

September 2014

AUSTRIA

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

The Legal Adviser holds the rank of a “head of group” (in-between director-general and head of department) in the Ministry (see below point 5) and is entitled to carry the title “ambassador”.

2. What are the principal functions of the OLA?

The main task of the OLA is to provide legal advice to the Minister and to other services of the Ministry on issues of public international law, European law, human rights law, and international humanitarian law, as well as on international aspects of constitutional and other fields of municipal law. Additionally, the OLA advises other ministries on issues of international and European law.

The Legal Adviser represents Austria in certain proceedings before international courts and tribunals (e.g. ICJ and ECtHR, but not ECJ) and certain treaty bodies. The Legal Adviser and/or the members of the OLA attend international conferences concerning matters of international and European law.

The OLA is also actively involved in the formulation of Austria’s international human rights policy (including co-ordination within the EU) and its presentation at the multilateral and bilateral levels. Together with the Constitutional Law Service of the Federal Chancellery it co-ordinates the implementation of Austria’s international obligations in the field of human rights.

The Treaty Office within the OLA administers the procedural aspects of the conclusion of treaties and keeps a list of the treaties concluded by Austria. In certain cases it fulfils depositary functions.

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 20 university graduates, mostly lawyers, working in the OLA in Vienna. The Austrian diplomatic service has no special career track for lawyers and expects every diplomat to be a generalist. However, diplomats who have worked as a lawyer in the OLA tend to return to the OLA during their career. Since there is no special career track for lawyers, there are no postings abroad formally reserved for lawyers. Nevertheless there are some postings that require legal expertise and are usually for diplomats who have worked in the OLA (e.g. postings at the permanent missions to the UN in New York and Geneva or at the Permanent Representation in Brussels).

There are currently 12 female and 6 male academic staff working in the OLA. The Legal Adviser and 2 heads of department are male. 3 out of 5 heads of sub-department are female. In addition, the support staff of the OLA consists of 7 women.

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?

There is a plan on the promotion of women setting gender quotas for the different categories of staff in the ministry. Also, the general rules for the employment of persons with disabilities apply.

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

OLA staff undergoes the general training in the ministry, including training on gender equality issues. A sub-department of the human resources department is competent for gender mainstreaming in the ministry. In addition, the sub-department on international women's issues is located in the OLA, which is mainstreaming these issues into Austrian foreign policy.

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

The OLA consists of three departments: the department for general international law (covering also the international aspects of constitutional and municipal law), the department for European law, and the department for human rights law and international humanitarian law.

Each department has one or more sub-departments for specialised areas: Treaty Office, multilateral legal issues, economic and environmental law, legal issues of EU institutions, minorities, and gender issues.

Additionally, the OLA is supported by a consultant, normally a professor of international law. Currently, the consultant is Professor Hafner of the University of Vienna.

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

The Ministry consists of eight directorates-general ("sections") each of which has several departments. In two cases, departments within a section having a strong thematic link (like the three departments of the OLA) are put together in a "group".

The OLA is a group directly under the Secretary General of the Ministry and head of the central Section I.

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

The OLA is the principal service within the Government for issues of public international law, general European law and international human rights law. It advises other ministries when they have to deal with these issues.

The OLA has privileged contacts with the other legal services of the Government, in particular with the Constitutional Law Service at the Federal Chancellery, the Ministry of Justice and the State Attorneys (Finanzprokuratur) at the Ministry of Finance.

When the Legal Adviser represents Austria in certain legal proceedings before international courts and tribunals, he acts as an agent for the Government (see above point 2).

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

The OLA is approached on a regular basis by Austrian private lawyers when they have to deal with issues of public international law. In certain law-suits against Austria abroad the OLA liaises with the private lawyers representing Austria in these suits.

The OLA enjoys a close relationship with the academic world. Members of the OLA teach at the Diplomatic Academy in Vienna and at Austrian universities, participate in the annual Austrian conference of international lawyers (Völkerrechtstag) and meet with academics on a regular basis to discuss current issues of international law and European law. University assistants working in the field of international law have the possibility to work in the OLA for a certain time. Some of them later join the diplomatic service and work in the OLA.

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

None available.