

gories of rights under the international human rights instruments, not only collective rights but also individual political, civil, social and economic or cultural rights. The rights affected are noted as including the right to life and security of person, health, an adequate standard of living, adequate food and housing, work and non-discrimination, association and freedom of access to information. On the issue of access to information, the report notes that violations of the right hampered action by individuals or groups to prevent the dumping of toxic wastes, to exercise their rights and to mobilize the human and financial resources necessary to deal with the problem. The SR stated that, generally speaking, in the absence of information, the root problem goes unnoticed until an incident occurs with serious consequences for the life and health of individuals as well as irreversible damage to the environment. After the incident, information vital to the victims and their protection is either withheld, falsified, or supplied late or in an incomplete, piecemeal or unusable state. Obstacles are also placed in the way of the exercise of the right to disseminate information, with government authorities citing reasons of national security and transnational corporations claiming commercial confidentiality.

Referring to the practices of transnational corporations, the report refers to information indicating that under these practices other rights are also affected, including peoples' right to self-determination and to dispose freely of their natural resources, the right to development, the right to work, the right to the enjoyment of just and favourable conditions of work and the right to form and join trade unions, the right to strike and participate in collective bargaining, the right to social security and the right to enjoy the benefits of scientific progress and its applications.

The recommendations in the report include, *inter alia*, that:

- ♦ the ability of countries to detect and suppress any attempt to import toxic and dangerous products into their territory be reinforced;
- ♦ international judicial cooperation and exchanges of information be facilitated in order to mount an effective defence against fraud and corruption in the countries of origin, the importing countries and the transit countries and to combat organized trafficking networks;
- ♦ databases be established to facilitate the collection of information on illicit trafficking to assist developing countries, identifying the nature of dangerous products and toxic wastes, the companies that indulge in illicit practices and any organized networks that may be uncovered;
- ♦ the capabilities of the secretariat of the Basel Convention and, at an opportune moment, those of the secretariat of the Bamako Convention, be strengthened;
- ♦ states be encouraged to ratify the Basel and Bamako Conventions and to cooperate fully in the implemen-

tation of their provisions, including those prohibiting the export of dangerous goods, even for recycling, from the industrialized countries to the developing countries;

- ♦ the capacity of developing countries to detect the true nature of products entering their territory be strengthened through, for example, financial assistance, transfer of appropriate technology, provision of analytical laboratories, assistance in setting up domestic databases, the establishment of regional and international centres for the exchange of data and information, and provision of assistance in education for the wider public and training for professionals in health, environment, business, customs, the police, anti-fraud services and the judicial system;
- ♦ governments promulgate specific domestic legislation related to the issue and take measures — including administrative, civil and penal sanctions — to deter individuals, companies and transnational corporations involved in illicit trafficking;
- ♦ bearing in mind that under the Basel Convention and the Bamako Convention, illicit trafficking in toxic wastes and dangerous products is a crime, states take appropriate steps to classify offences relating to illicit movement of such wastes and products as criminal offences under their own domestic law and consider recognizing the criminal responsibility of legal persons;
- ♦ independent national commissions of inquiry with judicial or quasi-judicial powers be instituted in cases of alleged illicit movement or attempted dumping of toxic wastes or dangerous products to: (a) clarify the circumstances surrounding the events; (b) expose any fraud or bribery; (c) prosecute the alleged perpetrators; (d) assess the impact on the environment and on the rights of the persons or communities affected; (e) guarantee effective means of redress so that victims can obtain adequate compensation or reparation; and (f) propose remedies to rectify the situation and to prevent the recurrence of illicit practices;
- ♦ environmental defence organizations, local associations and non-governmental organizations be strengthened to facilitate public education, encourage implementation of preventive measures and assistance to victims; and more states adopt domestic measures to strengthen the judicial remedies exercised by such associations on victims' behalf, if necessary through the courts of the country of origin of the transnational corporation concerned.

Report on the mission to Africa (E/CN.4/1998/10/Add.2)

The SR visited Pretoria, Johannesburg and Cape Town from 10 to 16 August 1997, Nairobi from 16 to 19 August 1997 — mainly to hold consultations with the secretariat of the United Nations Environmental Programme (UNEP), and Addis Ababa from 19 to 21 August 1997.