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Nota di contenuto	Front Matter -- Copyright page -- Dedication -- Preface and Acknowledgements -- Maps -- Map 1 -- General Issues Relating to Definitions of Historic Rights and Historic Waters -- Differences between Historic Rights and Historic Waters -- Additional Definitional Problems Relating to Historic Maritime Claims; Historic Title, 'Traditional' Rights: 'Quasi-Territorial' Rights and 'Exclusive' Historic Rights -- Do Historic Rights/Waters Only Comprise Exceptional Claims? -- The Inter-relationship of the Doctrine of Historic Rights with the Regime of the LOSC; and the Impact of the LOSC on the Doctrine of Historic Rights in the Narrow Sense as Discussed in Philippines v China -- The Types of Waters to Which Historic Claims May Be Made -- The Regime of Historic Waters in the Case of Bays, Coastal and Oceanic Archipelagoes, Straits and Territorial Seas -- Historic Rights and Delimitation of Maritime Zones -- A Possible Rationale of Historic Rights Based on Prescription -- An Example from the Past of an Excessive Claim and Adverse International Reaction: The Russian Ukase of 1821 concerning Waters off Alaska -- Possible International Origins of Historic Claims to Waters: International Judicial Decisions, Proceedings before International Tribunals, and Treaties -- Problems as to When and Whether an Alleged Historic Claim Has Been Made -- The International Legal Requirements for Historic Waters and Rights -- Exercise of Authority: The Need for a Formal and Official Claim -- The Official Claim Must Be Clear and Consistent -- The Necessity for

Publicity of Historic Claim: Publication/Notification of the Claim to Other States -- The Need for Continuity of Historic Claim and for Satisfaction of the Time Factor -- The Need for Effective Exercise of Jurisdiction -- Knowledge of, and Acquiescence to, Historic Claims -- Vital Interests ('Vital Bays'): A 'Fourth' Factor Relevant to Evidence of Historic Waters? -- The Burden of Proof Required for Historic Claims to Rights or Waters -- Reliance for Historic Title on Succession to Actions and Claims of a Predecessor -- Problems Relating to Disclaimer of Historic Title -- Conclusions: Does the Concept of Historic Waters or Historic Rights Have Continuing Relevance in Contemporary International Law? -- Back Matter -- Appendix -- Bibliography -- Index.

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Sommario/riassunto

The issue of historic rights and historic waters has long been a problematic area in the law of the sea where even basic definitions have been vague and interchangeably used in the past. The first edition of this book was entitled *Historic Waters in the Law of the Sea: A Modern Re-Appraisal*, and concentrated, as the title implies, on the doctrine of historic waters. The title of this expanded new edition has been broadened to take account of the important clarifications as to the doctrine of historic maritime claims generally-particularly 'historic rights' in the narrow sense which fall short of sovereignty claims. These latter rights--such as they now are-are discussed in depth in the new text. This development has come about, of course, because of the Award of the Arbitral Tribunal in Philippines v. China in 2016. This decision has, for the first time in a judicial setting, rationalised the terminology in this area of the law of the sea; and, most importantly, has clarified the close interaction of historic rights with the Law of the Sea Convention. This new edition discusses the latter issue *passim*, showing that much of the former customary law doctrine has now been overridden by the Convention.

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