

MODEL INSTRUMENTS OF RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION FOR THE ASSISTANCE OF STATES IN THE IMPLEMENTATION OF THE CAPE TOWN CONVENTION AND MAC PROTOCOL

I. BACKGROUND

This paper has been prepared by the UNIDROIT Secretariat and sets out model instruments of ratification, acceptance, approval and accession for the assistance of States that are contemplating becoming Contracting States under the Convention on International Interests in Mobile Equipment (hereinafter referred to as the *Convention*) and the Protocol to the Convention on Matters Specific to Mining, Agricultural and Construction Equipment (hereinafter referred to as the *MAC Protocol*).

II. MODEL INSTRUMENTS OF **RATIFICATION/ACCEPTANCE/APPROVAL**

A. CONVENTION

**MODEL INSTRUMENT OF [RATIFICATION]
[ACCEPTANCE] [APPROVAL] (delete the inapplicable options)
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 the inapplicable options) 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 the inapplicable options) 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

B. MAC PROTOCOL

**MODEL INSTRUMENT OF [RATIFICATION]
[ACCEPTANCE] [APPROVAL] (delete the inapplicable options)
BY ... (insert the name of the State)**

WHEREAS the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Mining, Agricultural and Construction Equipment (hereinafter referred to as the *MAC Protocol*) was concluded in Pretoria on 22 November 2019;

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

AND WHEREAS Article XXIII(2) of the MAC 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 MAC Protocol, hereby [RATIFIES] [ACCEPTS] [APPROVES] (delete the inapplicable options) 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 the inapplicable options) 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**

A. 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

B. MAC 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 Mining, Agricultural and Construction Equipment (hereinafter referred to as the *MAC Protocol*) was concluded in Pretoria on 22 November 2019;

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

NOW THEREFORE, ... (insert the name of the State), having considered the MAC 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