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Conclusiones del XXV Congreso Internacional
del Notariado. "El Notariado: institución mundial"
Madrid, España

Sección para el estudio de la integración
Not. José Antonio Márquez González







2007
SEGUNDO SEMESTRE

Nº 114



REVISTA INTERNACIONAL DEL NOTARIADO

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Revista Internacional del Notariado
- **ONPI**
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Queda hecho el depósito que previene la ley 11.723, Nº de Registro de la Propiedad Intelectual 1432 Expte. 151.770.

La revista respeta las ideas y opiniones de sus colaboradores, pero no se solidariza necesariamente con ellas. Los artículos sin firma se entienden obra de la dirección.

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EDITORIAL



It was with great honor that I attended the XXV International Congress of the Notariat held in Madrid, from October 3 through 6, together with over 2,000 notaries from 76 countries of Asia, Africa, America and Europe.

The Princes of Asturias, the President of the Madrid Community, Esperanza Aguirre, the Minister of Justice, Mariano Fernández Bermejo, the President of the International Union of Notaries (UINL), Giancarlo Laurini, the President of the General Council of Notariats, José Marqueño, the President of the Spanish High Court (Audiencia Nacional), Carlos Divar, and the President of the Hosting Committee, José Manuel García Collantes, were present at the opening ceremony.

In his speech, His Highness the Prince of Asturias emphasized the growing traditional importance of the notariat, its indubitable contribution to social peace and its significant economic and social dimension. He described the notarial work as "a fundamental pillar of safe legal transactions in societies". He further expressed his gratitude and admiration for the Spanish Notariats, for their renowned legal authority, professionalism, impartiality and dedication.

The President of the Madrid Community, Esperanza Aguirre, stated that, based on the legal certainty guaranteed by the notariat, it is possible for "societies to rise from misery to poverty, from poverty to dignity, and from dignity to prosperity".

With emotion and gratitude, I had the fortune to attend this Congress and firmly believe that the spirit of the International Union of Notaries has remained unchanged since its inception, almost sixty years ago.

THE DIRECTOR





JOSÉ ADRIÁN NEGRI

Born on August 25, 1893, in the Capital City, Argentina, he obtained his degree in Notary Law on March 21, 1918, from Universidad de Buenos Aires.

He promoted the creation of the Notariat and set out the principles for its development. He founded the UINL together with Rafael Nuñez Lagos and, on October 2, 1948, presided over the First International Congress of the Latin Notariat in Buenos Aires.

He died in Buenos Aires, on December 29, 1961.

On March 16, 1929, during a Speech delivered at the Madrid Academy of the Notariat, he expressed what he thought a good notarial organization should be.

Such beliefs are considered his Breviary:

"I believe in the need and social convenience of having a notarial institution, if it has been meticulously organized, in a thorough selection of its representatives, and in the profound, constant concern of its members and authorities, in order to supervise, improve and dignify the institution.

I believe in the need to conduct special studies for the notariat, in order to obtain, as a result, intellectually trained professionals capable of understanding, interpreting and applying the Law, in its true, broad meaning, not as mere form-fillers but as active elements aware of their legal and social role.

I believe in the need, for the practice of the notarial activity, to request as many moral conditions as necessary to secure compliance with its purpose, with the selflessness that must be required from everyone in charge of handling and administering the interests of other people.

I believe in the convenience of allowing a free professional practice, subject, however, to rules guaranteeing the security required in public documents.

I believe in the need to set strictly controlled competitive background examinations to avoid any preference by the Government and its agencies in the designation of notaries, as the best resource for the intellectual dignification of the notariat.

I believe, finally, in the need to create controlling entities that, at the same time, are aware of their mission, practice it constantly, have the moral authority to apply it and the necessary character to impose sanctions without any consideration, weakness and claudication.."



INSTITUTIONAL INFORMATION

1

CHAPTER 1

1.1. XIX CONGRESS OF AFRICAN NOTARIES

ALGERIA, NOVEMBER 17-20, 2007

The XIX Congress of African Notaries was held by the Chamber of Notaries of Algeria, on November 17-20, 2007.

THE FOLLOWING TOPICS WERE DISCUSSED:

- The Mortgage Credit (Scientific Seminar)
- The Notarial Act, a privileged instrument of social countries

The General Meeting of the Commission of African Affairs was held on November 20.



1.2. MEETING OF PANAMANIAN NOTARIES

JANUARY 12-13, 2008

The Meeting of Panamanian Notaries was held on January 12 and 13, 2008.



1.3. SEMINAR ON TAX UPDATE

TOLUCA, MEXICO, JANUARY 25-26, 2008

The 2008 Seminar on Tax Update was held on January 25 and 26, 2008, in the City of Toluca, Mexico.



Tunis

1.4. 3rd MEETING OF NOTARIES OF THE MAGHREB COUNTRIES

TUNIS, TUNICIA, JANUARY 25-26, 2008

The 3rd Meeting of Notaries of the Maghreb countries was held in Tunis, on January 25 and 26, 2008.



Vienna

1.5. JURISTENBALL: GRAND VIENNESE BALL OF JURISTS

VIENNA, AUSTRIA, FEBRUARY 2, 2008

As usual, the traditional Grand Viennese Ball of Jurists was held on February 2, 2008, at the Hofburg Imperial Palace, in Vienna.



Antigua

1.6. COURSE ON "PUBLIC DEED AND REGISTRATION"

ANTIGUA, GUATEMALA, FEBRUARY 18-22, 2008

A Course on "Public Deed and Registration" was held in the city of Antigua, Guatemala, on February 18-22, 2008.

1. 7. UINL MANAGEMENT BOARD MEETING

BUENOS AIRES, ARGENTINA, MARCH 7, 2008

A meeting of the UINL Management Board was held in Buenos Aires, Argentina, on March 7, 2008.



Brussels

1. 8. GENERAL MEETING OF THE COUNCIL OF NOTARIATS OF THE EUROPEAN UNION (CNUE)

BRUSSELS, BELGIUM, MARCH 7, 2008

The General Meeting of the Council of Notariats of the European Union (CNUE) was held in the city of Brussels, Belgium, on March 7, 2008.



La Plata

1.9. 1st INTERNATIONAL COURSE ON ADVANCED REAL ESTATE LAW, UNIVERSIDAD NOTARIAL ARGENTINA (UNA),

LA PLATA (BUENOS AIRES), ARGENTINA, MARCH 31- APRIL 4, 2008

The *1st International Course on Advance Real Estate Law: Notariat, Real Estate and Sustainable Economic Growth* was held by Universidad Notarial Argentina, under the Direction of Cristina N. ARMELLA, Esq. and the Coordination of Dra. Adriana N. ABELLA, Esq.

THE SYLLABUS INCLUDED:

MONDAY, MARCH 31

- 4:00 PM NOTARIAT, REAL ESTATE AND SUSTAINABLE ECONOMIC GROWTH. ANALYSIS OF THE REAL ESTATE BUSINESS AS A CONTRIBUTING FACTOR OF THE NATIONAL ECONOMIC GROWTH. NATIONAL AND FOREIGN INVESTMENTS FOR URBAN AND RURAL UNDERTAKINGS. EMPLOYMENT GENERATING FACTOR. LEGAL MEANS TO OBTAIN PROFITS. THE ROLE OF THE GOVERNMENT. TAX IMPACT. PARTICIPATION OF THE NOTARIAT.

DANIEL ROQUE VITOLO

FULL PROFESSOR OF COMMERCIAL LAW, SELECTED BY OFFICIAL EXAMINATION, OF THE SCHOOL OF LAW OF UNIVERSIDAD DE BUENOS AIRES.



- 5:45 PM PROPERTY DEVELOPMENTS WITH RELATED CONTRACTS. THE REALTOR. RELATED CONTRACTS. CONSTRUCTION CONTRACT. THE CONSTRUCTION CONTRACT AS A CONSTRUCTION DEVELOPMENT TOOL. DIFFERENT CONTRACTS: MANNER TO FIX THE PRICE, MEASUREMENT, COSTS AND FEES AND OTHER CONTRACTS. HORIZONTAL PROPERTY INTENDED. HORIZONTAL PROPERTY. CONTRACTS FOR THE SALE OF REAL PROPERTY. SALE OF LOTS IN INSTALLMENTS. FINANCING.

SECURITY INTERESTS AND PERSONAL GUARANTIES. MARÍA TERESITA ACQUARONE

FULL-FLEDGED MEMBER OF THE NATIONAL ACADEMY OF THE NOTARIAT. PROFESSOR OF CIVIL AND COMMERCIAL CONTRACTS OF THE SCHOOL OF LAW OF UNIVERSIDAD DE BUENOS AIRES.

- 7:00 PM REAL PROPERTY LEASING AS A FINANCING FACTOR. LAWS NO. 24,441 AND 25,248. CONCEPT. CHARACTERISTICS. LEGAL NATURE. TYPES: PERSONAL PROPERTY AND REAL PROPERTY LEASING. OPERATING AND FINANCIAL LEASE. LEASEBACK. PARTIES. LESSOR. LESSEE. CAPACITY. PRICE. FEE. RESIDUAL VALUE. FINANCING. TYPE OF CONTRACT. OBLIGATION STRUCTURE. EFFECTS. REGISTRATION. EFFECTS TO THIRD PARTIES. BANKRUPTCY OF LESSOR AND LESSEE. TERMINATION OF THE LEASING. PURCHASE OPTION.

NOEMÍ NICOLAU. *PROFESSOR OF UNIVERSIDAD NACIONAL DEL LITORAL. ROSARIO.*

TUESDAY, APRIL 1ST

- 4:00 PM PROPERTY LAW. THE PUBLIC DEED: CONSUMMATION OF THE LEGAL ACT AND BUSINESS TRANSACTION WHICH CREATES IN REM RIGHTS. THE TITLE DEED (INSTRUMENT OF THE LEGAL ACT), THE MANNER (TRANSFER, PHYSICAL DELIVERY OF THE THING) AND ITS REGISTRATION TO DISCLOSE ITS ENFORCEABILITY AGAINST THIRD PARTIES. NATIONAL AND FOREIGN LAW. BASIS OF THE STATIC AND DYNAMIC LEGAL CERTAINTY.

ÁIDA KEMELMAJER DE CARLUCCI. *JUDGE OF THE SUPREME COURT OF JUSTICE OF MENDOZA, DIVISION 1*

- 5:45 PM REAL PROPERTY AS THE SUBJECT MATTER OF PROPERTY LAW. INDIVIDUALIZATION. THE DESCRIPTION IN THE TITLE DEED AND THE PUBLICITY OF OFFICIAL REGISTRIES. BLUEPRINTS. REAL ESTATE MEASUREMENT, DIVISION AND UNIFICATION. MODIFICATION BASED ON A SURVEY MAP (FOR DIVISION, ANNEXATION OR MODIFICATION) OF THE CONFIGURATION OF A REGISTERED REAL ESTATE. REGISTRATION EFFECTS. DIFFERENT REAL ESTATE DEVELOPMENTS: RESIDENTIAL, TOURIST, AGRICULTURAL, COMMERCIAL OR INDUSTRIAL COMPLEXES. EFFECTS OF PUBLIC LAW. SOIL DIVISION.

ADRIANA ABELLA. *ASSISTANT SECRETARY AND DIRECTOR OF THE NOTARIAL TECHNIQUE INSTITUTE OF UNIVERSIDAD NOTARIAL ARGENTINA.*



7:00 PM NATIONAL LAW ON REAL ESTATE RECORDS. LAW 26,209. ORIGINS OF THE REGIME AND GENERAL GUIDELINES OF THE LEGAL CONTENTS. THE CONCEPT OF LOT. LOTS STATUS. CADASTRAL CERTIFICATE. REGISTRATION OF DOCUMENTS ON TERRITORIAL SURVEYS FOR CIVIL PURPOSES AND WITH A LAND SURVEYING NATURE. COORDINATION BETWEEN REAL ESTATE REGISTRY AND TERRITORIAL RECORDS. THEIR DIFFERENT FUNCTIONS. ORIGIN PROBLEMS AND JOINT OR INDIVIDUAL DEVELOPMENT.

JORGE RAÚL CAUSSE. *FULL-FLEDGED MEMBER OF THE NATIONAL ACADEMY OF THE NOTARIAT.*

WEDNESDAY, APRIL 2

4:00 PM REAL ESTATE TRUST FOR HOUSE CONSTRUCTION. LAW 24,441. LEGISLATIVE ORIGIN. CONCEPT. CHARACTERISTICS. PARTIES TO THE TRUST. TRUSTOR. TRUSTEE. REMAINDERMAN. BENEFICIARIES. SUBJECT MATTER. TRUST PROPERTY. MANNER. RIGHTS AND OBLIGATIONS OF THE PARTIES. REGISTRATION. RELATION WITH TRUST OWNERSHIP. TERMINATION. DIFFERENT TYPES OF TRUSTS: ORDINARY AND FINANCIAL; FOR MAINTENANCE, ADMINISTRATION OR DISPOSITION. CONSTRUCTION TRUST.

CLAUDIO KIPER. *FULL PROFESSOR OF PROPERTY LAW, SELECTED BY OFFICIAL EXAMINATION, OF THE SCHOOL OF LAW OF UNIVERSIDAD DE BUENOS AIRES. JUDGE OF THE NATIONAL COURT OF APPEALS IN CIVIL MATTERS*

5:45 PM RURAL PROPERTY FOR AGRICULTURAL-FARMING ACTIVITIES. AREAS OUTSIDE URBAN LAND. ANALYSIS OF TYPICAL AND ATYPICAL LEGAL TRANSACTIONS MOSTLY USED IN LOCAL TRANSACTIONS. AGRICULTURAL CONTRACTS. RURAL LEASE. SHARECROPPING. PARTNERSHIPS ON CATTLE FARMS. LIVESTOCK CONTRACTS. LIVESTOCK CAPITALIZATION CONTRACTS. CONTRACTS FOR DAIRY FARMS OPERATIONS. NEW FORMS OF ASSOCIATION AND AGROINDUSTRY CONTRACTS. MULTURE CONTRACTS.

HORACIO MAIZTEGUI MARTINEZ. *ATTORNEY-AT-LAW. NATIONAL MEDIATOR, SPECIALIST IN AGRICULTURAL LAW. SCHOOL OF LEGAL AND SOCIAL SCIENCES, UNIVERSIDAD NACIONAL DEL LITORAL.*

7:00 PM GOOD FAITH AND TITLE DEEDS FOR THE DEMYSTIFICATION OF THE SO-CALLED REGISTRATION CERTIFICATION AND LEGAL AUTHORITY. THE SECURITY INTEREST IS GENERATED PRIOR TO REGISTRATION. THIRD PARTY CONCEPT: PENITUS EXTRANEI, THIRD PARTIES WITH AN INTEREST AND THIRD PARTIES WITH A REGISTERED RIGHT. THE GOOD FAITH REQUIREMENT (BELIEF OR DILIGENCE) TO PROTECT THIRD PARTIES' RIGHTS. NON-VALIDATING REGISTRATION. INVALID OR QUESTIONABLE TITLE DEEDS. FORGED TITLE DEEDS. PRINCIPLE OF LEGALITY AND PROOF OF TITLE TO REAL PROPERTY. EVALUATION AND EXAMINATION OF TITLE TO REAL PROPERTY, EXTRINSIC CASES. LIMITS TO THE EXERCISE OF THE EVALUATION AND EXAMINATION FUNCTION.

JORGE HORACIO ALTERINI. *FULL PROFESSOR OF PROPERTY LAW OF THE SCHOOL OF LAW OF UNIVERSIDAD DE BUENOS AIRES.*

THURSDAY, APRIL 3

4:00 PM PRIVATE HOUSING DEVELOPMENTS. METHODS OF REAL ESTATE SALE. SOCIAL NEEDS AND URBAN AND SUBURBAN UNDERTAKINGS. COUNTRY CLUBS AND GATED CONDOMINIUMS AS SUCCESSORS OF TRADITIONAL SUBDIVISION IN LOTS AND THEIR SALE IN MONTHLY INSTALLMENTS, IN CONNECTION WITH HOUSING REALITY. ABSENCE OF SPECIFIC NATIONAL LEGISLATION. PROVINCIAL REGULATION ON THE USE OF THE SOIL.

MARINA MARIANI DE VIDAL. *FULL PROFESSOR OF PROPERTY LAW, SELECTED BY OFFICIAL EXAMINATION, OF THE SCHOOL OF LAW OF UNIVERSIDAD DE BUENOS AIRES. FORMER JUDGE OF THE FEDERAL COURT OF APPEALS.*

5:45 PM PIPELINES AS A RESTRICTION TO OWNERSHIP. THE USE OF NATURAL RESOURCES AND RIGHT OF OWNERSHIP OF INDIVIDUALS. ENERGY GENERATION (GAS, ELECTRICITY, ETC.) OR THE EXTRACTION OF MINERALS AND THEIR TRANSPORTATION, DISTRIBUTION AND COMMERCIALIZATION THROUGH PIPELINES. EXISTENCE OF POWER, OIL AND GAS PIPELINES. RESTRICTIONS TO OWNERSHIP. ADMINISTRATIVE EASEMENTS. PUBLIC ADMINISTRATIVE LAW AND PRIVATE LAW. LEGAL REGIME.

JOSÉ MARÍA RODOLFO ORELLE. *FULL-FLEDGED MEMBER OF THE NATIONAL ACADEMY OF THE NOTARIAT. PROFESSOR OF PROPERTY LAW OF THE SCHOOL OF LAW OF UNIVERSIDAD DE BUENOS AIRES*

7:00 PM DISTRIBUTION OF LAND AND MOST DEPRIVED POPULATIONS. LATIFUNDIUMS AND SMALL FARMSTEDS. STATE LAND. GOVERNMENT-OWNED REAL ESTATE OTHER THAN FOR PUBLIC SERVICES. IMMIGRATION AND ALLOCATION OF STATE LAND. ALLOCATION SYSTEM. SETTLEMENT PLANS OF DEPRIVED POPULATIONS. OWNERSHIP REGULARIZATION. PUBLIC AND PRIVATE PROJECTS FOR THE DISMANTLING OF ILLEGAL SETTLEMENTS AND POOR POPULATIONS. THE LATIN AMERICAN EXPERIENCE.

DAVID FIGUEROA MARQUEZ. *MEXICO. FORMER PRESIDENT OF THE NATIONAL ASSOCIATION OF THE MEXICAN NOTARIAT. GENERAL ADVISOR OF THE INTERNATIONAL UNION OF NOTARIES.*

FRIDAY, APRIL 4

2:45 PM PURCHASE OF REAL PROPERTY IN SECURITY AND BORDER AREAS. LEGAL REGIME. THE REGULATORY TELEOLOGY. GREATER INTERESTS OF THE NATIONAL STATE. PRIOR AUTHORIZATION OF THE STATE FOR PRIVATE PARTIES' ACTS OF DISPOSAL. FORMALITIES. PROCEDURES AND REQUIREMENTS. ADMINISTRATIVE ACT. THE SANCTION OF NULLITY. THE EFFECTIVENESS OF THE ACT OF DISPOSAL WITHOUT PRIOR AUTHORIZATION. LIMITATION TO FOREIGN INVESTMENTS. CRITICAL ANALYSIS OF THE NATIONAL SITUATION AND ITS FORECAST.

ANTONIO LAGADARI. *SECOND VICE PRESIDENT OF THE FEDERAL COUNCIL OF THE ARGENTINE NOTARIAT.*

4:00 PM PROPERTY LAW IN FORESTS. ADDITION OF A NEW PROPERTY RIGHT TO THE NUMERUS CLAUSUS RIGHTS SET FORTH IN THE CIVIL CODE. LAW 25,509. LEGISLATIVE BACKGROUND. THE ECONOMIC IMPORTANCE OF THIS LEGAL CONCEPT INCLUDED IN THE ARGENTINE POSITIVE LAW, IN FORESTATION AND REFORESTATION OF WOODS. CREATION, APPLICATION AND EXTINCTION OF THE LAW. ADMINISTRATIVE, NOTARIAL, REGISTRATION AND TAX ASPECTS. DOCTRINE APPLICABLE TO OTHER CROPS. THEORY AND PRACTICE.

CRISTINA NOEMÍ ARMELLA. *VICE PRESIDENT OF UNIVERSIDAD NOTARIAL ARGENTINA.*

7:45 PM PHYSICAL-LEGAL SANITATION OF REAL PROPERTY IN PERU.
A. THE ROLE OF THE STATE IN LIGHT OF REGISTRATION INACCURACIES. APPLICATION TO URBAN AND RURAL PROPERTY. TIME CONSIDERATIONS IN EXCEPTION REGIMES.
B. PARTICIPATION OF THE NOTARY TO FACILITATE THE ACCESS TO THE PROPERTY REGISTRY, IN SANITATION AND REGULARIZATION CASES OF:

1. ILLEGAL OR IRREGULAR FACTORIES OR DEMOLITIONS OF REGISTERED FACTORIES.



2. JOINDERS AND SEPARATION, AND INTERNAL REGULATIONS, IN CASES WHERE EXCLUSIVE AND SHARED PROPERTIES COEXIST.

3. OWNERSHIP IN THE ABSENCE OF AN APPROPRIATE INSTRUMENT OR IN POSSESSION ONLY.

4. ADJACENT PROPERTY, AREA AND PERIMETRICAL MEASUREMENT.

C. NOTARY'S PARTICIPATION IN REGULARIZATION PROCEEDINGS. CRITICAL ANALYSIS OF ADVANTAGES AND DISADVANTAGES.

MARCO ANTONIO CORCUERA GARCÍA. NOTARY OF TRUJILLO. PERU.

7:00 PM REAL PROPERTY AS A SUBJECT MATTER OF SECURITY INTERESTS. THE MORTGAGE. PRINCIPLES AND REQUIREMENTS. THE FOREIGN CURRENCY MORTGAGE. ITS EVOLUTION. THE SO-CALLED OPEN MORTGAGE. ANALYSIS OF THE MOST USUAL BUSINESS COVENANTS. THE MORTGAGE AS SECURITY FOR OBLIGATIONS IN AMOUNTS NOT INITIALLY DETERMINED. PRIORITY OF MORTGAGE INTEREST. BUSINESSES WITH RESPECT TO THE PRIORITY OF MORTGAGE INTEREST. REVERSE MORTGAGE. EXTINCTION OF THE OBLIGATION AND CANCELLATION OF THE REGISTRATION.

RAFAEL GOMEZ FERRER. VICE PRESIDENT, EUROPE, INTERNATIONAL UNION OF NOTARIES. SPAIN.

Cotonou



1. 10. PLENARY MEETING OF THE COMMISSION OF AFRICAN AFFAIRS (CAAF) COTONOU, BENIN, APRIL 2, 2008

The Plenary Meeting of the Commission of African Affairs (CAAF) was held in Cotonou, Benin, on April 2, 2008.

1.11. 4TH INTERNATIONAL COURSE ON ADVANCED NOTARIAL LAW, UNIVERSIDAD NOTARIAL ARGENTINA (UNA)

LA PLATA (BUENOS AIRES), ARGENTINA, APRIL 7-11, 2008

The *4th International Course on Advanced Notarial Law: Towards a Legal Framework for the Organization of the Notariat in Latin America*, was organized by the Universidad Notarial Argentina under the Direction of Cristina N. ARMELLA, Esq.

La Plata

THE SYLLABUS INCLUDED:

MONDAY, APRIL 7

4:00 PM 1. TOWARDS A LEGAL FRAMEWORK FOR THE ORGANIZATION OF THE NOTARIAT IN LATIN AMERICA. IV INTERNATIONAL COURSE ON ADVANCED NOTARIAL LAW. SCOPE. BACKGROUND. THE NEED TO HAVE COMMON DENOMINATORS TO REDUCE THE ASYMMETRIES EXISTING IN THE PRACTICE OF THE NOTARIAL ACTIVITY IN THE COUNTRIES OF THE AREA. SUBJECTS TO BE INCLUDED IN THE LEGAL FRAMEWORK. DRAFTING, STUDY, ANALYSIS, DISCUSSION AND APPROVAL OF THE SAME.

NÉSTOR O. PEREZ LOZANO. ARGENTINA. *PRESIDENT OF UNIVERSIDAD NOTARIAL ARGENTINA.*

CRISTINA N. ARMELLA. ARGENTINA. *VICE PRESIDENT OF UNIVERSIDAD NOTARIAL ARGENTINA.*

7:45 PM 2. THE NOTARIAL ACTIVITY. SUBJECT-MATTER JURISDICTION. RESPONSIBILITY. TRADITIONAL AND MODERN SCOPE. THE IMPORTANCE OF LEGAL ADVICE. DRAFTING OF ALL TYPES OF DOCUMENTS. RELATIONSHIP WITH AND ANALYSIS OF TITLE SEARCHES. THE POSSIBILITY OF TAKING ALL NECESSARY ACTIONS, BEFORE JUDGES AND NATIONAL, PROVINCIAL AND MUNICIPAL ENTITIES, TO PERFORM ANY FORMALITIES NECESSARY TO COMPLY WITH THEIR FUNCTIONS UNDER THE LAWS OF PROCEDURE, BEING ONLY REQUIRED TO GIVE EVIDENCE OF THEIR INVESTITURE. PARTICIPATION IN NON-CONTENTIOUS MATTERS.

NERY MUÑOZ. GUATEMALA. *PROFESSOR.*

7:00 PM 3. THE NOTARIAL ACTIVITY. VENUE. JURISDICTION TO ACT REGARDLESS OF THE REQUIRING PARTY'S DOMICILE AND THE LOCATION OF THE PROPERTY SUBJECT MATTER OF THE NOTARIAL ACT, WITHIN A CERTAIN TERRITORY. POSSIBILITY OF AUTHORIZING DEEDS OUTSIDE THE NOTARY'S OFFICE. LOCAL, PROVINCIAL OR STATE VENUE, EITHER NATIONAL OR FEDERAL AND OFFSHORE VENUE. SCOPE. JURISDICTION OVER THE PERSON. PRINCIPLE OF IMPARTIALITY. PERSONAL INTEREST OF NOTARIES OR THEIR RELATIVES. DEGREE OF KINSHIP.

NORBERTO RAFAEL BENSEÑOR. ARGENTINA. *VICE PRESIDENT OF THE NATIONAL ACADEMY OF THE NOTARIAT.*

DENNIS MARTINEZ COLON. PUERTO RICO. *GENERAL ADVISOR OF THE INTERNATIONAL UNION OF NOTARIES.*

TUESDAY, APRIL 8

4:00 PM 4. THE NOTARIAL ACTIVITY. DISQUALIFICATIONS. INCOMPETENT AND DISABLED PERSONS, DEFENDANTS CHARGED WITH WILLFUL MISCONDUCT OR INTENTIONAL CRIMES; CONVICTS IN OR OUTSIDE THE COUNTRY; NOTARIES DISQUALIFIED FOR MALPRACTICE; OTHERS. INCOMPATIBILITIES WITH THE PRACTICE OF LAW; REAL ESTATE REPRESENTATION OR BROKERAGE; PUBLIC DUTIES; ACTIVE MILITARY SERVICE OR CURRENT CLERICAL DUTIES; ANY OTHER PERMANENT ACTIVITY, EITHER PUBLIC OR PRIVATE, THE PERFORMANCE OF WHICH REQUIRES THE NOTARY'S RESIDENCE IN A PLACE OTHER THAN THAT WHERE HIS NOTARIAL REGISTER IS KEPT. EXCEPTIONS. CRITICAL ANALYSIS.

NELSON RUDYS CASTILLO OGANDO. SANTO DOMINGO. *PRESIDENT OF THE COMMISSION OF LEGAL AND NOTARIAL AFFAIRS OF THE DOMINICAN ASSOCIATION OF NOTARIES.*

5:45 PM 5. THE NOTARIAL ACTIVITY. PERFORMANCE OF THE NOTARIAL ACTIVITY. OBLIGATION TO PERFORM THE NOTARIAL ACTIVITY. CAUSES OF EXEMPTION. EXISTENCE OF LEGAL, PHYSICAL OR ETHICAL IMPEDIMENTS; LACK OF CERTIFICATION OF THE REQUIRING PARTY'S IDENTITY; DOUBTS ABOUT THE REQUIRING PARTY'S MENTAL STATUS; APPLICATIONS UNTIMELY MADE; OTHERS. EFFECTS OF THE NOTARY'S REFUSAL TO ACT. THE NOTARY'S FREEDOM TO CHOOSE. EXCEPTIONS. NOTARIES IMPOSED BY PUBLIC OR PRIVATE ENTITIES. DISTRIBUTION OF OFFICIAL WORK. ►

JULIA SIRI. URUGUAY. *PROFESSOR.*

CARLOS D'ALESSIO. ARGENTINA. *GENERAL ADVISOR OF THE INTERNATIONAL UNION OF NOTARIES.*

- 7:00 PM 6. THE NOTARIAL ACTIVITY. NOTARIAL OBLIGATIONS AND RIGHTS. OBLIGATIONS: TO COMPLY WITH THE LAWS, CERTIFY THE CAPACITY, IDENTITY AND LEGAL STANDING OF APPEARING PARTIES; CERTIFY TITLE SEARCHES; KEEP THE PROFESSIONAL SECRET AND DEMAND THE SAME CONDUCT FROM THEIR EMPLOYEES; OTHERS. CRITICAL ANALYSIS. RIGHTS: THE FEE.

HERMAN MORA VARGAS. COSTA RICA. *PROFESSOR OF UNIVERSIDAD NACIONAL DE COSTA RICA.*

MARIO ANTONIO ZINNY *FULL-FLEDGED MEMBER OF THE NATIONAL ACADEMY OF THE NOTARIAT.*

WEDNESDAY, APRIL 9

- 4:00 PM 7. NOTARIAL DOCUMENTS. GENERAL REQUIREMENTS. SUBSTANTIVE CODES. REGULATORY RULES. NOTARIAL DOCUMENTS: HANDWRITTEN, TYPED, ELECTRONIC AND HARD COPIES. THE NOTARY'S AUTHORIZATION (SIGNATURE AND SEAL). DRAFTING OF NOTARIAL DOCUMENTS. BRIEFS. EFFICACY. PRACTICAL CASES OF RECEPTION OF NOTARIAL BRIEFS BY REQUIRING PARTIES. AMENDMENT OR RECTIFICATIONS. LIABILITY. WARNINGS.

JORGE MACHADO. ECUADOR. *PRESIDENT OF THE ASSOCIATION OF NOTARIES OF ECUADOR.*

- 5:45 PM 8. THE BOOK OF NOTARIAL RECORDS. SINGLE OR MULTIPLE. CLOSED OR OPEN. CORRELATIVE NUMBER (ANNUAL OR NOT). DOCUMENTS TO BE ATTACHED. OPENING AND CLOSING STATEMENTS, COMPLEMENTARY INFORMATION AT THE END OR ON THE MARGIN OF ORIGINAL DOCUMENTS. TABLE OF CONTENTS. BOOKBINDING. DEEDS NOT SIGNED BY ONE OR MORE APPEARING PARTIES. INEFFECTIVE DEED PRIOR TO THE NOTARY'S AUTHORIZATION. DEED WITH ERRORS. PRESERVATION OF THE BOOK OF NOTARIAL RECORDS. REMOVAL OF THE BOOK OF NOTARIAL RECORDS FROM THE NOTARY'S OFFICE. EXHIBITION OF THE BOOK OF NOTARIAL RECORDS. RESTORATION.

LEONARDO PEREZ GALLARDO. CUBA. *NOTARY. PROFESSOR OF UNIVERSIDAD NACIONAL DE LA HABANA.*

- 7:00 PM 9. PUBLIC DEEDS. ORIGINAL INSTRUMENT CONTAINING LEGAL TRANSACTIONS. SUBSTANTIVE LAWS. REGULATION OF THIS TYPE OF PUBLIC INSTRUMENT TRADITIONALLY IN HARD COPIES AND ITS EVOLUTION TO THE ELECTRONIC DOCUMENT. THE TENDENCY TO A DIGITAL NOTARIAL DOCUMENT AND ITS CURRENT APPLICATION.

JOSÉ MANUEL GARCÍA COLLANTES. SPAIN. *GENERAL ADVISOR OF THE INTERNATIONAL UNION OF NOTARIES. PROFESSOR OF MADRID.*

THURSDAY, APRIL 10

- 4:00 PM 10. NOTARIAL MINUTES. NOTARIAL DOCUMENTS FOR THE AUTHENTICATION, VERIFICATION AND DETERMINATION OF FACTS. RECORDS INCLUDED OR NOT IN THE BOOK OF NOTARIAL RECORDS. NOTICES. PROCESSING. THE REQUIREMENT OF UNITY OF AN ACT OR CONTEXT. EVIDENTIARY VALUE. RECORDS FOR PUBLICITY PURPOSES.

NATALIO PEDRO ETCHEGARAY. ARGENTINA. *GENERAL NOTARY OF THE NATIONAL GOVERNMENT.*

JOSÉ FLAVIO BUENO FISCHER. BRAZIL. *VICE PRESIDENT FOR SOUTH AMERICA OF THE MANAGEMENT BOARD OF THE INTERNATIONAL UNION OF NOTARIES.*

- 5:45 PM 11. FORMAL RECORDING OF PUBLIC AND PRIVATE DOCUMENTS, BY COURT ORDER OR AT THE REQUEST OF PRIVATE

PARTIES FOR THE PURPOSES ESTABLISHED BY LAW. DOCUMENTS NOT INCLUDED IN THE BOOK OF NOTARIAL RECORDS. CERTIFICATIONS OR CERTIFICATES. CERTIFICATIONS OF SIGNATURES AND/OR FINGERPRINTS. COPIES. CERTIFIED COPIES AND CERTIFICATES. REQUIREMENTS. PRACTICAL CASES. PROCEDURE. NOTARIAL TECHNIQUE. REGISTRATION ASPECTS. EVIDENTIARY VALUE.

EDUARDO VÍCTOR CURSACK. ARGENTINA. *PRESIDENT OF THE NATIONAL ACADEMY OF THE NOTARIAT.*

7:00 PM 12. THE NOTARY'S ORGANIZATION. NOTARIAL REGISTERS. THE STATE'S OWNERSHIP OF SUCH REGISTERS. REGISTERS OF THE INCUMBENT NOTARY. THE REGISTER IS AN INDIVISIBLE UNIT. THE ASSIGNMENT OF VACANT REGISTERS AND CREATION OF NEW ONES. DOMICILE WHERE THE REGISTER IS KEPT. ITS TRANSFER. REGISTERS WILL BE CORRELATIVELY NUMBERED. EXCHANGES. TYPES OF NOTARIES: INCUMBENT, ASSISTANT, TEMPORARY, ALTERNATE, INFERIOR, AND OTHER NOTARIES. SUBJECTIVE, OBJECTIVE AND SPECIFIC REQUIREMENTS OF EACH CATEGORY. BOND OR GUARANTY FOR MALPRACTICE. CONTINUOUS TRAINING.

FRANCISCO ARIAS GONZALEZ. MEXICO. *FORMER PRESIDENT OF THE INTERNATIONAL UNION OF NOTARIES.*

FRIDAY, APRIL 11

2:30 PM 13. GOVERNANCE OF THE NOTARIAT. JURISDICTION OF THE INSPECTOR. CONVENIENCE. ORGANIZATION. DESIGNATION OF INSPECTORS. DUTIES. TERM OF OFFICE. SUPERVISION OF NOTARIAL ACTIVITIES PURSUANT TO APPLICABLE STANDARDS AND ETHICAL RULES. TEACHING OR SUPERVISING-SANCTIONING PURPOSE. LIMITS TO THE INSPECTION. EFFICACY. SUPERINTENDENCE BODIES. REFERENCE.

FERNANDO ANTONIO CÁRDENAS GONZALEZ. MEXICO. *PROFESSOR.*

4:00 PM 14. GOVERNANCE OF THE NOTARIAT. NOTARY ASSOCIATIONS. FREE ASSOCIATION AGAINST MANDATORY PROFESSIONAL ASSOCIATION. ADVANTAGES AND INCONVENIENCES. THE EXISTENCE OF LEGAL ENTITIES OF PUBLIC LAW WITH INDEPENDENT CAPITAL STRUCTURE, CREATED TO GOVERN AND SUPERVISE THE PRACTICE OF THE LOCAL NOTARIAT. ORGANIZATION, STRUCTURE AND FUNCTIONS. GOVERNING AND DELIBERATING BODIES. ELECTION OF MEMBERS. DUTIES. PURCHASE BY THE PROFESSIONAL ASSOCIATION OF NOTARIAL MALPRACTICE INSURANCE. FIRST AND SECOND GRADE LEGALIZATIONS.

ALFONSO ZERMEÑO INFANTE. MEXICO. *PRESIDENT OF THE COMMISSION OF AMERICAN AFFAIRS OF THE INTERNATIONAL UNION OF NOTARIES.*

5:45 PM 15. GOVERNANCE OF THE NOTARIAT. SUPERINTENDENCE BODIES. FISCALIZATION ACTIVITY IN THE NOTARIAL PRACTICE. POSSIBILITY THAT SUCH ACTIVITY BE PERFORMED BY PEERS OR OTHER OFFICIALS OF THE STATE OR THE ADMINISTRATIVE OR JUDICIAL POWERS. CRITICAL ANALYSIS. ADVANTAGES AND INCONVENIENCES. THE POWER TO SANCTION. SANCTIONS: WARNING, FINE, SUSPENSION, REMOVAL OR DISQUALIFICATION. APPEALS.

ISIDORO LORA TAMAYO RODRIGUEZ. SPAIN. *GENERAL ADVISOR OF THE INTERNATIONAL UNION OF NOTARIES.*

7:00 PM "LATIN AMERICAN NOTARIATS IN LIGHT OF NEW SOCIAL, POLITICAL AND ECONOMIC CHALLENGES."
CONFERENCE

EDUARDO GALLINO. ARGENTINA. *PRESIDENT OF THE INTERNATIONAL UNION OF NOTARIES.*

TUESDAY, APRIL 8. 10:00 AM.WORKSHOP ON NOTARIAL TECHNIQUE. **GASTÓN ZAVALA.****WEDNESDAY, APRIL 9. 10:00 AM.**WORKSHOP. ETHICAL AND NON-ETHICAL CONDUCT OF INCUMBENT NOTARIES. **NOTARIO SEBASTIÁN COSOLA.****THURSDAY, APRIL 10. 10:00 AM.**GUIDED TOURS. **MARTA ROSA PIAZZA.****1.12. FIRST MEETING OF THE COMMISSION OF AMERICAN AFFAIRS (CAA)****BUENOS AIRES, ARGENTINA,**
APRIL 11-12, 2008

The first meeting of the Commission of American Affairs (CAA) was held in Buenos Aires, Argentina, on April 11 and 12, 2008.

**1.13. XXVIII ARGENTINE NOTARIAL SEMINAR****ROSARIO (Santa Fe), ARGENTINA, APRIL 24-26, 2008**

The XXVIII Argentine Notarial Seminar was held in Rosario, Santa Fe, Argentina, on April 24, 25 and 26, 2008, at the Hotel Plaza Real and the offices of the Notaries Association of such City.

THE FOLLOWING TOPICS WERE DISCUSSED:**Topic I.** Marital property. Non-absolute ownership. Usufruct.**Topic II.** Dignification of the notary's remuneration. Its adjustment to the social and economic context of transactions.**Topic III.** Determination of heirs. Community of heirs. Distribution of the assets of the decedent's estate. Participation of the notary in probate proceedings.**Topic IV.** The Notary in view of the State's punitive claim.**1.14. XX EUROPEAN SEMINAR OF NOTARIES****SALZBURG, AUSTRIA, APRIL 24-25, 2008**

The XX European Seminar of Notaries was held in the city of Salzburg, Austria, on April 24 and 25, 2008.

Austria



1.15. FIRST PLENARY MEETING OF THE COMMISSION OF EUROPEAN AFFAIRS (CAE)

SALZBURG, AUSTRIA, APRIL 26, 2008

The first plenary meeting of the Commission of European Affairs (CAE) was held in the city of Salzburg, Austria, on April 26, 2008.

1.16 CIV NATIONAL SEMINAR OF MEXICAN NOTARIES

SAN LUIS POTOSÍ, MEXICO, MAY 1-3, 2008



The CIV National Seminar of Mexican Notaries was held in San Luis Potosí, Mexico, on May 1-3, 2008.

San Luis
Potosí

PROGRAM

THE FOLLOWING TOPICS WERE DISCUSSED:

THURSDAY 1

5:30 PM OPENING CEREMONY.

MARCELO DE LOS SANTOS FRAGA. CONSTITUTIONAL GOVERNOR OF THE STATE OF SAN LUÍS POTOSÍ.

EDUARDO SOJO GARZA ALDAPE. SECRETARY OF ECONOMY

MIGUEL ALLESIO ROBLES. LEGAL COUNSEL OF THE FEDERAL EXECUTIVE POWER

CARLOS GUTIÉRREZ RUIZ. GENERAL DIRECTOR OF THE NATIONAL HOUSING COMMISSION

VÍCTOR BORRAS SETIÉN. GENERAL DIRECTOR OF INSTITUTO DEL FONDO NACIONAL DE LA VIVIENDA PARA LOS TRABAJADORES, (INFONAVIT).

MANUEL PÉREZ CÁRDENAS. EXECUTIVE MEMBER OF FONDO DE VIVIENDA DEL INSTITUTO DE SEGURIDAD Y SERVICIOS SOCIALES DE LOS TRABAJADORES DEL ESTADO (FOVISSSTE).

CESAR CAMACHO QUIROZ. FEDERAL CONGRESS REPRESENTATIVE, PRESIDENT OF THE JUSTICE COMMISSION OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS.

OMAR FAYAD MENESES. PRESIDENT OF CONFERENCIA NACIONAL DE MUNICIPIOS DE MÉXICO (CONAMM) AND MAYOR OF THE CITY OF PACHUCA, HIDALGO.

MARCO VINICIO MARTÍNEZ GUERRERO. JUDGE OF THE AGRICULTURAL SUPERIOR COURT

FERNANDO TRUEBA BUENFIL. PRESIDENT OF THE NATIONAL ASSOCIATION OF MEXICAN NOTARIES

MAURICIO MIER PADRÓN. PRESIDENT OF THE ASSOCIATION OF NOTARIES OF THE STATE OF SAN LUÍS POTOSÍ.

SPECIAL GUESTS. **LOCAL AUTHORITIES.**

6:30 PM FORUM: "THE NOTARIAT IN MODERN TIMES"

MARCELO DE LOS SANTOS FRAGA. CONSTITUTIONAL GOVERNOR OF THE STATE OF SAN LUÍS POTOSÍ.

EDUARDO SOJO GARZA ALDAPE. SECRETARY OF ECONOMY

MIGUEL ALLESIO ROBLES. LEGAL COUNSEL OF THE FEDERAL EXECUTIVE POWER

CARLOS GUTIÉRREZ RUIZ. GENERAL DIRECTOR OF THE NATIONAL HOUSING COMMISSION

CESAR CAMACHO QUIROZ. FEDERAL CONGRESS REPRESENTATIVE, PRESIDENT OF THE JUSTICE COMMISSION OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS.

ADRIÁN ITURBIDE GALINDO.

9:00 PM WELCOME COCKTAIL



FRIDAY 2

9:00 AM THE CONTRACT IN ITSELF

CARLOS DE PABLO SERNA

10:00 AM THE NOTARY AND THE ELECTRONIC SIGNATURE

FRANCISCO XAVIER ARREDONDO GALVÁN.**FRANCISCO JAVIER GARCÍA MAS (SPANISH NOTARY).**

11:30 AM INVALIDITY OF AGRICULTURAL ACTS

MARCO VINICIO MARTÍNEZ GUERRERO. AGRICULTURAL HIGH COURT.

12:30 PM MUNICIPALITY AND NOTARIAT IN MODERN TIMES

OMAR FAYAD MENESES. PRESIDENT OF CONFERENCIA NACIONAL DE MUNICIPIOS DE MÉXICO (CONAMM) AND MAYOR OF THE CITY OF PACHUCA, HIDALGO.

1:30 PM DISCUSSION: SOCIAL INTEREST HOUSING

VÍCTOR BORRAS SETIÉN. GENERAL DIRECTOR OF INSTITUTO DEL FONDO NACIONAL DE LA VIVIENDA PARA LOS TRABAJADORES (INFONAVIT).**MANUEL PÉREZ CÁRDENAS.** EXECUTIVE MEMBER OF FONDO DE VIVIENDA DEL INSTITUTO DE SEGURIDAD Y SERVICIOS SOCIALES DE LOS TRABAJADORES DEL ESTADO (FOVISSSTE).**SATURDAY 3**

9:00 AM PUBLIC REGISTER Y NOTARIAT IN MODERN TIMES

OSCAR ALBERTO MARGAIN PITMAN. GENERAL DIRECTOR OF TRADE LEGISLATION OF THE SECRETARY OF ECONOMY.**ALEJANDRO NIEZEN SARMIENTO.** DEPUTY DIRECTOR OF INFRASTRUCTURE OF MORTGAGE MARKET OF SOCIEDAD HIPOTECARIA FEDERAL.**MARCO ANTONIO QUIROZ LÓPEZ.** DEPUTY DIRECTOR OF THE NATIONAL HOUSING COMMISSION**MARIO F. REA FIELD.** PRESIDENT OF THE PUBLIC REGISTER COMMISSION OF THE NATIONAL ASSOCIATION OF MEXICAN NOTARIES.

10:00 AM CORPORATION AND LIMITED LIABILITY COMPANY. ADVANTAGES AND DIFFERENCES.

FRANCISCO JAVIER ARCE GARGOLLO.

11:00 AM WORKSHOP: DRAFTING OF DEEDS (Q&A SESSION) CIVIL AND COMMERCIAL MATTERS.

SERGIO ZEPEDA GUERRA.**HÉCTOR GALEANO INCLAN.**

1:00 PM 2008 TAX MATTERS (Q&A SESSION)

JOSÉ ANTONIO MANZANERO ESCUTIA.

2:30 PM CLOSING OF SEMINAR.

*For more information, visit: www.notariadomexicano.org.mx***1.17. 104th CONGRESS OF FRENCH NOTARIES****MAY 3-7, 2008, NICE, FRANCE**

The 104th Congress of French Notaries was held in Nice, France, on May 3 through 7, 2008, with the following slogan: "Lasting Development: a Legal Challenge".



FOUR COMMISSIONS DISCUSSED THE FOLLOWING TOPICS:

- Economic management of soil;
- Prudent management of natural resources and spaces;
- Professional activities and risks;
- Information and participation of the people.


**1.18. 4th INTERNATIONAL FORUM ON eNOTARIZATION,
eAPOSTILLES AND DIGITAL EVIDENCE,
NATIONAL NOTARY ASSOCIATION**


NEW ORLEANS, LOUISIANA,
UNITED STATES, MAY 27- 30, 2008

The 4th International Forum on eNotarization, eApostilles and Digital Evidence will be held by the National Notary Association in the city of New Orleans, Louisiana, United States of America.

See the complete program in www.nationalnotary.org

1.19. THIRD INTERNATIONAL MEETING ON NOTARIAL LAW

LA HABANA, CUBA, MAY 29-31, 2008

The Third International Meeting on Notarial Law and the VII International Seminar of the Association of Cuban Notaries have been organized by the Commission of American Affairs and the American Notarial Academy, to be held in the city of La Habana, Cuba, on May 29, 30 and 31, 2008.



La Habana

GENERAL TOPICS
VII INTERNATIONAL SEMINAR OF THE ASSOCIATION OF CUBAN NOTARIES

1. Lawmaking by the Latin Notariat
2. Enforceability of a notarized public document.
3. Participation of the notary in family law issues.
4. Challenges of Notarial Law in integration processes in Latin America.
5. The notary's role in avoiding litigation: the precautionary function of Notarial Law.
6. Participation of the notary in non-traditional situations.
7. Evidentiary nature of notarial records.
8. Organization of business companies: the notary's role.
9. The double qualification of notarized public documents.
10. Notary's participation in acts regarding their own incapacity: preventive powers of attorney, self-guardianship.

THIRD INTERNATIONAL MEETING ON NOTARIAL LAW (THE NOTARY AND THE CHALLENGES OF FAMILY LAW)

1. Formalization of marriage before a notary.
2. Same-sex civil unions and their formalization before a notary public.
3. Preventive provisions on the notary's own incapacity.
4. Guardianship declaration in wills.
5. Divorce by mutual agreement before a notary. Myths and taboos.
6. Adoption and guardianship before a notary: possibility and reality.
7. Antenuptial agreements by a notarized deed.
8. Recognition of children before a notary.

The above topics do not exclude the possibility of including other topics related to the notarial activity, which may be discussed in the papers submitted.

GENERAL PROGRAM

THURSDAY, MAY 29

VII INTERNATIONAL SEMINAR OF THE ASSOCIATION OF CUBAN NOTARIES

9.00 A.M. REGISTRATION IN THE UNJC NATIONAL OFFICES (CALLE 21, ESQUINA A D. VEDADO. LA HABANA).

4.00 P.M. OPENING CEREMONY IN THE MAIN LECTURE HALL OF UNIVERSIDAD DE LA HABANA

4.30 P.M. LECTURE.

6.00 P.M. WELCOME COCKTAIL

FRIDAY, MAY 30

THIRD INTERNATIONAL MEETING ON NOTARIAL LAW

9.00 A.M. WORKING SESSION

1.00 P.M. LUNCH BREAK

3.00 P.M. WORKING SESSION

NIGHT: NO PROGRAMMED ACTIVITIES - OPTIONAL ACTIVITIES.

SATURDAY, MAY 31

9.00 A.M. WORKING SESSION.

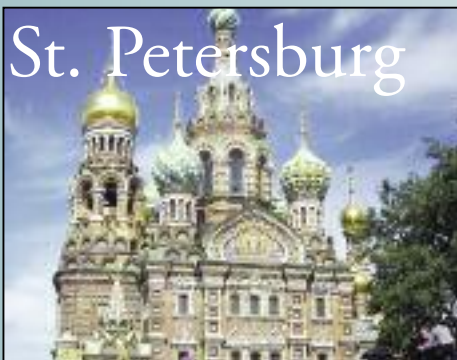
1.00 P.M. LUNCH BREAK.

3.00 P.M. WORKING SESSION.

6.00 P.M. CLOSING CEREMONY.

7.00 P.M. FAREWELL DINNER.

The purpose of this Seminar is to continue to develop the study, discussion and analysis of the Notarial Law and promote a scientific debate by means of the investigation, dialogue and sharing of experiences among notaries, university professors, trade registrars, attorneys at law and other jurists and law students.



1.20. THIRD NATIONAL CONGRESS OF RUSSIAN NOTARIES

ST. PETERSBURG, RUSSIA,
MAY 29-31 AND JUNE 1, 2008

The Third Congress of Russian Notaries will be held on May 29 through 31 and June 1, 2008, in the magnificent city of St. Petersburg.



1.21. UINL MEETINGS

BUCHAREST, ROMANIA, JUNE 11-14, 2008

The UINL meetings will be held in Bucharest, Rumania, from June 11 through 14, 2008, to discuss matters related to the International



THE PROGRAM OF ACTIVITIES IS AS FOLLOWS:

- 6-11-2008: Participant's arrival.
- 6-12-2008: Management Board and Commissions
- 6-13 and 14-2008: General Council



1.22. PLENARY MEETING OF THE COUNCIL OF NOTARIATS OF THE EUROPEAN UNION (CNUE)

LISBON, PORTUGAL, JUNE 20-21, 2008

The Plenary Meeting of the Council of Notariats of the European Union (CNUE) will be held in Lisbon, Portugal, on June 20 and 21, 2008.

1.23. XIII LATIN AMERICAN NOTARIAL SEMINAR

ASUNCION, PARAGUAY, JUNE 26-28, 2008

The XIII Latin American Notarial Seminar will be held in Asuncion, Paraguay, from June 26 through 28, 2008.

Asuncion



TOPIC I: "Tools that the notariat may provide with a view to solve massive grant of deeds of title"**International Coordinator: Notary Ramiro Benítez (URUGUAY)**E-mail: bemerami@gmail.com - Tel.: (+598-2) 403.3669. Cellular phone (+598) 9969-2343

Address: Magallanes 1424 Apto. 904 - Montevideo

National Coordinator: Notary Milagros Arrúa Gauto (PARAGUAY)E-mail: milaarua@yahoo.es - Tel.: (+595-12) 224-042

Address: Cerro Corá N° 1410 esq. Pai Pérez - Asunción

TOPIC II: "Notarial Participation in Non-Contentious Matters"**International Coordinator: Notary Rafael Gómez Ferrer Sapiña (SPAIN)**E-mail: gomez-ferrer@notariagomez-ferrer.com - Tel.: (+34) 963.535.270

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National Coordinator: Notary Fanny Kiyomi Moriya Ishibashi (PARAGUAY)E-mail: fkoriya@tigo.com.py - Tel.: (+595-71) 203-176

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TOPIC III: "Notarial Participation in the Organization of Small and Medium Size Companies"**International Coordinator: Notary Aldo Emilio Urbaneja (ARGENTINA)**E-mail: escribania_urbaneja@speedy.com.ar - Tel.: (+54-11) 4654.3715 / 3725

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National Coordinator: Notary Marta Rabl Vezzetti (PARAGUAY)E-mail: escriabl@hotmail.com.py - Tel.: (+595-21) 443-081

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FORUM: "The Professional Association, the Citizen's Guaranty in case of Malpractice"**International Coordinator: Notary Lidia Giménez, Esq. (PARAGUAY)**E-mail: lidia@cu.com.py - Tel.: (+595-21) 441.183

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GENERAL COORDINATOR: Notary Ana Manuela González Ramos (PARAGUAY)E-mail: anamanue@hotmail.com - Tel.: (+595-21) 492.330

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*For more information visit: <http://www.cep.org.py>**E-mail: jiberoamericana@cep.org.py*



Mexico

1.24. SECOND PLENARY MEETING OF THE COMMISSION OF AMERICAN AFFAIRS (CAA)

AUGUST 22-23, 2008, CITY OF MEXICO, MEXICO

The Second Plenary Meeting of the Commission of American Affairs (CAA) will be held in the City of Mexico on August 22 and 23, 2008.

1.25. EUROPEAN CONGRESS OF THE COUNCIL OF THE NOTARIATS OF THE EUROPEAN UNION (CNUE) WARSAW, POLAND, SEPTEMBER 10-12, 2008



The European Congress of the Council of the Notariats of the European Union will be held in Warsaw, Poland, from September 10 through 12, 2008.

Working Sessions

AN EUROPEAN AREA OF LEGAL CERTAINTY. WORKING SESSIONS:

1: A VALUE FOR FAMILIES. 2: A VALUE FOR CITIZENS. 3: AN OPPORTUNITY FOR BUSINESSES.

PROGRAM

WEDNESDAY, SEPTEMBER 10, 2008

HOTEL CHECK-IN FOR GUESTS

7:00 PM: ECUMENICAL MASS

8:30 PM: WELCOME COCKTAIL AT THE HILTON CONGRESS HALL

THURSDAY, SEPTEMBER 11, 2008

9:00 - 10:00 AM: REGISTRATION OF CONGRESS PARTICIPANTS

10:00 AM - 12:30 PM: CONGRESS OPENING CEREMONY

12:45 - 2:00 PM: OPENING LUNCH

2:15 - 6:00 PM: WORKING SESSION

8:00 - 11:00 PM: CONCERT

FRIDAY, SEPTEMBER 12, 2008

10:00 AM - 12:30 PM: WORKING SESSION

1:00 - 2:30 PM: LUNCH

3:00 - 5:00 PM: WORKING SESSION

5:00 - 6:00 PM: CONGRESS CLOSING CEREMONY

8:00 PM: GALA DINNER.



CURRENT EVENTS

CHAPTER 2

2.1. SPAIN: CENTERS OF INFORMATION AND COMMENCEMENT OF PROCEEDINGS

In these centers, which operate under both Public Administrations and different public and private institutions, as well as professional associations, business organizations and chambers of commerce, information is provided and proceedings can be initiated for the organization of limited liability companies by means of the Documento Unico Electronico (Unique Electronic Document). The proceeding is initiated in these centers, where all actions are then taken to complete the company organization. Advice is further provided to entrepreneurs as regards their business plan and other financing and tax issues.

At present, these centers are operating in Madrid, Canary Islands and Andalusia.



2.2. IOM: ORIGIN AND ACTIVITIES

The International Organization for Migration (IOM), established in 1951, is the leading inter-governmental organization in the field of migration, and works closely with governmental,

inter-governmental and non-governmental partners. It promotes humane and orderly migration for the benefit of all and provides services and advice to governments and migrants.

It has 122 State Members and 92 Observers, including 18 States and 74 International and Non-Governmental Organizations, globally and regionally; over 380 Representations and a staff of more than 5,500 people working in more than 1,600 projects.

ORIGIN: At the initiative of Belgium and the United States, an International Migration Conference was convened in Brussels, resulting in the creation of the Provisional Intergovernmental Committee for the Movements of Migrants from Europe (PICMME). PICMME soon became the Intergovernmental Committee for European Migration (ICEM).

In 1980, ICEM's Council changed the Organization's name to the Intergovernmental Committee for Migration (ICM) in recognition of its increasing global role. Finally, in 1989 ICM became the International Organization for Migration (IOM), upon the amendment and ratification of the 1953 Constitution. Its principal offices are located in Geneva.

As the leading international organization for migration, IOM acts with its partners in the international community to: assist in meeting the growing operational challenges of migration management; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

ACTIVITIES: The activity of the IOM consists in verifying a humane, orderly management of migration; promote international cooperation on migration; assist in finding practical solutions to migration problems; and provide humanitarian assistance to migrants, either refugees or displaced persons. The IOM Constitution explicitly acknowledges the relationship between migration and economic, social and cultural development, as well as the respect for the people's right of freedom of movement. The IOM works closely with its governmental, inter-governmental and non-governmental partners in: migration and development, facilitating migration, regulating migration and forced migration.

One of the main challenges of the IOM and its State Members is the fight against human trafficking, which is an irregular form of migration in violation of migrants' human rights.

In the last years, human trafficking and migrant smuggling has increased significantly. Though the number of victims is unknown, it is estimated in 800,000, while 2,000,000 women and children worldwide suffered the effects of human trafficking until 2002.

The IOM believes that human trafficking is a coercion and exploitation process that begins with the recruitment of persons in their place of origin and continues with their exploitation in transit or at destination.

HUMAN TRAFFICKING: The definition of Human Trafficking included in the "UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children" was adopted by the IOM, supplementing the UN Convention Against Transnational Organized Crime. Under such Protocol, human trafficking means the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over other person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Such definition differs from the concept of Migrant Smuggling that, according to the UN "Protocol Against the Smuggling of Migrants by Land, Sea and Air", shall mean the procurement, in order to obtain, directly or indirectly, a financial or other benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.



2.3. **HCCH: INDIA, A NEW MEMBER**

On March 13, 2008, India became member 69 of The Hague Conference on Private International Law, by expressing its acceptance to the Statute of such entity.

2.4. **EUROPEAN UNION: SCHENGEN AREA**

As of June 14, 1985, France, Germany, Belgium, The Netherlands and Luxembourg agreed upon the gradual elimination of border controls at common borders, a decision that was known as the "Schengen Agreement", after the city in Luxembourg where the agreement was signed.

Under this inter-governmental agreement, signatory parties agreed to gradually eliminate all border controls at common borders to allow the free movement of persons in a territory to be known as the "Schengen area". In addition, other measures were adopted, such as the strengthening of external border



controls and the cooperation among administrative, customs and police authorities of the participating States or the creation of the Schengen Information System (SIS).

In November 2007, the Ministers of Foreign Affairs of the European Union agreed to extend the area to other nine States, a decision that was supported in that same month by the European Parliament. According to the new system, land and sea borders barriers had to be eliminated by December 21st, 2007, while air borders had to be removed by March 30, 2008.

Therefore, as of March 30, 2008, the freedom of movement extends to the airports of the other nine Member States. With such extension, the Schengen area includes 24 states among which no passport is required to enter. The countries adhering to the Schengen area as from such date are those that became members of the European Union in 2004, except for Cyprus, which are: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Until that date, 22 Member States of the European Union were included in the Schengen area, together with two other non-member countries: Norway and Island.

Source: Webpage of the European Union Parliament.

Brief News

CHILE:

MEETING OF MEMBERS OF THE ASSOCIATION OF CHINESE NOTARIES



The members of the Association of Chinese Notaries met with the Board of Directors of the Association of Notaries and Registrars of Chile to exchange experiences and analyze the evolution of the Chilean Notariat. The meeting was held on March 11, in the City of Santiago de Chile. The Chinese delegation of notaries was led by its General Secretary, Mr. Liang Hongliang.

BRAZIL:

LAW 11441/2007



Law 11441/2007 was promulgated on January 4, 2007, causing considerable agitation. This law permits inheritance regularization by families and the rapid separation of married couples before a tabeliao. This has facilitated procedures, since they may be completed in less than a week and costs are generally lower than those incurred by resorting to the courts. Please note that this law provides the user an option to file an inventory or request their separation before a notary if it is done by mutual agreement and they are capable persons. Those who prefer to resort to court are free to do it. For the divorce to be officially granted, at least one year of separation of the spouses is required. Consequently, the procedure of consensual separation may be carried out before a notary, in which case the spouses are accompanied by their counsel. In case of litigation, the separation is carried out in court. Both consensual separation and divorce may be requested separately from the distribution of property, which may be subsequently made. As regards inventories, they may be made directly by the notary, by public deed, when there is no will, if all parties involved agree and there are no incapable persons. However, if a will is in place, the inventory may be made also by public deed, provided no incapable persons are involved, in which case a court approval is required.

A new service is offered under this law, acknowledging the role of the notary as an official of peace.

Source: www.notariado.org.bra

CZECH REPUBLIC:

ANALYSIS OF A REGISTER OF ORGAN DONORS



The Notariat of the Czech Republic is in the process of evaluating the creation of a Register of People who have agreed to donate their organs. At present, its possibilities are being considered.

Source: "Escritura Monográfico N° 5" Magazine

ÆQUITAS:

INTRODUCTION TO THE INTERNATIONAL NOTARIAT



During the 25th International Congress of the Notariat, Fundación Æquitas was introduced to world notaries. Such foundation was established in 2000, by the initiative of the General Council of the Spanish Notariat, with the purpose of helping vulnerable sectors in need of special legal protection, such as disabled persons, immigrants, minors, old people and victims of violence, among others. Its main purpose is to improve the regulatory framework contemplating the legal situation of these people, promoting and generating legislative reforms to such end.

Æquitas is a general interest, particular, charitable, permanent foundation of the public sector.

Useful information may be found in its webpage, such as laws, specialized centers, telephone contacts and news addressed to those groups of people in need of specific protection.

Its webpage is: **www. Aequitas.org**

There is also an online legal clinic that provides free advice. This clinic is attended by voluntary notaries devoting their time and services to this end.

UNESCO: 2008 GLOBAL ACTION WEEK

"QUALITY EDUCATION TO END EXCLUSION"



From April 21 through 27, 2008, the Global Action Week has been organized to address the topic "Quality Education to End Exclusion".

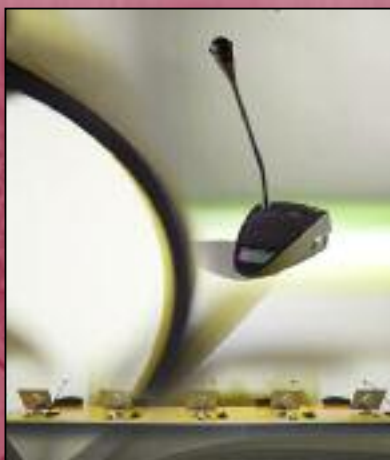
UNESCO is organizing activities worldwide to highlight the issues of quality and inclusion in local contexts and remind governments of their promise to achieve Education for All by 2015, which means access to education by each child, young person and adult. UNESCO partners include ministries, sister agencies, the media, schools and civil society.

FRANCE

CAMPAIGN ON REAL ESTATE ACTIVITIES OF NOTARIES



An active advertising campaign on the real estate activity of notaries will be conducted in France. This campaign refers to the activities performed by notaries in real estate transactions and will be posted in frequently visited web pages and special issues of graphic publications.



CONFERENCES AND SPEECHES

CHAPTER 3



Felipe de Borbón

SPEECH

3.1. OPENING SPEECH OF THE 25TH INTERNATIONAL CONGRESS OF THE NOTARIAT HELD IN MADRID, SPAIN, FROM OCTOBER 3 THROUGH 6, 2007, AT THE PALACIO MUNICIPAL DE CONGRESOS, BY HIS ROYAL HIGHNESS THE SPANISH PRINCE FELIPE DE BORBON: "INDEPENDENCE AND IMPARTIALITY DEFINE A NOTARY AND EXPLAIN THEIR HIGH PRESTIGE"

"Madam President of the Community of Madrid, Mr. Minister of Justice and Principal Notary of the Kingdom, Mr. President of the Council of the Notariat of Spain, Mr. President of the International Union of Latin Notaries, President and members of the Hosting Committee of this congress, dear Honorable President of the International Union, Mr. Juan Vallet de Goytisolo, authorities, ladies and gentlemen, good morning. It is a great honor for the Princess and myself to join you at this time in order to preside the opening ceremony of the 25th International Congress of the Notariat in Madrid. We thank you for the invitation and for the kind words we have received from all previous speakers.

This is the third time this congress is being held in Spain with the attendance, every three years, of representatives of the notarial activity of 75 states of America, Asia, Africa and Europe. Now that the organization of this congress has been handed over to Madrid by the sister city of Mexico Distrito Federal where the 2004 congress was held, it is with great pleasure that I welcome all foreign congress attendants to Spain. Let me express our enormous gratitude for the efficient organization of this event to the General Council of the Notariat of Spain, its members and the Hosting Committee, and to all of you, hosts and visitors, we hope you enjoy these days of debate, analysis and exchange of ideas and experiences put together by the International Union of Notaries. This is undoubtedly a great opportunity to publicly highlight the traditional and growing significance of the notarial activity, its indubitable contribution to social peace and its very important economic and social dimension, given that it is a fundamental pillar of safe legal transactions in our society. This is because in our Latin notarial system, based on the Romano Germanic Law, the notary has the significant role of controlling the legality of the documents being authorized and finding a fair solution to secure the legal certainty and the respect for

the freedom of contract from an independent and impartial position, equally distant from the parties' interests. These characteristics define a notary and explain the recognition and high prestige gained by notaries in the countries being represented in this congress.

As heir of the Crown, let me express a well-deserved gratitude and admiration to all Spanish notaries for their rigorous education, renowned legal authority and praised professionalism, impartiality and dedication.

In Europe, the origins of the notarial activity go back to the Low Middle Ages, when a contractual security system was developed to avoid fraudulent, illegal, unfair or simple defective transactions. As regards Spain, the notariat's contribution to our economic development is clear, especially since the promulgation of the Organic Law of the Notariat in 1862. At present, the needs covered by such law are still the same, though in a very different context; on the one hand, the global integration process derived from new technologies and, on the other, the need to provide to the state with efficient tools against fraud. These two realities have forced the law to be amended so that, without modifying its essence, notarial requirements are adjusted to this new era.

Therefore, since 2001, notaries are applying such new technologies on a daily basis in their relationships with public administrations and the public and, since 2005, they more efficiently collaborate with the administration of justice in the prevention of modern types of fraud. Throughout this international congress, two special topics will be discussed: first, the notarial document as an instrument of development of society and, second, the notarial activity in rural and urban areas, all under the slogan: "The Notariat, a Worldwide Institution". Undoubtedly today, more than ever, the notariat's principles strengthen its indubitable dimension and global projection. The notarial activity, which has greatly contributed to the modernization of our societies, exudes the confidence required to take advantage of opportunities and overcome challenges derived from the expanding internationalization of legal relationships, as a result of regional integration and globalization. In addition, the notarial activity is of special interest and its particular effectiveness assists in the economic and social growth of rural areas, especially in developing countries, for example, by a stable, affordable and secure authorization of title deeds. This set of realities, however, does not alter the fact that it is the person, their rights, economic, social and family contexts that constitute the essential reference of the notarial activity.

On the other hand, in the current market economy model, the search of legal certainty requires a sense of anticipation or preservation that conveys a new meaning to the notarial institution. The purpose of this preventive nature of modern instruments of legal certainty is to have legal transactions formalized without defects and irregularities; that is, without the germs of a future conflict.

The legal certainty provided for in the Spanish Constitution of 1978 is a basic principle of modern constitutionality and one of the main duties of the government of laws, as well as one of the goals to be achieved by the international community as a whole. I am convinced that this international congress will permit the attendants to acquire an advanced knowledge of our respective national legal realities, the new demands of societies and the different solutions to meet them. All of the above will certainly strengthen the necessary international cooperation of our notaries in furtherance of a better service to our citizens and countries, in this, our increasingly interdependent and globalized world.

In this spirit, the Princess joins me in wishing you a very happy and productive stay in Madrid, as well as success in your work. Now, I am honored to declare the opening of the twenty-fifth international congress of the notariat in Madrid.



Notary Eduardo Gallino

SPEECH

3.2. SPEECH OF THE ELECTED PRESIDENT, NOTARY EDUARDO GALLINO, OF THE XXV INTERNATIONAL CONGRESS OF THE LATIN NOTARIAT

MADRID, SPAIN. OCTOBER 5, 2007

PRESIDENT OF THE INTERNATIONAL UNION OF NOTARIES

PRESIDENT OF THE CONGRESS

PRESIDENT OF THE UNION NOTARIATS

AUTHORITIES PRESENT

GUESTS

DEAR COLLEAGUES

I am personally honored to address to you as the new elected President of the International Union of Notaries for the 2008-2010 Legislature, which distinction may only be justified as an recognition to the hierarchy of Argentine notaries, in particular, and to American notaries, in general, who I humbly represent.

As a result of the generosity of our peers, we are just another link of the lucid community of an institution representing notaries worldwide, the evolution of which has been very affectionately witnessed by us who have played different roles throughout the last years.

This new and highly superior responsibility implies an extraordinary commitment, not only to the notarial community, which we wish to have mainly united, progressive and relying on its strengths and convictions, but also in light of the number of external challenges faced that, in many cases, affect the essence of our mission as public officials and professionals of law.

First of all, let me extend my greetings to all notary members of our beloved Union, representatives of the five continents, and to all those who, without being active members, nonetheless maintain relationships with the International Union of Notaries.

I call you all to work with enthusiasm and transparency, fully involved and in a joint effort, in furtherance of our progress and perfection, so that the goals and fruits that we wish for our Union become more real, always for the benefit of the community that we serve.

We also want our first words to reflect our special appreciation to those who preceded us in these tasks, and we are pleased to do it in the person of the Notary Giancarlo Laurini, who is still today the President of our international organization, who I specifically thanked for his trust, friendship and, above all, example.

Our work, so complex and delicate, is to continue and, at the same time, expand the good things accomplished in a difficult context, within which the Latin notary has positioned, by participating in renewal and change procedures, promoting justice and fairness, respect for fundamental rights of man and a fairer distribution of wealth and opportunities, which has caused the most diverse people in the world to accept and acknowledge the notarial institution as the necessary guaranty of the legality of the acts and the essential respect in intersubjective relationships.

Combining its own efforts with its awareness, the Latin notariat has accompanied in the last decades the natural process of national, regional and international social and economic evolution, while its participating role has been questioned, without waiving its public activity that has been endorsed for centuries.

It is said that these are times of crisis, and it is true. Everything is being questioned or made relative, it is the sign of these times. However, as such, there is always a risk and an opportunity and the Latin notariat is willing to take advantage of its values and benefits for peace and the progress of society.

In fact, the actual challenge lies in ourselves, in knowing our capacity for initiative and creativity, without giving up our fundamental principles of the Latin notariat, which are the essence of our existence.

The nature of things in the XXI century makes it clear that our participation in society cannot be avoided, that we need modern criteria to face a changing reality that every day demands an essential coherent answer for the safety and effectiveness of legal-economic transactions, without any gaps in a globalized perspective, which we can and must provide.

In this situation, the concept of Notarial Deontology has a particular value. Such concept reminds us of the decalogue mentioned by José Adrián Negri, the inspirer of our Union, at the National Congress of the Argentine Notariat held in my home city of Cordoba, in 1944.

From those ethical and operating bases, which, by the way, are inherent to the notary's activity, we reach today the Principles of Notarial Deontology, which refer to the professional education, the relationships with colleagues and professional associations, competition, the notary's personal participation, professional secrecy, impartiality and independence criteria and, finally, the notary's diligence and liability.

Consequently, the notary's image must be clear, both as a public official and an expert of law invested by the State with the power to authenticate legal acts and transactions included in the documents drafted by such notary, which are of an evidentiary and enforceable nature and have a preventive effect that extends to all non-contentious legal activities.

That is why it is so important to have a notarial organization and the notaries' belonging to a single professional association that, for purposes of our Union, assumes the representation of the notariats of each country and their inevitable collaboration with governmental bodies on different and a variety of aspects.

I am the third Argentinean to act as President of the International Union of Notaries. My distinguished predecessors were José Adrián Negri, the first president to whom I have already referred, and Notary Raúl Moneta, who received such honor 25 years later, at the International Congress held in Buenos Aires in 1973.

Since 1948, our International Union has vigorously expanded and, near its 60 year anniversary, from 19 founding countries, it now has 76 country members and serious possibilities of continuing its growth not only in quantity but also, which is more important to us, in quality. This is because, thanks to the commitment and clarity of our leaders, our organization, which is the only notarial organization worldwide, has managed to continuously upgrade the education and excellence levels of its members, both originally and recently admitted. We commit to maintain and improve this situation by, among other means, the work of our respective Notarial Academies.

We are encouraged by a spirit of absolute fidelity to the Latin notarial principles and our work will be guided by the notariat's will, as a coherent and cohering unit.

We are defined by a calling to serve as instruments to the community of colleagues, prioritizing their initiatives and proposals.

It is up to us to reach the institutional goals, we are not allowed to blame others; instead, we must focus on the analysis of our own capacity or incapacity.

A reflection and analysis is required prior to making any decision, and we have to do it as a team, as a whole, avoiding providential or unilateral visions, always as a unit respecting different feelings and thoughts, aiming at superior transformations based on criteria of unforeseeable events.

Our recently approved By-laws and Regulations constitute a renewed effort and a new opportunity for a style of work, aimed at adjusting ourselves to the current demands, a task that will always be difficult but we believe will bring about a more efficient result of our efforts, which we expect to achieve both internally and externally.

We are concerned about the finance of our Union and we do not want to avoid this subject, because it is impossible to implement any policy without the necessary resources.

In this regard, the first essential requirement is the payment of dues and the making of agreed contributions. This is a key factor to realize, based on facts, the usefulness of our organization to its members. The second essential element, but not less important, is to create new income sources to strengthen our structures and successfully afford approved work plans.

We express our gratitude to more developed notariats, in terms of economy and culture, for their exemplary work. However, at the same time, we request your efforts to jointly contribute to a harmonic and well-balanced development of the entire notarial community, in furtherance of the common welfare, so that no national organization can feel excluded.

On the other hand, dear colleagues, and based on the maxim that says that you assume what you know, we stress the importance of communication as a substantive and not merely formal means to bring together our notarial communities, people and culture. Communication of initiatives, efforts, projects, works, goals and purposes.

To that end, we acknowledge a special obligation to our Permanent Office of International Exchange and will try to strengthen as much as possible the tools of its activity.

It no longer suffices to know, to make, to know what to make, but it is also particularly necessary to make it known.

Press and diffusion are very useful tools of the President's work. Information, the basis of every decision, must be rapidly and clearly disseminated.

Now that we are in the third millennium, everyone must know about us, especially national and international entities directly or indirectly related to our notarial activity.

Contact and communication with political, financial, economic and cultural organizations are required if we wish to optimize the achievement of our goals.

We try to continue and improve the goals successfully achieved by our predecessor, of becoming valid interlocutors, of the same rank, such as in the case of the World Bank and the Hague Conference on Private International Law.

On the other hand, our purpose and concern are to have an active Union, open to dialogue. To that end, we want our co-workers to perform their duties with an actual service-oriented attitude, that is, fully performing their relevant duties.

We request the representatives of the member notariats to strengthen their relationships with the relevant national notariats, acting as useful links between the International Union of Notaries and its real beneficiaries, that is, the professional notaries of each country.

It is an insurmountable truth that the notariat may have a sole extraordinary function: to act as a bridge and meeting point among different civilizations and cultures, for having common values and goals.

Dear colleagues, we have a simple, known and consequent challenge: to achieve the goals of our Union, respect and make others respect the rules of notarial deontology and disseminate the principles of the Latin notariat, fully convinced that all of this will certainly benefit all of its members.

I don't want to end without offering my warmest congratulations to the General Council of the Spanish Notariat, for the excellent organization of this 25th International Congress, through its president, Notary D. José Marqueño de Llano and the President of the Congress Hosting Committee, Notary D. José Manuel García Collantes, which is evidenced not only by the generous hospitality offered but also by the memorable scientific conclusions reached that will be forever stored in our memory.

We are aware of our personal limitations and weaknesses, as well as of our strengths and virtues, but we are certain that with everyone's cooperation, constructive criticism, shared enthusiasm and friendly advice, our legislature will yield the expected results.

Thank you all.

Please extend my regards to the great world community of the Latin notariat.

Let's commit to our slogan: work and more work.

Again, many thanks.

3.3. SPEECH OF THE PRESIDENT OF THE INTERNATIONAL UNION OF NOTARIES, NOTARY EDUARDO GALLINO

AT THE MEETING OF THE MANAGEMENT BOARD
HELD IN BUENOS AIRES, ARGENTINA, ON MARCH 6, 2008.

"AUTHORITIES PRESENT,
COLLEAGUES
LADIES AND GENTLEMEN

Please be sure that it is a great effort for me to hide my mixed feelings of emotion and satisfaction at this time, as I face this qualified audience to express, once again, my appreciation for being elected President of the International Union of Notaries for the 2008-2010 Legislature.

In order to break this emotional charge, I convey my fraternal greetings to all member notariats of our Organization actively present in the five continents, who serve over half the world population, and extend such greetings to those who, without being members, maintain preferential relationships with the International Union of Notaries which, I am absolutely certain, they will be gradually joining, as evidenced by the tendency shown in the last Legislatures.

I now assume without being subject to any assessment, since I have already been judged and approved by my peers. In my opinion, I believe it is an objective recognition to the hierarchy of American notariats, in general, and the Argentine notariat, in particular, who nominated me to be president. Such nomination was the starting point for me to represent the world notariat.

To be the successor of my dear friend, President Giancarlo Laurini, in the huge responsibility of leading the Union is, in addition to a honor, an extraordinary challenge, both in terms of quality and quantity, given the demands derived from our relationship with our own member notariats, with national and supranational entities or organizations, or with the final recipients of our professional services who, needless to say, are the clients to which we must serve in our double nature of legal experts and public officials at the service of the preventive legal certainty and social peace.

To meet such important and diverse set of requirements, the capacity and efforts of one man or a reduced group of leaders are not enough.

Much more is required: the full commitment of those who form, in their different levels, the structure of our Union.

Nobody can be left aside or be a passive spectator of decisions made and actions taken.

We all are the notariat.

To that end -once again- I call the world notariat for all of us, based on the fundamental rock of our principles and goals, to work together with a firm and tenacious spirit and the transparency that has always guided the traditional conduct of our international organization, in order to consolidate and constantly improve our highest goals and purposes.

I know that this is a complex, delicate task that requires elements and factors related to art, science and conscience in order to face and solve, with talent and capacity, the increasing demands of a globalized world, where time and space have reduced obsolete parameters and forced us to raise our awareness to act with the utmost reflection and creativity in situations that, many times, are critical.

These are times of local or general crisis, times of change. However, based on the maxim "evolve or die", the negative aspects of this situation must be disposed of and, through an inverted analysis, the positive elements must be extracted to turn it into a process of growth, useful benefit, considering it a development crisis, that our Organization must assume with an attitude to rise above such circumstantial situation that will not only allow us to overcome it as survivors but, on the contrary, will give us the opportunity to make the best of it.

To that end, the notariat must be so or more involved than before, assuming in its field of expertise and within its functions a leading role in this intensive and rapid process of transformation and change, as a dynamic engine of justice and equity, respect for the fundamental rights of man and the actual and effective compliance with an ethical distribution of wealth and opportunities, focusing its work to underprivileged regions and populations of the world.

It is only fair to say that a lot has been done and achieved in the last decades, but we must avoid any kind of immobilization, apathy or skepticism, by continuing to work without rest, along with every national, regional and international social and economic processes, sustaining our responsibility to participate without in any manner waiving any fundamental principles of a legal profession and public service guaranteed and recognized for centuries.

Our International Union of Notaries, which is about to celebrate its sixtieth anniversary of existence, from that original group of 10 founding notariats to this promising present with 76 member notariats, has experienced an expansion that may well be considered explosive. The numerical information is certainly important, but much important for us is the quality, since our organization, the only notarial organization worldwide, has achieved, in its constant search for excellence, a continuous and permanent improvement of education and quality levels of its members.

Once again, I ratify my strong commitment to consolidate and expand the work of my predecessors and, to such effect, I have the invaluable contribution of our Notarial Academies, as well as Working Commissions and Groups. I hope that, at the end of my term and supported by common efforts, we are able to hand over to our successor a more powerful and flourishing Union, both in terms of quantity and quality.

Human beings usually blame their grief and failure on destiny or external factors, a commonly seen self-exoneration attitude. I am absolutely convinced that, on the contrary, we must assume the actual challenge of analyzing and examining our initiative capacity and creativity potential.

It is by doing so that each of us will certainly find lots of ideas and proposals that, after being screened, will be an excellent contribution for the achievement of the maximum level of quality that we all want for our dear Union. Let's put our own collective history as example: Who could have imagined in the last century the changing and diverse daily circumstances we are currently faced to?

However, the notary knew how to apply his or her accumulated experience to each critical situation, using the institutional mechanisms that have allowed him or her, over time and overcoming borders and different characteristics, to provide, to those who have questions, accurate and essential answers for the legal certainty of legal-economic transactions.

Of the top ten countries of the world, notwithstanding the order in which they are mentioned, except for the United States and Great Britain, all of the rest have and respect the essence of the Latin legal documentary system, acknowledging the specific characteristics of the different cultures.

A simple fundamental conclusion may be drawn from the above: the Latin notariat is not an obstacle but the necessary agent of and contributor to the progress and social peace that we all wish.

We acknowledge and respect the differences from other legal systems, but are convinced of the superiority of our system, which is evidenced by its expansion, despite the unfair and not always grounded attacks suffered, ignoring our virtues and values or, in other words, our culture and the way we are.

Given that it only has been five months since the unforgettable 25th International Congress of the Notariat held in Madrid, during which I delivered my speech as elected President, I will not overwhelm you with a repetition of my proposed plan.

Andre Gide said: "Everything has been said but, as nobody listens, it is necessary to say it again", to which we could add "Everything is in plain sight but, as nobody sees, signs must be placed".

Consequently, I will only highlight some concepts.

The notarial Deontology is the core of our profession. Its roots are a number of ethical principles embedded in the notary's practice that refer to impartiality and independence criteria, the notary's continuous professional education and training, reciprocal respectful relationships with colleagues and professional organizations, loyalty in competition, the non-delegable personal participation of the notary in the acts certified by him, the professional secrecy and, of course, the notary's diligence and responsibility.

The respect for and promotion of human rights, in the most ample sense of the phrase, that is guaranteed by the notary by means of his or her participation as impartial third party, his or her advice and adaptation of the parties' will to the law, are other essential pillars of our profession.

We could add many more, which we all know and form an integral whole, the questioning and injury of which, even partially, cause serious economic and moral damages to society and are hard to revert in the short time.

The above defines the exact image of the notary as an expert in law and public official whose practice, though regulated by the State, is independent from it. The notary's attesting activity confers authenticity to legal acts and transactions, provides them with evidentiary and enforceable value, while its preventive nature extends to all non-contentious legal activities, thus contributing to social peace and alleviating the work of the judicial system.

I insist, once again, that above the specific positions and duties and regardless of the personal mark of each of us, we are inspired by the fidelity to the principles of the Latin notariat, and our main working premise will be to carry out the notariat's will as a live and present unit.

Priority will be given to team reflection and analysis, to later decide and resolve as a coherent group, respecting the different feelings and thoughts of each person.

To than end, we face the challenge of applying our renewed By-laws and Regulations, which we will try to use as a suitable tool for a new style of work the proper application of which will certainly bring about a more efficient result of our efforts, both internally and externally.

We express our gratitude to more developed notariats, in terms of economy and culture, for their

exemplary work. However, at the same time, we request your efforts to jointly contribute to the harmonic and well-balance development of the entire notarial community, so that no national organization can be excluded from contributing and receiving the corresponding benefits.

In today's world, communications between people and their organizations inevitably require fast and effective communication means, which are not a merely formal instrument but, on the contrary, have a substantive nature, given that, nowadays, knowledge is power in terms of culture, politics and economy. For that internal and external communication of who we are and what we do, we have an excellent instrument: our Permanent Notarial Office of International Exchange (Oficina Notarial Permanente de Intercambio Internacional - ONPI), whose work we will support with utmost dedication.

I specifically stress the issue, in the understanding that it is not ignored by the notaries, that our external relationships must be developed even deeper since our legitimate intention is to continue and improve the work done by our predecessors.

Another very important element in this activity consists of the representatives of member notariats, our advisors, who we urge to strengthen their relationships with their own national organizations. They must have the fundamental role to disseminate their knowledge of the principles, purposes, plans and actions of the Union.

I make this request because I personally know that, despite the efforts made so far, unfortunately there are still notariats whose members blatantly ignore what the Union is and does.

Let me finish with the words expressed in Madrid:

Dear colleagues, we have a simple, known challenge that can be summarized in what may be understood as a statement under oath: to achieve the goals of the International Union of Notaries, respect and make others respect the rules of notarial deontology and disseminate the principles of the Latin notariat.

We are aware of our personal limitations and weaknesses, as well as of our strengths and virtues, but we are fully certain that with everyone's cooperation, constructive criticism, notarial mystic and guiding advice, our legislature will yield the expected results.

Our special gratitude to the Federal Council of the Argentine Notariat and all of its Associations, which have made this meeting possible, in particular to the Notaries Public Association of the City of Buenos Aires, the Notaries Public Association of the Province of Buenos Aires, and my own Notaries Public Association of the Province of Cordoba.

Thank you, thank you very much."



LEGAL-NOTARIAL ISSUES

4

CHAPTER



 *XXV International
Congress of the Notariat*

4.1. CONCLUSIONS OF THE XXV INTERNATIONAL CONGRESS OF THE NOTARIAT: "THE NOTARIAT: WORLDWIDE INSTITUTION"

MADRID, SPAIN, OCTOBER 3-6, 2007
PALACIO MUNICIPAL DE CONGRESOS OF MADRID

TOPIC I:

"THE NOTARIAL DOCUMENT AS AN INSTRUMENT FOR THE DEVELOPMENT OF SOCIETY"

CONCLUSIONS

The Task Force for Topic I of the Madrid Congress 2007, which has focused on "The Notarial Document as an Instrument for the Development of Society" put forward the following conclusions:

1. As it is well known, the Notary Public is a public official having received a delegated authority from the State to grant the character of "authentic" to documents of which he or she is the author, and to ensure their preservation, evidentiary effect and enforceability.
2. The analysis of this Committee being mainly, albeit not exclusively, focused on the economic aspects of the notarial activity, we note that, in the model of exercise of a public activity as an independent professional, it proves to be extremely efficient, since, on account of the former, it receives from the state a backing as to its effects, but also its control and supervision, and on account of the latter, it provides citizens with easier access and avoids bureaucratic risks, apart from the savings it entails in costs to the State, given that the work of the notary is paid by those making use of his or her services.
3. The authorship of the document by the notary and his or her control of its legality distinguish notarial documents from other forms of documents in which the activity of the professional is limited to confirming or legalizing the genuineness of signatures. The use of the name "notary" in this latter case devalues the content of our function and the prestige of our documents, and we should therefore carefully avoid this type of confusion.

4. The world is divided in two main types of legal systems, that of "civil law" and that of "common law", and we belong to the former. Both systems are profoundly diverse, but have coexisted in a more or less peaceful manner, so that it does not seem appropriate to attempt a unification of both nor to promote one over the other, all the more so given the fact that their respective areas of influence respond to very deeply rooted historical as well as cultural, political and social reasons.

5. Convinced of the suitability of our system, we accept the challenge that sometimes is posed by international bodies, rather influenced by a North American mindset, and we carefully review our efficiency and usefulness for development. For the above reasons, in this Congress we have analyzed the notarial activity from an economic standpoint and have noted the following:

- On the one hand, our system of property conveyance bears the comparison well, even with a certain advantage, as to cost or price with other systems, such as title insurance or the participation of other legal or real estate professionals. The impartial notary streamlines the contractual aspects of advice, compliance with applicable law and preservation of the document, whereas other systems distribute such responsibilities among different professionals, with the corresponding increase in cost.

- On the other hand, the features of the notarial activity make it suitable to help correct certain deficiencies in the operation of the market, such as asymmetries in information and lack of production of positive externalities or public goods.

- Asymmetries in information are balanced by the impartiality of the notary and his or her obligation (frequently a legal obligation) to assist the weaker contracting party. The risks of "adverse selection" are also overcome, since the cost of the service and the homogeneity of its contents are established by regulation.

- The production of positive externalities also appears clearly since, with his or her activity, the notary provides certainty and security to relationships, increases the value of regularized property, by expelling misleading properties from the system, and produces an important preventive effect on litigation, which alleviates the workload of courts.

In short, the notary, as a professional of legal certainty, provides the market and development mainly with trust. Given the basic principle that the market operates under conditions of uncertainty, any advance in certainty is value creative.

6. The beneficial effects of legitimation, evidence and enforceability, attributed to the notarial document by the legal system, are based on the quality of such instrument. Therefore, our main concern should be to maintain and improve such quality, by providing adequate mechanisms such as permanent training, corporate surveillance of compliance with deontology rules and an improved relationship with new technologies.

7. The notarial document fosters social development not only in the economic area. We further contribute to other forms of development:

- To a legal development, by setting in motion new institutions necessary to individuals, families or companies. Throughout this Congress, a number of examples have been provided in different countries: Self-guardianship provisions, contracts on de facto life-partnerships or cohabitation, on organ donation, family records, notarial trusts and many others;

- To a social peace development, with the preventive effect on litigation above mentioned or the participation in modern alternative dispute resolution systems, such as mediation or arbitration;
- To a territorial credit development, by providing adequate title deeds.
- To an international relations development, since the worldwide establishment of notarial activities allows for document-related activity to enjoy relatively common rules and features, thus favoring document circulation and perhaps in the future the existence of a worldwide acknowledgement of documents as a means of execution in the same way as we now have a European acknowledgement thereof.
- And last, but not least, making reference to sustainability, an essential element of any development, we further contribute to sustainable development, through our commitment to ecology and environmental issues, as was highlighted by this worldwide Congress in Cartagena (Colombia) in 1992.

In view of all the above, we proclaim our confidence in the future of our profession, which shall be all the brighter if we succeed in being attentive to what society is demanding from us.

TOPIC II: "NOTARIAL ACTIVITY IN RURAL AND URBAN AREAS"

CONCLUSIONS

CONSIDERING:

That the analysis of the various social and legal realities in which the notarial activity takes place worldwide requires high social contents, including the development of a comprehensive advisory task, comprising concepts such as information, advice, informed consent as well as legal advice as is specifically necessary for the most disadvantaged sectors of society;

That the granting of titles deeds to real 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 real property, by combining the concepts of access to individual and community property with the security ensured by notarial intervention;

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

That the public deed is 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, by means of a 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 legal certainty 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 a comprehensive advice combined with profound social rootage as well as a strong dedication to the global protection of the human being which the notary exercises;

That specific collaboration is to be granted to a notary who acts in rural regions, where such notary more intensively provides a public service and a social function which goes beyond the notarial activity,

particularly focused on the humanistic mission of advice, which makes him a depository of the trust of individuals and guarantees the balance in economic and social relations;

The COMMISSION for the Scientific Topic II of the XXV INTERNATIONAL CONGRESS OF THE INTERNATIONAL UNION OF NOTARIES, DECLARES:

That the granting 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, in rural and urban areas, with the confidence of society and a great sense of social responsibility, have analyzed all instruments of juridical technique applied in various countries and, based upon such analysis, the Congress has decided as follows:

1. To strongly and unconditionally support, as well as to continuously accompany, any institutional policy developed by the International Union of Notaries regarding the fight initiated by the UN to eradicate poverty, as approved by the eight Millennium Development Goals (MDG), especially through programs for the granting of titles to real property for those sectors of different 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 national notarial member organizations and associations to a more effective and efficient collaboration to benefit the largest number of people in different National States with titles to property for the sectors of society with lower income, through titles to property that are secure and adequate for the juridical transfer of real estate and the access to formal loans, including, additionally, the transfer of material resources that are necessary for the collaboration with the respective States on this field of human development.

3. To resolutely commit oneself to support the initiative by work groups and organizations of the international notariats to offer notarial experts to the States and international organizations for the purpose of facilitating the granting of titles to property that are indisputable, secure and adequate for national and international circulation.

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

Public notarial documents are, due to the control of legality exercised by the notary that the public authority conferred upon him or her, titles with sufficient legitimacy for international circulation and enjoy the presumption of legality. If the State of destination requires a material control of legality, 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 experienced various successful cases of massive granting of titles to property in rural and urban areas, at low prices for the respective States as well as for the citizens, the International Union of Notaries and the national notariats are in a position to offer these experiences and assist the States and international organizations who are interested in their implementation.

The notaries of the world who have expressly met in Madrid for the purpose of collaborating with the States in fighting poverty celebrate the recent creation of the association "SEAL Symposium for Economy and Law" by the International Union of Notaries, the purpose of which coincides with the aforementioned goal.

Madrid, October 5, 2007.



**UNIÓN INTERNACIONAL
DEL NOTARIADO**



**COMISIÓN DE ASUNTOS
AMERICANOS**

April 7, 2008

Buenos Aires

4.2. SECTION FOR THE STUDY OF INTEGRATION

(2008 PRESIDENT'S REPORT)

by Notary José Antonio Márquez González

**President
COMMISSION OF AMERICAN AFFAIRS**

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Notary José Antonio Márquez González

REPORT

SUMMARY:

- I. Origins;**
- II. Relevant Meetings. Specific Agreements and Work;**
- III. Conclusions and Proposals.**

A report on the current status of the Section under my responsibility is submitted at the "I Plenary Meeting of the Commission of American Affairs, 2008-2010 Legislature".

I. ORIGINS

The Section for the Study of Integration (hereinafter, the SSI, or just the Section or the Sector) was created by official resolution during the "XXI International Congress of the Latin Notariat" held in Berlin in 1995. Its first Executive Committee consisted of Ana Manuela González Ramos, President (Paraguay); Julia Siri García, Vice President (Uruguay); Gonzalo de la Cuadra Fabres, Vice President (Chile); María Teresita Acquarone de Rodríguez, Secretary (Argentina); and Federico Saénz de Mendiola, Treasurer (Costa Rica).

The first meeting of this Section, according to official records, was held in Montevideo, on February 7, 1996, where two resolutions were adopted regarding the following issues:

- 1) [The] gathering of information related to Exchange and Globalization Treaties applicable to the Region, particularly of the Latin American Integration Association (Asociación Latinoamericana de Integración - ALADI), the Andean Pact, MERCOSUR and NAFTA.
- 2) The national legislation of the country members of the Section regarding main issues facilitating legal transactions, for purposes of preparing an Integration Catalogue. The first four issues to be discussed, to be followed by others proposed at the next meetings, will be [those related to] powers, societies, codes of ethics, and the system and meaning of legalization.

A second meeting was held in Lima, in December of the same year, where the following was agreed:

- 1) [...] that the gathering, comparative analysis and proposal of common guidelines will be distributed as follows: corporate legislation, legislation on powers, rules of ethics and legalization.

2) In addition, the Notarial Organizations of the countries that form the different regions will be analyzed in order to study their similarities and differences. In this respect, the following topics will be first discussed: validity [...] and circulation of the notarial document.¹

We should explain that, at the time, the structure of the CAA was more complex and had representatives at the Organization of American States (General Secretariat), the Central American Secretariat for Economic Integration (SIECA), the General Treaty on Central American Economic Integration (Permanent Secretariat), the Andean Pact, the ALADI, the Economic Commission for Latin America and the Caribbean (ECLAC), the Inter-American Children's Institute and MERCOSUR.

II. RELEVANT MEETINGS. SPECIFIC AGREEMENTS AND WORK.

Since then, the Section has been performing an intense activity that may be summarized, in general, as follows:

1. At the meeting held in Montevideo² in 1995, notary Jesús Salas Lizaur, as Coordinator of the Commission of the Gulf of Mexico States Accord (GOMSA), submitted a valuable report on the "Annual Conference of Governors of the Gulf of Mexico", its antecedents, goals, members, functioning rules, operating structure, sector working groups, conclusions -to date- and an analysis of the legislation on civil law notary of Florida and Alabama, for an aggregate of 30 pages.
2. On the other hand, at the session held in Tegucigalpa³ in 2002, notary Carlos D'Alessio, at that time president of the CAA, specifically put emphasis on two situations:
 1. Today, some countries have in fact withdrawn from the Union's activities. This is not only a loss for the organization's structure, but also a sign that, in such country, the pillars upon which the Latin notarial system is based are debilitating.
[...]
 4. There are some weak or disorganized notarial organizations, all of which implies the notaries' withdrawal from common principles.

Due to the above, he stressed the need to organize visits to each country with less Union's activity and instructed the Section to continuously follow-up and pay attention to the different regional integration procedures, even with respect to their relationship with Anglosaxon notariats.

Notaries Julia Siri García and María Teresita Acquarone, in turn, presented an excellent work on doctrine and defined the current status of each integration treaty.

3. Notary Jesús Salas Lizaur submitted another report, always as Coordinator of the GOMSA Commission. This document contains the work proposals made, which were approved by the Executive Committee in New Orleans, on June 13-15, 2003.

¹ Official Records of the Section for the Study of Integration, Montevideo, 1996, and Lima, 1996.

² Minutes of the "VI Plenary Meeting of the Commission of American Affairs, 1993-1995 Legislature", Montevideo, Uruguay, November 29-30, 1995.

³ Minutes of the "I Plenary Meeting of the Commission of American Affairs, 2002-2004 Legislature", Tegucigalpa, Honduras, April 26-27, 2002.

4. In the papers corresponding to the meeting held in La Paz⁴ in 2003, the Section informed, through notary María Teresita Acquarone, that its main lines of investigation referred to the analysis of the notarial activity and the principle of free circulation of the notary in all integration treaties of America. Notary Julia Siri García, in turn, referred to the on-going investigations into the GOMSA and the Andean Community.

5. At the meeting held in Quito⁵ in 2004, valuable reports on the MERCOSUR were presented and the signing, on October 18 of that same year, of the document entitled "Program Basis for the Gradual Creation of a Free Trade Zone under the ALADI" was communicated. Such Program further promoted the creation of a South American Community of Nations, the purpose of which was to "unite under such agreement the Andean Community of Nations and the MERCOSUR, in order to have an advantageous position in the negotiations with the FTAA". As regards the Andean Community, the late notary José Cabrera referred to a document comparing the notarial legislations of the countries of the Andean Community that he received attached to an email sent by notary Lina Amaya, from Peru. Apparently, the document was never presented to the meeting.

As to the integration in the NAFTA region, notary David Figueroa Márquez, of Mexico, contributed valuable updated information on concepts such as title insurance and cases of fraudulent alteration of registrations and fraud due to false registrations.

6. At the meeting held in Antigua in 2004, the president of the Section presented a new report referring to the "Update of Service Groups on Professional Practice in the FTAA" and sector agreements, including a summary of its provisions on professional services classified by country. Its second part made reference to the "Compatibility of Rules on Notarial Organization in the MERCOSUR", also classified by country. The report further included a 29-page doctrinal analysis, entitled "The Notarial Activity and the Principle of Free Circulation of Professionals in Integration Treaties", prepared by Josefina Morel, María Teresita Acquarone and Julia Siri. The document ended with the following conclusion and proposal:

The conclusion of the description of the notarial activity in the countries referred to is that the assessment of a document issued by a notary, who is a member of a notarial association or organization [and] subject to a Code of Ethics, is completely different from that issued by a notary who is not a member.

The proposal consists in admitting the circulation and disclosure of information contained in the database of notaries who are members of associations and organizations and comply, through such association or organization, with the rules on equivalence of documents.

7. At the meeting held in Mar del Plata⁶ in 2005, notary María Teresita Acquarone informed about the convenience of having speeches delivered by experts in furtherance of the Section's work. She specifically mentioned the lecture given by María Teresa Fredolino who, back then, was an officer of the Argentine Ministry of Foreign Affairs, holding the position of Senior Minister (Ministro de Primera), and had been the director of the Latin American Economic Integration Area and General Deputy Secretary of the ALADI. At the time, Ms. Fredolino was Secretary of Economic and International Trade

⁴ Minutes of the "III Plenary Meeting of the Commission of American Affairs, 2002-2004 Legislature", La Paz, Bolivia, May 2-3, 2003.

⁵ Minutes of the "VI Meeting of the Commission of American Affairs, 2002-2004 Legislature", Quito, Ecuador, November 26-27, 2004.

⁶ Minutes of the "I Plenary Meeting of the Commission of American Affairs, 2005-2007 Legislature", Mar del Plata, April 22-23, 2005.

Relationships of the South American country.

8. One of the most important news announced at the session held in Cartagena in 2005⁷ was the execution, in the city of Buenos Aires, of the Cooperation Agreement between the Latin American Parliament and the Union. President Giancarlo Laurini was joined by the president of the CAA, notary Carlos Marcelo D'Alessio, and the president of the Argentine Federal Council, notary Osvaldo Zito Fontán.

Finally, at this meeting, the existence of the document entitled "Certified Legalization Process" was informed. This document, which had been submitted by the Section through its president María Teresita Acquarone, referred to the MERCOSUR and the difficulties arising from the restrictions to the circulation of documents issued by notaries, as the document legalization system established by The Hague Convention was not applicable, since it had not been yet ratified by the Republic of Uruguay. A "concise or simplified legalization" was proposed for the MERCOSUR and related countries. At the time, this proposal was effective evidence of the timing and adequacy of the specific papers and proposals submitted by the Section at CAA meetings.

9. An issue specifically related to the Section's work is the heterogeneity of the different notariats in the continent. To this end, at the meeting held in San Juan,⁸ the president of the CAA informed about the works included in the document "Strengths and weaknesses of the American Notariat", which were analyzed by the Commission. He stated that a meeting was first held with notaries María Teresita Acquarone and Josefina Morel, in which it was decided to assign the work to the same staff in charge of arranging the meetings of Antigua, Quito and Cartagena. Based on that material, which had to be completed with specifically notarial-related contents, an excellent doctrinal and comparative study was conducted by notary Julia Siri.

In that same session, notary María Teresita Acquarone informed about the environmental problems existing between Argentina and Uruguay, as well as about the organization of a "MERCOSUR Notarial Athenaeum" with the notariats of the country members of the MERCOSUR, plus Chile and Bolivia. She further stated that one of the most remarkable advances refers to service integration, and proposed, as a theoretical framework, the legislation on the establishment of foreign companies and the creation of two panels, one on circulation of the notarial document and the other on the notarial activity and rights of consumers.

In addition, the CAA was proposed as a consultation forum for the MERCOSUR Legalization System. Consequently:

President D'Alessio expresses his wish to go over item 12 of the agenda:

"Participation of the CAA as a consultation forum for the MERCOSUR legalization system." He states that, as a consequence of the First MERCOSUR Athenaeum that took place at the meeting held in Cartagena, the Vice President for South America, notary Juan Pablo Croce, referred to the possibility of working closely with MERCOSUR organizations in order to expedite the legalization system, as a manner for the notariat to be included in the official bodies of the MERCOSUR. He adds that, considering that such bodies operate in Uruguay, it would be advisable for a representative of the Association to go over this matter again with the above purpose, which is so resolved.

⁷ Minutes of the "II Plenary Meeting of the Commission of American Affairs, 2005-2007 Legislature", Cartagena, Colombia, November 30 and December 1-2, 2005.

⁸ Minutes of the "III Plenary Meeting of the Commission of American Affairs, 2005-2007 Legislature", San Juan, Puerto Rico, April 6-7, 2006.

On such occasion, an interesting lecture was given by notary Julia Siri Garcia on the diversity existing among the different notariats and the withdrawal of some of them from the activities of the Union, as regards the issue on strengths and weaknesses regarding the Principles of the Latin Notariat.

10. At the meeting held in Sao Paulo⁹ in 2007, notary Acquarone referred to the fact that the notariat could collaborate with the so-called Civil Society Advisory Council in its relationship with the ministries of foreign affairs of the relevant countries, especially the Common Market Group. President D'Alessio answered as follows:

It has been a long time since this issue was considered by the Commission and it is important to consider it since no individual, theoretical or inward work should be done in the MERCOSUR area without involving the Ministries of Foreign Affairs, which has not been done in an organic way. [...] The information provided by notary Acquarone would demand the notariat presidents of the MERCOSUR countries to talk to her to find the way to contact each Ministry of Foreign Affairs, given that the circulation of professional services, which the notariat believes is clearly excluded, may not be so clearly understood by the officers of such Ministries where the notariat is within the professions. She affirms that this will benefit everything related to the circulation of documents.

11. At the meeting held in Santo Domingo¹⁰ in 2007, though absent, the president of the Section, notary María Teresita Acquarone, presented a valuable report on the MERCOSUR, with specific details on the movement of individual providers of services, as well as on the provision of financial services and land, sea and air transportation services. She added that one of the most important aspects was:

The compatibility within the Republic of Argentina of the areas related to the notarial activity, which may be performed in other signatory countries of the Mercosur, in order to subsequently make the same proposal to such countries so as to reach an agreement on the granting of temporary licenses to notaries in Argentina and the other signatory countries of the Mercosur, as well as to the adhered countries of Bolivia, Chile and, nowadays, Venezuela.

The topics to be discussed at the meetings were closely related to the notarial practice and included, in effect, the following:

1) The professional practice related to the performance of the notarial activity.

- a) List of tasks for contractual and corporate advice, establishment of foreign companies, necessary registrations with supervisory authorities, advice on international mergers and consolidations and all other tasks frequently carried out internationally, especially the circulation of property in the MERCOSUR.
- b) Company background surveys and title searches of investors established in other countries of the Common Market.

2) Notarial practice, attestation.

- a) Certification of signatures.
- b) Notarial records of notice, verification, statement, etc.

⁹ Minutes of the "V Meeting of the Commission of American Affairs, 2005-2007 Legislature", Sao Paulo, Brazil, May 18, 2007.

¹⁰ Minutes of the "VI Meeting of the Commission of American Affairs, 2005-2007 Legislature", Santo Domingo, Dominican Republic, November, 22-24, 2007.

- c) Title deeds.
- d) Powers of attorney enforceable within the MERCOSUR area.

A list of the specific covenants of the Republic of Argentina was attached, detailing the ways of supply, the sector or subsector, access limitations to markets, limitations to national treatment and additional covenants.

At that same session, the Colombian notariat, through notary Buelvas Hoyos, posed the following question: "How would such initiative benefit the notaries of countries that are not members of the MERCOSUR or, at least, how could they acquire knowledge of the same for study purposes?" The president then stated that the report previously read referred to the current situation of the MERCOSUR, and not of Central American countries. He added that the paper presented by an officer of the Argentine Ministry of Foreign Affairs at the plenary meeting held in Mar del Plata, included in the book "Trabajos Doctrinarios II" (Doctrinal Works II), clearly explained the status of such agreements and included the conclusions of the MERCOSUR Athenaeum regarding the international validity of powers-of-attorney and the evidentiary value and circulation of the notarial document.

12. Mention should be made to the lengthy doctrinal work on this matter resulting from the international congresses of Latin notariats, the Latin American seminars and the MERCOSUR congresses. In effect, many scientific meetings have been held to analyze the notarial document and its international validity, preservation and evidentiary value, eventual conflicts of law and the notaries' qualification to determine the application of and compliance with internal laws. Such analysis has been particularly valuable at the Latin American seminars and MERCOSUR congresses because, unlike worldwide meetings, they specifically refer to the geographic area of interest of the Section.

Remarkable examples of this scientific activity are the studies on different economic, matrimonial and probate regimes in Latin America (at the VII Latin American Notarial Seminar in Salamanca)¹¹; the book *"La función notarial y los Tratados de Integraciones Regionales"* (*The Notarial Activity and Regional Integration Treaties*), a compendium of the works of the Section¹² as well as apparently marginal issues, such as *"La Filosofía del Derecho en el MERCOSUR"* (*Philosophy of Law in the MERCOSUR*).¹³ Other equally important works are: *"Problemas notariales a nivel internacional"* (*International Notarial Problems*),¹⁴ *"El notariado en el mundo"* (*The Notariat Worldwide*),¹⁵ *"Congresos notariales del MERCOSUR"* (*Notarial Congresses in the MERCOSUR*)¹⁶ and *"Anuario Iberoamericano de Derecho Notarial"* (*Latin American Yearbook on Notarial Law*).¹⁷ This last work was prepared with the contribution of a team of remarkable jurists, such as Elena Torres (Chile), Cristina Armella (Argentina) and Carlos Becerra (Peru), under the direction of Juan Francisco Delgado de Miguel and the introduction of Juan Bolás Alfonso. This work is a result of the support of the Commission of American Affairs and the General Council of the Spanish Notariat.

Finally, we should mention the great work performed by the "Reflection Seminars" created by André

¹¹ "Economic, Matrimonial and Probate Regimes in Latin America and Spain", at the VII Latin American Notarial Seminar, the International Union of Latin Notaries, the Commission of American Affairs and the General Council of the Spanish Notariat, Salamanca, 1996.

¹² Marcela CURBELO YATES and collaborators, *"La función notarial y los Tratados de Integraciones Regionales"*, Integration Section of the Commission of American Affairs, Lima, 2000.

¹³ Miguel Angel CIURO CALDANI, *"La Filosofía del Derecho en el MERCOSUR"*, Buenos Aires, 1997.

¹⁴ *"Problemas notariales a nivel internacional"*, DNotI, Deutsches Notarinstitut, Berlin, 1995.

¹⁵ *"El notariado en el mundo"*, Fondo Nacional del Notariado, Santafé de Bogotá, 1997.

¹⁶ Oscar FÉLIX RUÍZ, *"Congresos Notariales del MERCOSUR"*, Fen, Public Notary Association of the Province of Buenos Aires, La Plata, 2000.

¹⁷ *"Anuario Iberoamericano de Derecho Notarial"*, General Council of the Spanish Notariat, International Union of Latin Notaries, Madrid, 2002.

Lapeyre, which helped to acknowledge the American notarial reality through polls and discussions in panel discussions. At least three were organized in the cities of Angra do Reis, Viña del Mar and Montreal.

III. CONCLUSIONS AND PROPOSALS

This is a summarized overview of the current status of the works performed and the lines of investigations developed since the creation of the Section for the Study of Integration. It clearly appears that such works reveal extremely complex aspects and comprehend a large number of issues in different geographic areas.

1. Our first conclusion, in this case of the methodology used, refers to the hierarchy of the Section in the organizational structure of the CAA. It appears that, in addition to the Executive Committee and its Honorary President, seven organizations form the CAA, all of them in a subordinate position: (1) the Section for the Study of Integration, (2) the Commission of Different Regional Treaties and Agreements, (3) the American Notarial Academy, (4) Relationship with Anglosaxon-American Notariats, (5) Permanent Notarial Office of International Exchange (Oficina Notarial Permanente de Intercambio Internacional - ONPI), (6) Commission of Information Technology and Legal Certainty, and (7) Commission of Access to Notarial Activity.

From the foregoing it appears that the Section for the Study of Integration is positioned immediately below the Executive Committee, but does not contemplate each of the "different regional treaties and agreements" -mentioned in item 5-, that is, (1) the NAFTA, (2) the Andean Community, (3) PPP, (4) GOMSA, and (5) MERCOSUR. All other organizations (Relationship with Anglosaxon-American Notariats, ONPI, the Commission of Information Technology and Legal Certainty, and the Commission of Access to Notarial Activity) refer to different though clearly related institutions.

It seems that the above five regional treaties and agreements have all the same hierarchical level, despite their different number of delegates that, in the cases of GOMSA and the MERCOSUR, appears to be higher and, in the cases of the NAFTA, the Andean Community and the PPP, there is only one delegate.

2. A second important issue clearly arises from the different development levels of regional treaties, since the process appears to be much more developed in the MERCOSUR than in the other organizations. As regards the GOMSA and the PPP, they significantly developed in the early years of existence but then became lethargic. After a short period of excitement, the FTAA also dramatically declined, in this case -apparently- for political reasons. It is also necessary to acknowledge that, for some reason, we are receiving less news about the Andean Community.

Due to its own nature, the NAFTA refers to other aspects, more economic than legal; especially, given the clear conflict between the two Anglosaxon legal systems (Canada and the United States) and the Latin system (Mexico).

3. Third, perhaps one of the most important aspects to be considered should be the timely follow-up of all of the above agreements adopted both at internal meetings of the Section and at plenary meetings of the CAA. In this manner, the resolutions reached by us will be complied with and, at the same time, the activities of the Section will be duly promoted.

4. Fourth, reports from each of the five agreements contemplated by the CAA must be rigorously requested. At the same time, it should be remembered that nowadays, eight more agreements -some of which have expired or been amended- should be added to the above five regional agreements, for a total of thirteen. These thirteen regional agreements were originally listed as follows:

1. Central American Common Market (CACM)
2. Andean Community (AC)
3. Caribbean Community and Common Market (CARICOM)
4. Latin American Economic System (LAES)
5. Latin American Integration Association (ALADI)
6. Group of Three
7. Southern Common Market (MERCOSUR)
8. North American Free Trade Area (NAFTA)
9. Association of Caribbean States (ACS)
10. Gulf of Mexico States Accord (GOMSA)
11. Puebla-Panama Plan (PPP)
12. Free Trade Area of the Americas (FTAA)
13. Union of South American Nations (UNASUR)

All of these diverse treaties, groups, communities, systems, markets, agreements, plans, areas, unions and associations must be timely discussed at all meetings, obviously in connection with our notarial activity.

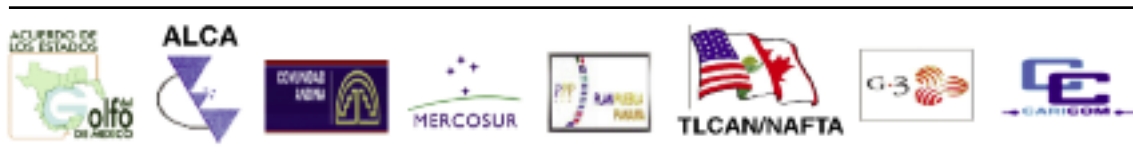
5. My fifth proposal is the following: during these ten years since the creation of the Section, and especially in the last two legislatures led by the former president D'Alessio, valuable doctrinal studies have been conducted and scientific reports on Comparative Law have been prepared. The presidency proposes that the next issue (number 3) of the series "*Temas Doctrinarios*" (Doctrinal Issues) be especially devoted to the study of the current status of the different integration treaties and their effects on the notarial activity. The dynamics of each region require a constant update that certainly involves and obliges us. This is one way of doing it.

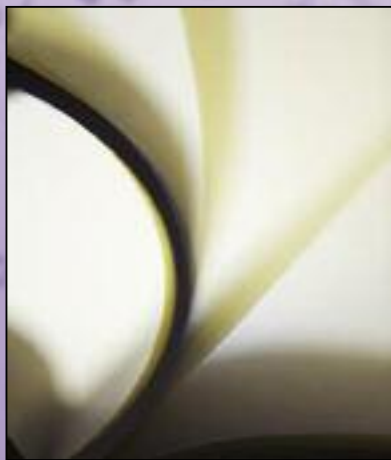
6. The last issue. Certainly, a lot remains to be done, as this is an endless task. However, I am convinced that we are heading in the right direction, thanks to the efforts of all the colleagues who have participated in the Section and, above all, thanks to the vitality and constant stimulation arising from the MERCOSUR.

It is also true that, in comparison with other simultaneous integration projects, such as the European Union, we have a long way to go. However, in this case, we have the advantage of being able to shorten the path by skipping stages that we know have been unsuccessful and benefiting from others that have proved useful.

Once completed, which I believe already is, the basic task of knowing our integration structures and perspectives, we should aim at more ambitious goals that have already been achieved in other projects (such as the mortgage, the corporation and the European enforcement orders). Of course, this is not about copying but adjusting useful things to our own region.

The RIN thanks Notary José Antonio Márquez González for submitting this Report for Publication.





PUBLICATIONS, BOOKS AND MAGAZINES

CHAPTER 5

5.1. ESCRITURA PÚBLICA



Created in 2000, ESCRITURA PÚBLICA is a bimonthly magazine published by the General Council of the Spanish Notariat with the contribution of renowned professionals and opinion leaders in justice, economy, politics, journalism and culture of Spain.

Its design and contents are of an excellent quality. The subject matters of each issue refer to topics related not only to the notariat but also to economic, social, legal and political aspects. The seriousness and depth of the articles and news are remarkable, as well as the space dedicated to Cultural Aspects in which it devotes to broader matters that are indispensable in today's society. This publication not only informs but invites the reader to think about contemporary issues.

Its Editorial Committee is formed by important public figures, under the direction of Ana Togores.

There is also a large number of significant Contributors.

Comment: *Notary Marcela Pesce*

5.2. MONOGRAPH N° 5 **(Supplementing Issue N° 48) November 2007**

25th INTERNATIONAL CONGRESS.

THE NOTARIAT: WORLDWIDE INSTITUTION

Published by the General Council of the Notariat

Monograph N° 5 is a supplement of Issue No. 48 of the magazine "Escritura Pública" devoted to the 25th International Congress of the Notariat of the UINL, held in Madrid, Spain, on October 3-6 , 2007, at Palacio Municipal de Congresos.

This publication is a complete summary of all events and topics of such international meeting of the notariat. It includes not only the discussions and conclusions but also very interesting interviews to renowned professionals and authorities of the UINL and its notariats. There is also a complete summary of the discussions of the International Forum on "The Person: Freedom and Security", in which several influential public figures, unrelated to the notarial practice, participated.

Comment: Notary Marcela Pesce