety regulations, national or international standards, voluntary standards, and the keeping of safety records, to ensure that products are safe for their intended or reasonably foreseeable uses.

It covers around eight consumer rights. These consumer rights include the right to safe products, the right to information, the right to choose products, the right to voice an interest, the right to basic consumer needs, the right to damages restitution, the right to consumer education, and the right to a healthy environment.[49]

Although not a legally binding instrument, their strength comes from their adoption by the UN General Assembly, and the consensus of international experts that led to that.

The European Union (EU) consumer protection is framed by the European Consumer Agenda and the Consumer Program 2014-2020. Consumer protection issues are integrated into several EU policies (for example in the policies of product safety, food safety, food labeling, financial

[47] *Id*. at 132
[48] *Id.*
[49] Article 8 of UN Guidelines

services, tourism and leisure, transport, communications, energy). Consumer protection issues are considered to be covered by around 90 EU directives.[50]

The directives concerning unfair business-to-consumer commercial practices in the internal market[51]and on consumer rights[52]would be listed under this context. The regulations which claim cooperation of EU member states for the cooperation of enforcement of consumer protection law is also another development.[53] Directive 2006/123/EC on services in the internal market is another broad legislative act in the domain of consumer protection. It covers a broad range of service activities with the goal of facilitating freedom of establishment for service providers in the other Member States and freedom of service provision between the Member States, improving service quality for both consumers and businesses who use these services, and prohibiting discrimination based on nationality or residence of the service beneficiary. Directive2009/22/EC on injunctions for the protection of consumer interests, with the goal of terminating or prohibiting infringements that are contrary to consumers' collective interests, as well as Directive2006/114/EC on misleading and comparative advertising, Directive2011/83/EU on consumer rights, and Directive2013/11/EU on alternative dispute resolution for consumer disputes, are examples of such acts.

Furthermore, the United Nations specialized agencies such as the World Trade Organization (WTO), the Group of 20 (G20)[54], the Organization for Economic Cooperation and Development (OECD)[55] and also Regional bodies such as the African Union (AU), the Association of Southeast Asian Nations (ASEAN), the Asia Pacific Economic Cooperation (APEC), and the

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[50] Mr. Allan Asher, Trends in international consumer protection policy, 10 March 1999, available at https://www.accc.gov.au/speech/trends-in-international-consumer-protection-policy (Acceded on November 15, 2021)

[51]Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market (2005) OJ L 149/22

[52] Directive 2011/83/EU on consumer rights (2011) OJ L, 304/64

[53] Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (2006) OJ L 364/1, which updated as Regulation (EU) 2017/2394 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (2017) OJ L, 345/1

[54] The G20 has arranged a Task Force on Financial Consumer Protection in cooperation with the OECD. Available at http://www.oecd.org/finance/financial-education/g20-oecd-task-force-financial-consumer-protection.htm (Accessed 25 August 2021).

[55] The OECD, for instance, has set up a Committee on Consumer Policy (CCP) with the aim of both tackling a variety of consumer policy issues and of fostering international cooperation among public authorities. Available at https://www.oecd.org/sti/consumer/ (Accessed 25 August 2021).

Organization of American States (OAS) adopted agreements, resolutions, directives, and guidelines deals with consumer protection.[56]

The OECD Committee on Consumer Policy provides an effective platform for international collaboration in the establishment of global consumer protection standards. The Committee's recent activities include guidelines for cryptography policy, consumer redress in the global marketplace, the OECD Privacy Guidelines (which are now global norms), and an overview of distance selling codes of conduct and the establishment of distance selling standards. The OECD Consumer Policy Committee is currently developing and debating the Guidelines on Consumer Protection in Electronic Commerce, which will provide governments with guidance on how to apply existing laws and, if necessary, develop new ones as they work to establish consumer protection mechanisms for electronic commerce.[57] This should also aid in the harmonization of consumer protection policies in electronic commerce at the national, regional, and international levels.

Given standards do not have a force of law, the development of international standards of best practice by the International Organisation for Standardisation (ISO) is often adopted by governments or become recognized as international best practice that helps to harmonize consumer protection standards on a global basis.

At the national level, many countries in the world have consumer protection laws with various features. In several countries there is a special consumer rights protection act, in others, this function is performed by separate articles of the civil code.

2.2.2. Enforcement Agencies

Institutional design for consumer protection agencies has its effects on the overall effective implementation of consumer protection policies and access to the community through the administrative and compliance burden on businesses facing multiple consumer protection regimes within and across jurisdictions.[58]

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[56] UNCTAD Manual On Consumer Protection, *supra* note 14

[57] OECD, Recommendation of the Council concerning Guidelines for Consumer Protection in the Context of Electronic Commerce, OECD/LEGAL/0303, 2021, available at http://legalinstruments.oecd.org. (Acceded on October 30, 2021)

[58] Consumer Affairs Victoria, Institutional arrangements for consumer protection agencies, Research Paper No. 13 April 2008, pp. 5

The major difficulty of consumer law is to establish an effective and efficient enforcement mechanism that will allow appropriate protection of consumer rights. The arrangements of the institution of a consumer protection agency are not an easy task.

The primary purpose of consumer protection regulation is to protect consumers, thus ultimately a sound institutional framework for consumer protection must be developed simultaneously. Public agencies should be established to ensure that effective regulation is controlled and enforced, as well as to facilitate and document public debate and enhance public understanding of their rights.[59]

The efficacy of the consumer protection organ, which is responsible for enforcing the consumer protection regime and ensuring consumer interest in a free market economy, is dependent, among other things, on the effectiveness of the consumer protection organ.[60]that is the reason why the governments are urged to "establish or maintain legal and or administrative measures to enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive, and accessible," according to UNCTAD's Guidelines for Consumer Protection.[61]However when it comes to enforcing consumer legislation, UNCTAD's authorities themselves are severely limited.

The creation and recent growth of the International Consumer Protection and Enforcement Network (ICPEN) network might be considered as a significant step in this regard, as it aims to secure a minimum level of consumer law enforcement on a global scale. Because it aims to maintain a global minimum standard of consumer law enforcement. ICPEN is a global network of consumer law authorities that includes representatives from over 60 countries and international organizations that deal with consumer law concerns.[62] The number of countries that are part of this network is increasing. It is now the only worldwide organization committed

[59] Consumers International, A guide to developing consumer protection law, 1st Edition, April 2011, available at; http://www.fao.org/3/a-at346e.pdf (Acceded on November 2, 2021)

[60]Alemu Taye Enyew, Ethiopian Competition and Consumer Protection Law: Appraisal of the Enforcement Organs and Its Functions, 119, *Elixir International Journal*, 51071-51076, 2018, pp. 51071

[61]United Nations. (2003). United Nations Guidelines for Consumer Protection (as expanded in 1999). (E/1999/ INF/2/Add.2). New York, NY: Department of Economic and Social Affairs. Retrieved from https://sustainabledevelopment.un.org/content/documents/consumption_en.pdf. (Accessed 3 August 2021).

[62] M. Durovic, *supra* note 6, at 135

solely to consumer law enforcement on a global scale.[63] It is a truly worldwide network of an authority responsible for enforcing consumer laws all around the world.[64]

However, still, there is no single uniform guiding principle for the adoption and application of effective enforcement strategies and institutional design for consumer protection applicable to all countries across the world. This is due to the difference in socio-economic and political realities existing among nations in the world.[65]

The research shows that local and Regional authorities have competencies or at least a sufficiently defined role in the area of consumer protection in 15 EU countries, namely: Austria, Belgium, Bulgaria, Croatia, Estonia, Germany, Greece, Italy, Lithuania, Poland, Portugal, Slovakia, Spain, Sweden, and the UK.[66] In the US, there are several federal, state, and local organs dedicated to the protection of consumers.[67]Institutionally, national, state, and local governmental and private actors are responsible for the enforcement of consumer protection.

Legislation usually establishes certain bodies or organizations to guarantee that consumer protection rules are enforced. Their responsibilities include everything from investigation to complaint filing, as well as ensuring that consumer protection laws are followed in their respective jurisdictions.

In most countries, the Central Consumer Protection Authority has a wide range of powers to investigate malpractices against consumers. In addition, the Consumer Protection law also established an Investigation Wing. Districts have also been given the right to examine complaints as part of the laws delegation of powers. The authority has the authority to conduct searches and seizures, recall products, submit complaints, and prosecute violators. The Investigation Wing has search and seizure powers equivalent to those of a Civil Court under the Code of Criminal Procedure.

Consumer protection laws are enforced in the United States by a variety of federal entities. The Federal Trade Commission, the Consumer Financial Protection Bureau, the Food and Drug Administration, and other government agencies fall under this category. The investigation and enforcement of these statutes are also the responsibility of different state attorneys. What makes

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[63] The homepage of ICPEN- https://icpen.org/ (Acceded on August 8, 2021)

[64] *Id.*

[65] World Bank, Building Institutions for Markets, World Development Report: Washington D.C. 2002

[66] http://www.europa.eu and http://www.cor.europa.eu, (Acceded on August 8, 2021)

[67] JilianG.Brady, Consumer Protection in the United States: An Overview, Loyola University, School of Law, 2008, available at:http://www.oecd.org/dataoecd/58/29/2485827.pdf, (Acceded on August 8, 2021), pp.17

a difference is that multiple authorities and bodies exist in the United States to ensure that specific acts are enforced for distinct areas. The benefit of this method is that it allows officers to become more specialized and adept at enforcing a narrower area of focus.[68]

The United Kingdom, on the other hand, has two principal enforcement agencies. These are Trading Standard Services that enforce at a local level, with the obligation extending to a regional or even national level in some situations. The other is the Competition and Markets Authority, which is the UK's apex competition law enforcement agency. Both organizations appear to have well-delegated functions and have mostly succeeded. Consumers in India, for example, can also directly pursue their rights through the courts.[69]

The Australian Consumer Law is enforced at the federal level by the Australian Competition and Consumer Commission, as well as at the state and territory levels by consumer protection authorities. This assures that just one person is in charge of everything, but it also means that only one person bears the burden of all obligations.[70]

Japan, on the other hand, has taken a unique approach with a central body known as the Consumer Affairs Agency (CAA) that is responsible for implementing most consumer protection legislation and has several specific agencies that enforce certain regulations, mostly under separate Ministries. The Installment Sales Act, for example, is governed by the Ministry of Economy, Trade, and Industry (for credit transactions, etc.).[71]

In India also, the consumer protection authority has three tiers, i.e. at the - National level (The National Commission), state-level (State Commissions), and district level (District Forums). Accordingly, 84.57% of the complaints are lodged and solved by the District Forums[72]

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[68] Available at the home page of The International Comparative Legal Guides, https://iclg.com/ - Acceded from https://iclg.com/practice-areas/consumer-protection-laws-and-regulations/united-states (acceded on December 21, 2021)

[69] Available at the home page of The International Comparative Legal Guides- https://iclg.com/ - Acceded from https://iclg.com/practice-areas/consumer-protection-laws-and-regulations/united-kingdom (acceded on December 21, 2021)

[70] Available at the home page of The International Comparative Legal Guides- https://iclg.com/ - Acceded from https://iclg.com/practice-areas/consumer-protection-laws-and-regulations/Australia (acceded on December 21, 2021)

[71] Available at the home page of The International Comparative Legal Guides- https://iclg.com/ acceded from https://iclg.com/practice-areas/consumer-protection-laws-and-regulations/Japan (acceded on December 21, 2021)

[72] Manoj Pandey, Consumer Protection in India, Paper Presented by the Directory General of Competition Commission of India on 26th April 2010, New Delhi, India.

2.3.Law and Institutional Structure for consumer Protection in Ethiopia

2.3.1. Laws of Consumer Protection in Ethiopia

From 2003 onward Ethiopian government revised consumer protection law twice since 2003. Trade Practice Proclamation No.329/2003 was replaced by The Trade Practice and Consumer Protection Proclamation No.685/2010. And in 2013 this proclamation was also revised by Trade competition and consumer protection proclamation no.813/2013. By now in Ethiopia, the consumer protection regime can be classified into two. The first one is general consumer protection law i.e. Trade competition and consumer protection proclamation no.813/2013 which is not sector-specific. Secondly, there are consumer protection laws that are promulgated for the specific sector in Ethiopia. Consumer protection in the financial sector named Financial Consumer Protection Directive No. FCP/01/2020. [73], consumer protection in the health sector named the Ethiopian Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009 [74]…etc. can be listed under this context. While the focus of this study is on TCCPP no.813/2013.

As clearly noticed from the title and the same to different countries experiences Ethiopia consumer law and its authority is integrated with competition law and its authority. Part three of Trade Competition and Consumer Protection Proclamation No.813/2013 deals with the protection of consumers and distribution of goods and services. This section basically prescribes the right of consumers and the obligation of a business person.

I. Consumer Protection under Trade Practice Proclamation No.329/2003

The above Proclamation defines a consumer as "any person who buys goods or services for personal consumption." This proclamation, unlike provided by recent proclamations, had simply donated a consumer as any person without specifying it as a natural person. But it is similar to its indication that the buying of goods or services had to be for personal consumption. Among others, the main purpose of the proclamation is safeguarding the interests of consumers through the prevention and elimination of any restraints on the efficient supply and distribution of goods and services.[75] However, the substantive provisions of this law did not effectively address the

[73] National Bank of Ethiopia, Financial Consumer Protection Directive No. FCP/01/2020, Addis Ababa, 2020
[74] The Ethiopian Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009, Federal Negarit Gazeta 16th year no 9, Addis Ababa, 13th January 2010
[75] Art. 3 of the Trade Practice Proclamation No.329/2003

issue of consumer protection. The institution established by this proclamation is likewise insufficient to address consumer protection because it has limited space for consumer protection.

II. Consumer Protection under Trade Practice and Consumer Protection Proclamation No.685/2010

In comparison to the previous one, this proclamation includes new developments such as granting different consumer rights and establishing an autonomous government agency with judicial functions in enforcing administrative measures, civil sanctions and awarding consumer compensations. It clearly established the legal and administrative basis for protecting consumers' interests. This law specifies both the rights of consumers and the obligations of businessmen. As a result, customers have the right to sufficient and correct information about the quality of goods and services, and they do not have the right to be forced to buy since they examined the quality and bargained for a lower price.[76]Furthermore, they have the right to be respected by business people and to be protected against acts of business people such as insult, menace, frustration, and defamation, as well as the right to be reimbursed for damages incurred as a result of a transaction in goods and services. Businesspeople, on the other hand, are subject to a variety of requirements. A Trade Practices and Consumer Protection Authority has been established as a self-governing body accountable to the Ministry of Trade.[77]

III. Consumer Protection under Trade competition and consumer protection proclamation no.813/2013

Consumer protection has broadly been administered under this law. Its preamble depicts the great ambition of the law towards enforcement of consumer protection across the country. It wants to establish a system that enables to protect the consumers from misleading market conduct, and which is conducive for the promotion of a competitive free market by regulating anti-competitive business activities. It has also an objective to prevent the proliferation of goods and services that endanger the health and well-being of consumers, following the expansion of commercial activities, and to ensure their safeness and suitableness to human health in a sustainable manner, and to create a conducive environment by which consumers get goods and services equivalent to the price they pay. Furthermore, it has also established an organ suitable for the effective implementation of those objectives.

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[76]Article 22 of Consumer Protection under Trade Practice and Consumer Protection Proclamation No.685/2010
[77]*Id*.

The basic rights of consumers that are sought to be promoted and protected are varied in international consumer protection instruments and in national consumer protection laws of different countries. Ethiopian consumer protection proclamation has also provided consumer rights. As per the proclamation[78] every consumer has:-

- the right get sufficient and accurate information or explanation as to the quality and type of goods or services he purchases,
- buy goods and services on the basis of his own choice,
- not to be obliged to buy for the reasons that he looked into quality or options of goods and services or he made price bargain,
- be received humbly and respectfully by any business person and to be protected from such acts of the businessperson as an insult, threat, frustration and defamation and
- Claim compensation or related rights for damages he has suffered because of the purchase or use of the goods or services.

Parallel to those rights, there are also duties illustrated under this proclamation.[79]

- Businesspersons have prohibited "furnishing false information on the quality, quantity, volume, acceptance, source, nature, component or use of goods and services; failing to disclose correctly the model of goods, whether they are brand new, modified, rebuilt as new or second hand or they are recalled by the manufacturer;
- describing the goods and services of another business person in a misleadingly; failing to sell goods and services as advertised or in the quantity consumers demand, unless the advertisement discloses a limitation of quantity;
- making false or misleading statements of price reduction;
- applying or attempting to apply a pyramid scheme of sale, based on the numbers of consumers, by announcing the granting of a reward, in cash or in-kind, to a consumer who purchases goods or services or makes a financial contribution and where other consumers through his salesmanship purchase the goods or the service or make a financial contribution or enter into the sales scheme;

[78] Article 14 of TCCPP
[79] Article 15-18 of TCCPP

- failing to fulfill a warranty obligation entered into in connection with the sale of goods or services; misrepresenting the necessity for repair or replacement of goods parts as if it were not necessary;
- giving a service that falls short of the industry standard or is deficient; making accessible for sale or selling commodities that are hazardous to human health and safety, have an unknown source, or are substandard, poisoned, expired, or adulterated; committing any deceptive or misleading act in any goods or service transaction;
- refusing to sell products or services unless they are necessary to safeguard the consumer's rights; making goods or services accessible for sale or selling them without using standard markings when the use of such standard marks is required;
- offering goods or services for a higher price than the price on the goods or the price posted in the business;;
- Falsifying the country of origin of goods; unduly favoring one consumer over the other; subjecting a consumer to purchase goods or service not desired in order to sell another goods or service; using any unlawful instrument of measurement."[80]

Businessmen also have positive obligations to display the price of their goods and services by posting such a list in a prominent location in their business premises or by affixing price tags on the goods that include taxes and other lawful fees; affix labels on the goods he sells or provide them to the consumer on a separate piece of paper; issue receipts to the consumer immediately in respect of goods or services sold; and so on.

2.3.2. Enforcing Institution

The institution responsible for the practice and enforcement of consumer protection law is organized in different ways under the federal and regional levels in Ethiopia. Trade Practice and Consumer Protection Authority and Ministry of Trade (MoT)[81] are established at the federal level. Regional Trade Bureaus (RTBs)[82] are responsible at the regional administration level. Courts at both federal and regional levels also have the authority to enforce the law.

I. Federal Authority

[80] Article 22 of TCCPP
[81] Now it is named 'Trade and Regional Integration Ministry'
[82] Now the bureau named in SNNPR is "Trade and Market Development bureau"

This proclamation also established an institutional structure for the enforcement of those consumer rights and counterpart business person duties. For the matter of this study, looking at Trade Competition and Consumer Protection Authority and Regional Trade Bureau with some detail is very important. Trade Competition and Consumer Protection Authority is comprised of a director-general, to be appointed by the prime minister, judges, and a staff.[83] As the authority's chief executive officer, the director-general organizes, directs and administers the authority's activities.

The authority has one presiding judge and two other judges for each division of the adjudicative tribunal. The criterion for judges' professional qualifications, educational background, and experience is also not clearly stated. It has been entrusted with a variety of responsibilities, as well as administrative and judicial authority.

The authority has the jurisdiction to take appropriate actions to promote market transparency and prohibit the advertising of goods and services that violate health and safety regulations. It has the authority to impose administrative and legal penalties on business persons that violate the Trade Competition and Consumer Protection Law. Another key function of the authority is to organize various education and training to increase consumer awareness. Moreover, the authority has the power to initiate and advocate policy issues and participate in policy and strategy drafting by government organs.[84]

The authority has also been given broad judicial authority. It decides on administrative and legal sanctions and determines that complainants be compensated for their losses.[85] The authority has the ability to adjudicate on violations of the law, public notices to execute it, and violations of other consumer protection regulations. The authority can summon witnesses to attend and testify before its adjudicative tribunals in order to carry out its judicial powers. It can also verify, examine, and issue injunctions on activities it deems inappropriate.[86]

Looking into Structural Independence, the law establishes the authority as an autonomous federal government organ having its own legal personality.[87] It is an autonomous organ separated from

[83] Art. 27 of TCCPP
[84] Article 30 of TCCPP
[85] Article 31 of TCCPP
[86] Article 38 of TCCPP
[87] Article 27 (1) 0f TCCPP

the Ministry of Trade.[88] The authority has its own judges, a director-general, and the necessary staff as well as its own budget.[89] It is generally taken that having one's own organizational structure and budget are important indicators of the independence of competition authorities.[90]
It is necessary to consider not only its structural independence but also its functional independence. The authority's functional independence refers to its ability to enforce the law without influence from government agencies. The Trade Competition and Consumer Protection Law states that the authority is free from outside interference or direction in the cases it decides.[91] This is an important guarantee for the authority. It enables it to adjudicate cases without any fear of or pressure from government organs.

II. **Regional consumer Protection Organ**

The proclamation under its scope of application[92] says the proclamation shall apply to any commercial activity or business transaction conducted or having an effect in the federal democratic republic of Ethiopia. This shows that the law is not only for federal jurisdiction but across the country also. Regional Trade and Market Development Bureau are the most important organs in connection with the implementation of consumer protection under the TCCPP. According to article 23(5), the Ministry of Trade and regional trade and market development bureaus shall have the power to implement a part of the Proclamation that deals with consumer protection except some of the provisions which are incumbent upon the Authority.

Regional Trade and Market Development Bureaus are also given the power to deal with the implementation of the Proclamation[93], a duty to inspect any acts of hoarding or diverting of goods and to ban the distribution of goods and services that do not fulfill the standard of health and safety[94] and cause the disposal of goods that are spoiled and are dangerous to human health and safety.[95] The Proclamation recognizes the jurisdiction of regional states over consumer protection, which is one of its most essential features. Even though involving the Regional Trade

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[88] *Id*
[89] Article 28 of TCCPP
[90] OECD Global Forum on Competition, Optimal Design of a Competition Agency, 2003, Available at: http://www.oecd.org/dataoecd/58/29/2485827.pdf (Acceded on 11, December 2021), Pp.5
[91] Art. 35 of TCCPP
[92] Art. 3 of TCCPP
[93] Art. 23 of TCCPP
[94] Art of 23(1) of TCCPP
[95] Art. 23 (4) of TCCPP

and Market Development Bureaus in the implementation of consumer protection in some areas under the Proclamation is a step forward from the previous Proclamation, it does not sufficiently empower the regional trade bureaus to enable them to effectively enforce consumer protection in their respective spheres. The Proclamation, for example, does not provide regional concerned authorities the authority to regulate the prices of fundamental commodities and services. Under its article 34, the proclamation says each region may, when necessary, establish a consumer protection judicial organ and appellate tribunal.

2.4.Related Literature Review

There are numerous literature conducted on consumer protection at the international, regional and national levels. Many theoretical and empirical studies on consumer protection highly contributed to further improvement on policy, legal and institutional framework of consumer protection. This section analyzes some relevant literature focused on literatures done in Ethiopia.

Tessema Elias Shale[96] in his LLM thesis tried to analyze limitations about the institutional framework and the enforcement strategy for consumer protection from both legal and practical perspectives.

The basic points that he discussed were first, features and practices of effective enforcement design for consumer protection with a view to test the effectiveness or otherwise of the present enforcement framework for consumer protection in Ethiopia. This includes modes of intervention, prioritization of enforcement mechanism, private sector representation…etc. [97]secondly it is about the composition, independence and power of consumer protection institution (TCCPA). However, His study does not address the actual practice and enforcement across the country, particularly in Bench Sheko zone. Indeed the issue raised by this researcher will affect the effective implementation and enforcement of consumer protection.

The other researcher Andinet Haile[98]whose study is mainly concerned with enforcement mechanisms of consumer protection in Ethiopia, by classifying into public and private enforcement mechanisms. According to his research, consumer law enforcement in Ethiopia is aggressive public enforcement, including awarding compensation in addition to granting administrative remedies and imposing administrative fines, and private enforcement, primarily

[96]Tessema Elias Shale, *supra* note 22
[97] Ibid, pp. 20
[98]Andinet Haile, *supra* note 20

by individual consumers and in a few cases by representative suits whose content has no counterpart in the United States or the European Union.

The other issue he raised was the exclusion of legal persons (especially small and medium-sized businesses) from the Trade Competition and Consumer Protection Proclamation 813/2013 under article art.2 (4). The consumer is only considered a natural person under this law. Another major issue addressed by this researcher was TCCPA's accountability to the Ministry of Trade under this proclamation's art.27 (2). According to his research, this will jeopardize the Agency's autonomy and transparency.

There also has another research study on consumer protection by Dessalegn Adera.[99] His study is on proclamation no. 685/2010 which is already amended by 813/2013. His study is more on the normative element of the above proclamation including structural and functional autonomy to the Trade Practice and Consumer Protection Authority. He says that establishing a consumer protection judicial organ at the regional level is critical since the majority of consumers are inhabitants of the region, and the majority of them are prone to manipulation because they are uneducated and unaware of their rights. He discusses regional implementation and enforcement of consumer protection as follows:-"The statute authorizes Regional Trade Bureaus to conduct investigations on applications submitted to them or on their initiative, just as it does the Ministry of Trade and Industry. The Regional Bureaus have the authority to enter, search, seal, order the happening of containers in, take samples of goods or other materials necessary for the investigation or seize documents from, seize or take copies of information contained on tape recorders, and search the warehouse of business persons when conducting investigations. The Regional Trade and Industry Bureaus also have the authority to prohibit the distribution of goods and services that do not meet health and safety standards, as well as to inspect any actions of hoarding or diverting items."

Furthermore, he analyzes that the law has also to provide for the establishment of Regional Consumer Protection Organs that adjudicate on matters of consumers' rights protection and for the appointment of judges there to by the presidents of regional states. These regional consumer protections have been granted jurisdiction in connection with commercial activities licensed by their respective regional states or business persons engaged in such commercial activities or commercial activities conducted in their respective regions. But the problem concerning regional

[99]Dessalegn Adera, *supra* note 13

adjudication of consumers' rights is that the law has left the establishment of consumer protection judicial organs optional.[100]

Tessema Elias, in his article[101]describes the problem in relation to consumer protection at the regional administration level as follows:-"In Ethiopia, regional states do not yet have their consumer protection laws, nor do they have their institutional frameworks for implementing them. Even though the law calls for the creation of a regional consumer protection judicial institution, it does not grant it administrative authority or the authority to investigate and prosecute violators.[102]

The law also envisages the establishment of federal authority branches that have yet to be implemented, leaving consumers in areas outside the scope of the proposed protection. While bringing the Regional Trade Bureaus (RTBs) into the picture concerning the implementation of consumer protection in some areas under the Proclamation is a step forward, it does not sufficiently empower the RTBs to enable them to effectively enforce consumer protection in their respective spheres. For example, the Proclamation does not give regional governments the authority to set pricing for fundamental goods and services.[103]

2.4.1. Conclusion on the Knowledge Gaps

All the literature analyzed above explores the legal and institutional shortfalls of the existed laws on consumer protection laws. Some of them argue that those shortfalls are impediments to the enforcement of consumer protection law in Ethiopia. The problem of autonomy and independence, problem in judicial functions, problems in regional enforcement organ, way and methods of enforcements are, among others, identified by the aforementioned researchers.

But as per the researcher's knowledge, there is no research done on the existing ground fact on practice and enforcement of the law across the country. There may be the claimed drawbacks to the laws, but despite that it needs to have empirical study on the practice and enforcement of consumer protection law across the country. Hence this study is aimed at examining the practice and enforcement of existing laws on consumer protection in Bench sheko zone.

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[100] *Id*.

[101] Tessema Elias, Gaps and Challenges in the Enforcement Framework for Consumer Protection in Ethiopia, Vol. 9 No.1 Mizan Law Review, 84-107, 2015

[102] Article 34 of the TCCPP

[103] Ibid, pp. 102

CHAPTER THREE

ANALYSIS ON THE PRACTICE AND ENFORCEMENT OF CONSUMER PROTECTION LAW IN BENCH SHEKO ZONE

3.1.Institutional structure for consumer protection at Regional State Level

After the submission of the proposal of this study South Nation Nationalities and Peoples Representatives (SNNPR) are restructured and southwestern zones are formed as the eleventh region of Ethiopia in Hidar 13/ 2014 E.C, named Southwestern Peoples of Ethiopia Regional State (SWPER). The newly formed region state council decided that all laws existed in the former regional state, SNNPR, directly applicable to the new region, SWPER. Therefore the researcher of this study was forced to revise the submitted proposal and the title of the study. The revision of the proposal has no significant changes in this study because the study is mainly on examining practical application of consumer protection law, which limits its scope to the Bench Sheko zone. The regional institutional structure related to consumer protection law in the former region is directly practiced under the newly formed region.

The institutional structure of consumer protection is integrated under the Trade and Market Development Bureau of the region. As already stated consumer protection proclamation does not sufficiently empower regional enforcement agencies. The institutional structure at the regional level, zonal level, and woreda level are the same concerning consumer protection. Trade Competition and Consumer Protection Proclamation say that The Competition and Consumer Protection Authority may have branch offices elsewhere, as may be necessary.[104] But there is no branch established in SNNPR (SWEPR) until now despite its necessity[105]. Furthermore, this law also provides that each region may, when necessary, establish a consumer protection judicial organ and appellate tribunal.[106]But no step taken by the region for the establishment of the judicial organ in SNNPR (SWEPR) for consumer protection, rather the case is handled by regular courts in the region.

[104]Article 29 of TCCPP
[105]Interview with Ato Tamrat Ketema, Head of the office, Bench Sheko zone Trade and Market Development Office, on 6th of July 2021.
[106] Article 34 of TCCPP

3.2.The practice of Consumer Protection in Bench Sheko zone

Bench Sheko Zone (the area of this study) is one of the 14 zones formerly in SNNPR and now in the newly established region of Southwestern Peoples of Ethiopia region, which contains six zones including the Bench Sheko zone. Recently established due to the country's reform in 2018, from Zone previously named Bench Maji Zone. The administrative center of Bench-Sheko is Mizan Aman, 586 kilometers from Addis Ababa, the capital of Ethiopia.

The zone is structured with two city administrations and six woredas. Which is known as the highest market transaction due to abundant cash crops and other activities. Mizan-Aman city administration, Seiz city administration, Semen Bench woreda, Debub Bench woreda, Gede Bench woreda, Shey Bench woreda, Sheko woreda, and Guraferda woreda are woredas and city administrations structured under Bench Sheko Zone.

The markets in woredas and city administrations of Bench Sheko zone are always faced with market malpractices[107]. Adulteration, provision of goods below quality, selling expired products which dangerous for the health of consumers, illegal trade of different basic goods like sugar and palm oil, not listing the price of goods are abundantly practiced in such areas. More specifically adulteration of butter with different kinds, adulteration of honey, adulteration of peppercorn, and others also are serious problems that violate consumer rights[108]. The researcher observed that in different cities of the zone it is normal to sell adulterated honey and adulterated butter in shops even that have a legal business license.

Bench Sheko zone trade and market development office is structured with six main directorates, which are the same in regional and woreda structure. Consumer Protection Directorate is from the six main directorates in the office. As per the standard of the office, the consumer protection directorate has its director and five officers under him. But an interview with the head of the office, Mr. Tamrat Ketema (hereinafter Mr. Tamrat)[109], confirmed that only three officers are now employed on the post. Concerning the profession of officers, Mr. Tamrat said that business-related fields are recruited for the consumer protection directorate. And there is no legal professional both under institutional level and specifically to consumer protection

[107]Benyam Tadesse et al, *supra* note 25
[108]AtoTamrat Ketema, *supra* note 104. The researcher also observed that there are many illegal market practice in Bench Sheko zone, which violates the right of consumers.
[109]*Id.*

directorate.[110]The interview with Mr. Tamrat revealed that there are key factors affecting the effective enforcement of consumer protection laws in the Bench Sheko zone.[111] The factors are discussed in detail hereunder.

3.2.1. Major factors affected the effective enforcement of Consumer protection law in the Bench Sheko zone

I. Shortage of Budget

At the federal level, the budget for Trade Competition and Consumer Protection Authority is allocated by the government.[112] There is no deviation at the regional level. The very serious problem for enforcing consumer protection law in the Bench Sheko zone is the lack of budget. It affects for employing manpower, for running investigation and overall activities related to enforcement of consumer protection law. Mr. Girma Yifru (hereinafter Mr. Girma), consumer protection directorate director, said that the yearly budget is very small and the investigation of one case is very expensive. He responded that there has been no change in the budget for long years, which is 30,000 ETB.[113] This budget cannot able to run the implementation process. For instance, in the case of adulteration of goods, it requires laboratory tests which are only conducted in the capital, Addis Ababa. Therefore transport and other allowance costs are very challenging of its operation. Furthermore, Mr. Girma affirmed that their many cases remain pending due to a lack of budget in operating their investigation process.[114]

The budget problem is also a serious problem at the woreda level. Mr. Hagos Belachew, Mizan-Aman city administration Trade and Market development office Consumer Protection Directorate director responded[115] that the very serious problem for implementing consumer protection law in the city administration is lack of budget. The office has no adequate logistics like computers, stationaries and other necessary materials for exercising their works. The reason for employing only one expert in consumer protection affairs of the city is also lack of budget. All the remained woredas and city administrations also face the same problem.

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[110] *Id.*
[111] *Id.*
[112] Article 44 of TCCPP
[113] Interview with AtoGirmaYifru, Director of Consumer Protection Directorate, Bench Sheko zone Trade and Market Development Office, on 6th of July 2021.
[114] *Id.*
[115] Questioner with Ato. HagosBelachew, Consumer Protection Directorate Director, MizanAman city administration Trade and Market Development Office, on 9th of December 2021

The researchers observed that a great problem in office furniture, room, stationary, telephone which is required for receiving complaints from consumers and other materials necessary for effective function of the institutions.[116]

II. Weak trends in Awareness creation about consumer protection law

Consumer protection law provided that the trade competition and consumer protection authority has to take appropriate measures to develop public awareness on the provisions of the Proclamation and its implementation.[117] Based on this the authority granted to organize various education and training forums and provide education and training to enhance the awareness of consumers.[118] The appropriate measures in the authority may be expressed in different ways. The Hiring of professionals knows about the proclamation, using public media and different other methods of intervention.

Bench Sheko zone Trade and Market Development has some experience in giving awareness to consumers and business communities towards exercising their rights and fulfilling their duties respectively. As per the response of Mr. Tamrat the office has airtime both at Mizan-Aman Fana FM 92.5 and south radio 104.5 with different local languages. The topic of the awareness is mainly focused on the rights of consumers provided under the proclamation and the overall duties of businessperson related to their business activities. But still, the great problem is that the one who gives legal awareness is not with a legal professional. Mr. Tamrat also responded that it is better to have a legal professional to provide a clear context and explanation to the public. Our office's workers sometimes face difficulties in understanding the terminology of the proclamation. In addition to those media outlets through tracts, broachers, flyers, public gatherings, and others they try to give awareness regarding consumer protection.

The other main experience concerning awareness of consumers is establishing student unions for consumer protection in elementary and secondary schools in the zone. The progressive steps are taken for establishing such unions in the schools in different woredas and city administrations. In the memorandum of understanding between different offices, basically, education office and child and women affairs office has a greater role to give awareness in a various arrangement of

[116] Observation made on 9th of December 2021
[117] Article 30(2) of the TCCPP
[118] Article 30 (6) of TCCPP

their institution like youth union, women union, students union… etc. but still, there is a problem of consistency and coordination for such progress. Because sometimes they face a shortage of budget to cover media costs.

III. Absence of legal professionals

At the federal level, as per the proclamation, the Authority has judges to be appointed by the prime minister. The authority also has investigative officers conducting investigation and prosecutors instituting an action in accordance with the Proclamation.[119] Therefore the authority has the duty to organize judicial organs with jurisdiction on issues of trade competition and consumers protection in accordance with the provisions of the Proclamation.[120] This has a great contribution to the effective enforcement of the law across the country if applicable. It minimizes the cost of enforcement and enhances its application.

There is no legal professional in Trade and market development office at the zonal and woreda level. The same is true under the regional administration level. This creates a gap in knowledge of the law and to enforce it. Mr. Tamrat said that we discussed this issue several times at the regional level, but still, the problem is not solved.

IV. Insufficiency in Man Power and profession

As per article 28(4) of the proclamation, it has been provided that the authority should have the necessary staff. Based on this it gives power to the director-general of the authority to employ and administer employees of the Authority based on the principles of the federal civil service laws.[121] According to the civil service law standard for manpower, in the consumer protection directorate is six officers at the zonal level, in Trade and Market Development office. But now in the Bench Sheko zone, it is only three employees work in the position. This affects the capacity to implement the law as it is expected to be implemented. The director of consumer protection has a profession of social anthropology. The researcher believes that this also has greatly affected its enforcement. Other officers have business-related professions. Both the head of the office and consumer protection directorate director responded that this has its own negative impact on the overall implementation of consumer protection in the Bench Sheko zone.

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[119] Article 28(2)&(3) of TCCPP
[120] Article 30 (9) of TCCPP
[121] Article 31(2(b)) of TCCPP

The following table shows the manpower that exists in the woredas and city administrations in the Bench Sheko zone. At the woreda level including the directorate director of consumer protection the standards require five officers for different works with regard to consumer protection. Those positions are directorate director, training and education officer, consumer protection legal affairs officer, consumer affairs officers.

Note that the manpower required for the three positions (director, Training and education officer, and consumer legal affairs) is only one, but for the position of consumer affairs, the standard requires two experts.

The data on the table shows that the practice of employing manpower for enforcement of consumer protection law is very few and far from the expected standard. At a zonal level, it is employed only two. There is no officer in every woreda in the position of Consumer security affairs.

Table 1. Data on manpower designated under consumer protection directorate in woredas and city administrations.

No.	**Woreda and city administration name**	**Required number**	**Employed**	**Position**			
				Director	Training and education officer	Consumer affairs	Consumer security affairs
1	**Bench Sheko Zone**	**6**	**3**	**Yes**	**Yes**	**Yes(only one)**	**No**
2	Seiz city administration,	5	1	Yes	No	No	No
3	Semen Bench woreda	5	1	Yes	No	No	No
4	Debub Bench woreda	5	1	Yes	No	No	No
5	Gede Bench woreda,	5	0	With representation	No	No	No
6	Shey Bench woreda,	5	1	Yes	No	No	No
7	Sheko woreda	5	1	Yes	No	No	No
8	Guraferda woreda	5	0	With representation	No	No	No
9	Mizan-Aman city admin.	5	1	Yes	No	-	No

3.2.2. Case management; Procedure for Initiation, Investigation, taking action and enforcement of consumer protection in Bench Sheko zone

At the institutional level, the authority may initiate cases on its own or based on the information given by others. The information call number is distributed to the public and there is also an information acceptance form in the office both in zone and woredas. Therefore the authority would start to conduct an investigation based on such information when there is sufficient ground to suspect that the offense is committed according to such information.[122] At a personal level, any consumer may also institute an action before an adjudicative bench of the Authority who claims payment of compensation pursuant to Article 14 of the Proclamation in the case of a transaction conducted in the Addis Ababa or the Dire Dawa city administrations or before the regional consumer protection judicial organ in the case of a transaction conducted in a region. Since there is no regional consumer protection judicial organ the case is submitted to regular courts.[123]

Pursuant with the response of Mr. Girma,[124]if there is a violation of consumer right protection the procedure of instituting the case to be conducted is as follows:- firstly, the one who's right is violated institute his claim to Trade office, then secondly, the officer of the trade institution makes investigation. If they got the violation is simple and minor they would solve it through negotiation. If it needs administrative measures they will come to discuss through management of the office and give the relevant decision. Thirdly, if the case requires instituting a file in court that has a civil effect, the law offices of their institution will bring the file to the ordinary court of the city. And finally, if the violation has a criminal effect they will bring the file to the public prosecutor and the public prosecutor will to the court.

In addition to its own investigative officers, if the Authority finds it necessary, in conducting its investigation activities, it may order the police forces under the Federal Police Commission, the Addis Ababa City Administration Police Commission, or the Dire Dawa City Administration Police Commission.[125]The law classified the jurisdiction of the authority for an investigation into two. Firstly, it starts investigation anywhere in the country of the offense entails administrative

[122]Article 36(1) of TCCPP
[123]Article 37(3) of TCCPP
[124]Mr. Girma, *supra* note 108
[125]Article 36 (2) of TCCPP

measures and administrative penalties. This includes order compensation in accordance with the relevant laws to consumers victimized by transactions conducted in the Addis Ababa or the Dire Dawa city administrations in violation of consumers protection provisions stipulated under Part Three of the Proclamation. This means the consumer may live anywhere in the country but the transaction happened in Dire Dawa and Addis Ababa. Secondly, only in the Addis Ababa or the Dire Dawa city administrations, for a violation which entailing criminal penalty pursuant to sub-article (2), (3), (4), (5), or (6) of Article 43 of the Proclamation. After the completion of the investigation process, the action shall be instituted by a prosecutor of the Authority based on the findings of an investigation conducted pursuant to Article 36 of the Proclamation.[126]

When we come to the investigation process in the Bench Sheko zone the two institutions, the police office, and prosecutor's office come in to picture. Since the case of consumer protection falls under the jurisdiction of first instance court, zonal public prosecutors and police offices have no opportunity in leading the investigation process. Prosecutor Dawit G/medin Tonka, Tax and Business crimes director, responded that zonal prosecutors participate only in the case of an appeal from woreda courts.[127] Mr. Mohammed Yusuf, the head of the Seiz city administration public prosecutor office, told that their prosecutor office leads the investigation of consumer protection cases with the woreda police offices.[128] But they always face problems with logistics and technical material for undergoing the investigation process. Mr. Tsegaye Fikadu[129], the Head of Debub Bench woreda prosecutor office also shared the statement given by Mr. Mohammed that in their woredas they lead the investigation process even if the case is rare.

The action may be instituted either for taking administrative measures and imposing administrative penalties by the adjudicative bench of the Authority or for imposing a criminal penalty, which is imposed by the competent federal court.[130]

The law provides administrative measures and criminal measures for different violations of the proclamation. With regard to consumer protection, there are violations entitled both to

[126]Article 37 of TCCPP
[127]Questioner with Public Prosecutor Dawit G/medin Tonka, Tax and Business crimes director(and office vice), Bench Sheko zone Justice office, on 7th of November 2021
[128] (0910700992) Interview with Public Prosecutor Mohammed Yusuf, office head, Seiz city administration Justice office, on 21th of November 2021
[129](0917151969) Interview with Public Prosecutor Tsegaye Fikadu, office head, Debub Bench Justice office, on 15th of November 2021
[130]*Id*

administrative liability and criminal liability. But it is not clear whether the law clearly provides for administrative measures for the violation of part three of the proclamation. The law only says that the authority may order compensation in the case when consumers claim for the authority.[131] But Article 42 of the proclamation which provides the list of administrative penalties does not include violation of part three of the proclamation. Violation of consumer protection entails criminal penalties also has not been exhaustively listed under article 43 of the proclamation.

I. The practice of Administrative measures in the Bench Sheko Zone

The administrative penalties are taken by the executive organ of the government. According to the consumer protection law of Ethiopia adjudicative benches of the Authority has the power to order administrative measures.[132] Concerning administrative penalties, there is no clear distinction for the case seen by regular courts and Trade and Market Development offices at the regional level. Reports show that most of the time, the imposition of fines is seen as administrative penalties in addition to the suspension and cancellation of business licenses and other penalties. The regular courts also impose fines as criminal penalties for violations of consumer protection law. The law is not clear as such as to the difference between civil sanctions and administrative penalties concerning violation of consumer protection law, except in the case where consumers claim compensation for the damage they faced due to illegal market practice. The provision deals about administrative penalties deals do not include part three of the proclamation, mainly provides about consumer protection. The following table shows the summary of administrative penalties provided under the proclamation.

[131]Article 32(1(c)) of TCCPP
[132]Article 32(1(a)) of TCCPP

Table 2; summary of administrative measures provided under Trade Competition and Consumer Protection Proclamation 813/2014

No	Violations provision	Administrative Penalties imposed	Article	The illegal act
1	Article 5 of the Proclamation	Fine from 5% up to 10% of his annual turnover	Art.42(1)	Abuse of market dominance
2	sub-article (1) or (2) of Article 7 of the Proclamation	a fine of 10% of his annual turnover	Art. 42(2)	Anti-Competitive Agreements, Concerted Practices
3	Article 8 of the Proclamation	fine from 5% up to 10% of his annual turnover	Art. 42(3)	Unfair Competition
4	Art. 9 to Article 13 Of the Proclamation	Fine from 5% up to 10% of his annual turnover.	Art. 42(4)	Merger
5	Other participants	fine from Birr 10,000 to Birr 100,000.	Art. 42(5)	-

Despite the administrative measures shown under the proclamation, the Bench Sheko zone and Woreda Trade and Market Development office has the experience of administrative measures. Mr. Girma says that the offices take a major based on the situations of the offense, the capacity of the business person and overall market practice around the areas.

Table 3; The following Data shows the 2013 E.C administrative measures taken by Bench Sheko zone woreda offices.

No	Woreda	Violations	Number of Violation	Measures
1	Mizan Aman city administration	Not listing and posting price	94	Suspension of business license, Warning and imposition of fine
		Illegal price increase	27	
		Selling goods with expiration date	6	
		Adulteration	3	
2	Gede Bench woreda	Not listing price	9	Warning and imposition of fine
		Illegal price increase	4	
		Selling goods with expiration date	-	
3	Shey Bench woreda	Not listing price	28	Warning and imposition of fine
		Illegal price increase	13	
		Selling goods with expiration date	2	
				Warning and imposition of fine
4	Debub Bench woreda	Not listing price	11	
		Illegal price	4	

		increase		
		Selling goods with expiration date	2	
5	Sheko woreda	Not listing price	35	Warning and imposition of fine
		Illegal price increase	19	
		Selling goods with the expiration date	3	
6	Semen Bench woreda	Adulteration	3	Warning, Suspension of business license, and imposition of fine
		Not listing and posting price	23	
		Illegal price increase	8	
		Selling goods with expiration date	2	
7	Guraferda Woreda	Not listing and posting price	16	Warning and imposition of fine
		Illegal price increase	7	
		Selling goods with expiration date	1	

8	Seiz city administration	Adulteration	4	Warning and imposition of fine
		Selling goods with expiration date	2	
		Not listing and posting price	26	

Source; the 2013 E.C reports of all woredas and city administrations of Ethiopia.

II. Enforcement at a court of law

As already mentioned, since there are no branches of the Authority in the region and the region has no independent adjudication and appellate tribunal for consumer protection, cases relating to consumer protection are entertained at regular courts. Even if the law is not clear as to the regional enforcement of consumer protection laws, the de facto situation reveals that they are being handled by regular courts.

On one hand, Judge Beneyam Babu[133], who is the president of Bench Sheko zone high court, expressed his concern about the massive violations of consumer protection laws on one hand and the very few cases filed on the other hand in the area. According to him, the issue of jurisdiction has been a contention for a long time since the enactment of the law. There is no clear provision under Trade Competition and Consumer Protection Proclamation 813/2014 as to the jurisdiction of regular courts. As per the response of Mr. Benyam Babu, now the regular courts are exercising based on the agreement that was held at the regional level. The courts and other law-enforcing agencies held a meeting, and they agreed to vest the power in the first instance or woreda courts to entertain consumer protection cases. Since most judicial power is vested in the judicial authorities, it says nothing as to the regular courts. There are no regional laws that solve this problem at the regional state level. Therefore, this caused a serious problem in the enforcement of consumer protection laws at the regional level. On one hand, the proclamation says it shall apply to any commercial activity or transaction in goods or services conducted or having effect within the Federal Democratic Republic of Ethiopia.[134] On the other hand, it

[133] (0917825975) interview with Judge Beneyam Babu, President of the Bench Sheko Zone High Court, on November 11th, 2021.
[134] Article 4 (1) of TCCPP

limited the majority of its substantive and procedural provisions to Addis Abeba and Dire Dawa, with no explicit mention of regional enforcement mechanisms.

He responded that the case of consumer protection jurisdiction totally falls under the jurisdiction of the woreda court or first instance court. High courts in the region only see consumer protection cases through appeal.[135] As observed by the researcher, the reporting mechanisms of the court are classified into two. Firstly, general cases and, secondly, cases with a special concern or having a public interest that are separately reported. The case involved under the latter classification is a government loan, tax, contraband, rape, abduction, early marriage, and maintenance and consumer protection. The inclusion of consumer cases in the special cases report, according to the president, demonstrates that the court has given due consideration to the enforcement of consumer protection laws in the Bench Sheko zone.But compared to other cases, the number of consumer cases is very small as a zone. The following table reveals five consecutive years of the case report as observed from the report document at the zonal level.

Table 4; Number of consumer protection cases presented to all woredas and city administration regular courts in Bench Sheko zone.

Years	Number of cases presented to all regular courts in Bench Sheko zone	The case decided	Case type	Penalties	
				Imprisonment	Fine
2010 E.C	45	45	Criminal	2-7 years	548,214
2011 E.C	27	24	Criminal	1-1.3 years	45,700
2012 E.C	18	15	Criminal	-	44,600
2013 E.C	8	8	Criminal	1-3 years	62,000
2014 E.C (3 months)	-	-	-	-	-

Source; Reports from Bench Sheko zone High court

[135] *Id.*

According to the five years report of Bench Sheko zone high Court, in the last five years, only 98 criminal cases are presented before the regular courts in the zone. And 92 of them are gets the final decision with sentencing and imposition of a fine. The five-year report revealed that consumer protection cases presented before regular courts are declining from year to year despite an increase in violations of consumer protection law in the Bench Sheko zone. Judge Beneyam Babu, President of Bench Sheko zone High Court, responded that there are multiple reasons for such a decline. The main reasons are the progressive weakness of the executive organ of the government in taking action of the courts, the law and organs of the governments are not able to go with the circumstantial changes of the market and technology.[136]Other causes, such as the budget problem, the evidence problem, and the inattentive attitude of government employees as a result of the country's political circumstances, also contribute to such a decline. The other thing which the report surprisingly revealed is that there are no civil cases presented before regular courts since five years ago from now. That means there was no consumer who claimed compensation for the damage he suffered from illegal market practice in the Bench Sheko zone.

The researcher tried to analyze some court cases in violation of consumer protection law. In the case between the public prosecutor and Esmael Kedir[137], the accused person packed sugar with cement bursa which will danger the health of the consumer. The prosecutor accused him of violation of article 24(1(a)) and 43(4) of Trade Practice and Consumer Protection Proclamation no. 813/2014. Finally, Mizan-Aman's first instance court decided 1 year and 8 months imprisonment and a fine of 17,078.72 Birr.

Another file in the case between Mizan-Aman city administration public prosecutor and Ato. Abebe Ademe[138], filed at 19/03/2012 E. the case is suited in violation of article 24(1(a)) and 43(5) of proclamation no. 813/2014. For the reason that the accused hoarded 100 kilograms of sugar illegally. But presenting the witness for the charge for very challenging for the prosecutor. The case was delayed almost for a year, which ended on 21/03/2013. Unfortunately, the case was closed without final judgment due to challenges in evidence. Similarly, the other cases between

[136]Judge Beneyam, *supra* note 121
[137]MizanAman city administration public prosecutor v. AtoEsmaelKedir, MizanAman First Instance Court. File No. 15952 (*Decision of 14 October 2019) (06 Hidar 2011 E.C.)*
[138]MizanAman city administration public prosecutor v. AtoAbebeAdeme, MizanAman First Instance Court. File No. 16968 (*Decision of 29 November 2020) (21 Hidar 2013 E.C.)*

the same public prosecutor and Ato Wendmu Taye[139] ended without final judgment because of gaps in the proclamation. The proclamation does not provide appropriate legal provisions for the taking of a measure for such an illegal act.

Those cases also revealed that the enforcement capacity of enforcing institutions in the Bench Sheko zone is coming decline from year to year.

3.2.3. The Interaction of different law enforcement agencies for effective enforcement of Consumer Protection law in Bench Sheko zone.

There is a 'Memorandum of Understanding' titled "Memorandum of Understanding for the enforcement of Trade Competition and Consumer Protection Proclamation 813/2014" which regulates the interaction of different offices both at regional, zonal level and woreda level in Bench Sheko zone. Those offices are;- Trade and market Development office, Police office, Child and Women affairs office, Education office, Court, Trade Council, and sectorial Association office, Healthy office, and prosecutor office. As per the Memorandum of Understanding the interaction of those offices is classified into three basic categories according to their functions. Firstly, Training and education function, Child and Women affairs office and Education office included under this category. Secondly, inspection and investigation function, Police office, Healthy office, and prosecutor office are included under this category. Thirdly, legal enforcement, the court are mainly designated for this function. The memorandum urges for the regular courts to establish consumer protection division in the court in supreme, high and first instance courts of the region. Judge Endalkachew Alemayew,[140] the president of Shey Bench woreda court, express that they have dealt with such issues at the regional meeting but it is difficult to practice because of budget shortage at the woreda court level. Judges in regular courts have a chance of getting training on consumer protection law and its enforcement which is done one time on a yearly basis.

The prosecutor's office has duty-bound to prosecute cases and follow up the investigation process when there is a violation of consumer protection law. The police officers also have the responsibility to take the investigation process by giving special attention to consumer protection violations than other cases. The Education office has special duty to control unreasonable price

[139]MizanAman city administration public prosecutor v. AtoWendmuTaye, MizanAman First Instance Court. File No. 17909 (*Decision of 27April 2020) (19 Ginbot 2013 E.C.)*

[140] Interview with Judge Endalkachew Alemayehu, president, Shey Bench woreda court, November 23, 2021

increases in private schools and notify the concerned body. Special duty to provide education and training arrangements for awareness consumer protection is also given to education office. Women and children's office affairs also have a duty to facilitate training and education of consumer protection for different groups like women development groups. Zonal trade and the sectorial association also have a duty to play a role in consumer protection. Healthy offices are a special sector in the inspection of food and drug whether they are a danger to human health and life.

CHAPTER FOUR

MAJOR FINDINGS AND RESULT OF THE STUDY

4.1.On Legal and Institutional Arrangement in the Proclamation and its Application

As already discussed under chapter three of this study, the scope of Trade Competition and Consumer Protection Proclamation 813/2014 is applicable across the country. This law provides two mechanisms for reaching the border of the country. The first one is to establish the branches of Federal law enforcing authority (TCCPA) everywhere in the country as it may be necessary. The second mechanism is empowering regional trade bureaus and allowing the regions to establish consumer protection judicial organs and appellate tribunals. The law also calls for the formation of federal authority branches that have yet to be implemented, leaving consumers in regions without protection. Therefore, the first mechanism is not practiced still in SNNPR or the newly formed region SWEPR, while the second option is partly implemented in the region. The region has Trade and market development Bureau, Consumer Protection Directorate, which is directly concerned about consumer protection and legally enforced through regular courts in the region, but the Consumer protection judicial organ and appellate tribunal are still not formed in the region.

The formation of a consumer protection judicial organ at the regional level is critical because the majority of consumers are regional residents who are prone to manipulation because majority of them are illiterate and unaware of their rights.[141] In Ethiopia, regional states do not yet have their own consumer protection laws, nor do they have their own institutional frameworks for implementing them. Even though the law calls for the creation of a regional consumer protection judicial institution, it does not grant it administrative authority or the authority to investigate and prosecute violators.[142]

The institution in the region and of Bench Sheko zone has facing several problems due to the complex nature of the work and lack of institutional independence. As the researcher observed in the trade office the officers under the consumer protection division, both at zonal and woreda level, are very busy in other works of the office, mainly on organizing the distribution of sugar, oil, and other goods for different institutions and to the private bodies. This opinion is also raised

[141] Dessalegn Adera, *supra* note 13
[142] article 34 of the TCCPP

by Mr. Girma that they always engaged in other works of the office.[143] Due to this works of consumer protection in their office are very less performance. This problem mainly comes with that they lack independence in their work.

Furthermore, Mr. Girma[144] believes that there is a link between public knowledge of consumer protection and institutional independence. To begin with, the institution's name and emblem establish an impression on the public. At a regional government level, for example, if the institution is named "consumer protection office" or at least "trade and consumer protection office," people may wonder why it was created. If a distinct institution exists, the experts who work there may have a significant amount of initiation to do so. The institution requires logistics and well-trained specialists to raise consumer awareness. Despite this, the institution's concern for raising awareness is quite low. Even officers are unable to provide a variety of techniques for raising public awareness. Because of this and other factors, consumer understanding of their rights is still low in the Bench Sheko zone. The other main problem in relation to functional and institutional independence is in its enforcement. As Mr. Girma said[145] when they try to enforce the violation in consumer protection there always has political involvement. He said all things here are attached to politics. They can't decide in a purely professional manner.

The compositions of office structures and professions are another major issues in terms of institutional arrangement. Consumer protection law authorizes investigating officers and prosecutors to be included in the authority at the federal level. In addition, if required, the Authority may utilize Federal police officers. However, there is no investigating officer or lawyer in the trade and market development office in all woredas of the Bench Sheko zone, as well as at the zonal office in the region. The data shows in none of the woredas of Bench Sheko zone that the officer in consumer protection directorate is fully hired[146].

The capacity in terms of budget, knowledge, logistics, and other matters is also a problem in the institutional arrangement that hinders the enforcement of consumer protection in the Bench Sheko zone. This causes the offices to be unable to employ additional office workers for the effective implementation of consumer protection law.

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[143] Mr. GirmaYifru, *Supra* note 110
[144] *Id.*
[145] *Id.*
[146] Table 1 on this paper shows the clear data of manpower and their designated work

4.2.On Administrative Practice of the Consumer Protection Law in Bench Sheko zone

According to the data collected for this study, the problem related to administrative measures emanates both from the law itself and the practice. The law is not clear as to the administrative penalties resulting from consumer protection law. The absence of clear and detailed provisions with regard to violations of consumer protection and their corresponding administrative measures in the proclamation creates a challenge to enforce it in the Bench Sheko zone. The data collected by the researcher shows that most of the administrative measures taken in the Bench Sheko zone are taken out of the proclamation.[147] It has been responded that since the law is not clearly and specifically state the consumer protection violations and their administrative penalties, both zone office and woreda office in bench Sheko zone takes based on existing circumstances around the illegal act and their implication. Administrative measures mainly depend upon the administrative capacity to enforce them. Administrative measures are provided under the article

For example administrative measures like 'oral warning', written warning' are not clearly stipulated under the proclamation. But most administrative measures in the Bench Sheko zone reflect that they take oral and written warnings. And almost all of the fine punishment imposed in 2013 E.C in Bench Sheko is not based on the annual turnover of a business person, rather it is simply based on the management decision of the office. This again created an opportunity for corruption and unreasonable impositions of penalty in many cases.[148]

4.3.On Enforcement Consumer Protection at Court of Law in Bench Sheko zone

The major problem starts from investigation and goes to taking action and enforcement. The court enforcement of consumer protection needs the participation of basic institutions like police and prosecutor's office. Trade and Market Development office initiate the investigation based on the information gained from own or from the third person. Then the file goes to the police office, then the police officer takes further investigation (for example in the case of adulteration it requires laboratory tests which are made at Addis Ababa) and finally, the public prosecutor's office took the case to the court of law. This requires an adequate platform for interaction of the offices and execution of the cases up to the end.

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[147] Table 3 shows that all the administrative penalty imposed just based on the decision of management without strict reference of the proclamation

[148] *Id.*

The practice in the Bench Sheko zone, as per the relevant data collected, shows the case of consumer protection takes a prolonged time for enforcing through the court and most cases are failed without reaching its end. Even if there is a memorandum of understanding between those institutions but putting it to the ground is still in question. The data showed that 45 cases of consumer protection were filed to the court in 2010E.C but it declines 24 in 2011 E.C, then 15 in 2012 E.C, it goes down to 8 in 2013 and no cases are still filed in 2014 E.C. Despite the reduction of court file the data showed that market manipulation which violates consumer protection law is increasing from year to year.

According to the qualitative analysis of the data collected by the researcher, the main challenges which obstruct the investigation process, administrative and court enforcement of consumer protection in Bench Sheko are the following;-

I. Corruption

One of the main obstacles to the investigation process is prevalent corruption that exists in some police officers. Mr. Kassamhiret Tegegne, the senior public prosecutor in the Shey bench woreda prosecutor office, strongly believes and responded that the illegal relationship between merchants and government workers is a serious issue that needs to be raised in this context.[149] Mr. Natnael Melese, the prosecutor at Seiz city administration also shared the same opinion with Mr. Kassamhiret. Mr. Hagos raised a scenario where an illegal act was a challenge for the investigation process.[150] The office was informed that many kilograms of honey was adulterated with other things in Mizan-Aman. The honey were exhibited to the police and sample were taken to Addis Ababa for laboratory tests. But later on, the case was dubiously prolonged and the laboratory test was not timely and properly arrived. Due to this, the case is still pending without further investigation. There are also peppercorn cases that are still pending due to the same reason as the above-mentioned case.

II. Political intervention

[149]Questioner with Public Prosecutor Kassamhiret Tegegne, Criminal affairs director, Shey Bench Justice office, on 20th of November 2021

[150][150] Questioner with Public Prosecutor Natnael Melese, Criminal affairs director, Seiz city administration Justice office, on 20th of November 2021

Mrs. Etagegne, consumer protection directorate gravely concerned about this matter. She replied that sometimes the merchants are more powerful than the government office.[151] The ethnicity-based politics hinders the market control of the government. The sustaining security problem in Guraferda woreda is also one of the challenges to implementing consumer protection in that woreda and which opens a door for illegal trade practice and distribution of goods which is a danger for human health and unreasonable price increase and other market manipulations. The same reason also partly affects Debub Bench woreda[152]

III. Absence of investigative capacity and lack of budget

Investigative police officers lack technical knowledge on the subject matter. For example in the inspection of many goods with expiration dates and adulteration of goods, the merchants easily deceive the inspection officer.[153]Shortage of budget is not a surprise to those offices according to the overall capacity of the country. But within the office, itself the budget allotted for the consumer protection directorate and in the police is not enough to carry out their regular functions. For the court, it is the budget reason that they still have not formed consumer division in their court despite the agreements with the offices and directed from the region.

IV. Lack of legal knowledge on consumer protection laws

Awareness from the public and merchants is very little in the Bench Sheko zone. In the money woredas trade offices of Bench Sheko zone, the government workers themselves have no legal knowledge of consumer protection. Because all of the government officers employed in all woredas of bench Sheko zone Market and Trade development office, consumer protection directorate is out of legal professions. The researcher found the hard copy of Trade Competition and Consumer Protection Proclamation 813/2013 only in three of eight woredas of Bench Sheko zone. Woredas like Gede bench, Seiz city administration Trade office has no computer to access the law into softcopy.

[151] Questioner with Mr. Etagegne, Consumer protection directorate, Shey Bench woreda Trade and Market Development Office, on 20th of November 2021
[152] Public Prosecutor Tsegaye Fikadu, *supra* note 129
[153]Ato. GirmaYifru, *supra* note 110

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.1.Conclusion

Consumer protection is the activity of protecting buyers of goods and services, as well as the general public, from unfair business practices. Consumer protection measures are frequently enacted through legislation. Such legislation is meant to prevent businesses from engaging in fraud or other unfair business practices in order to acquire a competitive advantage or mislead consumers. They may also provide additional protection to the wider public, who may be affected by a product even if they are not the immediate purchaser or consumer. Government rules, for example, may compel firms to reveal extensive information about their products, especially in areas where public health or safety is a concern. Consumer protection is tied to the concept of consumer rights and the development of consumer organizations, which assist consumers in making better purchasing decisions and pursuing trade grievances.

The year 1962 is considered the start of contemporary consumer policy and law. The US President John F. Kennedy laid the groundwork for the construction of a regulatory framework solely focused on consumer protection, not just in the United States, but globally. Consumer law emerged as a result of the development of a new regulatory framework for consumer protection. In the fifty-eight years since then, consumer law has evolved into a distinct field of law that has expanded throughout the world in various forms and to varying degrees. Consumer law has flourished in the European Union, which has established the world's most advanced regulatory framework for consumer protection.

The UN Guidelines for Consumer Protection remain the primary vehicle for furthering the internationalization of consumer law on a global basis. The United Nations Guidelines on Consumer Protection remain the most important global instrument in the field of consumer protection, contributing to the development of consumer and business relations. The major objective of the international consumer law has to be the maintenance of a minimum level of consumer protection.

At the regional level, European Union, African Union, Asian, and Latin American countries also have regional consumer protection instruments. Many national jurisdictions across the world promulgated laws on consumer protection.

As far as enforcement agencies of consumer protection law are concerned, the international experience shows that the very problem with regard to consumer protection is lack of enforcement. There is no mandatory framework for the enforcement of consumer protection at the international level. Different counties in the world designed their own enforcement structure based on their country's situations.

In Ethiopia, for a long time, there was no consumer protection law. Consumer protections are built on a patchwork of public and private laws, including contract, tort, criminal, and regulatory laws of various kinds. All of these laws, however, do not provide appropriate consumer protection.

Many academics and scholars have advocated for stronger policies, legal frameworks, and institutional frameworks for consumer protection in Ethiopia. Following this, an effort was undertaken in 2003 to safeguard consumers through trade practice law. Later, in 2010, the government passed Proclamation No.685/2010 on Trade Practices and Consumer Protection. The Trade Competition and Consumer Protection Proclamation No.813/2013 (TCCPP) was also enacted in 2013, making certain changes to the prior laws.

Despite enacting a consumer protection statute many years ago, Ethiopia's performance is lower. Many researchers have proposed numerous causes for its ineffectiveness. Among the issues raised by the researcher are issues with the legal framework and institutions. Consumer protection law practice and enforcement at the regional and local levels can be a critical factor in ensuring that consumer protections are properly implemented. However, there is no equivalent system under the Ethiopian consumer protection law, despite the fact that the majority of consumers are inhabitants of Ethiopia's regional states. For many academics and researchers, the regional institutional organization in consumer protection law is still a contested issue. Many experts have pointed out that one of the gaps in our law is the lack of independent institutions, such as the TCCPA at the federal level, in regions to implement the law.

Physical observation, reports and research showed that the Bench-Sheko zone market is primarily characterized by illegal acts such as price increases without economic justification, weight and measurement fraud, price escalation, adulteration of goods, and so on. The practice and enforcement of consumer protection law were characterized by many shortfalls in the Bench Sheko zone which resulted from legal, institutional, and practical drawbacks.

The key factors affecting the effective enforcement of consumer protection laws in the Bench Sheko zone are Shortage of Budget, Lack of Awareness of consumer protection law, Absence of legal professionals in TMDO, Shortage of Man Power and profession. Furthermore, the main challenges which obstruct the investigation process, administrative and court enforcement of consumer protection in Bench Sheko are Corruption, Political intervention, Absence of investigative capacity and lack of budget, lack of legal knowledge on consumer protection laws.

Those all, among other things, hinder the effective enforcement of consumer protection law in the Bench Sheko zone.

5.2.Recommendations

Based on the findings of this paper, the researcher would like to recommend the following points, which might be carried out in a short or long period.

I. In terms of the proclamation, the law should be revised with great detail in its substantive provision, for instance, businessperson obligations and the administrative and criminal penalties that go along with them should be clearly stated. The procedural issues also need to be revised. For instance, the jurisdiction of regular courts in the region needs to be clearly stated.

II. As far as the enforcing institution is concerned, the Trade Competition Consumer Protection Authority (TCCPA), an existing autonomous federal authority, needs to have regional and local branches, this should be practiced speedily as much as possible. As the experiences of other countries illustrate, this can be accomplished by the federal government entirely budgeting the authority or by the regional government contributing to the budget. OR, like other federal authorities, such as the Ethiopian Food, Medicine, and Health Care Administration and Control Authority, the Authority constituted at the federal level need to have a district in different towns of the country, including the Bench Sheko zone. OR the regional government must establish an independent consumer protection agency that works at the regional and local levels. This is a type of parallel institution like that of the federal Authority that has additional subordinate offices in different zones including Bench Sheko Zone.

III. With regard to the practical concern, until the gaps in-laws and institutional structure was reformed, the regional government must allow sufficient budget, employ experts on the position in the offices, and issue a mandatory platform for interaction of Trade and Market Development office, Police, and prosecutor office for investigating consumer protection cases. The court, at least in the town of great market manipulation like in Mizan-Aman should form a consumer protection division, which helps to enforce speedily and effectively.

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Appendices I

Interview guide for Bench Sheko Zone Trade and Market Development office

Dear respondent!

I graduate students of Commercial and Investment law, at Jimma University have engaged in research studies on the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. The objective of the study is to examining the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. Therefore your giving of genuine information has great contribution for knowing what the real problem is and for the objectives to be attained.

N.B. this study is only for academic purpose and I care for confidentiality. Thanks in advance for your voluntariness!

Name (optional) ----------

Name of the office _____

Your profession _____

Your position in this office _____sex; M____F____

1. Can you tell me the structure for practice of consumer protection law in at Zone level?

   I. የሸማቾች መብት ጥበቃ ሕጎን ለማስፈፀምበቤንች ሸኮ ዞን ደረጃ ስላለውተቋማዊ መዋቅር ቢገልፀልን

2. Is the standard in number and profession of employment fully practiced in Bench sheko zone?

   II. በዞን ደረጃ ለዚህ ህግ ተግባራዊ ት የተሟሉ ባለሙያዎች ብዛት ስንት ነው እንዲሁም ሙያቸውም ምንድነው ሙሉ እንደ ቤንች ሸኮ ዞንስ ለሙሉ ተግባራዊ ተደርጓል?

3. What are the professions of employment employed in consumer protection sector? And why?

   III. ጥያቄ ቁጥር 2 ላይ በተገለፀውማረት አሀዝ በተቋማቱስጥ ያሉ ሰራተኞች ሙያቸውምንድነው?

4. Is there a legal profession in your offices?

   IV. የሸማቾች መብት ጥበቃ ሕጎን ለማስፈፀምየህግ ባለሙያ በዞን ደረጃ አላቹ?

5. How is budget allocation for practice of consumer protection?

V. የሸማቾች ማኅበር ጥበቃ ሕግን ለማስፈፀምየሚደረግ በጅትን በተመለከተ በቂ ነው ብለውያምናሉ?

6. As we know one of the main activities for effective enforcement of consumer protection law is awareness creation for consumers. How is this practice in Bench sheko zone?

VI. ማህበረሰቡ ሀኩን አውቆ ማኅበሩን እንዲጠቀምግንዛቤ ተሰጣቸዉ? አምካለእንደኃናበምን?

7. How are the interaction of your office and public prosecutors and other law enforcement agencies for enforcement of consumer protection law?

VII. የሸማቾች ማኅበሩን የሚነ ግዉዳ ህግ ተፈፃሚእንዲሆን ለማድረግ ከሰቅላይ ዐቃቢህግና ከሌሎች ህግ አስከባሪ ተቋማት ጋር ያላቹ ግንኙ ት ምን ይመስላል?

8. Please reflect on the practice of consumer protection law in Bench sheko zone

VIII. የሸማቾች ማኅበሩን የሚነ ግዉዳ ህግ በተመለከተ በቤንች ሸኮ ዞን ያለውአጠቃላይ አተገባበር ምን ይመስላል

9. Is there any law and institutional gaps for effective implementation of consumer protection law?

IX. ይህንን ህግ ተግባራዊ ለማድረግ እንቅፋት ሆኗል ብለውየሚያስቡት የህግ ክፍተት ወይምየተቋምማቁር ችግር አለ ብለውያምናሉ?

10. Any other point you want to raise?

X. ማክለ የሚፈልጉት ተጨማሪ ሃሳብ ካለ

Appendix II

Interview guideline for Bench Sheko Zone High Court

Dear respondent!

I graduate students of Commercial and Investment law, at Jimma University have engaged in research studies on the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. The objective of the study is to examining the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. Therefore your giving of genuine information has great contribution for knowing what the real problem is and for the objectives to be attained.

N.B. this study is only for academic purpose and I care for confidentiality. Thanks in advance for your voluntariness!

Name ----------

Name of the office _____

Your profession _____

Your position in this office _____

1. Do cases come in this court in violation of consumer protection law? If yes, by whom the case was filed?
2. In comparison of other cases how you see the coming and entertainment of cases of consumer protection law?
3. Since the issue is very serious in the case of Bench Sheko Zone how this court is concerned about adjudication of violation of consumer protection law?
4. Do you think that gaps in law are existed for the effective court enforcement of consumer protection law? If yes, what are those legal gaps?
5. If you add any other concern?

Appendix III

Interview guide for Woreda's Trade and Market Development office

Dear respondent!

I graduate students of Commercial and Investment law, at Jimma University have engaged in research studies on the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. The objective of the study is to examining the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. Therefore your giving of genuine information has great contribution for knowing what the real problem is and for the objectives to be attained.

N.B. this study is only for academic purpose and I care for confidentiality. Thanks in advance for your voluntariness!

Woreda/city administration _____

Name of the office _____

Your profession _____

Your position in this office _____sex; M____F____

1. Please describe your woreda's institutional structure for the practice of consumer protection law

   I. የሸማቾች ጣቭ ጥሰቃን በተግባር በወረዳ ደረጃ ያለውን ተቋማዊ መዋቅርን በተግባር ቢያብራሩልን?

2. How many expertise are employed directly for the implementation of consumer protection law? And what is their profession?

   II. የሸማቾች ጣቭ ጥሰቃ የሚሊ ግጠው ህግ ለሚፀፅምግማ ያክል ባለሙያዎች አላችሁ? ሙያቸውክ ግ ግዲነ ው?

3. How you look budget allocation for the implementation of consumer protection law in your woreda?

   III. የሸማቾች ጣቭ ጥሰቃ የሚሊ ግጠው ህግ ለሚፀፅምበእናንተ ወረዳ ያለውን የበጀት ምደባ እንዴት ያዩታል?

4. How you examine the legal knowledge of your experts with regard to consumer protection law?

   IV. ባለሙያዎቻችሁየሸማቾችጣቭጥሰቃየሚሊ ግጠው ህግላይያላቸውዕውቅትእንዴትያዩታል?

5. How is your office interaction with public prosecutor offices and other law enforcement offices for the implementation of consumer protection law?

   V. ከወረዳው ዐቃቤህግ ጣቢያቦች እና ከሌሎች ህግ አስከባሪ ተቋማት ጋር ያላቸሁን ግንኙነት በተመለከተ ቢያብራሩልን?

6. Do you work on awareness creation of consumer protection law for consumers? If yes, how?

   VI. ሸማቹ ማህበረሰብ ጣዙን አወቆ ጣቀቀምእንዲቸል የህግ ማንዛቤ ስራ ትሰራላቹ? እንዴት?

7. Is there any law and institutional gaps for effective implementation of consumer protection law at woreda level?

   VII. በወረዳ ደረጃ ደህንን ህግ ተግብራዊ ለማደረግ እንቅፋት ሆኗል ብለው የሚስቡት የህግ ክፍተት ወይም የተቋማዊቅር ችግር አለ ብለውያማሉ?

8. Any other point you want to raise?

   VIII. ማከልደ የሚፈልጉት ተጨማሪ ሃሳብ ካለ?

Appendix IV

Questionnaires for Zone and Woreda Trade and Market Development Office, consumer protection directorate worker

Dear respondent!

I graduate students of Commercial and Investment law, at Jimma University have engaged in research studies on the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. The objective of the study is to examining the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. Therefore your giving of genuine information has great contribution for knowing what the real problem is and for the objectives to be attained.

N.B. this study is only for academic purpose and I care for confidentiality. Thanks in advance for your voluntariness!

Name/optional/ ----------Name of the office _____

Your profession _____Your position in this office _____

1. What are market malpractice in bench sheko zone which violates consumer rights?

_____

_____

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2. What are the major steps taken by your office for prevention of such violations and ensuring consumer rights?

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3. Does your office works on consumer education for exercising their rights? If yes, how?

4. Please explain your office experiences for enforcing consumer protection law?

5. Please describes the major steps that grievances or violations of consumer rights cases taken for enforcement

6. How you examine the overall implementation of consumer protection in bench sheko zone?

7. Any other point you want to add?

Appendix V

Interview guideline for Woreda Public Prosecutor Offices

Dear respondent!

I graduate students of Commercial and Investment law, at Jimma University have engaged in research studies on the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. The objective of the study is to examining the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. Therefore your giving of genuine information has great contribution for knowing what the real problem is and for the objectives to be attained.

N.B. this study is only for academic purpose and I care for confidentiality. Thanks in advance for your voluntariness!

Name of Woreda ----------

Name of the office _____

Your profession _____

Your position in this office _____

1. Please describe me your woreda's prosecutor office experience on prosecution of consumer protection cases?
2. What are the main challenges for the effective investigation and prosecution of consumer protection cases in your woreda?
3. How seems the interaction with police and trade offices of your woreda's for the effective prosecution and enforcement of consumer protection cases?
4. Any other concern you want to add?

Appendix VI

Interview guideline for Woreda Courts

Dear respondent!

I graduate students of Commercial and Investment law, at Jimma University have engaged in research studies on the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. The objective of the study is to examining the practice and enforcement of Consumer protection law in Ethiopia, the case of Bench-Sheko Zone, SNNPR. Therefore your giving of genuine information has great contribution for knowing what the real problem is and for the objectives to be attained.

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Name of Woreda ----------

Name of the office _____

Your profession _____

Your position in this office _____

1. Do cases come in this court in violation of consumer protection law? If yes, by whom the case was filed?
2. In comparison of other cases how you see the coming and entertainment of cases of consumer protection law?
3. Since the issue is very serious in the case of Bench Sheko Zone how this court is concerned about adjudication of violation of consumer protection law?
4. Do you think that gaps in law are existed for the effective court enforcement of consumer protection law? If yes, what are those legal gaps?