

# Application and Enforcement of the Japanese Stimulants Control Act against Foreign Ships at Sea (1)

TSURUTA Jun\*

## 1. Introduction

This paper examines the application and enforcement of the Japanese Stimulants Control Act (Act No. 252 of June 30, 1951)<sup>(1)</sup> against foreign ships at sea. Here in at “sea,” the emphasis is on sea areas “outside territorial waters”, and between “application” and “enforcement,” the emphasis is on “enforcement”, particularly on enforcement against foreign ships attempting to smuggle controlled substances into Japan. The enforcement of the Japanese Stimulants Control Act and other domestic drug control laws at sea against foreign vessels involved with smuggling controlled substances at sea outside territorial waters is fundamentally difficult, but let us investigate the possibilities.

In this paper, regarding the smuggling of stimulants (phenylaminopropane [amphetamine], phenylmethylaminopropane [methamphetamine], etc.) from foreign countries into Japan<sup>(2)</sup>, the matters being investigated in this paper can be organized using two hypothetical cases of smuggling.

In the first hypothetical case, a foreign ship carrying stimulants or other controlled substances is coming from a foreign country toward Japan. Outside

\* TSURUTA Jun is an Associate Professor of International Law, Meiji Gakuin University, Tokyo, Japan. He may be contacted at [jtsuruta@law.meijigakuin.ac.jp](mailto:jtsuruta@law.meijigakuin.ac.jp)

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Japanese territorial waters, the controlled substances are transferred to a boat of the foreign ship (mother ship), which heads toward Japanese territorial waters, lands the controlled substances in Japan, and returns to the mother ship waiting outside Japanese territorial waters. In this case, can Japanese drug control laws be enforced at sea against the mother ship and its boat or not?

And in the second hypothetical case, as under the first case, a foreign ship carrying controlled substances is coming from a foreign country toward Japan. Unlike the first case, however, instead of using a boat of the mother ship, a fishing boat, pleasure boat or other Japanese boat departs from the Japanese coast to pick up the controlled substances outside Japanese territorial waters, where the concerned foreign ship is anchored, and after receiving the controlled substances returns to Japanese territorial waters and then lands in Japan. The smuggling in this case uses the so-called “delivery at sea method.”

The background to such smuggling cases includes the higher speed of small boats, the spread of automatic navigation devices using satellites, and the spread and enhanced performance of portable radio equipment, cell phones and other telecommunication systems in recent years which have all made it possible for smugglers to receive controlled substances based on accurate location information even at sea where the target object of the controlled substances is not visible.

In such cases, the Japanese boat which picks up the controlled substances returns to Japan, and the controlled substances are landed and distributed inside the country, so the measures taken against such smuggling cases does not have to be limited to enforcement at sea, and the criminal investigation method known as “controlled delivery”<sup>(3)</sup> can also be applied. As for the foreign ship which carried the controlled substances from a foreign country, however, after handing

over the controlled substances to the crew of the Japanese boat which came to accept or pick up the controlled substances, the foreign ship turns around and leaves without ever entering Japanese territory. Can or cannot Japan as a coastal State enforce Japanese drug control laws against such foreign ships at sea outside Japanese territorial waters? In particular, in cases where the smuggling of controlled substances is being conducted as an organized crime, there is a strong need to seize such foreign ships at sea and arrest the accomplices onboard the foreign ships, as it is also necessary to prevent repeated smuggling and punish the accomplices.

In the enforcement against foreign ships in cases of smuggling of controlled substances, of course, there is also the method of notifying the country where the concerned foreign ship is registered and gaining from the country the consent of taking criminal enforcement measures at sea, either on an ad hoc basis or by way of a bilateral or/and multilateral treaty<sup>(4)</sup>. International drug control was seen as a successful example of how international cooperation could bring a problem of international magnitude under control<sup>(5)</sup>. However, there are smuggling cases where there is a high necessity of enforcement by Japan to protect Japan's public order, cases where quick measures must be taken at sea or the foreign ship will escape and it will become impossible to arrest criminals or preserve evidence, and cases where Japan cannot expect the flag State to take criminal procedures by reason of its unwillingness and/or incapability<sup>(6)</sup>.

Based on the above mentioned concerns regarding these issues, this paper is organized as follows. First, the geographical scope of application of the Japanese Stimulants Control Act is reviewed focusing on the expansion of the geographical scope of application of the Act for implementing the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Next,

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regarding the enforcement of drug control laws at sea against foreign ships in sea areas outside Japanese territorial waters, we consider the possibility of enforcement based on the concept of “constructive presence” as an application of the right of hot pursuit. Finally we consider the exercise of the authority of coastal States in the contiguous zone set adjacent to territorial waters and examine the possibility of taking measures against smuggling cases under the second hypothetical case, which uses the “delivery at sea method.”

Jumping ahead to the conclusion, by focusing on the relationship between the foreign ship outside Japanese territorial waters and the boat (the foreign ship's boat or the Japanese boat which receives the drugs at sea) which carries drugs, Japan can enforce her drug control laws against the concerned foreign ship based on the concept of “constructive presence,” exercising her right to punish in the contiguous zone as a coastal State rather than based on the consent of the State where the concerned foreign ship is registered.

## 2. Geographical Scope of Application of the Japanese Stimulants Control Act

Assume there is a foreign national in possession of stimulants on a foreign ship on the high seas. How should we view the application of the Japanese Stimulants Control Act against the fact of “possession” in such a case?

The regulations on the possession of stimulants under the Stimulants Control Act are prescribed in Article 14 Paragraph 1, which states “*Any person shall not possess stimulants, except for a stimulants manufacturer, the establisher or manager of a stimulants administering institution, a doctor or a stimulants researcher engaged in medical practice at a stimulants administering institution,*

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or a person who is given stimulants for use from a doctor or a stimulants researcher engaged in medical practice at a stimulants administering institution” (emphasis added).

Also, regarding the penal provisions against the possession of stimulants, Article 41-2 Paragraph 1 prescribes: “A person who unlawfully possesses, transfers, or receives stimulants (excluding a person who falls under Article 42 Item 5) shall be sentenced to serve a prison term of not more than ten years.” Additionally, Article 41-12 prescribes: “A person who has committed the crimes in Article 41, Article 41-2, Article 41-6, Article 41-9 or the preceding Article shall be sentenced to serve *a prison term as prescribed in Article 2 of the Penal Code*” (emphasis added).

Article 2 of the Japanese Penal Code is a provision that adopts the “protective principle.”<sup>(7)</sup> The protective principle holds that a State can apply its domestic laws to crimes that violate the State’s safety, security, existence or other important State’s interests protected by laws (e.g., insurrection, treason, counterfeiting of currency, forgery of official documents, counterfeiting of securities), regardless of where the crime is committed or the nationality of the offender<sup>(8)</sup>. When State’s important interests are threatened, even if by non-nationals acting outside the territory of the State, the State may exercise its legislative jurisdiction over them on the basis of the protective principle<sup>(9)</sup>.

Article 41-12 of the Stimulants Control Act is a provision for punishment of crimes committed outside Japan which was added in the 1991 revision of the Act for implementing the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the “UN Narcotics Convention”), which was adopted by consensus in 1988 in order to establish a new international legal regime for combatting international drug trafficking, and came into force in

1990<sup>(10)</sup>. Setting the penal provisions regarding the possession of stimulants under the Article 41-12 of the Act to be “as prescribed in Article 2 of the Penal Code” follows the “protective principle” with regard to the geographical scope of application of the Act. That is to say, the Japanese Stimulants Control Act adopts the position that the Act can be applied regardless of where the criminal act of possession of stimulants is committed or the nationality of the person who commits it.

### **The UN Narcotic Convention**

Stipulated in the preamble of the UN Narcotics Convention that illicit trafficking is “an international criminal activity,” the Convention requires that each Party State establish as criminal offenses under its domestic laws a comprehensive list of activities in or related to drug trafficking. The Convention obligates Party States to cooperate in taking broad measures to suppress illicit drug trafficking across national boundaries and, within their own jurisdictions, to enact and enforce specific domestic laws aimed at suppressing it<sup>(11)</sup>. The UN Narcotics Convention did not modify any fundamental premises of international drug control but is complementary to the previous UN drug control related conventions through strengthening and reinforcing them by introducing suppressive measures against illicit drug trafficking<sup>(12)</sup>.

The UN Narcotics Convention specifies the criminal acts (manufacture, offering, sale, shipment, transport, importation, exportation, etc. of narcotic drugs and other psychotropic substances) and obliges each Party State to “criminalize” these acts so persons suspected of these acts can be prosecuted and punished (Article 3 Paragraph 1), identifies States that bear the obligation to establish jurisdiction to prosecute and punish the concerned criminal acts (Article 4 Paragraphs 1(a) and

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2(a)), and stipulates that a Party State where a person suspected of a concerned criminal act is located is obliged to extradite the suspect to another Party State which has set jurisdiction or to prosecute and punish the suspect in a domestic court (*aut dedere aut judicare*) when the concerned criminal act 1) took place within the State's territory or on a ship registered in the State, or 2) was committed by one of its nationals (Article 6 Paragraph 9)<sup>(13)</sup>. Thus the Convention is designed so persons suspected of the concerned criminal acts will be certainly prosecuted and punished. Because Party States where persons suspected of committing the criminal acts identified by the Convention are obliged to try suspects in the courts of their own State when they deny a request for extradition, domestic laws and regulations have to be arranged to implement such obligations.

#### **Japanese Implementation of the UN Narcotics Convention**

Regarding the setting of jurisdiction for the criminal acts in accordance with the UN Narcotics Convention, Article 4 Paragraph 1(a) of the Convention prescribes that each Party State must take "such measures as may be necessary" to establish its jurisdiction over the offences prescribed in Article 3 Paragraph 1 when 1) the offence is committed in its territory and 2) the offence is committed onboard a ship flying its flag. In such cases, in Japan, the punishment of the offences can be conducted by the application and enforcement of the Stimulants Control Act against the cases of domestic crimes.

Furthermore, Article 4 Paragraph 2(a) of the UN Narcotics Convention obliges each Party State where the suspect of a criminal act identified under the Convention is present to "take such measures as may be necessary" to establish its jurisdiction over the offenses prescribed in Article 3 Paragraph 1 when it does not extradite him to another Party State on the grounds 1) that the offense was

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committed in its territory or onboard a ship flying its flag etc., or 2) that the offense was committed by one of its nationals. Because the application of the Stimulants Control Act in cases where extradition is refused for reason 2) requires a provision for punishment of crimes committed outside Japan, such a provision for punishment of crimes committed outside Japan was established when the Stimulants Control Act was revised at the time the Convention was ratified by Japan in 1991. However, the setting of this provision in the Stimulants Control Act to punish crimes committed outside Japan *regardless of whether or not they were committed by a Japanese national* goes beyond fulfilling the obligation on Party States under the Convention to take “such measures as may be necessary,” and constitutes a proactive revise of the relevant domestic laws.

Article 4 Paragraph 2(b) of the UN Narcotics Convention allows a Party State to take “such measures as may be necessary” to establish its jurisdiction when the suspect is present in its territory and it does not extradite him to another Party State, regardless of whether the suspect is a national of the Party State. Moreover, Article 6 Paragraph 9 obliges a Party State to take enforcement measures in cases where a suspect is found in its territory, regardless of the nationality of the suspect. Furthermore, because Article 17 allows a Party State to take enforcement measures against foreign ships on the high seas, the added provisions for punishment of crimes outside Japan in the Stimulants Control Act may be considered as arrangement of the relevant domestic laws permitted under the Convention. Also, their arrangement takes a positive stance over the exercise of jurisdiction, and may be considered as preparation of the relevant domestic laws contributing to the purposes of the Convention listed in Article 2 of the Convention, that is: “to promote co-operation among the Parties so that they may address more effectively the various aspects of illicit traffic in narcotic



drugs and psychotropic substances having an international dimension.”

On the other hand, the legal interests protected by the Stimulants Control Act did not change whatsoever in the arrangement for implementing the UN Narcotics Convention, and remain the same from the enactment of the Stimulus Control Act in 1951 through to today: “to prevent the injury or harm in public hygiene by abusing stimulants” (Article 1).

For that reason, the crime of importing stimulants under the Stimulants Control Act must be viewed as a crime of public hygiene and, as detailed below, based on this understanding, Supreme Court rulings have also maintained the interpretation that the time of the completion of the act of smuggling stimulants from overseas by a sea route is not when a foreign ship carrying stimulants comes from a foreign country toward Japan and enters into Japanese territorial waters, but when the stimulants are landed from a ship to Japanese land territory.

In general, when domestic laws are arranged for implementing international treaties in Japan, such arrangement may be by revising and abolishing existing laws or by enacting new laws. Also, after such arrangement, in the case of revising and abolishing existing laws, the laws are added a new aspect for implementing treaties, and in the case of enacting new laws, the laws are enacted mainly to fulfill the object, purpose, rights and obligations stipulated by treaties. In cases like the arrangement of domestic laws for implementing the UN Narcotics Convention in Japan, when the arrangement of domestic laws for the implementation of treaties is by revising and abolishing existing laws, because the existing laws were enacted based on the problematic condition mainly inside Japan, there is sometimes a “gap” between the Act and the Convention in terms of the object, purpose, measures and approach to cope with the problematic condition.

### 3. Possibility of Enforcement of the Stimulants Control Act against Foreign Ships on the High Seas based on Exercising the Right of Hot Pursuit

What kinds of measures can be taken in cases where Japanese authorities act to conduct an on-site inspection on a foreign ship in the EEZ based on the Act on the Exercise of the Sovereign Right for Fishery etc. in the Exclusive Economic Zone (Act No. 76 of June 14, 1996) (“EEZ Fishery Act”)<sup>(14)</sup>, etc., but the ship evades the inspection and escapes, so the authorities recognize the crime of evading an on-site inspection, pursue the concerned foreign ship to arrest the ship’s crew *in flagrante delicto* based on the right of hot pursuit, come alongside the concerned ship by force on the high seas, arrest them *in flagrante delicto* and, as a consequence, discover their possession of stimulants?

As for the application of the crime of possession under the Stimulants Control Act, this is “as prescribed in Article 2 of the Penal Code” as confirmed above, so the Stimulants Control Act can be applied to possession by foreigners on foreign ships on the high seas and, provided that such possession met the requirements constituting the crime of possession under Japanese domestic laws, it is a violation of Japanese domestic laws. The remaining issue is whether or not enforcement against the crime of possession is possible.

In cases like this, because the concerned foreign ship committed the crime of evading on-site inspection and the authorities exercised the right of hot pursuit, enforcement on the ships on the high seas against the crime is possible. But enforcement against the other crime is possible? Considering the flag State principle, one possible measure for enforcement against the crime of possession of the controlled substances is to bring the concerned foreign ship to Japanese

territory and then enforce against the crime. However, what must be considered here is whether it is possible to bring the concerned foreign ship to Japanese territory after arresting the ship based on the crime of evading an on-site inspection.

Regarding regulation of fishing operations by foreign nationals in the EEZ, Article 73 Paragraph 2 of the UN Convention on the Law of the Sea prescribes: “arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security,” obliging Party States to adopt the so-called “security money system” (bond procedures). In Japan, based on the relevant provisions of the UN Convention on the Law of the Sea, Article 24 Paragraph 1 of the EEZ Fishery Act prescribes that in the event of a seizure, a law enforcement officer is obliged to notify the master of the vessel involved in such seizure and the offenders of the following two matters: 1) the existence of a system for prompt release in the event that security money or a document that certifies that such security money (written guarantee) is provided, and 2) the amount of the security money to be provided. For that reason, after fulfilling these notification obligations under the security money system, the possibility of enforcement against the crimes under drug control laws emerges, for example, in cases where the security money or written guarantee is not immediately submitted at sea.

The conditions whereby the right of hot pursuit arises and can be exercised are prescribed in Article 111 Paragraph 1 of the UN Convention on the Law of the Sea, the first sentence of which stipulates that “The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State.” As a general definition of the right of hot pursuit, it is the right whereby when the competent law enforcement authorities of the coastal State have “good

reason” for belief that the pursued foreign ship has committed a violation of laws that the coastal State is competent to prescribe for the waters where the violation occurred, that State can continue to pursue from the sea area where such violations has occurred onto the high seas and exercise the enforcement jurisdiction against the ship on the high seas as one of the exceptions to the principle of the freedom of navigation on the high seas and, as a corollary from the principle, the principle of the exclusive flag-State jurisdiction<sup>(15)</sup>. In other words, in a practical sense, through exercising the right of the hot pursuit, the coastal State can seize the ship, arrest its crew, escort it back to a port of the coastal State, prosecute and punish them. The UN Convention on the Law of the Sea doesn't purport to enumerate specific offenses giving rise to the right of hot pursuit. Any laws that the coastal State is competent to prescribe in accordance with international law, most importantly the scope and extent of the sovereignty, sovereign rights and jurisdiction of the coastal State, may be enforced against the foreign ship on the high seas through exercising the right of hot pursuit.<sup>(16)</sup> The object and purpose of the right of hot pursuit is to avoid that the high seas may not provide “safe haven” for those who have committed a violation of laws of the coastal State and to enable the enforcement jurisdiction of the coastal State to be effectively exercised as an exception permitted under international law<sup>(17)</sup>.

The right of hot pursuit is exceptional and should be interpreted strictly<sup>(18)</sup>. Even if the exercise of the jurisdiction of the coastal State is exceptionally extended by the right of hot pursuit from the sea area where the right of the hot pursuit arises to outside the said sea area, the extension of jurisdiction, among the three modes of State jurisdiction consisting of legislative, enforcement and judicial jurisdiction, is limited to the temporary extension of the enforcement jurisdiction against a violation of applicable laws of the coastal State which has

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given rise to the right of hot pursuit at the first place<sup>(19)</sup>.

For example, if a foreign ship in Japanese EEZ committed the crime of evading on-site inspection under Japanese EEZ Fishery Act, the Japanese authorities acted to arrest *in flagrante delicto* the ship's crew in the EEZ but such enforcement was not achieved, and they pursued the ship from the EEZ onto the high seas by exercising the right of hot pursuit, the enforcement jurisdiction permitted to be taken against the pursued foreign ship on the high seas is limited to the enforcement attempted to be taken against the ship in Japanese EEZ where such right has arisen, that is to say, limited to the arrest *in flagrante delicto* of its crew by reason of violations of the EEZ Fishery Act.

Consequently, if violations other than the violations for which the right of hot pursuit emerged occur or are discovered as a result of the exercise of the right of hot pursuit or in the course of the exercise of the right of hot pursuit, and the authorities act to enforce against the other crimes, the enforcement can't be based on the right of hot pursuit but requires some other basis under international law.

(1) English translation of the Japanese Stimulant Act is available at [http://www.japaneselawtranslation.go.jp/law/detail\\_main?vm=2&id=2814](http://www.japaneselawtranslation.go.jp/law/detail_main?vm=2&id=2814) (last accessed on July 27, 2020).

(2) Over the ten years from 1997 to 2007, among arrests for stimulants smuggling cases in Japan, the top four final countries/regions of export in terms of the volume seized were North Korea (1,703.8kg; 30.6% of the total volume seized), China (1,701.5kg; 30.5%), Hong Kong (1,165.1kg; 20.9%) and Canada (261.2kg; 4.7%). Together, these four countries/regions accounted for 86.7% of the total volume seized (see Yoshiaki Kobayashi, 2008, "Kakuseizai mitsuyu mekanizumu' no bunseki [Analysis of mechanism for methamphetamine smuggling]," *Keisatsu Gakuronshu*, Vol. 61(2), pp. 57-60.

At present, however, North Korea accounts for 0% of the total volume seized by final export country/region, and since 2009 there has been a further diversification

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of the exporting countries and regions with an increase in cases of smuggling from Africa, the Middle East and Central America (with 33 final countries/regions of export in 2012).

According to “*Heisei 24 nen chu no yakubutsu/juki joho (kakutei chi)* [Status of Drugs and Firearms (confirmed figures) in FY 2012]” (2013) by the Drugs and Firearms Division of the Organized Crime Department of the Criminal Investigation Bureau of the National Police Agency, a total of 332.2kg of stimulants were seized in smuggling crimes in FY2012 (compared with 213.9kg in 2007, 328.0kg in 2008, 220.1kg in 2009, 275.5 kg in 2010, and 310.7 kg in 2011), with 120 arrests, and the top final export country/region by volume seized was Mexico with 23 cases (-2 cases year-on-year; 19.2% of the total number of cases) followed by China (excluding Taiwan, Hong Kong and Macao) with 16 cases (+5 cases; 13.3%), Hong Kong with 10 cases (-3 cases; 8.3%), Kenya with 7 cases (+5 cases; 5.8%), Belgium with 6 cases (+3 cases; 5.0%), Germany with 5 cases (-2 cases; 4.2%), the Netherlands with 4 cases (+1 case; 3.3%), Canada with 4 cases (+1 case; 3.3%) and the U.S. with 4 cases (+0 cases; 3.3%).

- (3) Controlled delivery is a criminal investigation method in cases where illegal transactions of controlled substances take place and the investigative authorities are aware of the circumstances, but rather than immediately arresting the criminals, the transportation of the concerned controlled substances is allowed under the surveillance of the investigative authorities who continue the surveillance to identify and arrest all the parties involved with the illegal transaction. Controlled delivery includes “live” controlled delivery which is conducted using the controlled substances as they are, and “clean” controlled delivery which is conducted without the controlled substances, which are seized using a warrant from the perspective of preventing the spread of controlled substances.
- (4) Instead of relying primarily on law enforcement measures in general for combatting illicit drug traffic by sea, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances provides specific and detailed provisions to promote international cooperation as an exception to the flag State principle regarding taking enforcement against the foreign ships on the high seas. William C. Gilmore, 1991, “Drug trafficking by sea: The 1988 United Nations convention against illicit traffic in narcotic drugs and psychotropic substances,” *Marine Policy*, vol. 15(3), pp. 183-192.
- (5) S.K. Chatterjee, 1981, *Legal Aspects of International Drug Control*, p. 540., Daniel Wisehart, 2019, *Drug Control And International Law*, p. 53., William B. McAllister,

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2000, *Drug Diplomacy in the Twentieth Century, An International History*, p. 132.

- (6) Bassiouni pointed out that “international cooperation in penal matters depends upon the voluntary compliance of States whose national systems of domestic controls and inter-state cooperation are overburdened and limited in their capabilities. National criminal justice systems are unable to cope with both the domestic as well as the international dimensions of the problem.” M. Cherif Bassiouni, 1990, “Critical Reflections on International and National Control of Drugs,” *Denver Journal of International Law & Policy*, Vol. 18(3), p. 334.
- (7) The first sentence of Article 2 of the Japanese Criminal Code stipulates that “This Code shall apply to anyone who commits one of the following crimes outside the territory of Japan.” The English translation of the Japanese Penal Code is available at <http://www.japaneselawtranslation.go.jp/law/detail/?id=1960&re=02&vm=04> (last accessed on August 6).
- (8) Alexander Orakhelashvili, 2019, *Akehurst’s modern introduction to international law, 8th ed.*, Routledge, p. 220.
- (9) Malcolm D. Evans ed., 2019, *International Law, fifth edition*, pp. 301–302.
- (10) The text of the Convention is available at [https://treaties.un.org/Pages/ViewDetails.aspx?chapter=6&clang=\\_en&mtdsg\\_no=VI-19&src=IND](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=6&clang=_en&mtdsg_no=VI-19&src=IND) (last accessed on July 27, 2020).
- (11) David P. Stewart, 1990, “Internationalizing the War on Drugs: The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,” *Denver Journal of International Law & Policy*, Vol. 18, pp. 388–389.
- (12) Wisehart 2019, pp. 47–49.
- (13) Concerning the drafting history of these Articles of the Convention, D.W. Sproule and Paul St-Denis, 1990, “The UN Drug Trafficking Convention: An Ambitious Step,” *Canadian Yearbook of International Law*, Vol. 27, pp. 268–285., Thomas Michael McDonnell, 1996, “Defensively Invoking Treaties in American Courts: Jurisdictional Challenges Under the U.N. Drug Trafficking Convention by Foreign Dependents Kidnapped Abroad by U.S. Agents,” *William & Mary Law Review*, Vol. 37, pp. 1467–1474. Sproule and St-Denis pointed out that “The Object of these provisions is to establish a strong, relatively uniform application of criminal justice in respect of drug-related offences that would enhance the effectiveness of international cooperation in this field.”. Sproule and St-Denis 1990, p. 271.
- (14) The English translation of the Act on the Exercise of the Sovereign Right for Fishery etc. in the Exclusive Economic Zone is available at <http://www.>

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[japaneselawtranslation.go.jp/law/detail/?id=89&vm=&re=01](http://japaneselawtranslation.go.jp/law/detail/?id=89&vm=&re=01) (last accessed on August 8).

- (15) The principle of the exclusive flag-State jurisdiction prevents any interference by other States with vessels flying its flag on the high seas. In so doing, the principle ensures the freedom of activity of vessels on the high seas. Yoshifumi Tanaka, 2019, *The International Law of the Sea, third edition*, p. 190. “Other such exceptions are *inter alia* related to piracy, slave trade, unauthorized broadcasting, ships without nationality and situations in which a relevant mandate of the United Nations Council exists.” Eric Jaap Molenaar, 2004, “Multilateral Hot Pursuit and Illegal Fishing in the Southern Ocean: The Pursuits of the Viarsa I and the South Tomi,” *The International Journal of Marine and Coastal Law*, Vol. 19(1), pp. 26-27.
- (16) Craig H. Allen, 1989, “Doctrine of hot pursuit: A functional interpretation adaptable to emerging maritime law enforcement technologies and practices,” *Ocean Development & International Law*, Vol. 20, pp. 315., Nicholas M. Poulantzas, 2002, *The Right of Hot Pursuit in International Law, Second edition*, pp. 129-135., Molenaar 2004, pp. 27-28.
- (17) G.G. Fitzmaurice, 1936, “The Case of the I’m Alone”, *British Yearbook of International Law*, Vol. 17, p. 96., Allen 1989, pp. 310-311., Robert C. Reuland, 1993, “Hot Pursuit Onto the High Seas: Annotations to Article 111 of the Law of the Sea Convention,” *Virginia Journal of International Law*, Vol. 33, pp. 559., Poulantzas 2002, pp. 1-4 and 119-125.
- (18) Randall Walker, “2011, International Law of the Sea: Applying the Doctrine of Hot Pursuit in the 21st Century”, *Auckland University Law Review*, Vol. 17, p. 197.
- (19) Glanville L. Williams pointed out that “Where the police or armed forces of a state have the right to effect an arrest or capture at one place, and actually effect it, after hot pursuit, the arrest or capture is deemed to have been effected at the first place.” Glanville L. Williams, 1939, “The Juridical Basis of Hot Pursuit,” *British Yearbook of International Law*, Vol. 20, p. 97.