

WORLD WITHOUT MINES

FOCUS: INHERITANCE



Photo: Shutterstock

With a will, at least half of your estate can now be freely bequeathed.

EVERY LIFE MUST COME TO AN END SOMETIME – BUT NOT BECAUSE OF A MINE

Those who draw up a will prevent misunderstandings among the heirs and have the opportunity to donate part of the estate to a good cause. The new Swiss inheritance law, which has been in force since the beginning of the year, gives you more freedom to distribute your inheritance according to your wishes.

World Without Mines: Do we know how many people in Switzerland have made a will?

Barbara Lautenschlager: Surveys show that around one third of people in Switzerland have put their estate in order with a will or contract of succession.

What happens to the assets of the other two thirds?

If there is no will in place, the provisions of the Swiss Civil Code apply – in addition

to the surviving spouse, the deceased's descendants are taken into consideration first, then the parental relatives and finally relatives on the grandparents' line. The assets of a single person without relatives on their grandparents' line go to the state.

The new inheritance law allows testators more leeway. Who benefits?

The most significant change concerns the statutory entitlement: the statutory entitlement of the children has been re-

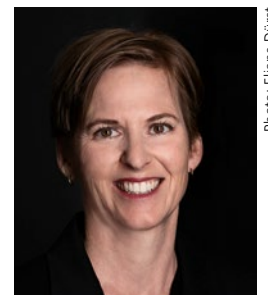


Photo: Eliane Dürst

Interview: Barbara Lautenschlager, specialist lawyer in inheritance law, mediator and partner at the Zurich law firm bellpark legal ag, shares information on the new inheritance law.



Do you have questions about wills and legacies? Our Co-Managing Director Vanda Mathis will be happy to provide you with information. Phone: 044 241 72 30 E-mail: vmathis@wom.ch

You can also find information on our website: www.wom.ch

duced and the statutory entitlement of the parents no longer applies. This increases the freely available share that can be used to make a bequest to persons or organizations or to appoint them as heirs.

So non-profit organizations also benefit from the new inheritance law?

You could say that. The extent to which they can be taken into consideration has increased. Under the new inheritance law, the testator can freely bequeath at least half of their estate.

Do you recommend amending an existing will or is it better to have a new will drawn up?

I recommend reviewing any will that was drafted under the old law and, if it needs to be amended, drafting a new one. If you do not do this, there may well be difficulties when it comes to interpreting the will. If, for example, a person has made a testamentary disposition bequeathing their descen-

THE NEW INHERITANCE LAW

Swiss inheritance law, which is over a hundred years old, has been revised. The revised law came into force on 1 January 2023 and grants greater freedom in how to choose to organize your estate and includes provisions that reflect how people live nowadays. Forms of relationships such as blended families and cohabiting couples are better taken into account, and aid organizations can benefit to a greater extent.

- The statutory entitlement of children was reduced from 3/8 to 1/4.
- The share a testator is freely able to bequeath is still at least 1/2.
- The statutory entitlement of parents no longer applies.
- A gift prohibition now applies to contracts of succession.

The applicable law is that in force at the time of the testator's death. This means that the new inheritance law shall apply to inheritance cases from 1 January 2023 onward, even if the will was drawn up before that date.

dants the statutory entitlement, it may be unclear whether they meant the extent of the old or new statutory entitlement. For example, say a testator appointed his parents as heirs in the belief that they would receive the statutory entitlement. What happens then? We therefore recommend having old wills reviewed to avoid disputes like this occurring in future. For non-profit organizations in particular, it is also helpful if wills are worded in such a way that they will not result in any ambiguities or disputes.

Can amendments be made to existing wills?

No, existing wills should not be amended as this can easily lead to misunderstandings or ambiguities. A new will should be drawn up. If need be, a clearly formulated codicil (addendum) can be added an existing will.

What is important to bear in mind when writing a new will?

A will must be handwritten from beginning to end, dated and signed. It should be worded as clearly as possible to leave as little room for interpretation as possible. Short, clear sentences help in this regard. And you should carefully consider where you will store the original will. If it is kept in a bank safe which no one has access to in the event of your death, it may not be found until months later. A safe option would be to entrust it to a lawyer or a notary, for example. If you store it anywhere else, you should tell a trusted person.

Do you have any stand-out memories of a bequest relating to a charitable organization?

A 90-year-old lady had appointed me as executor of her will. She had led an exciting life and had named more than 50 charitable organisations in her will, leaving some just small amounts. It became very complicated. And it was not an easy process for some organizations, because not all of them were tax-exempt. In the end, many of them were left with hardly any money from the bequest at all, even though the lady had the best of intentions.



Photos: DanChurchAid

Helen Zereda, Risk Ambassador in Rejaf, South Sudan.

MANY CHILDREN DO NOT KNOW WHAT LAND MINES LOOK LIKE

13-year-old Helen is one of many young people in South Sudan doing effective awareness-raising work.

Helen Zereda is proud. With a broad smile, the year-six pupil tells us all about what she learned last year. Together with around 9,000 other children and young people in South Sudan, Helen took part in an awareness-raising project co-financed by World Without Mines and run by its partner organisation DanChurchAid.

Drawing on its wealth of expertise, the organisation, which is well established in the local region, carries out educational work among children and adults alike. It highlights threats related to land mines and explosive remnants of war and teaches people how to change their behaviour, especially young people. This is crucial in a country like crisis-stricken South Sudan, where each step could be your last. It is believed that more than 16 million square metres are mined. In reality, the actual area

is likely to be many times larger due to the lack of reliable information available. Given the constant risk, it is absolutely essential to educate people on how to stay safe and minimize the all-too-common accidents and deaths caused by these mines. A disproportionate number of victims are children: they play on mined fields and are quick to pick up objects that look interesting, but can be deadly.

Helen is particularly proud to be one of the 350 students who have been trained as Peer Risk Educators. She learned how to raise awareness about the explosive remnants of war among her classmates. Many of her friends do not know what land mines or bombs look like. „It's very dangerous," explains Helen. She is now one of a group of young people in South Sudan who are effectively helping to reduce injuries and deaths.



The motto „Live safe, play safe and stay safe" helps children learn how to prevent mine-related accidents.

Claudia Schwarzenbach
and Rolf Stocker



Photos: World Without Mines

STRENGTH UNITED

Co-presidency: since the end of last year, Rolf Stocker and Claudia Schwarzenbach have shared the leadership of the World Without Mines Foundation Board.

Please help save lives: Make a donation to support World Without Mines.

Thank you!

The presidency of World Without Mines now rests on four shoulders. „I think a co-presidency is a contemporary format,” says the former sole President of the Foundation Board, Rolf Stocker. Claudia Schwarzenbach, who has been a member of the World Without Mines Foundation Board since 2019, is a renowned expert who is taking on a new leadership position. „In the co-presidency and especially in my role as office manager, I am bringing to the role my leadership experience, my knowledge of organizations, procedures and processes, as well as my preference for cooperative and mutually appreciative teamwork,” says the 38-year-old former manager for Practice Assessment F at the Foundation SAG.

The mother of two is passionate about social issues. She has a Master’s degree in conflict studies and human rights. As part of a visiting research fellowship, she conducted research in various places including Kyrgyzstan. Claudia Schwarzenbach completed an internship at the Swiss Society

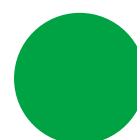
for Threatened Peoples and did outreach work in South Africa and Palestine. She has also worked at the State Secretariat for Migration, where she was deputy section head, and the Integration Office of the City of Zurich.

Claudia Schwarzenbach is very much on board with the direction of World Without Mines. She appreciates the focused approach to the removal of explosive remnants of war. The new Co-President believes in small, manageable projects that can be evaluated: „That is how we can really make a difference.” The initial phase of the co-presidency went smoothly. Rolf Stocker describes the exchange with Claudia Schwarzenbach as „very enriching and important,” and Claudia Schwarzenbach highlights the „reciprocal and complementary nature of a functioning leadership team.” Both are happy to know they have the other’s support and to be contributing together to the future success of World Without Mines.

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MONDE SANS MINES**