

March 2014

BELARUS

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

The legal adviser's title is the Director of General Department of Legal Affairs and Treaties of the Ministry of Foreign Affairs of the Republic of Belarus. The Director of General Department of Legal Affairs and Treaties is currently a member of the MFA Collegial Board entrusted with the task of considering the most significant matters of foreign policy and external economic relations as well as a member of the MFA personnel assessment, recruiting and posting commissions. The Director is also a member of several inter-ministerial committees and national commissions, including, the Commission on the Implementation of International Humanitarian Law to the Government of the Republic of Belarus.

The Director daily contacts the First Deputy Minister for Foreign Affairs and in urgent cases can report directly to the Minister. The Director also provides advice and report to the Deputy Minister for Foreign Affairs who holds responsible for the development of external economic relations.

2. What are the principal functions of the OLA?

The General Department, through its Treaty Directorate, is actively engaged in the performing of the MFA responsibility for the methodological and thematic coordination of the work of governmental agencies concerned in the treaty-making area. For this purpose the General Department monitors and ensures the observance of internal procedures for negotiating and signing treaties as well as expressing consent to be bound by the treaties.

The General Department reviews the draft negotiating treaties, provides the opinions on their compliance with international obligations undertaken by the Republic of Belarus, maintains the database and registry of treaties and their drafts, acts as a depositary and advises on the questions of interpretation and implementation of treaties.

The ministries and other governmental agencies annually submit progress reports about the negotiation, conclusion and implementation of treaties that are examined by the MFA, through both the Treaty Directorate and respective political and functional departments. The Treaty Directorate prepares a comprehensive report on the conclusion and implementation of treaties with concrete proposals related to the treaty-making and implementation processes. The report is submitted by the MFA to the Government that gives relevant recommendations to governmental agencies and informs the President of the Republic of Belarus about trends and problems in the field.

The Treaty Directorate provides legal expertise on different aspects of international trade and investment law and has the responsibility for negotiating trade and economic agreements and bilateral investment protection treaties. The Treaty Directorate also consults other political and functional departments of the MFA and other state bodies on legal aspects of functioning of various international organizations as well as on current trends of public and private international law, upholds the participation of Belarus in the codification and progressive development of international law.

The Legal Directorate reviews the draft legislation on external economic relations, examines draft national legal acts to ensure their conformity with international treaty obligations, including the obligations within the Customs Union within the Eurasian Economic Community, as well as provides services on legal issues related to labor relations, human resources, acquisition and maintenance of real property abroad, procurement and finance. The Legal Directorate is responsible for preparation of drafts of the MFA legal acts, ensures their compliance with the laws and regulations of the Republic of Belarus. The lawyers of the Legal Directorate represent the MFA in other state agencies and bodies, including courts. The Directorate is also responsible for reviewing appeals of natural and juridical persons addressed to the Ministry.

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 General Department of Legal Affairs and Treaties currently comprises 19 persons, including 16 lawyers, most of whom are also rotational diplomatic service officers having diplomatic ranks and civil servants classes. The General Department also has the positions of secretary and editor of treaties and legal instruments. The gender balance is 60/40.

The staff of the General Department is usually recruited from outside government or from other state bodies. The selection process for the position within the General Department is competitive. All legal offices hold law degrees from recognized Belarusian and foreign law schools (universities), including advanced degrees (LLM or Ph.D.), and possess knowledge of various branches of public or private international law and at least two foreign languages (one of which is English).

The staff of the Legal Directorate of the General Department should additionally possess a good knowledge of national legislation, in particular, in the area of civil and employment law. Legal officers of the General Department are usually rotated abroad to work as a diplomats or consular officers at Belarusian diplomatic or consular missions. The personnel of the MFA General Department of Legal Affairs and Treaties staff some positions at the permanent missions of Belarus to the United Nations in New York and Geneva.

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?

n/a

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

n/a

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

The General Department of Legal Affairs and Treaties is divided into two Directorates – the Treaty Directorate, the Legal Directorate. The Director is in charge of overall management of General Department and performs different functions related to the treaty-making process, international obligations of Belarus and consults on the questions of public and private international law, international economic law and foreign trade legislation as well as on domestic legal issues within the Ministry's mandate.

The head of each Directorate reports directly to the Director (legal adviser). The Deputy Director of the General Department supervises both directorates on some priority matters of their cross competencies.

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

The General Department of Legal Affairs and Treaties is one of the functional departments of the MFA.

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

The General Department contacts on daily basis with relevant departments of the ministries and agencies of the Government, the Parliament (the House of Representatives and the Council of the Republic), the Presidential Office and other state bodies.

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

The General Department of Treaties and Legal Affairs maintains active contacts with academic circles and professional legal community and actively co-operates with state authorities, institutions and universities in the process of legal research. It has close scientific contacts with the National Centre of Legislation and Legal Studies of the Republic of Belarus.

The General Department prepares publications in mass media. It also organizes workshops dedicated to problems of international law. Some Department's officials deliver lectures on current problems of international law at Belarusian universities and institutions. The General Department also applies to the services of lawyers in private practice, if necessary.

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

Bibliography on the General Department of Treaties and Legal Affairs is not available.