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Item No. 8 on the agenda: International Interests in Mobile Equipment

(a) Implementation and status of the Cape Town Convention and the Aircraft Protocol

(prepared by the Secretariat)

<i>Summary</i>	<i>Update on the implementation of the Aircraft Protocol to the Cape Town Convention.</i>
<i>Action to be taken</i>	<i>The Governing Council is invited to note the progress on implementation of the Aircraft Protocol to the Cape Town Convention.</i>
<i>Mandate</i>	<i>Work Programme 2026-2028 (Implementation of Instruments)</i>
<i>Priority level</i>	<i>High</i>

I. INTRODUCTION

1. The Protocol to the Cape Town Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Aircraft Protocol) was opened for signature in Cape Town, South Africa on 16 November 2001. UNIDROIT is designated as the Depositary for the instrument pursuant to Article [XXXVII\(1\)](#) of the Protocol. UNIDROIT's responsibilities as Depositary under the Aircraft Protocol include the operation of a system for the receipt and notification of all instruments of ratification, declarations, and other documents lodged with the Depositary. The International Civil Aviation Organization (ICAO) was designated by [Cape Town Convention Diplomatic Conference Resolution No. 2](#) as the Supervisory Authority for the International Registry for interests in aircraft objects.

II. STATUS

2. The Aircraft Protocol entered into force on 1 March 2006 and currently has 87 Contracting States.¹ Since the Governing Council's 105th session, Georgia² and Lithuania³ have become Contracting States. The Cape Town Convention itself has 90 Contracting States.⁴

III. IMPLEMENTATION UPDATE

A. Implementation work conducted by the Secretariat

3. In addition to its work as Depositary, in the last twelve months, the UNIDROIT Secretariat has undertaken the following promotional activity regarding the Aircraft Protocol:

- (a) Bilateral consultations with Fiji, France, Georgia, Guatemala, Italy, Japan, Lithuania, Palau, Papua New Guinea, Poland, Mauritius, Samoa and Serbia on promotion/accession/ratification of the Cape Town Convention and Aircraft Protocol, as well as bilateral work with the Democratic Republic of Congo on implementation and compliance with the Cape Town Convention and Aircraft Protocol;
- (b) Presentation of the Cape Town Convention and Aircraft Protocol to 26 Governmental representatives from 16 African countries as part of the African International Programme for Law and Development (Rome, June 2025);
- (c) Presentation of the Cape Town Convention and Aircraft Protocol to 20 Governmental representatives from nine countries from the Balkans, Eastern Partnership, Central Asia, and Caucasus (BEPAC) region as part of the BEPCAC International Programme for Law and Development (Rome, June 2025);
- (d) Presentation of the Cape Town Convention and Aircraft Protocol to 100 participants from 18 countries during the 2025 UNIDROIT Asian Transnational Law Centre Summer School (Wuhan, September 2025);⁵
- (e) Aircraft Protocol-related sessions at the 14th Cape Town Convention Conference (Cambridge, September 2025);⁶
- (f) Presentation on the Cape Town Convention and Aircraft Protocol at an international Conference in partnership with the EBRD (London, September 2025);⁷
- (g) Presentation of the Aircraft Protocol to the New Zealand Chapter of the Banking and Financial Legal Services Association of Australia and New Zealand (BFSLA) (Auckland, March 2026); and
- (h) Presentation of the Aircraft Protocol to the Australian Chapter of the Banking and Financial Legal Services Association of Australia and New Zealand (BFSLA) – representatives from Australia's top law firms and financial institutions attended the event (Sydney, March 2026).

¹ As of 17 April 2026.

² Accession 28 August 2025, entry into force 1 December 2025.

³ Accession 29 August 2025, entry into force 1 December 2025.

⁴ Seychelles, Syria and Zimbabwe have acceded to the Convention but not to any of its Protocols.

⁵ <https://www.unidroit.org/2025-unidroit-atlc-summer-school-opens-in-wuhan/>.

⁶ <https://www.unidroit.org/14th-ctc-conference-dedicated-to-treaty-implementation-in-cambridge/>.

⁷ <https://www.unidroit.org/wp-content/uploads/2025/08/1868-EBRD-UNIDROIT-conference-invite-agenda-3.pdf>.

B. Implementation work conducted by the Aviation Working Group

4. In coordination with the implementation work undertaken by UNIDROIT and ICAO, the implementation of the Aircraft Protocol has been driven by the Aviation Working Group (AWG). The AWG is a not-for-profit legal entity comprised of members from the different areas of the aviation industry, including the major aviation manufacturers, leasing companies, and financial institutions that contribute to the development of policies, laws and regulations that facilitate advanced international aviation financing and leasing.⁸

5. The following paragraphs include an account of the implementation activities undertaken during the past year by the AWG. The Secretariat is merely giving notice of the information received from AWG, which is deemed relevant for the provision of a full picture of the overall implementation efforts.

6. The AWG independently undertakes a number of activities that maximise the benefits of the Aircraft Protocol for the industry. These activities include (i) assistance to States with the process to become a Contracting State to the Convention and Aircraft Protocol (including assistance with the [qualifying declarations](#) under the [OECD Aircraft Sector Understanding](#) and [short-form model legislation relating to the ratification/accession of the Convention and Protocol](#)), (ii) monitoring compliance with the Convention and Protocol by States that have already become party to the treaties (through the [CTC Compliance Index](#)), (iii) assistance to private parties to use the Cape Town Convention (through the preparation of [practitioners' guides](#) and [model documentation](#)) and (iv) general promotion of the Cape Town Convention (by supporting initiatives such as the [Cape Town Convention Academic Project](#), [Economic Assessments of the Cape Town Convention](#), the [Cape Town Convention Journal](#) and the [Cape Town Convention Moot Court Competition](#)).

7. Over the last twelve months, the AWG has undertaken the following promotional activity regarding the Aircraft Protocol:

- (a) Bilateral work with Cambodia and Thailand on promotion of/accession to the Cape Town Convention and Aircraft Protocol;
- (b) Bilateral work the Democratic Republic of Congo, the United Arab Emirates, Saudi Arabia, Brazil, and Viet Nam on implementation and compliance with the Cape Town Convention and Aircraft Protocol;
- (c) Bilateral consultations with the Indian Government on CTC Primacy Act and its implementing Rules, including the release of a white paper on the interpretation of the Protection of Interests in Aircraft Objects Act, 2025 (CTC Act) from India, in order to assist in the consistent and correct interpretation of the CTC Act;
- (d) The semi-annual release of an update of the [Cape Town Convention Compliance Index](#) (October 2025);
- (e) Joint work with the International Civil Aviation Organization (ICAO) on [capacity-building for States on the cross-border transferability of aircraft](#) in compliance with the Cape Town Convention and Aircraft Protocol, including a regional workshop for Latin America and the Caribbean (March 2026);
- (f) Substantial enhancement of the AWG global legal network (now over 300 firms) in support of the Cape Town Convention and Aircraft Protocol, including through first meetings of AWG's Regional Advisory Committee meetings – three of eleven

⁸ The AWG has 50 Members and a seven-person board comprised of Jeffrey Wool (Secretary General), Francois Collet (Co-Chair, Airbus), Vasgen Edwards (Co-Chair, Boeing), Sohinder Singh (engine manufacturer representative, General Electric Aerospace), Carol Forsyte (lessor representative, Air Lease Corporation), Jonathan Howard (bank representative, Standard Chartered), and Jose Serrador (regional manufacturer representative, Embraer).

meetings have already taken place covering (i) Latin America, (ii) Middle East (non-Gulf States) and North Africa, and (iii) South Asia;

- (g) Launch of an “enforceability index” that indirectly compares a country’s secured transaction and leasing legal system with the Cape Town Convention; and
- (h) Preliminary work on the translation of all AWG materials relating to the Cape Town Convention and Aircraft Protocol into Chinese, Spanish, French, and Arabic utilising AI technology with law firm review.

8. In 2026, the Secretariat will continue to cooperate closely with ICAO and the Aviation Working Group on promotion, implementation and compliance-related matters regarding the Cape Town Convention and its Aviation Protocol.

IV. ACTION TO BE TAKEN

9. *The Governing Council is invited to note the progress on implementation of the Aircraft Protocol to the Cape Town Convention.*