

TOPIC II

THE FUNDAMENTAL RIGHTS OF MAN AND THE MISSION OF NOTARIES

CONCLUSIONS

(Translation)

The Commission, after reminding that it has dedicated the body of its works to the memory of José Negri, on this 50th anniversary of the Union, coincident with that of the universal declaration of the rights of man,

declares

That Latin notariats embrace the rights of individuals, of which every notary is a natural defender through the prevention of conflicts;

That the practical application of conventions on rights requires impartial, independent assistance based on fairness, legality and justice;

That notaries apply numerous human rights included in international declarations and national constitutions on a daily basis and as a part of their activity: respect for human dignity from birth to death (including contractual freedom), respect for marriage and family, freedom of association, property and inheritance rights and participation in social and economic development;

That, the Latin notariat is therefore an essential component of rule of law, and, at the world level, of living democracy;

states

That in order to respect the independence of notaries' decisions -a preventive jurisdiction pursuant to article 10 of the 1948 United Nations declaration- as well as to prevent it from being impaired by pressures exerted by those who are most powerful, "numerus clausus" should be preserved;

That for the same reasons, a fair compensation should be fixed for notaries, respecting the equality of citizens, so a fee structure must be determined taking into account the different domains in which notaries ensure social balance;

That in places where a Latin-type notariat exists, the costs of administering justice are three to five times lower than where such a notariat does not exist, which ensures a better exercise of rights;

proposes

That both the Union as well as every member notariat should take steps before national and international authorities in order to prevent relations between individuals and nations from being ruled only by a dehumanised economy, to the detriment of the weaker ones;

That permanent contact of notaries with citizens should lead the legislator to resort to their intervention and to the intervention of notarial institutions in order to provide adequate protection of rights;

That in contracts entered into between private and public law persons there should always be the possibility of requesting a notary's assistance in order to guarantee contractual balance;

That matters such as self-regulation of one's own incapacity, the decision to preserve life through artificial mechanisms and dignity at the time of death -in the nature of human rights- should be provided for by a notary,

That in order to respect an individual's right to self-determination it should be possible to resort to compromise mechanisms; further, notarial documents should contain clauses providing for dispute resolution, mediation or arbitration mechanisms entrusted to notaries,

That in order to ensure the security of new technologies and access on equal terms by every individual, notarial intervention should be resorted to;

That in order to encourage all proposals contained herein, make additional ones, ensure continued follow-up and the development and encouragement of the role of notaries as guarantors of the rights of human beings, a permanent UINL commissions on rights of human beings should be set up, that this commission should be provided with the logistics enabling it to work appropriately and that UINL should submit it to international organizations competent in human rights matters for recognition.