Volume 62 (2019)

CONTENTS

ARTICLES

CULTURE AND INTERNATIONAL LAW: A COMPREHENSIVE ANALYSIS

Introductory Note .............................................................. Maki Nishitani 1


The Relationship Between Culture and Development in International Law ................................................. Véronique Guéretmont 24

Cultural Rights in International Human Rights Law: From Controversy to Celebration ......................................................... Yvonne Donders 61

Language and International Law: How Does International Law Protect Languages and Linguistic Rights? ........................... Jacqueline Moutray 85

NEW LEGISLATION ON THE INTERNATIONAL JURISDICTION OF JAPANESE COURTS ON PERSONAL STATUS LITIGATIONS AND DOMESTIC RELATIONS CASES

Introductory Note .............................................................. Aki Kitazawa 118

New International Civil Procedure Law of Japan in Status and Family Matters ......................................................... Yuko Nishitani 119

International Adjudicatory Jurisdiction in Matrimonial Matters in Japan ................................................................. Yuko Nishitani 151

International Jurisdiction of Child-Related Cases in Japan ......................................................................................... Masako Marukami 189

International Jurisdiction in Case Related to Succession: New Rules in Japan .............................................................. Takami Hayashi 209

Recognition and Enforcement of Foreign Decisions on Personal Status Litigation and Family Relations Cases ................... Manabu Iwamoto 226
CONTENTS

CUSTOMARY INTERNATIONAL LAW IN THEORY AND PRACTICE


كي سي Practice in Determining the Existence of Customary International Law .................................................................................. Tatsuya Abe 274

Inconvenient Truths About the Identification of Customary International Law in International Criminal Law ......................... Hitomi Takemura 312

PUBLIC INTERNATIONAL LAW

How Deep is Your Love: Intersecting of Inner and Outer Continental Shelf Entitlements .................................................. Bjorn Kunoy 335

JAPANESE DIGEST OF INTERNATIONAL LAW

Japan’s Withdrawal from the International Convention for the Regulation of Whaling .................................................................................................................. Atsuko Kanekara 376


BOOK REVIEWS


Kokusaiho no Minjisen to Kari no Konn Hogo [Provisional or Protective Measures in International Civil and Commercial Disputes], by Hidetoshi Nomura. Tokyo: Shizensha, 2017. ..................................................... Asako Matoba 404


Sonju-minzoku to Kosasai-ho [Indigenous Peoples and International Law], by Yuko Osakada. Tokyo: Shizensha, 2017. ..................................................... Hodo Yotaka 411

Jinkenjyousaku no Kaisei no Kaisaku to Tekiyou [Interpretation and Application of Human Rights Treaties], by Shigeki Sakamoto. Tokyo: Shizensha, 2017. ..................................................... Koki Abe 415


JUDICIAL DECISIONS IN JAPAN

1. Public International Law

Tokyo High Court, Judgment, December 14, 2017 ..................................................................................................................... 425

Compensation for War Injuries — Individuals’ Right to Seek Compensation under Additional Protocol I to the Geneva Conventions in 1977 — Individuals’ Right to Seek Compensation under Customary International Law

Nagoya High Court, Judgment, April 11, 2018 ..................................................................................................................... 433

Immigration Control and Refugee Recognition Act — Enforced Deportation — Circumstances to Be Taken into Account — De fiance Mariage with a Mised Niets (Second Generation of Japanese Emigrants)

Tokyo District Court, Judgment, February 28, 2018 ..................................................................................................................... 440

Dispute over Employment Contract — Immunity from the Civil Jurisdiction of Diplomatic Agent — Article 31(1)(c) of the Vienna Convention on Diplomatic Relations

Tokyo District Court, Judgment, March 20, 2018 ..................................................................................................................... 443

Application for Reconsideration of Refugee Status by Persons Who Have Already Left Japan — Definition of Refugees — Burden of Proof — Situation in Syria

Tokyo District Court, Judgment, July 5, 2018 ..................................................................................................................... 447

The Cessation Clause — Article 3-C(2) of the Refugee Convention — Burden of Proof — Situation in Sri Lanka
II. Private International Law

Supreme Court (1st Petty Bench), Judgment, March 15, 2018 ........................................... 452
  International Child Abduction — Habeas Corpus Relief

Tokyo High Court, Judgment, June 29, 2017 ......................................................... 455
  Jurisdiction over the Claim Based on Non-performance of Carriage Contract —
  Piercing the Corporate Veil

Tokyo High Court, Decision, June 30, 2017 ......................................................... 458
  Order of Seizure — Applicable Law of Statutory Lien

Tokyo High Court, Decision, August 1, 2018 ......................................................... 462
  Setting aside of Arbitral Award — Procedural Public Policy

Tokyo District Court, Decision, June 12, 2018 ......................................................... 468
  Applicable Law of the Claim Arising from a Tort of Defamation — Disclosure of
  Identification Information of the Sender — Word of Mouth on the Website

CHRONOLOGY OF JAPANESE FOREIGN AFFAIRS IN 2018 ........................................ 472

CHRONOLOGICAL LIST OF TREATIES AND OTHER INTERNATIONAL
AGREEMENTS CONCLUDED BY JAPAN IN 2018 ........................................ 482

DOCUMENT

National Legislation

Act for the Partial Revision of the Personal Status Litigation Act, Etc. (Act No.
20 of April 25, 2018) .......................................................... 485

ACTIVITIES

I. Activities of the International Law Association of Japan ................................. 496

II. Activities of Related Academic Associations in Japan ................................. 503

1. Kokusaiho Gakkai (Japanese Society of International Law, established
   in 1897) .................................................................................. 503

2. Kokusai Shiho Gakkai (Private International Law Association of Japan,
   established in 1949) ................................................................. 509

3. Sekaiho Gakkai (Japanese Association of World Law, established in 1959) .... 515

INSTRUCTIONS FOR SUBMISSIONS TO THE JYIL ........................................ 517