

BOOK REVIEW

Ireland-Piper D Accountability in Extraterritoriality,
a Comparative and International Law Perspective
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Abstract

This contribution provides a short overview of the book by Danielle Ireland-Piper on accountability in extraterritoriality in a comparative and international law context.

Keywords

Extraterritoriality; jurisdiction; jurisdictional restraint.

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1. Introduction

In an era of heightened interconnectivity between people and the receding significance of boundaries among nation states, extraterritorial jurisdiction has become an increasingly important topic globally. As the term extraterritorial jurisdiction indicates, it connotes the exercise of jurisdiction, or legal power, outside territorial borders. The need to address crimes that span territorial borders, such as terrorism, human trafficking or the sexual abuse of children, is also more pronounced.

The book criticises the regulation of domestic laws with extraterritorial scope and investigates the relationship between individual rights and extraterritorial jurisdiction.

The question is: to whom would this publication appeal? A less theoretical and more complete work on the subject may be more apt for the law student. For the legal scholar and legal practitioner in a field of law where extraterritorial jurisdiction may apply, the book can definitely be of great assistance.

2. Context of the book

The book starts with an introduction of extraterritoriality and asks question such as, what is extraterritorial jurisdiction and why does it matter, and why do states exercise extraterritorial jurisdiction? It provides a short historical description of the development of extraterritorial jurisdiction to give context to the study.

In chapter 2 a distinction is briefly drawn between prescriptive, enforcement and adjudicative jurisdiction. These principles are then discussed under an umbrella term, namely assertions or exercises of extraterritorial jurisdiction. The chapter concludes by stating that extraterritorial jurisdiction is useful in regulating transnational crimes but also highlights the consequences that may follow the reliance on extraterritorial jurisdiction.

Chapter 3 addresses the principles of jurisdictional restraint. The rights between States and to a lesser extent, international human rights law, legal principles and the rights of the individual may place some restraint on the exercise of extraterritorial jurisdiction. The author focuses on the doctrine of the abuse of rights and comes to the conclusion that, should a state exercise

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extraterritorial jurisdiction in a manner inconsistent with the principles of the rules of law, it has abused its right to exercise extraterritorial jurisdiction.

In chapters 4 to 6 the different regulatory regimes relating to extraterritorial jurisdiction in Australia, India and the United States of America are investigated. Each of the chapters provides a brief overview of the legal history of the country and then considers examples of its regulating of extraterritorial jurisdiction. The author concludes each chapter with an analysis of the protection of individual rights relating to extraterritorial jurisdiction in each country.

In chapter 7 conclusions are drawn from the study and the author provides welcome proposals for future development in this area of law.

3. Concluding remarks

This work by Ireland-Piper is welcome, as it explores issues of extraterritorial jurisdiction from a variety of theoretical and practical perspectives. The book provides the reader with a richness of scholarship, academic attention and analysis in this field and it is a must read for anyone with interest in this topic. It makes a very valuable contribution on extraterritorial jurisdiction and how we can appropriately restrict it.