

THE  
JAPANESE ANNUAL  
OF  
INTERNATIONAL LAW

No. 8

1964

THE JAPAN BRANCH  
OF  
THE INTERNATIONAL LAW ASSOCIATION

## CONTENTS

	Page
Articles:	
International Divorce Jurisdiction in Japan . . . . . <i>Hidebumi Egawa</i>	1
Conclusion and Validity of Treaties in Japan: Constitutional Requirements . . . . . <i>Yuichi Takano</i>	9
Notes:	
Review of Decisions            Japan's Wartime Prize Courts: The Santa Fé Case . . . . . <i>Mitsuo Maehara</i>	24
World Federation: The Eleventh World Conference of the World Association of World Federalists, Tokyo 1963 . . . . . <i>Shigejiro Tabata</i>	30
Appendix I: The Tokyo Declaration . . . . .	37
Appendix II: The Copenhagen-London Proposals . . . . .	38
Convention on Offences and Certain Other Acts Committed on Board Aircraft of 1963 . . . . . <i>Ryuichi Hirano</i>	44
Appendix: Convention on Offences and Certain Other Acts Committed on Board Aircraft . . . . .	52
Japan's Participation in the Hague Convention Relating to the Form of Testamentary Dispositions . . . . . <i>Jiro Muraoka</i>	60
Appendix I: Convention on the Conflicts of Laws Relating to the Form of Testamentary Dispositions . . . . .	69
Appendix II: The Law concerning the Laws applicable to the Form of Testamentary Dispositions . . . . .	73
The Japanese-Soviet Tangle Collection Agreement of 1963 . . . . . <i>Shigeo Sugiyama</i>	75
Appendix I: The First Proposal (Japanese) for an Agreement between the Great Japan Fisheries Association of Japan and the National Commission of Fisheries, Union of Soviet Republic, Pertaining to Tangle Collection in the Area around Kaigara Cay, April 27, 1963 . . . . .	85
Appendix II: The Second Proposal (Japanese) for an Agree- ment between the Great Japan Fisheries Associ- ation of Japan and the National Commission of Fisheries, Union of Soviet Republic, Pertaining to Tangle Collection in the Area around Kaigara Cay, May 17, 1963 . . . . .	86
Appendix III: The Third Proposal (Russian) for an Agreement between the National Commission of Fisheries Affiliated to the National Economic Congress, Union of Soviet Socialist Republics, and the Great Japan Fisheries Association, Pertaining to the Grant of the Right to Tangle Collection in the Area around Signalnui Island to Japanese Fisher- men by the U.S.S.R., May 20, 1963 . . . . .	88
<i>(continued)</i>	

CONTENTS (*continued*)

	Page
Appendix IV: Agreement between the Great Japan Fisheries Association and the National Commission of Fisheries of Soviet Socialist Republics, Pertaining to Collection of Tangle in the Area around Kaigara Island (Signalnui Island) by Japanese Fishermen .....	92
Practice:	
Annual Review of Japanese Practice in International Law, 1961 and 1962 .....	99
Activities:	
Activities of the Japan Branch of the International Law Association ..	150
Judicial Decisions:	
Supreme Court	
Japan Supreme Court, April 5, 1961 .....	153
Constitutional Law—Determination that recognition of independence of Korea under Article 2(a) of the Treaty of Peace resulted in loss of Japanese nationality does not violate Articles 10, 11, 12, 13 of the Constitution.	
Nationality Law—Effect of becoming the wife of a Korean—Although there are no relevant provisions, the Nationality Law required loss of Japanese nationality by all Koreans upon postwar territorial changes.	
Treaties—Recognition of independence of Korea under Article 2(a) of the Treaty of Peace resulted in loss of Japanese nationality by Koreans.	
Japan Supreme Court, March 25, 1964 .....	175
Private International Law—Divorce—Court must accept jurisdiction over action between alien spouses where equities require protection of wife's interests, notwithstanding Horei, Article 16, generally applying law of country of husband's nationality in international divorce cases.	
Domestic Relations—Domestic Relations Litigation Procedure Law—Article 1, Paragraph 3, relating to divorce jurisdiction, applies to aliens as well as Japanese nationals.	
District Courts	
Tokyo District Court, July 20, 1960 .....	181
Civil Procedure—Enforcement of foreign money judgment under Articles 200, 514, 515 of the Code of Civil Procedure—"Mutual Guarantee" under Article 200 of the Code of Civil Procedure does not exist between Japan and Belgium.	
Tokyo District Court, August 9, 1960 .....	189
Private International Law—Capacity of Common Law (Kenya) Partnership to sue—Capacity determined by Personal Law of Partnership, even if partnership does not qualify as unincorporated association having capacity to sue under Code of Civil Procedure, Article 46.	
Civil Law—Measure of Damages for Breach of Contract—Time Damages is calculated, where a sales contract calling for payment	
( <i>continued</i> )	

CONTENTS (*continued*)

	Page
by letter of credit has been rescinded by buyer after expiration of term of validity of letter of credit because of seller's failure to perform—Damages calculated as the date of expiration of letter of credit.	
Tokyo District Court, December 7, 1963 .....	212
Public International Law—Atomic bombing of Hiroshima and Nagasaki was an illegal act in violation of International Law	
Public International Law—Customary International Law as well as Positive International Law (Treaties) is part of the Municipal Law of Japan, and violation gives individual claim for redress under Municipal Law.	
Treaties—Waiver of Municipal Law claims of atomic bomb victims under Article 19(a) of the Treaty of Peace was not an illegal act of State under Article 1 of the State Compensation Law.	
Decision by Prize Court Review Commission: Review of the Award of the Sasebo Prize Court on the S.S. Santa Fé Case .....	253
Chronology of Japanese Foreign Affairs .....	282
Chronological List of Treaties and other International Agreements concluded by Japan in 1963 .....	287
Documents:	
Argentina	
1. Acuerdo de Migracion entre el Gobierno del Japon y el Gobierno de la Republica Argentina, <i>Tokyo, May 17, 1963</i> .....	290
Austria	
2. Convention between Japan and the Republic of Austria for the Avoidance of Double Taxation with respect to Taxes on Income, <i>Vienna, April 4, 1963</i> .....	292
Brazil	
3. Acordo de Migracao e Colonizacao entre Jāpao e os Estados Unidos do Brasil, <i>Rio de Janeiro, October 10, 1963</i> .....	303
Burma	
4. Agreement between Japan and the Union of Burma on Economic and Technical Cooperation and Protocol concerning the Union of Burma's Claim based on Article V, Paragraph I (a) (III) of the Treaty of Peace between Japan and the Union of Burma signed at Rangoon on November 5, 1954, <i>Rangoon, October 25, 1963</i> .....	314
France	
5. Echange de Notes entre le Japon et la Republique Française concernant l'Exemption Reciproque de l'Impot sur les Revenus provenant de la Navigation Maritime ou Aérienne, <i>Paris, April 24, 1963</i> .....	325
Ghana	
6. Arrangement between the Government of Japan and the Government of the Republic of Ghana for the Establishment of Textile Training Center, <i>Accra, May 23, 1963</i> .....	327
Haiti	
7. Accord de Commerce entre le Japon et la Republique d'Haiti, <i>Tokyo, October 31, 1963</i> .....	332

(*continued*)

CONTENTS (continued)

	Page
<b>Indonesia</b>	
8. Treaty of Amity and Commerce between Japan and the Republic of Indonesia, <i>Tokyo, March 8, 1963</i> .....	336
9. Agreement between Japan and the Republic of Indonesia for Air Services, <i>Tokyo, September 3, 1963</i> .....	351
<b>Italy</b>	
10. Agreement between Japan and Italy for Air Services, <i>Tokyo, July 26, 1963</i> .....	358
<b>Kuwait</b>	
11. Agreement between the Government of Japan and the Government of Kuwait for Air Services, <i>June 20, 1963</i> .....	364
<b>Malaya</b>	
12. Convention between Japan and the Federation of Malaya for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, <i>Kuala Lumpur, August 21, 1963</i> .....	372
<b>New Zealand</b>	
13. Convention between Japan and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, <i>Wellington, April 19, 1963</i> .....	386
14. Parcel Post Agreement between the Government of Japan and the Government of New Zealand, <i>Tokyo, August 1, 1963</i> .....	396
<b>Pakistan</b>	
15. Agreement between the Government of Japan and the Government of Pakistan concerning the Establishment of Telecommunication Research Center, <i>Karachi, November 16, 1963</i> .....	399
<b>The Philippines</b>	
16. Parcel Post Agreement between Japan and the Republic of the Philippines, <i>Tokyo and Manila, September 1, 1963</i> .....	403
<b>South Africa</b>	
17. Parcel Post Agreement between Japan and the Republic of South Africa, <i>Tokyo, October 1, 1963</i> .....	416
<b>Thailand</b>	
18. Convention between Japan and Thailand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasions with respect to Taxes on Income, <i>Bangkok, July 24, 1963</i> .....	423
<b>United Arab Republic</b>	
19. Agreement between Japan and the United Arab Republic for Air Services, <i>Tokyo, June 6, 1963</i> .....	437
<b>United Kingdom</b>	
20. Convention between the Government of Japan and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxations and the Prevention of Fiscal Evasion with respect to Taxes of Income, <i>Tokyo, April 23, 1963</i> .....	444
21. Treaty of Commerce, Establishment and Navigation between the United Kingdom of Great Britain and Northern Ireland and Japan, <i>London, May 4, 1963</i> .....	458
22. First Protocol concerning Trade Relations between the United Kingdom of Great Britain and Northern Ireland and Japan, <i>London, May 4, 1963</i> .....	479

(continued)

CONTENTS (continued)

	Page
United Nations	
23. Agreement between the Government of Japan and the United Nations Special Fund for the Establishment of an International Institute of Seismology and Earthquake Engineering, <i>New York, April 18, 1963</i> .....	481
List of Members .....	504