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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**THE ORGANISATION AND FUNCTIONS OF THE OFFICE OF THE
MINISTRY OF FOREIGN AFFAIRS LEGAL ADVISER**

REPLY BY MALTA

Memorandum prepared by the Secretariat of the CAHDI

MALTA

Legal advice to Government in Malta is mainly given by the Office of the Attorney General. This is a centralised system through which this Office gives legal advice and assistance to the different Ministries as requested. Though some Ministries do employ their own in house lawyers, these are a minority and most Ministries seek advice from the Office of the Attorney General. The Ministry of Foreign Affairs in Malta employs in house lawyers but most of them perform diplomatic duties. So the main legal adviser to the Ministry of Foreign Affairs in Malta is the Office of the Attorney General (OAG).

The OAG in Malta is an independent agency set up by law and headed by the Attorney General. The AG has the role of the main prosecutor of the state as well as the main legal advisor to Government. The AG is assisted by a Deputy Attorney General, Assistants to the Attorney General, senior lawyers, lawyers, and junior lawyers, as well as legal procurators and clerical staff. Lawyers are divided into three main sections: criminal law matters, civil/administrative law matters, and European Union matters, while both criminal and civil/administrative law sections have their own international law sections.

The OAG gives the following legal services to the Ministry of Foreign Affairs:

- legal advice as to ratification of treaties and international agreements
- legal advice related to the implementation of treaties to which Malta is a party
- legal advice related to administrative and other problems
- representation in court
- drafting of legislation

The OAG also represents Government in cases before the European Court of Human Rights as well as in human rights cases before Maltese courts.

The OAG has very good relations with the Chamber of Advocates, the Chamber of Legal Procurators, private law firms and private lawyers as well as with the University of Malta and other academics. Formal and informal discussions take place on a regular basis so that the laws and legal system in Malta is always improved.