

September 2014

## GERMANY

### 1. What is the title, rank and position of the Legal Adviser?

The Legal Adviser holds the position of a director-general. The position is assigned to regular career diplomats, and is subject to the principle of rotation. There is no recruitment from outside the Foreign Service.

### 2. What are the principal functions of the OLA?

The Legal Adviser heads the Legal Directorate-General. He provides guidance on issues of public international law. In addition to those functions traditionally associated with the position of "Legal Adviser", he or she is responsible for consular affairs as well as issues of constitutional and administrative law. The Legal Adviser presents the Federal Government's position on issues of public international law in Parliament and, on request, before the Federal Constitutional Court. Additionally, the Legal Adviser represents German interests at international conferences and in international organizations. He or she is the agent of Germany in proceedings before the ICJ (Proceedings before the ECJ and the ECHR fall within the responsibility of the Ministry of Finance and the Ministry of Justice, respectively).

### 3. Please give a brief description of staff employed by the OLA, including overseas staff. What is the distribution of posts between men and women within the OLA and what category of staff do they respectively belong to?

Currently, there are about 40 career diplomats working at the Legal Directorate-General at the headquarters in Berlin. While it is in principle not necessary that they are qualified to practice law in Germany, most of the members of the Legal Directorate-General are qualified lawyers under German law.

There are legal advisers at the German Mission to the UN in New York and at the German Embassy in The Hague. In addition, most Embassies and all Consulates deal with consular and other legal affairs on a daily basis.

Diplomatic Stream: Total 109; Male 87, Female 22

Consular Stream: Total 492; Male 219; Female 273

Executive Assistance Branch: Total 1474; Male 443; Female 1031

### 4. Are there any specific recruitment and promotion policies, provisions and/or quotas to ensure non-discrimination and equal opportunities, e.g. for the underrepresented sex, for persons with disabilities or for persons belonging to ethnic or religious minorities or of immigrant origin?

For the Federal Foreign Office as a whole, the proportion of women is to be increased in the areas in which they are underrepresented. Women are therefore expressly encouraged to apply. The Act on Gender Equality stipulates that in the case of equal suitability, they are to be given preference.

Applications from persons of migrant origin are expressly welcomed. Persons of migrant origin possess language skills and knowledge of other cultures which we can put to good use in the foreign service. The diversity in our society should be reflected in the public sector. We intend to step up our activities in this area within the diplomatic stream.

The Federal Foreign Office gives preference to severely disabled applicants in the case of equal suitability in accordance with the provisions of the Social Code, Book nine (SGB IX [http://www.gesetze-im-internet.de/sgb9ua\\_ndg/index.html](http://www.gesetze-im-internet.de/sgb9ua_ndg/index.html) only German language version available).

**5. Is OLA staff trained on gender equality issues and are these issues mainstreamed into the OLA's work?**

Gender equality issues are mainstreamed into all internal leadership training programmes. In addition, the foreign office academy offers access to any external training opportunity on gender issues available.

**6. Briefly describe the organisation and structure of the OLA.**

The Legal Adviser is head of the Legal Directorate-General. The Directorate-General currently comprises two task forces - Task Force for the ICC/Commissioner for the ICC and Task Force for the Parliamentary Commission of Enquiry on Visa – and twelve divisions with the following responsibilities:

- General International Law, Legal issues ensuing from the German reunification
- International Treaties
- Law of Diplomatic and Consular Relations and of relations with International Organizations
- Legal Status of Foreign Forces, Legal Status of the Federal Armed Forces and Police on Missions abroad, Property issues ensuing from the two World Wars and National Socialist Injustice
- Antarctic and special Areas of International Law (Law of the Sea, Law of the Aerospace, Law of International Environmental Protection, Law on International Watercourses)
- Constitutional and Administrative Law
- Criminal Law, International Tax and Customs Law
- Private International Law, Civil Law, Mercantile and Commercial Law
- Foreigners Law incl. Asylum Law, Visa Law, Policy on Foreigners
- Visa Law: Specific Cases and Proceedings in Contentious Administrative Matters relating to Visa
- Labour, Social and Health Law, Borders of the Federal Republic of Germany, Agreements for the Protection of Classified Material
- Emergency Assistance for Germans Abroad – Financial Assistance in Emergency Situations, Evacuation, Missing Persons Searches, Assistance with the Repatriation of Deceased Persons, Aid Institutions and Social Welfare of Germans Abroad

**7. What is the OLA's place within the Ministry of Foreign Affairs?**

In total, there are eleven Directorates-General within the Federal Foreign Office. The Legal Directorate-General acts under the supervision of one of the two Secretaries of State.

**8. What are the main contacts of the OLA within Government?**

The Legal Adviser provides legal advice on questions of public international law within the Foreign Office as well as to other bodies and institutions.

**9. Please describe the relations of the OLA with lawyers in private practice, academics and legal institutions.**

The Legal Adviser and other senior members of the Legal Directorate-General participate in scientific conferences and meetings. They are in regular contact with German and international research institutes. Depending on the subject matters, contacts to research institutes, scholars or private law firms may be established. An Advisory Committee on Public International Law comprising prominent German scholars of international law meets regularly with the Legal Adviser to discuss current issues of public international law.

**10. Please provide a brief bibliography on the OLA, if available.**

Albrecht Lohmann; *Das Auswärtige Amt*; 2. Ed.1974

Gerd Westdickenberg; *Deutschland klagt vor dem Internationalen Gerichtshof*; in: Enrico Brandt/Christian Buck; *Auswärtiges Amt, Diplomatie als Beruf*; 3. Ed. 2003