

**THE
JAPANESE ANNUAL
OF
INTERNATIONAL LAW**

**No. 25
1982**

THE INTERNATIONAL LAW ASSOCIATION OF JAPAN

THE JAPANESE ANNUAL OF INTERNATIONAL LAW

No. 25 (1982)

CONTENTS

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 Nuclear-Powered Submarine— *Ko Nakamura* 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
. *Shinya Murase* 45
- Recognition of Foreign Governments *Issei Nomura* 67

Practice:

- Annual Review of Japanese Practice in International Law XII (1973)
. *Sbigeru Oda and Hisashi Owada* 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
International Law — Qualification of Residence — The Nation of the People's Democratic Republic of Korea — Application of the Law for a Disposition of Orders under Ministry of Foreign Affairs Based on Imperial Ordinances Concerning Orders to be Issued in Consequence of the Potsdam Declaration and the Immigration Control Order

High Court

- Nagoya High Court, November 12, 1979 165
Private International Law — International Adjudicatory Jurisdiction — A Case Concerning Claim for Damages against a Foreign Corporation which has place of Business in Japan

Tokyo High Court, June 12, 1980.	170
<i>Nationality — Nationality of Inhabitants of Taiwan (Formosa) — Suit for Confirmation of Japanese Nationality Dismissed — Treaty of Peace with Japan — Treaty of Peace between Japan and the Republic of China — Joint Communique of the Government of Japan and the Government of the People's Republic of China</i>	
District Court	
Kobe District Court, September 4, 1980.	179
<i>Criminal Law — Ocean Disposal of Sludge — Sentence of Imprisonment with Hard Labor</i>	
Osaka District Court, June 16, 1980	180
<i>Petition for Writ of Habeas Corpus Brought against a Person Residing in Hawaii for Unlawful Restraint without Merit</i>	
Tokyo District Court, October 18, 1977.	183
<i>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 Deportation Order Issued against Illegal Entrant Who Cannot be Recognized to Have Nationality of the Republic of Korea — Special Permission of Residence for "Detached Family" denies</i>	
Tokyo District Court, September 17, 1979.	196
<i>Private International Law — The Requisites for Recognition of a Foreign Judgment</i>	
Tokyo District Court, October 30, 1979.	204
<i>Judicial Assistance in Criminal Procedure — Legality of Commissioning a Foreign Court for Examining Witness — Acceptability as Evidence in Criminal Procedure of Testimony obtained in Exchange for Immunity from Prosecution</i>	
Tokyo District Court, October 31, 1980.	214
<i>Request for Redemption of War-time Premium-bearing Bonds Issued in Taiwan during World War II and the Plea of a Bar by the Statute of Limitation</i>	
Chronology of Japanese Foreign Affairs (1981).	223
Chronological List of Treaties and other International Agreements concluded by Japan in 1981	231
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	274