



General Assembly

Distr.
GENERAL

A/42/414
23 July 1987

ORIGINAL: ENGLISH

Forty-second session
Item 36 of the provisional agenda*

QUESTION OF NAMIBIA

Letter dated 23 July 1987 from the Chargé d'affaires a.i. of the
Permanent Mission of the Netherlands to the United Nations
addressed to the Secretary-General

I have the honour to draw your attention to the following:

On 14 July 1987, the United Nations Council for Namibia instituted legal proceedings before the district court of The Hague against Urenco Nederland V.O.F., Ultracentrifuge Nederland N.V. (UCN) and the State of the Netherlands, in order to halt operations deemed to be in violation of the Council's Decree No. 1 for the Protection of the Natural Resources of Namibia. In view of the fact that the Council has summoned in a court of law not only two industrial companies in the Netherlands, but also the State of the Netherlands itself, a Member State of the United Nations, the Netherlands Government considers it appropriate to clarify its position in this matter. Furthermore the Netherlands Government considers it essential to do so, since it was not given a proper opportunity to present its view on the matter in a formal session of the Council for Namibia. The Netherlands Government would submit that this should have been the correct way to proceed, especially given the unprecedented nature of the action taken.

Netherlands electricity companies do not buy Namibian uranium. Urenco Nederland V.O.F. and UCN operate within a German, British and Netherlands consortium, Urenco Ltd., established in 1971, that concludes enrichment contracts on behalf of the three partners in the consortium with electricity suppliers. By these contracts the consortium binds itself to enrich, on behalf of the electricity suppliers, uranium-hexafluoride (UF₆), a product that is derived by conversion

* A/42/150.

successively from uranium ore into U_3O_8 (yellow cake) and from U_3O_8 into UF_6 . These processes do not take place in the Netherlands. A number of industrial companies in various countries are participating in subsequent processes that finally result in nuclear fuel for electricity generation. The Netherlands does not consider these activities to be in conflict with Decree No. 1.

In its writ of summons, the Council claims, inter alia, that the Netherlands, by allowing Urenco Nederland to conduct these activities, is acting unlawfully vis-à-vis the people of Namibia, viz. infringing and contributing towards the infringement of the right to self-determination of the people of Namibia and the rights of that people with respect to the ownership and exploitation of the natural resources of Namibia. By levelling such an unwarranted accusation against the Netherlands, the Council seems to question the sincerity of the Netherlands Government on this vital issue, despite the latter's longstanding commitment to the well-being and legitimate aspirations of the Namibian people. The Netherlands has always firmly supported the Namibian cause, in particular Security Council resolution 435 (1978), being the only viable framework for the independence of Namibia. It will continue to do so, although the present proceedings in themselves might justify a reconsideration of position with regard to the Council for Namibia.

The Netherlands is fully conscious of and sympathizes with the Council's concern to protect, pending Namibia's independence, the natural resources of its people. Conscious of the need to protect also Namibian living resources, the Netherlands welcomes the decision of the Council, taken at its extraordinary plenary meetings in Vienna from 3 to 7 June 1985, and endorsed by the General Assembly, to proclaim an exclusive economic zone of 200 miles for Namibia. That decision has, unfortunately, not yet been implemented. Given the Council's task to protect Namibian resources and its decision to do so, inter alia, through legal action, one would have expected the Council to concentrate on real infringements of Decree No. 1 that are actually taking place. The activities of Urenco Nederland V.O.F. and UCN by no means fall within this category.

I would appreciate it if this letter were circulated as a document of the General Assembly under item 36 of the provisional agenda.

(Signed) Jaap RAMAKER
Acting Permanent Representative
