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POLAND

1. Title, rank and position of the Legal Adviser

The post of the Legal Adviser is not envisaged in the structure of the Ministry of Foreign Affairs of the Republic of Poland. The function of the Legal Adviser performs the Director of the Legal and Treaty Department (LTD).

The Director of the LTD, who daily contacts with other heads of departments and offices of the Ministry, is subordinated to the Deputy Minister of Foreign Affairs, and/or in the specific cases reports directly to the Minister and/or to his Deputies.

2. Principal functions

The main tasks of the LTD include:

- providing legal advice and giving opinions on matters of international law relating to foreign policy;
- participating and supervising all phases of the conclusion of treaties; performing the functions of depositary of treaties; keeping the Poland's Treaty Archive;
- participating in the Polish delegations to international conferences and meetings with a view to securing the correctness of Poland's position from the perspective of public international law;
- following and evaluating issues of international law and participating in works on codification and development of this law; participating in such international legal fora as the COJUR of the European Union, the CAHDI of the Council of Europe and the Sixth Committee of the General Assembly of the United Nations;
- elaborating of positions of the Republic of Poland and participating in proceedings before international and domestic courts, arbitration tribunals, and in other proceedings connected with resolution of disputes, within the competence of the Minister of Foreign Affairs; acting on behalf of Poland as agent before the European Court of Human Rights;
- providing opinions on international law's issues connected with the membership of the Republic of Poland to the European Union;
- providing diplomatic missions, consular offices and international organizations in Poland with information on the Polish law.

3. Description of staff employed by the LTD, including overseas staff

There are currently about 30 lawyers, all of them graduated in international law, working in the LTD. They are supported by 10 secretarial and registry staff.

The LTD has no special legal postings abroad. However, traditionally there are posts in some missions and embassies (e.g. Permanent Missions to the UN in New York and Geneva, Permanent Representation to the EU in Brussels, Permanent Representation to the Council of Europe in Strasbourg, Embassy in The Hague) staffed by officials with suitable legal background, usually delegated from the LTD.

4. Organization and the structure of the LTD

The LTD consists of the following units:

Division I - International Law;

Division II – Treaties;

Division III – Treaty Procedures, including Treaty Archive;

Division IV – Human Rights; and

Section I – European Law and Law of International Economic Relations,

Section II - Restitution of Cultural Goods, as well as

The Plenipotentiary of the Minister of Foreign Affairs for cases and procedures before the European Tribunal of Human Rights, and

The Plenipotentiary of the Minister of Foreign Affairs for the Restitution of Cultural Goods.

Both Plenipotentiaries are directly subordinated to the Director.

The Director heads the Department. Three Deputy Directors and Heads of the divisions and sections assist him.

5. The LTD place within the Ministry of Foreign Affairs

The LTD is one of the 13 departments of the MFA.. The tasks of the LTD are determined by the Statute of the MFA and are carried out under the supervision of the Deputy Minister of Foreign Affairs. In performing its tasks the LTD is also supervised by the Director-General of the Foreign Service on administrative, financial and personnel matters.

6. Main contacts of the LTD within the Government

In exercising its tasks the LTD contacts, in particular, relevant departments of other ministries and Government agencies, as well as parliamentary commissions, on issues related to international law and the conclusion and implementation of treaties.

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

The LTD actively interacts with lawyers in private practice, academics, legal institutions and specialized NGOs. It may hire lawyers in private practice, when need arises, to act as counsel and advocate in proceedings before international and domestic courts and tribunals. Contacts with academics take place, in particular, in the framework of the Consultative Legal Committee to the Minister of Foreign Affairs. The Committee includes the most eminent Polish legal scholars who analyse current legal problems of concern to the MFA. The Director of the LTD represents the Minister at the Committee's meetings.

Academics and other legal specialists are frequently invited to participate in the preparation of opinions and reports on international law's issues as well as to attend international conferences and meetings as members of the Polish delegations.

Lawyers from the LTD give lectures in the Diplomatic Academy, teach at universities and at other schools of higher learning as well as frequently participate in debates and conferences on topics related to their field of expertise. Many of them are members of the International Law Association.