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Research on Historic Right

Gao Zhihong

Abstract Although the written laws such as United Nations Convention on the Law of the Sea did not make a clear definition of historic rights, but by historic waters, historic bay and other systems affirmed the value of historic rights. Right is right based on historical and theoretical basis of historic waters and historic bays, historic waters and historic bays are the subject of historic rights. Has a wealth of historic rights of international judicial practice in resolving the territorial sovereignty dispute plays an important role. Elements of historic rights should include three aspects: the country to exercise effective jurisdiction over the waters, the waters of the country's exercise of jurisdiction is open, continuous, clear, and other countries, particularly the countries of the country this behavior is governed were tolerated. Orders and laws is believed to be the two elements of customary international law, the right to belong to a historic international customary law

Keywords historic rights; international customary law; United Nations Convention on the Law of the Sea; maritime law; South China Sea dispute