

**AN ACT**

To authorize the Ministry of State and designated competent authorities to administer implementation of Apostille certified documents in the Republic of Palau, and for other related purposes.

**THE PEOPLE OF PALAU REPRESENTED IN THE OLBIL ERA KELULAU DO ENACT AS FOLLOWS:**

1           **Section 1. Legislative findings.** The Olbil Era Kelulau finds that this Act is an  
2 essential companion to the House Joint Resolution proposing the ratification of the  
3 Apostille Convention de La Haye du 5 octobre 1961. The Hague Apostille Convention  
4 implements a simplified method of legalizing and notarizing official public documents to  
5 be recognized in foreign jurisdictions, and for foreign documents with an Apostille  
6 certificate to be recognized in Palau. The purpose of this Act is to enable the Minister of  
7 State and designated competent authorities to issue Apostille certificates and to  
8 implement fees for this service.

9           **Section 2. Application.** This Act applies to public documents which have been  
10 executed in the Republic of Palau and which have to be produced in the territory of  
11 another Contracting State.

12           **Section 3. Definitions.** In this Act:

13           (a) “Hague Apostille Convention” means the Apostille Convention de La Haye du  
14 5 octobre 1961.

15           (b) “Contracting State” means any party state to the Apostille Convention de La  
16 Haye du 5 octobre 1961.

17           (c) “Legalization” means only the formality by which the diplomatic or consular  
18 agents of the country in which the document has to be produced certify the authenticity of  
19 the signature, the capacity in which the person signing the document has acted and,  
20 where appropriate, the identity of the seal or stamp which it bears.

21           (d) “Competent authorities” means the following:

22                   (1) the Minister of State;

23                   (2) individuals employed by the Ministry of State that are authorized by the

1 Minister of State in writing; and

2 (3) the Clerk of the Courts.

3 (c) “Minister” means the Minister of State.

4 (f) “Public documents”

5 (1) means:

6 (A) documents emanating from an authority or an official  
7 connected with the courts of the Republic of Palau, including those  
8 emanating from the attorney general, and clerk of the Supreme Court;

9 (B) administrative documents emanating from any agency within  
10 the national government and any state government and its affiliated  
11 agencies, entities and bodies;

12 (C) notarial acts;

13 (D) official certificates which are placed on documents signed by  
14 persons in their private capacity, such as official certificates recording the  
15 registration of a document or the fact that it was in existence on a certain  
16 date and official and notarial authentications of signatures;

17 (2) however, “public documents” does not mean:

18 (A) documents executed by diplomatic or consular agents;

19 (B) administrative documents dealing directly with commercial or  
20 customs operations.

21 **Section 4. Apostille authority.** The Minister and designated competent  
22 authorities shall exempt from legalization public documents produced in the Republic of  
23 Palau which have to be produced in the territory of another Contracting State by way of  
24 issuing an Apostille.

25 **Section 5. Formalities required.**

26 (a) The only formality the Minister and his designated competent authorities may  
27 require in order to certify the authenticity of the signature, the capacity in which the  
28 person signing the document has acted and, where appropriate, the identity of the seal or

1 stamp which it bears, is the addition of the certificate described in section 6, issued by the  
2 competent authority of the Republic of Palau from which the document emanates.

3 (b) However, the formality mentioned in section 6(b) is not required when an  
4 agreement between the Republic of Palau and another contracting state has abolished or  
5 simplified it, or exempt the document itself from legalization.

6 **Section 6. Apostille certificate.**

7 (a) The Apostille certificate referred to in section 5(a) shall be placed on the  
8 document itself, by attachment, electronic Apostille, or on an allonge; it shall be in the  
9 form as prescribed by regulations, consistent with The Hague Apostille Convention.

10 (b) The certificate shall be issued at the request of the person who has signed the  
11 document or of any bearer. When properly filled in, it will certify the authenticity of the  
12 signature, the capacity in which the person signing the document has acted and, where  
13 appropriate, the identity of the seal or stamp which the document bears. The signature,  
14 seal and stamp on the certificate are exempt from all certification.

15 **Section 7. Register of certificates.**

16 (a) The Minister and the Clerk of Courts shall establish and maintain a joint  
17 register in electronic form on the electronic Apostille program (e-APP), accessible to the  
18 public, in which the Minister and the Clerk of Courts shall record the certificates issued,  
19 specifying:

- 20 (1) the number and date of the certificate,  
21 (2) the name of the person signing the public document and the capacity  
22 in which he has acted, or in the case of unsigned documents, the name of the  
23 authority which has affixed the seal or stamp.

24 (b) At the request of any interested person, the Minister shall verify whether the  
25 particulars in the certificate correspond with those in the register.

26 **Section 8. Treaties.** When a treaty, convention or agreement between the  
27 Republic of Palau and another contracting state contains provisions which subject the  
28 certification of a signature, seal or stamp to certain formalities, this Act will only override

1 such provisions if those formalities are more rigorous than the formality referred to in  
2 sections 5 and 6.

3 **Section 9. Rules and Fees.** The Minister shall promulgate rules and regulations  
4 within 60 days of the effective date of this Act in regards to the full implementation of this  
5 Act, including a fee schedule for the cost of certifying and issuing an Apostille.

6 **Section 10. Effective date.** This Act shall take effect upon its approval by the  
7 President of the Republic of Palau, or upon its becoming law without such approval.

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PASSED: April 24, 2014

Approved this 25<sup>th</sup> day of April, 2014

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/s/  
Tommy E. Remengesau, Jr.  
President of the Republic of Palau