

**Instrument of Accession by the Islamic Republic of Pakistan
to the Cape Town Convention**

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 the Islamic Republic of Pakistan, having considered the Convention hereby accedes to it. Pursuant to the relevant provisions of the Convention, the Islamic Republic of Pakistan makes the declarations contained in the Annex to this Instrument of Accession (the “Declarations”) and undertakes faithfully to abide by all the provisions contained in the Convention in the manner and to the extent specified in the Declarations.

IN WITNESS WHEREOF and being duly authorized to do so, I have signed this Instrument of Accession on behalf of the Islamic Republic of Pakistan.

Done at Islamabad this 13 day of January Two Thousand Four

Khurshid M Kasuri

International Institute for the Unification
of the Private Law (UNIDROIT),
Rome

Annex
to the Instrument of Accession
in respect of the Cape Town Convention
(the “Convention”)
Containing the Declarations made by the Islamic Republic of
Pakistan for the purposes of the Convention

(i) ***Form No. 1 (specific opt-in declarations under Article 39(1)(a))***

Pakistan declares that the following categories of non-consensual right or interest:

- (a) a right or interest in respect of an aircraft which, if the aircraft had been a vessel, would have resulted in a maritime lien on the aircraft and its equipment for (A) salvage and (B) damage done by that Aircraft;
- (b) liens in favour of any state entity relating to unpaid taxes or other charges directly related to the use of that aircraft and owed by the owner of the aircraft;

have priority under its law over an interest in an object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings.

(ii) ***Form No. 4 (general opt-in declarations under Article 39(1)(b))***

Pakistan declares that nothing in the Convention shall affect its right or that of any entity of that State, any intergovernmental Organisation or other private provider of public services to arrest or detain an object under its laws for payment of amounts owed to Pakistan, any such entity, Organisation or provider directly relating to the services provided by it in respect of that object or another object.

(iii) ***Form No. 5 (general opt-in declarations under Article 39(4))***

Pakistan declares that a right or interest of a category covered by a declaration made under Form No. 1 shall have priority over an international interest registered prior to the date of the deposit of its instrument of accession.

(iv) ***Form No. 6 (opt-in declarations under Article 40)***

Pakistan declares that the following categories of non-consensual right or interest:

- (a) rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment; and

- (b) liens or other rights of a state entity relating to taxes or other unpaid charges of any type whatsoever (which is not a priority non-consensual right or interest)

shall be registrable under the Convention as regards any category of object as if the right or interest were an international interest and shall be regulated accordingly.

(v) ***Form No. 10 (general declarations under Article 52)***

Pakistan declares that the Convention is to apply to all its territorial units.

(vi) ***Form No. 11 (declarations under Article 53)***

Pakistan declares that the following court(s)

The High Court of Balochistan;
The Lahore High Court;
The Peshawar High Court; and
The High Court of Sindh

within their respective territorial jurisdictions, are the relevant court(s) for the purposes of Article 1 and Chapter XII of the Convention.

(vii) ***Form No. 13 (mandatory declarations under Article 54(2))***

Pakistan declares that any remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without court action and without leave of the court.

**Instrument of Accession by
the Islamic Republic of Pakistan to
the Protocol to the Convention on International Interests in Mobile
Equipment on Matters specific to Aircraft Equipment
(the “Aircraft Protocol”)**

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 the Islamic Republic of Pakistan, having considered the Aircraft Protocol hereby accedes to it. Pursuant to the relevant provisions of the Aircraft Protocol, the Islamic Republic of Pakistan makes the declarations in relation to the Aircraft Protocol contained in the Annex to this Instrument of Accession (the “Declarations”) and undertakes faithfully to abide by all the provisions contained in the Protocol in the manner and to the extent specified in the Declarations.

IN WITNESS WHEREOF and being duly authorized to do so, I have signed this Instrument of Accession on behalf of the Islamic Republic of Pakistan.

Done at Islamabad, this 13 day of January Two Thousand Four

Khurshid M Kasuri

International Institute for the Unification
of the Private Law (UNIDROIT),
Rome

Annex
to the Instrument of Accession in respect of the Aircraft Protocol
Containing the Declarations made by the Islamic Republic of Pakistan
for the purposes of the Aircraft Protocol

- (i) ***Form No. 19 (opt-in declarations under Article XXX(1) in respect of Article VIII)***

Pakistan declares that it will apply Article VIII.

- (ii) ***Form No. 21 (opt-in declarations under Article XXX(2) in respect of Article X providing for the application of the entirety of the latter)***

Pakistan declares that it will apply Article X in its entirety and that the number of working days to be used for the purposes of the time-limit laid down in Article X(2) shall be in respect of the remedies specified in Articles 13(1) (a), (b) and (c) of the Convention (preservation of the aircraft objects and their value; possession, control or custody of the aircraft objects; and immobilization of the aircraft objects) not more than ten (10) calendar days and in respect of the remedies specified in Articles 13(1)(d) and (e) of the Convention (lease or management of the aircraft objects and the income thereof and sale and application of proceeds from the aircraft equipment) not more than thirty (30) calendar days.

- (iii) ***Form No. 23 (general opt-in declarations under Article XXX(3) in respect of Article XI providing for the application of Alternative A in its entirety to all types of insolvency proceeding)***

Pakistan declares that it will apply Article XI, Alternative A in its entirety to all types of insolvency proceeding and that the waiting period for the purposes of Article XI(3) of that Alternative shall be sixty days.

- (iv) ***Form No. 26 (opt-in declarations under Article XXX(1) in respect of Article XII)***

Pakistan declares that it will apply Article XII.

- (v) ***Form No. 27 (opt-in declarations under Article XXX(1) in respect of Article XIII)***

Pakistan declares that it will apply Article XIII.

- (vi) ***Form No. 34 (general declarations under Article XXIX)***

Pakistan declares that the Aircraft Protocol is to apply to all its territorial units.