

September 2014

## MINTENEGRO

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

In accordance with the Internal Organization and Systematization Act of the Ministry of Foreign Affairs and European Integration of Montenegro, the Office of the Legal Adviser has not been grouped as a separate unit of organization. Instead, it is provided that the Head of International Law Department, being a part of the Foreign Minister's Cabinet, exercises duties relating to the implementation of international law and its institutes within most of the foreign policy activities of Montenegro.

The Head of the International Law Department holds the position of high-ranking diplomat, usually being Minister-counselor or Ambassador.

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

The most important functions of the International Law Department comprise preparing legal opinions and advices as regards to the process of entering of Montenegro into the international bilateral and multilateral treaty relations, at governmental and administrative level respectively. It carries out a wide range of duties related to international and national law, especially taking care about the procedure of concluding, signing, ratification and acceptance of treaties and international agreements, giving legal advices related to the implementation of treaties to which Montenegro has already become a party, as well as preparing the opinions on initiatives of the state administration for entering into international agreements and drafting national legislation in this field.

Representatives of the International Law Department are directly involved in numerous working teams and delegations included in the process of the negotiation and drafting of international agreements.

With regard to main objectives of foreign policy of Montenegro, the Head of International Law Department is taking care of process of consolidation of bilateral treaty base and succession of Montenegro to international agreements concluded by former Yugoslavia and State Union of Serbia and Montenegro.

### 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?

The International Law Department, at this moment, has five diplomats employed. All of them are lawyers specialized for international law.

The International Law Department has no overseas staff, although there are several positions of legal advisers within the embassies and permanent missions of Montenegro abroad.

The International Law Department, at this moment employs four women and one man, including the Head. All employees in the International Law Department are members of Diplomatic Service.

**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?**

The Ministry of Foreign Affairs and European Integration of Montenegro implements a policy of employing staff in accordance with the principles of non-discrimination and equal opportunities for employment.

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

The Ministry of Foreign Affairs and European Integration of Montenegro, in accordance with the policy of the Government of Montenegro consistently follows the policy of gender equality, throughout its entire organization, including International Law Department.

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

The International Law Department is an integral part of the Cabinet of the Minister of Foreign Affairs and acts as a separate unit of organization subordinated only to the Minister. Due to the fact concerning the number of employees at this moment, there hasn't been made any structural division within the International Law Department.

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

In accordance with the Internal Organization and Systematization Act of the Ministry of Foreign Affairs and European Integration of Montenegro, the Office of the Legal Adviser has not been grouped as a separate unit of organization. Instead, it is provided that the Head of International Law Department, being a part of the Foreign Minister's Cabinet, exercises duties relating to the implementation of international law and its institutes within most of the foreign policy activities of Montenegro.

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

The International Law Department is directly included in all activities of the Government of Montenegro in the field of international treaty relations. Within its jurisdiction, it prepares legal opinions and advices and coordinates activities in the field of initiating and concluding international agreements, within their respective competence. On day to day basis it directly communicates and cooperates with focal points from other ministries and other governmental institutions, appointed for the issues of the international cooperation.

The Head of International Law Department participates in the work of the Government and Parliamentary Committees whenever is discussed any issue in the field of international law and cooperation.

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

The International Law Department maintain regular and close relations with the experts in the field of international public and private law, at national, as well as at international level. If necessary, experts from academics and legal institutions are consulted on technical issues within their narrow area of expertise.

Together with the experts from other governmental institutions, the Head of International Law Department regularly participates in lectures, conferences and seminars held in the field

of international law, contributing to the enhancement of knowledge and skills of public servants, as well as public administration of Montenegro as a whole, in this field.

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

Having in mind the relatively short period of Montenegrin independence, unfortunately, at the moment, a bibliography of the International Law Department is not available.