



## United Nations' Consumer Needs Framing Versus Consumer Rights: The Import of Consumer Protection Rhetoric

Sue L.T. McGregor  
McGregor Consulting Group

### Abstract

Since 1985, the United Nations (UN) has published its *Guidelines for Consumer Protection* with updates in 1999 and 2015. From the beginning, the UN has eschewed the consumer right concept in its rhetoric and used instead the notion of “legitimate consumer needs.” This paper speculates about the thinking behind and the implications of the UN’s decision to rhetorically frame consumer protection as what people need in their consumer role versus what they have a legal and moral right (entitlement) to receive so their consumer interest and welfare are protected. The UN’s position might have been influenced by (a) the human development movement with its focus on basic human needs, (b) needs fulfilment theory or (c) Consumer International’s sustained lobbying. Consumers would be better, more transparently, served if the *Guidelines* were reframed as consumer rights. Home economists, longstanding champions of the consumer interest, are well placed to lobby the UN and advocate for this policy change.

**KEYWORDS:** UNITED NATIONS, CONSUMER PROTECTION GUIDELINES, CONSUMER RIGHTS, CONSUMER NEEDS, BASIC HUMAN NEEDS

### Introduction

In response to the “evolution of ... the consumer movement, ... home economists and educators such as ... Ellen Richards stressed the need for consumer education [and consumer rights and responsibilities. Thanks to their work], in the early 20th century these ideas found their way into teachers colleges and the educational curriculum” (Uhl et al., 1970, p. 11; see also Langrehr & Mason, 1977; Van Horne, 1941). “Home economics is the traditional disciplinary home of consumer education. [In 1908,] the American Home Economics Association’s ... Consumer Interests Committee early advocated the introduction of consumer education into the schools” (Uhl et al., 1970, p. 13).

Home economics has always and continues to be a champion of the consumer interest. Its prolonged engagement with consumer protection behoves home economists to remain diligent about how thinking, practice, and policy have evolved around this topic. In that spirit, this paper was inspired by the United Nation’s (UN) (1985, 2003, 2016) rhetorical use of the consumer needs concept instead of consumer rights in its 38-year-old *Guidelines for Consumer Protection*. As a caveat, the guidelines apply to business-to-consumer transactions provided by

private enterprise and State-owned enterprises (SOEs) (UN, 2016). SOEs are legal entities created by a government to partake in commercial activities on its behalf. Among other things, SOEs provide lending and credit, coal, oil, natural gas, electricity, postal services, public transit and trains, telecom services, business development, port authorities, broadcasting, health care, and atomic energy (Kenton, 2020).

### Needs Versus Rights

A *need* describes the condition required for someone to thrive (e.g., grow, develop, have well-being, and flourish). A need is essential; its absence is noteworthy (Gasper, 2005). *Rights* are moral or legal entitlements to something. A right is a recognition of a person's entitlement, by virtue of being a person, to have a need fulfilled (Anderson, 2014; OpenLearn Create, 2017). To ensure that basic, universal, and essential needs are met, the UN intentionally frames them as rights (entitlements) in relevant conventions (UNICEF Canada, 2010). For example, children need nutritious food, descent shelter, protection from abuse and neglect, health care, recreation and so on. These needs are entrenched as rights in the *UN Convention of the Rights of the Child*. Children may want their own bedroom, fast food, and an allowance, but these are not entrenched as rights because they are not necessary for survival and thriving (UNICEF Canada, 2010). Not all needs correspond to rights, and not all rights equate to a need (Gasper, 2005).

Galtung (1994) insightfully clarified that needs direct people to causal factors, while rights direct people to dishonourable or corrupt actors. Regarding the latter, this paper is concerned with consumers' rights to protection from business and SOEs' activities and practices that lead to unfavourable outcomes in consumer transactions. A consumer right is defined as "the legal and moral duties of protection owed to a purchaser of goods or services by the supplier" (Course Sidekick, 2023, para. 11). McGregor (2012) explained that when consumer rights are infringed, or when consumers take irresponsible actions, their best interest can be compromised because "they (a) have not received any benefits; (b) are harmed, injured or left less secure or unprotected; (c) are disadvantaged, exploited or marginalized in some way (morally, personally, financially)" (p. 4).

### Needs Versus Rights in UN Guidelines for Consumer Protection

In the consumer rights arena, the UN trend of entrenching a need as a right is reversed. Instead, the UN (1985, 2003, 2016) has consistently framed consumer rights as consumer needs. The inaugural *Guidelines for Consumer Protection* included six "legitimate needs" (UN, 1985, p. 180) held by consumers: safety, economic interests, choice and information, consumer education, redress, and voice. The 1999 version added sustainable consumption as a legitimate consumer need (see UN, 2003). The most recent version expanded the list to 11 legitimate consumer needs by adding (a) access to essential goods and services (i.e., basic human needs), (b) inclusivity (protection of the vulnerable and disadvantaged), (c) consumer privacy and (d) protection during e-commerce transactions (UN, 2016). The original (1962) notion of protecting consumers from business practices employed the *consumer rights* concept—President John F. Kennedy's *Consumer Bill of Rights* (Lampman, 1988). The UN changed up the game and opted for consumer needs.

As evidence, the most recent version (2015) (published in 2016) of the *UN Guidelines for Consumer Protection* begins with this statement: “Taking into account the interests and needs of consumers ... these guidelines for consumer protection have the following objectives” (UN, 2016, p. 5). Then, the preamble to a list of, what have come to be known as, consumer rights, says, “the legitimate needs which the guidelines are intended to meet are the following” (UN, 2016, p. 7). The current 11 “legitimate consumer needs” are then listed. Consumers International (CI) (whose *raison d’être* is consumer rights since 1960) subsequently reinforced (perhaps sanctioned) the UN’s consumer need framing when it said, “What do consumers need: These [UN] guidelines are centered around meeting eleven ‘legitimate needs’ of consumers” (CI, 2016, p. 11). The consumer rights term is not in CI’s (2016) interpretive document of the UN guidelines, and it appears only once in the official 2015 UN Guidelines: “protect consumer rights and interests and promote consumer welfare” (UN, 2016, p. 4).

This paper encourages home economists to consider the implications of framing consumer protection as what people need in the consumer role versus what they have a legal and moral right (entitlement) to receive, so they are protected from business and SOEs’ practices that infringe on their interests (i.e., obtaining an advantage, a benefit, and a favourable outcome). Needs and rights are interconnected, but they are different (Gasper, 2005). This difference matters. Solis (2014) astutely observed that “a ‘human needs’ approach appeals to charity, while a ‘human rights’ approach translates need into a matter of entitlement with dignity. ... The term ‘human rights’ demands action and accountability” (para. 9 and 5). His framing of this conceptual and pragmatic distinction for the human development field garnered an international award for its innovativeness.

Semantics and rhetoric (i.e., word choice and tone conveyed) matter in the consumer context as well. By extension, charity (needs) would imply business and SOEs’ voluntary protection of consumers, while rights would imply legal obligations to protect consumers. Framing consumer protection as consumer needs instead of consumer rights severely compromises consumers’ power in the marketplace because it conveys the message that business and SOEs’ accountability becomes optional. Granted—the narrative accompanying the UN (2016) consumer protection guidelines does not absolve businesses and SOEs of responsible behaviour. But the overall message of consumer needs versus consumer rights (i.e., people are owed certain business and SOEs’ behaviors, so they are protected) conveys an unspoken sentiment of optional consumer protection when expedient for the business or SOE purveyor.

### **Speculation About UN’s Rhetorical Choice of Consumer Needs Instead of Rights**

This section tenders three speculations for home economists to consider around why the UN might have embraced this semantic and rhetorical choice of consumer needs instead of consumer rights. The UN might have been influenced by (a) the human development movement with its focus on basic human needs, (b) needs fulfilment theory or (c) Consumers International’s lobbying. Respecting the call herein for due diligence, home economists are encouraged to exercise reasonable care when promoting the UN’s consumer protection guidelines by contemplating the usefulness of the following ideas for gaining insight into the UN’s current focus on needs instead of rights and judging whether this rhetorical stance is tenable.

## Influenced by Human Development Movement

When four new consumer needs (rights) were added in 2015, the UN consumer protection guideline's architects placed "access by consumers to essential goods and services" (UN, 2016, p. 5) (intimating basic human needs) at the top of the list. *Basic human needs* refer to aspects of life that "foster effective functioning, well-being, and continued growth or optional human functioning" (Staub, 2004, p. 52). Needs convey the sentiment of necessary for thriving (Gasper, 2005). Was this positioning done on purpose to convey the message that access to essential consumer goods and services is the most important principle?

Perhaps the UN was swayed by the human development movement (i.e., basic human needs) as evidenced by the pervasive reference in the consumer protection guidelines to developing countries ( $n = 9$  times) compared to developed countries ( $n = 2$ ). That said, the UN only used the term basic human needs in reference to one legitimate consumer need, sustainable consumption: "policies for promoting sustainable consumption should take into account the goals of... satisfying the basic human needs of all members of society" (UN, 2016, p. 5). Mayhap the primal positioning, of what feels like basic human needs, was not intentional and can only be inferred.

Unfortunately, these speculations cannot be substantiated, as there is no narrative for the access to essential consumer goods and services need (as there is for the remaining 10 needs) nor is essential (and nonessential) consumer goods and services defined. Other sources consider *essential* (absolutely required) consumer goods and services as "vital and necessary for the health, safety, and welfare of the public" (Law Insider, 2023, para. 1). Examples include basic food stuffs/ staples (e.g., flour, sugar, butter/oil, rice, and milk), water, fuel, shelter, clothing, transportation, sanitation, personal hygiene, and health care services. What is essential and how it is met varies by context (Bae, 2009; Law Insider, 2023; Mutyala et al., 2016).

This human development interpretation of the UN's use of consumer needs framing could be further challenged given that "rights [are] more in the worlds of law and social movements, [and] needs [are] more within social and economic policy and planning" (Gasper, 2005, p. 270). Social and economic policy and planning concern government actions for the noneconomic and economic aspects of development, respectively. Social planning strengthens the community (e.g., income distribution, gender, housing, urban planning, health, and education) (Queen's University et al., 2020). Economic planning bolsters the economy by marshalling its productive resources to achieve national development goals. Producers and consumers have varying degrees of freedom to adapt their activities to changing conditions (Nove et al., 2023).

The UN (2016) consumer protection guidelines appear to reflect a combination of Gasper's (2005) needs (social and economic planning) and rights (laws). On one hand, Member States are to prioritize consumer protection relative to the social, economic, and environmental circumstances of their country. This equates to Gasper's (2005) needs. On the other hand, Member States are expected to "develop, strengthen, or maintain a strong consumer protection policy (UN, 2016, p. 5) [comprising] laws, regulations, rules, frameworks, procedures, decisions, mechanisms and programmes ... as well as private sector standards" (UN, 2016 p. 4). This equates to Gasper's (2005) rights. Unfortunately, the mixed messaging camouflages inference of consumer rights.

## Influenced by Needs Fulfilment Theory

An alternate interpretation of the UN's (2016) consumer needs framing is that the document's architects might have viewed needs as a force that induces people to action (Burns & Rayman, 1989; Gasper, 2005). This interpretation would reflect the well-established understanding that basic human needs are considered central to human motivation (Huitt, 2007). Gasper (2005) explained that while "rights are justified claims to the protection of persons' important interests, ... 'needs' ... are powerful underlying motives or drives" (p. 270).

It is conceivable that the UN might have assumed that if consumers viewed their protection as dependent on need fulfilment, they would be motivated to take action to ensure those needs are met (e.g., safety, choice, and voice). This may not be the case, however, as the UN (2016) guidelines specifically targeted what businesses and SOEs should do to protect consumers rather than what consumers should do to protect themselves. And in its interpretation of the UN's 2015 guidelines, CI (UN, 2016) referred to appropriate actions for all stakeholders except consumers.

CI (2016) also said "the [UN] Guidelines spell out the main principles of consumer protection. They explain what consumers need, and give practical advice to organizations about how best to meet those needs" (p. 3). Unfortunately, in addition to reinforcing the UN's consumer needs framing rhetoric, CI further commented that the guidelines "protect consumers by ... ensuring that goods and services are responsive to consumer needs" (2016, p. 6). This phrasing does not explicitly connote the concept of consumer rights (i.e., entitlement—a right [protection] granted by law or contract). Instead, the phrase consumer needs could easily connote that people need transportation, food, shelter, a financial planner, or a doctor, but the notion of assured protection during the production/delivery of or transactions to obtain those goods and services is not readily apparent.

## Influenced by Consumers International's Lobbying

A third possibility is that the UN guidelines' rhetoric reflects CI's longstanding influence in UN consumer protection affairs. To explain, CI was originally called the International Organization of Consumer Unions (IOCU), which was founded in 1960. The name CI was adopted in 1995 (currently 200 organizational members from 100+ nations). IOCU gained general consultative status with UNESCO in 1977. This is the highest membership status offered to a nongovernmental organization to contribute to work at the UN (Hilton, 2009). Through sustained campaigns, whereby CI worked as an interlocutor between its members and the UN, CI has very much influenced all three versions of the UN's consumer protection guidelines. Most recently, its 2013 proposal for amendments (CI, 2013) culminated in the UN entrenching three more needs (rights) in the most current version: e-commerce, privacy, and inclusion.

The UN's nearly half-century-long engagement with IOCU/CI may explain the UN's respect and penchant for the consumer needs framing that may have originally been inspired by Anwar Fazal (Malaysia), the first IOCU President from the Developing World (in 1978). Under his leadership (informed by Asian consumerism instead of Western consumerism), IOCU moved from being "a fringe group for the middle classes [with rights] to a movement that was central to the process of Sustainable Human Development [concerning the needs of] the poor, oppressed, exploited, disempowered [when consuming]" (IOCU Archive Box 131 as cited in Hilton, 2009, p. 108).

From this “politics of consumption” stance (Hilton, 2009, p. 108), CI might have been influential in convincing the UN to embrace a basic human needs approach and subsequently add the consumer need to access basic goods and services (satisfy human needs to ensure survival) and the need for vulnerable and disadvantaged consumers to be protected. After all, CI’s own roster of consumer protection rights includes the right to the satisfaction of basic needs (Malcolm, 2013). It makes sense that CI would draw on this foundational principle when lobbying UN consumer protection initiatives, and that this strategy might have influenced the UN’s framing of “legitimate consumer needs” versus entitled consumer rights.

## Conclusion

This paper encouraged home economists to engage in due diligence regarding advancements in consumer interest scholarship, practice, and policy, and that includes when they promote the UN’s consumer protection guidelines. When needs are met, people are better able to function. But in many scenarios, this cannot happen unless essential and universal needs are entrenched as rights (Gasper, 2005; UNICEF Canada, 2010). The discussion herein supports the conclusion that people would be better served in their consumer role if the UN reframed its *Guidelines for Consumer Protection* as consumer rights just as the consumer movement originally intended in 1962 (Lampman, 1988). When “acknowledged as norms or legally recognized as instruments, rights form a major set of tools, legitimate claims, in the political struggles for fulfilment of needs” (Gasper, 2005, p. 269).

From this perspective, consumer rights would apply for every person because everyone is a consumer. Consumer rights would help consumers procure, use, and dispose of goods and services to keep the economy healthy. In that pivotal role, consumers need to be safe, have information, have a choice, have a voice and so on. It is thus their right to have consumer protection frameworks regulating businesses and SOEs’ behaviour and holding governments accountable to their citizens (e.g., safety, education, access, privacy, and inclusion).

The UN’s consumer needs framing and rhetoric downplays the mindset that consumers are “active rights-claiming choice-making agents. [Instead, it too readily assumes consumers] are passive and materialistic. [In a consumer rights approach,] autonomy of agency stands as central principle” (Gasper, 2005, p. 272). A consumer legitimate needs framing negates this message. The adjective *legitimate* means defended and justified using logic (Stevenson, 2011). But it is not logical to frame consumer protection as a need that must be fulfilled rather than a right to which people are entitled because their contributions to the economy are so vital.


Finally, the UN’s consumer needs framing belittles the relentless gauntlet people face when engaging with a rapidly changing global marketplace. A consumer rights framing better respects the challenges inherent in ensuring that their consumer interest and consumer welfare are protected. A needs framework is too limiting and constrictive. A healthy economy depends on bolstering consumers with a firmly entrenched consumer protection policy framework focused on their legal and moral rights as a vital marketplace player.

Home economists are encouraged to personally and collectively ponder the import of the speculative points developed in this paper. Should they become convinced of their merit—the rightfulness of shifting away from legitimate consumer needs rhetoric—they can approach the International Federation for Home Economics (IFHE) to lobby the UN for changes to the underlying foundations of the consumer protection guidelines. Like CI, IFHE has general

consultative status at the UN since 1952 (Arcus, 2008). Like CI, IFHE can act as an interlocutor between its members ( $N = 62$  home economics organizations from 25 countries) and the UN. This opens the door for potential influence on and changes to the *UN Consumer Protection Guidelines*, so they privilege consumer rights and a legal entitlement to protection from businesses and SOEs' unsavoury actions.

## Biography

**Sue L. T. McGregor** is Professor Emerita (MSVU) and proprietor of McGregor Consulting Group ([www.consultmcgregor.com](http://www.consultmcgregor.com)). She has 50 years experience as an educator, researcher, and policy analyst. She specializes in home economics education, philosophy, and leadership; consumer education, studies, and policy; research education and methodologies; and transdisciplinary education, methodology, and scholarship. With nearly 175 peer-reviewed papers, and 50 home economics-related keynotes/invited talks in 20 countries, she has also published "Understanding and Evaluating Research" (SAGE, 2018), "Learning to Teach" (2023, IAP, now Emerald), "Consumer Moral Leadership" (De Gruyter Brill, 2010) and has a book in production with Emerald titled "The Thinking Professional." Email: [sue.mcgregor@msvu.ca](mailto:sue.mcgregor@msvu.ca)

 <https://orcid.org/0000-0002-4392-9608>

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