



November 2005

ARMENIA

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

Currently the post of the legal adviser is not envisaged in the structure of the Ministry of Foreign Affairs as such. In this case all legal matters are dealt with the ministry's legal department headed by the director. The director of the legal department is granted, as a rule, the diplomatic rank of the first secretary of first class. The director and other employees are considered as diplomatic officers and the law on diplomatic service is applicable to them.

2. What are the principal functions of the OLA?

The Legal Department of the Ministry of Foreign Affairs of Armenia:

- a) Provides and co-ordinates the work with the respective structural units of the Ministry's staff, diplomatic and consular bodies under its statute and the Law on International Treaties of the Republic of Armenia,
- b) takes initiatives for the formulation and development of the legal co-operation basis bilaterally and multilaterally with other states and international organizations, makes respective proposal in this regard jointly with other units of the Ministry,
- c) carries out international-legal expertise of the international treaties of the Republic of Armenia
- d) participates in the negotiations of the international treaties
- e) prepares the signature of the international treaties jointly with other structural units of the Ministry concerned,
- f) arranges the internal procedures for the entry into force of the international treaty, notifies the other contracting party or depositary of such procedures, may serve as a depositary of the international treaty,
- g) controls the implementation of the international treaty,
- h) initiates the approximation and compatibility proposals to bring the Armenian legislation compatible to the provisions and undertakings arising from the treaties in force in respect of Armenia,
- i) deposits the original treaties of Armenia and their true (authentic) copies, authentic translations and related documents,
- j) co-ordinates the registration of treaties with the UN Secretariat.
- j1) provides database of international treaties
- j2) co-ordinates the activities of the other governmental and local agencies and bodies

j3) organizes the publication of the treaties in force

j4) carries out international-legal expertise of the draft legislative and other acts

j5) advises on different legal matters within the ministry, to Armenian diplomatic and consular establishments, other agencies, and diplomatic corpus in Armenia when appropriate,

j6) is involved in international legal co-operation with various international non-governmental and governmental organizations, participates in the preparatory and negotiation process where legal or related questions are touched upon, liaises the Ministry and other international legal institutions,

j7) analyses the developments and practices in international law and European law

j8) presents the Ministry before the courts,

j9) prepares national reports or/and co-ordinates current work of such reports,

j10) carries out other activities as assigned under the legislation.

3. Please give a brief description of staff employed by the OLA, including overseas staff.

Employed persons are professionals with legal background who are to be recruited through open competition. They are considered as diplomatic officers and the law on diplomatic service is applicable to them. However, there exists the post of civil servant who is recruited through civil service commission and is engaged in the same work, as diplomats, of the department.

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

As was mentioned above in response to question 1 all legal matters are dealt with the ministry's legal department. The department consists of two desks;

1. Desk of the international treaties and deposit.

2. Desk of the implementation of international treaties and internal legislation.

The functions of the mentioned desks are distributed according to the bylaws of the department in the light of the functions above mentioned in response to the question 2.

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

The legal department is a structural unit of the Ministry with mainly diplomatic staff. No specific status is granted to the department in comparison with other units.

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

Main contacts are made at first with ministries concerned, where permanent engagements have Ministry of Justice and Ministry of Finance and Economy. Besides, the Ministry initiating a conclusion of a treaty is a key player. However, the Ministry of Foreign Affairs (in this case legal department) remains the main co-ordinator among other departments and ministries. Nearly all communications (Government, Presidency, Constitutional Court, Parliament etc.) relating to the treaties and legal acts arising from the treaties are made through the Ministry's legal department.

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

Main contacts with lawyers in private sector are connected with different inquiries, especially relating to the entry into force of the treaty and additional explanatory inquiries are made in respect to treaties. The department is involved in international legal co-operation with various international non-governmental and governmental organizations.

While analysing the developments and practices in international law and European law, preparing national reports or/and co-ordinating current work of such reports department actively engages in with various academic institutions (mainly universities) and specialized NGOs.

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

Please refer to question 2 above.

N.B. The Law on International Treaties of the Republic of Armenia is herewith attached to this questionnaire for information.