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Secretaría de Seguridad Multidimensional

**XLV REUNION DEL GRUPO DE EXPERTOS
PARA EL CONTROL DEL LAVADO DE ACTIVOS**
Del 4 al 5 de octubre de 2018
Santa Cruz de la Sierra, Bolivia

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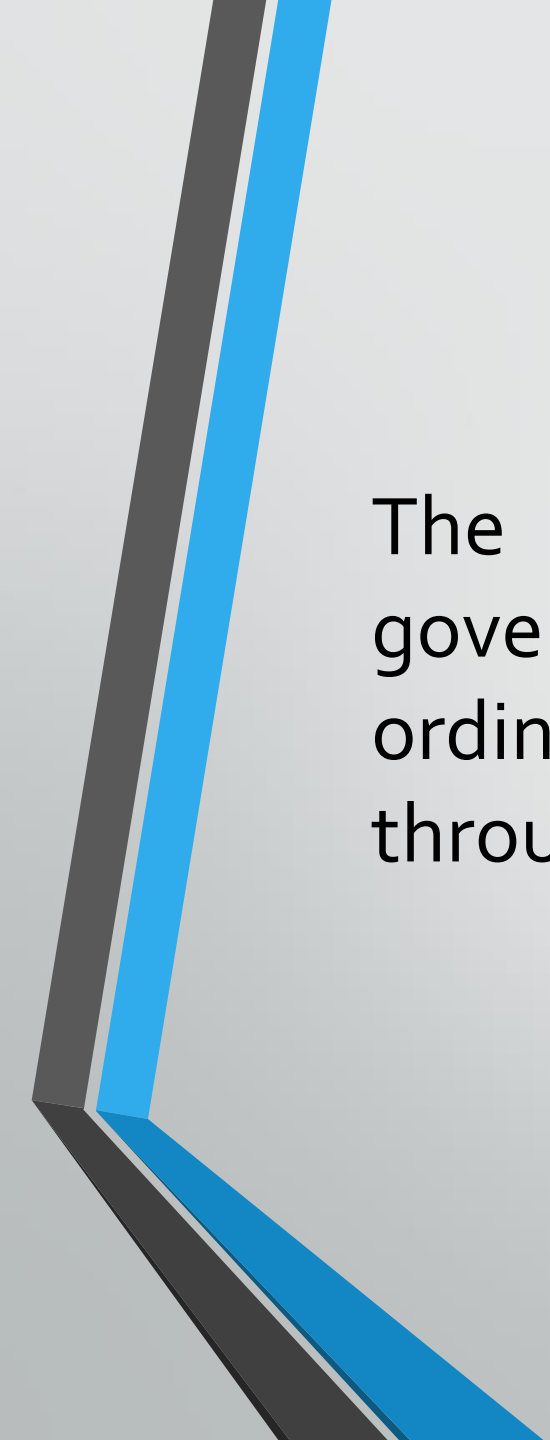
PRESENTATION
**THE ROLE OF THE INTERNATIONAL UNION OF NOTARIES (UINL) IN THE FIGHT AGAINST THE
MONEY LAUNDERING AND THE FINANCING OF TERRORISM**



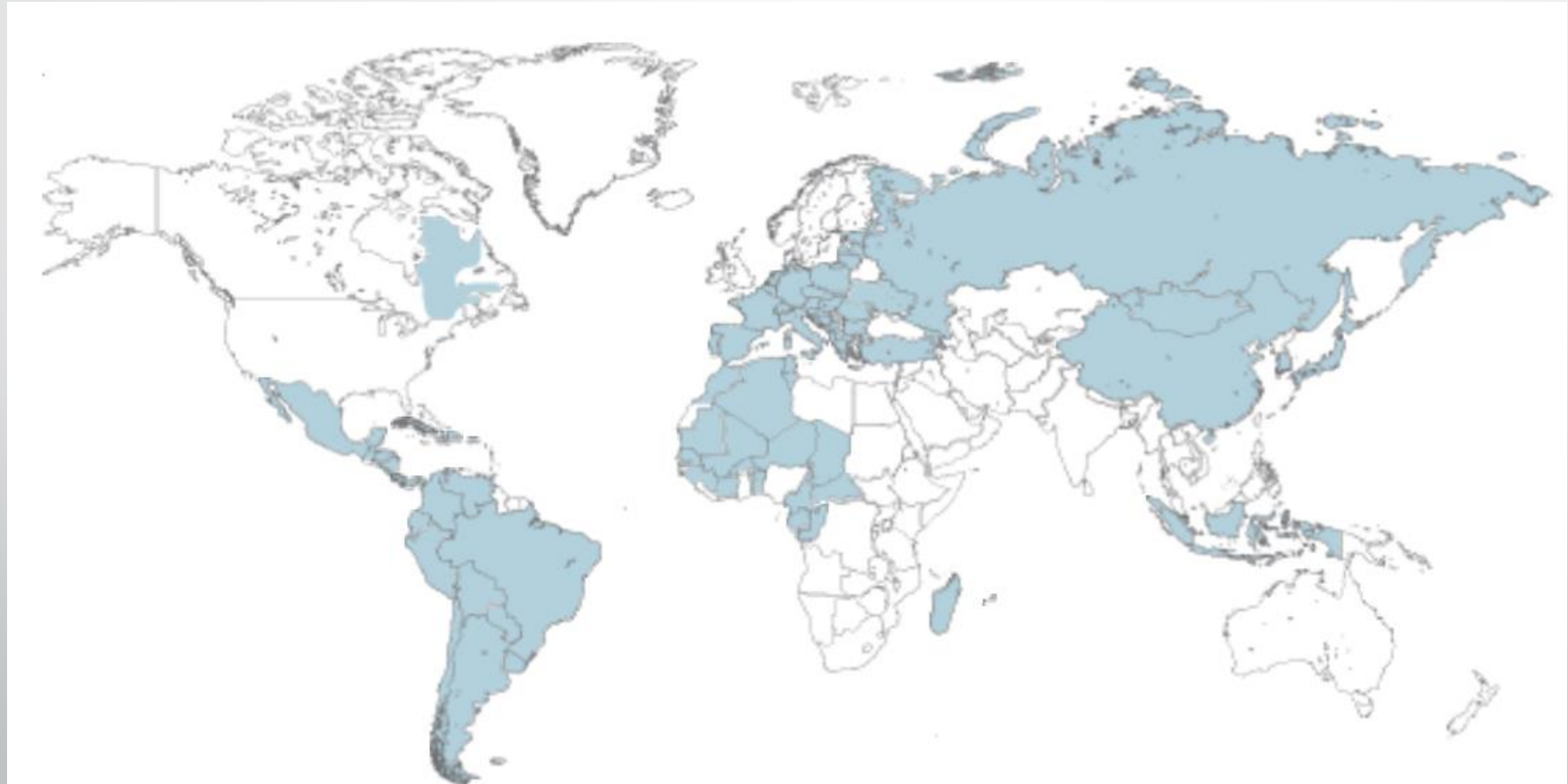
Unión Internacional del Notariado

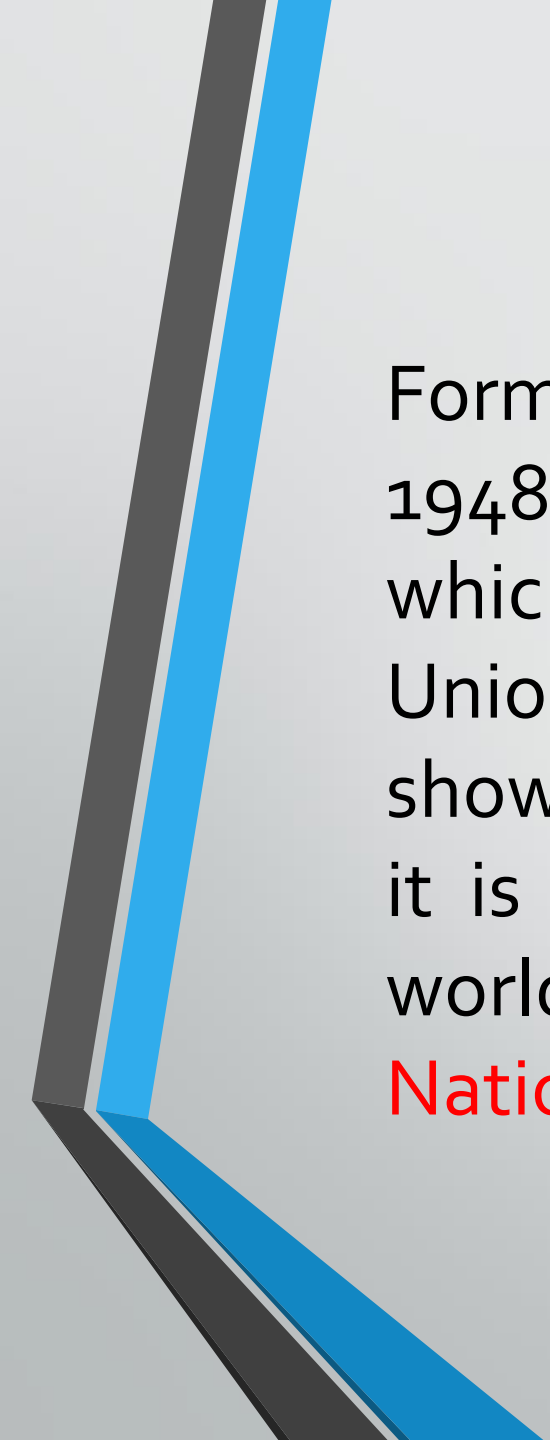
Union Internationale du Notariat

International Union of Notaries



The International Union of Notaries (UINL) is a non-governmental organization. It aims to promote, coordinate and develop the function and activities of notaries throughout the world.





Formed by 19 countries at the time of its establishment in 1948, our organization includes currently 87 countries, of which 22 out of the 28 member countries of the European Union and 15 out of the 19 countries of the G20, thus showing the expansion of the European legal system. Today it is in place in almost 120 countries, totalling 2/3 of the world population and accounting for over 60% of Gross **National** Product.



I. Organization Chart

Statutes of the UINL approved by the General Meeting on 2 October 2007 in Madrid and amended on 2 October 2015 in Rio de Janeiro

General meeting

- The General Meeting is the supreme body of UINL.
- It is formed by all members, represented by their respective Presidents or duly appointed delegate, in compliance with respective national provisions.

Steering Committee

- The Steering Committee is the executive and governing body of UINL.
- It manages the activities of UINL within the framework of the relative programme adopted by the General Meeting ensuring the implementation thereof.
- It fulfils all the duties and missions that the General Meeting of Members assigns to it.

General Meeting

- The General Council is the advisory body of UINL, in charge of political and scientific reflection.

Financial Supervisory Council

- The Financial Supervisory Council (CSF) has as its main mission to verify the financial statements of the UINL and its different organizations, as well as to express its opinion in the relation thereto.
- It is formed by three members, one of whom acts as the President, elected by the General Meeting from among the candidates who are not part of the Steering Committee or the General Council, but proposed by Members.
- The members of CSF are appointed for one legislature. They may be re-elected.
- This body shall draft a report for the General Meeting on the accounts of the previous fiscal year and the pertinence of incurred expenses, based on the audit thereof made by an expert in this field, whose services the Financial Supervisory Council shall avail itself of.

Commissions

INTERCONTINENTALES INTERCONTINENTAL

Comisión de Cooperación Notarial Internacional	International Notarial Co-operation Commission
Comisión Consultiva	Advisory Commission
Comisión de Temas y Congresos	Themes and Congresses Commission
Comisión de Seguridad Social Notarial	Notarial Social Security Commission
Comisión de Deontología Notarial	Notarial Deontology Commission
Comisión de Derechos Humanos	Human Rights Commission

CONTINENTALES CONTINENTAL

Comisión de Asuntos Africanos	African Affairs Commission
Comisión de Asuntos Americanos	American Affairs Commission
Comisión de Asuntos Asiáticos	European Affairs Commission
Comisión de Asuntos Europeos	Asian Affairs Commission

Working groups

The working groups take part in the implementation of the action plan of the Union.

Titulación masiva
Participación con los organismos internacionales
Nuevas tecnologías
Formación
Lucha contra el blanqueo de capitales
Acto auténtico
International Task Force Civil Law-Common Law

Titling
Partnership with international organizations
New technologies
Training
Fight against money laundering
Authentic act
International Task Force Civil Law-Common Law



II. 2017-2019 Legislature Goals

Authentic act

- Redact a current and exhaustive definition of what is an authentic act.
- Evaluate technically and politically the application and the consequences of actions related to the authentic act, that is to say all the consequences and transcendences of the authentic act in practice.
- Allow the recognition of authentic acts across borders and thereby contribute to their circulation and their international legal efficiency.

New technologies

- Optimize and update the technologic knowledge and skills of the Notariats members.
- Promote the systematization of "quality approaches" and the certification of the offices and governing bodies of the **N**otariats members.
- Appropriate new technologies available to, notably, support circulation of acts, dematerialization of supports and tele-transcription to public records.

Human Rights and persons in situation of vulnerability

- To work for the development and promotion of the role of the notary guarantor of the rights of the human **being**;
- To point out to the attention of the international and national authorities as well as to the notaries themselves, that the mission of the notarial function is through the prevention of conflicts and the contractual equilibrium, to uphold the rights of the human **being**, including and very importantly the rights of people in situation of vulnerability
- To point out that, as a result, the Notariat is an indispensable component to the functioning of the **S**tate of Law, through its interventions based on equity, legality, access to justice and impartiality
- To assist in the creation and implementation, internationally and/or nationally, of any legislation aimed at protection Human Rights and persons in situation of vulnerability.

Training

- Study the initial and continuous training in the different Notariats.
- Establish a global training, developing a broad and ambitious program that can be developed in all countries.
- Update notariats throughout the world thanks to training.

WORLD NOTARIAT UNIVERSITY



The seventh edition of the UINL World Notariat University (2018) brought together 75 students from 35 countries, representing North America, Central and South America, Asia and Europe. This forum resulted in the active participation of students during an online preparatory cycle and, in boosted interactivity during the simultaneous translation sessions in Rome. The project of the World Notariat University, turned towards the young notaries, allowed each participant, not only to realize, during constructive discussions, the similarities and the differences between their respective legal and notarial systems, but also to consider collective and harmonized solutions.

Partnership with international organizations

- Develop legal and territorial cooperation with international organizations.
- Participates in the actions of the United Nations, the World Bank and other international organizations and international NGOs, especially in the field of land and vulnerable people.
- Increase the contribution of the notarial expertise of UINL members to international actors.
- Provide international actors with the UINL international network.

SOME EXAMPLES

ALGUNOS EJEMPLOS - SOME EXAMPLES

Personas vulnerables People in situation vulnerability

UN Personas con discapacidad - Persons with disabilities
HCCH Personas mayores - Adult people
FAO Igualdad de genero - gender Equality
UNESCO Niños sin identidad - Children without identity
ONCE Personas ciegas - Blind people



Tenencia de las tierras - Land Tenure



FAO
UN-HABITAT
PNUD
UA
UNECA

Banco Mundial World Bank



Doing Business cuestionario
Doing Business questionnaire



Fight against money laundering and terrorist financing

RISK INDICATORS

- The objective of this document is to provide clear and precise guidelines to help notaries to improve their processes of identification, control and analysis of notarial operations, in order to detect those that may be susceptible to be linked to money laundering and terrorist financing.
- For this purpose, a minimum document would be drawn up using the risk indicators of Spanish notaries, and the UINL members would be required to provide additional indicators that, depending on their competences, are applicable in their territorial areas.
- Considering the different notarial competences in the different countries, a final document would be drawn up, distinguishing the indicators according to the competences that apply to them.
- It was proposed to carry out this Project jointly with GAFILAT.

December 17, 2017, was approved the UINL proposal to create a Working Group with GAFILAT

PROMOTION OF THE ROLE OF SELF-REGULATORY BODIES

- The purpose of this document is to **encourage the functions of the self-regulatory bodies** in the area of AML / CTF, through general functions that would facilitate the fulfillment of the AML / CTF obligations to the notaries that are members of these bodies in the member countries of the UINL.
- For this, a document would be prepared with those minimum functions that we understand that the self-regulatory bodies could assume (such as the preparation of AML / CTF Manuals adapted to notaries according to their competences, resolution of consultations, etc.) that would facilitate compliance with obligations to notaries
- UINL Members would be required to provide additional functions that, in their opinion, could help notaries to fulfill their role as obligated subjects.
- As a result of this consultation, a final document on functions that could be assumed by the self-regulatory bodies in the area of prevention of money laundering and terrorist financing would be prepared, which we consider very useful for all UINL member countries.

SCOPE OF RECOMMENDATIONS 22 AND 23

- FATF Recommendations 22 and 23 have been interpreted differently in member countries, due to the different functions assumed by notaries in notarial operations.
- In this sense, the objective of this project is the specific definition of the scope of Recommendations 22 and 23 of the FATF, expressly indicating the inclusion of this category of DNFBP as obligated subjects, without distinction by virtue of their role in different countries.
- To this end, it was proposed to the FATF to invite UINL Representatives to participate in the Policy Development Team of the FATF, responsible for the development and clarification of the 40 Recommendations, their Interpretive Notes and Best Practices, where the different national interpretations would be presented, with the objective of including in the text of the corresponding Interpretative Notes of such Recommendations, the explicit scope described above and solving the existing problems of interpretation.

ACTIVE PARTICIPATION IN TECHNICAL ASSISTANCE PROJECTS PROVIDED BY INTERNATIONAL FINANCIAL INSTITUTIONS

The proposed collaboration implies the active participation of the UINL, among others, in:

- Preparation of technical documents that may be useful for these institutions to understand the notarial function, highlighting the importance of the notarial function in the Prevention of Money Laundering and Terrorist Financing, in order **that** these documents are recognized by the International Financial Institutions and include the regulation of these professionals as obligated subjects in these matters in the technical assistance programs to strengthen the public policies provided by Financial Institutions mentioned above.
- Possible participation of UINL representatives as experts in training activities carried out by the International Financial Institutions for these professionals.
- Possible participation of representatives of the UINL in the mutual evaluations of the national systems for the fight against Money Laundering and Terrorist Financing carried out by the World Bank and the International Monetary Fund.

Inclusión de representantes de la UINL en grupos de trabajo :

- GAFI
- FMI
- OEA

UINL Representative included in workings groups :

- FATF
- IMF
- OAS

BEST PRACTICES PAPER

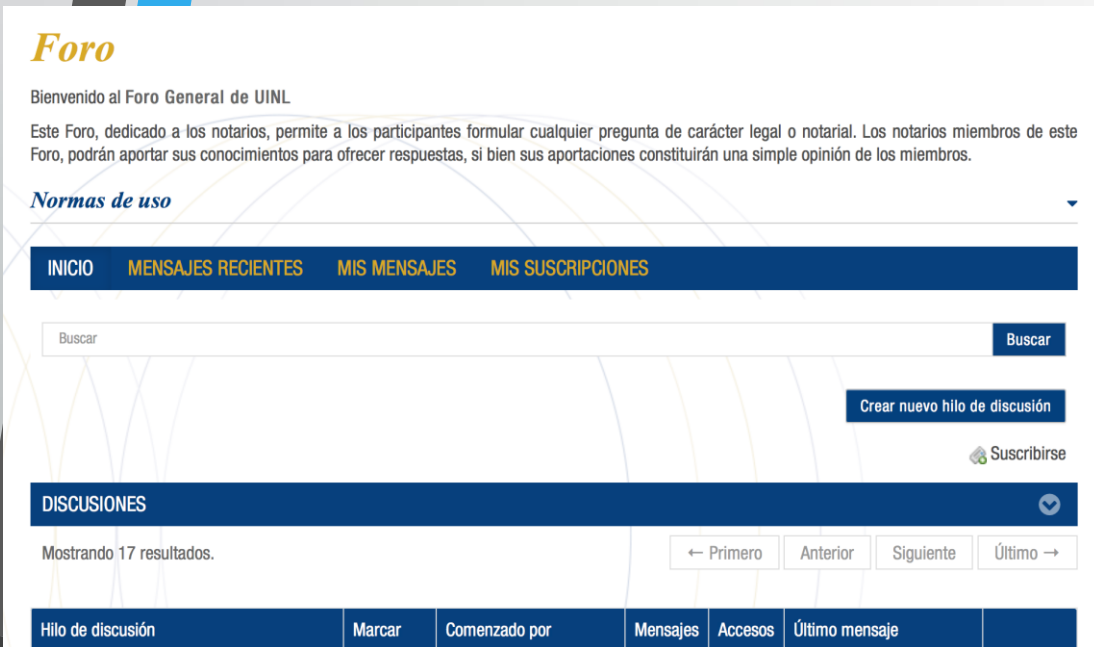
- The Best Practices in a general way, can be defined as a series of methodologies, systems, tools, and techniques applied and tested for compliance with a certain regulation, with satisfactory results in the obligated subjects that apply them.
- This document proposes not only to be a useful guide for complying with the obligations to prevent money laundering and terrorist financing in the notarial field, but also a harmonization document of the AML / CTF procedures applied by the notary members of the UINL.
- For this, a document of minimum contents of best practices were elaborated and the different members of the UINL were required to contribute with all those practices applied to the prevention of money laundering and terrorist financing in their territorial scope, different from those proposals, which they considered useful to complete the document.
- These practices were integrated into a common document and approved by the General Assembly.

**BUENAS PRÁCTICAS DE PREVENCIÓN DEL BLANQUEO
DE CAPITAL Y LA FINANCIACIÓN DEL TERRORISMO EN
EL SECTOR NOTARIAL**



**GOOD PRACTICES ON THE PREVENTION OF MONEY
LAUNDERING AND TERRORIST FINANCING IN THE NOTARIAL
SECTOR**

VISIT OUR WEB PAGE : www.uinl.org



FORUM

- The International Union of Notaries makes available to all notaries of the world a Legal Forum allowing them to ask any questions of a legal and notarial nature and to obtain answers from their colleagues from all countries.