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NOTE VERBALE DATED 8 NOVEMBER 1978 FROM THE PERMANENT MISSION OF
BELGIUM TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Belgium to the United Nations has the honour, with reference to the Secretary-General's note PO 230 SOAF (2-2-5) dated 18 May 1978 concerning implementation of the provisions of paragraph 3 of Security Council resolution 418 (1977), to inform him of the following:

Belgium has formally undertaken to comply with the mandatory provisions of Security Council resolution 418 (1977). This undertaking, which was confirmed to the Secretary-General by note of 16 December 1977, is in line with the measures which Belgium has for long been applying on a voluntary basis with respect to the embargo on deliveries of arms to South Africa.

With regard to paragraph 3 of resolution 418 (1977), there are no longer any contractual arrangements or licences in force between Belgium and South Africa relating to the manufacture and maintenance of arms, ammunition of any type or military equipment and vehicles.

Inasmuch as Belgium has on several occasions been impugned in documents emanating either from the Special Committee or from the United Nations Centre against Apartheid, it should be noted that South Africa has for a long time been manufacturing the FAL automatic rifle and the FN/UZI light machine-gun. The FAL was the subject of the note reproduced in document S/12860 of 22 September 1978. The FN/UZI was invented in Israel in 1950 and the licence to manufacture it was sold in 1958 to a Belgian company, which entered into a sublicensing agreement with a South African company on 23 May 1961, in tempore non suspecto.

In accordance with the Belgian Act of 24 May 1854, which stipulates that "the term of a patent shall be 20 years", the FN/UZI patent expired in 1970 and the product is now in the public domain. Technological collaboration between the Belgian and South African companies ceased and the agreement they had entered into, being no longer applicable, lapsed in 1970. The Belgian company which owned the licence to manufacture the FN/UZI had itself completely discontinued production of the light machine-gun in 1968.

It is common knowledge that, since the FN/UZI light machine-gun entered the public domain upon the expiry of the patent, it has been freely copied by a number of countries, both developed and developing, without any technological co-operation with Belgian companies, whether by contractual arrangement or otherwise.

S/12932
English
Page 2

In conclusion, Belgium declares that it is scrupulously observing the provisions of resolution 418 (1977), including those of paragraph 3.

The Permanent Mission of Belgium to the United Nations requests the Secretary-General to have the text of this note circulated as an official document of the Security Council.
