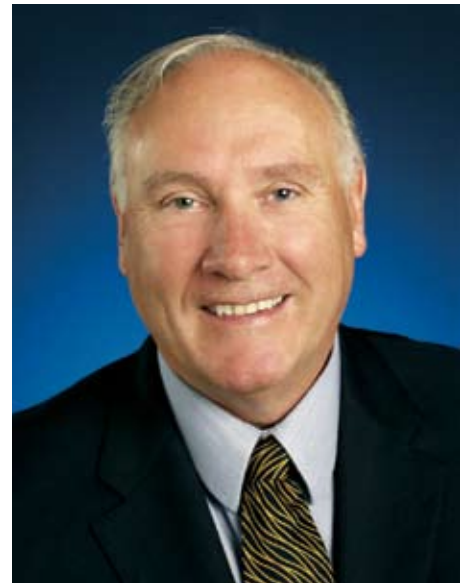


G. W. (Wayne) Braid



Here Today, Gone Tomorrow: Apostille Style!

That old adage *Time is Money* is probably just as true today as it was when it was coined.

Our economic reality is that we live in a global economy. In British Columbia, our ethnic diversity requires a response to our citizens' needs for legal documentation in their home or former home country.

Numerous times a day—every day—our members are called upon to assist clients with a document required for a transaction, either personal or commercial, in their country of origin or their family's country of origin or a country where they are involved in a commercial transaction.

Most countries require the documentation and the maker to be examined, validated, authenticated, and authorized, prior to its arrival and prior to its either becoming of effect or producing the legal change in the jurisdiction for which it is intended.

Presently that process in BC is somewhat complex and time consuming for all parties involved. Let me give you an example.

A manufacturing firm in Richmond is asked to remanufacture

a part designed for use on a helicopter that is owned by a Canadian company but leased to a telecommunications company using it for cellular site installations in Italy.

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electronic world.**

Many, many pages of documentation must go with the part—documentation stating how the part was manufactured, pages of text involving the specifications of the material that went into the remanufacture, and pages of text outlining the credentials of the technicians and the engineers. All these documents require a sworn statement from an authorized representative of the company; each page requires certification by a Notary as to its originality.

Once the Notary has taken care of the required certifications and signatures and affixed the appropriate Seals, the documents require a form stating how the maker was identified. Then they are sent to The Society Office for a statement that the

Notary is in good standing. Next the documents are sent to the Lieutenant Governor in Victoria for her signature; sometimes they must also be processed by a consulate. It's a very time-consuming, somewhat expensive process.

In 1961, 87 countries came together through the Hague Conference on Private International Law to develop a protocol for authentications for use with certain legal documents that would be accepted between and among countries.

The time is right for these documents and the use of the Apostille to move into the electronic world.

Because of BC Notaries' use, expertise, and involvement in the development of our BC land registry system, just this past month we were asked to speak to the second International Forum on e-Apostilles. The forum included representatives from 32 countries and involved presentations from British Columbia Notaries, Quebec Notaires, and Notaries from Italy, Germany, Spain, England, Brazil, and the United States of America.

The forum accepted these points.

- Any model that would be adopted would need to render the issuance

and use of Apostilles faster and cheaper and thus further increase the overall efficiency of the convention's practical operation.

- We must ensure that the issuance of a reliance on Apostilles offers a level of security that significantly exceeds the current standard that resulted from the convention's operation in a paper-only environment.
- We must rely on the use of open-source technologies wherever possible and appropriate, thus allowing for a cost-effective operation of the convention, and facilitate more frequent verification of whether the particulars appearing in an Apostille correspond with those in the Register kept by the Competent Authority that issued the Apostille. This will provide another effective tool to combat fraud by encouraging greater public awareness of a reliance on Registers of Apostilles.

(The full document can be found at <http://www.hcch.net/> in the "Apostille Section.")

Unfortunately Canada is not a signatory to the Hague convention; therefore the Apostille is not something Notaries in British Columbia can use—yet. BC Notaries are working with the federal government so that Canada will become a signatory. My meetings with Christophe Bernasconi, First Secretary of The Hague, have been supportive and encouraging for Canada's involvement and ultimate agreement.

Our electronic system of land registry has obviously become internationally recognized for its simplicity and its security and by the requirement that a client execute documents before a Notary or lawyer who has a Juricert-approved digital signature. A similar process will work as well for electronic authentications.

BC Notaries are committed to serving our clients in the most efficient and cost-effective manner. ▲