

REPLY TO THE QUESTIONNAIRE ON THE ORGANISATIONS AND FUNCTIONS OF THE OFFICE OF THE LEGAL ADVISER OF THE MINISTRY OF FOREIGN AFFAIRS

SERBIA

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

In the Ministry of Foreign Affairs of the Republic of Serbia there are the Chief Legal Adviser as the legal adviser to the Cabinet of Minister for Foreign Affairs and Legal Adviser who is the Head of the International Legal and Treaty Division as a part of the Consular Department. Both are the high-ranking diplomats, usually ambassadors.

2. What are the principal functions of the OLA?

The principal function of the Office of the Legal Adviser is to prepare the entire process of the conclusion of international treaties and agreements where the Republic of Serbia is a contracting Party (legal opinion on treaty, approval by the Government in principle before signature, preparing the full powers, signature and entry into force procedures). It also keeps the register and acts as a guardian of the treaties. The Legal Adviser or his deputies attend meetings of the Parliament committees and the plenary Parliament sessions concerning the approval of treaties.

The OLA has a very important role in providing legal advice to the Minister for Foreign Affairs and other Departments within the Ministry of Foreign Affairs on issues of public and private international law, human rights law, international humanitarian law and EU law as well as on international aspects of constitutional law. It also provides legal advice to all other Ministries of the Government, assists with drafting the texts of the agreements, the administrative procedure with regard to their conclusion and ratification in the Government or the Parliament. It also prepares legal analyses, reports and other information for the Ministry of Foreign Affairs, other bodies of the Government, and the Parliament.

The OLA has the role to monitor international judicial disputes before the international courts and tribunals and give a legal support to the General Attorney Office, authorized to represent the Republic of Serbia before the domestic and international courts.

The Legal Adviser and members of the Office frequently attend conferences and meetings in Serbia and abroad concerning matters of international law.

Head of OLA is the president of National Commission on international humanitarian law.

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?

There are currently 10 lawyers (3 lawyers has been engaged by contract) working in the International Legal and Treaty Division in Belgrade. The Chief Legal Adviser has been assisted by 3 additional lawyers (engaged by contract). Traditionally, the diplomatic post of the legal adviser in

the Serbian embassy to the Netherlands is attributed to the Legal and Treaty Division. There are currently 6 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 no need for specific recruitment and promotion policies to facilitate diversity within the department. The recruitment and promotion in OLA is based on general principle of non-discrimination. Both genders are equally represented.

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

There is no specific training on gender equality issues.

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

The Legal and Treaty Division has three units: the Unit for general issues on Public International Law, the Unit for judicial disputes and the Unit on the international treaty issues. Legal advisers assigned to these units are, however, expected to take on a variety of work from different areas of law. The work of the office is supported by a Secretariat composed of 2 officials.

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

The International Legal and Treaty Division as a part of the Consular Department. However, its competences extend over all other directorates of the MFA when issues are related to international public law.

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

The OLA has close contacts mostly with the Government Office for Legislation and the relevant departments of the ministries and agencies of the Government concerning the issues of the public international law and national law.

The OLA has a general advisory role and must be consulted in advance on all the international treaties, entered into by the Government, before their conclusion.

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

The OLA consults with the International Law Professors at the Law Faculty of the University of Belgrade, and often engage them as consultants.

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

No bibliography is available.