



*Information brochure*

# **UNITED NATIONS CONVENTION ON THE INTERNATIONAL EFFECTS OF JUDICIAL SALES OF SHIPS**

*“Beijing Convention on the Judicial  
Sale of Ships”*

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**SIGNING CEREMONY  
BEIJING, 5 SEPTEMBER 2023**

## About this information brochure

The purpose of this brochure is to provide information on the United Nations Convention on the International Effects of Judicial Sales of Ships (the Convention), as well as on the procedures that States or regional economic integration organizations must follow in order to sign, ratify, accept, approve or accede to this Convention. Included in the annexes are model instruments of (i) full powers; (ii) ratification, acceptance or approval; (iii) accession; (iv) declarations; and (v) withdrawal of declarations, which can be used for deposit with the Secretary-General of the United Nations (as depositary of the Convention).

## General information on the Convention

### Background to the project

The Convention was prepared by the United Nations Commission on International Trade Law (UNCITRAL) between 2019 and 2022 (see [A/73/17](#), para. 252). The substantive deliberations took place during six sessions of UNCITRAL Working Group VI, and the draft convention was approved at the fifty-fifth session of UNCITRAL (New York, 27 June–15 July 2022) ([A/77/17](#), para. 99). The United Nations General Assembly adopted the Convention at its seventy-seventh session, on 7 December 2022 ([A/RES/77/100](#)). When doing so, the General Assembly authorized a signing ceremony to be held as soon as practicable in 2023 in Beijing, and recommended that the Convention be known as the “Beijing Convention on the Judicial Sale of Ships”.

### Current state of the law

In many States, courts have the authority to order the sale of a ship to satisfy a legal claim. Such a claim is typically brought against the ship or shipowner to foreclose a ship mortgage (in the event of default in repayment) or to enforce a maritime lien against the ship. The judicial sale procedure is typically preceded by the arrest of the ship.

While the international community has achieved significant progress in harmonizing rules on the arrest of ships, much less progress has been achieved in harmonizing rules on the judicial sale of ships. As such, it remains for each State to prescribe the rules governing the procedure and legal effect of judicial sales ordered by its courts, although in many States the judicial sale has the legal effect of conferring “clean title” on the purchaser (i.e. it extinguishes all rights and interests that were previously attached to the ship, including mortgages and maritime liens). It also remains for each State to prescribe the rules governing the legal effect within its jurisdiction of foreign judicial sales.

### The need for harmonized rules

At UNCITRAL, it was recognized that the current state of the law gives rise to important practical problems that deserved to be addressed in an international instrument establishing harmonized rules on the judicial sale of ships. First, the difference between legal systems creates uncertainty for a bona fide purchaser as to its title in the ship and its ability to use the ship freely following the judicial sale. Second, this uncertainty has a negative effect on the price that the ship is able to attract in the market, which in turn reduces the proceeds that are available for distribution among creditors. Third, the uncertainty has a negative effect more generally on international trade and maritime insurance coverage.

## Objective of the Convention

The Convention establishes a harmonized regime for giving international effect to judicial sales, while preserving domestic law governing the procedure of judicial sales and the circumstances in which judicial sales confer clean title.

When adopting the Convention, the United Nations General Assembly was 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 ([A/RES/77/100](#), preamble). The General Assembly considered 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, and, for that purpose, wished 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.

By ensuring legal certainty as to the title that the purchaser acquires in the ship as it navigates internationally, the Convention is designed to maximize the price that the ship is able to attract in the market and the proceeds available for distribution among creditors, and to promote international trade.

The introduction of a standardized certificate of judicial sale provides a clear, simple and predictable uniform process to guide ship registries in handling requests for deregistration and related actions following purchase of a ship at a judicial sale. Ship registries will not be required to investigate the circumstances of the sale. Indeed, the certificate of judicial sale, which presupposes compliance with the Convention's notice and other requirements, gives comfort to courts and registries that interested parties were notified and had a fair chance to participate in the judicial sale in the State of judicial sale.

All questions concerning the validity of the certificate and the judicial sale itself are referred to the courts of the State of judicial sale.

The Convention is designed to complement other maritime law treaties, including the International Convention relating to the Arrest of Seagoing Ships (1952), International Convention on Arrest of Ships (1999), and the International Convention on Maritime Liens and Mortgages (1993).

## Key provisions

The basic rule of the Convention is that a judicial sale conducted in one State Party which has the effect of conferring clean title on the purchaser has the same effect in every other State Party (article 6). The basic rule is subject only to a public policy exception (article 10).

The Convention regime prescribes additional rules which establish how a judicial sale is given effect after completion. The first is a requirement that the ship registry deregister the ship or transfer registration at the request of the purchaser (article 7). The second is a prohibition on arresting the ship for a claim arising from a pre-existing right or interest (i.e. a right or interest extinguished by the sale) (article 8). The third is the conferral of exclusive jurisdiction on the courts of the State of judicial sale to hear a challenge to the judicial sale (article 9).

To support the operation of the regime and to safeguard the rights of parties with an interest in the ship, the Convention provides for the issuance of two instruments: a notice of judicial sale (article 4) and a certificate of judicial sale (article 5). It also establishes an online repository of those instruments which is freely accessible to any interested person or entity (article 11).

The Convention regime is "closed", in the sense that it applies only among States Parties (article 3), but "not exclusive", in the sense that it does not displace other bases for giving effect to judicial sales, for instance under more favourable domestic law regimes (article 14).

## **Procedure for becoming a party**

### **Signature**

The Convention will be open for signature in Beijing on 5 September 2023, and will remain open for signature thereafter at the United Nations Headquarters in New York.

Under established international practice, only Heads of State, Heads of Government or Ministers for Foreign Affairs are empowered, by virtue of their functions, to sign treaties on behalf of States without having to produce full powers to that effect. Other representatives wishing to sign the Convention must be in possession of appropriate full powers emanating from one of these authorities, which expressly authorize the signing of the Convention by a named representative. States or regional economic integration organizations wishing to sign the Convention are requested, as necessary, to provide the required full powers in advance to the Treaty Section of the Office of Legal Affairs, at United Nations Headquarters (Address: 2 UN Plaza – 323 E 44th street, Room DC2-0520, New York, NY 10017, United States of America. Tel.: +1-212-963-5047. Fax: +1-212-963-3693. Email: [treatysection@un.org](mailto:treatysection@un.org)).

By signing the Convention, a State or regional economic integration organization signals its intention to become a party to it in the future. Once it has signed the Convention, a State or regional economic integration organization must not act in a manner that would defeat the object and purpose of the Convention prior to its entry into force (see article 18, Vienna Convention on the Law of Treaties, 1969).

### **Consent to be bound (ratification, acceptance, approval or accession)**

The Convention provides for States to express their consent to be bound by signature subject to ratification, acceptance or approval. Providing for signature subject to ratification, acceptance or approval allows States time to seek approval for the Convention at the domestic level and to enact any legislation necessary to implement the Convention internally, prior to undertaking the legal obligations from the Convention at the international level.

Ratification at the international level, which indicates to the international community a State's commitment to undertake the obligations under a treaty, should not be confused with ratification at the national level, which a State may be required to undertake in accordance with its own constitutional provisions before it expresses consent to be bound internationally. The ratification at the national level must be carried out, where required, in accordance with the Constitution of the State, and the ratification at the international level must be undertaken by the deposit of the instrument of ratification (see below and Annex 2).

Instruments of ratification, acceptance, approval or accession must be signed by the Head of State, Head of Government or Minister for Foreign Affairs (or any other person acting in such a position for the time being or with full powers for that purpose emanating from one of the above authorities). Such instruments become effective only when the State or regional economic integration organization deposits it with the Secretary-General of the United Nations (article 17(4) of the Convention). The depositary functions of the Secretary-General are discharged by the Treaty Section of the United Nations Office of Legal Affairs (see contact information above). When feasible, the State or regional economic integration organization should provide courtesy translations, in English and/or French, of instruments that are in other languages. This will help ensure that the instrument is promptly processed.

## **Entry into force**

The Convention will enter into force 180 days after the date of the deposit of the third instrument of ratification, acceptance, approval or accession (article 21(1) of the Convention).

For all other States or regional economic integration organizations that ratify, accept, approve or accede to the Convention after the deposit of the third instrument, the Convention will enter into force 180 days after the date of the deposit of their instrument of ratification, acceptance, approval or accession.

*For further information relating to the legal requirements for signature, consent to be bound, entry into force and declarations, please refer to the Treaty Handbook, available online in the six official languages of the United Nations on the United Nations Treaty Collection website (<https://treaties.un.org>):*

[https://treaties.un.org/Pages/Resource.aspx?path=Publication/TH/Page1\\_en.xml](https://treaties.un.org/Pages/Resource.aspx?path=Publication/TH/Page1_en.xml)

# **ANNEX 1 – MODEL INSTRUMENT OF FULL POWERS**

**(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs, or  
Representative of regional economic integration organization)**

## **FULL POWERS**

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I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs /  
Representative of regional economic integration organization],

**HEREBY AUTHORIZE** [name and title] to sign the United Nations Convention on the  
International Effects of Judicial Sales of Ships done at New York on 7 December 2022 on  
behalf of [the Government of (name of State) / name of regional economic integration  
organization].

Done at [place] on [date].

[Signature]

## **ANNEX 2 – MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL**

**(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs, or  
Representative of regional economic integration organization)**

**[RATIFICATION / ACCEPTANCE / APPROVAL]**

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**WHEREAS** the United Nations Convention on the International Effects of Judicial Sales of Ships was adopted at New York on 7 December 2022,

**AND WHEREAS** the said Convention has been signed on behalf of [the Government of (name of State) / name of regional economic integration organization] on [date],

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs / Representative of regional economic integration organization] declare that [the Government of (name of State) / name of regional economic integration organization], having considered the above-mentioned Convention, [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF**, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

## **ANNEX 3 – MODEL INSTRUMENT OF ACCESSION**

**(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs, or  
Representative of regional economic integration organization)**

### **ACCESSION**

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**WHEREAS** the United Nations Convention on the International Effects of Judicial Sales of Ships was adopted at New York on 7 December 2022,

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs / Representative of regional economic integration organization] declare that [the Government of (name of State) / name of regional economic integration organization], having considered the above-mentioned Convention, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF**, I have signed this instrument of accession at [place] on [date].

[Signature]



## **ANNEX 4 – MODEL INSTRUMENT OF DECLARATIONS**

**(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs, or  
Representative of regional economic integration organization)**

**(Parties may make multiple declarations in a single instrument)**

**[DECLARATION]**

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I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs /  
Representative of regional economic integration organization],

**HEREBY DECLARE** that [the Government of (name of State) / name of regional economic  
integration organization] makes the following declaration(s) in relation to [article 18, paragraph  
2] [article 19, paragraph 1] of the United Nations Convention on the International Effects of  
Judicial Sales of Ships:

[Substance of declaration]

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal.

Done at [place] on [date].

[Signature and title]

## **ANNEX 5 – MODEL INSTRUMENT OF WITHDRAWAL OF DECLARATIONS**

**(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs, or  
Representative of regional economic integration organization)**

### **WITHDRAWAL OF DECLARATION(S)**

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**WHEREAS** [the Government of (name of State) / name of regional economic integration organization] [ratified, approved, accepted, acceded to] the United Nations Convention on the International Effects of Judicial Sales of Ships on [date],

**AND WHEREAS**, upon [ratification, approval, acceptance of / accession to] the Convention, [the Government of (name of State) / name of regional economic integration organization] made (a) declaration(s) under article(s) [---] of the Convention,

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs / Representative of regional economic integration organization], declare that [the Government of (name of State) / name of regional economic integration organization], having reviewed the said declaration(s), hereby withdraws [the same] [the following declaration(s): [---]].

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal.

Done at [place] on [date].

[Signature and title]