

The Eritrean Notary Public in the Context of Global Notaries System

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SUMMARY

The Eritrean Notary Public was established, simultaneously with the cadastral system at the end of the 19th century during the Italian colonial administration. Both the public notary and the cadastre system were originally constituted with the sole purpose of guaranteeing security of property ownership for the Italian settlers in complete violation of the natives' property rights. But, later they were gradually transformed to embrace Eritrean citizens' property. Their complementarities continued during the several occupational administrations until Eritrea attained its independence in May 1991. Both the notary public and the cadastre offices, as mutually complementary institutions worked in close harmony. They played their roles, respectively in the authentication of legitimacy of titles as well as contracts of transactions, and the certification of ownership over land and immovable property erected overland. In due course, the two institutions had experienced difficult periods and survived attempts at their elimination, particularly during the Ethiopian military rule in the mid-1970s. Notary public has a long history of providing legal security for individual and legal person's property. And nowadays, its need has grown tremendously with the advent of globalization and internationalization of the market and businesses for use of legal services. However, the services it provides vary from country to country depending on the countries' historical traditions and policies. This paper provides an overview of the roles of notaries' public world-wide, states the role the Eritrean notary public has played in securing the legitimate title of ownership through ensuring lawful transactions of immovable property, and calls for reinstating the notary public offices in all regions of Eritrea as well as broadening the scope of its services beyond witnessing contracts of agreements of immovable property transactions.