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MODEL INSTRUMENTS OF [RATIFICATION] [ACCEPTANCE] [APPROVAL] AND
ACCESSION FOR THE ASSISTANCE OF STATES IN THE IMPLEMENTATION
OF THE CAPE TOWN CONVENTION ON INTERNATIONAL INTERESTS
IN MOBILE EQUIPMENT AND THE PROTOCOL THERETO
ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT

(prepared by the Secretariat of UNIDROIT, as Depositary)

Rome, January 2003

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I. BACKGROUND

1. On 20 December 2002 the Secretariat of the International Institute for the Unification of Private Law (UNIDROIT) was, as Depositary, requested by Dr Ludwig Weber, Director of the Legal Bureau of the International Civil Aviation Organization (ICAO), to provide it with elements to be included in an “administrative package” to be sent out by ICAO, under cover of a State letter, pursuant to the discussions that had taken place during the Ninth Meeting of the 167th session of the ICAO Council, held in Montreal on 22 November 2002, with a view to assisting States in ratifying the Convention on International Interests in Mobile Equipment (hereinafter referred to as *the Convention*) and the Protocol thereto on Matters specific to Aircraft Equipment (hereinafter referred to as *the Aircraft Protocol*) opened to signature in Cape Town on 16 November 2001, at the conclusion of a diplomatic Conference organised under the joint auspices of UNIDROIT and ICAO, and in particular model instruments of [ratification] [acceptance] [approval] and accession for the assistance of States in the implementation of the Convention and the Aircraft Protocol.

2. This document sets forth model instruments of [ratification] [acceptance] [approval] and accession for the assistance of States in the implementation of the Convention and the Aircraft Protocol. Section II hereunder contains a Model Instrument of [Ratification] [Acceptance] [Approval] for the assistance of States in the implementation of the Convention. Section III contains a Model Instrument of Accession for the assistance of States in the implementation of the Convention. Section IV contains a Model Instrument of [Ratification] [Acceptance] [Approval] for the assistance of States in the implementation of the Aircraft Protocol. Section V contains a Model Instrument of Accession for the assistance of States in the implementation of the Aircraft Protocol.

3. This document and the model instruments of ratification, acceptance, approval and accession that it embodies are to be read in conjunction with the Explanatory Memorandum on the system of declarations under the Convention and the Aircraft Protocol for the assistance of States and Regional Economic Integration Organisations in the completing of declarations (DC9/DEP Doc. 1). Most of the declarations either to be made or that may be made under the Convention and the Aircraft Protocol are required to be made at the time of ratification, acceptance, approval or accession in the case of a Contracting State. This is the case of the declarations that are the subject of Forms Nos 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33 and 34, as set out in the aforementioned Explanatory Memorandum.

II. MODEL INSTRUMENT OF [RATIFICATION] [ACCEPTANCE]
[APPROVAL] FOR THE ASSISTANCE OF STATES IN THE
IMPLEMENTATION OF THE CONVENTION

MODEL INSTRUMENT OF [RATIFICATION]
[ACCEPTANCE] [APPROVAL] *(delete whichever is inappropriate)*
BY *(insert the name of the State)*

WHEREAS the Convention on International Interests in Mobile Equipment (hereinafter referred to as “the Convention”) was concluded in Cape Town on 16 November 2001;

WHEREAS the Convention was signed on behalf of *(insert the name of the State)* on
.... *(insert the date of signature)*;

AND WHEREAS Article 47(2) of the Convention specifies that the latter is subject to ratification, acceptance or approval by States which have signed it;

NOW THEREFORE, *(insert the name of the State)*, having considered the Convention, hereby [RATIFIES] [ACCEPTS] [APPROVES] *(delete whichever is inappropriate)* it, and undertakes faithfully to abide by all the provisions contained therein.

IN WITNESS THEREOF, I have signed this Instrument of [Ratification] [Acceptance] [Approval] *(delete whichever is inappropriate)* and affixed hereunto the Seal of *(insert the name of the State)*.

Date

(Signature by Head of State,
Head of Government or
Minister of Foreign Affairs)

Seal

III. MODEL INSTRUMENT OF ACCESSION FOR THE ASSISTANCE OF STATES IN THE IMPLEMENTATION OF THE CONVENTION

MODEL INSTRUMENT OF ACCESSION

BY (*insert the name of the State*)

WHEREAS the Convention on International Interests in Mobile Equipment (hereinafter referred to as “the Convention”) was concluded in Cape Town on 16 November 2001;

AND WHEREAS Article 47(3) of the Convention specifies that any State which does not sign the Convention may accede to it at any time;

NOW THEREFORE, (*insert the name of the State*), having considered the Convention, hereby *ACCEDES* to it, and undertakes faithfully to abide by all the provisions contained therein.

IN WITNESS THEREOF, I have signed this Instrument of Accession and affixed hereunto the Seal of (*insert the name of the State*).

Date

(Signature by Head of State,
Head of Government or
Minister of Foreign Affairs)

Seal

**IV. MODEL INSTRUMENT OF [RATIFICATION] [ACCEPTANCE]
[APPROVAL] FOR THE ASSISTANCE OF STATES IN THE
IMPLEMENTATION OF THE AIRCRAFT PROTOCOL**

**MODEL INSTRUMENT OF [RATIFICATION]
[ACCEPTANCE] [APPROVAL] *(delete whichever is inappropriate)*
BY *(insert the name of the State)***

WHEREAS the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (hereinafter referred to as “the Aircraft Protocol”) was concluded in Cape Town on 16 November 2001;

WHEREAS the Aircraft Protocol was signed on behalf of *(insert the name of the State)* on *(insert the date of signature)*;

AND WHEREAS Article XXVI(2) of the Aircraft Protocol specifies that the latter is subject to ratification, acceptance or approval by States which have signed it;

NOW THEREFORE, *(insert the name of the State)*, having considered the Aircraft Protocol, hereby *[RATIFIES] [ACCEPTS] [APPROVES]* *(delete whichever is inappropriate)* it, and undertakes faithfully to abide by all the provisions contained therein.

IN WITNESS THEREOF, I have signed this Instrument of *[Ratification]* *[Acceptance]* *[Approval]* *(delete whichever is inappropriate)* and affixed hereunto the Seal of *(insert the name of the State)*.

Date

(Signature by Head of State,
Head of Government or
Minister of Foreign Affairs)

Seal

V. MODEL INSTRUMENT OF ACCESSION FOR THE ASSISTANCE OF STATES IN THE IMPLEMENTATION OF THE AIRCRAFT PROTOCOL

MODEL INSTRUMENT OF ACCESSION

BY (*insert the name of the State*)

WHEREAS the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (hereinafter referred to as “the Aircraft Protocol”) was concluded in Cape Town on 16 November 2001;

AND WHEREAS Article XXVI(3) of the Aircraft Protocol specifies that any State which does not sign the Aircraft Protocol may accede to it at any time;

NOW THEREFORE, (*insert the name of the State*), having considered the Aircraft Protocol, hereby *ACCEDES* to it, and undertakes faithfully to abide by all the provisions contained therein.

IN WITNESS THEREOF, I have signed this Instrument of Accession and affixed hereunto the Seal of (*insert the name of the State*).

Date

(Signature by Head of State,
Head of Government or
Minister of Foreign Affairs)

Seal