

NAMIBIA

Apostille Questionnaire 2021

The responses are reflected as provided by Contracting Parties subject to minor typographical corrections.

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[b] No.
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	[c] No.
Competent Authorities	
3. How many Competent Authorities have you designated under the Apostille Convention? <i>If unknown, please specify the reason for this and provide an approximate number.</i>	There are two: 1. Ministry of Justice 2. Office of the Judiciary
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[b] Yes, our diplomatic missions act as intermediaries between the applicant and Competent Authority (e.g. forwarding applications and transmitting Apostilles once issued). <i>Applications can be made at any of our diplomatic missions and transmitted to Namibia for further processing.</i>
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[b] No.
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[a] Yes. <i>Documents issued by local banks/financial institutions, private educational institutions, documents from law firms, accounting firms etc.</i>
7. Has the exclusion of 'documents executed by diplomatic or consular agents' (Art. 1(3)(a)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.
8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	[b] No.
9. Has the exclusion of 'administrative documents dealing directly with commercial or customs operations' (Art. 1(3)(b)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.
10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?	[b] No.

11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
	Certificates of origin	X	X
	Export licences	X	X
	Import licences	X	X
	Health and safety certificates issued by the relevant government authorities or agencies	X	X
	Certificates of products registration	X	X
	Certificates of conformity	X	X
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)	X	X
Commercial invoices	X	X	
Apostille Process			
Certification of Public Documents			
12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille?	[b] No, an intermediate certification is not required for any public document; Apostilles are issued directly upon the public document.		
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.		X
	[b] By post.		
	[c] By email.		X
	[d] Through a website.		
	[e] Other.		
14. When issuing an Apostille, do you enquire about the State of destination?	[a] Yes, in the application form.		
15. How long does it take for an Apostille to be issued?	In-person request (paper Apostille)	Other requests (from the time of receipt) (paper Apostille)	e-Apostille requests
	Within five working days		
16. Does your Competent Authority impose a fee for issuing an Apostille?	[a] Yes, a single price for all Apostilles. N\$ 100.00 for Namibians intending to study abroad. Documentary proof will be required to this effect.; N\$ 150.00 for ordinary Namibian citizens; N\$ 200.00 for foreign nationals; N\$ 250.00 for both Namibian and foreign nationals applying for the issuance of apostilles through our diplomatic missions abroad.		
Issuing an Apostille (Outgoing)			
17. How is the origin of a public document verified for the purpose of issuing an Apostille (i.e. verification of the authenticity of the signature, the capacity of the signer, and the identity of the seal / stamp (Art. 5(2))?	[a] Single Competent Authority. [iv] Other. Applicants are required to obtain the full names of officials who signed the public document from relevant government ministries/agencies.		

18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[b] The Competent Authority will contact the issuing authority to confirm authenticity but will not issue the Apostille until the new signature, stamp or seal is added to the database.	
19. In what language(s) are the 10 standard items of your Apostilles available?	[a] In one language. <i>English</i>	
20. In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>English</i>	
21. How are the blank fields of your Apostilles filled in?	[c] Other. <i>They are typed in using microsoft word</i>	
Apostille Registers		
22. How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [v] A separate register for each Competent Authority, some in paper form, some electronic.	
23. What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (<i>required</i>).	X
	[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (<i>required</i>).	X
	[c] Name and / or type of underlying document.	X
	[d] Description of the contents of underlying document.	X
	[e] Name of the applicant.	
	[f] State of destination.	
	[g] Copy of the Apostille.	
	[h] Copy of the underlying document.	
	[i] Other.	
24. Is there a limit to how long records can be retained on the Apostille register?	[d] No.	
25. If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?	[f] Unknown.	
Technology & the e-APP		
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (<i>i.e.</i> can a public document be signed electronically)?	[b] No.	
27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[b] No, public documents are never executed in electronic form.	
28. Do you issue e-Apostilles?	[b] No. [i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component. <i>We have held a number of consultative meetings with stakeholders on the need to implement the e-Apostille component.</i>	

<p><i>For Parties that answered no to Q28.</i></p> <p>28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?</p>	[a] Internal law limitations.	X
	[b] Judicial or administrative structure.	X
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d] Cost.	X
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other.	
<p><i>For Parties that answered no to Q28.</i></p> <p>28.2. How do you issue an Apostille for a public document executed in electronic form?</p>	[a] Public documents are never executed in electronic form.	
<p>29. Are your authorities equipped to accept incoming e-Apostilles?</p>	[c] No. <i>We have not dealt with a case involving an e-Apostille before.</i>	
<p>30. Do you maintain an e-Register?</p>	[b] No. [i] We are studying the use of an e-Register and plan to implement the e-Register component. <i>We have held a number of consultative meetings with stakeholders on the need to implement the e-Apostille component.</i>	
<p><i>For Parties that answered no to Q30.</i></p> <p>30.1. What challenges are you facing that may prevent you from implementing the e-Register?</p>	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	
	[d] Cost.	
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other. <i>Because we have not yet adopted the e-Apostille component</i>	X
<p>31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?</p>	[a] Yes. <i>Brazil</i>	
Issues with Apostilles		
<p>32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:</p>	[a] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[b] The manner in which the Apostille was affixed / attached to the underlying document. <i>Some documents were rejected because the seal was not properly affixed.</i>	X
	[c] The Apostille was not signed.	
	[d] One or more of the standard informational items were not filled in.	X

	[e] The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[f] The underlying public document was in electronic form.	
	[g] The underlying public document had expired / was not issued within a certain timeframe.	
	[h] The underlying document was not a public document under the law of the destination.	
	[i] Other.	
	[j] Unknown.	
	[k] No / Not applicable.	
For Parties that answered other than "No" to Q32. 32.1. If an Apostille was rejected, what action did you take?	[a] The Apostille was reissued.	X
	[b] Contacted the receiving authority.	
	[c] Contacted the Competent Authority of the place of destination.	
	[d] Contacted nearest diplomatic mission of the place of destination.	
	[e] Contacted own diplomatic mission accredited to the place of destination.	
	[f] Contacted the Permanent Bureau.	
	[g] No action taken.	
	[h] Other.	
	[i] Unknown.	
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[a] Yes. <i>Yes. The Brazilian embassy once approached us about the procedure for issuing Apostilles.</i>	
34. Has an Apostille <i>received</i> by your authorities ever been refused on the following grounds:	[a] The issuing State was not a Contracting Party to the Apostille Convention.	
	[b] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[c] The manner in which the Apostille was affixed / attached to the underlying document.	X
	[d] The Apostille was not signed.	
	[e] One or more of the standard informational items were not filled in.	X
	[f] The Apostille was in electronic form (<i>an e-Apostille</i>).	

	[g] The underlying public document was in electronic form.	
	[h] The underlying public document had expired / was not issued within a certain timeframe.	
	[i] The underlying document was not a public document under the law of the destination.	
	[j] Other.	
	[k] Unknown.	
	[l] No / Not applicable.	
Miscellaneous		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[a] Yes, if possible, in person.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[a] Yes. <i>Interpreting the content of the Apostille convention as well as its guide book remains a challenge. The wording in these documents is too technical to grasp.</i>	
37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[a] Yes. <i>The Bureau should hold regular training/seminars with states on the operation of the Apostille convention.</i>	
38. Would you be interested in attending the 12 th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[a] Yes, if possible, in person.	