

# Contents

<i>Acknowledgements</i>	v
<i>List of Abbreviations</i>	ix
<i>Table of Cases</i>	xiii
Chapter 1: Introduction	1
1.1 Background	1
1.2 Aims and Scope	6
Chapter 2: The Extraterritorial Applicability of Human Rights	15
2.1 Introduction	15
2.2 The Concept of Jurisdiction in International Law	19
2.3 The Concept of Jurisdiction in Human Rights Law	22
2.4 On the Different Functions of Jurisdiction in General International Law and Human Rights Law	26
2.5 International Case Law on the Extraterritorial Application of Human Rights	28
2.6 Human Rights Treaties with No Jurisdictional Clause	48
2.7 Conclusions	53
Chapter 3: The Responsible Actor	57
3.1 Introduction	57
3.2 Independent Responsibility	61
3.3 Derived Responsibility for Aiding and Assisting Another State	91
3.4 Conclusions	101
Chapter 4: Extraterritorial Asylum under International Law	104
4.1 Introduction	104
4.2 The Right to Grant Asylum	106
4.3 The Right to Obtain Asylum	120
4.4 The Right to Seek Asylum	141
4.5 A Right to be Protected but No Right to Protect?	157
4.6 Conclusions	163
Chapter 5: Extraterritorial Asylum under European Union Law	165
5.1 Introduction	165
5.2 The EU's External Dimension of Asylum and Migration	167
5.3 The Territorial Scope of EU Law on Border Control and Asylum	188
5.4 Conclusions	206

Chapter 6: Interdiction at Sea	209
6.1 Introduction	209
6.2 The European Interdiction Programme	211
6.3 Migrant Interdiction and the Law of the Sea	215
6.4 Human Rights at Sea	240
6.5 Issues of Attribution and Allocation of Responsibility	254
6.6 Conclusions	258
Chapter 7: External Processing	260
7.1 Introduction	260
7.2 The Logic of External Containment in US and Australian Practices	264
7.3 The Feasibility of Procedural Containment	269
7.4 The Feasibility of Physical Containment	274
7.5 Issues of Attribution and the Allocation of Responsibility	279
7.6 Conclusions	281
Chapter 8: How to Take Refugee Rights into Account	284
8.1 Sovereignty, Territory and Human Rights: Towards a General Proposition	285
8.2 The Implementation of a Human Rights Strategy: Towards Recommendations	293
8.2 The EU as a Panacea for Upholding Refugee Rights?	303
<i>Bibliography</i>	305
<i>Index</i>	317