

# LEIDEN JOURNAL

OF

# INTERNATIONAL LAW

## Leading Articles

- The Work of the International Law Commission on 'Relations between States and International Organizations' Discontinued: an Assessment *P.H.F. Bekker*
- Intervention under Article 62 of the Statute and the Quest for Incidental Jurisdiction without the Consent of the Principal Parties *A.J.J. de Hoogh*
- International Organizations and Their Officials: to Tax or not to Tax? *S. Muller*

## Student Contributions

- A Hard Look at the Effects Doctrine of Jurisdiction in Public International Law *J. Coppel*
- Humanitarian Intervention under International Law: the Strife for Humanity *D. Schweigman*

LEIDEN UNIVERSITY

VOLUME 6 NUMBER 1

APRIL 1993

FACULTY OF LAW

# LEIDEN JOURNAL OF INTERNATIONAL LAW

## Editorial Staff

Hanneke Festen, *Chairman*  
Lydia Brewster, *Treasurer*  
Marjo van den Haspel, *Secretary*  
Renet Gunning, *Leading Articles*  
Corinne de Keuning, *Leading Articles*  
Roosmarijn Schade, *Leading Articles*  
Kareljine van Kampen, *Leading Articles*  
Raf Roelandt, *Student Contributions*  
Esther Elfers, *Student Contributions*  
Ivan O'Mahoney, *Current Legal Developments*  
Ilonka Coenraad, *Book Reviews*  
Ellen Naudts, *Book Reviews*  
Roeland van Schaik, *Final Editing*

Marcel M.T.A. Brus  
Frans G. von der Dunk  
Maarten Goedemans  
Steve Mirmina  
Sam Muller  
Roeland Reesinck  
Rosalien Schreuder  
Hanna G. Sevenster

**Board of Recommendation**  
Prof. W. Dekker (*Chairman*)  
Dr. E.H. van der Beugel  
C.D. van Boeschoten  
K.J. Cath  
Jhr. E. van Lennepe  
C.M.J.A. Moons  
Prof. J.H. Nieuwenhuis  
C.P.C.M. Oomen  
S. Patijn  
L.J.C.M. Spigt  
P.A. Wackie Eysten  
Dr. G.A. Wagner  
Dr. E.P. Wellenstein

**Board of Editors**  
Prof. P.H. Kooijmans (*Chairman*)  
P.J.G. Kapteyn  
M. van Leeuwen Boomkamp  
Prof. H.G. Schermers  
Prof. P.J. Slot  
Prof. A. van Staden  
Prof. H.A. Wassenbergh

## Aims

The Leiden Journal of International Law has been established to promote the understanding of the principles and purposes of international law and to describe current developments. The Journal aims to attract contributions from students, scholars and practitioners. Particularly, attention will be paid to publishing articles written by promising students.

## Editorial policy

The Journal is published by the Leiden Journal of International Law Foundation. The Editorial Staff is comprised of students and faculty members of Leiden University. The Journal is not an official publication of Leiden University. The opinions of the authors do not necessarily reflect the opinion of the Journal or any of its members. The Journal does not accept any responsibility for the views expressed therein.

## Subscriptions

The Leiden Journal of International Law is published semiannually in Spring and Autumn.  
Subscription prices per annual volume are:

	The Netherlands	EC	USA and other
Students	Dfl. 35	Dfl. 45	Dfl. 50
Individuals	Dfl. 55	Dfl. 70	Dfl. 75
Institutions	Dfl. 80	Dfl. 95	Dfl. 100
Single issue	Dfl. 40	Dfl. 50	Dfl. 55

All prices include postage and handling. Payments can be made by bank draft, personal cheque, national giro, credit card or international money order in Dutch guilders only. Single issues are available from the editorial office. If notice of termination is not received before the expiry of a subscription, it will be renewed automatically. Claims for missing issues will only be considered if made immediately on receipt of the subsequent issue.

## Advertising

Current rates and specifications may be obtained by writing to the Secretary at the address below.

Manuscripts, books for review and correspondence should be addressed to the Secretary of the Leiden Journal of International Law.

P.O. Box 9520  
2300 RA Leiden  
The Netherlands

Tel: (31)-(0)71-277664  
Telex:39427 burul nl.  
Fax: (31)-(0)71-2776009  
Bank: ABN 58.09.13.813

Notes for contributors may be found on the inside back cover of the Journal.

**LEIDEN JOURNAL**

**OF**

**INTERNATIONAL LAW**

---

**PUBLISHED BY THE LEIDEN JOURNAL OF INTERNATIONAL LAW FOUNDATION**

---

---

**Volume 6, Number 1 (April 1993)**

---

ISSN 0922-1565

Copyright © 1993 Leiden Journal of International Law Foundation.

All rights reserved. No part of this Journal may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the written permission of the publisher.

This volume may be cited as  
6 LJIL (1993)

# LEIDEN JOURNAL

## OF

# INTERNATIONAL LAW

---

Volume 6

April 1993

Number 1

---

### Editorial

#### Leading Articles

- P.H.F. Bekker* The Work of the International Law Commission on 'Relations between States and International Organizations' Discontinued: an Assessment 3
- A.J.J. de Hoogh* Intervention under Article 62 of the Statute and the Quest for Incidental Jurisdiction without the Consent of the Principal Parties 17
- S. Muller* International Organizations and Their Officials: to Tax or not to Tax? 47

#### Student Contributions

- J. Coppel* A Hard Look at the Effects Doctrine of Jurisdiction in Public International Law 73
- D. Schweigman* Humanitarian Intervention under International Law: the Strife for Humanity 91

#### Current Legal Developments

- P. Mendes de Leon & S. Mirmina* The International and American Law Implications of the Bijlmer Air Disaster 111
- B. Verhage* Human Rights Excursion in Europe: the Committee for the Prevention of Torture and its Visit to the United Kingdom 123
- A. de Zayas* The Kalshoven Commission 131

#### Telders Moot Court Competition

- Excerpts from the Best Memorials, 1992 Competition 135
- The 'Golden Triangle Case' 149

**Book Reviews**

Cherif Bassiouni	Draft Statute International Criminal Tribunal ( <i>A. de Zayas</i> )	157
B. Driessen	A Concept of Nation in International Law ( <i>M.C. van Walt van Praag</i> )	161
A. Eide <i>et al.</i> (eds.)	The Universal Declaration on Human Rights - A Commentary ( <i>R. Lawson</i> )	164
D.P. Forsythe	The Politics of International Law: US Foreign Policy Reconsidered ( <i>J. Klabbers</i> )	167
	Book essay - Hedley Bull, the International Lawyer and the Use of Force ( <i>E.P.J. Myjer</i> ):	
H. Bull <i>et al.</i> (eds.)	Hugo Grotius and International Relations	
R. O'Neil <i>et al.</i> (eds.)	Hedley Bull on Arms Control	
J.D.B. Miller <i>et al.</i> (eds.)	Order and Violence, Hedley Bull and International Relations	194
J.M. Smits	Legal Aspects of Implementing International Telecommunication Links: Institutions, Regulations and Instruments ( <i>M.L. Smith</i> )	
<b>Table of Cases</b>		197

**PUBLICATION OF THIS JOURNAL IS MADE POSSIBLE BY DONATIONS  
AND SUPPORT RECEIVED FROM:**

**Van den Berch van Heemstede Stichting**  
's-Gravenhage

**M.A.O.C. Gravin van Bylandt Stichting**  
's-Gravenhage

**C & A Nederland**  
Amsterdam

**Nauta Dutilh**  
Rotterdam

**Faculteit der Rechtsgeleerdheid**  
Leiden

**Stichting Fonds Geld- en Effectenhandel**  
Amsterdam

**Adviesbureau Klijnsma & Bodes**  
's-Gravenhage

**Legatum Visserianum**  
Leiden

**Leids Universitair Fonds (LUF)**  
Leiden

**Loeff Claeys Verbeke**  
Amsterdam & Rotterdam

**Van der Mandele Stichting**  
Rotterdam

**Mobile Producing Netherlands**  
's-Gravenhage

**Philips International B.V.**  
Eindhoven

**Vereniging Vrienden van de Juridische Faculteit**  
Leiden