

INTEGRATION OF THE KAZAKHSTAN NOTARIES INTO THE INTERNATIONAL UNION OF NOTARIES

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In order to integrate the notaries of Kazakhstan into the international community of notaries, from 2001 to 2003, the TACIS project "Assistance to the legal system in Kazakhstan: Reforming the notarial system" was working in Kazakhstan, the activities of which were aimed at bringing the Kazakhstani notaries closer to international standards of the Latin notaries TACIS is a program developed by the European Union for the Newly Independent States in order to promote the development of harmonious and strong economic and political ties between the European Union and for these countries. The purpose of the program was to support the efforts of these countries to create a free society based on political freedom and economic prosperity. TACIS provided grant grants for the transfer of experience, thereby supporting the process of transition to a market economy and a democratic society. This know-how was transferred in the form of advisory assistance in organizing, sending expert groups, conducting expert studies and training, pilot projects were carried out, including training of a group of notaries in order to train trainers-moderators on innovative technologies[1].

Within the framework of the TACIS program, working trips were organized for representatives of the Ministry of Justice of the Republic of Kazakhstan, RCN, TCN and trainers-moderators to the countries of the Latin notaries in order to get acquainted with the notary system in these countries and with the experience of their notary offices, establish business contacts with colleagues in order to develop the most optimal solutions on complex issues facing the Kazakh notaries. The Ministry of Justice of the Republic of Kazakhstan and the RCN made great efforts to solve the problems of RK joining the International Union of Latin Notaries.

The International Union of Latin Notaries was formed in 1948 in the capital of Argentina, in Buenos Aires. The Union unites notaries of countries whose notaries are vested with the powers of the state, the IULN originates from continental law and focuses on the market economy. According to charter, the "Union" is a non-governmental organization created to promote coordination of the development of notary activities in the international field. After the Second World War, notaries of Europe and South America, about 15 countries.(France, Italy, Greece and others) decided to unite in order to exchange experience and solve emerging problems. Subsequently, the Union included countries such as Canada, all countries of South America, led by Mexico, China, South Korea and Vietnam, the IULN sets the following goals: internally - to get acquainted with colleagues from different countries, share professional problems and jointly develop the effectiveness of notarial acts, externally - to protect the notary profession from external influences.

In 2003, the RCN submitted an application for membership in the IULN, which was considered positively. The RCN was granted the status of an observer in the IULN, and later - the status of a candidate member of the IULN. In 2004, the Republican Chamber of Notaries was officially invited as a participant to the 24th IULN Congress, which was held in Mexico. In 2005, at the congress of the International Union of Latin Notaries, the International Union of Notaries was renamed. As of January 01, 2007 IULN united notaries of 75 countries of the world. The IULN is represented in the UN and UNESCO, the World Trade Organization, the Hague Conference, the European Parliament and the Commission, the Council of Europe, Mercosur (Common Market of South America), the International Institute for the Unification of Private Law in many other organizations.

On June 22, 2007, in Astana, the Academy of Public Administration under the President of the Republic of Kazakhstan, the Ministry of Justice and the Republican Chamber of Notaries held an International Scientific and Practical Conference on the topic "Issues of unification of the notarial legislation of the CIS countries and the European Union" for the first time with the participation of the representative composition of the International Union of Notaries: President of the Commission for International Notarial Cooperation Jean-Paul Decora, Vice President of this Commission Giuseppe Ramondelli, Secretary of this Commission Jean-Pierre Krantz, Chief Treasurer of the UINL, member of the above Commission Michel Merlotti.

The conference addressed the issues of the state of activity in the countries that are members of the IUN, the state of such activity in Kazakhstan, the compliance of our notary system with the requirements of the IUN. Establishing international contacts, prospects for further development of notary legislation, improving the professional level of Kazakhstani notaries and ways to solve existing legal and organizational problems. The most important issues were the issues of recognition of notarial activity in public law and the use of the state emblem on the notary seal. In Latin notary countries, a notary is appointed by the Minister of Justice. In Kazakhstan, a private notary is not appointed by the Minister of Justice, he carries out his notarial activities on the basis of a state license for the right to engage in notarial activities issued by the Ministry of Justice of the Republic of Kazakhstan and signed by the Minister of Justice. If there are vacancies and after the competition, the notary who has passed the competition is registered with the Department of Justice of the relevant region. The territory of its activity within the notary district is determined by the territorial body of justice together with the notary chamber.

The main achievement of the third five-year history of the notary was the only legislative recognition of the institution of the notary legal.

It was impossible not to notice that there was no provision on this in the government version of the draft Law on amendments to the Law "On Notaries" submitted to Parliament in 2011. It was included in the bill at the stage of discussion in the lower house of Parliament on the initiative of deputies of the Committee on Legislation and Judicial and Legal Reform, the introduction of this norm and its adoption in difficult conditions now fully brings the notary to the set line of the state Concept of legal policy for 2010-2020[2].

The adoption of this norm has now opened wide (boundless) legal prerequisites for the notary to lobby for further increasing the role of the notary himself in the state legal coordinate system for determining the status of a notary, increasing the role of notary chambers in the process of ensuring the legality and accessibility of notary services.

As a result, this led to the fact that on December 3, 2021, the Assembly of Notaries-members of the ICN at a remote meeting approved the admission of the Notary of Kazakhstan as the 90th member of the International Union of Notaries. The membership of the Republican Notary Chamber of Kazakhstan was unanimously approved by all 89 representatives of notaries belonging to the International Union of Notaries, Honorary Notary of Germany, President of the Commission on International Notary Cooperation of the Ministry of Internal Affairs Richard Bock told the Republican Chamber of Notaries[3].

References:

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