




United States Department of State

Washington, D.C. 20520

May 5, 1989

MEMORANDUM

TO : EB/IFD/BP - Harvey J. Winter

FROM : L/T - George Taft 

SUBJECT: Full Powers

A "full power" is issued to the U.S. representative and presented at the time of signing a treaty in order to assure the depositary or, in the case of a bilateral, the other government, that the U.S. representative possesses the necessary authority to sign. In international law the full power is formal evidence of a representative's authority to sign on behalf of his government. The 1969 Vienna Convention on Law of Treaties defines a full power as "a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty".

International law and practice recognize Heads of State, Heads of Government and Ministers of Foreign Affairs as having the authority to issue full powers. In U.S. practice full powers were issued by the President until October of 1968, at which time the President delegated authority to sign full powers to the Secretary, or in his absence, the Acting Secretary of State.

In accordance with customary U.S. treaty practice, the full power names the representative, with title, and gives a clear indication of the particular instrument or agreement which the representative is to sign. The full power includes a statement to the effect that signature of the treaty is subject to advice and consent of the Senate or other approval by the President. Full powers for representatives of the United States are prepared by this office in accordance with a prescribed style and format.

If authorization to sign a treaty or agreement given pursuant to Circular 175 procedure is subject to final approval of the text, or if the person named in the full power is under instructions to await further instructions before signing the treaty or agreement, these domestic qualifications are never to be contained in the text of the full power, which is of an international character, but rather may comprise an element of the instructions to the U.S. representative.