

DIPLOMATIC CONFERENCE ON WILLS  
Washington, D.C.      October 16-26, 1973

DC/1  
October 22, 1973

PROPOSALS OF THE DRAFTING COMMITTEE

Article 1

1. A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out in articles 2 to 4 hereafter.

2. The invalidity of the document as an international will shall not affect its validity as a will of another kind.

Article 2

1. The will shall be made in writing.
2. It need not be written by the testator himself.
3. It may be written in any language, by hand or by any other means.

Article 3

1. The testator shall declare in the presence of two witnesses and of a person authorized to act in connection with international wills that the document is his will and that he knows the contents thereof.
2. The testator need not inform the witnesses, or the authorized person, of the contents of the will.

## Article 4

1. In the presence of the witnesses and of the authorized person, the testator shall sign the will or, if he has previously signed it, shall acknowledge his signature.

## 2. Alternative I

[The testator, if unable to sign, may direct the authorized person or another person to sign on his behalf. In such a case, the authorized person mentions this fact on the document.]

## Alternative II

[When the testator is unable to sign, he shall state the reason therefor to the authorized person who shall note this declaration and the absence of the testator's signature on the will before affixing his own signature.]

3. The witnesses and the authorized person shall there and then attest the will by signing the document in the presence of the testator.

## Article 5

1. The signatures shall be placed at the end of the will.

2. If the will consists of several sheets, each sheet shall be numbered and shall be signed by the testator or by the person signing on his behalf.

## Article 6

1. The date of the will shall be the date of its signature by the authorized person.

2. This date shall be noted on the will by the authorized person.

## Article 7

## 1. Alternative I

[ The authorized person shall add to the will a certificate establishing that the forms prescribed by this law have been complied with.]

## Alternative II

[ The authorized person shall add to the will a certificate stating:

(a) that in his presence and in that of the witnesses the testator has declared that the document is his will and that he knows the contents thereof;

(b) (1) that in his presence and in that of the witnesses the testator has signed the will or has acknowledged his signature previously affixed; or

(2) where the testator has been unable to sign

## Alternative A\*

[ that the authorized person or another person, at the direction of the testator, signed the will on his behalf, in his presence and in the presence of the witnesses; the authorized person shall also state the reason given by the testator explaining why he has been unable to sign the will himself.];

## Alternative B\*

[ that the testator has declared to be unable to sign and that the authorized person has noted this fact on the will before affixing his own signature; the authorized person shall also state the reason given by the testator explaining why he has been unable to sign the will himself.];

(c) he and the witnesses have signed it;

(d) that he has satisfied himself as to the identity of the testator and of the witnesses;

(e) that the witnesses were competent to act as such according to the law of the place where the will was made;

(f) the date on and the place at which the acts specified in (a), (b), and (c) took place.]

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\*Alternative A is proposed in case Alternative I should be chosen in Article 4.

\*Alternative B is proposed in case Alternative II should be chosen in Article 4.

2. The authorized person shall also state his authority and address, the date and place of birth of the testator and of the witnesses. He shall date and sign the certificate.

3. The certificate shall be drawn up in accordance with the model contained in the appendix to this Law, or in a substantially similar form. The authorized person shall keep a copy of the certificate and deliver another to the testator.

4. In the absence of proof to the contrary, the certificate of the authorized person shall be accepted as sufficient proof in any case or proceeding of all facts necessary to establish the formal validity of the instrument as a will under this Law.

5. The absence or ineffectiveness of a certificate shall not affect the validity of a will under this Law.

Appendix

CERTIFICATE  
(Convention of October 26, 1973)

1. I, . . . . . (name, address and capacity) person authorized to act in connection with international wills
2. certify that on . . . . . (date) at . . . . . (place)
3. (testator) . . . . . (name, address, date and place of birth)  
in my presence and that of the witnesses
4. (a) . . . . . (name, address, date and place of birth)  
(b) . . . . . (name, address, date and place of birth)  
has declared that the document (attached) is his will and that he knows the contents thereof.
5. I furthermore certify that
6. (a) in my presence and in that of the witnesses  
(1) the testator has signed the will or has acknowledged his signature previously affixed.  
(2) following a declaration of the testator stating that he was unable to sign his will for the following reason . . . . .  
-- I have mentioned this fact on the will  
 -- I have signed it myself on his behalf  
-- the signature has been affixed on his behalf by . (name, address) at the direction of the testator. <sup>(1)</sup>
7. (b) the witnesses and myself have signed it;
8. (c) I have satisfied myself as to the identity of the

(1) In case Alternative I of Article 4 should be retained.

testator and of the witnesses as designated above;

9. (d) the witnesses were competent to act as such according to the law of the place where the will was made.

10. PLACE

11. DATE

12. SIGNATURE

13. SEAL.

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