

# THE INTERNATIONAL LAWYER

Spring 1989

Volume 23

Number 1

## CONTENTS

### **Symposium: Japanese Law and Practice in Transnational Litigation**

	<b>Page</b>
Introduction ..... Joseph P. Griffin	1
Introduction ..... Akio Harada	1
The Difference Between U.S. Discovery and Japanese Taking of Evidence .....	Itsuko Mori 3
Jurisdiction in Transnational Cases in Japan ...	Tasuku Matsuo 6
Judicial Assistance to Be Afforded by Japan for Proceedings in the United States .....	Yoshio Ohara 10
Recognition and Enforcement of Foreign Judgments in Japan .....	Takao Sawaki 29

### **Articles**

The Canada-United States Free Trade Agreement .....	Stewart A. Baker Shelly P. Battram 37
Establishment of an Arbitral Tribunal Under the UNCITRAL Rules: The Experience of the Iran-United States Claims Tribunal .....	Stewart A. Baker Mark David Davis 81
United States Business: United States Branch versus United States Corporation .....	Mark Alan Masek 137
Securitization of Third World Debt .....	Robert Plehn 161

### **Perspectives**

Alternatives to Litigation of International Disputes .....	Steven C. Nelson 187
Private International Law .....	Patricia B. Rogers 207

## Casenotes and Comments

- Sovereign Immunity for Military  
Activities on the High Seas: *Amerada  
Hess v. Argentine Republic* ..... Virginia Morris 213
- Transboundary Harm: Hazardous  
Waste Management Problems  
and Mexico's Maquiladoras ..... Elizabeth C. Rose 223

## Current Developments

- The Work of the Basle Supervisors Committee  
on Bank Capital Adequacy and the July 1988  
Report on "International Convergence of  
Capital Measurement and Capital Standards" .. J. J. Norton 245
- Pretermitted Hearings on  
Asylum-Type Claims ..... John K. Speer 265
- Political Risk Insurance: OPIC's Use of a  
"Fiduciary Agent" to Facilitate Resolution  
of Subrogation Claims ..... John S. Diaconis 271
- The Brazilian Software Law of 1987 ..... Kenneth D. Basch  
Anton H. van Schijndel 281

## Regional Developments

- Federal Republic of Germany ..... Burkhard Bastuck  
Andreas Weitbrecht 287
- Latin America ..... Baker & McKenzie 299
- United Kingdom ..... Clifford Chance 306

## Book Reviews

- International Business and National  
Jurisdiction*, by A. D. Neale and  
M. L. Stephens ..... Joseph P. Griffin 313
- Litigation of International Disputes  
in U.S. Courts*, by Ved P. Nanda  
and David K. Pansius ..... Ralph B. Lake 315
- Transnational Legal Practice in the EEC  
and the United States*, by  
Linda S. Spedding ..... Siegfried H. Elsing  
Donna Shook-Wiercimok 318
- Der Zivilprozess in den Vereinigten  
Staaten, Ein Praktischer Leitfaden  
für Deutsche Unternehmen [Civil*

<i>Procedure in the United States, A          Practical Guide for German Businesses</i> , by Dieter G. Lange and Stephen F. Black <i>Einfuehrung in das US-Amerikanische          Zivilprozessrecht [Introduction to          American Law of Civil Procedure]</i> , by Haimo Schack .....	James R. Maxeiner	321
---	-------------------	-----

**Section Recommendation and Report**

American Bar Association Section of Antitrust Law and Section of International Law and Practice Report to the House of Delegates Report on Antitrust Guidelines for International Operations .....		325
---	--	-----

Clarification: The Therberge Award which is customarily for contributions to private international law was awarded last year to Sir Joseph Gold for his contributions to the area of International Law generally.

