



November 2005

DENMARK

1. Title, rank and position of the Legal Adviser

The Legal Adviser holds the rank of ambassador and the title of Head of Legal Service within the Ministry of Foreign Affairs.

The Head of Legal Service is a career diplomat. The Office of the Legal Adviser (OLA) comprises jurists belonging to the diplomatic staff of the Ministry of Foreign Affairs.

The Head of Legal Service reports to the State Secretary heading the North Group of the Ministry of Foreign Affairs.

2. Principal functions of the OLA

The OLA supports all other departments of the Ministry of Foreign Affairs, as well as other governmental bodies, in matters concerning international legal affairs and human rights issues. This includes providing legal and operational advice on issues of international law and Danish constitutional law related to international law as well as human rights issues.

The OLA in addition functions as an in-house legal counsel of the Ministry of Foreign Affairs concerning Danish legal issues. It provides legal and operational advice on issues of domestic law, arising in the course of the MFA's work. The OLA provides assistance and guidance for the other departments of the Ministry of Foreign Affairs concerning access to information. The OLA moreover coordinates comments by the MFA on draft legislation and interministerial hearings.

Furthermore, the OLA handles its own portfolio such as Law of the Sea, Treaty Law, Legal Aspects of International Terrorism and Humanitarian Law in Armed Conflicts. In this respect the OLA represents Denmark in international bodies such as the International Law Commission, the UN Human Rights Commission and the Sixth Committee.

The Head of Legal Service represents Denmark in various international fora on issues falling within the competences of the OLA.

The OLA acts as Agent for the Danish Government before international tribunals and other international dispute settlement bodies (e.g. the International Court of Justice, Treaty Bodies under the International Human Rights Conventions, the European Court of Justice and the European Court of Human Rights).

3. Staff employed by the OLA

There are currently 33 staff members in the OLA, of whom 19 are lawyers from the diplomatic service, 4 are administrative specialists and 10 are administrative staff.

4. The organisation and structure of the OLA

The OLA consists of three main units, each headed by a Head of Department or a Chief Adviser, who report to the Head of Legal Service:

- 1) International Law Department
- 2) EU Law Department
- 3) Human Rights Unit

5. The OLA's place within the Ministry

The OLA is placed as a functional service assisting the whole of the Ministry of Foreign Affairs. In organisational terms the OLA is placed under the State Secretary heading the North Group.

6. The main contacts of the OLA with the Government

The OLA provides advice to the Government on international law issues. As mentioned above the OLA is also the representative of the Government before international legal bodies.

7. The relations of the OLA with private lawyers, academics and legal institutions

The OLA participates actively in the legal debate both on a national and international level. A number of members of the OLA teach at universities and they participate in seminars and conferences. Members of the OLA contribute to national and international law journals. The OLA also chairs a contact group of representatives from Danish civil society, which meets at regular intervals to discuss human rights issues.