

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 80

July 1986

NO. 3

## CONTENTS

	PAGE
<b>Third-Party Intervention before the International Court of Justice</b>	
<i>C. M. Chinkin</i>	495
<b>The Right to Compensation: Refugees and Countries of Asylum</b>	
<i>Luke T. Lee</i>	532
<b>"Secret Wars," Self-Defense and the Charter—A Reply to Professor Moore</b>	
<i>James P. Rowles</i>	568
<b>Editorial Comment</b>	
Mr. Sofaer's War Powers "Partnership"	<i>Michael J. Glennon</i> 584
<b>Notes and Comments</b>	
The Seventh Emergency Special Session of the UN General Assembly: An Exercise in Procedural Abuse	<i>Yehuda Z. Blum</i> 587
Correspondence	600
The Francis Deák Prize	601
ASIL Awards for 1986	602
<b>Agora</b>	
Superior Orders vs. Command Responsibility	<i>Anthony D'Amato</i> 604
Some Comments on Professor D'Amato's "Paradox"	<i>Howard S. Levie</i> 608
<b>Contemporary Practice of the United States Relating to International Law</b>	
	<i>Marian Nash Leich</i> 612
<b>Judicial Decisions</b>	<i>Monroe Leigh</i> 645
<b>Current Developments</b>	
The Gulf of Sidra Incident	<i>Yehuda Z. Blum</i> 668
Investigating Allegations of Chemical or Biological Warfare: The Canadian Contribution	<i>Miriam E. Sapiro</i> 678
The IX Inter-American Indian Congress	<i>Russel Lawrence Barsh</i> 682
The Three "Theme" Special Rapporteurs of the UN Commission on Human Rights	<i>David Weissbrodt</i> 685
The New World Satellite Order: A Report from Geneva	<i>Gregory C. Staple</i> 699
1986 UNAT Elections	<i>T. M. F.</i> 720
<b>Book Reviews and Notes</b>	<i>Edited by Detlev Vagts</i>
Review Article: Lowenfeld, Andreas F. <i>International Economic Law</i> (2d ed.). 5 of 6 vols. (Cynthia C. Lichtenstein); Tillinghast, David R. <i>International Economic Law</i> (2d ed.). Vol. V (Herbert Lazerow)	722
D'Amato, Anthony. <i>Jurisprudence: A Descriptive and Normative Analysis of Law</i> (N. G. Onuf)	730

Agrawala, S. K., T. S. Rama Rao and J. N. Saxena (eds.). <i>New Horizons of International Law and Developing Countries</i> (Samuel K. B. Asante)	735
Ginther, K., and W. Benedek (eds.). <i>New Perspectives and Conceptions of International Law: An Afro-European Dialogue</i> (Samuel K. B. Asante)	735
Cot, Jean-Pierre, and Alain Pellet. <i>La Charte des Nations Unies</i> (R. St. J. Macdonald)	739
Osmańczyk, Edmund Jan. <i>The Encyclopedia of the United Nations and International Agreements</i> (Frederic L. Kirgis, Jr.)	740
Ramcharan, B. G. (ed.). <i>The Right to Life in International Law</i> (J. G. C. van Aggelen)	742
Kuper, Leo. <i>The Prevention of Genocide</i> (Benjamin B. Ferencz)	745
Bélanger, Michel. <i>Droit International de la Santé</i> (Howard C. Anawalt)	747
Friedman, Julian R., and Marc I. Sherman (comps./eds.). <i>Human Rights: An International and Comparative Law Bibliography</i> (Jack Tobin)	748
O'Keefe, P. J., and Lyndel V. Prott. <i>Law and the Cultural Heritage. Vol. I</i> (James A. R. Nafziger)	751
Fraoua, Ridha. <i>Le Trafic illicite des biens culturels et leur restitution</i> (James A. R. Nafziger)	751
Hull, Elizabeth. <i>Without Justice for All: The Constitutional Rights of Aliens</i> (Peter H. Schuck)	754
Garber, Larry. <i>Guidelines for International Election Observing</i> (Dinah Shelton)	756
Constantopoulos, D. S. <i>L'Invasion Turque à Chypre du point de vue du droit international</i> (L. C. Green)	757
Badr, Gamal Moursi. <i>State Immunity: An Analytical and Prognostic View</i> (Harold G. Maier)	758
Pisillo Mazzeschi, Riccardo. <i>Risoluzione e sospensione dei trattati per inadempimento</i> (Bruno Simma)	762
Delaume, Georges R. <i>Transnational Contracts: Law and Practice. Binder *</i> (John J. Barceló III)	764
Borrmann, Axel, and Hermann Weber. <i>Meeresforschung und Meeresfreiheit: Perspektiven nach der dritten UN-Seerechtskonferenz</i> (Alfred H. A. Soons)	765
Kline, John M. <i>International Codes and Multinational Business: Setting Guidelines for International Business Operations</i> (Cynthia Day Wallace)	767
Piradov, A. S. (ed.). <i>Mezhdunarodnoe Kosmicheskoe Pravo</i> (John N. Hazard)	770
Butler, W. E., and V. N. Kudriavtsev (eds.). <i>Comparative Law and Legal System: Historical and Socio-Legal Perspectives</i> (Peter B. Maggs)	771
<i>Foreign Relations of the United States, 1951, Volume IV: Europe: Political and Economic Developments. 2 parts</i> (Elmer Plischke)	772
<b>Briefer Notices:</b> Wajda, 775; Bastid, 776; Kurkela, 776; Anghel, 777; Coles (ed.), 778.	
<b>Books Received</b>	779

#### OFFICIAL DOCUMENTS

<b>United Nations Legal Counsel. Statement on U.S. Imposition of Ceilings on Certain UN Delegations</b>	783
<b>Case Concerning Military and Paramilitary Activities in and against Nicaragua.</b> Operative Part and Summary of the Judgment of the International Court of Justice	785
<b>International Legal Materials.</b> Contents, Vol. XXV, No. 2 (March 1986)	808

## BOARD OF EDITORS

*Editor in Chief*

THOMAS M. FRANCK

New York University School of Law

RICHARD B. BILDER  
University of Wisconsin Law School

THOMAS BUERGENTHAL  
Emory University School of Law

JONATHAN I. CHARNEY  
Vanderbilt University School of Law

ANTHONY D'AMATO  
Northwestern University  
School of Law

TOM J. FARER  
University of New Mexico

ROGER FISHER  
Harvard Law School

MICHAEL J. GLENNON  
University of Cincinnati  
College of Law

JOHN H. JACKSON  
University of Michigan Law School

HAROLD K. JACOBSON  
University of Michigan

FREDERIC L. KIRGIS, JR.  
Washington and Lee University  
School of Law

CYNTHIA C. LICHTENSTEIN  
Boston College Law School

RICHARD B. LILLICH  
University of Virginia Law School

ANDREAS F. LOWENFELD  
New York University School of Law

HAROLD G. MAIER  
Vanderbilt University School of Law

THEODOR MERON  
New York University School of Law

JOHN NORTON MOORE  
University of Virginia Law School

BERNARD H. OXMAN  
University of Miami School of Law

W. MICHAEL REISMAN  
Yale Law School

WILLIAM D. ROGERS  
Washington, D.C.

ARTHUR W. ROVINE  
New York, N.Y.

PETER D. TROOBOFF  
Washington, D.C.

DETLEV F. VAGTS  
Harvard Law School

ROBERT VON MEHREN  
New York, N.Y.

JOHN LAWRENCE HARGROVE, *Ex Officio*  
Washington, D.C.

### *Honorary Editors*

WILLIAM W. BISHOP, JR.  
University of Michigan Law School

HERBERT W. BRIGGS  
Cornell University

LEO GROSS  
Fletcher School of Law and  
Diplomacy, Tufts University

JOHN N. HAZARD  
Columbia University School of Law

LOUIS HENKIN  
Columbia University School of Law

JAMES NEVINS HYDE  
Newtown, Conn.

MONROE LEIGH  
Washington, D.C.

OLIVER J. LISSITZYN  
Columbia University School of Law

MYRES S. MCDUGAL  
Yale Law School

COVEY T. OLIVER  
University of Pennsylvania Law  
School

STEFAN A. RIESENFELD  
University of California Law School

SEYMOUR J. RUBIN  
Washington College of Law,  
American University

OSCAR SCHACHTER  
Columbia University School of Law

LOUIS B. SOHN  
University of Georgia Law School

ERIC STEIN  
University of Michigan Law School

RICHARD YOUNG  
Van Hornesville, N.Y.

*Assistant Editor*

ANNA ASCHER

*Editorial Assistant*

ANN W. NENNEMAN

*Assistant Editor Emerita*

ELEANOR H. FINCH

## The American Journal of International Law

The views expressed in the articles, editorial comments, book reviews and notes, and other contributions which appear in AJIL are those of the individual authors and are not to be taken as representing the views of the Board of Editors or the American Society of International Law.

Manuscripts in triplicate may be sent to the Editor in Chief of AJIL, Professor Thomas M. Franck, New York University School of Law, New York, N.Y. 10012. All footnotes should be typed double space at the end of the manuscript. Please do not make multiple submissions to other journals. Subscriptions, orders for back numbers, correspondence with reference to AJIL and books for review should be sent to the AMERICAN JOURNAL OF INTERNATIONAL LAW (ISSN 0002-9300), 2223 Massachusetts Avenue, N.W., Washington, D.C. 20008.

AJIL is published in January, April, July, and October and is supplied to all members of the American Society of International Law. The annual subscription to nonmembers of ASIL is \$50.00, plus \$3.20 for all foreign subscriptions. Available back numbers of AJIL will be supplied at \$11.00 each. (\$30 of membership fee is allotted to AJIL subscription.)

EDITORIAL OFFICE:  
NEW YORK UNIVERSITY SCHOOL OF LAW  
40 WASHINGTON SQUARE SOUTH  
NEW YORK, N.Y. 10012

BUSINESS OFFICE:  
2223 MASSACHUSETTS AVENUE, N.W.  
WASHINGTON, D.C. 20008

## The American Society of International Law

The American Society of International Law was organized in 1906 "to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice."

Society membership is open to all persons of whatever nationality and profession who are interested in its objectives. Dues are: regular, \$70; special category, \$30 for persons *not* resident in a member country of the Organisation for Economic Co-operation and Development; intermediate, \$30; student, \$20. Membership application form is printed at the back of each issue of AJIL.

### OFFICERS OF THE SOCIETY, 1986-1987

<i>Honorary President</i> .....	HERBERT W. BRIGGS
<i>President</i> .....	KEITH HIGHET
<i>Vice-Presidents</i> .....	FREDERIC L. KIRGIS, JR., CYNTHIA C. LICHTENSTEIN, PAUL C. SZASZ
<i>Executive Vice-President and Executive Director</i> .....	JOHN LAWRENCE HARGROVE
<i>Honorary Vice-Presidents:</i>	WILLIAM W. BISHOP, JR., MAXWELL COHEN, ARTHUR H. DEAN, EDWARD DUMBAULD, DAVID G. GILL, LEO GROSS, JOHN N. HAZARD, JAMES N. HYDE, MONROE LEIGH, CARLYLE MAW, MYRES S. MCDUGAL, COVEY T. OLIVER, FRANZ M. OPPENHEIMER, ELLIOT L. RICHARDSON, STEFAN A. RIESENFELD, WILLIAM D. ROGERS, SEYMOUR J. RUBIN, DEAN RUSK, OSCAR SCHACHTER, STEPHEN M. SCHWEBEL, LOUIS B. SOHN, ERIC STEIN, JOHN R. STEVENSON, WALTER STERLING SURREY, MARJORIE M. WHITEMAN.
<i>Secretary</i> .....	MICHAEL H. CARDOZO
<i>Treasurer</i> .....	JAMES C. CONNER
<i>Assistant Treasurer</i> .....	JOSEPH GUTTENTAG