

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

DC/2 (Rev.1)
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DRAFT CONVENTION PROVIDING A UNIFORM LAW
ON THE FORM OF THE INTERNATIONAL WILL

The States signatory to the present Convention,
Desirous to provide to a greater extent for the respecting
of last wills by establishing an additional form of will henceforth
to be called an "international will" which, if employed, would dis-
pense to some extent with the search for the applicable law [and
dispense with the examination of formalities prescribed by such law;]
Have resolved to conclude a Convention for this purpose and
have agreed upon the following provisions:

Article I

1. Each Contracting Party undertakes that not later than six months after the date of entry into force of this Convention in respect of that Party it shall introduce into its law the rules regarding an international will set out in the Annex to this Convention
2. Each Contracting Party may introduce the provisions of the Annex into its law either by reproducing the actual text, or by translating it into its official language or languages.
3. Each Contracting Party may introduce into its law such further provisions as are necessary to give the provisions of the Annex full effect in its territory.
4. Each Contracting Party shall submit to the Depositary Government the text of the rules introduced into its national law in order to implement the provisions of this Convention.

Article II

1. Each Contracting Party shall complete and implement the provisions of the Annex in its law, within the period provided for in the preceding article, by designating the persons who, in its territory, shall be authorized to act in connection with international wills. It may also designate as a person authorized to act with regard to its nationals, its diplomatic or consular agents abroad [or other person under its jurisdiction] insofar as the local law does not prohibit it.
2. The Party shall notify such designation, as well as any modifications thereof to the Depositary Government.

Article III

The capacity of the authorized person to act in connection with an international will, if granted in accordance with the law of a Contracting Party, shall be recognized in the territory of the other Contracting Parties.

Article IV

The effectiveness of the certificate provided for in Article ... of the Annex shall be recognized in the territories of all Contracting Parties.

Article V

1. The competence of a witness of an international will shall be governed in accordance with the law under which the authorized person was appointed. The same rule shall apply as regards an interpreter who is called upon to act.

2. Nevertheless no one shall be disqualified to act as a witness of an international will solely because he is an alien.

Article VI

1. The signature of the testator, of the authorized person, and of the witnesses to an international will, whether on the will or on the certificate, shall be exempt from any legalization or like formality.

2. Nevertheless, the competent authorities of any Contracting Party may, if necessary, satisfy themselves of the authenticity of the signature of the authorized person.

Article VI Bis

The safekeeping of an international will shall be governed in accordance with the law under which the authorized person was appointed.

[Article VII

No reservation shall be admitted to this Convention or to its Annex.]

Article VIII

1. The present Convention shall be open for signature at Washington from October 26, 1973, until December 31, 1974.

2. The Convention shall be subject to ratification.

3. Instruments of ratification shall be deposited with the Government of the United States of America, which shall be the Depositary Government.

Article IX

1. The Convention shall be open indefinitely for accession.

2. Instruments of accession shall be deposited with the Depositary Government.

Article X

1. The present Convention shall enter into force six months after the date of deposit of the fifth instrument of ratification or accession with the Depositary Government.

2. In the case of each State which ratifies this Convention or accedes to it after the fifth instrument of ratification or accession has been deposited, this Convention shall enter into force six months after the deposit of its own instrument of ratification or accession.

Article XI

1. Any Contracting Party may denounce this Convention by written notification to the Depositary Government.

2. Such denunciation shall take effect twelve months from the date on which the Depositary Government has received the notification, but such denunciation shall not affect the validity of any will made during the period that the Convention was in effect for the denouncing State.

Article XII

1. Any State may, when it deposits its instrument of ratification or accession or at any time thereafter, declare, by a notice addressed to the Depositary, that this Convention shall apply to all or part of the territories for the international relations of which it is responsible.

2. Such declaration shall have effect six months after the date on which the Depositary shall have received notice thereof or, if at the end of such period the Convention has not yet come into force, from the date of its entry into force.

3. Each Contracting Party which has made a declaration in accordance with paragraph 1 of this Article may, in accordance with Article XI, denounce this Convention in relation to all or part of the territories concerned.

Article XIII

1. If a Contracting State has two or more territorial units in which different systems of law apply in relation to matters respecting the form of wills, it may at the time of signature, ratification, or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them, and may modify its declaration by submitting another declaration at any time.

2. These declarations shall be notified to the Depositary Government and shall state expressly the territorial units to which the Convention applies.

Article XIV

[. . . .]

Article XV

1. The original of the present Convention, in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each of the signatory and acceding States and to the International Institute for the Unification of Private Law.

2. The Depositary Government shall give notice to the signatory of acceding States, and to the International Institute for the Unification of Private Law, of:

- (a) any signature;
- (b) the deposit of any instrument of ratification or accession;
- (c) any date on which this Convention enters into force in accordance with Article X;
- (d) any communication received in accordance with Article I, paragraph 4;
- (e) any notice received in accordance with Article II, paragraph 2;
- (f) any declaration received in accordance with Article XII, paragraph 2, and the date on which such declaration takes effect;
- (g) any denunciation received in accordance with Article XI, paragraph 1, or Article XII, paragraph 3, and the date on which the denunciation takes effect;
- (h) any declaration received in accordance with Article XIII, paragraph 2, and the date on which the declaration takes effect.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

DONE at Washington this twenty-sixth day of October, one thousand nine hundred and seventy-three.