



United Nation of Nuwaupia

A declaration to be used in the United Nation of Nuwaupia came before me during the month of June 2012. The matter was discussed on Notary-talk and number of notaries were of the view that it is something to which notaries should not add their credibility. It was researched that Nuwaupians are a group of Black Muslims lead by Dwight York in the '60s and who is now in prison. Orthodox black Muslims dismiss them as 'fake Muslims.' However some notaries were of the view that as long as violence and fraud is not involved (and one could not see anything on the internet to suggest that they are) it seems that a notary should perform the requested notarial act by a person reasonably and lawfully requesting it (NPR 3). Interestingly it was felt by a few notaries that it does not seem to come into the category of bogus documents which are designed as an attempt to avoid obligations to the State.

On the face of it there would seem to be the fundamental question of whether or not notarial involvement has any role to play in this scenario. We have two principles that can seem to some somewhat in conflict with one another: that we should serve all those who reasonably require us to do so; and that we should not become embroiled in activities that are unlawful or have any other anti-state or generally turpitudinous intent behind them. Signing up to become, or to confirm being, a Nuwaupian does not seem to me to be one of these latter activities per se. This rather begs the question though, of what we ought to do about situations which we judge to be of no material effect or to be nonsensical, deluded, or mischievous. There is no definition of what constitutes a professional approach to conducting one's business.

On the one hand it was argued that if a party wishes to have an act notarially witnessed then they are entitled; on the other hand the argument might be that it is less than professional to receive a professional reward for a patently nonsensical act. That is at least as extreme as a desire to be a Nuwapien, it was thought.

It was further discussed whether we owe our first duty to the transaction? What is the transaction? An oath swearing loyalty to the Head of a non-existent state. Now that is an interesting question. Is it necessary for there to be a 'transaction' involved in everything we do? Some situations could be envisaged that are purely declaratory in character and not designed to further a particular purpose. Should notaries then, decline to assist a person who genuinely wishes to record a belief or a wish and have a formal record of them having done so? A Statutory Declaration is not inherently apt for such situations, so there is not a ready alternative.

Perhaps there is no right or wrong answer to this and each one of us is entitled to either perform a notarial act or decline to act. However one has to make sure that the Practice Rules are not breached by either performing or declining a notarial act in any situation. On this occasion I decided to notarise the declaration in question.

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