



Remarks of Hardin Ratshisusu, acting Commissioner of the National Consumer Commission (South Africa), at the Zimbabwe Consumer Protection Commission Commission Annual Consumer Conference

Bulawayo, Zimbabwe, 20 November 2025

**Topic: Experiences in implementing consumer protection frameworks in the SADC
Region: successes, bottlenecks and recommendations**

Thank you, Zaza, our Programme Director.

Excellencies,
Parliamentarians,
Colleagues from the Consumer Protection Commission of Zimbabwe,
Other law enforcement agencies,
Representatives from SADC and COMESA and all dignitaries here present,
Pupils here today from various schools – our future leaders,
All protocols observed.

Good afternoon.

Chairperson of the Consumer Protection Commission of Zimbabwe, Madam Commissioner, thank you for the invitation. It is my pleasure to join you today for this inaugural annual consumer conference.

I am not far from where I grew up in the far north of South Africa. Some informal traders bought beans and nuts from Zimbabwe and supplied and fed many communities in our area. As such, product safety concerns between our countries will most likely affect our communities in proportion.

I shall be sharing experiences in implementing consumer protection frameworks in the Southern African Development Community (SADC).

Introduction

Distinguished delegates, SADC has in recent years made consumer protection a strategic priority.

This aligns with the theme of this conference - *“Combating proliferation of counterfeit products for enhanced industry competitiveness and consumer safety for the realisation of Vision 2030.”*

Strong consumer protection frameworks are essential not only for shielding consumers from unsafe and counterfeit goods but also for ensuring fair and competitive markets that support industrial growth.

As regulators from SADC, COMESA and beyond, this is a timely moment to reflect on our experiences in implementing consumer protection frameworks - highlighting successes, bottlenecks, and strategic recommendations for the future.

Progress since the SADC Declaration

SADC's commitment gained momentum with the 2009 SADC Declaration on Regional Cooperation in Competition and Consumer Policies, adopted by Heads of State under Article 25 of the SADC Trade Protocol. The Declaration recognised that although consumer protection laws are national, harm is often cross-border. It urged Member States to establish laws and institutions, collaborate in enforcement, and align policies.

This led to the establishment of a standing Competition and Consumer Policy and Law Committee, which has been instrumental in fostering cooperation. Technical working groups, on cartels, mergers, and consumer protection, have facilitated experience sharing and convergence of approaches.

At the national level, the region has seen strong progress. When the Declaration was signed, only a handful of SADC Members had comprehensive consumer protection laws. Today, two-thirds have stand-alone statutes, and at least nine have established consumer protection agencies.

Zimbabwe is an excellent example. Previously relying on advocacy, it passed a comprehensive Consumer Protection Act in 2019 and operationalised its Consumer Protection Commission, mandated to enforce the law. This reflects the growing understanding that consumer harm does not stop at borders.

Botswana similarly expanded its competition authority's mandate in 2018 to form the unified Competition and Consumer Authority with a dedicated tribunal.

South Africa, Seychelles, Malawi and Zambia have modernised their regimes, drawing on the UN Guidelines for Consumer Protection.

Many have set up tribunals or courts to adjudicate complaints - strengthening the rights to safety, choice, information and redress.

Angola's consumer protection law has recently been peer reviewed at UNCTAD, with recommendations to strengthen the authority, the National Institute for Consumer Protection (INADEC).

Namibia approved a National Consumer Protection Policy in 2020 and has drafted a new Bill in 2024, awaiting enactment.

Overall, these developments, though not exhaustive, demonstrate the efforts of the region to protect consumer rights.

Bottlenecks and ongoing challenges

Despite progress, challenges remain.

Many Member States still have outdated or incomplete laws, while others struggle with weak institutional capacity, limited budgets, staffing shortages and technical constraints.

This creates an implementation gap where consumer rights exist on paper but cannot always be enforced - particularly in newly established or under-resourced agencies needing political and financial support.

A second challenge is the historical imbalance between competition and consumer protection at the regional level. Cooperation has focused more on anti-competitive conduct - cartels, mergers, and market power - while issues like unsafe products, unfair terms, misleading practices and fraud receive less visibility and funding.

Yet substandard goods and unfair conduct can be just as harmful to citizens and the region's development goals as cartel behaviour.

Cross-border challenges further complicate enforcement. Counterfeit products, unsafe goods and online scams do not respect borders.

SADC countries face a flood of counterfeit pharmaceuticals, food items, cosmetics, alcohol, electronics and many others, which endangers consumers and undermines legitimate industry.

Divergent legal standards and limited real-time information-sharing allow rogue traders to exploit loopholes. For example, when one country bans a dangerous product, suppliers may divert it into neighbouring markets.

There is still no binding regional consumer product safety framework or shared recall alert system, and cross-border redress for e-commerce disputes remains limited. For example, a consumer in a home country scammed by a seller in another country may have little recourse.

Consumer awareness remains low in many areas, while business compliance is uneven.

Many consumers are unaware of their rights or processes to file complaints, and small traders often lack familiarity with new legal obligations. Therefore, advocacy remains crucial, as this conference also shows.

Collaboration and regional initiatives

Collaboration lies at the centre of addressing these challenges. The SADC Competition and Consumer Policy and Law Committee provides an important platform for convergence and shared strategy. Technical working groups allow for case-specific cooperation, peer learning and mentoring from more advanced agencies.

Beyond SADC, developments in COMESA and the EAC are highly relevant. In June 2025, the COMESA Competition Commission and the EAC Competition Authority signed a cooperation MoU covering both competition and consumer protection. This enhances the detection of cross-border abuses and improves information-sharing. For SADC countries that straddle multiple blocs, such cooperation is vital.

The Tripartite Free Trade Area (TFTA) framework, bringing together SADC, COMESA and EAC, is especially promising. Negotiations on a Tripartite Protocol on Competition Policy, including consumer protection, have advanced significantly. Once finalised, this will promote convergence of laws and strengthen enforcement cooperation across 27 countries.

The African Continental Free Trade Area (AfCFTA) adds urgency for regional bodies to coordinate more closely.

As tariff barriers fall, unscrupulous traders could exploit uneven standards. Aligning product safety, advertising, e-commerce and consumer redress rules at the continental level would ensure consistent protections.

SADC can also collaborate on practical tools such as shared databases of recalled or banned products, joint investigations, and parallel enforcement. The spirit of acting together for the common good - must guide us as cross-border challenges require cross-border solutions.

Strategic recommendations

Drawing on the successes and some challenges, the following can be considered to strengthen consumer protection:

First, complete the legal framework across all members

SADC members should urgently adopt or update comprehensive consumer protection laws, with support from SADC in developing model provisions and best-practice templates aligned with the UN Guidelines for Consumer Protection. Completing this framework ensures no consumer is left unprotected. Your compatriot, Mr Gladmore Mamhare, did an outstanding job at the SADC Secretariat advancing this work.

Second, strengthen enforcement and institutional capacity

Consumer protection agencies need to be adequately capacitated. SADC should intensify capacity-building through training, staff exchanges and technical support.

Third, enhance regional cooperation mechanisms

Active use of SADC committees and joint enforcement actions will make cooperation tangible.

Fourth, collaborate through the tripartite protocol

SADC should advance the TFTA Tripartite Protocol and deepen cooperation with COMESA and the EAC.

Fifth, establish a regional product safety and recall system

SADC should consider creating a shared regional alert system to rapidly exchange warnings on dangerous or counterfeit products and coordinate simultaneous recalls, bans and seizures. This aligns with emerging global standards being advanced through UNCTAD.

Sixth, leverage technology and tackle online challenges

Regulators must modernise their tools to monitor e-commerce, enforce online fair-trading rules, and combat illicit online sales.

And, finally, promote consumer education and multi-stakeholder partnerships

SADC and national authorities should intensify consumer education, especially in vulnerable communities. Partnerships with civil society, media and legitimate manufacturers can strengthen awareness. Regional campaigns, such as a SADC Consumer Rights Day, would amplify impact.

Conclusion

In conclusion, SADC has made notable progress in strengthening consumer protection, but more can be done for deeper regional cooperation, replication of best practices and unified responses to cross-border challenges such as counterfeit goods.

Stronger collaboration within SADC and with COMESA, the EAC and the AfCFTA will enhance consumer safety and support fair, competitive markets.

We advocate for competitive markets, and I heard one stakeholder saying counterfeit goods are a reflection of competition. I would say this in my language, Tshivenda, that “*Taulela thinanaunga, tshi tshi hula tshi u la thoho.*” I cannot explain this better in English but can be interpreted along the following lines: if you allow an invasive plant to grow, like in your farm, before you know it invades all your plants.

As the National Consumer Commission of South Africa, we stand ready to work closely with the Consumer Protection Commission of Zimbabwe and other regulators to advance these shared goals.

Through consumer protection, we can contribute to the industrialisation and growth of our economies, so there are jobs and opportunities for our communities to thrive, so we do not spend time worrying about other things but work to curb practices that undermine our region’s industrialisation goals.

Thank you.