



November 2005

## **ALBANIA**

### **1. Title of the Legal Adviser and the legal Office?**

Legal Adviser to the Ministry of Foreign Affairs of the Republic of Albania holds the rank of a Director within the MFA and is the head of Legal Issues and Treaties Department (LITD). The Legal Advisers are part of the diplomatic service.

### **2. Principal functions**

The principal function of the LITD is to give legal opinion and expertise on the issues of public international law, or national law to the Minister, other departments of the MFA and to the other Governmental Institutions, as well as the representation of the Republic of Albania at international conferences and negotiations regarding international acts.

According to the law No.8371, date 9.07.1998 "On the conclusion of treaties and international agreements" the Ministry of Foreign Affairs (the Legal Issues and Treaties Department) is the authority which coordinates the process of concluding international treaties and bilateral agreements.

In this regard, the LITD organises its work in:

- The bilateral agreements;
- The international conventions;
- Other issues of international public law.

The LITD gives its opinion on every bilateral and multilateral agreement, proposed either by the Albanian authorities or by any other Party before the approval of the agreement from the Council of Ministers and its signature.

It also gives its opinion for every international act in which the Republic of Albanian will become a Party.

The interested ministry must deposit the original of the signed agreement to the Ministry of Foreign Affairs, together with an explanatory note and the LITD presents to the Council of Ministers the relevant acts for ratification, accession, or approval of international agreements and treaties, within one month from their deposit.

Another important task of the Legal Issues and Treaties Department is to inform the other contracting parties for the fulfilment of the internal legal procedures necessary for an agreement to enter into force. It also prepares the instruments of ratification or accession to the international treaties ratified or approved by the Albanian Parliament or the Government, proceeding to their deposit on the competent authority.

It is also the only authority, which upon the approval of the Council of Ministers prepares the full powers to authorize the representatives of the Republic of Albania to sign bilateral agreements or multilateral conventions and to represent the Government to the activities on the international fora.

### **3. Number of lawyers including overseas staff.**

The staff of the Legal Issues and Treaties Department (LITD) consists in four diplomats, called legal experts and the head of the Department.

The other issues concerning human rights, legal representation, or domestic law are dealt within other departments in the MFA such as the Legal Representative Office to the European Court of Human Rights, the International Organizations Department, and the Office for Minorities, whose staff is composed mainly by lawyers.

There are a number of lawyers posted abroad to the Albanian Missions to the UN in New York, Council of Europe, OSCE, Albanian Embassy in Rome, Athena.

### **4. The organization and structure of LITD**

There are not separate divisions within the LITD as the number of the legal experts is limited. Two legal experts deal with bilateral agreements and the other two with international acts. They all deal with general international law issues.

LITD is the authority which give the final approval for international acts in close cooperation with the other political departments.

### **5. LITD place within the Ministry of Foreign Affairs**

As mentioned before the Legal Issues and Treaties Department is an important office of the Ministry of Foreign Affairs whose functions are not only to gave legal advise to the Minister or other leading and operative structures of the Ministry, but also to the other Governmental Institutions as well.

### **6. The main contact of the LTID within the Government**

The legal experts have close contacts with the Office of the Prime Minister for the procedures of the approval of international agreements. It's work is related with all other Ministries, especially with their International Relations and Legal Departments on international law issues and on the conclusion of bilateral agreements and acts, which object, is under their competences.

### **7. Relations of the LITD with lawyers in private practice, academics and legal institutions**

The work of legal experts of the LITD is often related with legal institutions, the private lawyers or academic lawyers in order to draw their opinion on important matters of public international law.