# ETHICS AND SUSTAINABILITY: THE JANUS OF FASHION?

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# INTRODUCTION

You have definitely heard the terms “ethical” and “sustainable” being used more and more in the fashion industry. But, what do they mean? And do they mean two different things? The answer to those questions is difficult. And that’s what we will try to address in this article.

As the saying goes, beauty is in the eye of the beholder. The same is somewhat true for the terms “ethical” fashion and “sustainable” fashion, as there is not a commonly recognized definition. Some people use them as synonyms; others keep them well separate.

This article’s focus is, firstly, to better understand what these terms mean and, secondly, to demonstrate that the meaning of ethics and sustainability in fashion is highly influenced by the environments in which they are applied as well as by the different culture and sensibilities of the users of these terms.

In the limited space given by an article, the authors also want to demonstrate that the fashion industry may be sometimes ethical but not sustainable and vice versa. For example, we would all agree that the fight against world hunger is an ethical cause but it is also undeniable that it may imply a negative impact on the environment.

Similarly, we would all probably agree that the massive impetus towards lifting the vast majority of the developed world population out of poverty that started at the end of the nineteen century was the right thing to do ethically. However, it brought massive pollution and to the detriment of the environment and the populations of the less developed regions in the world.

The authors of this article belong to different cultures and nations and live in different parts of the world. Although, they share the starting point that “ethical fashion” and “sustainable fashion” are distinct, their experiences have been and still are different. Therefore, their analysis and their relevant conclusions may be different.


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# THE STARTING POINT

In principle, ethical fashion takes into account the numerous workers who work behind the scenes to make the clothing industry possible. Ethics is concerned with what is good for the individual and the community to which the individual belongs.

There is no ethics without the human subject. Thus, ethical fashion is primarily focused on treatment of people at every stage along the supply chain. Issues such as fair labour practices, proper working hours, decent working conditions and proper wages come to the forefront of what ethical fashion amounts to.

Sustainable fashion on the other hand, relates more with the protection of the environment and the possibility to reach a compromise between the capacity of the current generations to meet their needs without affecting the capacity of the future generations to meet theirs.

The fashion industry produces ten per cent of all humanity's carbon dioxide emissions, it is the second largest consumer of the world's water supply and pollutes the oceans with micro-plastics and toxic elements.

Sustainable fashion is aimed at eliminating the harmful effects to the environment by incorporating eco-friendly practices to the fashion industry.

# ETHICAL AND SUSTAINABLE FASHION FROM AN AFRICAN PERSPECTIVE

According to prof. Sarah Ochwada

During the early post-colonial era African designers were dependent on cottage industries and placed emphasis on creating one-off, occasional, bespoke pieces for a handful of clients rather than designing clothing or jewelry which could cater to a larger market segment. However, globalisation and technological advancements are now opening up the continent to trade opportunities that are slowly shifting attitudes towards larger scale productions and smart business practices which include ethical and sustainable practices within the fashion ecosystem.

Africans want a piece of the global fashion market, but with this prospect comes challenges as there is still a lot of advocacy work to be done in the area of policy and fair trade in order to ensure ethical and sustainable fashion on the continent. Africa has 54 countries made up of a collection of numerous nations, tribes and clans each with a rich cultural heritage and unique manner of expressing their way of life through their dress and appearance. Natural resources, raw materials, government policies and consumer behaviour vary from country to country and also play a role in determining what each nation considers a priority in the fashion value chain. For instance, Ethiopia has robust textile and garment manufacturing industries for cotton, Mauritius for wool, and

South Africa for ostrich leather. Each of these industries requires a different operational structure to take care of the needs of the environment, the workers and the consumer market segment that they are catering to. From farming of fibers, or mining of precious metals and gemstones up to the manufacture and sale of fabrics, clothing and jewelry – African fashion businesses should subscribe to different measures of ethical policies such as fair wages and decent working conditions, and should also set up systems that ensure sustainability through compliance with environmental laws.

Due to the diversity of legal systems on the continent, it is difficult to come up with a single definition for ethical and sustainable fashion which suits all African countries. So a good place to start would be to have a global definition of the terms “ethical” and “sustainable” and then adapt these definitions to a local context. These terms are often used inter-changeably but in actual fact, have very different meanings.

To begin with, sustainable fashion is used along with other labels such as “circular fashion”, “green fashion”, “eco-friendly fashion”, “environmentally friendly fashion”, “low environmental impact fashion”, and “organic” which can all mean that fashion items are sourced or manufactured by using activities which do not use up too many resources, do not pollute, harm or compromise the environment but instead generate environmental, social and economic benefits through recycle, re-sale or re-use. A new term - blue economy has recently been used to refer to the sustainable use of ocean resources for economic growth, improved livelihoods, and jobs while preserving the health of ocean ecosystem. In Kenya, for instance we have designers who use by-products of marine life such as fish skin to manufacture garments and accessories made of fish leather e.g. Tilapia clutch bags. They label such items as “blue fashion”.

On the other hand, ethical fashion describes the working conditions and wages of workers who produce garments and accessories. The Fashion Revolution movement is a global movement which highlights and promotes fashion brands which offer suitable working environment and fair wages for workers within the fashion chain. The term ethical is sometimes clustered with the labels “ethical trade fashion”, “fair trade fashion”.

What is sustainable is not always ethical and vice-versa. For instance, the importation of cheap second hand clothes known locally as “chagua” in Rwanda, “mitumba” in Kenya, “obroni wawu” in Ghana and “salaula” in Zambia, can be considered to be unethical as it is a form of “dumping” of fast fashion garments from developed countries. Dumping undermines domestic textile and garment industries. However, importation of second-hand clothes could be considered to be sustainable as it bolsters the circular economy and informal sector by providing garments for re-sale and re-use instead of throwing the garments into a land-fill.

In an effort to curb “dumping” by developed nations, East African countries (Kenya, Rwanda, Tanzania, Uganda) raised import tariffs on used clothes in the year 2015 but the move to ban used clothes was blocked by the US which threatened to exclude the countries from the preferential trade benefits of the Africa Growth and Opportunity Act (AGOA). AGOA is intended to increase trade and economic growth across Sub-Saharan Africa by allowing access of manufactured goods to US markets through low tariffs. In exchange for these benefits, the US essentially required East African nations to maintain policies which hinder fair trade and hamper the growth of local textile and garment industries. This is because the cheap second-hand items become more accessible to consumers who are already price-sensitive and desire to wear high fashion labels at an extremely low price.

The proliferation of second-hand garments has been made even more popular thanks to industrious young Africans who use freely available social media platforms such as Instagram, Facebook and WhatsApp to advertise and re-sell the clothes.

One could also argue that ethical fashion includes receiving earnings from exploitation of African heritage. Many notable fashion designers have looked to Africa for design inspiration. Intricate beadwork such as those worn by the Maasai and Samburu communities (Kenya) inspired the "Nomadic Adventure" collection of the Victoria Secrets 2017 fashion show. Luis Vuitton showcased bold red tartan-esque prints in his men's 2012 spring summer collection no doubt inspired by the "Shuka" which is part of the Maasai staple wardrobe. Stella McCartney used West African Ankara prints for her 2018 spring summer collection. These designers dealt with a backlash from a segment of the public claiming cultural appropriation of African heritage without paying due respect (or royalties) to the communities that inspired their creations. Protection of traditional knowledge and expression is steadily gaining importance in Africa with countries enacting legislation to enable communities to control the use of culturally significant and economically valuable knowledge and expressions such as Zambia (Protection of Traditional Knowledge, Genetic. Resources and Expressions of Folklore, No. 16 of 2016) and Kenya (Protection of Traditional Knowledge and Cultural Expressions Act, No. 33 of 2016). South Africa made an attempt to amend their Intellectual Property laws through the Intellectual Property Laws Amendment Act, No. 28 of 2013 (IPLAA) in order to have protective mechanisms of traditional knowledge, but such amendments failed to be enacted.

Additionally, exploitation of African wildlife for use in fashion items has contributed to the depletion and near-extinc-

tion of various species of flora and fauna on the continent. Poaching of elephants for ivory and destruction of forests for sandalwood (a sought-after ingredient for perfume and other personal care products) has triggered tough conservation policies to preserve these natural resources. Kenya, for example instituted a ban on ivory trade and sandalwood harvesting with heavy fines and imprisonment for those caught in possession of these endangered species.


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# ETHICAL AND SUSTAINABLE FASHION FROM AN EUROPEAN PERSPECTIVE

According to Mario Di Giulio

As explained by prof. Ochwada, ethical and sustainable are not synonymous and, in certain circumstances, they may conflict.
In Europe, for example, the contrasts and the negative consequences that the economic development can lead to are increasingly evident not only in the fashion industry, but in all the fields which may be the subject of exploitation (from tourism to agriculture, from the automotive sector to the entertainment sector).
Not surprisingly, concepts such as ethical and sustainable fashion are therefore becoming the subject of an increasing attention by fashion operators and consumers.
Traditionally, ethical issues concern the conditions of the workers, from physical security and daily workload to gender, age and racial discrimination. This concern is both felt at a regional level and globally, although within varying levels.
The tragedy of Rana Plaza in Bangladesh, where more than 1,100 workers died in 2013, is widely mentioned in debates across trade unions to ensure more decent work conditions.
These days, due to the Covid 19 pandemic, public opinion is expressing a renewed interest in the need for ensuring safe working conditions on a global perspective. Many debates are focusing on the possibilities to use technologies such as blockchain and distributed ledger technologies to ensure traceability of the supply chain, in order to prevent the exploitation of the workers, with a special attention to women and minors, and to ensure decent work conditions.

Increasing attention is paid also to those workers who work on the scenes such as the models.
Public opinion discussions are often focused on “skeleton models” phenomenon, considering the physical conditions of the models (and the risks for their health) as well as the wrong message that they could give to the young generations invited - in a subliminal manner - to follow unsafe models of life.
Ethics in fashion does not stop at humans, either. The use of animals (not only those that are endangered) within the fashion industry, the way they are raised, fed and killed are also concerns. The negative effects of the intensive farming on the environment are increasingly discussed. For this reason, in Europe, for example, the fashion industry is considering alternative sources.
Moving to the concept of sustainability, the fashion industry is part and parcel with a global system that requires an increasing consumption. This is an issue especially dear to the younger generation.
Other terms such “share economy” and “slow fashion” are also common and well known by the majority of the population, at least by those who are interested in the analysis of the economic phenomenon. Zero waste and recycling are also becoming dominant words too and they go hand in hand with slow fashion, where younger people, especially in Northern Europe, embrace a new production model and a more conscious pace of consumption. Among the stylists, a fashion icon like Giorgio Armani has blamed the fast fashion model as immoral in an open letter to Women’s Wear Daily.
This increasing awareness is also supporting new trends, often sustained by legislative measures, towards a circular economy and, in our case, a circular fashion.
These new trends are very welcome, of course, even though some doubts may raise in respect of the honest intentions of the fashion operators. In fact, as terms like circular fashion, ethical fashion, and sustainable fashion proliferate, other terms with skeptical connotation, like “green washing”, are introduced too.

Regardless the genuineness of the intention, that may lack in someone but not in all, it is clear that concepts such as ethic and sustainability are often used by the fashion operators without full representation of which principles they apply or comply with.
The consumers are not in the position, therefore, to understand whether a product is ethical or sustainable and make comparisons.
For instance, take a product that involves labour from local communities that are paid properly for their work but that has a high negative impact on the environment, for example due to greenhouse gas emissions as result of the packaging and transportation between the place of the production and the place where it is sold. Is this product sustainable?
If the production of a product subtracts an inordinate amount of water that could be used for agriculture, is that production still ethical? What about cases in which the money spent by public and private donors for scouting, transports, consulting, program structuring is higher than the money received by the workers and the producers of the raw material? Is the partial recycling of plastic for garments that could not be recycled good? Or is it bad because it gives the idea that plastic can be used without limits since it could be recycled?
Sometimes the perception is that ethical and sustainability are just a sort of new means to perpetuate what already exists. This statement does not apply, of course, to all the circumstances, but for sure clear explanations should be given to allow consumers to have a better and clear idea. The same happens in the food industry where, sometimes, the product label states what has not be used in its production ("free from") but does not indicate what the product really contains. In other words, considering the broad meaning that ethical and sustainable fashion may have, the producers should explain what they have considered as a priority in the production and what they have not taken into consideration, so that the consumers can judge by themselves if a product from the fashion industry is ethical or sustainable.

# CONCLUSIONS: ETHICAL AND SUSTAINABLE FASHION OR MULTIPLE ETHICAL AND SUSTAINABLE FASHIONS?

Towards the need to create scales of priorities and make the consumers aware of what kind of choices each brand has applied in pursuing the E&S Fashion.
Consumers are becoming increasingly more conscious of their purchasing power. Their spending habits are now driven by high standards for preservation of health and environment, as well as consideration for other people's well-being. This has caused a culture of awareness and change in fashion to incorporate ethical and sustainable measures in their businesses. The priority of which policy takes precedence will largely depend on the position occupied by the business in the fashion value chain.
For instance: fabric manufacturers may favor using sustainable textiles by sourcing organic or natural fibers such as cotton, silk, wool, hemp, bamboo, flax instead of petroleum based synthetic fibers like asbestos, rayon, polyester, spandex and nylon. Use of natural dyes or dry dying techniques, or vegetable tanning processes which don't use harsh chemicals like chrome eventually allows leather to become bio-degradable, together with use of biomimicry techniques such as creating faux leather from soy, mushroom, pineapple harvest waste and leaves.
At the garment construction phase clothing manufacturers can eliminate waste by designing zero-waste patterns or using scraps from pre-consumer waste fabrics. Designers

can also create more classic style season-less/ trend-less/ timeless high quality garments that will last. Both designers and garment manufacturers can implement a lean manufacturing model and make garments to order then sell direct to consumer in order to reduce the possibility of dead stock or unused inventory. They can also institute garment care and repair after-sale program to encourage long use.
Consumers can contribute to sustainability and circular fashion by recycling or up-cycling old garments into new items. They can also start capsule wardrobes which are carefully curated collections of clothing which can be used over several seasons in order to avoid fast fashion trends.
These are some of the ideas that apply to this industry.
Other ideas may come.
A new awareness of the environmental and ethical issues related to the fashion industry and the impact that it has on communities and environment, will certainly contribute to find right and proper solutions, explaining how every issue has been challenged and solved so that terms ethical and sustainable may become real words grounded by effectiveness and transparency.
In addition, considering that sometimes the various sustainable principles may apply in a different manner and with different priorities, according to the different sensibilities of the producers and the consumers, it is possible that we will see different ethical fashion models as well as different sustainable fashion models, each focused on its own specific goals. As a matter of transparency and as a matter of good practices, it would be recommended that those who self-define themselves as ethical or sustainable should give full information on how they pollute, employ and protect their employees or subcontractors, ensure gender equality and community inclusion.

## SARAH OCHWADA

is a Retired Runway Model turned Archer, Advocate, Arbitrator and Lecturer. She is a pioneering Kenyan Entertainment Lawyer and is the 1st black African woman to hold a Masters Degree in International Sports Law. She is an Adjunct Lecturer at Strathmore University Law School based in Nairobi, Kenya where she has taught undergraduate and executive courses in Sports & Entertainment Law, Media Law, Consumer Protection Law, and Fashion & Beauty Law. She is also a visiting lecturer at ISDE Law and Business school where she has International Sports Law at their Madrid Campus, Spain and at Wolfson College, Cambridge, UK. Sarah is the CEO for Centre for Sports Law a non-profit providing services for sports sector, and she runs her own private practice - SNO-LEGAL Sports & Entertainment Law - which is a cyber-legal firm focusing on emerging and cutting edge areas of law.

## MARIO DI GIULIO

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