

CORRESPONDENCE

TO THE EDITOR-IN-CHIEF

18 August 1976

Inasmuch as the July 1976 issue of the American Journal of International Law does not contain a comment from Mr. Charles Bevans, former State Department Assistant Legal Adviser for Treaty Affairs, on the Note by Mr. Schröder in the April 1976 issue on the treatymaking power of the Communist Party of the USSR, I think it appropriate to act as his surrogate.

In his Note, Mr. Schröder speculates that Mr. Brezhnev's signature on behalf of the USSR to the 1972 ABM Treaty and the Interim Agreement with the United States was accepted by the United States, in accordance with Article 7, paragraph 1(b) of the Vienna Convention on the Law of Treaties, as a new international practice. Mr. Schröder is mistaken as to the facts.

Like Mr. Schröder, I too was curious as to Mr. Brezhnev's authority to sign the agreements, and, accordingly, shortly after they were signed, I asked Mr. Bevans whether Mr. Brezhnev had produced appropriate full powers (as specified in Article 7, paragraph 1(a) of the Vienna Convention). Mr. Bevans informed me that Mr. Brezhnev had, in fact, produced full powers, signed by the Chairman of the Presidium of the Supreme Soviet of the USSR and countersigned by the Minister of Foreign Affairs of the USSR. At my request, Mr. Bevans was kind enough to provide me with copies of those full powers. The copies are attached. Also attached is a similar copy of the full powers produced by Mr. Brezhnev for the 1973 Summit meeting referred to by Mr. Schröder.

BENJAMIN FORMAN
Assistant General Counsel
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U.S. Department of Defense

THE PRESIDUM OF THE SUPREME SOVIET
OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it empowers Leonid Il'ich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign in the name of the Union of Soviet Socialist Republics the Agreements between the Union of Soviet Socialist Republics and the United States of America.

Moscow, June 12, 1973

[Stamp of the Presidium
of the Supreme Soviet]

Chairman of the Presidium of the Supreme Soviet of the USSR
[Signed] N. PODCORNÝ

Countersigned by the Minister of Foreign Affairs of the USSR
[Signed] A. GROMYKO

THE PRESIDUM OF THE SUPREME SOVIET
OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it authorizes Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign the Interim Agreement between the Union of Soviet Socialist Republics and the United States of America on Certain Measures with Respect to the Limitation of Strategic Offensive Arms.

Moscow, May 26, 1972

[Stamp of the Presidium of the Supreme Soviet
of the USSR]

Chairman of the Presidium of the Supreme Soviet of the USSR

[Signed] N. PODGORNY

Countersigned by the Minister of Foreign Affairs of the USSR
[Signed] A. GROMYKO

THE PRESIDUM OF THE SUPREME SOVIET
OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it authorizes Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Limitation of Anti-Ballistic Missile Systems.

Moscow, May 26, 1972

[Stamp of the Presidium of the Supreme Soviet
of the USSR]

Chairman of the Presidium of the Supreme Soviet of the USSR

[Signed] N. PODGORNY

Countersigned by the Minister of Foreign Affairs of the USSR
[Signed] A. GROMYKO

26 August 1976

TO THE EDITOR-IN-CHIEF

I would like to take issue with Professor Leo Gross' view¹ that the decisions of the Security Council to invite the PLO (Palestine Liberation Organization) to participate in its debates were ultra vires the powers of the Council.

The Indonesia case is a precedent of primary importance. It is, of course, distinguishable in the sense that the Netherlands had given some de facto recognition to the Indonesian Republic, while Israel refuses to recognize the Palestinians. As Dr. Gross recognized,² the decision of the Council in the Indonesia case was without prejudice to the question of the sovereignty of that Republic. The principle of the earlier case is clearly relevant:

¹ Gross, *Voting in the Security Council and the PLO*, 60 AJIL 470 (1976).

² *Id.* 477.