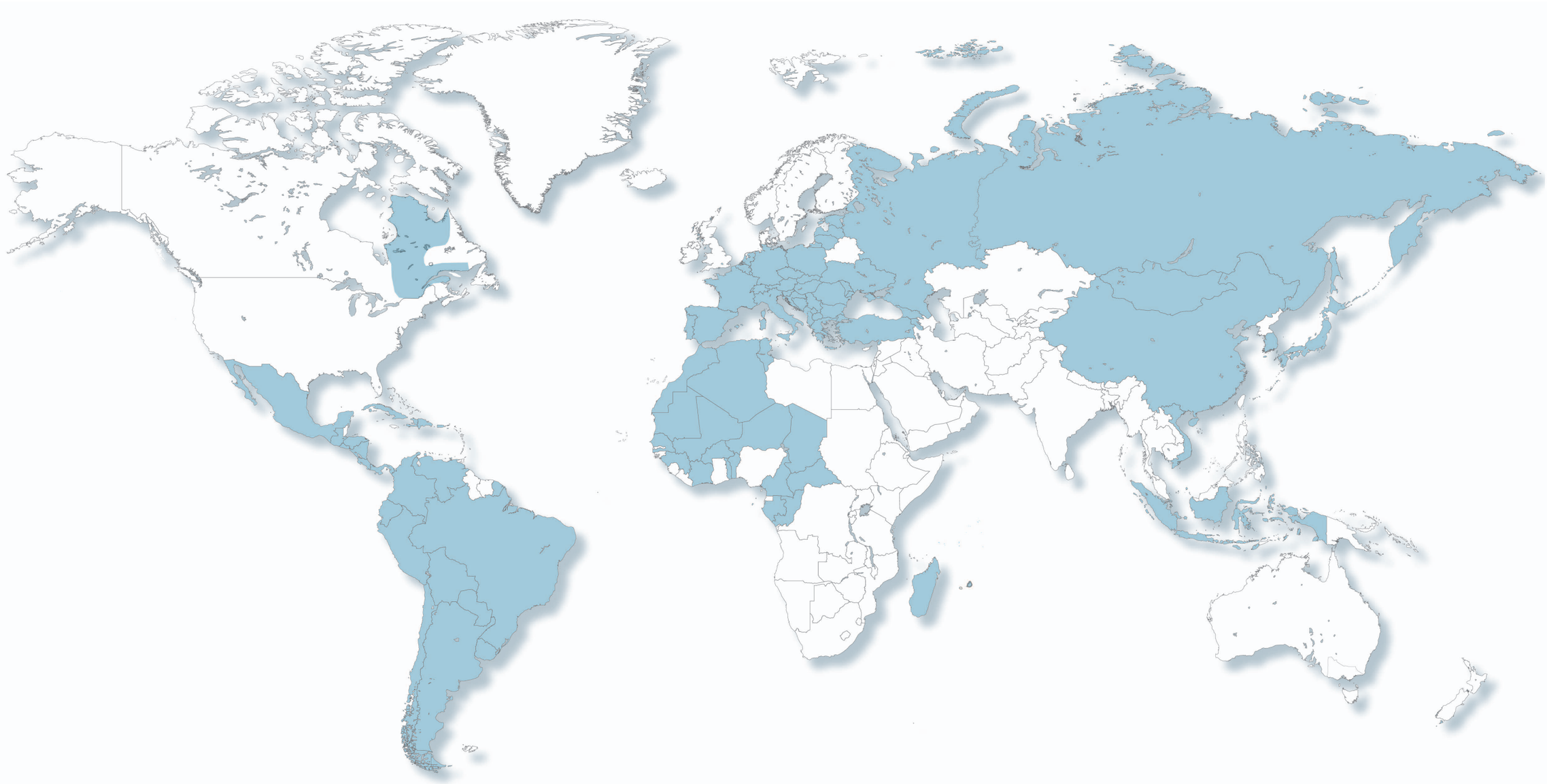
International
Union
of Notaries

The International Union of Notaries in the world



Situation to 31.12.2016

Member notariats

Albania
Algeria
Andorra
Argentina
Armenia
Austria
Belgium
Benin
Bolivia
Bosnia and Herzegovina
Brazil
Bulgaria
Burkina Faso
Cameroon
Central African Rep.
Chad Rep.
Chile
China
Colombia
Congo
Costa Rica
Croatia
Cuba
Czech Rep.
Dominican Rep.
Ecuador
El Salvador
Estonia
France
Gabon
Georgia
Germany
Greece
Guatemala
Guinea
Haiti
Honduras
Hungary
Indonesia
Italy
Ivory Coast
Japan
Korea
Kosovo
Latvia
Lithuania
London (UK)
Luxembourg
Macedonia Rep.
Madagascar
Mali
Malta Rep.
Mauritania
Mauritius Rep.
Mexico
Moldova
Monaco
Mongolia
Montenegro
Morocco
Netherlands
Nicaragua
Niger
Panama
Paraguay
Peru
Poland
Portugal
Puerto Rico
Quebec (Canada)
Romania
Russia
San Marino Rep.
Senegal
Serbia
Slovakia
Slovenia
Spain
Switzerland
Togo
Tunisia
Turkey
Ukraine
Uruguay
Vatican
Venezuela
Vietnam

International Union of Notaries

Statutes

Organisation

- The International Union of Notaries is an international non-governmental organisation, set up to **promote, co-ordinate** and **develop** the function and activities of notaries throughout the world.

- Formed by 19 countries at the time of its establishment in 1948, our organisation includes 86 countries at 31st December 2013, of which 22 out of the 28 member countries of the European Union and 15 out of the 19 countries of the G20, thus underscoring the **expansion** of the European legal system. Today it is in place in almost 120 countries, totalling 2/3 of the world population and accounting for over 60% of world GDP.

- Run by a Steering Committee formed by 28 councillors, the decision-making body is the **General Meeting of member notariats** where each country has one vote regardless of its importance. It also includes a General Council formed by 172 members and continental and intercontinental commissions which propound ideas and work from the scientific (vocational training and research), strategic (organisation and development), economic (networks and activities) and sociological (human rights and social protection) standpoints.

The International Union of Notaries,
a global network with a common ambition:
to work at the service of a more just, humane
and harmonious society.

Commissions and working groups

- The Commissions deal with notarial topics from the technical and legal viewpoints, by organising **study days** and **workshops** at continental or intercontinental level.
  Continental commissions: African Affairs Commission, American Affairs Commission, Asian Affairs Commission and European Affairs Commission.
  Intercontinental commissions: International Notarial Co-operation Commission, Advisory Commission, Themes and Congresses Commission, Notarial Social Security Commission, Notarial Deontology Commission ad Human Rights Commission.
- The working groups take part in the implementation of the action plan of the Union, especially in the fields of **titling**, **partnerships with international organisations** and the **circulation of notarised acts** thanks to the world notarial network.

Aims

- Foster relations among notaries from different member notariats to **exchange information and experiences** on professional practice
- Promote the application of the **fundamental principles** of the civil law notarial system and the principles of notarial deontology
- Represent the notariat at and co-operate with international organisations within the framework of **partnerships**
- Co-operate at international level to **harmonise** national notarial **legislations**
- Promote, organise and develop **vocational training** and support scientific works in the notarial field
- Promote international **congresses**, conferences and meetings
- Establish and promote relations with national notariats in order to work for their **organisation** and **development** with a view to their admission to the Union
- Establish and promote relations with organisations that are not part of the European legal system in order to collaborate with them in **areas of common interest**
- Provide its support to the **development of law** in notarial matters in countries requesting it

Goals

Supporting actions of social interest

Acknowledgement

Titling

Land grabbing and control of agricultural, forestry and energy resources are at the origin of **numerous conflicts** in developing countries.
Now, the right to land and lodging is denied to millions of men and women due to lack of property or occupation titles: over 80% of the African population lack **any act** justifying the assignment of the land they live on and farm.
The issue of land tenure rights is therefore **crucial** to the socio-economic development of many countries.

A solution: the Simplified Secure Title (SST)

To remedy the situation, the notariat proposes to introduce a **simplified secure title** (SST), that is to say a micro-property title accessible by the most disadvantaged, the characteristics of which will be adapted according to the specificities of the country concerned.
The SST is a tool assuring access to land and lodging consisting in an **official document** which any citizen may obtain cheaply and quickly.
The SST, a land tenure security tool, will also be an **undisputable piece of evidence** for any citizen.

Civil status of children

Conscious of the need to offer special protection to children in developing countries, the International Union of Notaries has undertaken action to prevent the **lack of civil status** of children, especially in rural areas, from depriving them of their basic rights (education, employment, civil rights…) and confining them to the informal sector. The goal is to help families prepare civil status papers and follow procedures in order to obtain **birth acts** within the framework of hearings held free of charge outside the jurisdictions of courts.

Establishing partnerships with international organisations

Examples of co-operation with international organisations

The International Union of Notaries is the partner of major international organisations or networks, such as:

- the World Bank and the Global Forum on Law, Justice and Development
- the United Nations Organisation, and in particular the United Nations Development Programme (UNDP), the United Nations Education, Science and Culture Organisation (UNESCO), the United Nations Human Settlements Programme (UN-HABITAT), the Global Land Tool Network (GLTN) and the United Nations Food and Agriculture Organisation (FAO)
- The International Land Coalition (ILC)
- The International Development Law Organisation (IDLO-OIDD)
- The International Alliance on Land Tenure and Administration (IALTA)

Let us mention, by way of example, some programmes involving the notariat directly:

- World Bank (Legal empowerment of the poor): notaries offer their expertise, especially in the field of titling, land tenure security, property law, urban development law, construction law and family law.
- UN-Habitat: involvement of notaries to help developing countries adopt a modern land titling system.
- FAO: notaries were consulted for the final draft of the international Voluntary Guidelines in the field of land tenure governance and contributes to the dissemination of reference regulations among land tenure players.
- ILC: notaries promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge sharing and capacity building.
- UNESCO/International Organisations in Geneva: notaries offer their expertise to international officials. Regular contacts have been established through meetings held in Paris or Geneva, at the United Nations headquarters, such as “Law and Rights”, “Human Rights Education” and the “Rights of Women at different ages in life”.

Fostering the circulation of notarised acts

The globalisation of trade means also the **globalisation of law**:

- it leads to the internationalisation of contractual relations
- it increases the cross-border nature of contractual effects

It is therefore necessary to allow for the **recognition** of notarised acts beyond the borders of the State where they have been drafted and thus contribute to their **circulation** and international legal force.

This is why the International Union of Notaries is seeking to put in place a simpler, safer and cheaper system for their circulation in the form of a **notarial apostille** for the most common notarised acts.

Developing a world network of notaries (WNN)

The purpose of this network is to facilitate contacts among Notaries from different member notariats of the Union to allow the recipients of notarial services to have contacts and receive legal advice globally through notaries, in order to overcome their legal or international tax issues (marriage, divorce, succession and adoption) and obtain assistance to establish themselves abroad professionally (incorporation or takeover of businesses and investments).
It will also help notaries exchange information on rules, legal literature and case law concerning authentic acts.

Fostering vocational training

Excellence in vocational training, an essential aspect in the development of a profession, is one of the **priority actions** of the International Union of Notaries. In addition to university education or vocational training, both initial and continued, provided in each country, the **notarial Academies**, linked to continental commissions, provide practical training.
This vocational training may also be provided by **partner organisations** of the Union having the same ambition to contribute to the development of notarial skills.

The authentic act: an unchallengeable act

A notarised act is an authentic act, characteristic of civil law notaries. It faithfully mirrors the intentions expressed by one or more of the parties before a notary. It has some exclusive essential qualities, such as:

- A notarised act **complies with the law**. Notaries check and guarantee acts. They check the legal aspects of contracts, inform their clients of applicable legal regulations and ensure compliance with the law.
- A notarised act is **effectual.** It has **probative force**, that is to say, it is presumed that the matters acknowledged, set out and checked by the notary are correct. It is **unchallengeable**.
- In most countries, the notarised act is **enforceable** giving it the same status of a judgment.
- The notarised act assures **transparency**. It allows the State to be informed, implies checking the identities of parties and compliance with measures to fight money laundering. Mandatory public notice, very often under the responsibility of notaries, makes it possible to **trace** property and its financing, thus contributing actively to the fight against corruption and money laundering.
- The notarised act is also **proof** of its date and of the identities and signatures of the parties.
- A notarised act is **reliable**. It is drawn up by a highly qualified jurist who gathers the statements of intent of the parties in various forms. The authentic act therefore has force of law between the parties.
- In many countries, a notarised act allows for the **collection of taxes** through the registration of the transfer of property. The duty to register notarised acts where notaries practice helps **fight tax evasion**.
- Notarised acts are a **record of events of a nation**. Notaries assure that they are kept, whether drawn up on paper or, as in some states, in electronic format.

These qualities underscore the high level of legal certainty characterising the European system of law. A notarised act, instrument of peace and preventive justice, thus offers numerous advantages compared to documents under private seal.

Authenticity is one of the major assets for the prevention of disputes and to unburden courts.

The notary: a public authority

The notary: a legal practitioner depositary of public authority

- The notary is a public official appointed by the State to **confer authenticity** on legal deeds and contracts contained in the documents he drafts.
- The notary is **independent** of the executive, but is supervised by the judiciary from a deontological and professional viewpoint.
- Notaries exercise their function **impartially** and **independently**. They alone have control over the drafting and authentication of acts.
- Owing to the public authority delegated to them by the State, they favour **amicable settlements**.
- The public service mission assigned to notaries assures **equal** treatment and access by all.
- A public official and self-employed professional, a notary is paid by his clients, according to **rates** which are often regulated. The notary thus exercises his functions without weighing on the State's budget.
- The notary is bound by **professional secrecy**.
- He embodies the **private/public partnership** whose interest and effectiveness appear to be more and more at the service of the State and citizens.

The notary: a professional working for the validity and force of the agreements he draws up

- An **expert in law**, the notary is required to explain and enforce it.
- When drawing up acts, the notary interprets the **wishes** of the parties involved and adapts them to the provisions of the law. At the same time, the notary checks their identities, capacities, consent and, if necessary, their authority. He makes sure that their wishes are **expressed freely** and that they are clear, frank and indisputable.
- Notaries assure the **legality** of the contract and respect for the rights of the State and third parties.
- By **signing** the act and placing his **seal**, the notary confers **authenticity** to the contract.

The notary: a professional assuring social peace

- By assuring legal certainty, the notary **prevents disputes**. He contributes to **legal peace** by reducing potential disputes. To citizens, notaries embody an area of **legal certainty** and freedom of consent, an area where the **rule of law** prevails, owing to their independence and impartiality.
- He makes sure that **acts are well balanced** and assures an impartial service.

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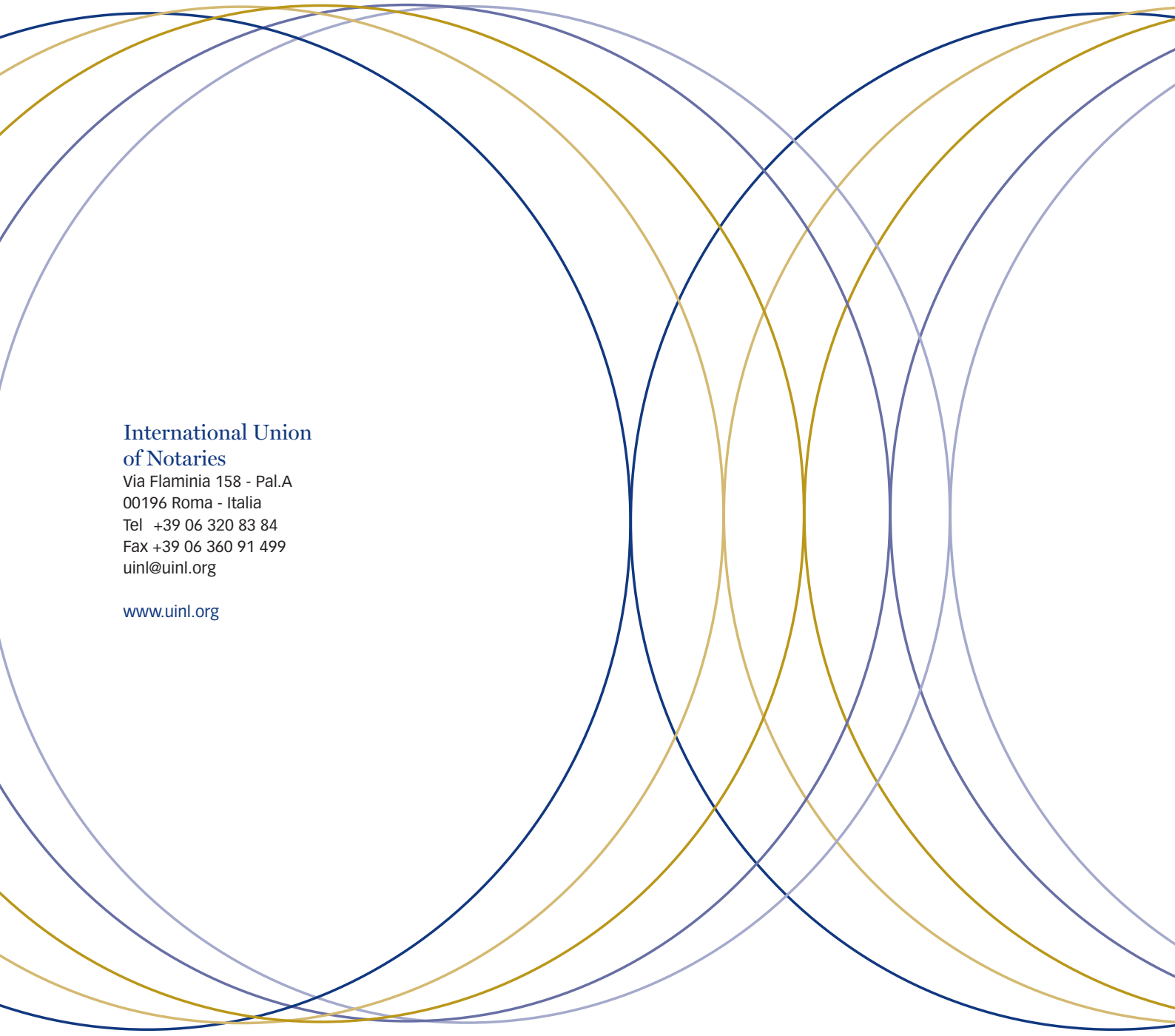

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