



**DIPLOMATIC CONFERENCE TO ADOPT A MOBILE EQUIPMENT
CONVENTION AND AN AIRCRAFT PROTOCOL**

(Cape Town, 29 October to 16 November 2001)

COMMENTS ON DRAFT CONVENTION AND DRAFT PROTOCOL

(Presented by Jordan)

1. We do not favour the idea of a dual instrument (Convention and Protocol); we would rather prefer that a consolidated text be presented to the Diplomatic Conference. The dual approach is needlessly complicated.
2. Emphasis should be placed on the need to take into account the difference equipment categories to be covered by the principal Convention.
3. The Protocol should provide explicitly that the buyer may register the sale by a written approval to the vendor and that the domestic regulations for aircraft registration should include a provision to this effect.
4. The tribunal should be selected from among the State parties to the Convention; this should prevent any excessive spread of this legal regime.
5. National airlines in developing countries should be given preferential treatment; the same treatment should also be given to aircraft and aviation training institutes.
6. States shall draft new regulations and instructions, based on civil aviation laws of each State, to facilitate the registration of aircraft therein and to afford adequate flexibility in the transfer of aircraft ownership, and registration of sales, purchases and collateralized leases.
7. State aircraft should be exempted from requirements of registration in the international register. An optional annex may be drafted leaving this to the State itself, to avoid cases involving collateral and insolvency administration procedures.
8. A single title should be developed for both Convention and the Protocol.
9. The matter of aircraft seizures should be dealt with to guarantee rights to air navigation charges outstanding on the parties to the Convention.

10. Disclosure of contents of the international register should be restricted to the direct stake holders. Immunity from administrative suits should be established.

11. The functions, privileges and duties of the supervisory authority of the international register should be determined on the basis of the Vienna Convention on International Relations.

12. The relationship between the Convention and Protocol on one hand and the 1948 Geneva Convention on the other, should be clarified.

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