

Research Article

Ruling Second-hand Clothes Trade: An Analysis of International Environmental Law

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ABSTRACT: The second-hand clothing trade has emerged as a significant global industry, with the export and import of used clothing playing a vital role in the worldwide economy. However, the environmental impact of this trade has become a significant concern, particularly in developing countries that receive large quantities of used clothing. Reusing used clothing can be motivated by various considerations, such as charity, economic issues, reducing emissions and water use, and as benefits for prisoners during wartime. However, it is still unclear how much it can improve the sustainability of the apparel sector. According to the U.S. Environmental Protection Agency's most recent estimates, Americans dumped more than 21 billion pounds of clothing and other textiles into landfills in 2015. This amount is a significant increase from 12.5 billion pounds in 2000 and 4.6 billion pounds in 1980. Yet the proliferation of the inexpensive, disposable clothing known as "fast fashion" is one of the many environmental issues the apparel sector faces, along with water pollution and greenhouse gas emissions. Through normative library research using secondary data, this article examines the current international regulatory frameworks on the second-hand clothing trade and its environmental impacts. The finding highlights the importance of engaging stakeholders, including governments, NGOs, and the private sector, in developing more effective regulations and practices to regulate the environmental impact of the second-hand clothing trade. This article recommends more significant attention to the environmental effects of the second-hand clothing trade and for international regulations to be developed to promote more sustainable and responsible practices in this industry.

KEYWORDS: International Law, Environmental Law, Thrifting Policy.

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I. INTRODUCTION

A massive international trade in second-hand clothing (SHC) has significantly increased in the past decades, which has become a vital role in the international economy.¹ Nowadays, this activity has triggered several problems, such as environmental damage and healthcare issues. Nonetheless, clothes are an essential human need, a part of an adequate standard of living.² Developing countries like Malaysia, Ukraine, and Pakistan are becoming receiving countries for second-hand clothing from the most developed countries, such as the United States and the United Kingdom.³ As of 2023, the United States is the largest exporter of second-hand clothing, with exports valued at \$1.09 billion, followed by China with \$736 million.⁴ This phenomenon can be attributed to the growth of the fast fashion concept, which has a short life-cycle and encourages people to always buy new clothes to make them feel up-to-date.⁵

Second-hand clothing might be seen as a form of gift or charity to increase prosperity in the world. It may also reduce environmental issues, such as the production of CO₂ emissions, waste, and water use, since textile production is recognized as a major contributor to environmental degradation.⁶

The fashion industry is among the most major contributors to global pollution. The advancement of creativity and design has emerged as an element of contemporary life. This promotes consumerism, which substantially affects the

¹ Baden Sally & Catherine Barber, *The Impact Of The Second-Hand Clothing Trade On Developing Countries* (Oxfam GB, 2005) at 27.

² United Nations, *International Covenant on Economic, Social and Cultural Rights* (1966) vol. 993, at 3. Adopted by UN General Assembly resolution 2200A (XXI) on 16 December 1966, entered into force 3 January 1976; See also, Agostina Latino, “The Right to Dress in International Law as a Right in Itself and as a Parameter on the Ridge between Freedom of Expression and Prohibition of Discrimination” (2023) 9:2 Asian Journal of Law at 229.

³ Shannon Brady & Sheng Lu, “Why is the used clothing trade such a hot-button issue?” (2018), online: <https://shenglufashion.com/wp-content/uploads/2018/10/why-is-the-used-clothing-trade-such-a-hot-button-issue_-_apparel-industry-analysis_-_just-style.pdf> at 3.

⁴ OEC, “Used Clothing”, online: *The Observatory of Economic Complexity* <<https://oec.world/en/profile/hs/used-clothing>>.

⁵ Sunhilde Cuc & Simona Tripa, “Fast Fashion and Second Hand Clothes between Ecological Concerns and Global Business” (2014) 15:1 Annals of the University of Oradea at 163.

⁶ Kirsi Niinimäki et al, “The Environmental Price of Fast Fashion” (2020) 1:4 Nature Reviews Earth & Environment; Sunil Hedge et al, “The Impact of Thrift Stores” (2023) 9:11 IJIRT at 490.

environment due to mass production. This is intensified by the throwaway culture shaped by the consumption of single-use items. The fashion industry has faced criticism for its lack of accountability for sustainability-related issues, including water consumption, wastewater generation, and the use of harmful chemicals like as pesticides, fungicides, and herbicides in its products and manufacturing processes.⁷ Approximately 92 million tons of textile waste are generated worldwide at various stages of their life cycles, with 50% of this waste occurring at the post-consumption phase. Only 15–20% of garbage is collected for reuse and recycling, while over 80% of textile waste is disposed of in landfills or incinerated, resulting in increased carbon emissions, energy depletion, and raw material loss.⁸

SHC is defined as a product that the initial owner no longer needs. It does not consider whether the clothing has been worn or unworn. Despite the former owner's disuse, SHC retains its worth as a product for further utilization by others. Repeated utilization of the product is anticipated to prolong its lifespan. Furthermore, repurposing items enables one product to satisfy the requirements of several consumers, thereby diminishing the necessity for new purchases. This may alleviate the ecological impact linked to the production and disposal phases of the new product life cycle. The broader community acknowledges the use of second-hand goods as a crucial element in transforming consumer behavior to attain sustainable consumption and production.⁹

The fashion industry contributes to climate change, biodiversity depletion, and pollution by extracting finite resources to create products. The industry has encountered increased production and environmental impacts, as a result of a 36% decrease in the duration of a garment's use before it is discarded. The recognition and commitment of an individual to environmental issues are the defining characteristics of consumer environmental awareness. Consumer

⁷ Thorey S Thorisdottir et al, “Social, environmental, and economic value in sustainable fashion business models” (2024) 442 *Journal of Cleaner Production* at 2.

⁸ Md Shamsuzzaman et al, “Fashion and textile waste management in the circular economy: A systematic review” (2025) 11 *Cleaner Waste Systems* at 1.

⁹ Dami Moon, “Promoting sustainable practices: Exploring secondhand clothing consumption patterns and reductions in greenhouse gas emissions in Japan” (2024) 45 *Sustainable Production and Consumption* at 295.

engagement in green products is associated with environmental awareness, as evidenced by consumer purchase behavior. The fashion industry's environmental consciousness regarding sustainability impacts consumer engagement with green products, including second-hand fashion products.¹⁰

Whether second-hand clothes are the solution to address such problems is still in doubt. On one side, reusing clothes through second-hand markets can lower the need for new clothing manufacture, increase product lifetime, and minimize textile waste—all of which are perhaps good for the environment. Conversely, second-hand clothes might also create new environmental issues, including higher carbon emissions from worldwide exports, irresponsible trash disposal in recipient countries, and disturbance of local textile industries, especially in poor countries. Thus, even if it has certain benefits, the general effect of second-hand clothes on the environment and economy is still up for discussion and needs more study.

The aforementioned findings indicate that the culture of using and trading SHC could be substantial in mitigating the rate of climate change and environmental degradation. SHC aims to rectify the fashion industry, particularly fast fashion, which has been demonstrated to cause environmental degradation. Hence, it is necessary to discuss the role of second-hand clothing to expand the knowledge of how this activity may affect the environment at large.

Given the significant role of SHC within international trade, the salient issue here is whether international law governs this activity regarding its consequences to the environment. International environmental law is concerned with the production of pollutants and emission; in particular, the Stockholm and Basel Conventions address this matter.¹¹ However, from the international humanitarian law perspective, second-hand clothing may raise a question on the fulfilment of prisoners of war's rights under Article 27 of the Third Geneva

¹⁰ Yeneneh Tamirat Negash & Taufik Akhbar, "Building consumer trust in secondhand fashion: A signaling theory perspective on how consumer orientation and environmental awareness shape engagement" (2024) 14 *Cleaner and Responsible Consumption* at 4.

¹¹ Monirul Islam, "The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal: Critical Analysis" (2020) 1:2 *IJMRGE*; Peter L Lallas, "The Stockholm Convention on Persistent Organic Pollutants" (2001) 95:3 *American Journal of International Law* at 692.

Convention, which mandates the Detaining Power to provide clothing for them.¹²

Among the 17 Sustainable Development Goals (SDGs) established by the United Nations, the 12th target pertains to responsible consumption and production. As knowledge of global warming and environmental sustainability rises, consumers are increasingly adopting responsible or green buying behaviors. Purchasing and donning second-hand clothing was previously seen as less respectable, stemming from the belief that it was mostly undertaken by individuals with little financial means. Over time, it is specifically the most trend-conscious consumers that seek second-hand clothing for numerous reasons, independent of socioeconomic level. The concept of sustainability was formally introduced in 1987 in the Brundtland Report. The analysis indicated that worldwide environmental issues are mostly attributed to poverty and reckless consumption and manufacturing practices. Moreover, to attain responsible and sustainable consumption, both consumers and enterprises must proactively engage in sustainable manufacturing practices.¹³

Numerous scholarly articles examine second-hand clothing, the circular economy, and consumer behavior. They also examine the environmental issues stemming from SHC commerce and the potential of SHC to mitigate climate change and environmental degradation. However, no scholarly works have addressed the application of international environmental law to SHC and humanitarian law to SHC for prisoners of war.

This article will provide an overview of second-hand clothes on the historical background of this trade, its important roles in the international market, the actors involved, and the key challenges and controversies related to it. Furthermore, this article will examine the legal framework of second-hand clothes, specifically on international environmental and humanitarian law. Lastly, it advocates the development of international regulation to promote the sustainability and responsibility of the second-hand clothes trade.

¹² ICRC, *Commentary on the Third Geneva Convention*, (2020) at para. 2147-2148.

¹³ Nadindla Srividya, Rizwana Atiq & Naga Sreedhar Volety, “Qualitative research on responsible consumption concerning apparel” (2024) 12 *Cleaner and Responsible Consumption* at 5.

The purpose of this article is to analyse the impact of second-hand clothing trade on the environment and how international law regulates it. Specifically, the article aims to: first, examine the impact of SHC trade towards the environment, including the effects of textile waste and pollution; and second, to analyse existing international laws and regulations related to the second-hand clothing trade, and identify gaps or weaknesses in their implementation. Finally, this article will provide potential solutions for mitigating the impact of second-hand clothes trading on the environment, including recommendations for policy changes and best practices for sustainable fashion.

By exploring the environmental impact of the second-hand clothing trade and the legal frameworks that regulate it, this article aims to contribute to a broader understanding of the challenges and opportunities associated with sustainable fashion. Additionally, by proposing solutions for mitigating the negative effects of second-hand clothes trading, this research has the potential to inform policymakers, fashion industry stakeholders, and consumers on how to make more sustainable choices in relation to fashion consumption.

II. METHODOLOGY

This research used a library research approach with secondary data sources related to second-hand clothes trading. The data was analysed through a qualitative approach, and the conclusion was drawn using the deductive reasoning method. The purpose of this methodology is to explore the current state of the second-hand clothing trade and its impact on the environment.

III. OVERVIEW OF SECOND-HAND CLOTHES TRADE

A. Historical Background

The history of SHC trade can be traced back to the mid-13th century in Europe as the result of great economic depression. At that time, Europe was encountering economic crisis, increasing population, political and social riots, and

extreme hunger.¹⁴ People turned to SHC as a significant option to fulfil their necessity of clothing in that difficult time. During the crisis, consumers could obtain SHC through four ways: (i) from inheritance of a deceased family member, (ii) given as patrimony, memorabilia, or gift from a family member, (iii) remaking or repairing old clothes, and (iv) lastly buying SHC from SHC retailers.¹⁵

SHC trade is also argued to have emerged from the increased number of people and the mass-production of clothing caused by the industrial revolution. As a result of reasonable prices of clothes, people can easily buy new clothes and dispose them. Furthermore, Le Zotte explains that the more number of people, the less living space provided so that people have to select possessions to get them rid of, including clothes.¹⁶ The present-day concept of thrifting started in the the early 19th century with the establishment of Salvation Army and Goodwill. These two organizations collected used clothes and provided them to immigrants. At that time, Goodwill collected second-hand clothing and housewares from more than 1,000 households by trucks. There were nearly 100 Goodwill stores across the country by 1935.¹⁷

As time has progressed, the SHC trade not only fulfils the needs of the poor or those unable to buy new clothes but has also served as a means for fashion and self-expression. Consignment shops started to serve rich consumers desiring to own vintage clothes in the 1950s. The development of SHC trade continued in the 1970s and 1990s. The '70s were marked by thrifting in relation to the counterculture of the era, and the grunge theme could be found in thrifting in the '90s.¹⁸ Today, various types of stores selling SHC can be easily found, such as special SHC markets, local and traditional markets, and the Internet.¹⁹

¹⁴ Halimin Herjanto, Jean Scheller-Sampson & Elisabeth Erickson, "The Increasing Phenomenon of Second-hand Clothes Purchase: Insights from the Literature" (2016) 18:1 Jurnal Manajemen dan Kewirausahaan at 7.

¹⁵ *Ibid.*

¹⁶ Olivia B Waxman, "People Have Been Reusing Clothes Forever But Thrift Shops Are Relatively New. Here's Why" (2018), online: *Time* <<https://time.com/5364170/thrift-store-history/>>.

¹⁷ *Ibid.*

¹⁸ Jillian Cote, "Thrifting through the ages: How we've strayed from central values" (2021), online: *The State Press* <<https://www.statepress.com/article/2021/03/specho-thrifting-secondhand-clothing-through-the-ages>>.

¹⁹ Herjanto, Scheller-Sampson & Erickson, *supra* note 14.

B. Global Trends and Market Size

The global trend of SHC trade is increasing. A ThredUp report published in March 2025 found that the second-hand global market grew 15% from \$197 billion USD in 2023 to \$227 billion USD in 2024.²⁰ This data constitutes the accumulation of the market size in Asia, Europe, North America, South America, Australasia, and Africa. Furthermore, it anticipates that the global second-hand apparel market will grow at a rate three times faster on average than the global apparel market overall. In 2027, the global second-hand apparel market size is projected to reach \$367 billion USD, almost twice its value in 2022.²¹

Future Market Insight (FMI) has different estimations relating to the market growth of the global SHC trade. FMI estimates that it will grow with a CAGR (Compound Annual Growth Rate) of 11.1% from 2025 to 2035. They elaborate that the key factors of this rise are the quality and affordable nature of second-hand apparel.²²

The increase of the SHC market size is driven by diverse factors. The rise of online platforms selling SHC, according to FMI, is one of the factors. FMI explains that digital resale, in which people can easily sell their used clothes and buy other people's used clothes, will quickly become the next big trend in the fashion industry because of the rise of consumer demand and the development of online platforms. In the US, popular online platforms that facilitate this include thredUp, Poshmark and theRealReal.²³

In contrast, the trade of SHC exported from foreign countries is prohibited in Indonesia and is considered illegal trading. The Indonesian government bans this practice through the Regulation of Minister of Trade No. 18 of 2021, as amended by Regulation of Minister of Trade No. 40 of 2022 on Goods Prohibited from Exporting and Goods Prohibited from Importing. The protection of textile business of micro, small, and medium enterprises (MSMEs) are the primary

²⁰ *ThredUp Resale Report 2025*, by ThredUp (2025) online: <https://cf-assets-tup.thredup.com/resale_report/2025/ThredUp_Resale_Report_2025.pdf> at 3.

²¹ *Ibid.*

²² FMI, "Secondhand Apparel Market Size, Trends & Forecast 2025 to 2035" (2025), online: *Future Market Insights inc* <<https://www.futuremarketinsights.com/reports/secondhand-apparel-market>>.

²³ *Ibid.*

objective of the Indonesian government.²⁴ The concern of the Indonesian government is the same with the concern of some African countries; SHC imports are deemed as the weakening factor of industrial textile and employment in West Africa.²⁵

In Malaysia, buying used goods or "bundle" shopping is popular. Various thrift shops exist, from modest ones to enormous ones operated by major conglomerates. People in Malaysia are keen to worldwide fashion trends and have the budget to follow the trend.²⁶ Although it is uncertain whether Malaysia's bundle clothing industry will continue to grow in light of recent world events, it is clear that this sector has value as a possible social integration platform. Bundle buying was first intended to help consumers who were struggling financially, but its purpose has developed beyond simple financial considerations.²⁷ Bundle buying has prepared the path for social class democratisation by easing economic, social, and cultural fears, since it has come to be seen as a sort of cultural and social capital that may be flaunted. A "moment of unity" has been achieved via "selam bundle" as a communal activity.²⁸

The way of purchasing by Malaysian consumers is influenced by laws and regulations issued by various ministries either directly or indirectly. For instance, the Contract Act of 1950 and the Sale of Products Act of 1957 set out the general legislation on contracts and also provisions on contracts for the sale of products. Nevertheless, these pre-independence regulations are remarkably archaic. Their updates have not been available to facilitate current modern economic activities. Furthermore, the Malaysian government has issued the Consumer Protection Act of 1999 (CPA) as the primary law governing consumer protection. At first, the

²⁴ Kuntum Khaira R & Fadhli Ruhman, "Indonesia rejects imports of thrift clothes to protect MSMEs" (2023), online: *Antara News* <<https://en.antaranews.com/news/275418/indonesia-rejects-imports-of-thrift-clothes-to-protect-msmes>>.

²⁵ Sally & Barber, *supra* note 1.

²⁶ Ezra Marcus, "How Malaysia Got in on the Secondhand Clothing Boom", *The New York Times* (2022), online: <<https://www.nytimes.com/2022/02/03/style/malaysia-secondhand-clothing-grailed-etsy-ebay.html>>.

²⁷ Rachen Chan Suet Kay, "'Selam Bundle': thrift shopping as Malaysian social class integration platform" (2020) 47:3 *Journal of History, Politics & Strategic Studies* at 376.

²⁸ A Thirumalni, "Bundle shops draw bargain seekers" (2022), online: *The Star* <<https://www.thestar.com.my/metro/metro-news/2022/08/04/bundle-shops-draw-bargain-seekers>>.

CPA did not regulate any electronic commercial activities. However, it was amended in 2007. E-commerce has also been added to the definition of mail order sales in the Direct Sales and Anti-Pyramid Scheme Act of 1993, which was revised in 2010. These actions are strongly related to one of the goals of this article, which is to highlight legal protection for online consumers, and will be covered in greater detail in coming subtopics.

The consumers of SHC nowadays are not only those who have lower spending and low disposable income who need to save their income to spend for other primary necessities but also those with high disposable income. The latter begun shopping at thrift stores to find used apparels with designer brand for a cheaper price.²⁹ According to Park et al, a motive of consumers buying SHC are, among others, the enjoyment of hunting treasure and designer brand SHC among the piles.³⁰

C. Actors Involved in the Second-hand Clothes Trade

SHC trade involves mainly two parties: sellers or retailers and consumers. However, there are many parties involved before SHC reach consumers' hands. SHC is not only traded domestically to fulfil the needs of low income people in the country but also traded abroad. Based on an OXFAM report, many parties are involved in the SHC trade.³¹ A country may have more than one role. It may take a role as an exporter, processor, re-exporter, and/or importer. Furthermore, the report points out that developing countries are the major consumers of SHC.

The report also describes the detailed parties involved in SHC trade between importing and exporting countries. Developed countries such as the United States, Germany, Canada, Belgium, and the Netherlands receive donation of SHC through charities, NGOs, community groups, and commercial collection banks which collect SHC from the public.³² SHC from these parties is then processed by commercial reclamation agents in textile reprocessing plants. In this stage, SHC will be sorted, graded, and baled. Subsequently, it is shipped overseas in

²⁹ Hyejune Park et al, "Thrift shopping for clothes: To treat self or others?" (2019) 11:3 Journal of Global Fashion Marketing at 62.

³⁰ *Ibid*, at 65-66.

³¹ Sally & Barber, *supra* note 1.

³² *Ibid*.

containers to developing countries. Next, the importer sells it to the local trader. The containers are transported by truck and the SHC is sold in bundles. The trader may sell it directly without altering the SHC or employ a local tailor to modify it before selling it in the market stall.

In 2023, the United States (\$1.09 billion) became the most top exporter, followed by China (\$736 million), Germany (\$391 million), Pakistan (\$335 million), United Arab Emirates (\$237 million) and Guatemala (\$211 million).³³ Meanwhile, the countries that imported the most SHC in 2023 were Pakistan (\$335 million), followed by United Arab Emirates (\$237 million) and Guatemala (\$211 million).³⁴

D. Key Challenges and Controversies of Second-hand Clothes Trade

A major concern of imported SHC in developing countries is that it impacts the textile industry domestically due to the lower prices coupled with the better quality of the apparel. On one side, the advantage of SHC trade is that it provides more options for consumers to have fashionable apparel with lower prices.³⁵ On the other side, economic, environmental, and health issues may emerge. For instance, the main motivation behind the Indonesian government's ban on the import of used apparel is to protect the national textile industry.³⁶ Moreover, from the environmental side, unsold imported SHC at the destination country may ultimately end up as trash.³⁷

The concern regarding the local textile industry not only occurs in Indonesia but also in Africa. A study in Côte d'Ivoire, Nigeria, Kenya, Malawi, South Africa and Zambia found that the SHC trade has adversely affected local clothing industries in these African countries.³⁸ Their governments point out that the domestic clothing industry cannot compete with the survive SHC's cheap price and finer

³³ OEC, *supra* note 4.

³⁴ *Ibid.*

³⁵ Herjanto, Scheller-Sampson & Erickson, *supra* note 14, at 6-7.

³⁶ Investor Daily, "Thrifting Kills Textile Industry as Used Clothing Import Jumps 518.5 pct" (2023), online: *Jakarta Globe* <<https://jakartaglobe.id/business/thrifting-kills-textile-industry-as-used-clothing-import-jumps-5185-pct>>.

³⁷ Theresia Agatha, "Regarding Thrifting In The Indonesian Market, Here's The Response Of Local Designers" (2023), online: *VOI* <<https://voi.id/en/economy/265835>>.

³⁸ Karen Tranberg, "Other People's Clothes? The International Second-hand Clothing Trade and Dress Practices in Zambia" (2000) 4:3 *Fashion Theory* at 245.

quality. This issue is also raised by OXFAM in 2005. It highlights that SHC imports are reasonably to be the weakening factor of a significant downturn of textile industry and employment in West Africa, instead of increasingly cheap imports from Asia and domestic constraint which cause the industry could not from surviving.³⁹

E. Rules Governing Clothing for Prisoners of War

Besides the general advantages and disadvantages of second-hand clothes, the use of second-hand clothes during armed conflicts should be further explored. The use of second-hand clothes in time of armed conflicts is usually linked to the condition of the prisoners of war (POWs). POWs are often stripped of their personal possessions, including their uniforms. For instance, in the Ukraine-Russia war in 2023, Ukrainian POWs reported the pillage of their military clothing, which left some suffering from cold temperatures.⁴⁰ In this case, due to limited resources and the need to provide basic clothing to POWs, second-hand clothes might be an alternative to wear for the POW. It is the obligation of the Detaining Power to fulfil their obligations according to the Third Geneva Convention of 1949. Evidence of state practice preserved in the Mauthausen Memorial, a former Nazi concentration camp in Austria, shows how POWs might have certain limited uniform to wear. Some trousers showed heavy marks and jackets had patchwork patches, indicating that the POWs themselves manually repaired their uniforms due to bad preservation of textile.⁴¹ The POWs were stripped off their own civilian clothing and forced to wear a uniform, patterned with blue stripes.⁴² The uniforms usually had each prisoner's number stitched on and other signs to show the category of prisoners. The prisoners were forced to wear "the zebra suit", the blue and white striped clothes, which are

³⁹ Sally & Barber, *supra* note 1.

⁴⁰ *Treatment of the Prisoners of War and Persons Hors de Combat in the Context of the Armed Attack by the Russian Federation against Ukraine*, by Office of the United Nations High Commissioner for Human Rights (OHCHR) (2023) at 11 & 28.

⁴¹ Claudia Theune, "Clothes as Expression of Action in Former Concentration Camps" (2018) 22:3 *International Journal of Historical Archaeology* at 498.

⁴² Juliet Ash, *Dress Behind Bars: Prison Clothing as Criminality* (London: I. B. Tauris, 2010); Theune, *supra* note 41 at 499.

extremely recognizable from a great distance,⁴³ or trousers with numbers.⁴⁴ Prisoner uniforms were usually inadequate for the conditions in which they were forced to work outside the camp.⁴⁵ There are patches on shirts and trousers whose fabric wears out due to wear, or jackets that don't have buttons.⁴⁶ The use of second-hand clothes for POWs can be linked to the issues of poor hygiene, discomfort, and ethical concerns in such circumstances.

1. International Rules on Clothing for Prisoners

The Standard Minimum Rules for the Treatment of Prisoners, adopted by the 1st UN Congress on the Prevention of Crimes and the Treatment of Offenders, 1955 and approved by the Economic, Social Council in its Resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, have given clear guidance for the clothing (and bedding) for the prisoners: For example, there should be an outfit clothing adjust to the surrounding climate and keep the health of the person in good condition. In addition, such clothing shall be proper and shall in no manner be humiliating the person who wear it. Another guidance that can be used is that the clothing shall be clean, including underclothing, to keep the hygiene guarantee. Only in a certain circumstances, a prisoner shall be allowed to wear his own clothing as he or she is removed outside the institution for another reasons or purposes.

2. The Third Geneva Convention of 1949 on Clothing for POW

The Third Geneva Convention of 1949, as the main international humanitarian legal instrument, applies to international armed conflict and includes special provisions concerning clothing for POWs in Article 27. Based on paragraph (1) of Article 27, the Detaining Power shall be responsible to provide every item of clothing such as underwear, footwear, and clothing for the prisoners, and these items must consider the weather or climate where the prisoners are detained. Among these items, the uniforms of enemy forces should be made available to them. Moreover, paragraph (2) of the Article 27 explicitly gives the burden to the Detaining Power to assure the regular replacement and repair of these clothing

⁴³ Theune, *supra* note 41, at 496 & 498.

⁴⁴ *Ibid* at 495.

⁴⁵ *Ibid* at 499.

⁴⁶ *Ibid* at 503 & 505.

items. For the prisoners who work, they shall have the guarantee to receive appropriate clothing when needed.

Based on the 2020 Commentary of the Third Geneva Convention, the requirement of sufficient clothes to POWs describes two important things for them. Firstly, the clothes should ensure the comfort of the POW and guarantee their physical well-being. Secondly, clothes contribute as part of humane treatment and should give the POW a sense of respect, dignity, and honour.⁴⁷ Moreover, based on the ICRC's study on customary international humanitarian law, the obligation to provide persons deprived of their liberty with adequate clothing is stipulated in Rule 118 of Customary International Humanitarian Law.⁴⁸ This means that the treatment of POWs in regards to clothing has already been rooted in the state practice as a material element, and regarded as a rule under customary international law as a psychological element. The material element can be tracked in Article 7 of the Hague Conventions of 1899 and 1907 that governs the assimilation principle, where the treatment of POWs must be essentially equal to the treatment of the Detaining Power's troops in regards to food, quarters, and clothing.⁴⁹ Moreover, the First World War agreements on POWs, such as the Agreement between Austria-Hungary and Italy concerning POWs and Civilians (1918), govern the assimilation principle and certain minimum requirements on the type and number of clothing items to be provided. It is also stipulated in Article 12(1) of the Third Geneva Convention on Prisoners of War the importance of POW clothing, underwear, and footwear, though it does not specify that items have to be suitable for the climate.⁵⁰ The standard principle of assimilation has gradually become customary practice with respect to clothing for POWs.⁵¹

⁴⁷ *Commentary on the Third Geneva Convention*, *supra* note 12.

⁴⁸ Jean-Marie Henckaerts et al, *Customary International Humanitarian Law* (New York: Cambridge University Press, 2005) at 428.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ International Committee of the Red Cross (ICRC), "Commentary of 2020 to Article 27 of the Third Geneva Convention (Convention (III) Relative to the Treatment of Prisoners of War, Geneva, 12 August 1949)", online: <<https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-27/commentary/2020?activeTab=1949GCs-APs-and-commentaries#2>>.

Based on Article 27 of the Geneva Convention III, it is the obligation of the Detaining Power to provide POWs with adequate clothing. The term “clothing” refers not only to clothes, but also to other items such as hats and gloves, where necessary, to adapt to the climate. This obligation of the Detaining Power is a must, although POWs may receive additional clothing from other sources (Article 125). According to the experience of the ICRC, one set of clothes for POWs is insufficient. The POW is generally entitled to obtain at least two sets of clothing and sleepwear so that they have a second set to change into. The POW is normally allowed to use their own uniforms, otherwise the Detaining Power is obliged to provide the clothing. The fulfilment of appropriate clothing can be regarded as a respect towards an individual’s personhood and honour, and should be adapted according to their age, gender, and religious and cultural background. It is forbidden to force the POW to wear their enemy uniforms or other clothing that have a degrading character like a convict’s uniform. However, according to the Commentary, there is no obligation for the Detaining Power to provide civilian clothing to avoid POW escape, but it is permitted to mark the clothes by printing the special sign, such as the large letters “PW” to make escape more difficult.⁵²

In practice, regarding the Axis POWs held in Tennessee, according to Antonio Thompson, the application of the large letters “PW” on their clothes made it difficult to escape.⁵³ In another case, a group of POWs held in Aliceville, Alabama, resided in tents and were not provided with enough clothes or underwear,⁵⁴ nor enough facilities to wash their clothes,⁵⁵ and the prisoners were forced to wear the same clothes regularly.⁵⁶ The most important thing is that the failure to provide POWs with any change of clothing or a facility to wash their

⁵² United States (Department of Defense), *Law of War Manual* (Washington DC: U.S. Government Publishing Office (USC), 2016); John Brown Mason, “German Prisoners of War in the United States” (1945) 39:2 *American Journal of International Law* at 202.

⁵³ Antonio S Thompson, *Axis Prisoners of War in Tennessee: Coerced Labor and the Captive Enemy on the Home Front* (North Carolina: McFarland and Company, Inc., Publishers, 2023) at 16 & 131.

⁵⁴ *Ibid* at 82 & 84.

⁵⁵ *Ibid* at 31 & 38.

⁵⁶ *Ibid* at 82.

clothes for over a month amounts to a serious breach of the Geneva Convention.⁵⁷

2. Potential Impact of Second-hand Clothing on PoW

As an alternative solution, SHC may be taken into consideration to provide the necessities of POWs. It may give POWs a sense of dignity, self-respect and help maintain their physical and mental health during a traumatic experience in camp. The Geneva Conventions require certain conditions or standards for POW clothes. The requirements are that the SHC must be clean and free from diseases, and there must be free access to distribute the clothing in certain areas.

IV. INTERNATIONAL LAWS AND ENVIRONMENTAL IMPACT OF SECOND-HAND CLOTHES TRADE

A. Overview of Relevant International Law

The laws that govern second-hand clothing transactions vary from country to country, as they fall within the jurisdiction of national legal systems.⁵⁸ Generally, these transactions are regulated by a combination of laws related to consumer protection, contracts, intellectual property, and potentially other relevant areas. For example, many countries have consumer protection laws to ensure fair transactions and protect consumers from fraudulent or deceptive practices. In addition, these laws may include provisions regarding product labelling, accurate representation of goods, disclosure of defects, and warranty rights.⁵⁹

Second-hand clothes transactions also involve the formation of contracts between buyers and sellers. Contract law governs the terms and conditions of these agreements, including pricing, payment, delivery, and return policies. The specifics of contract law can vary depending on the legal system of the country in question.⁶⁰ Nevertheless, second-hand clothes may sometimes feature

⁵⁷ International Committee of the Red Cross (ICRC), *supra* note 51, at para 2148.

⁵⁸ ASEAN, *Handbook on ASEAN Consumer Protection Laws and Regulations* (Jakarta: ASEAN Secretariat, 2018) at 5.

⁵⁹ ASEAN, *ASEAN Capacity Building Roadmap for Consumer Protection 2020–2025* (Jakarta: ASEAN Secretariat, 2020) at 6 & 9.

⁶⁰ Revati Megaonkar, *Business Law and Its Effects on Commercial Transactions and Licensing* (Pleaders, 2021); International Committee of the Red Cross (ICRC), *supra* note 51.

copyrighted designs, trademarks, or logos. Intellectual property laws regulate these protected elements' use, reproduction, and distribution. Therefore, sellers must ensure they do not infringe on intellectual property rights when selling second-hand clothes.⁶¹

The import and export of second-hand clothes may be subject to specific regulations in some countries. For example, governments may impose restrictions, licensing requirements, or customs duties on the movement of these goods across national borders.⁶² In addition, some countries have laws to combat the trade of counterfeit goods, including counterfeit clothing. Therefore, second-hand clothes sellers must ensure they are not involved in selling fake items, which can lead to legal consequences.

Though second-hand clothes involve trading transactions, the trade of second-hand clothes is not explicitly governed by international law. International law primarily focuses on broader areas such as human rights, labour standards, and environmental protection, which indirectly impact the second-hand clothing industry. However, some international agreements and principles can be relevant to analysing second-hand clothes within the context of international law. For instance, the World Trade Organization (WTO) sets the framework for global trade rules, including the General Agreement on Tariffs and Trade (GATT) and the Agreement on Technical Barriers to Trade (TBT).⁶³ These agreements promote free trade and prohibit arbitrary restrictions on importing and exporting goods, including second-hand clothes. However, WTO rules allow certain conditions to protect public morals, human health, and the environment.⁶⁴

While second-hand clothing is generally not considered hazardous waste, some countries may classify it as such if it contains harmful substances. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal seeks to regulate a wide range of hazardous wastes, including

⁶¹ DLA Piper-Michael E Reid et al, "Intellectual Property Rights in Fashion: Fashion forward: Part 1" (2023), online: *Lexology* <<https://www.lexology.com/library/detail.aspx?g=8590260f-75b2-48ac-b2f1-14701101ba58>>.

⁶² Sally & Barber, *supra* note 1.

⁶³ World Trade Organization (WTO), "WTO Rules and Environmental Policies: Key GATT Disciplines".

⁶⁴ *Ibid.*

used clothing.⁶⁵ The Convention establishes rules for the environmentally sound management of hazardous waste and aims to prevent its transfer from developed to developing countries.

Although not specific to second-hand clothes, certain conventions address labour rights and working conditions relevant to the workers involved in producing, distributing, or recycling second-hand clothing. The International Labour Organization (ILO) develops and promotes international labour standards.⁶⁶ For example, the ILO's Conventions on Forced Labour, Child Labour, and Minimum Age for Employment establish measures to protect workers' rights.⁶⁷

Additionally, various international human rights instruments, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), protect the right to adequate clothing, fair working conditions, and the right to a standard of living.⁶⁸ These principles indirectly relate to the second-hand clothing industry by ensuring that workers involved are treated fairly.⁶⁹

Reference can also be made to the Sustainable Development Goals (SDGs) adopted by the United Nations, which provide a framework for sustainable development. For example, SDG 12 focuses on responsible consumption and production, including reducing waste generation and promoting sustainable practices. Second-hand clothing plays a role in achieving this goal by extending the lifespan of garments and reducing overall textile waste. Therefore, while there is no specific international legal framework governing the trade of second-hand

⁶⁵ United Nations, "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal" in *United Nations Treaty Series* (1989) 1673 UNTS 57 at Annex IX, List B, entry B3030.

⁶⁶ *Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries*, by International Labour Organization Sectoral Activities Department, GDF/CLI/2014 (Geneva: ILO, 2014) at 13-14 & 35-36.

⁶⁷ *Ibid.*

⁶⁸ United Nations General Assembly, *Universal Declaration of Human Rights* (1948), online: <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>>; United Nations, *supra* note 2, Article 11.

⁶⁹ Ola Persson & Jennifer B Hilton, "Second-hand clothing markets and a just circular economy? Exploring the role of business forms and profit" (2023) 390 *Journal of Cleaner Production* at 6-7.

clothes, national laws and regulations, as well as international norms and agreements, can indirectly influence the industry.

B. Analysis of their Implementation and Enforcement

While international law does not directly govern the trade of second-hand clothes, it is generally subject to national laws and regulations. Each country has the authority to establish rules regarding importing, exporting, and selling second-hand clothes within its borders. It is important to note that the regulation of the second-hand clothing industry primarily falls within the jurisdiction of individual countries. National laws and regulations can vary significantly, addressing import/export controls, labelling requirements, consumer protection, and labour standards. International norms and agreements can influence these domestic regulations but are primarily enacted and enforced nationally.

The second-hand clothes industry can contribute to sustainable consumption and reduce textile waste.⁷⁰ Therefore, national regulations should establish minimum quality standards for second-hand clothes to ensure they are safe and meet specific criteria. This can help prevent the sale of clothing items that may pose health or safety risks to consumers. Regulations can also promote responsible and ethical practices, encouraging recycling, upcycling, and disposal of unsalvageable items.⁷¹ In addition, by imposing environmental standards, regulators can mitigate the negative environmental impact associated with the production and disposal of clothing. On top of that, regulation can address issues related to market competition and prevent unfair practices that may harm small businesses or hinder market access for new entrants. For instance, regulations can address monopolistic behaviour or price manipulation.⁷²

⁷⁰ Allison Hirschlag & Andrea Thompson, “Can Secondhand Shopping Dent Fast Fashion’s Environmental Damage?” (2019), online: *Scientific American* <<https://www.scientificamerican.com/article/can-secondhand-shopping-dent-fast-fashions-environmental-damage/>>.

⁷¹ Jo Kellock, “Recycling and Upcycling in the Apparel Industry” (2014), online: *Fibre2fashion* <<https://www.fibre2fashion.com/industry-article/7279/recycling-and-upcycling-in-the-apparel-industry>>.

⁷² Rachel Bick, Erika Halsey & Christine C Ekenga, “The global environmental injustice of fast fashion” (2018) 17:1 *Environmental Health* at 3-4.

However, it is essential to consider potential challenges and unintended consequences of regulation. Excessive or burdensome regulations can create barriers to entry, stifle innovation, and increase business costs. Striking a balance between regulation and promoting a competitive and sustainable second-hand clothes market is crucial. Therefore, regulation should be carefully designed, considering the needs and dynamics of the second-hand clothes industry and the broader objectives of consumer protection, sustainability, and fair-trade practices. Collaborative efforts involving industry stakeholders, government bodies, and consumer groups can help develop effective and balanced regulations that address the concerns and interests of all parties involved.

C. Overview of the Environmental Impact of Second-hand Clothes Trade

The second-hand clothing trade, also known as the thrift store industry or used clothing market, is expanding globally. This industry, however, has both positive and negative environmental effects that must be considered. On the one hand, the second-hand clothing trade helps to reduce waste and the environmental impact of manufacturing new clothes.⁷³ On the other hand, negative environmental consequences are associated with the second-hand clothing trade, such as transportation emissions from cross-border export and import of used clothing. Furthermore, environmental concerns about the disposal of non-reusable or unsold second-hand clothing contribute to increased landfill waste. As a result, stakeholders must consider the environmental impact of this industry and work toward long-term solutions that address these concerns. Some ways to mitigate the environmental impacts of second-hand clothing trade include reducing transportation emissions through more efficient supply chain methods, encouraging local production of second-hand clothing, and incentivizing recycling and repurposing of unsold clothing.⁷⁴

The environmental impacts of the second-hand clothes trade are complex. One of the most significant impacts comes from the transportation of used clothing

⁷³ Chun-Wei Remen Lin et al, “Multi-Objective Production Programming to Systematic Sorting and Remanufacturing in Second-Hand Clothing Recycling Industry” (2020) 12:7 *Symmetry* at 6-7.

⁷⁴ Sae Eun Lee, Hye Jung Jung & Kyu-Hye Lee, “Motivating Collaborative Consumption in Fashion: Consumer Benefits, Perceived Risks, Service Trust, and Usage Intention of Online Fashion Rental Services” (2021) 13:4 *Sustainability* at 4.

worldwide. Used clothing is often shipped from developed countries to developing countries. It is then sold in local markets or processed for reuse. Transporting used clothing requires fuel-intensive shipping methods, such as large container ships or cargo planes, contributing to greenhouse gas emissions and air pollution. Another impact of the second-hand clothes trade is the processing of used clothing. Second-hand clothing often requires cleaning and processing to make it proper for resale or reuse. This process usually using chemicals and dyes, which can harm the environment and human health. Moreover, the processing of second-hand clothing can generate waste and pollution, including the release of microplastics into the environment.

The impact of the second-hand clothes trade on local textile industries and artisans is also an essential consideration. The influx of cheap second-hand clothing can harm local textile industries, which may need help to compete with the low prices offered by imported used clothing. Additionally, the demand for used clothing can lead to the displacement of local artisans and craftspeople who produce traditional clothing and textiles.

D. Detailed Analysis of Environmental Effects

The second-hand clothing industry has substantial environmental consequences that are frequently disregarded. Second-hand clothing manufacture, transportation, and disposal contribute to environmental degradation in numerous ways through water consumption, chemical contamination, CO₂ emissions, and textile waste. From manufacture to consumption, the fashion industry generates about 92 million tonnes of garbage every year and consumes 79 trillion gallons of water.⁷⁵

To begin with, creating second-hand clothing requires using resources such as water, electricity, and raw materials, resulting in a more significant environmental effect. In addition, the manufacturing process generates trash, particularly textile waste, which can pollute streams and deteriorate soil quality. The first phase in the global textile supply chain is textile manufacture, which involves the creation of both natural and synthetic fibers. As a result, numerous occupational dangers exist, including respiratory hazards caused by poor ventilation, such as cotton

⁷⁵ Niinimäki et al, *supra* note 6.

dust and synthetic air particles, and musculoskeletal hazards caused by repetitive motion jobs.⁷⁶

Secondly, the transportation of used clothing generates a considerable carbon impact due to long-distance shipping and plane travel. This contributes to greenhouse gas emissions, exacerbating climate change, which in turn results in unpredictable weather patterns and habitat damage. Thirdly, the disposal of used clothing can harm the environment. Unsold second-hand clothing is sometimes discarded, resulting in textile waste that winds up in landfills or is burnt. Textile waste at landfills can take up precious space and contribute to soil and water pollution, whereas incineration produces air pollutants that impact air quality. Furthermore, in underdeveloped nations, the disposal of used clothing can have severe social and environmental consequences. Second-hand clothing that cannot be sold in developed countries is sometimes sent to underdeveloped countries, impairing the local textile industry and impeding sustainable development efforts.

Such analyses help to reduce the negative impacts of the second-hand clothing trade on the environment, promote the adoption of sustainable practices, and encourage policymakers to enact laws to regulate the industry in a bid to minimize its effects on the environment. A study conducted by Baden and Barber in 2005 showed that the second-hand clothing trade can have both positive and negative impacts on developing countries. Therefore, careful management and regulation of this industry are necessary to ensure that its benefits outweigh the environmental costs.⁷⁷ Moreover, the article highlights the history of the second-hand clothing trade, which has been observed for centuries. During these years, the second-hand clothing trade has evolved in different stages of industrialization across various regions.

E. Possible Solutions to Reduce Negative Environmental Impacts

The environmental impacts of the second-hand clothes trade are complex and varied, and further research is important to understand its effects fully. Some strategies to mitigate the negative environmental impacts of the second-hand

⁷⁶ Bick, Halsey & Ekenga, *supra* note 72, at 2.

⁷⁷ Emma Johnson & Andrius Plepys, “Product-Service Systems and Sustainability: Analysing the Environmental Impacts of Rental Clothing” (2021) 13:4 Sustainability at 4 & 6.

clothes trade include reducing transportation emissions, developing sustainable processing methods, and supporting local textile industries and artisans. By making more conscious purchasing decisions and supporting sustainable fashion, consumers can significantly reduce the environmental impact of second-hand clothing. They can help reduce the demand for new clothing while supporting the growth of a circular economy in which waste materials are reincorporated into manufacturing. Recognizing that the second-hand clothing trade can have positive and negative environmental consequences is critical.⁷⁸

Stakeholders and consumers must work together to create a sustainable second-hand clothing industry that minimizes adverse environmental effects while maximizing positive impacts. The importance of sustainable practices in the second-hand clothing trade has never been greater. It is critical to reduce the environmental impacts of this industry and work toward long-term solutions that address these concerns. Transportation emissions from cross-border export and import of used clothing must be reduced through more efficient supply chain methods, local production of used clothing, and incentives for recycling and repurposing unsold clothing.⁷⁹

Consumers must support sustainable fashion and make more conscious purchasing decisions to reduce the demand for new clothing. This will contribute to developing a circular economy in which waste materials are reincorporated into manufacturing, reducing negative environmental impacts while maximizing positive ones. Furthermore, the social and economic impacts of the second-hand clothing trade must be recognized, particularly in developing countries where this industry provides employment opportunities and affordable clothing options for low-income populations. As a result, we must work to develop a sustainable second-hand clothing industry that considers all of these factors and aims to have a positive impact on both the environment and local communities.⁸⁰

⁷⁸ Szymon Michalak et al, “Motives for the Usage of Collaborative Fashion Consumption Online Platforms” (2022) 44:2 *Marketing of Scientific and Research ORganizations* at 6-7.

⁷⁹ Patrizia Gazzola et al, “Trends in the Fashion Industry. The Perception of Sustainability and Circular Economy: A Gender/Generation Quantitative Approach” (2020) 12:7 *Sustainability* at 9-10.

⁸⁰ Shaik Vaseem Akram et al, “Implementation of Digitalized Technologies for Fashion Industry 4.0: Opportunities and Challenges” (2022) 2022:1 *Scientific Programming* at 3-4.

Here is an example from Rwanda's experience. For over a century, Rwandans have long relied on imported second-hand clothing from Belgian firms in the used clothing trade. Rwanda spent over \$100 million on second-hand clothing imports in 2016, highlighting the need for sustainable and locally produced clothing options. It is critical to recognize the negative impact that this reliance on imported used clothing can have on local textile industries and economies. While second-hand clothing can provide affordable and accessible clothing options for many communities, we must also work to develop a sustainable and self-sufficient textile industry in developing countries such as Rwanda.⁸¹ Furthermore, the emphasis must be placed on reducing waste and promoting the circular economy within the used clothing industry. Efforts must be made to promote clothing recycling and repurposing and reduce transportation emissions through more efficient supply chain methods and local production. All stakeholders must work together to promote sustainable fashion and create a circular economy in the second-hand clothing industry.

V. CONCLUSION

It is critical to emphasize the significance of environmental analysis in second-hand clothing trade regulations and advocate for sustainable practices to minimize its negative effects on the environment while maximizing its positive impact on local businesses and economies in developing countries. In conclusion, the article emphasizes the need for a thorough understanding of the environmental effects of the second-hand clothing trade and suggests that accurate and timely analysis can be beneficial in promoting sustainable practices and minimizing negative environmental impacts. In the situation of armed conflict, second-hand clothing may play an important role, providing the PoW with a basic necessity that they may not have access to. By considering the perspectives of the stakeholders, including POWs, the world may create a more just and equitable second-hand clothing industry.

⁸¹ Pritish Behuria, "Twenty-first Century Industrial Policy in a Small Developing Country: The Challenges of Reviving Manufacturing in Rwanda" (2019) 50:4 Development and Change at 1050.

The second-hand clothing sector has serious environmental consequences that must be addressed immediately. To reduce environmental degradation, it is critical to adopt sustainable techniques for producing, transporting, and disposing of second-hand clothing. Governments, private-sector entities, and civil society organizations should collaborate to guarantee that the second-hand clothing trade is sustainable and does not jeopardize the environment's integrity.

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