

Following the trail of cheap clothes

My colleagues are reporting back on their latest trip to Bangladesh. In the capital, Dhaka, and in Savar they spoke to survivors and families of victims of the collapse of the textile factory Rana Plaza in April 2013. Well over one thousand people lost their lives in the incident. A number of questions arise: Do those affected by the disaster wish to sue? Would this be possible? And, if yes, who should pay?

We've held similar discussions in Pakistan, where in September 2012 a fire at textile plant in Karachi killed hundreds of workers. One of our key concerns in this work was to ensure that legal action was directed not just against the local factory owners or potentially corrupt government officials. We were more interested in investigating whether responsibility could also be held by European actors such as discount clothing retailer KIK, which outsources much of its production to Karachi, or the auditing companies in Germany and Italy that issued the factories with clearance certificates shortly before the catastrophe occurred.

It won't be easy. The factory machinists are anxious to ensure that any legal claims or political campaigns don't cause their employers to move their operations to a different country.

For decades now this production line, this caravan of cheap clothing, has been expanding further and further. The US clothes company GAP now wants to base some of its production in Myanmar. Myanmar? Yes, in a country ruled until recently by a military junta and where – while there are signs of a cautious embrace of more democratic rule – the human rights situation remains deplorable. The vicious circle goes unbroken: the clothing industry continues to seek new places to outsource production where they can benefit from low wages and low standards in safety, labor and human rights: the logic of a globalized capitalism whose expansion shows no signs of slowing.

Is there anything that can be done, short of a fundamental reform of this stubbornly resistant economic system? Where can action be taken to, at the very least, suppress the system's most harmful excesses? Who is best placed to bring real change to the workers' conditions – the UN, the International Labour Organization (ILO) in Geneva, the governments in the global North, where the big brands have their headquarters, or states in the South, where the products are made, the companies themselves, non-governmental organizations, the consumers, trade unions here or there, or the workers themselves?

These are all legitimate questions. But for the individuals and families directly affected, the most pressing issue is the question of their livelihoods after the breadwinners in their families died or were left unable to work by the factory disasters. Legal proceedings in Germany and elsewhere are useful and indeed needed in order to clarify important questions of law – such as whether any liability can be attributed to the European companies. Those affected by the disasters are currently focusing on negotiations with the companies in the hope that KIK and the other firms will provide suitable compensation.

Should this prove unsuccessful it will then fall to us, the lawyers, to take action in Pakistan, in Bangladesh, in Germany and in Italy. We are better prepared for this task than we were even a few years ago – we are organized, well connected and ready to face the challenge.