Alizade Mammadov, Khanimana Gafarova. The features of implementing universal international inheritance treaties into the legal system of the Republic of Azerbaijan. International Law and Integration Problems, 2025, №1 (70), pp. 4-15. DOI: 10.61638/ZQVA4449

THE FEATURES OF IMPLEMENTING UNIVERSAL INTERNATIONAL INHERITANCE TREATIES INTO THE LEGAL SYSTEM OF THE REPUBLIC OF AZERBAIJAN

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Abstract

The article provides a comprehensive analysis of issues concerning the international legal regulation of inheritance relations, particularly the unification of legal norms related to testamentary form. The author thoroughly examines the content and application mechanisms of international instruments such as the 1961 Hague Convention and the 1973 Washington Convention, while investigating the possibility of their implementation within the legal system of the Republic of Azerbaijan. It is emphasized that testamentary form holds significant importance in inheritance relations, and that adopting internationally unified norms has become necessary to eliminate legal uncertainty in this sphere. In conclusion, the author emphasizes that the application of international conventions holds significant importance from the perspective of legal stability, protection of rights, and reduction of inheritance-related litigation. The accession of the Republic of Azerbaijan to these conventions is both necessary and advisable, serving to align the national legal system with current international legislation in this field and to ensure more effective protection of citizens' rights.

Keywords: *international treaty, form of will, Washington Convention, indirect unification, implementation, international will, Civil Code, real estate.*

I. Introduction

As noted in legal literature, one of the significant issues in the international legal regulation of inheritance relations is the form of wills [14, p. 45–50]. To address this problem, appropriate measures have been taken by states and international organizations. Specifically, on October 5, 1961, the Hague Convention on the Conflict of Laws Relating to the Form of Testamentary Dispositions (hereinafter referred to as the 1961 Hague Convention) was signed. The convention has over 42 participating states, including our close neighbor Turkey [8, p. 17]. However, Azerbaijan, like none of the CIS member states, has not acceded to this convention.

The 1961 Hague Convention provides unified conflict-of-law rules concerning the form of will. The convention also applies to joint wills made by one or more persons.

The 1961 Hague Convention uses the term "testamentary disposition" instead of the traditional term "will". This concept encompasses all forms of expression of the testator's will. As Batiffol noted, a person's will can be expressed not only in the form of a will but also, for example, in the form of a letter [13, p. 17–23].

According to Article 8 of the 1961 Hague Convention, it applies only to inheritance relations arising after the Convention's entry into force. The Convention allows contracting states to make reservations regarding certain cases (articles 10, 11, 12). The Convention has a universal character, under article 6, the established conflict-of-law rules apply without any requirement of reciprocity.

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As also noted in legal literature, the presence of a foreign element in legal relations necessitates determining the applicable law to recognize the validity of a will in terms of its form [5, p. 53–84]. The purpose of states joining the Hague Convention was to eliminate grounds for invalidating a will due to formal defects [15].

Under the conflict-of-law rule set out in Article 1 of the Convention, a will is considered valid in terms of form if it complies with one of the following legal systems: 1)the law of the state where the will was executed; 2) the law of the state of which the testator was a citizen at the time of making the will or at the time of death; 3)the law of the state where the testator was domiciled at the time of making the will or at the time of death; 4) the law of the state where immovable property is located, if specified in the will; 5) the law of the state of the testator's habitual residence.

Interestingly, in addition to these conflict-of-law rules, the Convention allows member states to adopt other conflict-of-law rules in their national legislation regarding the form of wills.

The purpose of the 1961 Hague Convention is to ensure, to the greatest extent possible, the formal validity of testamentary dispositions. As previously noted, Article 1 of the Convention provides a list of legal systems applicable to the form of a will. Here, the reference is to the substantive domestic law of the relevant state. This specification is important to emphasize that, generally, the mechanism of "renvoi" (remission) does not apply in this legal instrument [12, p. 107–136]. The application of the Convention's provisions can only be challenged if they contradict general principles.

Thus, article 11 of the Convention includes the following reservation, adopted in the interests of certain states: a will shall be deemed valid in form if it complies with the requirements of the law of the state where the disposition was made; the testator died in a state other than the one where the will was executed; the will conforms to the law of the state where it was made; the testator had a habitual residence and was permanently residing in the relevant state; the testator was a citizen of the state that made the reservation.

Each contracting state has the right to make a reservation not to recognize oral testamentary dispositions, except in the case of its own citizens with dual nationality (art. 11). If a testator resides in one state and owns property there but travels to another state solely to make an oral will, such a will shall be deemed invalid.

Article 5 of the Convention also sets out requirements for witnesses involved in the will-making process alongside the testator. In addition to age and nationality, the term "other personal qualities" is used. In our view, this should be understood as referring to the legal capacity of the individual.

Article 8 of the 1961 Hague Convention explicitly states that it applies in all cases where the testator dies after the Convention enters into force. From this, it can be concluded that a testamentary disposition may be executed before the Convention's entry into force, provided that the testator dies after that moment. At the same time, article 13 allows each contracting state to make a reservation limiting the application of its provisions only to testamentary dispositions made after the Convention's entry into force in that state. However, this reservation has not gained widespread acceptance.

From all of the above, the following conclusions can be drawn: difficulties in creating unified norms in this area are historically due to the existence of national, cultural and religious traditions in the field of inheritance law in each country; in unified conflict-of-laws rules concerning the form of a will, the main conflict-of-laws links are: the law of the country in which the will was made; the law of the country of citizenship of the testator; the law of the testator's state of permanent residence; the law of the country in which the immovable property specified in the will is located. After the entry into force of the Convention, the number of legal disputes in the international arena regarding the validity of the form of a will has significantly decreased. This indicates the effectiveness of its mechanism. Considering all these and other circumstances, we believe that the accession of the Republic of Azerbaijan to the Hague Convention of 1961 is necessary.

II. 1973 on the Uniform Law on the Form of International Wills

Another international act in this area is the Washington Convention of October 26, 1973 on the Uniform Law on the Form of International Wills (Washington Convention) [4]. The Convention contains rules governing inheritance relations from the point of view of substantive law. The United States is the depositary of the convention. The Convention has legal force in the territories of the following States: Niger, Portugal, Canada, Libya, Yugoslavia, Belgium, Bosnia and Herzegovina, Cyprus, Ecuador, France, Italy, Slovenia.

The form of this convention differs significantly from other existing conventions. The main purpose of the Washington Convention is to unify the substantive law of the Contracting Parties. The treaty has the classical form of an international convention, but the annex to it contains a Uniform Law. The signatories undertake to incorporate the form of this Uniform Law into their national legislation. 16 articles of the Convention are devoted to the issues of application, and 15 articles are devoted to the issues of making a will.

The Washington Convention of 1973, consolidating the norms of substantive law, obliges the Contracting parties to include its principles precisely in their substantive legal systems. Along with this, the Convention also contains conflict-of-laws rules regarding the form of a will. Thus, in order to determine the applicable law, a will drawn up in accordance with the laws of the following states is recognized as valid: the state of the testator's habitual or permanent residence at the time of making the will or at the time of death; the state of nationality of the testator at the time of making the will or at the time of death; the state in whose territory the immovable property that is the subject of inheritance is located.

The articles of the Uniform Law are indicated by Arabic numerals. The form of the Uniform Law corresponds to the form of domestic legislation. States may include this form in their civil codes or use it as a separate piece of legislation. This form does not provide for either the renvoi mechanism or any bilateral obligations between the Contracting States. The main goal of States when signing the Convention is to incorporate the norms of a Uniform Law into the national legislation of the Contracting States in order to create unified norms of substantive law and facilitate the regulation of international relations. On the one hand, we are talking about simplifying the

procedure for making a will, and on the other hand, about recognizing its validity in the international arena.

The Convention does not directly address either the authenticity of the will or the issues of its general recognition. These issues are reflected in the Hague Convention of 1961. Article 1 of the Convention states that no later than six months after the entry into force of the Convention, each Contracting Party must incorporate into its legislation the rules on international probate contained in the annex to this Convention. Each Contracting Party, within the specified period (no later than six months), implements the provisions of the law by appointing persons authorized to act in matters related to international probate on its territory. In the absence of a ban from local legislation, they may also include citizens working in diplomatic or consular institutions abroad. Article 4 of the Hague Convention of 1961 sets out the basics of the supplementary part of the Convention and issues related to the certificate. The validity of the certificate provided for in article 10 of the Annex is recognized in the territory of all Contracting Parties. The certificate contains the exact information about the authorized person, as well as information about signing the will in his presence. In addition, if the testator has a special requirement to keep the will, this should also be reflected in the certificate.

The Convention also addresses the matter concerning witnesses in the process of will execution, which is formulated as follows: the conditions required to act as a witness to the expression of will contained in an international will shall be governed by the law of the state that appointed the authorized person; these provisions shall equally apply to an interpreter invited to perform translation. Article 6 of the Convention stipulates that the signatures of persons participating in the execution of an international will the testator, the authorized person, and the witnesses – shall not be subject to any legalization or other formal certification [12, p. 146–159]. However, if necessary, a competent authority of a contracting party may verify the authenticity of the authorized person's signature. The custody of an international will shall be governed by the law of the state that appointed the authorized person. Article 8 of the Convention confirms its mandatory nature by providing that no reservations may be made to the Convention or its Annex.

As previously mentioned, the "Annex" section of the Convention consists of 15 articles. The first article, concerning the execution of wills, states that if this international form applies to a person, regardless of whether they are registered at their place of residence, stay, permanent or temporary domicile, then articles 2 and 5 of the respective Convention shall apply. The Convention explicitly prohibits joint wills. Although the Republic of Azerbaijan is not a party to this Convention, a corresponding provision has been reflected in article 1169 of the Civil Code of the Republic of Azerbaijan. It stipulates that only a joint will between spouses regarding mutual inheritance is permitted. In all other cases, the execution of joint wills is inadmissible. The invalidity of a will as an international testamentary disposition shall not affect its validity as another form of testamentary disposition. It is also stated that the disposition of a single property by two persons is inadmissible, as confirmed by the following: according to this law, the form of instruction given by one or two persons regarding a single property shall be deemed invalid. If, for any reason, a person is unable to sign, the authorized person may sign on their behalf at their request in the presence of two witnesses. However, this circumstance must be indicated in the will. These

requirements of the Convention are also provided for in articles 1182 and 1188 of the Civil Code of the Republic of Azerbaijan. A will may be written in any language, handwritten, or produced by other means. Signatures must be placed at the end of each page, and each page of the will must be numbered. This directly prevents the possibility of falsifying the will. Thus, signing each page makes it impossible to misappropriate the inheritance reflected in the will. If the will consists of multiple pages, each page must be signed at the end. A review of the relevant documents reveals that our national legislation does not require the signing of each page of a will. The date of the will's execution is considered the day on which the authorized person signs it.

As noted earlier, the provisions of the 1973 Washington Convention have, in one form or another, been reflected in the Civil Code of the Republic of Azerbaijan. Although the Republic of Azerbaijan is not a party to the Convention, it has adapted its legislation to the Convention's provisions through indirect unification [6, p. 77–83]. Here, indirect unification serves as one of the forms of unification [11, p. 114]. Indirect unification refers to the adoption of national legislative acts based on the general provisions of a convention without acceding to the international treaty itself [1, p. 304].

As evident, the foundational principles of inheritance reflected in the Civil Code of the Republic of Azerbaijan incorporate many of the provisions outlined in this Convention, one of which is the requirement for testamentary expressions to be in written form. The stipulation of written testamentary expressions serves to safeguard against potential future disputes. Furthermore, the Convention addresses the matter of drafting a will in any language at the testator's discretion, a provision not fully aligned with our national legislation. Article 4 of the Convention also clarifies the role and identification of witnesses, articulated as follows: the testator declares their will in the presence of two witnesses, who, after confirming it as a genuine expression of intent, sign the relevant section of the will. Additionally, it is specified that the testator is not obligated to disclose the content of their will to the witnesses or the authorized person. Article 7 stipulates that the date on the will is to be recorded by the authorized person at its conclusion. The absence of a date does not invalidate the will. A will is rendered invalid only if concerns arise regarding the testator's mental or psychological capacity at the time of execution. Article 8 addresses the custody and form of the will's storage, stating: in the absence of mandatory storage rules, the authorized person must clarify information about its safekeeping. The location of the will's storage must be indicated in the certificate referenced in article 9. Article 10 of the Convention enumerates the essential details to be included in the will. Article 11 specifies that after execution, the authorized person must provide one copy to the testator and retain another.

Article 14 of the Convention addresses the annulment of wills under general procedures. Finally, Article 15 states that when interpreting these provisions, their application is permissible provided there is no deviation from the Convention's requirements. As evident from the analysis of its articles, the essence of the Convention lies in eliminating problems related to will execution one of the primary challenges in inheritance law.

A comparison between the Convention's provisions and modern legislation reveals that the Convention can only serve as a foundation for future laws or norms to be developed in this field. When examining our national legislation, numerous discrepancies with the 1973 Washington Convention become apparent. These

differences manifest in the following aspects: 1) the number of witnesses required; 2) the classification of testators into specific categories; 3) the existence of provisions allowing wills to be executed at home. As previously noted, the 1973 Washington Convention explicitly requires two witnesses. However, under the legislation of the Republic of Azerbaijan, the number of witnesses may range from two to four, depending on the testator's degree of disability.

The Convention contains no provisions regarding that will be written and signed at home. According to the Convention, a will must be signed by the testator, witnesses, and the authorized person. In contrast, national legislation separately regulates wills made by individuals with certain physical disabilities. In the Convention, testators are treated uniformly, without categorization an approach we consider somewhat flawed. Physical disabilities or limitations should not deprive a person of testamentary capacity. However, the conditions stipulated for the drafting of the will of such person should be different, yet the convention does not contain any provision in this regard.

Article 10 of the 1973 Convention provides a model form to precisely specify the procedure and formal requirements for executing a will. This form is directly aimed at preventing deviations from the established grounds and saving time when drafting a will in the states that have ratified the Convention, as well as facilitating the recognition of the unified document in other countries. It should be noted that the determination of these grounds was intended not only to avoid the loss of additional time for the person making the will, but also to ensure more effective use of their right to bequeath. As stated in legal literature, for the persons mentioned in the will to be considered heirs, the will must be valid both in terms of its form and the testator's capacity to make a will [2]. Therefore, the existence and recognition of this document serves both the undisputed realization of the testator's last will and the right of the heirs to receive a share of the estate, which is of particular importance in the context of the overarching goal of all legal norms to serve humanity.

During the comparative analysis carried out above, it is clearly observed that there are many common and different features between our national legislation and the provisions of the Convention. One of the issues that constitutes a contradiction between national legislation and the international treaty is the matter of each page of the will being signed by the person who draws it up.

According to the civil legislation of the Republic of Azerbaijan, only the last page of the will must be signed by the person who draws up the will. In our opinion, it would be better if certain amendments were made to Chapter 65 of Section 10 of the Civil Code of the Republic of Azerbaijan, and a provision regarding the requirement for each page of the will to be signed by the person who draws it up were added. This, in turn, serves to protect both the will as a whole and the inherited property specified in the will from possible future problems and disputes. Another convention signed with the aim of universal unification of inheritance relations is the Hague Convention of October 2, 1973, concerning the international administration of the Estates of Deceased Persons (hereinafter referred to as the 1973 Hague Convention). The Convention reflects conflict-of-law regulation in inheritance legal relations. The administration of a deceased person's estate, i.e., inheritance at the international level, constitutes the subject matter of the Convention. As stated in chapter I, article 1 of the 1973 Hague Convention, the Convention does not contain provisions regulating the circle of heirs,

division of shares, compulsory portions, etc. Its main subject is the issuance of a certificate to authorized persons for the administration of the estate. Chapter I is titled "the international certificate". As indicated in article 1, its regulatory scope concerns the issuance of an international certificate to the person or persons who are granted authority to administer the movable property of the deceased abroad. The international certificate must be drawn up in accordance with the form attached at the end of the 1973 Convention and is valid in the territory of all member states. Consequently, the certificate grants certain persons the authority to take measures to preserve the estate until its transfers to the heirs. Among such measures, one can note the payment of debts related to the estate by the administering person. The main purpose of the 1973 Hague Convention is the international recognition of these powers. According to article 2 of the 1973 Hague Convention, the certificate is issued by the competent authority of the last habitual residence of the deceased. The issue of registration of this certificate by a court or administrative body is included in the Convention in substantive form. The issuance of the certificate by the competent authority of the last habitual residence limits its scope of application. If the last habitual residence of the deceased is not located in a member state of the Convention, the issuance of this certificate becomes irrelevant. However, under the 1973 Hague Convention, the certificate grants authority only for the administration of the movable property of the deceased (art. 1).

There are several cases in the Convention that exclude the application of the last habitual residence, which are reflected in article 3 of the 1973 Hague Convention. According to article 3 of the Convention, the competent authorities of the last habitual residence may apply the legislation of the country of nationality of the person in two cases when preparing the International Certificate: 1) if both countries to which the deceased had close ties (i.e., both the country of nationality and the country of last habitual residence) submit a request as provided for in article 31 of the Convention regarding the application of their national laws to the preparation of the international certificate; 2) if only the country of nationality of the deceased submits a request as indicated in article 31 of the Convention, and the person has lived in the country of the authority issuing the certificate for at least 5 years.

As seen from the provisions, the Convention determines the application of the legislation of the country of nationality and thus eliminates the conflict-of-laws issue.

Article 30 of the Hague Convention of 1973 states that a certificate may be issued to authorized persons for the management of the real estate of the deceased. However, this is the case only in cases where the law under which the certificate was drawn up grants such powers. If such cases exist, they should be indicated in the certificate [12, p. 56-81]. Article 39 of the Hague Convention of 1973 states that the convention has priority over other existing bilateral agreements. According to the provisions of the Convention, the Hague Convention of 1973 is considered a priority over the provisions of bilateral agreements for States that are parties to this convention or plan to accede to it in the future.

When examining the provisions of the Convention, the scope of its application to inheritance relations becomes clear. Thus, as we have previously mentioned, the Convention does not address issues such as determining the circle of heirs, the distribution of inheritance shares, mandatory portions, etc. Its scope grants certain individuals or entities the authority for the international administration of estates. This

authorized person performs the function of collectively gathering the estate of the deceased, settling their debts, and fulfilling the deceased's obligations to creditors.

At this point, the following question arises: Is the application of an international certificate necessary in common law countries? As we know, while in civil law jurisdictions, inheritance passes directly from the deceased to the heirs, in common law systems, the process differs. Common law applies to an administrator appointed by the court following a person's death. In such a case, the authorized person collects all the assets and liabilities of the deceased, clears the estate of debts, and transfers it to the heirs. These same functions are carried out by persons authorized by the international certificate provided for by the 1973 Hague Convention. Then what is the innovation of this Convention for countries of the anglo-saxon legal system? If in the Anglo-Saxon system, the court-appointed authorized person handles issues related only to the estate located within the borders of that specific state, the international certificate grants authority to manage the deceased person's estate at the international level. The regulation of inheritance relations, both at the national and international levels, is a rather complex area of law. We believe that the reason for these difficulties lies in the large number of formalities. In accordance with modern integration processes, the certificate proposed by the Convention, which practically reduces the documentation process for heirs to zero at both international and national levels, should be assessed positively.

As the next universal convention in this field, we can refer to the 1989 Hague Convention on the Law Applicable to the Estates of Deceased Persons (hereinafter – the 1989 Hague Convention) [3]. The basis of the Convention is the determination of the applicable law. As already mentioned, this is an important issue in the regulation of such relations [7, p. 42–48]. Characteristics such as the recognition and protection of the estate are not within the scope of the Convention. The scope of the document is reflected in article 1. Thus, Article 1 of the Convention states that the Convention determines the law applicable to the estate of a deceased person. At the same time, the same article sets out the matters not covered by the Convention. Article 1.2 of the Convention states: with regard to the matrimonial property regime, the capacity to dispose and the form of disposition do not extend to property relations arising in a form other than inheritance. Another interesting feature of the Convention is reflected in article 2 of the document. It is noted that even the law of a state that is not a party to the Convention may be chosen as the applicable law (art. 2). Without turning to the other articles of the Convention, it becomes clear that this article provides for collective regulation within the Convention itself. The core essence of the Convention is outlined in its second chapter. Thus, the second chapter is titled "Applicable Law" [12, p. 89–105]. The law determined on the basis of conflict-of-law rules may be either the law of the state of which the deceased was a citizen or the law of their habitual residence. Specifically, article 3 of the Convention states that inheritance relations are governed by the law of the deceased's habitual residence, provided that this state is also the state of their nationality. Alternatively, as noted in another provision, inheritance relations are regulated by the law of the person's habitual residence if they had resided in that state for at least five years.

Finally, paragraph 3.3 of the article highlights the possibility of applying the law of the state of which the deceased was a citizen as the governing law for inheritance

relations. However, the application of this law is permissible only if the deceased was not closely connected with another state.

The Convention also incorporates the principle of freedom of disposition. However, this freedom is defined within certain limits [10]. Article 5 of the Convention stipulates that the testator may themselves designate the law applicable to their estate. However, this law must be either the law of the state of which they are a national or the law of the state of their habitual residence.

Paragraph 2 of the same article further specifies that the testator must formalize such a designation in the prescribed form of a declaration. If this document is deemed invalid for any reason, the law applicable to the inheritance shall be determined in accordance with Article 3 of this Convention. The principle of freedom of disposition under the Convention is granted to a certain extent and within defined boundaries for several reasons. Assoc. Prof. Dr. Feriha Bilge Tanrıbilir, in her article titled "*The Hague Convention on the Law Applicable to Succession,*" notes that the primary purpose of subjecting inheritance to a unified law and imposing certain restrictions on the testator's freedom of disposition is to prevent the possibility of disinheriting family members and to ensure that the estate remains within the family circle.

An examination of Article 5 of the document makes it clear that the applicable law is to govern all inheritance relations as a whole. However, the final paragraph of this article casts doubt on the unity of the applicable law. Specifically, the last paragraph of article 5 states that, in the absence of a specific designation by the testator, the chosen law applies to both intestate and testamentary succession, as well as to the entire estate.

Upon reading this provision, one might conclude that the testator could select a different law to govern a specific part of their property. This, in turn, would imply a breach of the unity of the legal regime. However, the next article of the Convention dispels this uncertainty.

Article 6 clarifies that, based on an express designation by the testator, the law of one or more states may be applied to a particular portion of their estate. Nevertheless, this must not conflict with the provisions of articles 3 and 5(1) of the Convention.

The issue of estate administration and whether the law applicable to the transfer of inheritance falls within the scope of regulation has also prompted consideration of certain provisions of the Convention.

Thus, in common law countries, estate administration is considered a matter of procedural law, and in such cases, the lex fori applies. In contrast, in continental European countries, the transfer of inheritance and its administration are viewed as closely related concepts and are governed by the same law.

To resolve these discrepancies, as mentioned in article 7.2 of the Convention, matters such as the determination of heirs, the concept of compulsory shares, and the distribution of inheritance shares also fall within the scope of the law applicable to the transfer of inheritance. Article 7 of the Convention establishes a unified legal regime.

Therefore, article 7 reflects the inheritance statute. The applicable law governs not only the determination of heirs, unworthy heirs, the estate composition, and compulsory shares under both intestate and testamentary succession but also regulates matters concerning the substantive and formal validity of testamentary dispositions.

Articles 8 and 12 of the Convention are devoted to inheritance contracts and mutual wills. Article 8 of the Convention states that an inheritance contract means a

document establishing the rights of one or more persons to the property of two or more persons. The inheritance contract must be in writing. An oral agreement is not subject to regulation under the Convention. The law applicable to the contract is determined in accordance with articles 9 and 11 of the Convention. While the inheritance contract is considered valid under the relevant provisions mentioned, its invalidity under articles 3 and 5.1 of the Convention is not considered a ground for annulment (art. 12.1). However, alongside this provision, article 12(2) states that the law determined in accordance with articles 9 and 11 cannot be considered valid if it negatively affects the interests of heirs identified under articles 3 and 5 by limiting the right to a compulsory share.

Article 16 of the Convention addresses the right of the state to inheritance. According to the law determined under the Convention's provisions, if the deceased has no heirs, the estate passes to the state. Article 17 of the Convention employs the term "law" or "legislation". Here, it is specifically emphasized that this term refers not to conflict-of-laws rules but to the substantive law of the state [12, p. 89–105]. The issue of public policy (ordre public) has also been addressed within the Convention. Article 18 stipulates that the Convention's provisions may only be disregarded if they contravene fundamental public policy norms. In other words, the establishment of a unified legal regime under the aforementioned relevant articles may only be deemed invalid if it violates public policy.

The Convention has not been signed by our country. From the provision mentioned in article 2 of the Convention, it can be concluded that even if the Republic of Azerbaijan is not a member of the Convention, the application of its law remains possible. Thus, the applicable law, as stipulated in article 2, may still be invoked even by a non-member state under certain conditions.

Another issue addressed in the document concerns the ability of states to make specific reservations when signing or acceding to the treaty. Article 24 explicitly regulates the permissibility of reservations. Article 24.2 states that reservations are inadmissible regarding matters beyond the scope of the specified provisions.

From the above, it can be inferred that national law under the Convention may only be deemed authoritative in the following cases: 1)if the law of the habitual residence and the law of the state of nationality are the same; 2) even if the deceased had resided for five years in another state, they maintained a close connection with their state of nationality; 3) if the testator, exercising freedom of choice, designates the law of their state of nationality.

The fact that the person transferring the inheritance has the opportunity to choose the law that will be applied to the inheritance based on the principle of free will in the Convention, in a sense, reminds us of our national legislation. Article 29.1 of the Law of the Republic of Azerbaijan on Private International Law states "that the case when a person who inherits an inheritance relationship chooses the law of the State of which he is a national in his will ..." A similar definition is given in article 5 of the Convention. Thus, this article also mentions the right to citizenship as a right that the person transferring the inheritance can choose based on free will. Another similar problem reappears in article 29.1 of the Law of the Republic of Azerbaijan on Private International Law. Thus, in the continuation of this article, it is noted that the right of the last permanent place of residence of a person applies to inheritance relations [9]. That is, it provides for the application of a single legal regime in general to relations, as stipulated by the convention.

III. Conclusion

Thus, the entry into force of the Inheritance Convention presupposes the application by the courts of a single law, regardless of whether the property is movable or immovable, in the territory of which state it is located. And this means eliminating contradictions in the regulation of inheritance relations, both between legal systems and the legislation of states. The establishment of a unified legal regime meant resolving this issue, at least on the territory of the participating states. As we have already mentioned, the Convention allows that, along with the states parties, the law to be applied to relations is the law of a non-party state.

As the analysis shows, Azerbaijan does not support universal international inheritance agreements. We believe that the participation of Azerbaijan in these agreements is important in terms of the purpose and importance of these agreements. But even if the Republic of Azerbaijan does not participate in the mentioned agreements, it has indirectly unified its legislation with the provisions of the mentioned conventions.

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Date of receipt of the article in the Editorial Office
(26.12.2024)