

movement of all humanitarian personnel and to facilitate the delivery of humanitarian relief to the Somali people, including through the opening of the airport and harbour of Mogadishu.

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## SOUTH AFRICA

**Date of admission to UN:** 7 November 1945.

### TREATIES AND REPORTS TO TREATY BODIES

**Land and People:** South Africa has not submitted a core document for use by the treaty bodies.

#### Economic, Social and Cultural Rights

Signed: 3 October 1994.

#### Civil and Political Rights

Signed: 3 October 1994.

#### Racial Discrimination

Signed: 3 October 1994.

#### Discrimination against Women

Signed: 29 January 1993; ratified: 15 December 1995.  
South Africa's initial report was due 14 January 1997.

#### Torture

Signed: 29 January 1993.

#### Rights of the Child

Signed: 29 January 1993; ratified: 16 June 1995.  
South Africa's initial report was due 15 July 1997.

### THEMATIC REPORTS

#### *Mechanisms of the Commission on Human Rights*

##### **Disappearances, Working Group on enforced or involuntary:** (E/CN.4/1997/34, paras. 314-316)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. The majority of the 11 outstanding cases of disappearance reported to the WG occurred between 1976 and 1982 in Namibia which was, at that time, under South African jurisdiction. Responsibility for the disappearance was imputed to agents of South Africa. The government did provide the WG with new information on these cases.

##### **Toxic wastes and products, Special Rapporteur on:** (E/CN.4/1997/19, para. 64)

The report refers to the British transnational corporation Thor Chemicals and its announcement that it would phase out all mercury-related operations at its Durban plant by the end of 1996. The announcement came after three Thor executives were charged with culpable homicide and 42 contraventions of safety laws following the death of a worker from suspected mercury poisoning. The report states that public pressure pushed the government to ban the import of toxic wastes but that the ban apparently did not include materials imported for recycling, which is what Thor Chemicals claimed to do. The report notes that Thor employs 60 to 100 black labourers, most of whom handle a variety of high risk exposure operations without apparently knowing the dangers involved and, further, that former Thor workers still suffer from mercury

poisoning. Information received by the Special Rapporteur also indicated that workers employed on a part-time basis as casual labourers were dismissed after they began to suffer symptoms of mercury poisoning.

The government's response to the report stated: the allegations concerning Thor Chemicals related to poor household practices within the factory and, in 1995, the company was found guilty of contravening the Machinery and Occupational Safety Act of 1983; the import of spent mercury catalyst was known by the government and therefore did not involve illicit dumping; the import of such material was terminated in 1992; the majority of material is stockpiled at Thor Chemicals and future treatment of the material is the subject of a Commission of Inquiry appointed in March 1995; the terms of reference of the Commission are to investigate the history and background of the acquisition of spent mercury catalyst by Thor Chemicals and other materials and to report on its future use or disposal; the Commission will also investigate regulations and enforcement related to the monitoring and control of mercury processing. [This information was included in a photocopy of some governments' responses to the SR's report, generally available at the 1997 Commission.]

#### *Mechanisms and Reports of the Sub-Commission*

##### **Mercenaries, Special Rapporteur on the use of:**

(E/CN.4/1997/24, paras. 9-10, 13, 18, 25-68, 129)

The report refers to information received related to Executive Outcomes (EO), a private company registered in Pretoria as a security firm, and its subsidiaries. The information indicated that EO had been sending mercenaries to Angola and Sierra Leone under contracts concluded with the governments in exchange for substantial cash payments and mining concessions, and that the directors of the conglomerate were connected with former members of Battalion 32, which had fought in Angola under the name of Buffalo Battalion, as well as members of racist and extreme right-wing paramilitary organizations in South Africa. The Special Rapporteur (SR) on the use of mercenaries visited South Africa from 20 to 30 October 1996.

Discussions with representatives of the government elicited the following points: the government strongly condemned the use, training, financing and recruitment of mercenaries wherever they occurred and particularly in Africa; governments in Africa were recruiting and hiring mercenaries to deal with problems and conflicts of an armed nature; South Africa was dealing diplomatically with those governments at the bilateral level and in the framework of the Organization of African Unity (OAU) to solve that problem; the governments in question, however, denied that they were recruiting mercenaries or justified the recruitment and hiring of foreigners on the grounds of national interest or for reasons of state; the South African government was preparing a draft bill governing the activities of private security service companies offering their services abroad and providing military assistance, bearing in mind the need for the law to be consistent with the Constitution, particularly in such areas as restrictions on the issuance of passports or on the right to leave and return to the country; the presence of private security companies in other countries was the result of a security vacuum resulting from the armed conflicts they had sustained and the fact that those conflicts had ended; and, demobilized