

United Nations Convention on the Law of the Sea: A Commentary. Edited by Alexander Proelss; Assistant Editors: Amber Rose Maggio, Eike Blitza, Oliver Daum (C.H. Beck, Hart, Nomos, 2017), 2617 pages [ISBN: 9781849461924]

At first sight, it may seem somewhat strange that 35 years after its adoption, in 1982, a commentary of the United Nations Convention on the Law of the Sea (LOSC) has been released, because this type of academic work is common when we are confronted with legal instruments recently adopted or that are about to come into force. And yet, multiple reasons explain why this publication is so timely in 2017.

Since its creation at the III United Nations Conference on the Law of the Sea, the Convention of the same name has been and continues to be the object of the interest of legal practitioners and theorists. This is not surprising, since it is the longest and most comprehensive treaty in existence and throughout its 35 years since its adoption, it has proven to be a living legal text, highly flexible and adaptable to the changing circumstances of the international environment. Its quasi-universal nature reinforces the mentioned characters and explains the name under which it is known, “Constitution of the seas”.

Despite all its virtues, being a framework instrument, some of its provisions have fallen short, and have demanded a subsequent regulatory development. On the one hand, to understand LOSC, we cannot forget the state practice that has helped to consolidate the customary nature of many of its provisions. On the other hand, the three institutions created by the Convention —the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf— in the scope of their activities or jurisprudence —in the case of the Tribunal— have necessarily contributed to the progressive development of the regime established in LOSC. An adequate knowledge of the Convention will require considering these developments, since the analysis of LOSC provisions is only possible from a joint interpretation of the convention itself, the texts that complete it and the existing practice around it, as judge V. Golitsyn, President of the International Tribunal for the Law of the Sea, points out in his Foreword.

All these issues surrounding LOSC have been taken into account in the magnificent edition of Professor Proelss’ *Commentary*. The volume is already much more than a simple commentary on the United Nations Convention on the Law of the Sea: it is a comprehensive, solid and updated revision of the Law of the Sea and, as such, the publication is timely, as in the “Preface” the editor points out, the Convention “terms offer much more than one would initially expect”.

As a precedent to this work, we cannot forget the Center’s Law of the Sea Commentary Project-Virginia Commentary, which has led to the seven volumes plus the Supplementary Documentation of a colossal work, which is *United Nations Convention on the Law of the Sea, 1982: a commentary*, edited by Myron H. Nordquist and published by Nijhoff between 1985 and 2012. However, this work focused particularly on the legislative history of each provision, it is mainly a collection of sources and documents. In comparison to this work, the volume edited by Professor Proelss, certainly complements the previous one, but takes a step forward: it addresses the context, object and purpose

of the Convention's provisions, is based on a continental European approach and focuses on the state practice of courts and organizations, derived from the Convention

This monumental study is a systematic approach analyzing each provision individually, with careful consideration of the developments and practice derived from LOSC since its adoption. The volume entails a comprehensive, objective, and authoritative analysis of each of the 320 articles and 9 annexes in the 1982 United Nations Convention on the Law of the Sea.

Every analysis is preceded by: 1. The text of the provision itself, following the Convention's structure; 2. A selected bibliography concerning every provision under commentary; 3. Documents (both international as well as internal) and 4. Cases in which the provision has been considered principally or incidentally. After this, the commentary itself contains the following aspects: I. Purpose and Function; II. Historical Background; III. Elements (this last section is divided into several subheadings). Footnotes are extensive and very well coordinated.

Particularly remarkable for its utility for practitioners and scholars is the table of cases, which are classified by the international court that has considered them: International Court of Justice, Permanent Court of International Justice, International Tribunal for the Law of the Sea, Permanent Court of Arbitration and Other International Courts. The last part of the table lists the provisions or annexes of LOSC considered by these courts.

Professor Proelss has had the virtue of gathering well-known experts in the Law of the Sea from various countries while opening this important scientific project to young professors and researchers who have done more than the mere task of coordinating the book, as acknowledged in his "Preface". Normally one single author or several authors analyze a set of articles under the same section of the Convention. This has contributed to unity and coherence in the whole project.

Interesting for the Spanish scientific community is Professor Proelss warning in his Preface against the role played by certain national research councils that do not seem to identify precisely this kind of scientific contributions as proper research. I hope that national research councils take due note of Professor Proelss' warning in order to review their scientific requirements.

As a general conclusion, the 2617 pages' volume entitled *United Nations Convention on the Law of the Sea: A Commentary* is a reference work for law practitioners, scholars, theorists, that will shed an inspiring light on future legal discussion and instruments still to come. I fully recommend it and congratulate its editor and the publishing houses for embarking in this important and necessary project.

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