

CUTS Hanoi Resource Centre

Annual Report 2009



Hanoi Resource Centre

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Consumer Unity & Trust Society (CUTS)

Hanoi Resource Centre (HRC)

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Established in 1983 as a voice of the poor to express their developmental needs and aspirations, CUTS International (www.cuts-international.org) is a leading Southern voice and face of consumer empowerment through its rights-based approach and activities for influencing the process and content of inclusive growth and development. From consumer protection work in India it has expanded its scope and interventions to subjects such as good governance and social accountability, trade and development, economic and business regulations including competition, investment and corporate governance issues, and human development, particularly women's empowerment.

The organisation's Vision is 'consumer sovereignty in the framework of social justice and equality'. It conducts action (policy) research and evidence-based advocacy for policy and practice changes to bridge the gaps between the core and the periphery, that between the state and non-state actors. It believes that consumer empowerment not only serves national interest but also addresses many challenges faced by the global public goods. It aims to take forward the consumer movement to the political space at sub-national, national and international level with a holistic and balanced objective.

With its headquarters and three programme centres in Jaipur, India (Centre for Consumer Action, Research & Training, Centre for International Trade, Economics & Environment, and Centre for Competition, Investment & Economic Regulation), one in Chittorgarh, India (Centre for Human Development), a liaison office in New Delhi, India and resource centres in Calcutta, India; Lusaka, Zambia; Nairobi, Kenya; Hanoi, Vietnam and in Geneva, Switzerland the organisation has established its relevance and impact in the policy-making circles and among the larger development community in the developing world and at the international level.

It has created and is part of several networks to cross-fertilise ideas and actions for fostering equity and accountability in economic governance through South-South and South-North cooperation between and among the state and non-state actors. It serves at several policy-making bodies of the Government of India, in some other developing countries, and at the international level.

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From the Secretary General CUTS International

CUTS has been working over the last couple of years in the Mekong region, especially in Cambodia, Lao PDR and Vietnam. After implementing regional projects on competition policy and law and international trade issues, it was realised that there is an urgent need in the region for further research and capacity building work on trade and regulatory policy issues.

Established in 2007, CUTS Hanoi Resource Centre (CUTS HRC) aims to be a catalyst in transferring objective knowledge and advocacy skills from India to countries of the Greater Mekong Subregion (GMS) towards mainstreaming the civil society movement into the development process therein. In 2009, the focus of CUTS HRC has been on competition policy and law, and consumer protection. The Centre expects to extend its programmatic areas to trade and development issues in 2010.

HRC tested out the feasibility of organising semester course/classes in select universities in Hanoi and Ho Chi Minh City for the purpose of introducing competition and consumer protection issues into training in these institutions. Given a positive answer, HRC prepared the curriculum and, training modules as well as lists of essential readings for a three-day model course on competition and consumer protection issues for lecturers from select universities, which would be organised in 2010.

The Centre assisted the Vietnam Competition Authority (VCA) to undertake a research study on the competitive scenario in the oil and petrol market in Vietnam and wrote regular articles on competition and consumer protection policy, building a column on VCA's magazine and its website.

In addition to specific training and advocacy workshops, HRC assisted the Vietnam Standards and Consumers Association (VINASTAS) to draft its strategic development plan till 2015, promote its flagship magazine "The Consumer", develop a website and strengthen its Consumer Complaints

Bureau. CUTS HRC also facilitated the development of a consumer trust marks scheme for enterprises in Vietnam by coordinating a study tour to Singapore for VINASTAS representatives.

In collaboration with VCA, the Centre produced two baseline studies for the drafting of the law on consumer protection of Vietnam, on most common provisions in consumer protection laws in the world and the various models of building a consumer protection regime in the world. HRC also facilitated the national consultation process for gathering feedbacks of relevant stakeholder groups on the draft law.

HRC's contributions to the drafting process of a law on consumer protection for Vietnam has been recognised and highly appreciated by the Minister of Trade and Industry of Vietnam in his written submission to the National Assembly.

The Centre acknowledges the support of various donor agencies in fulfilling its objectives. Though a good initiative has been made, much work remains to be done.

I am confident that HRC can add to this impressive and varied array of activities in 2010, with new projects already in the pipeline. I congratulate it on its progress in 2009 and wish it continued success in the coming year.

Jaipur
November 2010

Pradeep S Mehta
Secretary General

Introducing CUTS HRC, Hanoi

CUTS Hanoi Resource Centre (CUTS HRC) was officially launched on February 29, 2008. It is the fourth overseas centres of CUTS International, to be opened in Hanoi, Vietnam, aimed at promoting trilateral development cooperation on a range of trade, development and economic policy issues.

HRC is registered under the Regulations on the Operation of Foreign NGOs in Vietnam promulgated in conjunction with Decision 340/TTg of the Prime Minister dated May 24, 1996, and is currently located at No. 112 Kham Thien, Dong Da District, Hanoi, Vietnam. It bears the Registration No. AT 445/UB-HD issued by the People's Aid Coordination Committee (PACCOM) of Vietnam.

Initially, HRC actively engaged itself in building capacity of the competition authorities and also strengthening the consumer movement in Vietnam. It also contributed significantly to the overall policy-making process in Vietnam, especially with regard to enhancing the role of the civil society therein.

MISSION & OBJECTIVES

Mission

To be a catalyst in transferring objective knowledge and advocacy skills from India and elsewhere to the Greater Mekong Sub-region (GMS) towards mainstreaming the civil society movement therein into the development process.

Objectives

The objectives are to:

- be an initiator of dialogue between the local policy community in the GMS and the civil society movement therein during the policy-making process, towards effective public policy reforms in the larger framework of poverty alleviation and sustainable development;

- cross-fertilise exchange of knowledge and research-cum-advocacy skills through making regional and international good policies and practices available in the GMS; and
- promote effective regional and international integration of economies and civil societies, with special emphasis on South-South cooperation.

HUMAN RESOURCES

Current office personnel in Hanoi include:

- Alice Pham (Pham Thi Que Anh) – Director, CUTS HRC joined CUTS International in 2003. She worked at the Jaipur-based CUTS Centre for Competition, Investment & Economic Regulation (CCIER) as a researcher for four years. In 2007, she came back to Hanoi, Vietnam (of which she is a citizen) and started the process of establishing a new resource centre of CUTS based in Hanoi. In February 2008, the HRC was officially launched. As the Director, she manages the overall day-to-day operations of the office, and is also responsible for undertaking research, supervising implementation of active projects at HRC and fund-raising activities.
- Tran Thi ToTam – Programme Officer joined HRC on a full-time basis from August 01, 2008. She is responsible for assisting the director in undertaking research, implementing projects, as well as general networking and advocacy activities.
- Nguyen Thanh Ha – Research Assistant joined HRC in January 2010, after a five-month internship in 2009. As a research assistant, she is responsible for assisting the director and programme officer in undertaking research, general networking and advocacy activities.
- Nguyen Thi Thu Phuong – Office Administrator and Accountant joined HRC in February 2008. She is responsible for administrative work of the office, and also assists the director and the programme officer in organising events as well as managing financial responsibility

FUNDS

The activities of the Centre for the year have been carried out with the help and support of its headquarter in India as well as other external funding agencies, which include:

- The State Secretariat for Economic Affairs of Switzerland (SECO) & the Swiss Competition Commission (COMCO);
- The Ford Foundation (Office for Vietnam & Thailand); and
- The International Development Research Centre (IDRC), Canada.

STRATEGIC PLANNING

Consumer protection and competition law and policy are the two fields which HRC currently has expertise in and competitive advantages over other civil society organisations working in Vietnam. Besides, the programmatic areas of HRC will extend more to trade and development issues. The Centre also intends to engage in more long-term projects involving research, capacity building, advocacy and networking, as well as information dissemination. It expects to build networks in the country and expand to cover the whole region in the area of international and regional trade, development, and poverty.

Work Programme on Economic Policy

ONGOING PROJECTS

- Strengthening the Competition Authorities in Vietnam (SCAV)
- Strengthening the Consumer Movement in Vietnam (SCMV)
- Consumer Protection Regimes in the World

Strengthening the Competition Authorities in Vietnam (SCAV)

A three-year project entitled 'Strengthening the Competition Authorities in Vietnam' has been implemented by the Swiss Secretariat for Economic Affairs (SECO) and the Swiss Competition Commission (COMCO). The project will contribute to the establishment of a business environment that is conducive to the development of the private sector. This will lead to strengthened international competitiveness of the Vietnamese economy, as well as better products and services and increased exportation. All immediate objectives of the project aim at deepening the application and implementation of Vietnamese competition policy. The project duration is of three years, i.e. February 2008-December 2010.

Research

The project is currently in its second year. A research study into the competitive scenario in the gas and petrol market in Vietnam has been successfully undertaken, through collaborative efforts between the Centre and Vietnam Competition Administration Department (VCAD). Experts placed in various offices of CUTS act as advisors, providing their inputs as and when needed. Their contribution is sought in providing specific comments on the development of Terms of Reference, revision and finalisation of draft reports etc.

The report is available in the Vietnamese language and an executive summary is available in English language. The executive summary has been prepared for the donors as well as for wider outreach.

Capacity Building

In the first year of project implementation, the Centre successfully produced a feasibility report on the potentiality of organising semester course/classes in select universities in Hanoi and Ho Chi Minh City, Vietnam for the purpose of introducing competition and consumer protection issues into training in these institutions, which was approved by the project. Subsequently, during the 2nd year of project implementation, training materials and curricula for three-day training courses for lecturers from these universities have been drafted. 11 teaching modules have now been completed and are in the process of finalisation and translation into Vietnamese, with list of suggested readings attached for each module. The modules are on the following topics:

- (i) Introduction about competition policy and law;
- (ii) Competition analysis;
- (iii) Horizontal agreements;
- (iv) Vertical agreements;
- (v) Abuse of dominance;
- (vi) Mergers and acquisitions;
- (vii) Competition advocacy;
- (viii) CPL and intellectual property rights (IPRs);
- (ix) CPL and sector regulation;
- (x) CPL and consumer protection; and
- (xi) CPL and economic development.

In each module, analyses on the Competition Law 2004 of Vietnam and examples/cases from Vietnam and elsewhere are also included to the best extent possible.

Advocacy

Regular articles on competition and consumer protection policy produced by HRC with support of VCAD are building a column on VCAD's newsletter and its website. During this period, six articles were published on the following topics: (i) Mergers and acquisitions and consumer welfare; (ii) Violations of competition and consumer protection policy in the pharmaceutical industry of Vietnam; (iii) Misleading advertising; (iv) Collective action for damages in consumer law; (v) Trade associations and competition law; and (vi) Consumer protection in financial services. These documents were also translated into English for submission to COMCO.

Strengthening the Consumer Movement in Vietnam (SCMV)

The overall goal of this project is to promote a healthy and vibrant consumer culture in Vietnam, which ensures the meeting, in the long term, of the seven legitimate needs of consumers as set out in the United Nations' Guidelines for Consumer Protection. The project duration is of two years (June 2008-June 2010), and is funded by the Ford Foundation (Office for Vietnam and Thailand).

The specific objectives of the project include:

- structured development of the consumer movement in Vietnam, with the core being VINASTAS, its provincial branches and subordinate institutions, based on clear strategies and innovative activities;
- positive developments/changes in consumer protection laws and regulations; and
- effective mechanisms for engagement of all relevant stakeholders, most of all consumers, and ensure active participation channels for better representation of consumer voices.

Research

- Towards the first specific objective of the project, a five-year development strategy for VINASTAS was prepared. The strategy has been completed with the following components:
 - The formation and development process of the consumer movement in Vietnam;
 - Trends in consumer protection in the world and directions for Vietnam;
 - Development of a comprehensive legal framework for consumer protection in Vietnam;
 - Promoting consumer education and awareness-raising programmes – cooperation with media agencies;
 - Setting the direction for advocacy and social feedback activities of VINASTAS;
 - Consumer protection institutions – relationship between civil society, the state, and the private sector;
 - A specific project on consumer trust marks for enterprises – future focus of VINASTAS; and
 - Strategy for developing the consumer movement in Vietnam from 2009-2015.

- The strategy has been drafted in Vietnamese and agreed upon between HRC and VINASTAS; and will be submitted to the General Assembly of VINASTAS for approval, which is going to be convened in June 2010.
- Towards the second specific objective of the project, i.e. having a comprehensive and full-fledged law on consumer protection in Vietnam, two joint research studies have been undertaken to provide baseline information for the law drafting process during the first year. These are: (i) a research report on most common provisions in consumer protection laws in the world to serve as a baseline for the Law drafting process in Vietnam; and (ii) a research study on the various models of building a consumer protection regime in the world.

Two seminars to disseminate the research findings have been organised respectively in April and August 2009, in Phu Quoc, and Ho Chi Minh City, Vietnam.

Capacity Building

Some highlights of capacity building activities undertaken by HRC within the framework of this project include:

- A study tour by VINASTAS members to Singapore on the experiences of CASETRUST (a national scheme of trust marks by consumers bestowed upon certain qualifying enterprises was conducted in March 2009. The study tour was a good suggestion for VINASTAS to carry out a similar trust mark programme for Vietnam.
- A national training workshop on strategic planning skills for organisational development was organised in Ha Tinh Province on March 17, 2010. The workshop was attended by more than 100 activists from almost all provinces of Vietnam, who contributed greatly to the overall discourse. Representatives of the media (print and live) and relevant State agencies (Ministry of Industry and Trade, and provincial departments of standards, measurements and quality) were also invited. At the end of the workshop, an opinion poll taken showed that participants highly appreciated the workshop in such aspects as the venue, lecturers, documents, questions & answers. In particular, they felt that they have achieved quite a lot in terms of learning.
- HRC and VINASTAS agreed that setting up a hotline in the context of Vietnam and given limited resources available is not feasible. Therefore, two sides instead focused on strengthening the consumer

complaints centre of VINASTAS. The initial results of this activity, as reported during the workshop, were quite encouraging.

- HRC also supported VINASTAS to gain new knowledge in the area of product liability, which would serve VINASTAS's advocacy activities regarding the draft law on consumer protection in Vietnam, as well as its future activities in related areas, by translating into Vietnamese, from English, a book entitled "International Product Liability 2007". Product liability laws of countries such as Australia, Canada, England, France, Germany, Switzerland, the US, and the European Community have been translated. It is planned that some excerpts from this book would also be published in VINASTAS's magazine "The Consumer".

Advocacy and Networking

It has always been HRC's priority to network and reach out to various organisations. Networking has enabled the Centre to share its strengths and involve others in its activities with a view of building capacity.

EVENTS

Workshop on 'Comments on the Draft Consumer Protection Law of Vietnam'

Within the framework of the project entitled 'Strengthening the Consumer Movement in Vietnam', implemented by HRC in partnership with the Vietnam Standards and Consumer Protection Association (VINASTAS) National consultation workshop was organised on July 31, 2009, in Da Nang, Vietnam to collect feedback from consumers and consumer organisations (VINASTAS and members) on the draft Consumer Protection Law of Vietnam. The event drew attention of all relevant stakeholders such as local consumers activists, business community, senior state officials, and especially the media (including print media and national television channels), etc.

Consultation Workshop on the Draft of Consumer Protection Law

A consultation for commercial entities/enterprises for the draft Consumer Protection Law of Vietnam in Ho Chi Minh City, Vietnam was organised in partnership with the VCAD, Ministry of Industry and Trade (MOIT) and the Vietnam Chambers of Commerce and Industry (VCCI) on September 08, 2009.

Chaired by Le Danh Vinh, Deputy-Minister of the MOIT; Tran Huu Huynh, Head of VCCI Legal Department; Bach Van Mung, General Director of VCAD, the workshop was attended by representatives from other industries, associations, legal research institutes and commercial enterprises and press agencies.



CUTS Hanoi's contributions during the law drafting process have been recognised and highly appreciated by the Minister of Industry and Trade in his submission to the National Assembly of Vietnam.

Capacity Building Workshop on Strategic Planning Skills for Organisational Development

Within the framework of the project entitled 'Strengthening the Consumer Movement in Vietnam', implemented by HRC in partnership with the VINASTAS, a workshop entitled 'CI 50 Years – Raising the Efficiency of Consumer Protection Activities and Pushing Forward Organisation Development' was held in Ha Tinh, Vietnam, on March 17, 2010. The workshop was mainly attended by representatives from local consumer associations, departments of industry and trade, other government and press agencies. Pham Thi Queh Anh delivered a presentation on 'Strategic planning for organisational development of civil society organisations'.



Using Competition Law/Policy Tools in Dealing with Anti-Competitive Practices in the Pharmaceutical Distribution System in Vietnam

The Project, implemented from August 2008-March 2009, is meant to contribute to the promotion of public (consumer) welfare in Vietnam by way of ensuring and enhancing access to medicines and enhancing the efficiency of health delivery systems in the country. This is a joint research project between HRC and VCAD, with VCAD taking the lead as the institutional partner for the donor of the project – the International Development Research Centre (IDRC) of Canada.

Under this project, a research report was produced in Vietnamese on the subject and then translated into English. Two seminars were organised in Hanoi and Ho Chi Minh City on March 18-20, 2010 respectively for the purpose of information dissemination.

The research report has generated a lot of attention from the media in and outside Vietnam, as well as the policy-making and academic circles.

OTHER EVENTS

Asian Competition Forum Conference

The Centre in collaboration with Vietnamese Competition Council (VCC) hosted the 2009 mid-year conference of the Asian Competition Forum entitled, 'Effects of Anti-competitive Activities in Small and Developing Economies' in Hanoi, Vietnam, on May 26, 2009.

The conference brought together government officials at ministerial level, international experts, scholars, embassies and development cooperation agencies, law firms, business community both from locals and overseas. Pham Thi Queh Anh made a presentation on



'International Cartels and their Effects on Developing Economies.'

REPRESENTATIONS

Date/Place	Event & Organiser	Issue & Objective	Participant(s)
February 17, 2009, Kuala Lumpur, Malaysia	Asia-Pacific Regional Members' Meeting of Consumer International		Pham Thi Queh Anh Udai S Mehta
February 23-25, 2009, Da Lat, Lam Dong Vietnam	Annual Monitoring Meeting and two training workshops on "Strengthening the Competition Authorities of Vietnam"		Pham Thi Queh Anh
March 27, 2009, Hanoi, Vietnam	'Vietnamese Consumer Protection Policy: Legal Issues and Practices' organised by the Department of Industry and Trade of Da Nang, within the support of EC-funded Multilateral Trade Assistance Project III	Presentation on "Class Action in Consumer Protection Law and Consumer Regimes in the world – Lessons for Vietnam".	To Tam
May 12-15, 2009 Jakarta, Indonesia	Planning Workshop organised by ASEAN Expert Group on Competition and ASEAN Secretariat for a project "Competition Policy and Law in ASEAN"	-	Pham Thi Queh Anh
June 01-02, 2009, Hanoi, Vietnam	"Bridging the development gaps in the GMS" United Nations Economic and Social Commission for Asia and the Pacific		Pham Thi Queh Anh

Contd...

Date/Place	Event & Organiser	Issue & Objective	Participant(s)
July 28, 2009, Ho Chi Minh City, Vietnam	'Stakeholder workshop on Corporate Social Responsibility' convened by ANZ Vietnam, HRC's bank	Presentation on "How to promote consumer welfare in banking and financial services"	Pham Thi Queh Anh
August 18, 2009, Hanoi, Vietnam	'Comments on the Draft Consumer Protection Law of Vietnam', organised by VCAD jointly with the Multilateral Trade Assistance Project Vietnam III	Collect comments from stakeholders on the draft Consumer Protection Law	To Tam
November 02-03, 2009, Bangkok, Thailand	Regional Conference on Corporate Social Responsibility (CSR), entitled 'Why Responsible Business Conduct (RBC) Matters', organised by the OECD and UNESCAP, in close collaboration with ILO, the UN Global Compact and the Global Reporting Initiative (GRI)		Pham Thi Queh Anh
January 22, 2010, Hanoi, Vietnam	Vietnam Distribution – Retail Market Forum organised by the Association of Vietnam Retailers (AVR) in cooperation with Vietnam Economic News		Nguyen Thanh Ha

Outreach

E-NEWSLETTER & WEBSITE

The homepage of HRC has become alive and is updated regularly. It is also suggested that HRC should have a website in Vietnamese, with links to CUTS main website. HRC is also taking necessary actions to develop an e-newsletter, targeted at regional readers, covering issues related to trade and economics, competition and regulation, consumer protection and human development, etc., to promote our visibility and pro-activity in the relevant circles and ensure outreach.

PUBLICATIONS

- A paper on the WTO accession process and “WTO-plus” commitments made by developing countries (drawing on the experiences of Vietnam, Cambodia, Nepal and China).
- The 1st and 2nd economic updates for Vietnam, Lao PDR, Cambodia, and some other ASEAN Countries for the third and fourth quarter of 2009 were uploaded on the website. The publications help readers to have a more realistic and updated views about the economy, trade and investment, competition and regulation issues in the same countries.

Networking with Stakeholders and NGOS

HRC worked closely with competition authorities in Vietnam such as the Vietnam Competition Administration Department, Vietnam Competition Council, and other organisations like the Vietnam Standards and Consumers Association. The centre also strengthened the networks with local consumer associations in the North and the South of the countries via training seminars. A number of journalists were keen on the Centre's activities and willing to cooperate if any event. Besides, CUTS HRC actively engaged itself in transferring competition and consumer protection knowledge for select universities in Hanoi and received their enthusiasm for further cooperation in the future. During the reporting period, there are many other CSOs, regulatory and government agencies, inter-governmental bodies and business associations that HRC networked with.

Conclusion and the Road Ahead

During the second year since establishment, the Centre has significantly contributed to capacity building competition authorities and also strengthening the consumer movement in Vietnam. It has also engaged in various activities related to the policy-making process, trade & development and economic policy, advocacy and networking. In the coming years, the Centre is committed to fulfilling tasks as per yearly operational plan and continuously strengthening collaborative works with various stakeholders, both local and overseas. Its target is to make the name of CUTS among the civil society community working in the Mekong region, not just Vietnam, as a resource centre for policy research, advocacy and training on international trade, consumer protection, economic and regulatory policies.



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