



September 2011

SERBIA

1. Title, rank and position of the Legal Adviser

According to the Regulation on Internal organisation of the Ministry of Foreign Affairs, the Chief Legal Adviser has the rank of an Ambassador or Minister-Counsellor.

The position of the Chief Legal Adviser is classified as a post within the Foreign Minister's Office.

In his/her activities the Chief Legal Adviser cooperates with the Department of International Legal Affairs (DILA) which is under the MFA's General Secretariat.

Eminent legal experts in public international law are by and large appointed to this position, but it may also be held by a career diplomat with a legal background and having experience with cases before international courts or tribunals.

2. What are the principal functions of the Office of the Legal Adviser?

The principal functions of the Chief Legal Adviser are as follows: to prepare opinions and propose positions regarding issues related to public international law having a bearing on the definition and conduct of the Republic of Serbia's foreign policy; to examine and review the most important issues relating to the membership and activity of the Republic of Serbia in the United Nations and other international organisations; to coordinate the work done by international councillors and lawyers retained for the needs of the Ministry of Foreign Affairs; to participate at international conferences and be present at international bilateral negotiations; to collaborate with, direct and give professionally authoritative instructions to the officers of the Department of International Legal Affairs; to act for and on behalf of the Republic of Serbia in international disputes referred to arbitration or brought before international courts or tribunals; to perform other duties and exercise other functions as delegated to him/her by the Minister.

The Department of International Legal Affairs carries out a wide range of duties related to international and national law. This Department, at the request of other governmental agencies and other MFA organisational units, gives an opinion on matters concerning: both public and private international law; interpretation in the application of international instruments; demarcation and succession; status of international organisations and their offices in the Republic of Serbia. The Department also has the responsibility to provide opinion on draft texts of international agreements and other international documents and to take part in the negotiation, conclusion and ratification of international multilateral and bilateral agreements; to give its advice and opinion on the laws and other regulations containing a foreign element. DILA cooperates with international judicial authorities: the International Criminal Tribunal for the Former Yugoslavia (ICTY), International Court of Justice (ICJ), International Criminal Court (ICC) and the European Court of Human Rights (ECHR); to follow the work of international organisations and bodies concerned with private international and commercial law (HCCH and UNICITRAL); to perform other functions related

to the EU integration process. The Department has a collection or series of international treaties signed by the Republic of Serbia.

3. Number of lawyers including overseas staff

The functions of the Chief Legal Adviser have not been grouped as a separate unit of organisation. However, according to the Regulation on Internal organisation of the Ministry of Foreign Affairs, CLA cooperates and gives directional and authoritative instructions to the officers working in DILA.

DILA has 12 classified posts for lawyer diplomats, of which one is the position of the Head of the Department (having the rank of a Minister-Counsellor). DILA also has two secretaries.

4. Organisation of the Legal Office

DILA consists of three organisational units: one section and two groups, namely:

- International Treaties Section;
- Group for International Judicial Institutions;
- Group for the Law of International Organisations and General Affairs.

5. What is the OLA's place within the MFA?

The position of the CLA has been classified and attached to the Foreign Minister's Office. However, it has not been turned into a separate unit of organisation, such as an office. Nevertheless, CLA cooperates with DILA and the other MFA organisational units.

DILA acts as a separate unit of organisation under the MFA's General Secretariat.

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

The Chief Legal Adviser cooperates with the Ministries of the Serbian Government and with the other Government Administration authorities and bodies established by the Government of the Republic of Serbia.

DILA gives its international legal advice and opinion to other Ministries when they enter into international agreements falling in their competence. The Head of DILA participates in the work of the Government and Parliamentary Committees when they discuss documents with an international aspect.

7. Relations with lawyers in private practice, academics and legal institutions

The current Chief Legal Adviser is an LLD and Professor of Public International Law and the Law of European Union at the Belgrade University Faculty of Political Sciences.

The Chief Legal Adviser and the Department of International Legal Affairs have professional contacts with the Institutes and Universities of the Republic of Serbia.

The current office incumbent also has relations with other academic structures and university schools and is a member of the following professional associations: the Yugoslav International Law Association and the EU Law Association.

8. Please provide a brief bibliography of the OLA, if available