Part II
International Law Aspects
The Concept of State Jurisdiction and the Applicability of the Non-refoulement Principle to Extraterritorial Interception Measures

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1. Introduction

The refugee in international law occupies a legal space characterised, on the one hand, by the principle of State sovereignty and the related principles of territorial supremacy and self-preservation; and on the other hand by competing humanitarian principles deriving from general international law […] and from treaty.2

In exercising their sovereign right to decide whom to permit entry into and stay on their territory, States employ different entry management tools. These tools include interception measures, i.e. mechanisms to directly or indirectly prevent, interrupt or stop individuals who do not possess the required documentation from reaching, entering and/or remaining on their territory.3 Traditionally, State authorities have denied admission to persons once they have arrived at or inside the State’s territory or territorial waters. Increasingly, however, countries of destination for migratory movements, that have sufficient means, are also employing measures outside of their own territory to prevent people from accessing their border areas. Examples of such extraterritorial interception measures include the interdiction of vessels on the high seas or in the territorial waters of third

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