

The Importance of Notary Public in the Eritrean Cadastre System

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Key words: Cadastre; Capacity building; History; Land management; Legislation; Professional practice; Property taxes; Security of tenure; Valuation; notary public, cadastre system, notarial functions and duties, transactions of immovable property, professional ethics

SUMMARY

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Abstract

The Eritrean Notary Public and Cadastral System were simultaneously established at the end of the 19th century, during the Italian colonial administration. Both offices, as mutually complementary institutions worked in close harmony. Initially, the Public Notary was constituted with the sole purpose of guaranteeing a secure transfer of immovable property, and the Cadastre to guarantee certification of immovable property ownership for the Italian settlers in disregard of the natives' property rights. They were gradually transformed to embrace all legal persons following the defeat of Italy by the Allied Forces and subsequently during the British and Ethiopian occupational administrations until Eritrea attained its full independence in 1991.

This paper presents a brief overview of the origins and duties of public notaries system, background of the Eritrean Notary Public and deals with the roles that the Eritrean Notary Public has played in securing the legitimate title of persons and ensuring that any transactions of immovable property are conducted lawfully, thereby safeguarding the property rights of all legal persons from fraudulent

and illicit acquisition or transfer of titles and calls for reinstating the public notary offices in all regional administration seats and major towns.

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