

Party of captive-bred and artificially propagated specimens of Appendix I species only after receiving favourable advice from the Secretariat (the latter's role is less sweeping with regard to such trade among Parties).³⁹

In closing this section, it is worth noting that member countries recognize that, quite apart from possible differences in interpretation, there are real enforcement problems associated with CITES. For example, a recent U.S. publication reproduced the following refreshingly straight-forward evaluation of the U.S. Fish and Wildlife Service:

"Computerized cargo is of such volume into the United States that only a very small percentage of containers entering the United States is inspected for violations. We suspect large amounts of illegal trade goes undetected."⁴⁰

Technically, this puts the U.S. in violation of its obligations to penalize trade in or possession of specimens of endangered species.⁴¹ The U.S. is by no means alone in this regard. The periodic Conferences of the Parties regularly approve resolutions that refer to serious, widespread difficulties related to compliance matters.

3. DISPUTE SETTLEMENT: ON GEESE AND GANDERS

More than one-third of existing international environmental agreements contain dispute settlement provisions.⁴² Such mechanisms are becoming a normal part of IEAs. This is entirely appropriate and necessary. Yet compared to trade agreements, the dispute settlement provisions in IEAs remain underdeveloped. Given the much longer history of negotiating trade agreements, this difference is understandable, but nonetheless serious.

3.1 The Montreal Protocol

The possible exceptions to disciplines listed in Part 2.1 above not only highlight cracks in the control system not open to non-Parties. Several could also lead to disputes among Parties. This consideration leads to the second stage in this

³⁹ Resolutions Conf. 2.6 and 8.8 respectively. Other examples are found in Resolutions Conf. 4.15 and 5.16(j).

⁴⁰ Cited in USITC, International Agreements, p. 5-29.

⁴¹ CITES, Article VIII.

⁴² OECD, COM/ENV/TD(93)118, 15 November 1993, paragraph 1.