

Consumers' Rights Protection: An Assessment of Legal Framework in South Sudan

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Abstract

Consumer rights protection in South Sudan has progressed expressively since the country's independence in 2011. The historical context is rooted in the broader socio-political landscape of South Sudan, which has been marked by conflict, economic challenges, and a lack of institutional frameworks. Before gaining independence, the region that is now South Sudan was part of Sudan, where consumer rights were largely unregulated. The civil wars and conflicts that plagued the area hindered any substantial development of consumer protection laws or institutions. The focus during this period was primarily on survival and basic needs rather than on consumer rights. Following independence in July 2011, South Sudan faced numerous challenges, including ongoing conflict, economic instability, and a lack of infrastructure. These issues severely impacted the establishment of a regulatory framework for consumer rights. However, there were initial efforts to address consumer protection:

Legal Framework: In 2013, the Transitional Constitution of South Sudan included provisions aimed at protecting citizens' rights, which implicitly encompassed consumer rights. However, these provisions were often not enforced due to weak governance structures.

Establishment of Regulatory Bodies:

The government began to establish institutions such as the Ministry of Trade and Industry and the South Sudan Standards Organization (SSSO) to oversee trade practices and ensure product quality. These bodies aimed to create standards that would protect consumers from substandard goods.

Public Awareness Campaigns:

Various non-governmental organizations (NGOs) have played a crucial role in raising awareness about consumer rights among the population. These campaigns focused on educating consumers about their rights regarding product safety, fair pricing, and access to information. The unofficial circumstance of the market makes it not easy to normalize the dealings sufficiently. Consumers' rights protection is critical in South Sudan because its possibility of fostering growth in economy and thereafter ensuring social justice in the process. Since there legislative frameworks at protecting the rights, challenges that remain must be addressed through enhanced education, stronger enforcement mechanisms and greater public awareness initiatives.

Objectives:

The objectives of the study are premised in the following:

To examine the legal framework on the protection of consumers rights in South Sudan.

To ascertain the efficiency and effectiveness of laws protecting consumer in South Sudan

To determine possible legal mechanism in addressing issues affecting consumer rights and protection in South Sudan.

Hypotheses of the study:

the research is premised in the assumption that the South Sudan legal regimes and judicial system are still developing and thus consumer rights protection are still infant and are facing implementation challenges thus the need for political good will from the ruling elites and political class. More so, the laws concerning consumers' rights protection need to be implemented and enforced in South Sudan.

Research Methods:

The study will utilize desk research approach. Desk research refer to a method of analyzing the gathered information and insights of the already analyzed data. In this case, the study shall utilize information on the libraries, internet, books, refereed journals, newspaper dailies, and many other analyzed data in the process of time. As a result, the researcher shall use the already existing information in analyzing perspective of Sudanese on consumer protection.

Results:

The Interim Constitution (IC) of South contradicts the commitment of GOSS in protecting the consumers in South Sudan and usurping the role of National Assembly in legislating laws unless they get the assent of the President (Interim Constitution, Republic of South Sudan, 2011). The indication above implies that the National Assembly is not independent from the Executive Wing of the Government.

Recommendation:

To enhance the legal framework for consumer rights protection in South Sudan, several recommendations can be made:

Public Awareness Campaigns: *Implementing comprehensive public education campaigns can help inform consumers about their rights and available recourse mechanisms. Collaborations with local NGOs could amplify outreach efforts.*

Strengthening Institutions: *Increasing funding and training for regulatory bodies tasked with enforcing consumer protection laws will improve their capacity to handle complaints effectively and conduct market surveillance.*

Conclusion:

The legal framework for consumer rights protection in South Sudan is still in its formative stages. The country has faced numerous challenges since its independence, including political instability, economic difficulties, and a lack of infrastructure. These factors have significantly impacted the development and enforcement of consumer protection laws. The existing legal provisions are often inadequate and poorly enforced, leaving consumers vulnerable to exploitation by businesses.

1. Introduction

In this study, the research shall assess the legal framework on consumer protection with are of focal concern being South Sudan. A consumer has a right to be treated with dignity and honor, access to quality goods and services and if anything may go wrong, he or she may be handle in a manner that the consumer's rights are not infringed in the process [1]. In this the rights of consumers must be safeguarded at all cost and in the process they are supposed to value for the goods and services they have paid for. In this, the rights of consumers must be safeguarded by the law either written in the constitution, enacted or pronounced by the court of law. The protection of consumer is designed for individual rights in endeavor of sympathetic management and self-respect. More so, consumer rights are section of the assortment of social rights which individual and society are entitled to. The rights of consumer emanates from the inspiration of nature in in most nations such rights are enshrined in the national constitutions [2]. In other words, the formulators of constitution had the foresight that manufacturers or sellers might in one way infringe the rights of consumers and therefore they put in place measure within the constitutional law and various laws enacted in effort to insulate the consumer against exploitation.

2. Background of the Problem

According to Stephen W. Makau; The inclusion of Consumer rights into State Law is not a new phenomenon but existed for centuries even in the period where barter trade was primary form of trade. Every society in history, where barter trade existed, has sought to develop a legal framework to define the relationship between the vendor and the buyer with one of the provision being to protect the buyer who entered into contract, such as the right to claim defective good [3].

In other words, the consumers' rights protection are paramount in the sense that without them being protected, then the consumers are likely to be exploited then exposed to vulnerability which may disadvantage them economically and psychologically.

Until 18th Century, the consumers were required to verify the quality of goods they purchased and only in the presence of gross negligence, the seller could be held liable . However, the struggle against capitalism and fraud of food that started first phase of consumerism until the third place which began in 1950, when Europeans nations got involved. The first consumer association came into being 1947 in Denmark and in 1955, Great Britain's Government established Consumer in order to help consumer

express themselves in the issues reserved to producers and traders [4]. The implication of the above is that the consumers' rights protection are progressing and have kept on to be improved from time due to emerging trends in trading goods and services that keep changing time to time.

In United States of America there was no protecting the rights of consumers until 1968 when the Truth in Lending Act was passed that was regulating consumer financial services and therefore the consumer did have rights of privacy action in case he or she felt that his or her rights were infringed. Before then, the laws were inadequate to defend or protect the rights of consumer, or few lawyers stood up to be counter in defense of the consumer rights [5]. The above has the implication that the laws protecting the rights of consumers have evolved from non-existence and emerged when the need to protecting the consumers' rights arose in the process. And thereby, the laws regulating consumer rights across the globe might have been ineffective and inefficient in the process of protecting the rights of consumer.

The consumer rights protection in India derives its root from India civilization that dates back in 3200 BC. As a result in ancient India, human values and ethical practice were critically and cherished. In 1986, India enacted a law under the name "*Consumer Protection Act*" which was geared towards articulating the rights of consumers in India [6]. In other words, political representative of the people are required to formulate laws and policies that are geared towards agitating for the protection of the consumer who in turn can be exploited by the merchants and business people who may have desires to make business regardless of the vulnerability of the consumer and thus they may use the products or services they are providing in the process. The above demands that; for legal mechanisms that will ensure that the consumers are well protecting from the evil merchants and business that are there to make business regardless of ethical issues that are of concern to the members of the public.

In Tanzania, the consumers' rights protection is derived in Articles 11, 14 and 18 of the 1977 Constitution of the United Republic of Tanzania, all of which is in cognizant of consumer rights and is directed towards protecting those rights in the process. In addition to the above, the Tanzanian Parliament have legislated several other laws to protect the rights of the consumers such as: *The Fair Competition Act, 2003*, *the Merchandise Marks Act, 1963*, the Standard Act, 1975, and The Weights and Measures Act, 1982, among many others [7]. In essence, a nation that do not have laws to insulate the members of the public from extortion, bad effects from the products and services by the providers is likely to endanger consumers. Therefore, it is responsibility of the State Governments to ensure that rights of consumer are properly protected by the law. In addition, formulating laws protecting consumers is not enough but also need full implementation and total enforcement by the government in effort to insulate the consumer against dangers that may be found in the market segment.

Premised on the Republic of South Sudan Transitional Constitution, 2011, Article 55 (3) (2) (b) together with Article 85 (1), read, The National Legislative Assembly with the assent of the President shall enact the laws relating to consumers' rights protection. However, the rights of the consumers in South Sudan cannot be articulately protect depending on the Presidential assent. Reason being, a rogue President may decide to work with crooked business people or manufacturers and then the rights of consumers are infringed in the process or left and the whims of fraudulent businessmen and business people. In this, the legislation of laws relating consumers in South Sudan should be given to the Members of Parliament without necessarily seeking Presidential approval of the law. More so, the National Legislative should be independent from the executive. This will a clearly demonstration of separation of powers between the National Legislative Assembly and the executive. Furthermore, Judiciary in the Republic of South Sudan should be as well independent since, it has the mandated to interpret enacted laws if they are in tandem with the provisions in the Transitional Constitution of South Sudan including the laws that are protecting the consumers' rights.

"Unfair and dishonest practices can include deceptive advertising, where business make claims about products or services, or hidden fees, where consumers are charged for additional services that weren't aware of [8]." In the process, government and its agencies need to be vigilantly alert in ensuring that product and services in the market segment in South Sudan. In this, enacting laws will not be enough but their implementation and enforcement will work better in the protection of consumers' rights in South Sudan. Reason being, consumers' rights protection is also human rights protection. Therefore, political goodwill and enforcement of law in reference to protection of consumers' rights protection in South Sudan.

3. Literature Review

"...consumer law seems unlikely solution to be left out of distributional conversations [9]." In other words, consumers' rights protection is not about talk but is premised in tangible action based on constitutionalism, legislation and policy framework merged with implementation and enforcement to ensure that consumers are insulated from any kind of abuse, exploitation and mistreated through closing all the loopholes that may pose dangers and hazards to consumer base. In this, the Government of South Sudan (GOSS) should come forth with clear legal and policy to protect citizens based on the goods and service at offer within the South Sudan market which may expose the consumers to dangers posed by products and services.

There are various means to ensure that rights of consumers are protected in the process. Some countries may use cultural approach to insulate the consumers from any kind of harm that may arise from the products and services sold to them in process of transaction between the consumer and supplier [10]. Regardless of the modalities that GOSS may undertake to protect the rights of consumers, it will be critical that the interest of consumers is given priority in the process and through effective regulation of

how the consumers and suppliers should conduct themselves is likely to enhance environmental protection against using South Sudan as a dumping place by foreign suppliers. In this, protection of consumers in South Sudan should be both practical in ensuring the qualities of products and services are meeting international standards in effort to insulate consumers and environment. Without government drastic actions, the lives of consumers may be in danger and also environment to be exposed to pollution which may harmful to ecosystem and thereafter exposing the citizens to health hazards.

Based on United Nations Conference on Trade and Development (UNCTAD) General Principle Guidelines:

Member States should develop, strengthen or maintain a strong consumer policy, taking into account the guides set out UNCTAD and relevant international agreements. In so doing, each Member State must set out its priority for the protection of the consumers in accordance with the economic, social and environmental circumstances of the country and the needs for its population, and bearing in mind the costs and benefits of the proposed measures [11].

In other words, it is the responsibility of State Government to protect its citizens instead of leaving them at the mercies of fraudulent and unscrupulous sellers or suppliers and even manufacturers can exploit the consumers by selling sub-standard goods or taking advantage to sell wrong products to the consumers thereby endangering their lives.

In addition to the above, Mzurikwao postulates that; "History shows that it is a state which is always linked with effective enactment and enforcement of the law. However, such sanctions are influenced by conditions of the day on which the state has overriding interest and wants to protect through legislation. These conditions may be political, social or economic. Indeed enactment and enforcement of consumer protection law have been determined by similar conditions [12]. In agreeing with Mzurikwao, the conditions in South Sudan may not be favorable in the protection of consumers' rights by the virtue that South Sudan is still young nation that has embroiled in inter-communal and probably it has clicked into the minds of ruling elites and political class that there is need to be protect the rights of consumers. However, it is critical for GOSS to protect through enactment of the laws that will insulate the people of South Sudan. In the opinion of the researcher, it will be significantly important to close the gaps existing in the consumers' rights protection in South Sudan in the process.

4. Research Methods

Due to complexity of the study, the study will utilize desk research approach. Desk research refer to a method of analyzing the gathered information and insights of the already analyzed data [13]. In this case, the study shall utilize information on the libraries, internet, books, refereed journals, newspaper dailies, and many other analyzed data in the process of time. As a result, the researcher shall use the already existing information in analyzing perspective of Sudanese on consumer protection.

5. Results and Discussion

According to Consumers International (2025), in 2017, South Sudan Consumer Protection was created with basis to empower, develop and protect in the Republic of South Sudan with the necessity to improve the quality of the consumer protection, protect the fundamental consumer needs, offering quality of services, training and suitable data to build a workable network through investigation on fair prices, standards in the market and advocacy for price control. In essence, the energy of the ruling elites and political should be involved in formulation of policies and legal framework that would enhance the effective protection of consumers in the Republic of South Sudan in which the vulnerable citizens are protection against exploitation and abuse of consumers rights in the process.

The South Sudanese National Assembly enacted an act premised in protecting consumer in the Republic of South Sudan in which Chapter one Section 3 stipulates the purpose of the Act. In addition to the above, the act regulates any transaction between the suppliers and consumers unless the subsection 2 exempts such in the process.

Furthermore, Section 3 subsection 2 ascertains that:

1. Acquisition of an estate or interest in an immovable property (except renting of residential in consideration of rent.
2. A service to be supplied under an employment contract.
3. A transaction where consumer is a national Government, a State or an organ of Government.
4. Goods brought at auction; or
5. A transaction or activity which is regulated under any written law such as insurance, banking, money lending, or financial services (Consumer Protection, Act, 2011, Republic of South Sudan).

The above has the implication that GOSS is committed to protection of the citizens' interests. However, Article 55 (2) (3) (b) of the Interim Constitution (IC) of South contradicts the commitment of GOSS in protecting the consumers in South Sudan and usurping the role of National Assembly in legislating laws unless they get the assent of the President (Interim Constitution, Republic of South Sudan, 2011).The indication above implies that the National Assembly is not independent from the Executive Wing of the Government. As a result, crooked suppliers and businesses can collude with the Executive to play unfair game against the consumers' fraternity and thus infringing the rights of consumers in the Republic of South Sudan. In the chapter, the researcher will traverse through: the basis of legal framework towards consumers' protection in South Sudan, the challenges of implementing the laws protecting consumers, appropriate measure in ensuring that consumers are protected in South.

Consumers' rights protection is conceptualized in:

- **Rights to Safety:** this has the implication that the consumers should be protected from hazardous product from markets which may be dangerous to life and property [14]. In this the Government of South Sudan should ensure that the market in South Sudan is regulated to insulate the consumer against harmful products and services that may be dangerous to their

health and even to environment.

- **Rights to choose:** according to Dorothy Brandon, the concept is premised in the consumer having access to a variety of products and services at a fair price and the consumer thereby Chooses from them [15]. In this, the market environment should be conducive in effort to enhance that the citizens in South Sudan are able to make choices on the products they are buying. In this, the enactment of laws that discourages monopoly should be progressed in the process. The rights of consumers to should be a priority of the government by ensuring there is competition in the market because without completion, some of the unscrupulous and fraudulent may likely take advantage to monopolize in effort to frustrate the consumers from enjoying their rights to choose from among the products in the market.
- **Rights to be informed:** the consumer has a right to be informed about the quantity, quality, purity, and standard of goods and services. The approach is premised to protecting the consumer against abuse and unfair trade practices from businesses [16]. When a consumer is not well informed accordingly about the quantity, quality, purity and the standards of goods and services are likely to be exposed to dangers and thus the need to regulate sellers and manufacturers to ensure they educate and inform their clientele base on the quality of products/ services and safety of the products and services and also prices of the same. The sellers and manufacturer should be regulated in order to inform the consumers in reference to products and services to ensure the safety of consumers are given priority in South Sudan.
- **Rights to Consumer Education:** the concept is premised in preparing of an individual through skills and understanding that are need by a consumer in a daily life with anticipation to attain exceeding satisfaction as he or she utilizes his/her resources [17]. The government should implement and enforce laws that demand from the seller and manufacturers to provide education in reference to products they are merchandising in the process. The approach is likely to enhance the consumer in South Sudan to make informed decisions to either to buy products and services. As a result, the consumer in South Sudan will be able to plan their purchasing goods and services. However, the consumers may not have the ability to plan their purchasing goods of services.
- **Rights to be heard:** this is premised in the dissatisfaction with products purchased; they should be given opportunity file complaints against such products and should be addressed within the appropriate framework and within the shortest time possible (Toppr n.d.). When a seller or manufacturer fails to create a framework under which the complaints in regard to products, the a government should intervene on behalf of the consumer through legislation and policy framework that will insulate the consumers against any vulnerability in the process within the market segment in South Sudan.
- **Rights to seek for redress:** the concept is premised in the assumption that incase the product fails to satisfy the customer or consumer, the product or service can either be replaced of product and services or the amount used by the consumer

should refunded without any condition thereof (Toppr n.d.). However, the above cannot happen in blues but through a legal and policy framework in which the consumer in South Sudan should be insulated from the fraudulent and unscrupulous merchants, sellers and manufacturers in the process.

In addition to the above;

The current Consumer Protection regime consists of legislative and regulatory provisions scattered in several pieces of legislation....feature of current regime is the inadequate National Quality Infrastructure (standardization, accreditation, conformity assessment and metrology). Legal and regulatory leads to poor oversight, overlaps and duplication of the services (inspection, testing and certification), which confuses and over-burdens consumers” [18].

In other words, more legislation and fewer actions are detrimental in the protection of consumer rights. Therefore, it will be prudent for GOSS to initiate the process of collecting all pieces of legislation that protects consumers against exploitation, abuse and mistreatment into one document thus making it easy to govern, implement and enforcing the laws protecting consumers in South Sudan.

5.1. The Basis of Legal Standings in Consumers’ Protection in South Sudan

South Sudan’s Consumer Protection Act, 2011 is the basis legal standing in consumers’ protection. The South Sudan’s Consumer Protection Act, 2011 consist of Thirty Six (36) sections which are premised in accomplishing Ten (10) things in attempt to protect the consumers in South Sudan. In addition the Act is premised in effort to insulate consumers against unfair treatment by the suppliers of goods and services within South Sudan [19]. In reference to United States of America (USA), a consumer has four basic rights that were introduced by President John F. Kennedy in 1962 are premised in accomplishing the following:

- The right to redress,
- The right to consumer education,
- The right to service, and
- The right to a healthy and sustainable environment (Brandon, 2024).

In other words, consumer protection laws in South Sudan are supposed to redress consumer concerns and complaints, and the GOSS should ensure that consumer is sensitized in reference to information and more so, the rules and laws should be geared towards addressing health of the consumers and sustainable environment in the process. Even though South Sudan is a young nation and has been marred by chaotic situations like civil war, corruption and many adversities, it is the duty of the Government to ensure that the products and services entering the nations from are countries are safe for use by the citizens.

In addition, the Consumer Protection Act Section 5 (1) (a) and (b) articulates that: Supplier shall not-

- a) Offer to supply, or enter into an agreement to supply, any

-
- goods or services that are manifestly unfair and unjust; and
- b) Market any goods or services, or negotiate and enter into or administer agreement for the supply of any goods or services, in a manner that is manifestly unfair or unjust (Consumer Protection Act, 2011, Republic of South Sudan)

In other, the legal framework is progressive in the manner that it articulates the manner in which the law articulates the consumer can be treated with traders as well as the manner in which the consumer may conduct himself or herself while seeking for goods and services within the landscape of South Sudan. However, the issue that may cause the progressive laws not to be realized in working for consumers may be implementation, enforcement and regulation to the letter and the spirit of the law to be affected in South Sudan.

5.2. The Challenges in the Implementation of the Laws protecting Consumers in South Sudan

In reference to a study done by Ayoker, it was noted that the overwhelming majority ascertained that in South Sudan there is no consumer behavior protection law with implication that the market in South Sudan is not well organized. As it may be the case, the imports are not controlled and thus the quality control office at the borders and in towns are not affected [20]. The essence of the above is that the consumers in South Sudan may be exposed in serious dangers that include health hazards, environmental pollution, and exploitation in the process. This may be as the outcome of the Government failing to put all measures in place to ensure that consumers are insulated against harmful products that are from outside South Sudan.

Corruption is another challenge in South Sudan which obstructs the implementation of consumer protection. According to investigation done by US Department of Commerce Bureau of Industry and Security (CBIS), it was established that the money given by overseas to help in humanitarian crisis are likely to be diverted towards buying weapons instead of helping the welfare of the people of South Sudan. In addition, Corruption in South Sudan extend beyond oil sector but beyond the sector. Based on the ranking by Transparency International (TI), the civil servants were poorly ranked worst for the second in 2022 [21]. The implication of the above, is that the corruption perpetrated by civil servants is likely to deny the citizens their basic human rights in accessing Government services. In the presumption of the researcher, even the economic environment consumers may be exposed to infringement of their rights in which the product they and services they may be exposed to product that are dangerous and harmful to their health because those who are supposed to formulate, implement and enforces that laws that premised in protecting the consumers may be feasting with the supplier of bad products and services in the process.

5.3. Appropriate Measure to be taken in Effort to Protect Consumers in South Sudan

In effort to improve a consumer protection in South Sudan, there is need for introducing transparency and enforcing consumer

education and awareness about the products and services. In addition, it would be wise to promote completion in market while legislating laws that are gear towards preventing fraud and exploiting consumers in South Sudan. If there is monopoly without market competition, the consumers' rights in South Sudan are likely to be infringed by rogue suppliers of goods and services and thus the need to regulate market through appropriate legislation that will enhance competition in the market and thereby offering customers in South Sudan a choice to make from variety of products and services that are on offer. Indeed consumer education should be enhanced and also legislating laws that abolish unfair practices [22]. When consumers are sensitized about their rights and more about products and services that are offered in the market, they will be able to make appropriate choices of either to use the products and services or not. The laws regulating relationship between suppliers of products and service and the consumers of such should be premised in fairness and transparency and the following actions should be taken in the process:

- Transparency and remedy rights
- Effective enforcement mechanisms that enhance dispute resolution between the supplier and the consumer in the process.
- Promotion of consumer literacy in effort for them to acquire appropriate knowledge in reference to products and services on offer in the market place [22].

This will play critical role in which the consumers can demand value for their money in the process and they will stand to seek for their rights based on the products they are buying from the sellers, suppliers and manufacturers. However, the above cannot just happen in vacuum but through legal and policy framework that will offer the guidelines of how the consumers in South Sudan can be protect from fraudulent traders and manufacturers.

In progressing consumers' protection, South Sudan can borrow from the neighboring countries like Kenya which have a clear legal and policy framework offering guidelines to protect consumers. For example, Article 46 of the Constitution of Kenya 2010 stipulates that:

Consumers have the right-

- To goods and services of reasonable quality;
- To the information necessary for them to gain full benefits of goods and services; and
- To the protection for loss or injury arising from the defects of goods or services (Constitution of Kenya, 2010, Article 46 (1) (a-c).

In addition to the above, Kenya through its National assembly have enacted Competition Act which was revised in 2017 offering guidelines based on Article 46 of the Constitution of Kenya in which section 92 of the Act stipulates that:

Consumers have right to protection of their health and safety. In this regard a supplier has a primary responsibility for the supply of safe consumer products in Kenya. There will often be more than supplier responsible for a particular product. Each entity in

the supply chain is responsible for assessing and (if necessary) rectifying potential safety hazards presented by the consumer products that they supply (Competition Act, 2010, *Revised 2017*, Section 92).

In consenting to both Article 46 of the constitution of Kenya 2010, and the Competition Act 2010 revised in 2017, it will be worth if a consumers in South Sudan are insulated by the Government through legislation that will enhance fair treatment of the consumers in South Sudan and demanding through enacted laws that the traders, supplier take responsibility for any goods and service that are default or have caused injuries on the individual within South Sudan. This will help especially the citizens who may be vulnerable to fraudulent traders in South Sudan and those from overseas.

5.4. International Treaties and Agreements on Consumers' Rights Protection

The idea of the consumer as a citizen, and eventually as a judicial subject is totally new concept. It was not until 19th Century, when the consumers directed their hard work towards products of first necessity, however, the attention and agitation became second in significance. The first country that consumer established itself earlier was US based on the agitation and protests of the poorest sections of the American workers, federal regulations enacted. Such set of laws brought about sanity and authenticity in the market in reference to food and medicines [23]. In other words, consumers' rights protection begins with agitation and protests and thereafter the protection of rights are enacted into the law or inscribed in the constitutions by state governments' and also in Legislative Acts that are enacted into laws that safeguard the interests of consumers everywhere across the globe.

In 1960, five consumer organizations from five nations (USA, Great Britain, Australia, the Netherlands and France) joined hand together and formed International Organization Consumer Union (IOCU) which now has 200 members from 100 nations (Zharkenova & Kulmakhanova, 2015). IOCU is headquartered in London in Great Britain and has offices in Kuala Lumpur in Malaysia and in Santiago. The IOCU exist to advocate for the protection of rights of the consumer across the globe. Otherwise known as Consumer International (CI) it exist to agitate for:

- The right to protection from unsafe products,
- The right to production information,
- The rights to range of products choices,
- The right representation in government policy,
- The right to products that satisfy basic needs,
- The right to redress grievances concerning unsatisfactory products,
- the right to consumer education, and
- The right to an environment that is not threatening the human well-being [24]. In this, the civil society, NGOs and CBOs in South Sudan should agitate for the protection of the rights of the consumer since all citizens are consumers and thus the protection consumers' rights may also include human rights in South Sudan.

Key international treaties and agreements on the protection of consumers include:

5.4.1. United Nations Guideline for Consumer Protection: the UN has set the guidelines that serves as a framework for the State Governments to develop National policies on consumer protection. The emphasis is premised on right to safety, the right to be informed, the right to choose and the right to be heard [25]. South Sudan as a member of United Nations should adopt measures and guidelines by ensuring that its market is safe in protecting the gullible and vulnerable consumers in South Sudan.

5.4.2. World Trade Organization (WTO) Agreements: are focused on trade liberation, and incorporate features related to consumer protection. For example, Technical Barriers to Trade (TBT) targets to ensure that regulations are void of unnecessary obstacle and also protecting consumers against harmful products [26]. In this, South Sudan should formulate laws and policies to regulate against harmful products in the market.

5.4.3. European Union Consumer Protection Legislation: the EU has established a comprehensive legal Framework that focus on the protection of consumers within its membership states. it is critical directed to include Consumer Rights Directive (2011/83/EU) that enhance the rights to consumer protection in reference to transactions made online or off premise through ensuring that there is transparency and fairness between the consumers and the sellers in the market [27]. The GOSS should ensure that necessary legal and policy framework are implemented with surety that protection of consumers in South Sudan are well taken care of.

5.4.4. International Organization for Standardization (ISO): It is premised on developing international standards that can lead to consumer protection through value guarantee apparatuses [28]. In this, the GOSS need to ensure that goods that produced locally and those imported into country should adhere to quality standard in effort to protect its citizens against substandard products in the market.

5.4.5. Regional Agreements: there are various regional agreements that are geared towards the protection of the rights of consumers such as North America Free Trade Agreement (NAFTA) [29]. In this, The GOSS should borrow from the regional with best examples in effort to protect consumers in South Sudan.

5.5. Transforming South Sudan Transitional Constitution into Permanency

In June 9, 2011, South Sudan became the youngest state in the World and 54th State in Africa. In 2013 and 2016, the young nation experienced civil war and thus the sub-national violence, and political fight of which has undermined the national development and exposed the nation to humanitarian needs [30]. In the perception of the researcher, the situation cannot allow the government to enforce the consumers' laws neither implement the laws to protect the public against products and services that are harmful.

The constitutional making in South Sudan has been faced with many challenges that may incorporate: civil and inter-communal wars. The process commenced in 2012 with the appointment National Constitutional Review Commission (NCRC) as the body mandated to draft Permanent Constitution. However, the process stalled in 2013 due to the outbreak of the civil war and inter-communal wars in 2016. Nevertheless, the process was kick-started by President Salva Kiir [31]. In the opinion of the researcher, it will be prudent for the ruling and elites to offer a political goodwill to enhance the process of transforming the Transitional Constitution into a permanent Constitution. The approach would enable the rights of consumers to be in South Sudan. In the view and perspective of the researcher, through enshrining Consumers' protection and parameter within a permanent constitution, South Sudan shall be able to institute a vigorous legal framework that would safeguard consumers against exploitation, fraud and any other unfair practices. The transformation of Transition Constitution into Permanent Constitution may help to protect consumer rights through:

- **Legal Recognition:** incorporating consumer protection into permanent is likely to give consumers' legal protection framework recognition.
- **Regulatory Framework:** a permanent constitution in South Sudan with specific provision may like likely to offer clear dogmatic structure for operating business in South Sudan.
- **Enhanced Accountability:** enshrining Consumers' Rights Protection in the permanent Constitution of South Sudan may promote accountability among the business fraternity and government agencies and may also create a structure where all are held accountable for upholding the rights of consumers.
- **Public Awareness:** A permanent Constitution with provisions of consumers' rights may likely contribute to public awareness of consumers' rights
- **Long-Term Stability:** The transformation of TC into permanency with strong Consumers' Protection Rights is likely to contribute to long-term economic stability and economic growth in South Sudan.

5.6. Implementation of all Peace Agreements in South Sudan and Its Impact on Consumers' Rights Protection

Implementation of peace Agreements in South Sudan is critical since it has potential enhance stability, citizens' right protection and also the protection of consumer. The management and resolution to conflict in South Sudan is an involvement of numerous international actors, incorporating the neighboring countries such as Sudan, Uganda, Ethiopia and Kenya—the Intergovernmental Authority on Development (IGAD), the African Union (AU), and the TROIKA Group consisting of United States of America (USA), United Kingdom (UK), and Norway and others that include European Union (EU), China, and United Nations (UN) [32]. As result of conflict, the country has experience protracted conflict that brings about other suffering of the masses and the vulnerable there making impossible to get essential services including the protection of the rights of citizen and also the rights of consumers due to lack of cohesiveness and order in the country.

In the perception of the researcher the lack or failure to implement peace agreements implicates consumers' rights protection due to instabilities that unsettles the indispensable services and infrastructure. More so, the prolonged conflict impedes the operational of public services such as healthcare, education and transportation that have all propensities in affecting consumers retrieving the basic necessities. In this, there is need for a road map that will ensure that peace in South Sudan is fully implemented in effort to enhance socio-economic and development take shape and thereby allowing the national parliament to enact laws that will protect rights of the citizens and also consumers in South Sudan. According to Ping Hong;

Conflict entails enormous and multifaceted costs, including direct human suffering and conflict and catastrophic socio-economic disruptions, and thus significantly impeding the achievement of the MDGs and other development goals in the conflict-affected countries. For instance, there has been a conspicuous divergence in poverty reduction between the countries with peace and stability and those mired in conflicts, with former managing to reduce poverty in a steady pace, while the seeing their poverty rates stagnating or even rising [33].

As the socio-economic development crumble down due to political conflict and instability in a nation, it becomes difficult to protect the rights of citizens and also that of consumers. The continuing instability that has been experienced in South Sudan has all propensities to undermine the consumers' confidence in the market. Through implementation of all peace agreements in South Sudan, the country is likely to experience stability and therefore enact, implement and enforce laws that are meant to protect the consumer. Therefore, the implementation of all peace agreements is critical in enhancing the protection of the consumers in South Sudan. The ruling elites and political class should demonstrate goodwill to create a conducive environment that would allow implementation and enforcement of consumers' laws in South Sudan.

5.7. Holding the long awaited Elections in South Sudan and its impact on the Protection of Consumers' Rights

The holding of elections in South Sudan is likely to have significant effect on the protection of consumers' rights. Reason being that election is likely to play a pivotal role in offering some institutions such as executive and national parliament mandate to implement, enforce and enact laws that would enhance the protection of the consumers in the nation. Elections are critical in South Sudan because it is one aspect of democracy and governance, as it will offer to citizens an opportunity that they elect leaders of their choice and thereafter hold them accountable.

Despite the need to hold the elections in South Sudan in effort to create legitimacy in governance and regulatory process, based on the United Nations' Security Council that met on 5th of April 2024, the UN Peacekeeping Chief warned that Elections scheduled in South Sudan towards the end of the year could be disastrous if not well managed [34]. Reason being the nation is volatile, there is intercommunal wars and more to add the salt in the already wounds,

the instability in Sudan is also worrying. He suggested, that it was appropriate for the preparation for election to be adequate before the end of transitional government [34]. Regardless of the situation in South Sudan, holding elections has all propensities to give the national parliament will have the mandated to debate and enact laws and regulation that are geared to protect the rights of the citizens and the rights of consumers. Through holding Elections in South Sudan, there is possibilities to elect officials who are committed to upholding the rights of citizens and consumers and in the process consumers are likely to witness improvements in product safety standards, access to information, and mechanisms that are geared towards resolving issues arising in the process of doing business. However, for all these to occur, there is need for goodwill from the ruling elites and the political class in South Sudan.

5.8. Strengthening Institutions Mandated to Facilitate Consumers' Protection Laws in South Sudan

South Sudan is faced with various challenges especially in effort to implement the consumer protection laws. The challenges incorporate; inadequate resources, lack of awareness among the consumers about their rights, limited institutional capacity, and political instability [35]. In this, there is need to build the capacities of institution mandated with responsibility to protect the consumers in the Republic. In the view of the researcher, the following approaches should be employed in effort to implement consumers' protection laws in South Sudan:

- **Enhancing Legal Framework:** the National Parliament in collaboration with CBOs, civil Society should work together and enact and agitate for consumers' right to protected. The Parliament should clearly define the rights and responsibilities of consumers and also the responsibilities of businesses.
- **Capacity Building:** regardless of the few resource the nation is having, the GOSS need to invest in training programs with those working to ensure that they comprehend by being equipped with skills and knowledge to effectively implement and enforce consumers' protection laws in South Sudan.
- **Awareness Campaigns:** the civil society and GOSS should conduct public awareness campaigns that equip consumers with knowledge about their rights and the process to be used in seeking redress should there be the infringement. The process has all possibilities to empower consumer in South informed choice in reference to products and services in the market.
- **Establishment of Regulatory Bodies:** there is need to set independent bodies with the authority and powers to display compliance with consumer protection laws in South Sudan that will enhance accountability and transparency among the officials mandated to oversee the implementation and enforcement of consumers' protection laws.
- **Collaboration with Stakeholders:** there is need for engagement with relevant stakeholders that include business, civil society's organization and international partners that may foster cooperation in enforcing consumer protection laws.
- **Use of Technology:** the government can use borrowed technologies with online solution to complaints portals or mobile applications in effort to modernize the process of reporting consumers' objections and thereby facilitating

quicker resolution.

- **Monitoring and Evaluation:** the GOSS needs to formulate implementation mechanisms for monitoring and examining the performance of consumers' protection institutions through identification of gaps and sectors that need improvement.

It is critical to strengthen institutions mandated to simplify consumers' protection laws in South Sudan necessitates various approaches to address legal frameworks, capacity building, awareness campaigns, establishment of regulatory bodies, collaboration with stakeholder, use of technology and monitoring and evaluation mechanisms. More so, political will from the ruling elites and political class will play crucial in realization of the above.

5.9. Implementing and Enforcing Consumers' Protection Laws in South Sudan

The implementation and enforcing consumers' laws in South Sudan is critical in maintenance of rights and interests of consumers in the nation. Consumers' protection laws should ensure that they are premeditated to guarantee fair trade practices, protect consumers from duplicitous happenings and stimulate limpidity in commercial transactions [36]. Though in South Sudan, the implementation and enforcement is a challenge due to factors that relate to constrained resources, in-adequate infrastructure, and lack of awareness among the consumers. In addition, the nation is also experiencing political and security instability that has bedeviled the nation also make impossible to implement and enforce the consumers' protection. In this, it is critical that GOSS work around the clock to ensure that there is order across the nation. Nevertheless, the process needs going beyond the selfish interests of the ruling elites, military leaders and political class to secure the nation.

In attempt to implement and enforce consumers' protection laws in South Sudan, there is need for establishment of a regulatory framework that will outline the rights and responsibilities of consumers and businesses [37]. In this, the framework should summarize requirements for monitoring compliances within consumers' protection laws, investigation of complaints from consumers, and striking punishments on businesses that encroach upon the consumers' protection laws. In this, the government agencies mandated to protect consumers' rights need to be adequately capacitated, equipped and staffed in effort to effectively implement and enforce the laws meant to insulate consumers against exploitation and fraudulent.

5.10. Partnering with Regional Neighbors and International Community in dealing with counterfeit and contraband goods in effort to Safeguard Consumers' Rights Protection in South Sudan

In effort to protect consumers' rights against counterfeit and contraband goods, the GOSS needs partnership and with regional and international community. Reason being counterfeit and contraband goods facades considerable risks to consumers, including health vulnerabilities, economic losses, and prospective financial support for criminals. Though partnership and collaboration through mutual and legal agreement between GOSS, Regional neighboring nations, and international in effort to protect vulnerable and gullible

citizens through combating.

According Kenya Institute for Public Research and Analysis (KIPRA) based on Article 46 of the Constitution established the protection of consumers' protection as an ultimate right and necessitated the Parliament to enact the Consumer Protection Act . In 2012, the Consumer Act (2012) was passed by the National Assembly of Kenya and became a turning point in Kenya. KIPRA continue to articulates the Act aimed at protecting Kenyan consumers' rights through provisions of a room for consumers to seek redress for violations of their rights [38]. In this, South Sudan can do benchmarking by working closely with Kenya in effort to realize the protection of consumers in South Sudan. It is only through partnering with regional nations and international community that South Sudan will be able to enhance its capacity and strengthens the institutions mandated to protect consumers' rights in the nation.

Through partnership and collaboration with regional neighbors is likely to promote sharing of information, coordination of implementation and enforcement efforts and progressive of joint approaches to handle and address the stream of counterfeit and contraband goods across borders. The kind of collaboration can assist in strengthening border controls, expand intelligence get together and thereby upsetting unlawful stream manacles. In addition, it is worth to note that governments are not flexible enough in comparison to criminal networks that traffic contraband across the globe. The enforcement actions may trunk one movement but the linkages that traffic can quickly be transformed and take different dimensions in order to distribute a contraband and counterfeits goods across the globe [39]. It therefore significantly important for South Sudan to form diplomatic, collaboration, cooperation, partnership with regional nations and international community as benchmarking in effort to protect its border and its citizens who are vulnerable and gullible.

5.11. The way Forward in Consumers' Laws Protection in South Sudan

In South Sudan, the implementation of Consumers' laws and the consolidation into a single document can be attained through various strategies. The possible ways in which the Government of South Sudan can implement consumers' law and merge laws into document may incorporate:

- **Legislative Reforms:** the government can instigate legislative reforms to pass specific laws that are geared towards protecting consumers' rights expansively. The process may incorporate formulating new laws or amending the existing laws to address the need to protect the consumer in South Sudan effectively.
- **Establishment of Regulatory Bodies:** the government through the National Parliament should enact laws that would enhance the protection and enforcement of consumers' rights laws. The formation of regulating bodies enhance the process of monitoring compliance with consumers laws, examine complaints and enforce sanction to individual entities that violators.

- **Public Awareness Campaign:** the GOSS should educate and sensitize the public about their rights as consumers are critical for effective implementation of consumers' law. In this training civil servants on how to protect consumers' rights in South Sudan.
- **Capacity Building:** building the capacity of relevant institution such as consumer protection agencies, judicial bodies and law enforcement agencies will critical in enforcing the Consumer law in South Sudan. More so, it is also critical to train government officials on the manner they can improve mechanisms to protect consumers in South Sudan.
- **Integration of Laws:** it is critical to merge various laws into a single document, a wide-ranging analysis and harmonization processes in South Sudan is essential. The process should involve identifying overlapping laws or conflicting ones in the provisions within different laws and combining them into a unified legal framework.
- **Consultation with Stakeholder:** engaging stakeholders, inclusion of consumer advocacy groups, legal experts, industry spokespersons, and civil society may be critical for enhancing effective consumers' laws protection policies and amalgamation laws effectively.
- **Adoption of Best Practices:** South need to learn from international best practices in consumers' rights protection has all potential to offer important imminent for south Sudan to strengthen its legal construction and enforcement devices.

The implementation of the above strategies collectively, the Government of South Sudan can augment consumer protection and streamline its legal framework by amalgamating relevant laws into a single comprehensive document.

5. Summary of the Findings

From the onset at the beginning of the study, the researcher assessed the background of the problem; exploring consumers' rights protection an assessment of legal framework in South Sudan. The study looked into the background of the problem, The study went further to traverse literature review, the hypothesis of the study and the chapters' breakdown giving an overview of the entire study. At the initial stages of the study, which is chapter one, the researcher discovered that the National Assembly is premised in the Interim Constitution of South Sudan 2011, Article 55 (3) (2) (b) together with Article 85 (1), read, The National Legislative Assembly with the assent of the President shall enact the laws relating to consumers' rights protection. However, the rights of the consumers in South Sudan cannot be articulately protected depending on the Presidential assent. Reason being, a rogue President may decide to work with crooked business people or manufacturers and then the rights of consumers are infringed in the process or left and the whims of fraudulent businessmen and business people. In this, the legislation of laws relating consumers in South Sudan should be given to the Members of Parliament without necessarily seeking Presidential approval of the law. More so, the National Legislative should be independent from the executive. In addition, in chapter one the researcher asserted that; it would be prudent for GOSS to initiate the process of collecting all pieces of legislations that

protects consumers against exploitation, abuse and mistreatment into one document thus making it easy to govern, implement and enforcing the laws protecting consumers in South Sudan.

The study also navigated through the theoretical framework and legal status of consumers' rights protection in South Sudan. Through the navigation of the theoretical framework, the researcher labored to review various concepts of consumers' rights protection and discovered that the concepts of consumers' rights protection were in acknowledgment that consumers were often confronted with significant power of disproportion in the business deal with merchants which had propensity of enhancing unfair practices, racket and manipulation. The study also reviewed the concepts of consumers' rights protection which is premised in the following:

- **Rights to safety:** the Government of South Sudan should ensure that the market in South Sudan is regulated to insulate the consumer against harmful products and services that may be dangerous to their health and even to environment.
- **Rights to Choose:** The rights of consumers to should be a priority of the government by ensuring there is competition in the market because without completion, some of the unscrupulous and fraudulent may likely take advantage to monopolize in effort to frustrate the consumers from enjoying their rights to choose from among the products in the market.
- **Rights to be informed:** The sellers and manufacturer should be regulated in order to inform the consumers in reference to products and services to ensure the safety of consumers are given priority in South Sudan.
- **Rights to be heard:** When a seller or manufacturer fails to create a framework under which the complaints in regard to products, the a government should intervene on behalf of the consumer through legislation and policy framework that will insulate the consumers against any vulnerability in the process within the market segment in South Sudan.
- **Right to seek redress:** through a legal and policy framework in which the consumer in South Sudan should be insulated from the fraudulent and unscrupulous merchants, sellers and manufacturers in the process.

The South Sudanese National Assembly enacted an act premised in protecting consumer in the Republic of South Sudan in which Chapter one Section 3 stipulates the purpose of the Act. In addition to the above, the act regulates any transaction between the suppliers and consumers unless the subsection 2 exempts such in the process. Furthermore, Section 3 subsection 2 ascertains that:

- Acquisition of an estate or interest in an immovable property (except renting of residential in consideration of rent.
- A service to be supplied under an employment contract.
- A transaction where consumer is a national Government, a State or an organ of Government.
- Goods brought at auction; or
- A transaction or activity which is regulated under any written law such as insurance, banking, money lending, or financial services (Consumer Protection Act, 2011).

The following are further findings:

1. Since gaining independence in 2011, South Sudan has made efforts to establish a legal framework for consumer rights protection, but challenges such as weak governance and ongoing conflict have hindered progress.
2. The Transitional Constitution of South Sudan includes provisions for consumer rights, but enforcement is weak due to inadequate governance structures.
3. Institutions like the Ministry of Trade and Industry and the South Sudan Standards Organization (SSSO) were established to oversee trade practices and ensure product quality.
4. Public awareness campaigns by NGOs have been crucial in educating consumers about their rights regarding product safety, fair pricing, and access to information.
5. The study aimed to assessing the legal framework for consumer protection in South Sudan, evaluate the effectiveness of current laws, and propose legal mechanisms to address consumer rights issues.
6. Challenges in implementing consumer protection laws include corruption, lack of resources, inadequate infrastructure, and political instability.
7. Recommendations include enhancing legal frameworks, building institutional capacity, raising public awareness, establishing independent regulatory bodies, and collaborating with regional and international partners.
8. The study emphasized the need for political goodwill from ruling elites to implement and enforce consumer protection laws effectively.
9. International treaties and agreements like the United Nations Guidelines for Consumer Protection provide frameworks that South Sudan can adopt to improve consumer rights protection.
10. Strengthening institutions responsible for consumer protection through capacity building, technology use, and stakeholder collaboration is essential for effective implementation and enforcement of laws.

6. Recommendations

To enhance the legal framework for consumer rights protection in South Sudan, several recommendations can be made:

6.1. Public Awareness Campaigns: Implementing comprehensive public education campaigns can help inform consumers about their rights and available recourse mechanisms. Collaborations with local NGOs could amplify outreach efforts.

6.2. Strengthening Institutions: Increasing funding and training for regulatory bodies tasked with enforcing consumer protection laws will improve their capacity to handle complaints effectively and conduct market surveillance.

6.3. Legal Reforms: Reviewing existing legislation with input from stakeholders—including consumers, businesses, and legal experts—can help identify gaps and ambiguities that need addressing.

6.4. Establishing Alternative Dispute Resolution Mechanisms: Creating accessible platforms for resolving disputes outside traditional court systems can encourage more consumers to seek redress without fear of lengthy legal processes.

6.5. Encouraging Community Engagement: Engaging

community leaders in promoting consumer rights can foster trust between consumers and regulatory bodies while encouraging local advocacy efforts.

The legal framework for consumer rights protection in South Sudan presents both opportunities and challenges. By addressing awareness gaps, strengthening institutional capacities, reforming existing laws, establishing alternative dispute resolution mechanisms, and fostering community engagement, South Sudan can create a more robust environment for protecting consumers' rights effectively.

7. Conclusion

The legal framework for consumer rights protection in South Sudan is still in its formative stages. The country has faced numerous challenges since its independence, including political instability, economic difficulties, and a lack of infrastructure. These factors have significantly impacted the development and enforcement of consumer protection laws. The existing legal provisions are often inadequate and poorly enforced, leaving consumers vulnerable to exploitation by businesses. The Consumer Protection Act, while a step forward, requires further refinement to address specific issues such as unfair trade practices, product safety standards, and the right to information. Moreover, there is a pressing need for public awareness campaigns to educate consumers about their rights and available remedies. International best practices suggest that an effective consumer protection framework should include mechanisms for dispute resolution, regulatory oversight, and collaboration with civil society organizations. South Sudan can benefit from adopting these practices to enhance its legal framework. Strengthening institutions responsible for consumer protection will also be crucial in ensuring compliance with established laws.

Furthermore, regional cooperation could play a vital role in improving consumer rights protections across borders. By engaging with neighboring countries and international organizations, South Sudan can learn from successful models of consumer protection that have been implemented elsewhere. While there are foundational elements of consumer rights protection in South Sudan's legal framework, significant improvements are necessary to create an environment where consumers feel safe and empowered. This will require concerted efforts from the government, civil society, and the private sector to build a robust system that safeguards consumers' interests effectively [40].

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