No. 21

1977

THE JAPAN BRANCH

OF

THE INTERNATIONAL LAW ASSOCIATION

No. 21 (1977)

Articles:	
Legal Status of the Kii Channel — Limits of the Seto Inland Sea —	1 15
Notes:	
The Basic Structure of the New Regime of Passage Through International Straits — An Emerging Trend in the Third UNCLOS and Japan's Situation —	29
Japan and the Emerging Order of the Sea  — Two Maritime Laws of Japan —	48
Applicable to Maintenance Obligations Towards Children	115
Foreign Relations	125
Activities	
Activities of the International Law Association of Japan	148
Judicial Decisions in Japan:	
Supreme Court	
Supreme Court of Japan, March 19, 1976	150
High Court	
Tokyo High Court, December 19, 1974  The Law Applicable to the Creation and Effect of a Contract on Pledge on Claim — the Japanese Law Applicable to a Contract on a Fixed Deposit, the Object of Pledge, Covers All Questions Including that of Formalities.	154

Hiroshima High Court, September 11, 1975	159
I. Recognition of the Government of the People's Republic of China and the Abrogation of the Japan-Republic of China Peace Treaty — Appropriate Exercise of Foreign Power.	
II. Regarding the Japanese Government's Obligation to Compensate Japanese Nationals for the Loss of Property Rights in Taiwan as a Result of Japan's Recognition of the People's Republic of China — Government of Japan not Liable.	
District Court	
Tokyo District Court, January 29, 1976	168
Family Court	
Atami Branch of Shizuoka Family Court, May 29, 1974	178
Chronology of Japanese Foreign Affairs	182
Chronological List of Treaties and Other International Agreements Concluded by Japan in 1976	189
Documents:	
Australia	
Cultural Agreement between the Government of Japan and the Government of Australia	193
European Economic Community  2. Agreement between the Government of Japan and the European Economic Community on Trade in Textiles	195
Greece 3. Agreement between Japan and the Kingdom of Greece for Air Services	197
Hungary  4. Treaty of Commerce and Navigation between Japan and the Hungarian People's Republic	205
U.S.S.R.	
5. Agreement between Japan and the Union of Soviet Socialist Republics concerning an International Observer Scheme for Factory Ships engaged in Pelagic Whaling in the Southern Hemisphere	213
6. Agreement between Japan and the Union of Soviet Socialist Republics on the Regulation of North Pacific Whaling	216

7. Arrangement between Japan and the Union of Soviet Socialist Republics for the Regulation of Pelagic Whaling in the Southern Hemisphere.	217
8. Exchange of Notes Amending the Arrangement between Japan and the Union of	
Soviet Socialist Republics for the Regulation of Pelagic Whaling in the Southern	
Hemisphere	220
United Nations	
9. Agreement between the United Nations and Japan regarding the Headquarters of	
the United Nations University	222
Index to The Japanese Annual of International Law,	
No. 11 (1967) through No. 20 (1976):	235
1. Author Index of Articles, Notes, Practices and Activities	235
2. Systematic Subject Index of Articles, Notes, Practices and Activities	239
3. Index of Judicial Decisions	248
(a) Index of Judicial Decisions by Court	248
(b) Chronological Index of Judicial Decisions	250
(c) Subject Index of Judicial Decisions	251
4. Index of Documents (Bilateral Treaties and Other Agreements)	272
(a) Index of Documents by the Other Party	272
(b) Subject Index of Documents	277
List of Members	285

No. 22

1978

# No. 22 (1978)

Articles:	
Japan's Early Practice of International Law in Fixing Its	
Territorial Limits	1
"Naien" in Japanese Private International Law Yoshio Tameike	21
Notes:	
Waiver of War Claims in Japan	
— Problems relating to Article 19(a) of the Treaty of	
Peace with Japan —	38
The International Covenants on Human Rights and the	
Japanese Legal System	54
Nuclear Disarmament and Arms Control: A Japanese View Motoo Ogiso	75
Non-Proliferation: Risks and Controls	84
The Husband's Nationality Principle and the Equality of Both Sexes in	104
International Divorce Cases in Japan Junko Torii	104
Activities:	
Activities of the International Law Association of Japan Yozo Yokota	125
Judicial Decisions in Japan:	
Supreme Court	
Supreme Court of Japan, March 31, 1977	126
High Court	
	121
Osaka High Court, November 19, 1976  I. Internal Waters of Japan — Although the Inland Sea of Seto is not an	131
internal sea in accordance with International Custom, i,e, the Coasts of the	
Waters belong to one and the same State and the Entrances are Narrower	
than Ten Nautical Miles, it is nevertheless Internal Waters in accordance	
with Historic Practice  II. The Meaning of "Commits a Crime" in Article 1, Paragraph 2 of the	
II. The Meaning of Commus a Crime in Africia 1, Furagraph 2 of the	

Criminal Code of Japan includes an Act Committed abroad, the Outcome of which Occurs within Japan.	
Tokyo High Court, May 27, 1976	147
District Court	
Kyoto District Court, September 16, 1977	151
Tokyo District Court, November 17, 1975	157
Tokyo District Court, December 21, 1976	160
Family Court	
Tokyo Family Court, May 31, 1976	165
Chronology of Japanese Foreign Affairs (1977)	170
Chronological List of Treaties and Other International Agreements Concluded by Japan in 1977	192
Documents:	
Australia	
1. Basic Treaty of Friendship and Cooperation between Japan and Australia Canada	195
Cultural Agreement between Japan and Canada	202

Mongolia	
3. Agreement between Japan and the Mongolian People's Republic Economic Cooperation	on 205
South Africa	20)
4. Agreement on Fisheries between the Government of Japan and Government of the Republic of South Africa	the *
U.S.S.R.	207
<ul> <li>5. Agreement between Japan and the Union of Soviet Socialist Republics of cerning an International Observer Scheme for Factory Ships engaged Pelagic Whaling in the Southern Hemisphere</li> <li>6. Соглашение Между Правительством Японии и Правител</li> </ul>	in 210
ством Союза Советских Социалистических Республик о	
Рыболовстве у Побережья Японии на 1977 Год U.S.A.	213
<ol> <li>Exchange of Notes between Japan and the United States of America concerning Trade in Color Television Receivers.</li> <li>Agreement between the Government of the United States of America at the Government of Japan concerning Fisheries Off the Coasts of the United States of the United States of the United States of States of the United States of St</li></ol>	218
States of America	ted 223
International Atomic Energy Agency	,
9. Agreement between the Government of Japan and the Internation Atomic Energy Agency in Implementation of Article III, 1 and 4 of the Treaty on the Non-Proliferation of Nuclear Weapons	he
ist of Members	. 265

No. 23 1979-1980

No. 23 (1980)

Articles:	
The Treaty of Peace and Friendship of 1978 between Japan and the People's Republic of China	1 17
Dattie of Lawsuits — Lis Fendens in International Relations — I akan Sawaki	1 /
Notes:	
Treaty on Extradition between Japan and the United States Koya Matsuo	30
The Development of Peaceful Uses of Atomic Energy in Japan: Its Legal and Political Aspects	
Practice:	
Annual Review of Japanese Practice in International Law	
Shigeru Oda and Hisashi Owada	73
Activities:	
Activities of the International Law Association of Japan	144
Judicial Decisions in Japan:	
Supreme Court	4-1
Supreme Court of Japan, June 28, 1977	174
Supreme Court of Japan, October 4, 1978	176
Right of Aliens to Engage in Political Activity under the Constitution —	1,()
Alien's Stay and the Discretion of the Minister of Justice	
High Court	
Osaka High Court, September 14, 1977	184
Conflict of Laws — Article 909 of the Civil Code of the Republic of Korea is	
Rejected in Accordance with the Law Concerning Application of Laws in General (Hōrei). Article 30 [Public Policy].	
District Court	
Tokyo District Court. April 22. 1977	187
Conflict of Laws — Contract — Implied Selection of the Applicable Law	

Tokyo District Court, September 21, 1977	Character
Osaka District Court, December 22, 1977  International Civil Procedure — It is against Public Policy and Good  Japan as a Requirement of the Code of the Civil Procedure. Article  Accept a Foreign Judgment which is Contrary to a Domestic Judgment	l Morals in 200 (3), to
Chronology of Japanese Foreign Affairs (1978-1979)	cluded by Japan
Documents:	
Bangladesh  1. Agreement for the Exchange of International Money Orders between and the People's Republic of Bangladesh	ween Japan
China  2. Agreement between Japan and the People's Republic of China C  Protection of Trade Marks.	Concerning
3. 日本国和中华人民共和国和平友好条约	226
Canada	
4. Parcel Post Agreement between Japan and Canada	227
Czechoslovakia 5. Convention between Japan and the Czechoslova Socialist Return the Avoidance of Double Taxation with Respect to Taxes on Incompared to Incompared I	epublic for me 232
Egypt 6. Agreement between Japan and the Arab Republic of Egypt Conc Encouragement and Reciprocal Protection of Investment	erning the
Iraq 7. Cultural Agreement between Japan and the Republic of Iraq 8. Agreement between Japan and the Republic of Iraq for Air Service	253 es 254
Korea  9. Agreement between Japan and the Republic of Korea Concern Development of the Southern Part of the Continental Shelf Adjac Two Countries	ent to the

10.	Agreement between Japan and the Republic of Korea Concerning the Establishment of Boundary in the Northern Part of the Continental Shelf Adjacent to the Two Countries	287
USSI	3	
11.	Соглашение Между Правительством Японии и Правительством	
	Союза Советских Социалистических Республик о	
	Сотрудничестве в Области Рыбного Хозяйства	289
12.	Протокол о Порядке и Условиях Япрнского Промысла Лососей	
	в Северо-Западной Части Тихого Океана в 1979 Году	293
USA		
13.	Agreement between the Government of Japan and the Government of the	
	United States of America on Educational Exchange Programs	297
USA	& Canada	
14.	Protocol Amending the International Convention for the High Seas	
	Fisheries of the North Pacific Ocean	301
List of N	Members	318
		., 10

No. 24 1981

# No. 24 (1981)

Article: A Theoretical Approach to the Problem of the Kurile Islands Tsuruji Kotani	1
A Theoretical Approach to the Problem of the Kurne Islands Islandi Kolum	
Notes:	
The Acquisition of Japanese Nationality — Jure Sanguinis and the Constitution	10
	12 23
international Energy Froblems and Japan	2)
Practice:	
Annual Review of Japanese Practice in International Law XI (1972)	
Shigeru Oda and Hisashi Owada	52
Activities:	
Activities of the International Law Association of Japan Yozo Yokota	107
Judicial Decisions in Japan:	
Supreme Court	
Supreme Court of Japan, April 20, 1978	109
Private International Law — Law Applicable to a Pledge on Claim —	
Notification and Consent Setting up the Pledge on a Nominative Claim —	
"Formalities of a Juristic Act" as provided in Article 8 of the Law Concerning the Application of Laws in General	
the Application of Liws in General	
High Court	
Tokyo High Court, October 11, 1978	113
Public International Law — Immigration Control Order — Principle of Non-	
Extradition of Political Refugees denied — "The Democratic People's Republic of Korea" as the Destination of a Compulsory Expulsion Order issued	
against Illegal Entrant who can hardly be Recognized to be of the Nationality	
of the Republic of Korea — Special Permission of Residence for "Detached	
Family''denied	
District Court	
Osaka District Court, July 11, 1978	115
Public International Law — Immigration Control Order — Special Permission	
of Residence under Japan-Korea Agreement Concerning the Legal Status and	
the Treatment of Korean Residents in Japan — Loss of the Qualification for	
Residence	

Tokyo District Court, January 26, 1978  Insurer's Liability — Supplementary Agreement expected to be concluded under Article 3 of the Treaty of Peace between Japan and the Republic of China — Legal Effects of Japanese Entrance into Diplomatic Relations with the People's Republic of China	123
Family Court	
Morioka Family Court, May 4, 1977	136
Chronology of Japanese Foreign Affairs (1980)	140
Japan in 1980	146
Documents:	
Bangladesh  1. Agreement between Japan and the People's Republic of Bangladesh for Air	
Services	149
Canada  2. Protocol Amending the Agreement between the Government of Japan and the Government of Canada for Cooperation in the Peaceful Uses of Atomic	
Energy	157
D:::	
Fiji  3. Agreement between Fiji and Japan for Air Services	167
Finland	
4. Cultural Agreement between the Government of Japan and the Government of the Republic of Finland	174
Germany, Federal Republic of 5. Protocol Modifying and Supplementing the Agreement between Japan and the Federal Republic of Germany for the Avoidance of Double Taxation	
With Respect to Taxes on Income and to Certain Other Taxes	176
Llynger	
Hungary  6. Convention between Japan and the Hungarian People's Republic for the Avoidance of Double Taxation with Respect to Taxes on Income	181
New Zealand	
7. Agreement between New Zealand and Japan for Air Services	198

Philippines	
8. Treaty of Amity, Commerce and Navigation between Japan and the Republic of the Philippines	206
9. Convention between Japan and the Republic of the Philippines for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with	
Respect to Taxes on Income	219
Poland	
10.Treaty on Commerce and Navigation between Japan and the Polish People's Republic	240
Spain	
11 Agreement between Japan and Spain for Air Services	249
UK	
12Protocol Amending the Convention between Japan and the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to	
Taxes on Income	257
USA	
13.Treaty on Extradition between Japan and the United States of America	263
List of Members	272

No. 25 1982

No. 25 (1982)

Article:	
The Passage through the Territorial Sea of Foreign Warships Carrying Nuclear Weapons —An Interpretation of the Convention on the Territorial Sea and the	
Contiguous Zone and Its Application to the Broken Soviet Nucler-Powered Submarine—	1
The Role of Resolutions of the United Nations General Assembly in the Formative Process of International Customary Law Jutaro Higashi	11
Notes:	
To Normalize the International Whaling Commission Ribot Hatano	26
International Law Making for the New International Economic Order	45
Recognition of Foreign Governments	67
Practice:	
Annual Review of Japanese Practice in International Law XII (1973)	73
Activities:	
Activities of the International Law Association of Japan	159
Judicial Decisions in Japan	
Supreme Court	
Supreme Court of Japan, March 7, 1980	161
High Court	
Nagoya High Court, November 12, 1979	165

Tokyo High Court, June 12, 1980	170
District Court	
Kobe District Court, September 4, 1980	179
Osaka District Court, June 16, 1980	180
Tokyo District Court, October 18, 1977	183
Tokyo District Court, September 17, 1979	196
Tokyo District Court, October 30, 1979	204
Tokyo District Court, October 31, 1980	214
Chronology of Japanese Foreign Affairs (1981)	<ul><li>223</li><li>231</li></ul>
Documents:	
Argentine 1. Cultural Agreement between the Government of Japan and the Government of the Argentine Republic	234

China	
2. Agreement between the Government of Japan and the Government of China concerning Protection of Migratory Birds and their Living Environment	236
Finland 3. Agreement between Japan and the Republic of Finland for Air Services	239
France	
4. Avenant modifiant le convention entre le gouvernement du Japon et le gouvernement de la république française tendant à éviter les doubles impositions en matière d'impôts sur le revenu, signée à Paris le 27 Novembre 1964.	247
Netherlands	
5. Cultural Agreement between the Government of Japan and the Government of the Kingdom of the Netherlands	258
Singapore	
6. Protocol Amending the Convention between the Government of Japan and the Government of the Republic of Singapore for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income	261
U.K.	
7. Agreement for the Exchange of Postal Payment Orders between Japan and the United Kingdom of Great Britain and Northern Ireland	265
U.S.S.R.	
8. Protocol for the Prolongation of the Duration of the Agreement between the Government of Japan and the Government of the Union of Soviet Socialist Republics concerning Fisheries off the Coast of the Union of Soviet Socialist	
Republics in the North-west Pacific of 1977	267
9. Protocol for the Prolongation of the Duration of the Agreement between the Government of Japan and the Government of the Union of Soviet	
Socialist Republics concerning Fisheries off the Coast of Japan of 1977	.269
10. Protocol concerning Conditions and Procedures of Japanese Salmon Fisheries in the Northwest Pacific of 1981	270
List of Members	27/