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Report of the United Nations Commission on International Trade Law on the work of its fifty-fifth session

Report of the Sixth Committee

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I. Introduction

1. At its 3rd plenary meeting, on 16 September 2022, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-seventh session the item entitled “Report of the United Nations Commission on International Trade Law on the work of its fifty-fifth session” and to allocate it to the Sixth Committee.
2. The Sixth Committee considered the item at its 15th, 16th, 17th, 32nd and 34th meetings, on 17 and 18 October and on 3 and 7 November 2022. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.¹
3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its fifty-fifth session ([A/77/17](#)).
4. At the 15th meeting, on 17 October, the Chair of the United Nations Commission on International Trade Law at its fifty-fifth session introduced the report of the Commission on the work of that session.

II. Consideration of proposals

A. Draft resolution [A/C.6/77/L.7](#)

5. At the 32nd meeting, on 3 November, the representative of Austria, also on behalf of Argentina, Belarus, Bulgaria, Canada, Chile, Croatia, Czechia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Lithuania, Luxembourg,

¹ [A/C.6/77/SR.15](#), [A/C.6/77/SR.16](#), [A/C.6/77/SR.17](#), [A/C.6/77/SR.32](#) and [A/C.6/77/SR.34](#).



Malta, Mexico, Montenegro, Namibia, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, Serbia, Singapore, Slovakia, Spain, Sweden, Switzerland, Thailand, Turkmenistan, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled “Report of the United Nations Commission on International Trade Law on the work of its fifty-fifth session” ([A/C.6/77/L.7](#)) and announced that Ghana, Honduras and Lesotho had joined in sponsoring the draft resolution. At the 34th meeting, on 7 November, the representative of Austria announced that the Russian Federation had also joined in sponsoring the draft resolution.

6. At its 34th meeting, the Committee adopted draft resolution [A/C.6/77/L.7](#) without a vote (see para. 11, draft resolution I).

B. Draft resolution [A/C.6/77/L.8](#)

7. At the 32nd meeting, on 3 November, the representative of Thailand, on behalf of the Bureau, introduced a draft resolution entitled “United Nations Convention on the International Effects of Judicial Sales of Ships” ([A/C.6/77/L.8](#)).

8. At its 34th meeting, on 7 November, the Committee adopted draft resolution [A/C.6/77/L.8](#) without a vote (see para. 11, draft resolution II).

C. Draft resolution [A/C.6/77/L.9](#)

9. At the 32nd meeting, on 3 November, the representative of Singapore, on behalf of the Bureau, introduced a draft resolution entitled “Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services” ([A/C.6/77/L.9](#)).

10. At its 34th meeting, on 7 November, the Committee adopted draft resolution [A/C.6/77/L.9](#) without a vote (see para. 11, draft resolution III).

III. Recommendations of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Report of the United Nations Commission on International Trade Law on the work of its fifty-fifth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, to the elimination of discrimination in international trade and, thereby, to peace, stability and the well-being of all peoples,

Having considered the report of the Commission,¹

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law;

2. *Commends* the Commission for the finalization and approval of the United Nations Convention on the International Effects of Judicial Sales of Ships,² and the finalization and adoption of the Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services³ and the recommendations to assist

¹ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17 (A/77/17).*

² *Ibid.*, chap. IV, sect. D, and annex I.

³ *Ibid.*, chap. VI, sect. C, and annex II.

mediation centres and other interested bodies with regard to mediation under the Mediation Rules;⁴

3. *Requests* the Secretary-General to continue to operate, through the secretariat of the Commission, the repository of published information in accordance with article 8 of the Rules on Transparency in Treaty-based Investor-State Arbitration,⁵ as a continuation of the project until the end of 2023, to be funded entirely by voluntary contributions, notes with satisfaction the contributions by the European Union, Germany and the Organization of the Petroleum Exporting Countries Fund for International Development in this regard,⁶ and also requests the Secretary-General to keep the General Assembly informed of developments regarding the funding and budgetary situation of the transparency repository;

4. *Notes with interest* the progress made by the Commission in its work in the areas of micro-, small and medium-sized enterprises, dispute settlement, investor-State dispute settlement reform, electronic commerce and insolvency law,⁷ and encourages the Commission to continue to move forward efficiently to achieve tangible work outcomes in those areas;

5. *Takes note with interest* of the decisions of the Commission to task its working groups with the development of a new instrument on negotiable multimodal transport documents,⁸ work on automated contracting and on data provision contracts as part of its work on legal issues related to the digital economy, and the consideration of the topics of technology-related dispute resolution and adjudication jointly;⁹

6. *Welcomes* the decision by the Commission to proceed with its exploratory work on the impact of the coronavirus disease (COVID-19) pandemic on international trade law,¹⁰ the stocktaking of developments in dispute resolution in the digital economy¹¹ and the progress of the preparatory work in the area of warehouse receipts;¹²

7. *Takes note* of the interest of the Commission in holding a colloquium or an expert group meeting on the various legal issues surrounding climate change mitigation, adaptation and resilience in conjunction with relevant interested international organizations;¹³

8. *Notes* the endorsement by the Commission of the International Standard Demand Guarantee Practice for Uniform Rules for Demand Guarantees 758 of the International Chamber of Commerce;¹⁴

9. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law, including on legal issues relating to the digital economy as reaffirmed by the Commission at its fifty-third session,¹⁵ and at promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional

⁴ Ibid., chap. V, sect. C, and annex III.

⁵ Ibid., *Sixty-eighth Session, Supplement No. 17 (A/68/17)*, annex I.

⁶ Ibid., *Seventy-seventh Session, Supplement No. 17 (A/77/17)*, chap. XV, sect. E.

⁷ Ibid., chaps. VII–XI.

⁸ Ibid., chap. XII, sect. B.2.

⁹ Ibid., chap. VII, sect. B.

¹⁰ Ibid., chap. XII, sect. B.3.

¹¹ Ibid., sect. B.5 (a).

¹² Ibid., sect. B.1.

¹³ Ibid., sect. B.4.

¹⁴ Ibid., chap. XIII.

¹⁵ Ibid., *Seventy-fifth Session, Supplement No. 17 (A/75/17)*, part two, chap. X, sect. C.4, para. 72.

organizations to coordinate their activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

10. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical cooperation and assistance in the field of international trade law reform and development, and in this connection:

(a) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical cooperation and assistance programme, in that respect encourages the Secretary-General to seek partnerships with State and non-State actors to increase awareness about the work of the Commission and facilitate the effective implementation of legal standards resulting from its work, and notes with appreciation the organization by the secretariat of the UNCITRAL Day events in partnership with Governments and regional universities in Asia and the Pacific and Latin America and the Caribbean as well as the launch of a series of UNCITRAL Day events for Africa, aimed at promoting awareness and encouraging the study and discussion of Commission texts;¹⁶

(b) Expresses its appreciation to the Commission for carrying out technical cooperation and assistance activities and for providing assistance with legislative drafting in the field of international trade law, and draws the attention of the Secretary-General to the limited resources that are made available in this field;

(c) Expresses its appreciation to the Governments whose contributions enabled the technical cooperation and assistance activities to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law trust fund for symposiums and, where appropriate, for the financing of special projects and otherwise to assist the secretariat of the Commission in carrying out technical cooperation and assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate with the Commission and coordinate their activities with those of the Commission in the light of the relevance and importance of the work and programmes of the Commission for the promotion of the rule of law at the national and international levels and for the implementation of the international development agenda, including the achievement of the 2030 Agenda for Sustainable Development;¹⁷

(e) Recalls its resolutions stressing the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, and welcomes the efforts of the Secretary-General to ensure greater coordination and coherence among United Nations entities and with donors and recipients;

11. *Recalls* the importance of adherence to the rules of procedure and methods of work of the Commission, including transparent and inclusive deliberations, taking into account the summary of conclusions as reproduced in annex III to the report on

¹⁶ *Ibid.*, *Seventy-seventh Session, Supplement No. 17 (A/77/17)*, chap. XV, sect. B.1.

¹⁷ Resolution 70/1.

the work of its forty-third session,¹⁸ requests the Secretariat to issue, prior to meetings of the Commission and of its working groups, a reminder of those rules of procedure and methods of work with a view to ensuring the high quality of the work of the Commission and encouraging the assessment of its instruments, and recalls in this regard its previous resolutions related to this matter;

12. *Welcomes* the activities of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific, in the Republic of Korea, towards providing capacity-building and technical assistance services to States in the Asia-Pacific region, including to international and regional organizations, expresses its appreciation to the Republic of Korea and China, whose contributions enabled continuing operation of the Regional Centre, notes that the continuation of the regional presence relies entirely on extrabudgetary resources, including but not limited to voluntary contributions from States, and requests the Secretary-General to keep the General Assembly informed of developments regarding the establishment of regional centres, in particular their funding and budgetary situation;

13. *Appeals to Governments*, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, in order to enable renewal of the provision of that assistance and to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in those countries to put in place a regulatory and enabling environment for business, trade and investment;

14. *Decides*, in order to ensure full participation of all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the seventy-seventh session of the General Assembly, its consideration of granting travel assistance to the least developed countries, at their request and in consultation with the Secretary-General, and notes the contributions from France, Germany, the European Union and the Swiss Agency for Development and Cooperation to the trust fund, which would facilitate the participation of representatives of developing States in the deliberations of Working Group III;¹⁹

15. *Endorses* the conviction of the Commission that the implementation and effective use of modern private law standards in international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger and that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General;

16. *Notes* the role of the Commission in promoting the rule of law, respective discussions in the Commission at its fifty-fifth session, and the comments transmitted by the Commission, pursuant to paragraph 20 of General Assembly resolution [76/117](#) of 9 December 2021, highlighting the relevance of its current work to the promotion of the rule of law and the implementation of the Sustainable Development Goals;²⁰

17. *Notes with satisfaction* that, in paragraph 8 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and

¹⁸ *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17 (A/65/17)*.

¹⁹ *Ibid.*, *Seventy-seventh Session, Supplement No. 17 (A/77/17)*, chap. X.

²⁰ *Ibid.*, chap. XVIII.

international levels, adopted by consensus as resolution 67/1 of 24 September 2012, Member States recognized the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship and, in this regard, commended the work of the Commission in modernizing and harmonizing international trade law and that, in paragraph 7 of the declaration, Member States expressed their conviction that the rule of law and development were strongly interrelated and mutually reinforcing;

18. *Also notes with satisfaction* that, in paragraph 89 of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, adopted by the General Assembly by consensus as resolution 69/313 of 27 July 2015, States endorsed the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field;

19. *Reiterates its request* to the Secretary-General, in conformity with resolutions of the General Assembly on documentation-related matters,²¹ which, in particular, emphasize that any invitation to limit, where appropriate, the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and functions of the Commission in the progressive development and codification of international trade law when implementing page limits with respect to the documentation of the Commission;²²

20. *Requests* the Secretary-General to continue the publication of Commission standards and the provision of summary records of the meetings of the Commission, including committees of the whole established by the Commission for the duration of its annual session, relating to the formulation of normative texts;

21. *Recalls* paragraph 48 of its resolution 66/246 of 24 December 2011 regarding the rotation scheme of meetings between Vienna and New York;

22. *Stresses* the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to conventions, enacting model laws and encouraging the use of other relevant texts;

23. *Commends* the secretariat of the Commission for holding an online panel discussion on technical assistance activities in the field of insolvency law;²³

24. *Notes with appreciation* the work of the Secretariat on the system for the collection and dissemination of case law on Commission texts (the CLOUT system) in the six official languages of the United Nations, notes the resource-intensive nature of the system, acknowledges the need for further resources to sustain and expand it, notes with interest the progress towards a rejuvenation of the CLOUT system, and its focus on developing a more active and productive network of CLOUT system contributors and covering an expanded range of Commission texts, in this regard welcomes the renewed efforts by the Commission and its secretariat towards building partnerships with interested institutions, and appeals to Governments, the relevant

²¹ Resolutions 52/214, sect. B, 57/283 B, sect. III, and 58/250, sect. III.

²² See resolutions 59/39, para. 9, and 65/21, para. 18; see also *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17 (A/59/17)*, paras. 124–128.

²³ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17 (A/77/17)*, chap. XV, sect. B.2.

bodies of the United Nations system, organizations, institutions and individuals to assist the secretariat of the Commission in raising awareness as to the availability and usefulness of the CLOUT system in professional, academic and judiciary circles and in securing the funding required for the coordination and expansion of the system and the establishment, within the secretariat of the Commission, of a pillar focused on the promotion of ways and means of interpreting Commission texts in a uniform manner;

25. *Welcomes* the continuing work of the Secretariat on digests of case law related to Commission texts, including their wide dissemination, as well as the continuing increase in the number of abstracts available through the CLOUT system, in view of the role of the digests and the CLOUT system as important tools for the promotion of the uniform interpretation of international trade law, in particular by building local capacity of judges, arbitrators and other legal practitioners to interpret those standards in the light of their international character and the need to promote uniformity in their application and the observance of good faith in international trade, and notes the satisfaction of the Commission with the performance of the New York Convention website²⁴ and the successful coordination between that website and the CLOUT system;

26. *Recalls* its resolutions affirming the importance of high-quality, user-friendly and cost-effective United Nations websites and the need for their multilingual development, maintenance and enrichment,²⁵ commends the fact that the website of the Commission has been migrated to a mobile device-friendly platform and that it continues to be published simultaneously in the six official languages of the United Nations, and welcomes the continuous efforts of the Commission to maintain and improve its website, and to enhance the visibility of its work by utilizing social media features in accordance with the applicable guidelines.²⁶

²⁴ <https://newyorkconvention1958.org/>.

²⁵ Resolutions 52/214, sect. C, para. 3; 55/222, sect. III, para. 12; 56/64 B, sect. X; 57/130 B, sect. X; 58/101 B, sect. V, paras. 61–76; 59/126 B, sect. V, paras. 76–95; 60/109 B, sect. IV, paras. 66–80; and 61/121 B, sect. IV, paras. 65–77.

²⁶ See resolution 63/120, para. 20.

Draft resolution II

United Nations Convention on the International Effects of Judicial Sales of Ships

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Mindful of the crucial role of shipping in international trade and transportation, of the high economic value of ships used in both seagoing and inland navigation, and of the function of judicial sales as a means to enforce claims,

Considering that adequate legal protection for purchasers may positively impact the price realized at judicial sales of ships, to the benefit of both shipowners and creditors, including lienholders and ship financiers,

Wishing, for that purpose, to establish uniform rules that promote the dissemination of information on prospective judicial sales to interested parties and give international effects to judicial sales of ships sold free and clear of any mortgage or *hypothèque* and of any charge, including for ship registration purposes,

Convinced that the adoption of a convention on the international effects of judicial sales of ships that is acceptable to States with different legal, social and economic systems would complement the existing international legal framework on shipping and navigation and contribute to the development of harmonious international economic relations,

Noting that the preparation of the draft convention on the international effects of judicial sales of ships was the subject of due deliberation in the Commission and that the draft convention benefited from consultations with Governments and interested intergovernmental and international non-governmental organizations,

Taking note of the decision of the Commission at its fifty-fifth session to submit the draft convention to the General Assembly for its consideration,¹

Taking note with satisfaction of the draft convention approved by the Commission,²

Expressing its appreciation to the Government of China for its offer to host a signing ceremony for the Convention in Beijing,

1. *Commends* the United Nations Commission on International Trade Law for preparing the draft convention on the international effects of judicial sales of ships;
2. *Adopts* the United Nations Convention on the International Effects of Judicial Sales of Ships, contained in the annex to the present resolution;
3. *Authorizes* a ceremony for the opening for signature of the Convention to be held as soon as practicable in 2023 in Beijing, upon which occasion the Convention

¹ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 17 (A/77/17)*, para. 99.

² *Ibid.*, annex I.

will be open for signature, and recommends that the Convention be known as the “Beijing Convention on the Judicial Sale of Ships”;

4. *Calls upon* those Governments and regional economic integration organizations that wish to strengthen the international legal framework for shipping and navigation to consider becoming a party to the Convention.

Annex

United Nations Convention on the International Effects of Judicial Sales of Ships

The States Parties to this Convention,

Reaffirming their belief that international trade on the basis of equality and mutual benefit is an important element in promoting friendly relations among States,

Mindful of the crucial role of shipping in international trade and transportation, of the high economic value of ships used in both seagoing and inland navigation, and of the function of judicial sales as a means to enforce claims,

Considering that adequate legal protection for purchasers may positively impact the price realized at judicial sales of ships, to the benefit of both shipowners and creditors, including lienholders and ship financiers,

Wishing, for that purpose, to establish uniform rules that promote the dissemination of information on prospective judicial sales to interested parties and give international effects to judicial sales of ships sold free and clear of any mortgage or *hypothèque* and of any charge, including for ship registration purposes,

Have agreed as follows:

Article 1

Purpose

This Convention governs the international effects of a judicial sale of a ship that confers clean title on the purchaser.

Article 2

Definitions

For the purposes of this Convention:

(a) “Judicial sale” of a ship means any sale of a ship:

(i) Which is ordered, approved or confirmed by a court or other public authority either by way of public auction or by private treaty carried out under the supervision and with the approval of a court; and

(ii) For which the proceeds of sale are made available to the creditors;

(b) “Ship” means any ship or other vessel registered in a register that is open to public inspection that may be the subject of an arrest or other similar measure capable of leading to a judicial sale under the law of the State of judicial sale;

(c) “Clean title” means title free and clear of any mortgage or *hypothèque* and of any charge;

(d) “Mortgage or *hypothèque*” means any mortgage or *hypothèque* that is effected on a ship and registered in the State in whose register of ships or equivalent register the ship is registered;

(e) “Charge” means any right whatsoever and howsoever arising which may be asserted against a ship, whether by means of arrest, attachment or otherwise, and

includes a maritime lien, lien, encumbrance, right of use or right of retention but does not include a mortgage or *hypothèque*;

(f) “Registered charge” means any charge that is registered in the register of ships or equivalent register in which the ship is registered or in any different register in which mortgages or *hypothèques* are registered;

(g) “Maritime lien” means any charge that is recognized as a maritime lien or *privilège maritime* on a ship under applicable law;

(h) “Owner” of a ship means any person registered as the owner of the ship in the register of ships or equivalent register in which the ship is registered;

(i) “Purchaser” means any person to whom the ship is sold in the judicial sale;

(j) “Subsequent purchaser” means the person who purchases the ship from the purchaser named in the certificate of judicial sale referred to in article 5;

(k) “State of judicial sale” means the State in which the judicial sale of a ship is conducted.

Article 3

Scope of application

1. This Convention applies only to a judicial sale of a ship if:

(a) The judicial sale is conducted in a State Party; and

(b) The ship is physically within the territory of the State of judicial sale at the time of that sale.

2. This Convention shall not apply to warships or naval auxiliaries, or other vessels owned or operated by a State and used, immediately prior to the time of judicial sale, only on government non-commercial service.

Article 4

Notice of judicial sale

1. The judicial sale shall be conducted in accordance with the law of the State of judicial sale, which shall also provide procedures for challenging the judicial sale prior to its completion and determine the time of the sale for the purposes of this Convention.

2. Notwithstanding paragraph 1, a certificate of judicial sale under article 5 shall only be issued if a notice of judicial sale is given prior to the judicial sale of the ship in accordance with the requirements of paragraphs 3 to 7.

3. The notice of judicial sale shall be given to:

(a) The registry of ships or equivalent registry with which the ship is registered;

(b) All holders of any mortgage or *hypothèque* and of any registered charge, provided that the register in which it is registered, and any instrument required to be registered under the law of the State of registration, are open to public inspection, and that extracts from the register and copies of such instruments are obtainable from the registry;

(c) All holders of any maritime lien, provided that they have notified the court or other public authority conducting the judicial sale of the claim secured by the maritime lien in accordance with the regulations and procedures of the State of judicial sale;

- (d) The owner of the ship for the time being; and
- (e) If the ship is granted bareboat charter registration:
 - (i) The person registered as the bareboat charterer of the ship in the bareboat charter register; and
 - (ii) The bareboat charter registry.
- 4. The notice of judicial sale shall be given in accordance with the law of the State of judicial sale, and shall contain, as a minimum, the information mentioned in annex I.
- 5. The notice of judicial sale shall also be:
 - (a) Published by announcement in the press or other publication available in the State of judicial sale; and
 - (b) Transmitted to the repository referred to in article 11 for publication.
- 6. For the purpose of communicating the notice to the repository, if the notice of judicial sale is not in a working language of the repository, it shall be accompanied by a translation of the information mentioned in annex I into any such working language.
- 7. In determining the identity or address of any person to whom the notice of judicial sale is to be given, it is sufficient to rely on:
 - (a) Information set forth in the register of ships or equivalent register in which the ship is registered or in the bareboat charter register;
 - (b) Information set forth in the register in which the mortgage or *hypothèque* or the registered charge is registered, if different to the register of ships or equivalent register; and
 - (c) Information notified under paragraph 3, subparagraph (c).

Article 5

Certificate of judicial sale

1. Upon completion of a judicial sale that conferred clean title to the ship under the law of the State of judicial sale and was conducted in accordance with the requirements of that law and the requirements of this Convention, the court or other public authority that conducted the judicial sale or other competent authority of the State of judicial sale shall, in accordance with its regulations and procedures, issue a certificate of judicial sale to the purchaser.
2. The certificate of judicial sale shall be substantially in the form of the model contained in annex II and contain:
 - (a) A statement that the ship was sold in accordance with the requirements of the law of the State of judicial sale and the requirements of this Convention;
 - (b) A statement that the judicial sale has conferred clean title to the ship on the purchaser;
 - (c) The name of the State of judicial sale;
 - (d) The name, address and the contact details of the authority issuing the certificate;
 - (e) The name of the court or other public authority that conducted the judicial sale and the date of the sale;
 - (f) The name of the ship and registry of ships or equivalent registry with which the ship is registered;

- (g) The IMO number of the ship or, if not available, other information capable of identifying the ship;
- (h) The name and address of residence or principal place of business of the owner of the ship immediately prior to the judicial sale;
- (i) The name and address of residence or principal place of business of the purchaser;
- (j) The place and date of issuance of the certificate; and
- (k) The signature or stamp of the authority issuing the certificate or other confirmation of authenticity of the certificate.
3. The State of judicial sale shall require the certificate of judicial sale to be transmitted promptly to the repository referred to in article 11 for publication.
4. The certificate of judicial sale and any translation thereof shall be exempt from legalization or similar formality.
5. Without prejudice to articles 9 and 10, the certificate of judicial sale shall be sufficient evidence of the matters contained therein.
6. The certificate of judicial sale may be in the form of an electronic record provided that:
- (a) The information contained therein is accessible so as to be usable for subsequent reference;
- (b) A reliable method is used to identify the authority issuing the certificate; and
- (c) A reliable method is used to detect any alteration to the record after the time it was generated, apart from the addition of any endorsement and any change that arises in the normal course of communication, storage and display.
7. A certificate of judicial sale shall not be rejected on the sole ground that it is in electronic form.

Article 6

International effects of a judicial sale

A judicial sale for which a certificate of judicial sale referred to in article 5 has been issued shall have the effect in every other State Party of conferring clean title to the ship on the purchaser.

Article 7

Action by the registry

1. At the request of the purchaser or subsequent purchaser and upon production of the certificate of judicial sale referred to in article 5, the registry or other competent authority of a State Party shall, as the case may be and in accordance with its regulations and procedures, but without prejudice to article 6:
- (a) Delete from the register any mortgage or *hypothèque* and any registered charge attached to the ship that had been registered before completion of the judicial sale;
- (b) Delete the ship from the register and issue a certificate of deletion for the purpose of new registration;

(c) Register the ship in the name of the purchaser or subsequent purchaser, provided further that the ship and the person in whose name the ship is to be registered meet the requirements of the law of the State of registration;

(d) Update the register with any other relevant particulars in the certificate of judicial sale.

2. At the request of the purchaser or subsequent purchaser and upon production of the certificate of judicial sale referred to in article 5, the registry or other competent authority of a State Party in which the ship was granted bareboat charter registration shall delete the ship from the bareboat charter register and issue a certificate of deletion.

3. If the certificate of judicial sale is not issued in an official language of the registry or other competent authority, the registry or other competent authority may request the purchaser or subsequent purchaser to produce a certified translation into such an official language.

4. The registry or other competent authority may also request the purchaser or subsequent purchaser to produce a certified copy of the certificate of judicial sale for its records.

5. Paragraphs 1 and 2 do not apply if a court in the State of the registry or of the other competent authority determines under article 10 that the effect of the judicial sale under article 6 would be manifestly contrary to the public policy of that State.

Article 8

No arrest of the ship

1. If an application is brought before a court or other judicial authority in a State Party to arrest a ship or to take any other similar measure against a ship for a claim arising prior to a judicial sale of the ship, the court or other judicial authority shall, upon production of the certificate of judicial sale referred to in article 5, dismiss the application.

2. If a ship is arrested or a similar measure is taken against a ship by order of a court or other judicial authority in a State Party for a claim arising prior to a judicial sale of the ship, the court or other judicial authority shall, upon production of the certificate of judicial sale referred to in article 5, order the release of the ship.

3. If the certificate of judicial sale is not issued in an official language of the court or other judicial authority, the court or other judicial authority may request the person producing the certificate to produce a certified translation into such an official language.

4. Paragraphs 1 and 2 do not apply if the court or other judicial authority determines that dismissing the application or ordering the release of the ship, as the case may be, would be manifestly contrary to the public policy of that State.

Article 9

Jurisdiction to avoid and suspend judicial sale

1. The courts of the State of judicial sale shall have exclusive jurisdiction to hear any claim or application to avoid a judicial sale of a ship conducted in that State that confers clean title to the ship or to suspend its effects, which shall extend to any claim or application to challenge the issuance of the certificate of judicial sale referred to in article 5.

2. The courts of a State Party shall decline jurisdiction in respect of any claim or application to avoid a judicial sale of a ship conducted in another State Party that confers clean title to the ship or to suspend its effects.

3. The State of judicial sale shall require the decision of a court that avoids or suspends the effects of a judicial sale for which a certificate has been issued in accordance with article 5, paragraph 1, to be transmitted promptly to the repository referred to in article 11 for publication.

Article 10

Circumstances in which judicial sale has no international effect

A judicial sale of a ship shall not have the effect provided in article 6 in a State Party other than the State of judicial sale if a court in the other State Party determines that the effect would be manifestly contrary to the public policy of that other State Party.

Article 11

Repository

1. The repository shall be the Secretary-General of the International Maritime Organization or an institution named by the United Nations Commission on International Trade Law.

2. Upon receipt of a notice of judicial sale transmitted under article 4, paragraph 5, certificate of judicial sale transmitted under article 5, paragraph 3, or decision transmitted under article 9, paragraph 3, the repository shall make it available to the public in a timely manner, in the form and in the language in which it is received.

3. The repository may also receive a notice of judicial sale emanating from a State that has ratified, accepted, approved or acceded to this Convention and for which the Convention has not yet entered into force and may make it available to the public.

Article 12

Communication between authorities of States Parties

1. For the purposes of this Convention, the authorities of a State Party shall be authorized to correspond directly with the authorities of any other State Party.

2. Nothing in this article shall affect the application of any international agreement on judicial assistance in respect of civil and commercial matters that may exist between States Parties.

Article 13

Relationship with other international conventions

1. Nothing in this Convention shall affect the application of the Convention on the Registration of Inland Navigation Vessels (1965) and its Protocol No. 2 concerning Attachment and Forced Sale of Inland Navigation Vessels, including any future amendment to that convention or protocol.

2. Without prejudice to article 4, paragraph 4, as between States Parties to this Convention that are also parties to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965), the notice of judicial sale may be transmitted abroad using channels other than those provided for in that convention.

Article 14
Other bases for giving international effect

Nothing in this Convention shall preclude a State from giving effect to a judicial sale of a ship conducted in another State under any other international agreement or under applicable law.

Article 15
Matters not governed by this Convention

1. Nothing in this Convention shall affect:
 - (a) The procedure for or priority in the distribution of proceeds of a judicial sale; or
 - (b) Any personal claim against a person who owned or had proprietary rights in the ship prior to the judicial sale.
2. Moreover, this Convention shall not govern the effects, under applicable law, of a decision by a court exercising jurisdiction under article 9, paragraph 1.

Article 16
Depositary

The Secretary-General of the United Nations is hereby designated as the depositary of this Convention.

Article 17
Signature, ratification, acceptance, approval, accession

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. This Convention is open for accession by all States that are not signatories as from the date it is open for signature.
4. Instruments of ratification, acceptance, approval or accession are to be deposited with the depositary.

Article 18
Participation by regional economic integration organizations

1. A regional economic integration organization that is constituted by sovereign States and has competence over certain matters governed by this Convention may similarly sign, ratify, accept, approve or accede to this Convention. The regional economic integration organization shall in that case have the rights and obligations of a State Party, to the extent that that organization has competence over matters governed by this Convention. For the purposes of articles 21 and 22, an instrument deposited by a regional economic integration organization shall not be counted in addition to the instruments deposited by its member States.
2. The regional economic integration organization shall make a declaration specifying the matters governed by this Convention in respect of which competence has been transferred to that organization by its member States. The regional economic integration organization shall promptly notify the depositary of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.

3. Any reference to a “State”, “States”, “State Party” or “States Parties” in this Convention applies equally to a regional economic integration organization where the context so requires.
4. This Convention shall not affect the application of rules of a regional economic integration organization, whether adopted before or after this Convention:
 - (a) In relation to the transmission of a notice of judicial sale between member States of such an organization; or
 - (b) In relation to the jurisdictional rules applicable between member States of such an organization.

Article 19

Non-unified legal systems

1. If a State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may declare that this Convention shall extend to all its territorial units or only to one or more of them.
2. Declarations under this article shall state expressly the territorial units to which this Convention extends.
3. If a State makes no declaration under paragraph 1, this Convention shall extend to all territorial units of that State.
4. If a State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention:
 - (a) Any reference to the law, regulations or procedures of the State shall be construed as referring, where appropriate, to the law, regulations or procedures in force in the relevant territorial unit;
 - (b) Any reference to the authority of the State shall be construed as referring, where appropriate, to the authority in the relevant territorial unit.

Article 20

Procedure and effects of declarations

1. Declarations under article 18, paragraph 2, and article 19, paragraph 1, shall be made at the time of signature, ratification, acceptance, approval or accession. Declarations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.
2. Declarations and their confirmations shall be in writing and formally notified to the depositary.
3. A declaration takes effect simultaneously with the entry into force of this Convention in respect of the State concerned.
4. Any State that makes a declaration under article 18, paragraph 2, and article 19, paragraph 1, may modify or withdraw it at any time by a formal notification in writing addressed to the depositary. The modification or withdrawal shall take effect 180 days after the date of the receipt of the notification by the depositary. If the depositary receives the notification of the modification or withdrawal before entry into force of this Convention in respect of the State concerned, the modification or withdrawal shall take effect simultaneously with the entry into force of this Convention in respect of that State.

Article 21**Entry into force**

1. This Convention shall enter into force 180 days after the date of the deposit of the third instrument of ratification, acceptance, approval or accession.
2. When a State ratifies, accepts, approves or accedes to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention shall enter into force in respect of that State 180 days after the date of the deposit of its instrument of ratification, acceptance, approval or accession.
3. This Convention shall apply only to judicial sales ordered or approved after its entry into force in respect of the State of judicial sale.

Article 22**Amendment**

1. Any State Party may propose an amendment to this Convention by submitting it to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within 120 days from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.
2. The conference of States Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus are exhausted and no consensus is reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the conference. For the purposes of this paragraph, the vote of a regional economic integration organization shall not be counted.
3. An adopted amendment shall be submitted by the depositary to all States Parties for ratification, acceptance or approval.
4. An adopted amendment shall enter into force 180 days after the date of deposit of the third instrument of ratification, acceptance or approval. When an amendment enters into force, it shall be binding on those States Parties that have expressed consent to be bound by it.
5. When a State Party ratifies, accepts or approves an amendment following the deposit of the third instrument of ratification, acceptance or approval, the amendment shall enter into force in respect of that State Party 180 days after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 23**Denunciation**

1. A State Party may denounce this Convention by a formal notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a non-unified legal system to which this Convention applies.
2. The denunciation shall take effect 365 days after the date of the receipt of the notification by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date of the receipt of the notification by the depositary. This Convention shall continue to apply to a judicial sale for which a

certificate of judicial sale referred to in article 5 has been issued before the denunciation takes effect.

DONE in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

Annex I

Minimum information to be contained in the notice of judicial sale

1. Statement that the notice of judicial sale is given for the purposes of the United Nations Convention on the International Effects of Judicial Sales of Ships
2. Name of State of judicial sale
3. Court or other public authority ordering, approving or confirming the judicial sale
4. Reference number or other identifier for the judicial sale procedure
5. Name of ship
6. Registry
7. IMO number
8. *(If IMO number not available)* Other information capable of identifying the ship
9. Name of the owner
10. Address of residence or principal place of business of the owner
11. *(If judicial sale by public auction)* Anticipated date, time and place of public auction
12. *(If judicial sale by private treaty)* Any relevant details, including time period, for the judicial sale as ordered by the court or other public authority
13. Statement either confirming that the judicial sale will confer clean title to the ship, or, if it is not known whether the judicial sale will confer clean title, a statement of the circumstances under which the judicial sale would not confer clean title
14. Other information required by the law of the State of judicial sale, in particular any information deemed necessary to protect the interests of the person receiving the notice

Annex II

Model certificate of judicial sale

Issued in accordance with the provisions of article 5 of the United Nations Convention on the International Effects of Judicial Sales of Ships

This is to certify that:

- (a) The ship described below was sold by way of judicial sale in accordance with the requirements of the law of the State of judicial sale and the requirements of the United Nations Convention on the International Effects of Judicial Sales of Ships; and
- (b) The judicial sale has conferred clean title to the ship on the purchaser.

- 1. **State of judicial sale**
- 2. **Authority issuing this certificate**
 - 2.1 Name
 - 2.2 Address
 - 2.3 Telephone/fax/email, if available
- 3. **Judicial sale**
 - 3.1 Name of court or other public authority that conducted the judicial sale
 - 3.2 Date of the judicial sale
- 4. **Ship**
 - 4.1 Name
 - 4.2 Registry
 - 4.3 IMO number
 - 4.4 *(If IMO number not available)* Other information capable of identifying the ship *(Please attach any photos to the certificate)*
- 5. **Owner immediately prior to the judicial sale**
 - 5.1 Name
 - 5.2 Address of residence or principal place of business
- 6. **Purchaser**
 - 6.1 Name
 - 6.2 Address of residence or principal place of business

At On
(place) (date)

.....
Signature and/or stamp of issuing authority
or other confirmation of authenticity of the
certificate

Draft resolution III

Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services

The General Assembly,

Recalling its resolution [2205 \(XXI\)](#) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Recalling also its resolution [60/21](#) of 23 November 2005, by which it adopted the United Nations Convention on the Use of Electronic Communications in International Contracts and called upon all Governments to consider becoming party to the Convention, and its resolutions [51/162](#) of 16 December 1996, [56/80](#) of 12 December 2001 and [72/114](#) of 7 December 2017, in which it recommended that all States give favourable consideration to the Model Law on Electronic Commerce, the Model Law on Electronic Signatures and the Model Law on Electronic Transferable Records of the Commission, respectively,

Mindful that the Convention, the Model Law on Electronic Commerce, the Model Law on Electronic Signatures and the Model Law on Electronic Transferable Records are of significant assistance to States in enabling and facilitating electronic commerce in international trade,

Convinced that confidence, legal certainty and predictability in electronic commerce, including across borders, will be enhanced by the harmonization of certain rules on the legal recognition of identity management and trust services on a technology-neutral basis and, when appropriate, according to the functional equivalence approach,

Recalling that, at its forty-ninth session, in 2016, the Commission mandated its Working Group IV (Electronic Commerce) to undertake work on the use and cross-border recognition of identity management and trust services,¹

Noting that the Working Group devoted 10 sessions, from 2017 to 2022, to that work, and that the Commission considered at its fifty-fifth session, in 2022, a draft model law on the use and cross-border recognition of identity management and trust services prepared by the Working Group, together with comments on the draft received from Governments and international organizations invited to sessions of the Working Group,²

Believing that a model law on the use and cross-border recognition of identity management and trust services will constitute a useful addition to existing Commission texts in the area of electronic commerce by assisting States in enhancing their legislation governing the use of identity management and trust services, or formulating such legislation where none currently exists, in particular with respect to cross-border aspects,

¹ *Official Records of the General Assembly, Seventy-first Session, Supplement No. 17 (A/71/17)*, paras. 235–236.

² *Ibid.*, *Seventy-seventh Session, Supplement No. 17 (A/77/17)*, chap. VI.

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for completing and adopting the Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services;³

2. *Requests* the Secretary-General to publish the Model Law together with an explanatory note, including electronically, in the six official languages of the United Nations, and to disseminate it broadly to Governments and other interested bodies;

3. *Recommends* that all States give favourable consideration to the Model Law when revising or adopting legislation relevant to identity management and trust services, and invites States that have used the Model Law to advise the Commission accordingly;

4. *Also recommends* that States continue to consider becoming parties to the United Nations Convention on the Use of Electronic Communications in International Contracts⁴ and to give favourable consideration to the use of the Model Law on Electronic Commerce,⁵ the Model Law on Electronic Signatures⁶ and the Model Law on Electronic Transferable Records⁷ when revising or adopting legislation on electronic commerce;

5. *Appeals* to the relevant bodies of the United Nations system and other relevant international and regional organizations to coordinate their legal activities in the area of electronic commerce, including paperless trade facilitation, with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of legislation on electronic commerce.

³ Ibid., annex II.

⁴ Resolution 60/21, annex; see also United Nations, *Treaty Series*, vol. 2898, No. 50525.

⁵ Resolution 51/162, annex.

⁶ Resolution 56/80, annex.

⁷ *Official Records of the General Assembly, Seventy-second Session, Supplement No. 17 (A/72/17)*, annex I.