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**Item No. 5 on the agenda: International Interests in Mobile Equipment –  
(b) Implementation and status of the Cape Town Convention, Aircraft  
Protocol and Luxembourg Rail Protocol**

(Memorandum prepared by the Secretariat)

<i>Summary</i>	<i>Update on the implementation and status of the Cape Town Convention, the Aircraft Protocol and the Luxembourg (Rail) Protocol</i>
<i>Action to be taken</i>	<i>See § 11</i>
<i>Mandate</i>	<i>Work Programme 2011-2013</i>
<i>Priority level</i>	<i>High</i>
<i>Status</i>	<i>Ongoing activity</i>
<i>Related documents</i>	<i>Annual Report 2011 (C.D. (91) 2)</i>

**INTRODUCTION**

1. The *Convention on International Interests in Mobile Equipment* (the Convention) and the Protocol thereto on Matters specific to Aircraft Equipment (the Aircraft Protocol) were opened to signature in Cape Town on 16 November 2001. The *Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock* (the Luxembourg Protocol) was opened to signature in Luxembourg on 23 February 2007. UNIDROIT is designated the Depositary to each of these instruments, and this memorandum provides an update on the implementation of the Institute's Depositary functions under them.

## STATUS

2. The Aircraft Protocol, and the Convention as applied to aircraft objects, entered into force on 1 March 2006 following the deposit of the eighth instrument of ratification/accession. During the period from 28 February 2011<sup>1</sup> and 31 January 2012, six instruments of ratification/accession in relation to the Convention and the Aircraft Protocol were lodged by: Belarus, Brazil, Cameroon, the Russian Federation, Tajikistan and Turkey. A further three instruments of ratification/accession in relation to the Convention (only) were lodged by Costa Rica, Fiji and Mozambique, and two instruments of ratification/accession in relation to the Aircraft Protocol (only) were lodged by Kazakhstan and Togo.

3. On 31 January 2012, the first ratification of the Luxembourg Protocol was achieved when the Grand-Duchy of Luxembourg deposited its instrument of ratification to the Protocol.

4. The annex to this memorandum lists the status, as at 31 January 2012, of the Convention (51 Contracting States), the Aircraft Protocol (44 Contracting States) and the Luxembourg Protocol (1 Contracting State).

## ACTIVITIES

### GENERAL

5. UNIDROIT's responsibilities as Depositary under the Convention, the Aircraft Protocol and the Luxembourg Protocol are specified in each instrument, and 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 Secretariat has also continued to pursue close and productive working relationships with the International Registry (Aircraft) and the Supervisory Authority (ICAO).

6. The Secretariat is continuing to work with States that are at various stages of the ratification/accession process, and to provide information and assistance to Contracting States, prospective Contracting States and others with an interest in the Cape Town system.

7. The University of Washington and Oxford University have commenced a joint Cape Town Convention Academic Project, with the assistance of the founding sponsorship of the Aviation Working Group. The objective of the Project is to facilitate the academic study and assessment of the Cape Town Convention with a view towards enhancing the understanding and effective implementation of the Convention and its protocols. The activities proposed for the Project include:

- establishing a comprehensive electronic database of documents and materials relating to the development and implementation of the Cape Town Convention and its protocols;
- publishing an annual academic journal;
- holding regular academic conferences (the first will be held at Oxford University in September 2012)
- undertaking economic and legal analyses and assessments of the Convention and its protocols.

Following an approach by the Project to the UNIDROIT Secretariat, the database and the academic journal will be undertaken under the joint auspices of UNIDROIT and the Project.

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<sup>1</sup> The date of the preparation of the previous report to the Council.

*CONVENTION / LUXEMBOURG PROTOCOL*

8. The Luxembourg diplomatic Conference established a Preparatory Commission to make preparations for the entry into force of the Luxembourg Protocol. Following a public tender process, the Preparatory Commission selected SITA NV as the entity with which it would enter into contract negotiations. Following numerous contract negotiations meetings, and a fifth session of the Preparatory Commission at which the Commission gave direction on a number of specific key issues that had arisen during the contract negotiations, the contract negotiations are at an advanced stage, and it is expected that they will be concluded by the time of the Governing Council meeting.

**PUBLICATIONS**

9. The revised edition of the Official Commentary to the Cape Town Convention and Aircraft Protocol was published in June 2008, and as at 31 January 2012 had sold 624 copies. The Official Commentary to the Cape Town Convention and Luxembourg Protocol was also published in June 2008 and as at 31 January 2012 had sold 154 copies. Both publications were authored by Professor Sir Roy Goode, who has generously agreed to donate the proceeds from sales to the Uniform Law Foundation.

**PROMOTION AND PUBLICITY**

10. Promotion and publicity efforts in relation to the Convention, the Aircraft Protocol and the Luxembourg Protocol are set out in the Annual Report for 2011. Of particular note was the 10<sup>th</sup> Anniversary Seminar, hosted by UNIDROIT at its Headquarters on 30 November 2011.

**ACTION TO BE TAKEN**

11. *The UNIDROIT Secretariat would invite the Governing Council to take note of the progress in the implementation of the Depositary functions under the Convention.*

## ANNEX / ANNEXE

**CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT**  
**CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES**  
**PORTANT SUR DES MATÉRIELS D'ÉQUIPEMENT MOBILES**

**Adoption:** Place: Cape Town / *Lieu*: Le Cap  
Date: 16.11.2001

**Entry into force / *Entrée en vigueur*:** Date: 01.03.2006 (ex [Art. 49\(1\)](#))

**Contracting States / Etats contractants:** 51

**Depositary / *Dépositaire*:** UNIDROIT

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION (RT) ACCEPTANCE / <i>ACCEPTATION</i> (AC) APPROVAL / <i>APPROBATION</i> (AP) ACCESSION / <i>ADHESION</i> (AS)	DECLARATIONS	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>
Afghanistan		25.07.2006 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.11.2006
Albania / <i>Albanie</i>		30.10.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.02.2008
Angola		30.04.2006 (AS)	Arts. 39(1)(a), 40, 54(2)	01.08.2006
Bangladesh		15.12.2008 (AS)	Arts 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.04.2009
Belarus / <i>Bélarus</i>		28.06.2011 (AS)	Art. 54(2)	01.10.2011
Brazil / <i>Brésil</i>		30.11.2011 (AS)	Arts. 39(1)(a), 39(1)(b), 39(4), 53, 54(2)	01.03.2012
Burundi	16.11.2001			
Cameroon / <i>Cameroun</i>		19.04.2011 (AS)	Arts 39(1)(a), 40, 52, 53, 54(2)	01.08.2011
Canada	31.03.2004			
Cape Verde / <i>Cap-Vert</i>		26.09.2007 (AS)	Arts. 39(1)(a), 40, 53, 54(2)	01.01.2008
Chile / <i>Chili</i>	16.11.2001			
China / <i>Chine</i>	16.11.2001	03.02.2009 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 50, 53, 54(1), 54(2), 55	01.06.2009
Colombia / <i>Colombie</i>		19.02.2007 (AS)	Arts. 39(1)(a), 54(2)	01.06.2007
Congo	16.11.2001			
Costa Rica		26.08.2011 (AS)	Art. 53	01.12.2011†
Cuba	16.11.2001	28.01.2009 (RT)	Art. 54(2)	01.05.2009
Ethiopia / <i>Ethiopie</i>	16.11.2001	21.11.2003 (RT)	Arts. 39(1)(a), 40, 54(2)	01.03.2006
European Union / <i>Union européenne</i> ††		28.04.2009 (AS)	Arts. 48(2), 55	01.08.2009
Fiji / <i>Fidji</i>		05.09.2011 (AS)		01.01.2012†
France	16.11.2001			

Gabon		16.04.2010 (AS)		01.08.2010†
Germany / <i>Allemagne</i> (with declaration at signature / <i>avec déclaration à la signature</i> )	17.09.2002			
Ghana	16.11.2001			
India / <i>Inde</i>		31.03.2008 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.07.2008
Indonesia / <i>Indonésie</i>		16.03.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 53, 54(2)	01.07.2007
Ireland / <i>Irlande</i>		29.07.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.03.2006
Italy / <i>Italie</i>	06.12.2001			
Jamaica / <i>Jamaïque</i>	16.11.2001			
Jordan / <i>Jordanie</i>	16.11.2001	31.08.2010 (RT)	Arts. 39(1)(a), 54(2)	01.12.2010
Kazakhstan		21.01.2009 (AS)	Arts. 39(1)(a),* 39(1)(b),* 39(4),* 40,* 53,* 54(2) *	01.05.2009
Kenya	16.11.2001	13.10.2006 (RT)	Arts. 39(1)(a),* 39(1)(b), 40, 53, 54(2)	01.02.2007
Latvia / <i>Lettonie</i>		08.02.2011 (AS)	Art. 54(2)	01.06.2011
Lesotho	16.11.2001			
Luxembourg		27.06.2008 (AS)	Arts. 53, 54(2)	01.10.2008
Malaysia / <i>Malaisie</i>		02.11.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 53, 54(2)	01.03.2006
Malta **/ <i>Malte</i> **		01.10.2010 (AS)	Arts. 39(1)(a), 39(4), 40, 53, 54(2)	01.02.2011
Mexico / <i>Mexique</i>		31.07.2007 (AS)	Arts. 39(1)(a), 39(1)(b), 50, 53, 54(2), 60	01.11.2007
Mongolia / <i>Mongolie</i>		19.10.2006 (AS)	Arts. 39(1)(a), 39(1)(b), 53, 54(2)	01.02.2007
Mozambique		30.01.2012 (AS)		01.05.2012†
Netherlands, Kingdom of the 1 **/ <i>Le Royaume des Pays-Bas</i> 1 **		17.05.2010 (AS)	Arts. 39(1)(a), 39(1)(b), 52, 53, 54(2)	01.09.2010
New Zealand / <i>Nouvelle-Zélande</i>		20.07.2010 (AS)	Arts. 39(1)(a), 52, 53, 54(2), 55	01.11.2010
Nigeria	16.11.2001	16.12.2003 (RT)	Arts. 39(1)(a),* 40,* 53,* 54(2)*	01.03.2006
Norway / <i>Norvège</i>		20.12.2010 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 54(2), 55	01.04.2011
Oman		21.03.2005 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.03.2006
Pakistan		22.01.2004 (AS)	Arts. 39(1)(a), 39(1)(b), 39(4), 40, 52, 53, 54(2)	01.03.2006

Panama	11.09.2002	28.07.2003 (RT)	Arts. 39(1)(a), 39(1)(b), 39(4), 50, 53, 54(2)	01.03.2006
Russian Federation / Fédération de Russie		25.05.2011 (AS)	Arts. 39(1)(a), 39(1)(b), 53, 54(2)	01.09.2011
Rwanda		28.01.2010 (AS)	Arts. 39(1)(a), 40, 52, 53, 54(2)	01.05.2010
Saudi Arabia / Arabie saoudite	12.03.2003	27.06.2008 (RT)	Art. 54(2)	01.10.2008
Senegal / Sénégal	02.04.2002	09.01.2006 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.05.2006
Seychelles		13.09.2010 (AS)		01.01.2011†
Singapore / Singapour		28.01.2009 (AS)	Arts. 39(1)(a), 39(1)(b), 39(4), 53, 54(2)	01.05.2009
South Africa / Afrique du sud	16.11.2001	18.01.2007 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 54(2)	01.05.2007
Sudan / Soudan	16.11.2001			
Switzerland / Suisse	16.11.2001 ad referendum			
Syrian Arab Republic / République arabe syrienne		07.08.2007 (AS)		01.12.2007†
Tajikistan / Tadjikistan		31.05.2011 (AS)	Art. 54(2)	01.09.2011
Togo		27.01.2010 (AS)	Arts. 39(1)(a),* 39(1)(b),* 40,* 53,* 54(2)*	01.05.2010
Tonga	16.11.2001			
Turkey / Turquie	16.11.2001	23.08.2011 (RT)	Arts. 39(1)(a), 39(1)(b), 40, 50, 54(2)	01.12.2011
Ukraine	09.03.2004			
United Arab Emirates / Émirats arabes unis		29.04.2008 (AS)	Arts. 39(1)(a), 39(1)(b), 40, 52, 53, 54(2)	01.08.2008
United Kingdom / Royaume-Uni (with declaration at signature / avec déclaration à la signature)	16.11.2001			
United Republic of Tanzania / République-Unie de Tanzanie	16.11.2001	30.01.2009 (RT)	Art. 54(2)	01.05.2009
United States of America / Etats-Unis d'Amérique	09.05.2003	28.10.2004 (RT)	Arts. 39(1)(a), 39(1)(b), 54(2)	01.03.2006
Zimbabwe		13.05.2008 (AS)		01.09.2008†

\* Affected by withdrawal and/or subsequent declaration. / *Fait l'objet d'un retrait et/ou d'une déclaration subséquente*

\*\* This State has provided UNIDROIT with information about its laws and policies in relation to the Convention: see [www.unidroit.org/english/conventions/mobile-equipment/information-contractingstates.htm](http://www.unidroit.org/english/conventions/mobile-equipment/information-contractingstates.htm) // *Cet Etat a fourni à UNIDROIT des informations concernant la situation au regard de la législation et des politiques applicables aux matières couvertes par la Convention: voir [www.unidroit.org/french/conventions/mobile-equipment/information-contractingstates.htm](http://www.unidroit.org/french/conventions/mobile-equipment/information-contractingstates.htm)*

† Subject to / *sous réserve de*: Convention Article 49(1)

†† Regional Economic Integration Organisation / *Organisation régionale d'intégration économique*: Convention Article 48

1. Accession for the Netherlands Antilles and Aruba / *Adhésion pour les Antilles néerlandaises et Aruba.*

**PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT  
ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT**  
**PROTOCOLE PORTANT SUR LES QUESTIONS SPÉCIFIQUES AUX MATÉRIELS D'ÉQUIPEMENT  
AÉRONAUTIQUES À LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES  
PORTANT SUR DES MATÉRIELS D'ÉQUIPEMENT MOBILES**

**Adoption:** Place: Cape Town / *Lieu*: Le Cap  
Date: 16-11-2001

**Entry into force:** Date: 01.03.2006 (ex [Art. XXVIII\(1\)](#))  
**Entrée en vigueur:**

**Contracting States / Etats contractants:** 44

**Depositary / Dépositaire:** UNIDROIT

STATE / ETAT	SIGNATURE	RATIFICATION (RT) ACCEPTANCE / ACCEPTATION (AC) APPROVAL / APPROBATION (AP) ACCESSION / ADHESION (AS)	DECLARATIONS	ENTRY INTO FORCE / ENTREE EN VIGUEUR
Afghanistan		25.07.2006 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.11.2006
Albania / Albanie		30.10.2007 (AS)	Arts. XIX, XXX(1)	01.02.2008
Angola		30.04.2006 (AS)	Arts. XXX(1), (2), (3)	01.08.2006
Bangladesh		15.12.2008 (AS)	Arts. XXIX, XXX(1), XXX(2), XXX(3)	01.04.2009
Belarus / Bélarus		27.09.2011 (AS)		01.01.2012
Brazil / Brésil		30.11.2011 (AS)	Arts. XIX, XXX(1), XXX(2), XXX(3)	01.03.2012
Burundi	16.11.2001			
Cameroon / Cameroun		19.04.2011 (AS)		01.08.2011
Canada	31.03.2004			
Cape Verde / Cap-Vert		26.09.2007 (AS)	Arts. XXX(1), (2), (3)	01.01.2008
Chile / Chili	16.11.2001			
China / Chine	16.11.2001	03.02.2009 (RT)	Arts. XIX, XXIX, XXX(1), XXX(2), XXX(3)	01.06.2009
Colombia / Colombie		19.02.2007 (AS)	Art. XXX(1), (2), (3)	01.06.2007
Congo	16.11.2001			
Cuba	16.11.2001	28.01.2009 (RT)		01.05.2009
Ethiopia / Ethiopie	16.11.2001	21.11.2003 (RT)	Arts. XXX(1), (2), (3)	01.03.2006
European Union / Union européenne ††		28.04.2009 (AS)	Arts. XXVII(2), XXX(5)	01.08.2009
France	16.11.2001			
Germany / Allemagne (with declaration at signature / avec déclaration à la signature)	17.09.2002			
Ghana	16.11.2001			
India		31.03.2008 (AS)	Arts. XXX(1), (2), (3)	01.07.2008

Indonesia / Indonésie		16.03.2007 (AS)	Arts. XXX(1), (2), (3)	01.07.2007
Ireland / Irlande		23.08.2005 (AS)	Arts. XXX(1), (2)	01.03.2006
Italy / Italie	06.12.2001			
Jamaica / Jamaïque	16.11.2001			
Jordan / Jordanie	16.11.2001	31.08.2010 (RT)	Arts. XXX(1), (2), (3)	01.12.2010
Kazakhstan		01.06.2011 (AS)	Arts. XXX(1), (2), (3)	01.10.2011
Kenya	16.11.2001	13.10.2006 (RT)	Arts. XXX(1), (2), (3)	01.02.2007
Latvia / Lettonie		08.02.2011 (AS)		01.06.2011
Lesotho	16.11.2001			
Luxembourg		27.06.2008 (AS)	Arts. XXX(1), (2), (3)	01.10.2008
Malaysia / Malaisie		02.11.2005 (AS)	Arts. XXX(1), (2), (3)*	01.03.2006
Malta **/ Malte **		01.10.2010 (AS)	Art. XXX(1)	01.02.2011
Mexico / Mexique		31.07.2007 (AS)	Arts. XIX, XXX(1), (3)	01.11.2007
Mongolia / Mongolie		19.10.2006 (AS)	Arts. XXX(1), (2), (3)	01.02.2007
Netherlands, Kingdom of the 1 **/ Le Royaume des Pays-Bas 1 **		17.05.2010 (AS)	Arts. XXIX, XXX(1), (2)	01.09.2010
New Zealand / Nouvelle-Zélande		20.07.2010 (AS)	Arts. XXIX, XXX(1), (3), (5)	01.11.2010
Nigeria	16.11.2001	16.12.2003 (RT)	Arts. XXX(1),* (2),* (3)*	01.03.2006
Norway / Norvège		20.12.2010 (AS)	Arts. XXX(1), (3), (5)	01.04.2011
Oman		21.03.2005 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.03.2006
Pakistan		22.01.2004 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.03.2006
Panama	11.09.2002	28.07.2003 (RT)	Arts. XXX(1), (2), (3)	01.03.2006
Russian Federation / Fédération de Russie		25.05.2011 (AS)	Art. XXX(3)	01.09.2011
Rwanda		28.01.2010 (AS)	Arts. XXIX, XXX(1), (2), (3)	01.05.2010
Saudi Arabia / Arabie saoudite	12.03.2003	27.06.2008 (RT)		01.10.2008
Senegal / Sénégal	02.04.2002	09.01.2006 (RT)	Arts. XXIX, XXX(1), (2), (3)	01.05.2006
Singapore / Singapour		28.01.2009 (AS)	Arts. XXX(1),* (3)	01.05.2009
South Africa / Afrique du sud	16.11.2001	18.01.2007 (RT)	Arts. XXX(1), (2), (3)	01.05.2007
Sudan / Soudan	16.11.2001			
Switzerland / Suisse	16.11.2001 ad referendum			
Tajikistan / Tadjikistan		31.05.2011 (AS)	Arts. XXX(1), (2), (3)	01.09.2011



Togo		01.12.2011 (AS)	Arts. XXX(1), (2), (3)	01.04.2012
Tonga	16.11.2001			
Turkey / <i>Turquie</i>	16.11.2001	23.08.2011 (RT)	Arts. XXX(1), (2), (3)	01.12.2011
Ukraine	03.03.2004			
United Arab Emirates / <i>Émirats arabes unis</i>		29.04.08 (AS)	Arts. XIX, XXIX, XXX(1), XXX(2), XXX(3)	01.08.2008
United Kingdom / <i>Royaume-Uni</i> (with declaration at signature / <i>avec déclaration à la signature</i> )	16.11.2001			
United Republic of Tanzania / <i>République-Unie de Tanzanie</i>	16.11.2001	30.01.2009 (RT)	Arts. XXX(1), * (2), * (3)*	01.05.2009
United States of America / <i>Etats-Unis d'Amérique</i>	09.05.2003	28.10.2004 (RT)	Arts. XIX, XXX(1)	01.03.2006

\* Affected by withdrawal and/or subsequent declaration. / *Fait l'objet d'un retrait et/ou d'une déclaration subséquente*

\*\* This State has provided UNIDROIT with information about its laws and policies in relation to the Aircraft Protocol: see [www.unidroit.org/english/conventions/mobile-equipment/information-contractingstates.htm](http://www.unidroit.org/english/conventions/mobile-equipment/information-contractingstates.htm) // *Cet Etat a fourni à UNIDROIT des informations concernant la situation au regard de la législation et des politiques applicables aux matières couvertes par le Protocole aéronautique: voir [www.unidroit.org/french/conventions/mobile-equipment/information-contractingstates.htm](http://www.unidroit.org/french/conventions/mobile-equipment/information-contractingstates.htm)*

†† Regional Economic Integration Organisation / *Organisation régionale d'intégration économique*: Protocol / *Protocole* Article XXVII

1. Accession for the Netherlands Antilles and Aruba / *Adhésion pour les Antilles néerlandaises et Aruba.*

**LUXEMBOURG PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE  
EQUIPMENT ON MATTERS SPECIFIC TO RAILWAY ROLLING STOCK**

**PROTOCOLE DE LUXEMBOURG PORTANT SUR LES QUESTIONS SPÉCIFIQUES AU MATÉRIEL ROULANT  
FERROVIAIRE A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES  
PORTANT SUR DES MATÉRIELS D'ÉQUIPEMENT MOBILES**

**Adoption:** Place / *Lieu*: Luxembourg  
Date: 23.02.2007

**Entry into force / *Entrée en vigueur*:** Not in force / Pas encore en vigueur (ex Art. XXIII)

**Depositary / *Dépositaire*:** UNIDROIT

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION (RT) ACCEPTANCE / <i>ACCEPTATION</i> (AC) APPROVAL / <i>APPROBATION</i> (AP) ACCESSION / <i>ADHESION</i> (AS)	DECLARATIONS	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>
European Union / <i>Union européenne</i> ††	10.12.2009			
Gabon	23.02.2007			
Italy / <i>Italie</i>	23.02.2007			
Luxembourg	23.02.2007	31.01.2012 (RT)		
Switzerland / <i>Suisse</i>	23.02.2007			

†† Regional Economic Integration Organisation / *Organisation régionale d'intégration économique*: Protocol / *Protocole* Article XXII