

the definition of household wastes also outlined previously. The fact is that Basel not only treats non-Parties on a discriminatory manner (which might be defensible), but it also fails to provide specific enough guidance to prevent a Party from distorting the Convention's provisions well beyond the likely intent of negotiators in a manner potentially detrimental to non-Parties and other Parties alike.

2.3 The Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)

CITES is a primary international instrument for protecting flora and fauna from possible extinction. It tries to do so by providing for the monitoring and regulating of cross-border trade. CITES was done in 1973, entering into force two years later. Currently, there are 115 Parties to this Convention, making it by far the most important of all international wildlife treaties. CITES covers over 20,000 species of plants and more than 500 animal species.³²

Briefly, the CITES control system is as follows. The Convention divides controlled fauna and flora into three categories (each with a specific detailed Appendix):

- species threatened with extinction (trade in these species and their recognizable parts or derivatives is authorized only under exceptional circumstances);
- species that may become endangered unless trade is regulated; and
- species that an individual Party identifies as being subject to regulation within its own jurisdiction for the purpose of preventing or restricting exploitation, and needing the cooperation of other Parties through the control of trade.

Species are added to one Appendix or another through a regular amending procedure, usually undertaken at a conference of the Parties held every two years or so. More generally, the Parties are obligated to establish a trade control system based on permits and certificates, to implement appropriate domestic enforcement measures (including penalties for trade in or possession of specimens traded in violation of the Convention), and to provide regular detailed reports to the CITES Secretariat on cross-border traffic in endangered species and on legislative, regulatory and other measures taken to enforce the provisions of the Convention.³³

³²USITC, International Agreements, p. 5-29

³³ See CITES, Articles VI and VII.