power negotiation and interest weighing.[4] Inspired by the ideals of the R2P, measures of intercession have provided a solution to the dilemma of articulating when and how the international community might respond to atrocity crimes occurring in other States.

Henderson argues that the R2P has brought about an evolution of the principles of State sovereignty and non-intervention, and inspired the emergence of a practice whereby States choose non-forceful responses to atrocity crimes committed in other States, to better protect vulnerable groups. She proposes a new conceptual framework (intercession) to examine this evolution in State practice. The contribution of the R2P is no longer merely conceptual. It is helping shape the boundaries of traditional international principles of sovereignty and non-intervention, and the evolution of State practice.

In summary, *Atrocity Crimes and International Law* is an excellent work which is of relevance to international law, international relations, humanitarian law, and peace and security studies, offering a logical and clear argument, and supported by appropriate and persuasive case studies. The book offers insights into the emerging behaviours of States in a vital area. Henderson examines State practice in response to atrocity crimes through the prism of intercession, revealing the power of ideas to prompt change in international law and inform the advancement of the R2P framework in a meaningful way, while also powerfully countering those who continue to challenge the existence of the concept.

Hui Li* and Le Cheng*

Jurisdiction Over Non-EU Defendants: Should the Brussels Ia Regulation be Extended? by Tobias Lutzi, Ennio Piovesani and Dora Zgrabljić Rotar (eds) [Hart Publishing, Oxford, 2023, 376pp, ISBN: 978-1-5099-5891-7, £90.00 (h/bk)]

This book is a collection of the work of both early- and mid-career academics in the young research network of the European Association of Private International Law (EAPIL). It is a commendable study, underscoring the importance of comparative law in the development of European Union (EU) private international law (PrivIL), and highlighting the significant 'international' dimension of PrivIL. It is also pertinent to the work on direct

[4] L Cheng and W Cheng, 'Legal Interpretation: Meaning as Social Construction' (2012) 192(1/4) Semiotica 427.

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doi:10.1017/S0020589323000490

jurisdiction that is currently being undertaken by the Hague Conference on Private International Law.

The EU rules on jurisdiction are harmonised for civil and commercial matters under the Brussels Ia Regulation. However, EU competence does not extend to allocating jurisdiction in cases that involve defendants from non-EU States. The central issue addressed in this book is whether that situation should change. Thus, the focus of the book is on the domestic jurisdiction rules of 17 EU Member States where Brussels Ia is inapplicable.

The 17 EU Member State jurisdictions that are comprehensively analysed in this book may be categorised as either civil law (Austria, Belgium, Bulgaria, Croatia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, the Netherlands, Poland, Spain and Sweden) or common law (Cyprus and Malta). However, the book also includes chapters on the United States, United Kingdom (UK) and Serbian perspectives. The introductory chapter is very clear and contains a comparative report, which summarises the discussion and facilitates the reading of the other chapters. Questionnaires are the main device employed in those chapters, adding further clarity and interest.

Three main approaches to the issue of international jurisdiction in the EU Member States are studied in the book. The first of these is the application of domestic jurisdiction rules to international cases, also referred to as 'double functionality'. This represents the approach adopted in Austria, France, Germany, Greece, Latvia and Sweden. The second approach is the provision of a special PrivIL Act for international jurisdiction rules, as utilised in Belgium, Bulgaria, Croatia, Hungary, Italy, Lithuania, the Netherlands, Poland and Spain. Some of the jurisdiction rules in these countries (such as Italy, Hungary and the Netherlands) also borrow from Brussels Ia. Third, there is the common law approach (as in Cyprus and Malta), characterised by service, presence and/or residence, and submission to jurisdiction. This approach is subject to the principle of *forum non conveniens*.

Domicile for natural persons is one interesting issue that is thoroughly explored in the book. However, domicile for natural persons is governed by the domestic PrivIL rules of the EU Member States (not Brussels Ia). While the UK was a member of the EU, residence in and a substantial connection with a country (presumed where there was at least three months' residence) would determine domicile. Many of the EU Member States surveyed in this book apply a form of common law domicile (residence and the intention to reside permanently in a State or country), with the exception of Belgium and Spain. However, only Cyprus and Malta apply the strict common law approach of domicile of origin and choice, which is not adopted by the other Member States.

Also surveyed in this book are the matters of alternative or special jurisdiction, *forum necessitatis*, and the protection of weaker parties. A critique of the work concerns the limited coverage of the domestic PrivIL rules on jurisdiction agreements of the EU Member State courts studied.

Jurisdiction agreements between international commercial parties are now popular worldwide. However, Brussels Ia does not extend to jurisdiction agreements which specify/choose non-EU Member State courts (at least not expressly, except in relation to situations where there are prior proceedings in a non-EU Member State court). Moreover, the questionnaires provided in the book's chapters do not contain specific questions on jurisdiction agreements. Given that this would likely be of interest to many scholars, this issue could be taken up in future work.

The authors of this book are mainly supportive of extending EU jurisdiction rules to cases involving non-EU defendants, or, at least, they consider this to be a matter worth exploring. Johannes Ungerer is the only voice arguing against this extension, on the basis that it will be of greater benefit to third States (especially competitors of the EU Member States for international dispute resolution business) than to EU countries. The key point made by Ungerer is that extending jurisdiction rules to non-EU States will drive litigation to third countries, like the UK, which are in competition with the EU.

Overall, this book represents a significant contribution to the important debate on whether the jurisdiction rules of EU Member States in civil and commercial matters should be extended to non-EU defendants.

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https://doi.org/10.1017/S0020589323000490 Published online by Cambridge University Press