ARTICLES

DEVELOPMENT OF THE LAW OF THE SEA IN HISTORICAL PERSPECTIVE: PAST, PRESENT AND PROSPECT

Introductory Note ......................................................... Akio Morita ........................ 1

Interference with Ships on the High Seas: Historical Development Hidden in the “Right of Visit” Argument ....................................................... Akio Morita ........................ 4

Development of the Law of the Sea and the Legal Status of International Straits in Time of International Armed Conflict ........................................... Kento Wani ........................ 39

Measures Against Non-Innocent Passage of Warships and Other Government Ships Operated for Non-Commercial Purposes .................................................. Shizuka Sakamaki ........................ 81

Complications and Mutual Supportiveness Between the Law of the Sea and International Environmental Law: A Study on Climate Geoengineering ......................................................... Tomoaki Nishimura ........................ 111

UNCLOS Dispute Settlement Mechanism: Contribution to the Integrity of UNCLOS ................................................................. Dai Tamada ........................ 132

INTERNATIONAL DEVELOPMENT OF CONSUMER COLLECTIVE REDRESS

Introductory Note .............................................................. Dai Yokomizo ........................ 167

Special Proceedings for the Collective Redress for Property Damage Incurred by Consumers — About So-Called “Japanese Class Action” — ..................................................... Kazuhiko Yamamoto ........................ 168

Consumer Collective Redress and Japanese Conflict of Laws ......................................................... Dai Yokomizo ........................ 189

Europe’s Collective Redress Conundrum ................................ Stefan Voet ........................ 203

Consumer Collective Redress in Canada ........................................ Catherine Piché, Geneviève Saumier ........................ 231
HALF A CENTURY WITH THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS: LONG-TERM IMPACTS ON THE WORLD, ASIA AND JAPAN: PART THREE

The Controversy over Human Rights, UN Covenants, and the Dissolution of the Soviet Union .................................................. Lauri Myllyo 250

PRIVATE INTERNATIONAL LAW

The Aftermath of the Fukushima Dai-Ichi Nuclear Accident: How Japanese Lawyers Have Been Playing Their Roles with Regard to the Nuclear Damage? .......................................................... Masato Dogashiki 284

BOOK REVIEWS


Whaling in the Antarctic: Significance and Implications of the ICJ Judgment, edited by Malgorzata Fizmazurk and Dai Tomada. Leiden/Boston/Bell/Nijhoff, 2016 .......................................................... Tetsuro SATO 333

Shokoku Kaisei no Kokusaihoushi [International Aspects of Income Taxation], by Keigo Fuchi. Tokyo: Yuhikaku, 2016 .......................................................... Yosuke Takahashi 340


International Law in a Transculturalized World, by Onuma Yasuaki. Cambridge: Cambridge University Press, 2017. ... Bruno Simma & Daniel Lithwin 351


JUDICIAL DECISIONS IN JAPAN ........................................................................................................... 369

I. Public International Law

Takamato High Court, Judgment, April 25, 2016 .......................................................... 370

Hate Speech — The International Convention on the Elimination of All Forms of Racial Discrimination — Relevance of the Convention in Interpreting Domestic Laws

Nagoya High Court, Judgment, September 7, 2016 .......................................................... 374


Nagoya High Court, Judgment, November 30, 2016 .......................................................... 381

Factors to be Taken into Consideration in Determination of Special Permission to Stay — Continuous De Facto Marriage and Family Life — Criminal Offence and Extenuating Circumstances

Naha District Court (Okinawa Branch), Judgment, February 9, 2017 .......................................................... 386


II. Private International Law

Supreme Court (3rd Petty Bench), Judgment, December 12, 2017 .......................................................... 395

Challenge to Arbitral Award — Arbitrator Conflict of Interest — Disclosure of Conflict of Interest

Supreme Court (3rd Petty Bench), Judgment, December 12, 2017 .......................................................... 399

Japanese Anti-Monopoly Act — Extraterritorial Application — Price-Fixing Cartel
Supreme Court (1st Petty Bench), Decision, December 21, 2017 ........................................... 402
International Child Abduction — Modification of the Order to Return

Tokyo High Court, Judgment, November 25, 2015 ................................................................. 407
Enforcement of Judgment — Defamation — Reciprocity

Tokyo District Court, Judgment, January 17, 2017 ................................................................. 412
International Adjudicatory Jurisdiction over Consumer Contracts — Rescission of Contracts by Fraud — Overriding Mandatory Provision

Tokyo High Court, Judgment, October 25, 2017 ................................................................. 416
Exclusive Jurisdiction Causes Commercial Contracts — Public Policy — Civil Remedy

CHRONOLOGY OF JAPANESE FOREIGN AFFAIRS IN 2017 ........................................... 419

CHRONOLOGICAL LIST OF TREATIES AND OTHER INTERNATIONAL AGREEMENTS CONCLUDED BY JAPAN IN 2017 .................................................. 438

DOCUMENT

Japan's Response to the Letter Issued by Prof. Joseph Cannataci, Special Rapporteur on the Right to Privacy, on 18th May ........................................... 442

ACTIVITIES

I. Activities of the International Law Association of Japan ........................................... 456

II. Activities of Related Academic Associations in Japan ........................................... 461

1. Kokusaiho Gakkai (Japanese Society of International Law, established in 1897) ........................................... 461

2. Kokusai Shiho Gakkai (Private International Law Association of Japan, established in 1949) ........................................... 468

3. Sekaiho Gakkai (Japanese Association of World Law, established in 1965) ........................................... 471

INSTRUCTIONS FOR SUBMISSIONS TO THE JYIL .................................................. 473

TABLE OF CASES .................................................. 476

TABLE OF TREATIES AND OTHER INSTRUMENTS .................................................. 479