

Rome, October 8, 1965



U.P.L. 1965 - Paper XLIII  
Form of Wills - Doc. 25  
(Or. French)

DRAFT CONVENTION

PROVIDING FOR A UNIFORM LAW

ON THE FORM OF WILLS

The States signatories to the present Convention,

Desirous to provide to a greater extent for the respecting of last wills by establishing a form of will henceforth to be called an "international will" which, if employed, would dispense 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 1

1. Each Contracting Party undertakes that within six months of 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.

Article 2

1. Each of the Contracting Parties 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 qualified to receive international wills.

2. The Party shall notify such designation, as well as any other later modification thereof, to .....

Article 3

1. A will made in the form of an international will in the territory of a Contracting Party shall, in the territory of the other Contracting Parties, be considered as having been made in the presence of a person qualified to receive it whenever such person is so qualified according to the law of the Contracting Party in whose territory the will was made.

2. A will made in the form of an international will in the territory of a State which is not a Contracting Party shall, in the territory of the Contracting Parties, be considered as having been made in the presence of a qualified person whenever, in accordance with the law of such State, it has been received by a person qualified to receive wills and has been placed in his custody.

Article 4

Each Contracting Party may provide in its law that the persons listed in Article 11, paragraph (2) of the Annex may not benefit from any dispositions in their favour that the will may contain.

Article 5

1. The signatures of the testator, of the person qualified to receive the will and of the witnesses on an international will shall be exempt from legalisation.

2. Nevertheless, the competent authorities of the Contracting Parties may verify the authenticity of such signatures.

Article 6

Each of the Contracting Parties may in its law provide for rules relating to the custody of international wills.

Article 7

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

Article 8

1. This Convention shall be open for signature from .....  
to .....
2. This Convention shall be ratified.
3. Instruments of ratification shall be deposited with .....

Article 9

1. This Convention shall be open to accession of .....
2. Instruments of accession shall be deposited with .....

Article 10

1. This Convention shall come into force six months after the date on which the fifth instrument of ratification or of accession has been deposited.

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 come into force six months after the deposit of its own instrument of ratification or of accession.

Article 11

1. Each Contracting Party may denounce this Convention by a notice addressed to .....

2. Such denunciation shall take effect twelve months from the date on which the ..... has received notice thereof.

Article 12

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

2. Such declaration shall have effect six months after the date on which the ..... 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 the this Article may, in accordance with Article 11, denounce this Convention in relation to all or part of the territories concerned.

Article 13

The ..... shall give notice to the signatory or 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 of accession;
- c) any date on which this Convention enters into force in accordance with Article 10;
- d) any notice received in accordance with Article 2, paragraph (2);
- e) any declaration received in accordance with Article 12, paragraph (2), and the date on which such declaration takes effect;
- f) any denunciation received in accordance with Article 11, paragraph (1), or in accordance with Article 12, paragraph (3), and the date on which the denunciation takes effect

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Convention.

DONE at ....., the ....., in ....., the ..... texts being equally authoritative.

The original of this Convention shall be deposited with ..... who shall transmit certified copies thereof to each of the signatories and acceding States /Governments/ and to the International Institute for the Unification of Private Law.

CLAUSE CONCERNING FEDERAL AND NON-UNITARY STATES

(for possible insertion)

a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;

b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;

c) A federal State party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.