

25th INTERNATIONAL CONGRESS OF NOTARIES

Madrid, October 2007

THE NOTARY: A WORLDWIDE INSTITUTION

TOPIC II

“RURAL AND URBAN NOTARIAL PRACTICE“

CONCLUSIONS

CONSIDERING:

that the analysis of the various social and juridical realities in which the notarial activity takes place worldwide requires high social contents, including the development and application of comprehensive assessment - the latter comprising concepts of information, of comprehensive investigation and qualification, of informed consent as well as of juridical advice as is specifically necessary for the most disadvantaged sectors of society;

that the establishment of titles to immovable property with notarial intervention is an essential instrument for overcoming the barrier of poverty given that it guarantees social peace, facilitates access to loans and is a decisive factor in introducing goods into the respective economic markets;

that the set of problems connected with property rights in land of indigenous peoples must not be excluded from dealing with the question of titles to immovable property;
this in the sense of combining the concepts of access to individual and community property with the security which notarial intervention ensures;

that essential prerequisites for correct notarial titles to immovable property are to be seen in a correct physical and juridical identification of the immovables as well as in an adequate public significance hereof;

that the public document constitutes a document that facilitates the international circulation of titles to property as well as the access to loans granted by financial institutions;

that the establishment via public notarial document of small and medium productive structures, be they of individual or collective nature, contractual or in

the form of companies/associations, provides - in addition to its low costs and the juridical accuracy and security which the public notarial document ensures, for the small and medium entrepreneur sufficient knowledge as to the course to be taken which is indispensable for entrepreneurial success;
all this thanks to the comprehensive assessment combined with profound social rootage as well as strong dedication to a global protection of the human person which the notary exercises;

that specific collaboration is to be granted to that notary who exercises his public charge in rural regions, where he even more intensely fulfills a service to the public and a social function which goes beyond the notarial one, particularly focused on the humanistic mission of comprehensive investigation and qualification as well as advice - which makes him a confidant of the single person and guarantees balance in the economic and social relations;

the Commission for the scientific topic II of the XXVth INTERNATIONAL CONGRESS OF THE INTERNATIONAL UNION OF NOTARIES
DECLARES:

that the establishment of titles to property constitutes a factor for social peace and an instrument of development.

The notaries of the world, in permanent contact with these realities - and this in rural as well as urban contexts - enjoying the effective confidence of the societies and with great sense of social responsibility, have analysed all instruments of juridical technique as are applied in various States, and the Congress has, based hereupon, decided as follows:

1.- To strongly and unconditionally **support** as well as to continuously **accompany** any institutional policy that the International Union of Notaries develops regarding the fight to dispel poverty as initiated by the UN, in particular based upon the approbation of the eight Millennium Development Goals (MDG) – this specifically via programmes for the establishment of titles to immoveable property for those sectors of the various national societies that are most in need.

2.- To emphatically **call upon** the notarial organizations that are members of the International Union of Notaries for a renewed institutional commitment of the national notarial member organizations to an even more effective and efficient collaboration for the benefit of the highest possible number of people in the various national States regarding titles to property, above all for the benefit of the sectors of society with lower income – this through titles to property that

are safe and apt for the juridical transfer of immoveables and for the access to proper loans – including additionally the transfer of material resources as are necessary for the collaboration with the respective States on this field of human development.

3.- To resolutely **oblige** oneself to support the initiative by the part of the work groups and organizations of the International Union of Notaries that aims at offering notarial experts to the States and International Organizations for the purpose of facilitating the establishment of titles to property that are indisputable, safe and apt for national and international circulation.

4.- To **support** the access of titles to property to international juridical transfer.

The public notarial documents are, due to their immanent control of lawfulness which the notary exercises with the public authority conferred upon him, titles with sufficient legitimacy for international circulation, enjoying the presumption of lawfulness.

If the State of destination requires a material control as to lawfulness, a notary of that State of destination also has to participate in the authorization of the document.

5.- Given that some national member organizations of the International Union of Notaries have gathered as protagonists various successful experiences as to mass establishment of titles to property in rural and urban environments – and this at low prices for the respective States as well as the citizens, the International Union of Notaries and the national notarial member organizations are in the position of being able to offer these experiences and to assist the States and International Organizations who are interested in their implementation.

The notaries of the world who have come together in Madrid expressly with the aim of collaborating with the States in fighting poverty celebrate the recent constitution of the association “SEAL Symposium for Economy and Law” through the International Union of Notaries, whose purpose coincides with the aforementioned goal.

Madrid, Spain, 5th October 2007.