The EU flagship initiative on the garment sector. Consumption, the unfinished business of normative power
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1. Introduction.

On the morning of the 24th of April 2013, the Rana Plaza building, in the outskirts of Dhaka, Bangladesh, collapsed killing more than 1,100 people and injuring approximately 2,500 people. Local media had warned of the structural deficiencies and the building was initially evacuated (Manik, Greenhouse & Yardley 2013). However, the factory owners compelled their workers to go to work that morning under the threat of withholding the monthly salary of those who refused (Devnath & Srivastava 2013). The Rana Plaza collapse has been an unprecedented tragedy in the garment industry considering the number of casualties and people injured (Caleca 2014).

This tragedy called the attention of Western media, policymakers, and consumers (Williamson and Lutz 2019). Among the rubble of what was once a building with around 3,500 workers, there were labels of well-known western retailers. Clothes and labels from European brands, such as Benetton, Primark, El Corte Inglés, or Mango, were found at the place of the accident, (Marco 2013; Butler 2015). Pieces of clothing that any Western consumer has in one’s wardrobe. This raised awareness of the connection between the clothes we buy and wear and the deplorable conditions of workers in the supply chain of the garment industry in developing countries that produce those clothes.

Due to globalization, multinational corporations moved their production to developing countries with cheap and ample labor force and weak labor regulations (Caleca 2014). The market is characteristically aggressive and competitive (European Parliament 2017a) and different countries in the Global South hold a fierce race to obtain purchase orders from multinational corporations mainly from Europe and the US (Saxena & Salze-Lozac’h 2010). The pressures from the market are translated into unliveable wages, unsafe conditions, and compulsory extra hours (Caleca 2014). Moreover, the garment industry has been the context of other practices against human rights, such as forced labor, child labor, union rights restrictions, sexual harassment, and mental and physical abuse, among others (Caleca 2014).

Furthermore, the garment trade is characteristically complex in terms of actors and states involved. In the current globalized market, the path of a clothing piece is not easy to follow. From the cotton crops in Uzbekistan to the maquilas in Honduras, to the textile factories in Bangladesh, to the shop in our local town, the traceability of any piece of cloth is highly complex. For this reason, transparency and traceability are among the main concerns for both the EU and consumers (Austgulen 2015; European Parliament 2017; Orbie & Sangeeta 2015).

The Rana Plaza disaster was condemned by European politicians and institutions as a tragedy that could have been avoided (Ashton and de Gutch 2013; Froman, Kerry, Lendhardt and Perez 2015; Moraes 2013). The European Commission (2013a) and the European Parliament (EP)
(2013a) requested that the Bangladeshi authorities initiate action to comply with international safety standards and threatened to reduce Bangladesh trade preferences in the European market in the context of the Generalised System of Preferences (GSP). The tragedy caused a response from multinationals with production in Bangladesh, which developed different programs to ensure the audit of their subcontractors and the victims' remedy (European Commission 2013; Labowitz and Baumann-Pauly 2014).

Despite the awareness on the connection between the consumption of clothes in Europe and human rights violations, none of the official statements from European institutions in the following three years regarding the Rana Plaza collapse included any measure aimed to re-shape the demand for fast fashion. On 2017, the EP presented the EU Flagship Initiative on the Garment Sector, an own-initiative requesting the European Commission binding legislation for Europeans stakeholders for the protection of human rights in the supply chain of this industry, mainly as a result of the Rana Plaza collapse. It was not until this initiative that we can start to see attention being paid towards the role of consumers in the regulatory system of the garment sector.

The purpose of this study is to see the development of the role of consumers concerning the supply chain issues via the idea of normative power in the EU Flagship Initiative on the Garment Sector. This study will tackle the role of consumption both from the EU’s perspective and as a way of political participation beyond the classic institutions via the concept of political consumerism. Thus, the research puzzle will be the following:

In the context of the EU Flagship Initiative on the garment sector (2016/2140 (INI)), to what extend have EU policymakers incorporated measures that tackle the demand as part of its external action strategies, in the garment sector international trade? To what extent are these measures coherent, consistent and legitimate according to the concept of normative power?

I will argue that although the EU Flagship Initiative on the garment sector allows me to conclude that from a normative power perspective the EU is compromised with human rights as part of its external action, most of the mechanisms address the supply chain and producing countries. The strategies that tackle the demand remain secondary but there are two remarkable improvements. Firstly, the EU recognizes publicly the connection between consumption and the pressures of the market that cause human rights violations. Secondly, although modestly, consumers start to be considered as relevant stakeholders and the first measures are being born. I consider that European policymakers and the current literature have not tackled the conflict between the respect for human rights and the expression of consumption as part of the sphere of individual freedom. Since normative power finds this limitation, it is necessary to study the role
of consumers via the concept of political consumerism, which explains how consumption can be an expression of political participation.

In this context, I will analyse the consistency and legitimacy of the measures that address the demand considering the problematic accusations of double standards and ‘self-legitimization’ via normative power. Despite some improvements, the design of the measures that tackle the demand in the EU Flagship Initiative on the Garment Sector is unsatisfactory to address the complexities of the human rights abuses in this supply chain, and do not fulfil the ‘living by example’ philosophy that normative power represents.

To develop this analysis, firstly this study will define the main analytic tools used for this research: normative power and political consumerism. Secondly, I will study the main measures that have been developed by the EU to balance human rights protection and trade, differentiating between strategies in the demand and strategies in the supply of the products of the textile industry. Subsequently, this research will present the case study of the EU flagship with a critical perspective, paying special attention to the role that consumption is given throughout the proposal. Finally, the outcome of the legislative process will be assessed critically under the perspective of normative power and political consumerism and its interactions.

2. Theoretical framework and case selection.

The concept of normative power provides the analytic tools to study EU behavior in the international arena beyond the traditional conceptions of military and civilian power (Manners 2002). According to Ian Manners (2002) the distinctive feature of normative power is its capacity to redefine the conceptions of what is considered ‘normal’ when the EU acts in the international arena, mainly through the use of normative tools. The EU has grown based on strong normative foundations that have consolidated the core norms of EU identity and policymaking (Manners 2002). The EU was conditioned by the context it was born in and some of its pillar, such as, democracy or human rights were the response to the post-war and later cold war historical context where the EU developed. In the post-cold war era, EU norms faced new challenges to legitimate this institution beyond a sum of states in the context of globalization. (Tilley 2012)

For the study of normative power issues, Ian Manners develops the method of ‘tripartite analysis’ which divides the research into 3 parts; “origin of principles”, “translation into action” and, finally, “consequences of the actions” (…) (Manners 2009: 786). The first part of the tripartite analysis examines “the constitutive principles of the EU and how these become promoted as aims and objectives of the EU in world politics” (Manners 2008:75). As previously explained the EU was born in a context that determined its pillars and that have been included in its founding treaties gradually (Manners 2002). These EU principles are reflected in EU external
action and normative power, and can be used to assess the extent to which these principles are pursued when the EU is a player in the international arena (Tilley 2012). According to Ian Manners, the understanding of the EU values in the context of normative power can be done under the prism of virtue ethics, which focus on emphasizing the moral character (Manners 2008:75). Based on this argument the author suggests that “any EU normative ethic should be based on ‘living by virtuous example’” (Manners 2008:76). For the author this implies that the EU needs to ensure that its behavior is coherent, consistent and legitimate. Coherence means that the EU principles and actions are non-contradictory and belong to a universal conception of issues such as human rights and world peace (Manners 2008; Tilley 2012). Normatively this implies participation in international treaties from global institutions such as the UN system and the ILO (Manners 2008). I will take this first step of the research to study the pillars that serve as a basis for the development of the EU flagship initiative on the garment sector.

Consistency requires that the EU internal policies and external action coincide, and the EU is not hypocritical following double standards in internal and external action (Manners 2008; Meunier & Kalypso 2006; Tilley 2012).

In the context of normative power and trade policies, legitimacy finds its origin in the ILO and UN Charter principles (Aggestam 2009; Manners 2009; Tilley 2012), that have been incorporated as EU pillars and projected in external action (Aggestam 2009). Taking as a reference international institutions plays an important role in the defense from the post-imperialist and neocolonial arguments that consider that the EU is only trying to project its’ values (Aggestam 2009) and impose them on the global south (Meunier & Kalypso 2006). Consequently, in this first stage of the tripartite analysis primarily it is necessary to assess the legitimacy of the principles that are being promoted (Manners 2009). In general, normative power legitimizes the role of the EU in international politics (Diez 2005). It has been object of discussion the extent to which normative power seems to be relevant mainly for Europeans, while the perception of those countries where the normative power is trying to be extended has been mostly ignored, resulting in low performance among, for instance, south east Asian citizens (Hoang 2016; Regilme 2013). Indeed, it has been argued that the concept of normative power has both legitimizing and analysis functions, whose boundaries are diffuse (Gerrits 2009). However, normative power does not solely look for the legitimization of EU principles, the main distinction is that it “assumes that other actors will want to emulate norms for which the Union stands and the example that it sets” (Aggestam 2009:29).

The second part of the tripartite analysis consists of the actions taken to promote the principles obtained after the analysis of the first stage. The methods taken by the EU to design these actions consist of “persuasion, argument and shaming” (Manners 2008:77), avoiding the
use of “illegitimate force” (Manners 2008:77). The EU has developed policies such as GSP and PTAs where the EU actively uses engagement and dialogue for reasoning with other stakeholders pursuing EU principles. As previously referred to, the actual design of these policies have demonstrated to have consistency, coherence and legitimacy issues but the most relevant factor for the purpose of this study is that the EU has taken an active role to develop certain policies that at least in its spirit try to conciliate trade and human rights interests.

The third part of the tripartite analysis, the consequences of EU actions will have limited impact on this study. At this stage of the study, the author argues that the impact of EU policies from the second part could be assessed regarding its socialization, partnership and ownership, which assess the social engagement and development of institutional relationships respectively (Manners, 2007; Tilley 2012). As presented in the literature review, the strategies that have implied a change in the demand have had limited relevance, especially in the context of normative power. However, this stage of the analysis will be useful to see the results of other policies. I will also argue that just as actions have consequences, the lack of actions also implies consequences that should be assessed under the light of consistency and coherence. Concretely, I will argue that since the EU pretends to be a living example, the absence of measures that tackles the demand challenges its’ leading role as a human rights example.

In order to assess the social dimension of EU external action, under the prism of normative power, one key element to review is human rights. As previously seen, this has been one of the EU pillars and the extent to which the EU reflects them in their external action has been the object of multiple research (Diez 2005, Manners 2002, Manners 2008, Manners 2009, Tilley 2012). From a normative power perspective, human rights are contrasted with economic motives. The contradictions between the human rights perspective and the “welfarist perspective” (Manners 2008) have been widely assessed regarding the measures that tackle the supply chain, as the literature review will present. However, I will argue that to study measures that tackle the demand we need to contrast not only human rights in producing countries and economic interests of the EU, but the reflection of this values in the individual consumption of goods by citizens. So far, the normative power perspective research has overlooked the role of European consumers and the normative contradictions that emerge between individual freedom and human rights concerns.

To complement the normative power concept with the perspective of consumers, this study will refer to the concept of political consumerism. According to political consumerism (Stolle and Micheletti 2013), in contexts defined by complex social problems and the lack of regulatory capacity of national governments, citizens develop a new form of political participation by their consumption behavior. Some actors argue that this takes place in the garment market (Austgulen 2015; Stolle and Micheletti 2013). According to the authors (Austgulen 2015; Stolle and
Micheletti 2013), there are multiple ways in which consumers can exercise their moral beliefs in their purchasing decisions, such as buycot, boycott or lifestyle choices. Similarly to normative power, the authors argue that the purchasing decisions of consumers have the potential to re-shape the behaviors of other citizens and stakeholders (Locke 2016b).

However, the authors admit that, despite their beliefs, consumers’ actions have limitations and their decisions can be affected by economic, social, and emotional conditions; which is crucial for the assessment of consistency and coherence of voluntary measures that tackle the demand of fast fashion products. In relation to political consumerism, Richard Locke (2016b) makes two fundamental questions. On the one hand, he argues that for consumption to have a relevant impact on the supply chain individual choices are not enough and a deeper change in the “aggregate patterns of consumption” is necessary (Locke 2016b: 523). On the other hand, the author asks to what extend can political consumerism be successful without the role of traditional forms of governments. Especially this last question enhances the connection between normative power and political consumerism, since the role of authorities, such as the EU, seems to be necessary to expand and consolidate “new perspectives on consumption” (Stolle & Micheletti 2013: 121).

This study will assess the EU Flagship Initiative on the Garment Sector as the more comprehensive European initiative on the matter, including both supply and demand approaches. This proposal provides a wide view of European values given that it shows the interaction of the European Parliament, as the European institution with direct democratic representation, and the Commission, as the institution in charge of the legislative proposal and the political leadership of the EU. While Lore Van den Putte & Jan Orbie (2015) consider that the EP has contributed to influence the unobjectionable status of human rights, Vogt (2015) argues that the Commission has been responsible for inaction on this matter in the context of the GSP. This initiative has been the more significant and comprehensive attempt at the development of binding regulation which tackles human rights violations in the supply chain via compulsory mechanisms addressed to European actors. Despite its importance, the actual consequences of this political process are very recent which sets a time limitation, as well as choosing only the EU actors involved within this globalized policy arena.

The analysis conducted in this research is qualitative and will analyze both primary and secondary sources from the legislative procedure, including the Committee proposals initially presented, the European Parliament Debate, the resulting proposal, the official statements from both institutions and the scholarship on the matter.
3. What strategies has the EU tried to reconcile human rights and trade?

The consequences of globalization have been subject to analyze from multiple perspectives. Globalization sets an arena of challenges in terms of human rights violations and the possible ways to address them. Since there are economic linkages that go around the entire world in every item that is consumed, other consequences go also beyond the borders of states, setting out contradictions, both from a moral and practical point of view. For the EU, the normative power perspective has provided a vision that considers factors beyond the traditional realist conception of power, developing an important role for ideas, norms, and opinions. (Diez 2005; Manners 2009). In this sense, one of the main features of normative power lies in the capacity to shape other actors’ behavior or their understanding of an idea (Diez 2005). This is to say that from a normative power perspective a policy does not only aim to obtain a material result of, for instance, reducing human rights violations, but it also attempts to cause a moral change or normalization, for instance, strengthening a conception of human rights. Secondly, the perspective of normative power makes use of other means different from the traditional conceptions of power, focusing on the norm instead of the strength. (Diez 2005). In this sense, under a normative power perspective, the stakeholders attempt to act under the social and legal framework, using legal mechanisms and norms as part of the tools available (Manners 2009). This can be seen in international trade agreements, where punishing or rewarding measures are applied under a legal agreement (Manners 2009).

The importance of ideas in this power perspective causes a problematic underlying dynamic. In terms of normative power, there should be a coincidence between the values shared by society and the external policies adopted. This is to say “principles are translated into actions” (Manners 2009:793). However, in reality, this coincidence is conflictive. In the context of this study, this contradiction arises when the EU tries to conciliate human rights beliefs with other core principles like liberalism, capitalism, or free trade. Normative power studies this contradiction by contrasting the human rights perspective with the “welfarist perspective” (Manners 2009: 787).

Ian Manners (2009) starts his research by questioning the commitment of the EU to social principles. He concludes that the EU has shown its desire to promote human rights by introducing them in different trade mechanisms; however, it is perceived as “the EU is promoting its own normative principles” (Manners, 2006: 792). Regarding the principles, the literature has not only studied the commitment of the EU with social issues in a trade context but the title or name given
to a set of rights for its promotion. Different authors consider different “definitions” are the most efficient or legitimate for the promotion of human rights.

Lore Van den Putte and Jan Orbie (2015) conclude that the concept of sustainable development has helped to include this idea in many discourses, understanding that it is formed both by environmental issues and labor rights. However, the lack of determination of this concept can also be damaging the evolution of labor rights. According to the authors, the concept of sustainable development involves both social and environmental issues. However, these two problems have followed very different paths regarding the role of consumption and its damaging consequences. Further in this research, we will study, if conceived with an analogous nature, the role of consumers in environmental issues might apply to human rights issues.

Other authors agree on the importance of the International Labor Organization (ILO) Declaration and the standards set by this definition, considering it also increases the legitimacy of the measures undertaken (Marx, Brando and Lein 2017; Islam & McPhail 2011; Orbie and Tortell 2009) as it comes from an international organization; not from a historical colonial power such as the EU is often depicted to be.

In the study of the legitimacy of the EU behavior on social trade, the protectionist question has been at the core of the debate. Sophie Meunier and Nicolaïdis Kalypso (2006) question the perception of the EU and trade liberalization ideas in contexts where the EU still has a powerful position. Moreover, these authors mention the contradiction that can arise between internal interests and social compromise towards external actors. Lore Van den Putte & Jan Orbie (2015) reject the protectionist approach, arguing that in the policymaking labor conditionality is justified based on human rights, not in competitiveness threats from those countries with lower standards. Furthermore, Lore Van den Putte, Jan Orbie (2015) and Ian Manners (2009) agree on the fact that; even though the labor provisions are set as part of the trade agreements they have barely been used to restrict trade, among other reasons, because the EU wants to avoid this protectionist image. In this sense, Catherine Gegout (2016) underlines a very relevant idea, that the EU has both positive and negative duties. The EU shall promote and support measures that will improve human rights protection but it should also prevent any negative impact that its’ actions can cause. The conflict between these two obligations will be seen repeatedly throughout this study.

Both EU institutions and the scholarship have been aware of the clash of interests between human rights in trade and welfare interests, and have consequently developed several mechanisms that combine these two concerns. From the scholarship, the stress of the study has always been made on the supply chain. Most of the research has studied the design and implications of different mechanisms addressed to human rights violations committed in the context of the production of the goods. The main actors involved in these approaches are; on the private side, the
multinationals, the factory owners, and the retailers. On the public side, mainly the European governments and institutions and the local authorities of the countries where the goods are produced.

On the other hand, a more modest part of the scholarship has focused on the consumption side. From this minority perspective, the consumers are the center of the equation, how they make rational decisions and attempt to cause impact coherent with their beliefs, as a way of political participation.

Regarding the literature on the supply chain, different actors are tackled, studying their role in human rights violations and the different mechanisms to avoid their infringement.

The Generalized System of Preferences (GSP) has been the policy used the most to include labor and human rights promotion in the context of commercial agreements. The GSP consists of a commercial program that provides preferential market access to developing countries that comply with certain standards (Vogt, 2015). This system tackles states in their positive and negative roles. This is to say, their obligation to protect and promote human rights protection and their commitment to not violate or restrict any labor rights. GSP has been widely used by the EU and the object of several studies. The academics agree on the conclusion that the GSP has rarely implied EU sanctions, even in cases where there were proven violations (Orbie and Toretell 2009; Vogt 2015). This mechanism lacks enforceability and it is conditioned by other interests of the EU, such as trade interests and the foreign policy of the moment (Orbie and Toretell 2009:277; Meunier and Nicolaïdis 2006:921). Moreover, the consequences of this system have also been questioned by the researchers and it has been argued that the punishment of countries forbidding their goods in the market would punish the workers more than any other actor in the supply chain (Gegout 2016).

Preferential Trade Agreements (PTAs) have been other of the mechanisms combining trade interests with human rights encouragement. PTAs grant preferential market access to the member countries of the agreement (Khan, 2015). Although some authors recognize the efficiency of this method in human rights protection, as it engages the civil society (Postnikov and Bastiaens 2014), the legitimacy issue remains at the core of the discussion. Despite proven results, the PTAs keep a secrecy feature as the negotiations are not available to the public until the agreement has been in place for several years (Khan, 2015). Moreover, it is argued that human rights clauses are used as a protectionist measure by the developed countries arbitrarily when there are trade interests (Meunier and Nicolaïdis 2006). Likewise GSP, this mechanism is conditioned by other EU interests especially trade.

Multinationals are at the very core of the supply chain and their role has been widely researched, especially using the concept of Corporate Social Responsibility (CSR). CSR makes
multinational accountable by exposing their policies and behavior in front of both civil society and the consumers (Fransen and Burgoon 2013; Van den Putte and Orbie 2015). It can be used as a tool regarding public image and criticism received from human rights advocating groups (Detienne and Lewis 2005). In terms of legitimacy, in theory, it creates a counterbalanced system as other stakeholders, such as NGOs, consumer associations or quality certification associations gain access to corporate information, although many standards remain voluntary; therefore, unlikely enforceable (Manners 2009).

This method remains controversial as its regulation is still variable and uncertain. Moreover, the impact that it can have in the public is still discussed by the literature. Some authors (DeTiene and Lewis 2005) argue that acting morally can increase the companies’ profit as the private sector and the public recognize its importance. On the other hand, Brian Jacobs and Vinod Signhal (2017) article on the impact of the Rana Plaza disaster on the stock market provides an interesting study to contrast the real consequences of human rights violations into other market stakeholders. This article, in contrast to Kristen Detienne and Lee Lewis (2015), concludes that after the Rana Plaza disaster the companies involved did not have incentives from the international stock market to invest in measures that would avoid similar disasters in the future. This controversy shows the weaknesses of this strategy in terms of legitimacy and efficiency.

Multinationals have developed private governance strategies to improve compliance with labor rights standards among their complex network of suppliers. Richard M. Locke (Locke, Amengual & Mangla 2009; Locke & Romis 2007; Locke Qin Brause 2007; Locke 2013; Locke 2016b) has studied this topic deeply analyzing multiples cases, concluding that both the traditional compliance model of private voluntary regulation and the capability-building approach have limitations. On the one hand, under the traditional compliance model audit and inspections are carried out to ensure the compliance of suppliers with codes of conduct developed by multinationals to set certain standards of labor rights and environmental protection. On the other hand, the capability-building approach has shown to provide an advantage as inspectors engage actively with factory owners to improve problems in the industry (Locke, Amengual & Mangla 2009). Despite this conclusion, this author recognizes that the global supply chains still set challenges that this mechanism cannot solve on its own, and are the consequence of ‘root causes’ (Locke & Romis 2007:61). In this sense, he argues that the lack of government regulation limits the success of these programs, although the deficit of state authority in producing countries makes the development of enforceable regulation very unlikely (Locke 2013).

Regarding the strategies applied in the supply chain, the literature has not only limited the debate to the mechanisms in place but has also questioned which human rights standards are considered the more legitimate and efficient. In this sense, Muhammad Azizul Islam and Ken
McPhail (2011) conclude that the legal definition of human rights in terms of ethical aspirations rather than legal obligations threatens the effectiveness of some mechanisms, although it causes awareness on the issue.

Based on the literature reviewed here we can conclude that none of the mechanisms implemented by the EU for the protection of human rights outside its borders is free of contractions. This is also a reflection of the incongruities of the principles that are the origin of these mechanisms. The main concerns remain, as expected from a normative power approach, legitimacy, consistency and coherence. Moreover, the enforceability of the measures adopted have proven to be weak and conditioned by other interests.

Despite following the normative power method, the contradictions remain difficult to conciliate. Although the EU has developed different strategies to protect human rights beyond its borders, these remain conditioned to other EU interests, especially economy and trade, which affects its credibility and efficacy. Indeed, in some contexts the EU avoids punishing countries based on human rights violations to avoid neocolonial allegations or because the consequences will be mainly reflected in the most vulnerable actor of the supply chain such as, workers. Regarding private initiatives, the impact is limited and the EU has had a very limited role, resulting in an arena barely regulated for both corporations and consumers. Therefore, although the EU has developed normative tools to protect human rights, from a normative power perspective the results do not coincide with EU values, that constitute its founding principles. In this context, Mark Langan (2012) proposes the reorientation of the normative power concept with a “moral economy perspective”. The author challenges the idea of a moral compromise of the EU towards social issues in other countries and argues that moral principles can be used for the public self-justification of harmful behaviors.

Only a small part of the literature has tackled the contradiction between human rights interests and trade from the consumers’ or citizens’ perspective. The flagship of this perspective is the concept of political consumerism. This approach considers that citizens can undertake action beyond the voting systems by acting as consumers that make reasonable choices according to a purpose (Stole and Micheletti 2013). According to the authors, consumers can influence others and could even reshape corporations and trade tendencies. For instance, Dietlind Stolle (2016a) engages with the work of Richard Locke, arguing that private governance could certainly benefit from a change on the demand that would decrease the pressure that causes short-term changes in the production process, which is an underlying cause of labor abuses. However, proving the efficiency of the actual impact of this approach is very challenging (Stole and Micheletti 2013). Moreover, individuals are conditioned by their needs and desires, therefore the coherence of their acts with their beliefs cannot be assumed automatically. (Austgulen 2015; Stole
and Micheletti 2013) Based on this concept several actors (Austgulen 2015; Stole and Micheletti 2013; Varman and Vikas 2007) have studied the behavior of consumers and citizens regarding different concerns and contexts. They conclude that consumers are influenced by several factors and that there can be significant differences between countries, even those considered developed countries.

Dietlind Stolle and Michele Micheletti’s (2013) book sets a fundamental question, to what extend can consumer activism have an impact on social issues without the role of governments? The literature that has been reviewed here shows that the supply chain measures are a double-edged sword. Even with the stricter laws and compliance audits, companies find a way to satisfy the demand, in this case of fast fashion. On the other hand, from the consumers’ perspective, despite the growing awareness of responsible consumption, this so-called "power" remains weak against liberal classic models. This study aims to answer to what extent this commitment of the EU with social principles is reflected in the development measures addressed to the EU consumption of fast fashion to change the demand received by the multinationals for the production of fast fashion.

4. The EU Flagship Initiative on the Garment Sector

Background.

This research will take as a case study the EU Flagship Initiative on the Garment Sector, developed mainly as a consequence of the Rana Plaza Collapse. As previously referred to, this has been the most comprehensive attempt to regulate the role of European actors in the international trade of garment products based on its harmful consequences. To study this legislative initiative in context, the official reactions of the EU towards this disaster will be briefly studied, tackling the solutions that the EU offers or requests aiming to improve the labor conditions of workers in this supply chain after the Dhaka tragedy took place.

This study has considered that the EU is a complex supranational organization with different institutions that have a crucial role in the development of new legislation. For this reason, this research will simultaneously study the European Parliament and European Commission statements, resolutions, and legislative activity; which is a reflection of the balance of European values.

The Rana Plaza building collapsed on April 24, 2013, killing 1,132 people and injuring 2,500 (European Parliament 2017). The factories in Rana Plaza produced textile products for several well-known European and American brands, such as Primark, Walmart, Benetton, El Corte Inglés, Mango, etc. (Marco 2013, Butler 2015). The Rana Plaza disaster was not an isolated
tragedy and Bangladesh had already seen fires and other work accidents in recent months (Ashton and Karel de Gucht 2013a).

On the 30th of April, 2013 the High Representative of the Union for Foreign Affairs & Security Policy/Vice-President of the European Commission Catherine Ashton and EU Trade Commissioner Karel de Gucht made a statement (Ashton and Karel de Gucht 2013b) regarding the collapse of the Rana Plaza building. The EU representatives expressed their sadness towards the tragedy and acknowledged that the EU is Bangladesh’s largest trade partner. Therefore, they expressed the EU’s concern with labor conditions in the country and called the local authorities to take action to ensure compliance with international labor standards, including ILO conventions. The statement argued that the EU was considering taking action under the GSP scheme “to incentivize responsible management of supply chains involving developing countries” (Ashton and Karel de Gucht 2013b:1). Finally, the statement also encouraged international companies to promote the improvement of the working conditions, under the CSR scheme.

The resolution of the European Parliament of the 23rd of May 2013 (European Parliament 2013) on the Bangladesh building collapse and other recent accidents, condemned the negligence that resulted in the Rana Plaza tragedy and it asked the commission to take initiative in two main areas. Firstly, coherent to what the Commission had already expressed, regarding the GSP the European Parliament requested the investigation of the violations of the principles of the conventions. Secondly, the MEPs requested action to promote business compliance with social, economic, and environmental standards. Among the measures exposed by the EP, voluntary social labeling is the only one that tackles the consumption, although there is no specific proposal about the development of this measure.

At this early stage of the reactions to the Rana Plaza collapse, the role of consumption or consumers is not mentioned. Both the European Parliament and the Commission acknowledge that the EU is Bangladesh’s biggest trade partner but they do not include any measure regarding consumption. Mainly, both institutions remain referring to already existing mechanisms, such as the GSP and CSR.

In the second anniversary of the Rana Plaza tragedy, both the European Parliament and the Commission issued statements, on 29th and 24th of April 2015 respectively (European Parliament 2015; Froman, Kerry, Lendhardt and Perez 2015), referring to the development achieved in the two years since the accident and the steps to be taken in the future. Both statements, especially the Commission statement focused mainly on the actions taken and to-be-taken by the Bangladeshi government. In these statements, the EU gives a central role to the Bangladeshi state, requesting further improvements in working conditions, law and monitoring.
Both institutions also paid special attention to the two initiatives that started after the Rana Plaza Collapse. On the one hand, the Accord on Fire and Building Safety in Bangladesh (AFBSB) primarily formed by European firms. On the other hand, mainly integrated by North American companies, the Alliance for Bangladesh Worker Safety (ABWS). Both were designed as coordinated response strategies from the retailers to face the challenges and the damages left after the Rana Plaza building collapse. Despite some differences, especially in the scope of responsibility, both strategies are very similar (Labowitz and Baumann-Pauly 2014:10), focusing on training, inspection, and improving safety in the workplace. The AFBSB and the ABWS were both set with a temporary nature. Both strategies only addressed the supply chain and did not have any focus on the demand or the consumption of fast fashion. Indeed, it is argued (Jacobs and Singhal 2017), that these strategies were strongly motivated by reputational concerns.

On the second anniversary of the Rana Plaza collapse, the European Parliament (2015) mentioned some important issues that the Commission does not include in its statement. The EP tackles multinational companies and claims their responsibility regarding CSR standards, also asking the Commission for support in this aspect. Moreover, the EP asks the Commission for mandatory legislation in several areas, such as, transparency, traceability, due diligence in outsourcing and argues that the EU should take a leading role in the global supply chain responsibility.

Finally, the EP (2015) states that after the Rana Plaza disaster there has been an increase in the demand from European consumers of information and transparency regarding the production of the goods consumed. Although, this issue is not significant in the resolution, or supported by evidence or developing measures; it brings to light that the EU is developing awareness about the role of consumption and the potential importance of consumers.

**EU flagship initiative on the garment sector.**

In 2017, near the 4th anniversary of the Rana Plaza collapse, the MEP Lola Sanchez, in the framework of the Committee on Development, presented the EU flagship initiative on the garment sector (Committee on Development European Parliament 2017a), as an own-initiative report of the EP requesting the European Commission to present a legislative proposal on this issue.

The report made a deeper analysis of the supply chain issues considering the initiatives already in place including, but not limited to, the AFBSB, ABWS, EU’s GSP and GSP + scheme, the 2030 Agenda for Sustainable Development, the ILO Conventions on child labor, discrimination and freedom of association and collective bargaining and the Sustainability Compact.

The report mainly concludes that these initiatives, although helpful, are not sufficient to cause a real improvement of the human rights standards in the supply chain of the garment
industry. For this reason, the rapporteur concludes that binding legislation is needed mainly in two aspects. Firstly, regarding labor conditions and social standards, addressing mainly safety at work, the respect for labor rights and prevention of sexual harassment, forced labor and child labor. Secondly, the report emphasizes the importance of transparency and traceability. Given that this study focuses its attention on the mechanisms that address the demand, transparency, and traceability will be our main interest in this research. This initiative has two reflections: the collection of data and making that data available to consumers.

In the collection of data, European companies are considered the active subject, responsible for collecting the necessary data among their business partners, including subcontractors and resources management. This means tracking a piece of clothing from raw material until the final product in a European shop. The data collection is approached considering CSR and different alliances and agreements previously mentioned, and requesting joint efforts to share information on monitoring and audits.

The second step consists of making that information available for consumers. The way the report shapes this idea is crucial for the understanding of the role of the demand in the supply chain issues’ according to European principles. In the first place, the report acknowledges that one of the main roles that the EU plays in regards to the garment industry is as a consumer. Based on this statement the report develops the idea that given that this industry is particularly aggressive and productivity is often achieved at the expense of workers, raising awareness among European consumers is fundamental to assure decent working conditions for workers in producing countries. Therefore, the EP advocates for the right of consumers of having all the information about their products, both labeling the clothing and making the information gathered by all the stakeholders publicly available. This approach implies a significant difference compared with previous statements regarding the Rana Plaza disaster and the garment industry, however, the EP does not elaborate on the decision that consumers would be making with the information provided. This aspect will be further studied with the concept of political consumerism.

The report (Committee on Development European Parliament 2017a) does not mention any measure aimed at limiting or reshaping the consumption of fast fashion or products from the garment industry with compulsory or limiting rules. In terms of demand approached mechanisms, the only strategy that reaches some consistency is labeling according to schemes of social and environmental international standards. The European Parliament does not explain this proposal in detail or goes into its implementation, however, it mentions it several times as a duty that multinationals and other retailers should take to make information available for consumers to make an informed decision when purchasing their products.
In order to develop this proposal, the rapporteur consulted the Committee on Employment and Social Affairs and the Committee on International Trade. The last one brings to light EU deficiencies regarding companies in this industry. On the one hand, this Committee argues that there are currently overlapping initiatives from different levels of governance, which has resulted in an unpredictable context for companies. For this reason, the EU needs to take leadership on the matter, developing binding legislation. On the other hand, the need for incentives, under different schemes, for those companies that comply with social standards.

Since the European Parliament is a democratic institution, the debate on the EU flagship initiative on the garment sector (European Parliament 2017b), allows us to study different positions within the EU. In general, most of the parliamentary interventions start with the condemnation of human rights violations or a statement of support for human rights principles and conventions. Given that the report is very general and its wording constantly refers to human rights, it does not seem to leave much room for discussion. Indeed, when the MEP Daniel Caspary, from the European People’s Party, argues that the report fails to acknowledge the important role of multinationals in the development of job opportunities in developing countries, he first labels the accidents, such as Rana Plaza, as intolerable. His party colleague, Bogdan Brunon Wenta, follows this same argumentation structure. Before claiming the protection of the competitiveness of companies, he first shows his support for binding legislation on human rights.

Moreover, in the intervention from the MEPs, the wording expresses more closeness between human rights violations, clothing worn in Europe, and European consumers. The MEPs used emotional rhetoric during the debate, such as, comparing the human rights violations in the supply chain with slavery, giving names and surnames to the stories, and mentioning the Rana Plaza disaster up to 12 times, in a debate that had 22 interventions. Finally, the debate at the Parliament is coherent with the report, pointing out the moral and practical need for a leading role of the EU in the regularization of the supply chain.

The European Parliament adopted the report with 505 votes in favor, 49 against and 57 abstentions (European Parliament 2017c). With the adoption of this text, the Parliament ratified its request to the European Commission for binding legislation in the terms already exposed.

On the 7th of September of the same year, the Commission presented its response (European Commission 2017) expressing their denial to make any proposal of binding legislation because (…) “building trust between actors and continuing close work with partners remains the essential way to address the particular challenges” (European Commission 2017:3).

The statement from the Commission concludes that the best tool to protect social, economic, and environmental aspects in the context of trade is development cooperation. The statement takes each of the requests of the EP resolution and outlines multiple initiatives each of a different nature,
with its own achievements, and consequently the reason why the Commission considers that binding legislation is not appropriate. This outcome is not surprising since the statement of the Commissioner in the parliamentary debate followed the same argumentation (European Parliament 2017b).

Regarding the regulation of labeling, the only consistent approach regarding consumption; the Commission states that this proposal was already revised in 2013 for the inclusion of environmental and social labeling and concluded that the current scheme was adequate and no further legislation would be developed without seeing the potential of the scheme currently in place.

Likewise, for its statement we can conclude that the EU Commission has agreed to take a step back in the regularization of social issues in this globalized supply chain, in contrary to the demands of the parliament. It has rejected to take the leading role and instead acknowledges the different initiatives that EU member states and other European and non-European institutions pursue individually.

**Conclusion of the Case Study.**

Although the EU flagship initiative on the garment sector was rejected by the European Commission some conclusions can be made under the normative power perspective:

Firstly, none of the moral standards that are included in the report are controversial. At the EU level, there is a wide agreement between different political parties and European institutions for the protection of human rights. The differences appear in the design of the mechanisms that each stakeholder considers the more appropriate to solve the violations of human rights that are repeatedly condemned throughout the report.

Secondly, both the EP and the Commission pay more attention to the strategies that approach directly the supply chain. The main active actors are the multinationals and the local stakeholders, both private and public. The wide majority of the strategies requested by the EP and the ones explained by the Commission imply action directly in the producing countries and request further action from local governments and producers.

Finally, from the immediate reaction to the Rana Plaza collapse to the resolution of the European Parliament four years later, there is an evolution in the role of consumers and consumption in regards to its responsibility in the violation of human rights in the supply chain. The report passed in 2017 makes a direct connection between the clothes consumed in Europe and the conditions of the workers producing them. Both the Commission and the EP acknowledge the need to raise awareness among the consumers, despite no judgment or expectation (there are no references to “good” or “ethical” decisions) regarding the result of the so-called "informed
decision" that individuals would make having transparent data of the products that arrive in Europe.

5. Analysis.

Human Rights, Labor Standards, and ILO.

From a normative power perspective, the first step consists of the analysis of the principles which are the pillar of the case study that is being addressed. Human rights are a pillar in European policymaking and foreign policy. The resolution from the European Parliament starts by citing the legal basis for the development of legal mechanisms that imply the protection of human rights beyond European borders. The Treaty on European Union, the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union establish a legal framework where human rights constitute a basic principle of European external action (Larik 2015), promoting consistency between the internal mechanisms and the external activity of the EU, including policies, such as trade and development. The resolution does not limit its legal basis to European law; it also considers the ILO Conventions and the UN Conventions, as a signatory party in them, and resolutions from these international organizations and others, such as the OECD.

As the literature suggests (Manners 2009; Voiculescu 2009), the resolution from the Parliament also shows that there is no distinction between civil-political and economic-sociocultural rights. Under the umbrella of human rights, the EU places indistinctly all the human rights violations in the supply chain of the garment sector, such as discrimination and harassment against women, poor safety conditions, health issues, forced labor, and mortal accidents, proving that according to the European conception human rights are indivisible and universal as noted in Article 21 of the Treaty on the European Union stipulates.

Among all the examples of human rights which can be abused in the supply chain of the garment sector, four in relation to labor rights constitute the core labor standards according to the ILO: the abolition of slavery, the abolition of forced labor, and child labor, freedom to organize and collective bargaining. Although these are mentioned over the course of the EU initiative, they do not gain any priority over other rights jeopardized in the supply chain, such as safety and health-related rights. Similarly, although the EU makes reference to the ILO conventions, the ILO supervisory system is not presented with any priority over other bilateral initiatives of the EU or other schemes or collaboration. In this sense, as mentioned in the literature review, European policymakers do not follow the conclusions of the literature (Marx, Brando and Lein 2017; Islam & McPhail 2011; Orbie & Tortell 2009; Vogt 2005) that argue that ILO standards and supervisory
system increase the legitimacy of the programs, as they come from an international organization and not from historically colonial power as the EU.

Both the resolutions from the Parliament and the Commission, since the Rana Plaza disaster in 2013 through to the answer of the Commission in 2017, demonstrate that the EU holds a strong compromise for human rights and that there is a feeling of obligation among European policymakers to undertake strategies (in plural because these result in the big disagreement) to address these violations of human rights beyond European borders.

Indeed, the debate on the initiative at the Parliament makes it evident that is not possible for any MEP to oppose human right principles. This shows, following Manners’ structure of analysis, that human rights are European principles to the extent that even when disagreeing on the measure, such as the representative of the PPE Bogdan Brunon Wenta; it is necessary to first make clear his support for human rights:

"I am against violations of human rights, labor rights, and environmental standards, which is why I support the wording regarding binding human rights clauses and social and environmental clauses. However, we should remember about the competitiveness of our companies. (...)". Debate on the EU flagship initiative on the garment sector (European Parliament 2017).

Therefore, we can conclude that the EU considers that there is an obligation for the EU to take action against these violations and for this reason has in place several programs on the matter. Moreover, the principles promoted belong to a universal conception of human rights, including not only EU law but UN and ILO conventions. In this sense, this study concludes that EU policymaking is from a normative power perspective coherent. The suitability of different proposals for the protection of human rights consistently with EU principles is the next step of the research.

**Words into actions.**

After the analysis of the EU flagship, this study can conclude that from a normative power perspective the EU does have a concern for human rights beyond its borders. As previously explained both the Commission and the European Parliament agree in their concern for human rights in producing countries of the garment industry, which is also a reflection of the founding principles and treaties of the EU and other international treaties. Although there is disagreement in the most suitable measures to implement these concerns, the principles of human rights protection in the garment supply chain are not object of debate. Moreover, the European Parliament is fully aware of the role that consumption has in the fueling of a market which is both
extremely competitive and aggressive and where human rights are violated on a daily basis (European Parliament 2017d).

However, the EU flagship initiative has to translate these principles into actions (or proposals in the case of the EP own-initiative), and when this happens there is a clash, as previously explained, between human rights and trade interests. The debate in the parliament (European Parliament 2017b) shows this conflict of interest when MEPs point out the need to think about the competitiveness of European companies. In the defense of trade interests, for instance, the MEP Daniel Caspary uses what could be considered neocolonialist rhetoric, arguing that the Initiative on the garment sector shall acknowledge the opportunities and development that multinational companies have created in producing countries and requests that the proposal considers that. Although the EU does not want to be connected with its colonial past, this type of discourse is a remnant of the idea of its "civilizing mission" (Hoang 2016), a dangerous path in European external action.

The EU flagship initiative on the garment sector is only a request for legislation that would have to be presented by the Commission. For this reason, the resolution only outlines the main areas where the Parliament considers binding legislation is requested; however, it does not concrete any measure or the functioning of any of the instruments suggested. Consequently, the second step of the tripartite analysis will focus on the scope of action that the EU takes regarding the demand and who would be the stakeholders mainly addressed.

As previously explained the initiative focuses mainly on the supply chain, which means most of the action requested will be addressed to two stakeholders: producing countries and European multinational companies. The rejection of the Commission of the development of legislation on the matter shows that in the translation of European principles into actions, trade interests remain of higher concern and the EU seeks formulas where these are not threatened. This deduction is not surprising and other authors have already concluded that the European Commission is responsible for inaction regarding human rights protection in other strategies, such as GSP and GSP+ (Vogt 2015).

The demand approach remains a very small portion of the strategies presented by the EP, and it is mainly related to the traceability and transparency pillar. In this sense, the parliament starts to make a connection between human rights violations in the supply chain and consumers. The measures suggested by the EP focus on raising awareness among consumers and frames this information as a right of the consumers. The EU does not build this idea as a duty of consumers to make an ethical or responsible decision in accordance with European duties. Hence, this strategy remains principally voluntary.
Political consumerism and its limitations. Freedom of individuals and weaknesses of consumers.

At an institutional level, normative power faces the clash of human rights concerns and trade interests. However, this research considers that consumers as citizens and individuals play an important role in this conflict of interests. Therefore, it is necessary to re-assess the values that clash at an individual level, something that the EU overlooks in its proposal. Human rights remain the first set of principles, understanding that the wording of the Commission and the Parliament together should be the complete information, and consumers are therefore able to make informed decisions coherent with their concerns. At an individual level, the welfarist interest translates into the freedom of individuals to consume according to their preferences and their personal possibilities and limitations (Varman and Vikas 2007). According to this approach, negative freedom implies the lack of obstacles and limitations in individual action (Varm an and Vikam 2007). This is to say that “a consumer will not be free if s/he desires a product and it is not available because of external resource constrains or governmental policies” (Varm an and Vikam 2007:119). As previously explained, free market and capitalism are core principles of the EU which contradict constant intervention on markets and consumers decisions. The EU fails to address the complexity of this new clash of interests and its impact on the labeling and raising awareness strategies.

As noted in the literature review, the role of consumers in these political issues has been studied via the idea of political consumerism. In this sense, the reluctance of the EU to develop binding legislation for consumers reinforces the grounds of this theory. According to political consumerism (Stolle and Micheletti 2013), in contexts defined by complex social problems and the lack of regulatory capacity of national governments, citizens develop a new form of political participation by their consumption behavior. Some actors argue that this takes place in the garment market (Austgulen 2015; Stolle and Micheletti 2013). In this sense, the EU approach to the demand seems compatible with this theory. Although this phenomenon is not exactly the purpose of this research, it sets very interesting dynamics between political consumerism and normative power.

Regarding measures that tackle demand, the EU flagship initiative places most of the emphasis on the information given to consumers and does not cross that line. Both the labeling proposal and rising awareness are strategies focused on the information but do not attempt to influence the behavior of consumers. Indeed, the EP and the Commission are very careful at not labeling the decisions that are to be made by the consumers as ethical, good, or bad. In this sense, the development of measures that would increase the information available for consumers is also framed as a right for consumers throughout the proposal. For instance, the rapporteur states during the inaugurating statement of the debate that “we have the right to know what we are wearing”
(European Parliament 2017b:1). This idea is constant in the report, arguing that consumers have “the right to reliable, transparent and relevant information on the sustainability of production” (European Parliament 2017d:7). Therefore, since consumption has evolved into a form of political participation, it has become more difficult to re-shape with binding legislation, as it can be considered an intrusion into the private sphere of citizens as consumers and the exercise of their freedom, which is why European policymakers present as a right that must be protected through presenting trustworthy information.

In terms of normative power, this has an interesting consequence. Firstly, it gives the EU an excuse to continue with the support for voluntary strategies, despite limited results, as the Commission argues in the answering statement to the EU flagship from the EP, regarding labeling measures:

“Before considering mandatory measures, the full potential of existing tools and measures, including voluntary ones, should be employed.” (European Commission 2017:6).

Although the Commission (European Commission 2017) mentions some initiatives for sustainable consumption that could be considered political consumerism (Stolle and Micheletti 2013), it fails to address the limitations of these initiatives and the limitations that citizens face as consumers. For instance, the EU overlooks the economic constraints for consumers, their desires, the interactions between different moral concerns in the purchase, such as, sustainability and social rights and other factors, such as, gender, age, education, that have been argued to be relevant in political consumerism (Austgulen 2015). Moreover, the EU does not address the economic differences between different EU member states and how this will affect the purchasing decisions of consumers. An important failure considering the variety of consumers in the EU and the existence of national initiatives regarding human rights and the garment supply chain.

Without addressing these constrains that citizens face in their purchasing decision it is difficult to expect that the voluntary measure or political consumerism would “redress the underlying structural issues that drive poor labor standards in the supply chain” (Locke 2016:523).

The EU flagship initiative proves that European policymakers are indeed aware of the limitations of voluntary measures, still the measures that address consumption remain presented as rights for consumers. However, there is a precedent that has recently aimed to re-shape the demand via binding legislation given the harmful consumption of a good.

**Sustainable development and consistency. A cage or a bridge?**

As discussed in the literature review, several actors argue that the way labor rights are framed has implications in the success of the strategies initiated. In this sense, the EU flagship initiative frames human rights as part of the Sustainable Development agenda, which also includes
environmental concerns. Under the concept of sustainable development, environmental issues enter this initiative which was mainly conceived for the improvement of human rights conditions in the supply chain of the garment industry.

It is difficult for any stakeholder to reject sustainable development given that each actor can fill this empty concept with its own priorities, which can limit the efficacy of the compromise (Orbie and Tortell 2009). The concept is mainly formed by environmental and social issues, including human rights and labor rights. Although both issues are framed under a single concept, each of them has followed different regulatory paths regarding consumers and the role of the demand. As previously explained, the EU Flagship initiative has demonstrated that the EU has not developed measures that will address consumers for the reduction of the consumption of fast fashion and other garment products related to violations of human rights in the supply chain. However, the EU has recently developed binding legislation for the reduction of the consumption of harmful products for the environment, such as single-use plastics.

The DIRECTIVE (EU) 2019/904 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, has established that Member States have until 2021 to "(...) take the necessary measures to achieve an ambitious and sustained reduction in the consumption of the single-use plastic products (...)". Although the Directive allows for the development of the measures in each member state, it mentions options, such as forbidding free charge for these products or marketing restrictions.

Despite being a different field with different challenges, this kind of decision shows, that when considered necessary the EU has implemented measures that would reshape the demand of a product. Therefore, if human rights issues and environmental issues are being framed under the same umbrella of sustainable development, would it be possible to extend measures implemented for environmental protection to the protection of human rights beyond European borders?

In the context of normative power, consistency entails that EU internal and external action are analogue. However, according to this research the existence of measures that address the demand of certain products supports the claims of double standards between EU external and internal action. While the harmful consequences of the garment industry take place mainly in producing countries (European Parliament 2017), the single use-plastics directive attempts to control the damage of this consumption in the European territory. Against the principles that it defends, the EU is hypocritical by developing different standards for issues with similar nature. In the EU flagship initiative, the measures that address the demand are not consistent under a study of normative power.
Putting social concerns on the agenda of sustainable development could contribute to the legitimization of measures addressed to the consumers, and this would not be the first time that they are tackled directly based on sustainable development goals. In this sense, the concept of sustainable development would not only be useful to reach consensus among stakeholders, such as multinationals, local governments, international organizations and local producers; it could also help to include consumers and their concerns in the actions necessary to not only address the violations of human rights but also their causes. I am hopeful that the existence of a precedent together with the recent recognition of the role of consumption on the supply chain issues, EU policymakers will re-consider their policy/strategy. This would entail measures that tackle the demand, not only as a human rights protection strategy, but as a tool to reinforce the EU normative power before other hegemonic and emerging powers in the international arena do so.

**Normative power and legitimacy**

The rejection by the European Commission to develop a legislative proposal on the matter takes this analysis to an abrupt end. Since the EU body with the political leadership has neglected to implement measures according to the request of the European Parliament, democratic representative of European citizens, it shows that the level of protection requested by this institution is not compatible with other interests that the Commission balances. Given that the normative power also tries to develop a conception of ideas, the role of legitimacy is central, as the EU needs to be an example; the behavior shown by the EU faces a compelling legitimacy challenge.

In general, both the Commission and the Parliament disregard the criticism that the literature presents regarding normative power and the strategies developed so far. Mostly, the EU remains a leading party over international organizations, which are considered more legitimate, such as the ILO. Although ILO and UN conventions are part of the legal basis of the EU for the protection of human rights via external actions, the Flagship Initiative promotes mainly bilateral supervisory systems where the EU is the guardian and producing countries the perpetrators. From a normative power perspective, this shows that the EU has failed at translating EU principles into actions, which could be considered legitimate. Moreover, the EU does not attempt to make any change regarding GSP and GSP+, despite the multiple arguments presented by the literature regarding the side effects and weaknesses of this strategy (Gegout 2016; Meunier and Nicolaïdis 2006; Orbie and Toretell 2009; Vogt 2015).

For the promotion of EU principles one of the key elements of normative power is that the EU shall become a ‘living example’ (Manners 2008). The EU needs to ensure that its behavior
would be normatively accepted and, most importantly, that other countries will want to emulate it (Aggestam 2006). However, the EU has not tackled consistently its fueling role in the demand of fast fashion and garment products; despite acknowledging it. Consequently, regarding measures that address the demand there is not much to emulate, since the EU has only presented this approach as voluntary. The consumption in emerging countries is growing exponentially developing new and bigger markets in the global south. If the EU wants to influence these countries via its example, the measures proposed so far result insufficient not only because they leave the final decision to each consumer but principally because they have failed to target the limitations that each citizen faces in their purchasing decision. Without considering this factor how can the EU expect to influence the behavior of consumers in Asia, Africa and Latin-American with different economical constrains and aspirations?

Throughout the proposal of the EU flagship initiative the EP makes a call for EU leadership on the matter, taking the driver’s seat instead of perpetuating the unpredictable puzzle of regulation and private standards that currently exists. For the demand, the EU does not only renounces this leadership but acknowledges proudly the initiatives that some member states are taking on the matter (European Commission 2017). Although these national policies can have certain success the violations in the supply chain of the garment sector are a complex issue that requests at least coordination between European member states. Indeed, the EP considers that this is an EU competence (European Parliament 2017). Even if the implementation is entrusted to member states the EU should be guiding the process. If the EU normative power can benefit from these national initiatives without taking an active role on the re-shape of consumption, would request further analysis.

In this sense, it is crucial to go back to the discussion of how EU normative power seems relevant mainly for Europeans. As previously explained, the concept of normative power has both legitimization and analysis purposes (Gerritis 2006). The design of the demand measures in the EU flagship initiative results inadequate to counterbalance the low performance that other citizens in the global south have of EU normative power (Hoang 2016; Regilme 2013). The lack of consistency and legitimacy that raising awareness and social labelling strategies have in the EU flagship initiative support the argument that normative power results mainly relevant for Europeans but the perspectives of other consumers in the global south and the real impact of these measures are not considered.

In summary, the EU faces a compelling legitimacy challenge regarding measures that address the demand in the context of the EU flagship initiative on the garment sector, since it has not become a “living example”. On the contrary, the EU does not consider the criticism of the literature (Gerrits 2006, Hoang 2016, Regilme 2013, Vogt 2015) and focuses more on the
European perspective of normative power, rather than be an example that could be emulated by developed and emerging powers. As a result, the EU takes a step back and does not take the leadership that the European Parliament claims it should do, instead leaving this matter on the hands of each member state, with the limitations that this implies. In essence, the European Commission has not included measures that tackle the demand of fast fashion and other garment products as part of its external action policy.

**Limitations of this EU implication. And the rest of the world?**

In the globalized garment industry, like in many other contexts, the EU is just an actor out of many. In this sense, the EU cannot overlook the implications of measures that would re-shape the demand of EU citizens in relation to other strong consumers around the world, including both developed and developing countries (Lai 2019).

Even with the implementation of binding legislation regarding the demand for textile products in the EU, it is still necessary to assess if this can cause a sufficient impact to change the structure of the supply chain. The EU needs to ponder the limitations of its measures regarding the consumption in the rest of the world and look for strategic action with other countries and supranational organizations around the world. In this sense, it would be very interesting to see if the EU normative power could contribute to a spill-over effect of demand tackled measures for the protection of human rights. To assess this impact, the normative power literature needs to follow the emphasis of authors that pay attention to the external perceptions of EU trade actions (Hoang 2016, Bengtsson and Elgström 2011).

It is important to understand that the focus on the demand does not imply that local governments, local owners, or multinationals are out of guilt or that the strategies explained in the literature review are useless. On the contrary, this study advocates for the development of demand measures as part of the range of possibilities that are currently considered. Even with changes in the demand, the results are conditioned to the compromise of all the stakeholders throughout the supply chain with the protection of human rights. Moreover, it is important to clarify that measures that aim to re-shape the demand should be profoundly justified and have a democratic origin, as this measure can walk on thin ice regarding protectionism and could be considered an intromission into individual freedom as previously explained.

The EU is also limited from within. Despite its competences, the EU is an international organization, and the implementation, and sometimes even the development of the measures, depends on the member states, as seen in the Directive on single-use plastics. The differences between member states in terms of economy and even respect for human rights must not be excluded from this debate. If we argue that that the EU is the strongest defendant of human rights protection through trade, the dynamics with member states remain a fundamental source of power
(Vogt 2015) of the EU and consequently their support is necessary for the success of any measure, either voluntary or compulsory.

6. Conclusion.

The impact of the tragedy of the Rana Plaza collapse caused the more ambitious and comprehensive EU policy proposal regarding the regulation of the globalized supply chain of garment products. Despite the reluctance of the European Commission to present legislation according to the request of the EU flagship initiative on the garment sector, this proposal of the EP allows me to make important conclusions.

Firstly, it reinforces the idea that at the EU institutional level there is a wide agreement regarding the protection of human rights beyond European borders. Secondly, the evaluation of the strategies made by the EP and the Commission shows that the vast majority of the policies are addressed to the supply chain. Just as in the literature, the strategies that tackle the demand remain in the minority.

However, there are important improvements regarding consumption and normative power. On the one hand, the EU recognizes publicly the connection between consumption and the pressures of the market that cause human rights violations. On the other hand, although modestly, consumers have started to be considered as influential stakeholder and the first measures are being born. The EU proposal regarding consumers has mainly consisted of the labelling strategy and raising awareness among consumers, without assessing or creating expectations regarding the affinity of those decisions with human rights protection. However, the EU analysis of the strategies addressed to consumers has proven to be insufficient. European policymakers fail to tackle the translation between the clash of human rights and trade interests into the individual sphere. Regarding consumption and human rights, the EU is reluctant to interfere in this individual freedom of citizens as consumers. As a result, the measures that tackle the demand are designed as rights of consumers. In this sense, political consumption has become an excuse to avoid the development of binding legislation on the matter and maintain the voluntary approach that the Commission stands for. Nevertheless, the strength of consumers still has to be assessed. The difference between European consumers and the limitations that each person faces as a consumer challenge the effectiveness of this approach if there is no institutional support.

From a normative power perspective, the principles that guide external action of the EU result coherent with international institutions such as the ILO and the UN. However, the actions taken are inconsistent as the EU has a double standard for harmful consumption with consequences in Europe and issues that take place in the Global South as the single-use plastic directive exemplifies. Nevertheless, there is still room for hope in the development of binding
legislation for consumers for the protection of the greatest interest, such as the environment. Under the concept of sustainable development, the EU has developed measures that tackle the consumption of single-use plastics directly. Considering the sustainable development concept involves both social and environmental concerns there are reasonable tools for European policymakers to follow this regulatory path and increase the efficiency of strategies addressed to the demand, since the strategies in the supply chain have proven to be insufficient to achieve these important goals.

The EU also faces a compelling legitimacy challenge as it fails to become a “living example” on demand issues. Instead of becoming an example that could be emulated by developed and emerging powers, the EU takes a step back and does not take the leadership that the European Parliament claims, living this matter on the hands of each member state, and, in essence, not including the re-design of the demand as part of its external action policy.

This study took as a starting point an accident widely covered by the media; however, the garment sector is not the only industry where the consequences of globalization challenge the development of human rights. Industries such as the Coltan mining in Africa, the fishing industry slavery in southeast Asia, international drug trafficking from Latin America to the US and Europe, mica mining and child labor for the makeup industry, to name but a few, are examples of industries were the demand plays a fuelling role of the abuses suffered, mainly in the global south. In this sense, the EU should reconsider the importance of normative power to influence emerging powers and other classic powers into the development of responsible consumption that would contribute to global goals, such as, environmental and human rights protection.

If the EU fails to address these issues with consistent measures that would not only tackle the supply chain but also the demand, European citizens and policymakers will be responsible for the next tragedy that shakes EU human rights pillars. In the context of a globalized capitalist market, the limitations to interfere in the freedom of European citizens in its expression as consumers, interferes with the human rights of citizens producing the goods we consume.
7. References.


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