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Technical assistance and capacity-building

Written statement* submitted by Iranian Elite Research Center, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 March 2019]

* Issued as received, in the language(s) of submission only.



How to Notary Publics Safeguard the Rights of Citizens?

As the first successful experience of privatization, notary public offices have played a crucially effective role in the management of social and legal relations, as well as in the creation and preservation of economic peace.

Notary publics are wise counselors and reliable trustworthy references for the public; and as a special and elite civil society with a brilliant well-established history backed by knowledge and credit, and having the support of the full force of sovereignty, they are capable of bringing order to social and economic relations and protect the lives and assets of citizens against unwanted or high-risk damages, keeping them safe behind their responsible signatures.

Thus, law gives the widest range of legal capacity and power to notary publics enabling them to notarize and register all sorts of contracts in instruments with the purpose of bringing social relations to peace and to protect the respect and prestige of citizens, hence reinforcing the foundations of social and economic development and strengthening the pillars of sovereignty with supervision and transparency.

It may therefore be said that notary publics are a sort of civil society with uniquely-brilliant social functions, and have a major role to play in development, because:

1. The role of notary publics in economic and financial relations of citizens is of utmost prominence.

Before making of notarized legal instruments, notary publics first analyze the legal capacity of applicants for signing contracts, hence preventing conclusion of contracts by individuals who are prohibited from doing so for any reasons.

On the other hand, notary publics protect the rights and interests of incapable and interdicted individuals (e.g. wards) in each and every deal and contract. Thus the properties and assets of children, orphans, wards, and insane people are protected from profiteering and deceitful sharks through the services of notary publics.

This support and protection of the weak and incapable people in need of such help turns the job of notary publics into a holy, morally-inclined and praiseworthy position since it serves to calm distressed public conscience and puts social stresses to rest.

2. Before making any legal contract, notary public offices assess the properties subjects of such contracts from the perspective of all applicable laws in order to prevent anyone from abusing the good will and trust of people, selling one property to several persons or selling properties of states or other persons to citizens and collect their money, which may be the result of years of hard work, lest they have to spend a lot of their time in courts mourning about their losses to no avail.

This is why law has vested notary publics with the widest range of legal power and authority with the purpose of bringing social relations to peace and to protect the respect and prestige of citizens, hence reinforcing the foundations of social and economic development and strengthening the pillars of sovereignty with supervision and transparency.

3. The very methods and procedures notary publics set in motion for notarization of contracts and transactions ensures transparency, which is one of the major pillars of democracy and proper statesmanship, and of course a citizenship right of the people. No deal may remain hidden in a notary public, thus statesmen and holders of power and capital cannot engage in clandestine accumulation of riches free of all laws and regulations. Transparency of deals in notary publics prevents many sorts of crimes and offenses. Registration of deals and transactions in notary public offices prevents land grabbing and seizing of state lands, as well as money laundering and cleaning of moneys and assets acquired by unlawful business or conduct.

From this viewpoint, a notary public is a “protector of citizenship rights” who safeguards people’s rights and liberties against states and governments.

Despite all such virtues and advantages, many organizations and institutions choose to ignore the uniquely-significant position of notary public offices and the social and scientific capacities of notary publics, and undermining the power of law, they seek to undermine the age-old foundations of notary publics and raze to ground this outstanding monument of law and order by means of their political or bureaucratic leverage in favor of their lust for riches, paying no attention to lives and assets of the people.

It is beyond any doubt that cutting off the support for notary publics translates into falling of people's social and economic affairs into the unworthy hands of those bereft of any knowledge of legal frameworks and norms of making contracts and legal instruments, which in turn brings about the destruction of foundations of agreements and obligations in the fires of endless financial disputes and economic unrest.

The huge bulk of legal cases and time-consuming lawsuits plaguing the judicial system today is no doubt the result of such reckless conducts. So many profitable and effective features are apparently not desired by some people, the same who see the rule of law and peace of economy as obstacles to their profiteering attitudes and conducts.

Should legislators and statesmen fail to protect and support the age-old foundation of notary public offices, the lost peace and security may not be regained in the long corridors of justice department.

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