

DIPLOMATIC CONFERENCE ON WILLS

Washington, D.C. October 16-26, 1973

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WELCOMING ADDRESS BY
THE HONORABLE GEORGE H. ALDRICH, ACTING LEGAL ADVISER
DEPARTMENT OF STATE, AT THE OPENING OF THE
DIPLOMATIC CONFERENCE ON WILLS
OCTOBER 16, 1973

Your Excellencies, Ladies and Gentlemen:

I am delighted to welcome you in the name of the Government of The United States of America to this Diplomatic Conference on an international form for wills. As a lawyer, I appreciate the great practical importance of the task before this Diplomatic Conference and am confident that, on the basis of the excellent preparatory work of the International Institute for the Unification of Private Law, you will succeed in adopting a draft convention that will be a genuine contribution to the international simplification of legal procedures.

The Government of the United States is especially pleased that more than forty governments and four international organizations have sent delegations and observers to participate in this Conference. I am informed that this represents the largest participation in history in an international conference to adopt a uniform law on a private law subject. This broad response is particularly welcome to us because this Diplomatic Conference is the first general private law conference for which the United States has served as the host State.

In a world in which modern means of transportation have resulted in numerous persons spending substantial periods of time in two or more countries, a growing number of situations arise in which it is necessary to prepare wills disposing of property located in more than one country. Individuals who must make a will in a foreign country or who wish to provide for disposition of property in more than one country frequently find themselves confronted with conflicting and unfamiliar legal rules concerning the formal requirements for such a will. From a practical point of view it seems desirable that testators who find themselves in such a position be afforded a method to reduce to a minimum the uncertainty as to the formal validity of a will for the disposal of their property.

Responding to this need, the Governing Council of the International Institute for the Unification of Private Law decided in 1961 to study the feasibility of drafting a uniform law to deal with the problem. This approach was in accordance with the customary practice of the Institute, which, as you all know, has as its objective the unification of substantive law on an international basis. The Institute began preparatory

work on this subject by establishing a committee of experts, whose draft uniform law was sent to governments for comment in 1965. Most governments favored the adoption of a uniform law on the subject. In light of their comments it was decided that a committee of government experts should meet to revise the draft, taking into consideration the suggestions that had been made for improvement. That committee approved the basic proposal that you will be considering - a convention and uniform law on the form of wills - in May 1971.

The decision of the Institute to propose the conclusion of a treaty for the unification of law on the form of wills to ensure the recognition as to form of a will prepared in accordance with the uniform law was not taken lightly. Among the various methods of dealing with the problem the unification of substantive law is the most difficult. It requires careful preparation, substantial patience and a clear perception of the result to be achieved. In the opinion of the United States the draftsmen of the proposal that you will be considering demonstrated those qualities. They succeeded in putting forward a practical proposal that has attracted substantial support among the countries that have submitted formal comments for the benefit of the Conference.

I should note that among the distinguished attorneys who are gathered here for this Conference are a number of the persons who participated in the original meetings of the committee of experts and who have made substantial contributions to the preparation of the draft. Their presence is added assurance that the work of the Conference will proceed smoothly and effectively.

The Government of the United States feels sure that this Conference will be marked by a spirit of good will and close collaboration that will enable us to reach agreement on a uniform law that will be of substantial benefit to the nationals of all participating States.

In spite of the considerable task that lies before you, we hope that you may nevertheless be able from time to time to pause from your work and to enjoy the many attractions of our nation's capital.

In expressing my good wishes for the success of your work, I declare open the Diplomatic Conference on Wills.

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