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AUSTRIA

1. Title, rank and position of the Legal Adviser

The Legal Adviser holds the rank of “Head of Group” (see below point 4) and is entitled to carry the title of “Ambassador”.

2. Principal functions of the OLA

The main task of the OLA is to provide legal advice to the Minister and to other services of the Ministry on issues of public international law, European law, human rights law, and international humanitarian law, as well as on international aspects of constitutional matters and domestic law. Additionally, the OLA advises other Ministries on issues of public international law, European law, human rights law, and international humanitarian law.

The Legal Adviser represents Austria in certain legal proceedings and before international courts and tribunals (e.g. ICJ and ECHR, but not ECJ). The Legal Adviser and/or the members of the OLA attend international conferences concerning matters of international law, European law and human rights and participate in bilateral and multilateral negotiations.

In the human rights field the OLA covers not only strictly legal issues but is actively involved in policy formulation and representation of Austria’s Position in multilateral fora such as the UN, the Council of Europe and the OSCE, including co-ordination among EU partners if applicable. The Human Rights Department also carries responsibility for matters pertaining to the Human Security Network.

The Treaty Office within the OLA administers the procedural aspects of the conclusion of treaties and keeps a list of the treaties concluded by Austria. In certain cases it fulfils depository functions.

3. Number of staff employed by the OLA

Currently there are about 20 University graduates, mostly lawyers, working in the OLA in Vienna. In principle, the Austrian diplomatic service has no special career track for lawyers and expects every diplomat to be a generalist. However, diplomats who have worked as a lawyer in the OLA tend to return more often to the OLA during their career in order to guarantee a certain degree of specialisation. Since there is no special career track for lawyers, there are no particular legal postings abroad. Nevertheless there are some postings that require legal expertise and that are, therefore, usually for diplomats who have worked in the OLA (e.g. postings at the Permanent Mission to the UN in New York and in Geneva or at the Permanent Representation in Brussels).

4. Organisation of the OLA

The Federal Ministry for Foreign Affairs consists of seven “sections” each of which has several departments. In some cases, departments within a section having a strong thematic link are put together in a “group”.

The OLA is a group directly under the Secretary General of the Foreign Ministry as head of the Central Section I (the present Legal Adviser also being Deputy Secretary General), consisting of three departments: the department for general international law (covering also constitutional and domestic law), the department for European law, and the department for human rights and international humanitarian law. Each department covers its specific issues and provides its respective services to the other departments in the Ministry.

Each department has one or more sub-departments for specialised areas: Treaty Office, multilateral legal issues, environmental law, EU first pillar issues, minorities, and gender issues.

Additionally, the OLA is supported by a consultant, normally a professor of international law. Currently, the consultant is Professor Hafner of the University of Vienna.

5. Place within the Ministry of Foreign Affairs

See above point 3 and 4.

6. Main contacts within Government

The OLA is the principal service within the Government for issues of public international law, general European law, international human rights law, and international humanitarian law. Therefore, the OLA advises other Ministries when they have to deal with these issues.

The OLA has privileged contacts with other legal services of the Government, in particular with the Constitutional Law Service at the Federal Chancellery, the Ministry of Justice and the State attorneys (Finanzprokurator) at the Ministry of Finance.

Since the Legal Adviser represents Austria in certain legal proceedings and before international courts and tribunals, he acts as an agent for the Government (see above point 2).

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

The OLA is approached on a regular basis by Austrian private lawyers when they have to deal with issues of public international law. In law-suits against Austria abroad the OLA liaises with the private lawyers representing Austria.

The OLA has always had a close relationship with the academic world. Members of the OLA participate in the annual Austrian conference on international law (Völkerrechtstag) and meet with academics on a regular basis to discuss current issues of international law and European law. University assistants working in the field of international law have the possibility to work in the OLA for a certain time. Some of them later join the diplomatic service and work in the OLA.

Furthermore, the Legal Adviser and some members of his staff are holding seminars on international legal issues at the Diplomatic Academy of Vienna and at Austrian universities.