

**THE
JAPANESE ANNUAL
OF
INTERNATIONAL LAW**

**No. 37
1994**

THE INTERNATIONAL LAW ASSOCIATION OF JAPAN

THE JAPANESE ANNUAL OF INTERNATIONAL LAW

No. 37 (1994)

CONTENTS

Articles

Countermeasures in the International Legal Order	<i>Yoshiro Matsui</i>	1
Japan's Settlement of the Post-World War II Reparations and Claims	<i>Tetsuo Ito</i>	38
Concurrent Litigations in Japan and the United States	<i>Masato Dogauchi</i>	72
Cultural Property in Private International Law	<i>Jun Yokoyama</i>	95
Maritime Safety Measures and UNCLOS — Maritime Law Enforcement of Japan —	<i>Rekiso Murakami</i>	104

Book Reviews		118
--------------------	--	-----

Judicial Decisions in Japan

I. Public International Law

Supreme Court, 25 February 1993		123
<i>Self-Defense Forces Act (Jieitai Ho) — Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America Regarding Facilities and Areas and the Status of United States Armed Forces in Japan — Demand for the Stoppage of Takeoffs and Landings by Self-Defense Forces Aircraft and for the Regulation of Noise as a Civil Claim — Demand for the Stoppage of Takeoffs and Landings by United States Armed Forces Aircraft — A Claim for Compensation for Injury due to the Noise of the Takeoff and Landing of the Aircraft</i>		
Supreme Court, 25 February 1993		127
<i>Treaty of Mutual Cooperation between Japan and the United States of America — Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America Regarding Facilities and Areas and the Status of United States Armed Forces in Japan — Demand to the State of Japan for the Stoppage of Takeoffs and Landings by United States Armed Forces Aircraft</i>		

Tokyo High Court, March 5, 1993	129
<i>Law of War — Compensation for Prisoners of War Detained in the USSR after World War II — Applicability of Articles 66 and 68 of the Third Geneva Convention of 1949 — Establishment of “the Rule of Compensation by States on Which Prisoners of War Depend” as International Customary Law (Denied) — Compensation in Application of Article 29(3) of the Constitution (Denied)</i>	
Osaka District Court, June 18, 1993	152
<i>Rejection of an Application for a Lease Because of Nationality — Obligation to Negotiate in Good Faith — Responsibility to Compensate for Damages</i>	
II. Private International Law	
Tokyo High Court, June 28, 1993	155
<i>Enforcement of foreign Judgment — Judgment by a State Court in California — Compensatory and Punitive Damages — Enforcement of Punitive Damages Awards Refused Because of its Penal Character and Contrariety to Ordre Public in Japan</i>	
Tokyo High Court, November 15, 1993	158
<i>Enforcement of Foreign Decree — Decree by a Texas State Court — Enforcement of Custody Award — Enforcement Refused — Ordre Public</i>	
Tokyo District Court, September 26, 1991	161
<i>Effects of Bankruptcy Declared in Norway — Power of Norwegian Liquidator to File a Suit — Nullity of Resolution of Shareholders’ General Meeting</i>	
Tokyo District Court, January 29, 1993	163
<i>Gambling Obligations — Claim for Restitution by Owner of State-Licensed Gambling Casino in Nevada — Ordre Public</i>	
Chronological List of Treaties and Other International Agreements Concluded by Japan in 1993	165

Documents

Treaties

COSPAS-SARSAT

1. Letter of Notification of Association with the International COSPAS-

SARSAT Programme as a Ground Segment Provider	167
ISRAEL	
2. Convention between Japan and the State of Israel for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income	172
TURKEY	
3. Agreement between Japan and the Republic of Turkey concerning the Reciprocal Promotion and Protection of Investment	189
Chronology of Japanese Foreign Affairs	197
Activities	
Activities of International Law Association of Japan	209
Activities of Related Academic Association in Japan	211
List of Members	215