

---

THE FRENCH STATE AND THE MANAGEMENT OF THE PRESENCE OF EXILES ON  
THE FRANCO-BRITISH BORDER: HARASSMENT, EVICTION AND DISPERSAL

---

**INVESTIGATION REPORT**  
**ON 30 YEARS OF**  
**CREATING THE**  
**DETERRENCE POLICY**

PIERRE BONNEVALLE



PLATEFORME DES SOUTIENS AUX MIGRANT.E.S (PSM)

—

**This report was produced with the support of a scientific committee  
and in partnership with the CERAPS.**



Thus, we would like to thank the members of the scientific committee for their support and expertise throughout the research:

- **Olivier Clochard**, geographer, research fellow at the CNRS and co-director of the Migrinter laboratory at the University of Poitiers.
- **Fabien Desage**, political scientist, senior lecturer at the University of Lille and member of the CERAPS.
- **Nora El Qadim**, political scientist, senior lecturer at Paris 8 University and member of the CRESPPA-LabTop.
- **Camille Gourdeau**, socio-anthropologist at Paris Diderot University and member of the URMIS laboratory.
- **Camille Guenebeaud**, geographer, senior lecturer at Paris 8 Vincennes-Saint-Denis University and member of the LADYSS laboratory.
- **Mathilde Pette**, sociologist, senior lecturer at the University of Perpignan and member of the ART-Dev laboratory.

The 2023 translation of this report into English is an initiative of the Crossborder Forum, through the support of the Rosa-Luxemburg-Stiftung Brussels Office with funds of the German Ministry of Foreign Affairs.



**ROSA LUXEMBURG STIFTUNG**  
BRUSSELS OFFICE

*My name is on this report, but it is above all the result of the mobilisation of the members of the Plateforme des Soutiens aux Migrant.e.s, the advocacy commission, the associative partners and the scientific committee.*

*I would therefore like to thank the people present throughout this investigation who placed their trust in me, who gave me the opportunity to produce this report and who assured me of their full support from the initial thoughts until its publication.*

*Thank you to those who agreed to give their time to the production of this report, as interviewees, intermediaries or proofreaders.*

*Finally, thank you to Anaïs for her presence, support, advice and patience.*

**Pierre Bonnevalle.**

—

—  
THE FRENCH STATE AND THE MANAGEMENT OF THE PRESENCE OF EXILES ON  
THE FRANCO-BRITISH BORDER: HARASSMENT, EVICTION AND DISPERSAL  
—

**INVESTIGATION REPORT**  
**ON 30 YEARS OF**  
**CREATING THE**  
**DETERRENCE POLICY**

PIERRE BONNEVALLE

PLATEFORME DES SOUTIENS AUX MIGRANT.E.S (PSM)

## 2. The creation of the Franco-British border

In addition to this organisation and control of migratory flows at European level, there is the creation of the Franco-British border. As Britain is not a member of the Schengen Area, its border with France is considered an external border of the EU, which means that France has to control it. The particularity here is that European agreements in this area are supplemented by bilateral agreements between France and Britain discussed since the mid-1980s.

With a view to the opening of the Channel Tunnel – which opened in 1994 – France and Britain signed the Treaty of Canterbury in 1986. Meeting at Canterbury Cathedral, Roland Dumas, Minister for Foreign Affairs in the government of Laurent Fabius (PS) and Geoffrey Howe, Secretary of State for Foreign Affairs in the government led by Margaret Thatcher (Conservative Party) drew up a treaty to organise and control flows between the two states. Even before the opening of the Channel Tunnel, the leaders set out here the security structure for the border and the measures stemming from it, of which Article 4 is the cornerstone, since it states:

“Provisions for the exercise of police, immigration, customs and health controls, including animal and plant health controls, and of other controls which might appear necessary, will be the subject of a supplementary Protocol or other arrangements [that] will make provision to enable public authorities to exercise their functions in an area in the territory of the other State where controls are juxtaposed.”

The construction of the Channel Tunnel and France’s entry into the Schengen Area acted as a window of opportunity for the imposition of border controls. Indeed, the various treaties and arrangements that followed strengthened this agreement and the construction of a common border. In 1987, Britain passed the Carriers Liability Act, which aimed to put pressure on shipping companies that transported people in an irregular situation, before the law was extended to road hauliers in 1999 and then rail carriers in 2001, via a fine of £2,000 per person discovered.

In 1991, as work on the Channel Tunnel progressed, the “protocols” envisaged from the signature of the Treaty of Canterbury were discussed by the two governments. They led to the signature of the Sangatte Protocol in 1991, which entered into force in 1993. This protocol provided for “the permanent assignment by each State of liaison officers to the authorities of the other State”, the establishment of “juxtaposed national control bureaux in the terminal installations situated at Fréthun [...] and at Folkstone” and for the possibility for both states to extend their control zones to Paris and London.

While the number of exiled people present in Calais was on the increase (as we will see in the next chapter), the Sangatte Protocol was extended. Thus, in 2001, an Additional Protocol to the Sangatte Protocol came into force, which enhanced the juxtaposition of controls and acted as a safeguard against exiled people attempting to cross the border.

More specifically, this Additional Protocol put in place “control bureaux, for persons using through trains” in the stations of London, Paris, Calais and Lille Europe, and provided that the requests of people submitting an asylum application be “examined by the authorities of the State of departure”, except if the request is made after the train doors have closed, in which case it is to be processed by the state of arrival. In other words, this protocol, which aimed to control all people using the Eurostar, “is above all intended to bring about a reduction in the number of illegal entries by non-Community foreigners into English territory” (AKOKA, CLOCHARD, 2008, p. 18).

The Schengen Area, combined with the Franco-British agreements, meets two seemingly contradictory objectives: the opening of borders and their strengthened control. More precisely, the borders were constructed to enable both the fluidity of flows – of individuals and goods – and a safeguard against “undesirables” – meaning here people without a residence permit or without the material and financial circumstances deemed sufficiently solid to be admitted.

As Camille Guenebeaud points out, the creation of borders, their invention, “does not belong to the ‘order of Nature’ but to the ‘order of Time’, i.e. history” (Louis George Tin, quoted by: GUENEBAUD, 2017, p. 43). In other words, the European borders are constructed politically in order to produce a “we” and a “them”, a way of distinguishing the people on the inside and on the outside, and, for exiled people stranded at the border, to be “on the border” (GUENEBAUD, 2017).

The Franco-British border is embodied by the cities where links between the two countries exist: port and maritime links, then road and rail links when the Channel Tunnel opened. Due to their geographical proximity to Britain, Calais and Sangatte symbolise and amplify this border, which was once strictly maritime in nature and has become a “land” border, and a crossing point for exiled people wishing to – or forced to – get to Britain.

#### **TIMELINE – 1985-2002: EUROPEAN AND FRANCO-BRITISH AGREEMENTS FOR THE MANAGEMENT OF MIGRATORY FLOWS**

.....

**14 June 1985:** Signature of the Schengen Agreement (France, Germany, Belgium, Luxembourg, the Netherlands), the aim of which is to phase out common border controls in exchange for increased surveillance of external borders.

**12 February 1986:** Signature of the Treaty of Canterbury with a view to the opening of the Channel Tunnel. Signed by France and Britain, in Article 4 this treaty provides that “Provisions for the exercise of police, immigration, customs and health controls, including animal and plant health controls, and of other controls which might appear necessary, will be the subject of a supplementary Protocol or other arrangements” and that “Such a Protocol or arrangements will make provision to enable public authorities to exercise their functions in an area in the territory of the other State where controls are juxtaposed.”

**15 May 1987:** Entry into force of the Carriers Liability Act, which introduces a fine for companies transporting people in an irregular situation of £1,000 per person concerned. The fine was doubled in 1991.

**29 July 1987:** Entry into force of the Treaty of Canterbury.

**19 June 1990:** As a follow-up to the Schengen Agreement, it provides for the transfer of controls at external borders, the development of a common policy on visas and the right to asylum and the strengthening of police, customs and judicial cooperation.

**1 September 1990:** Establishment of the Dublin Convention which aims to prevent exiled people from seeking asylum in several Member States.

**25 November 1991:** Signature of the Sangatte Protocol with a view to the opening of the Channel Tunnel, which provides for “the permanent assignment of each State of liaison officers to the authorities of the other State”, the establishment of “juxtaposed national control bureaux in the terminal installations situated at Fréthun [...] and at Folkestone” and for the possibility for both states to extend their control zones to Paris and London.

**2 August 1993:** Entry into force of the Sangatte Protocol.

**6 May 1994:** Opening of the Channel Tunnel.

**26 March 1995:** Entry into force of the Schengen Agreement.

**20 April 1995:** Signature of the “Gentleman’s Agreement” in Paris between France and Britain, which permits the return within 24 hours of persons refused entry by one of the two states to the other state. This agreement specifies that it will be superseded by the Dublin Convention, once implemented (i.e. 1 September 1997).

**1 November 1997:** Entry into force of the Dublin Convention, which aims to identify the Member State responsible for receiving an asylum application.

**1 May 1999:** The Treaty of Amsterdam enters into force, affirming the “principles of liberty, democracy, respect for human rights”. In practice, it specifies that the entry, transit and movement of persons who do not hold European citizenship are covered by the common visa policy.

**11 November 1999:** The Immigration and Asylum Act provides that a driver of a private vehicle and a shipping company or road transport manager can be fined £2,000 for assisting in irregular entry and residence.

**29 May 2000:** Signature of the Additional Protocol to the Sangatte Protocol, which jointly establishes “control bureaux for persons using through trains” in the stations of London, Paris, Calais and Lille Europe, provides that the requests of persons submitting an asylum application be “examined by the authorities of the State of departure”, except if the request is made after the train doors have closed, in which case it is to be processed by the state of arrival.

**11 December 2000:** Regulation on the establishment of the Eurodac system “for the comparison of fingerprints for the effective application of the Dublin Convention.”

**As of 25 March 2001:** 15 countries are signatories to the Schengen Agreement: Germany, Austria, Belgium, Denmark, Spain, Finland, France, Greece, Iceland, Italy, Luxembourg, Norway, the Netherlands, Portugal, Sweden.

**5 June 2001:** Entry into force of the Additional Protocol to the Sangatte Protocol.

**28 June 2001:** European directive aimed at air, sea and land carriers, which aims to financially sanction carriers transporting people with no valid documents to the EU with a fine of up to €5,000.

.....

## CHAPTER 2: THE SANGATTE CAMP: A “HUMANITARIAN”

### RESPONSE IN THE FORM OF “HOUSE ARREST”

*“We were dealing with a global phenomenon located in Calais. Because in addition to being a normal border, Calais is a natural border. If we had the Himalayas, it would be the same, it is impassable. And so we prevent people from dying during the day and at night we try to prevent them from crossing. (...) The Calais problem is getting out of the control of Calais, Pas-de-Calais and France.*”

*The reality is that we have a global exodus, international migrations that are increasing in number, these are people who are fleeing for political reasons, who are dying of hunger, a climate migration, a demographic migration. (...) Calais has become the point of tension or the point of exacerbation, it could have been any other place but it so happens that geographically it is the place on a border, a natural border, where there is only 30 km to cross.” (Yannick Imbert, sub-prefect of Calais from 1998 to 2000<sup>11</sup>)*

---

*“There are no natural borders, they are all built. By being visible in the media, we believe it and it becomes rational.” (GUENEBEAUD, 2017)*

As a result of Schengen and the opening of the EU's internal borders, economic, trade and human flows grew in the strait area. This space, which separates Britain from France by 30 kilometres, saw trade intensify and made the Port of Calais a cornerstone of Franco-British trade. Alongside this openness, the locking down of this space has been planned since 1986 and the Treaty of Canterbury. It targeted “undesirables” who were growing increasingly numerous as conflicts caused exiled people to wander and the Franco-British border was established (I). Calais, through its intense and daily connections with Dover, symbolised and embodied this creation of the border. Until 1997, there was a kind of indifference on the part of the public authorities towards the exiled people present on the coast, where, even though arbitrariness prevailed, no official doctrine for managing the flows had yet been established (II). The increase in the number of exiled people made them visible and forced the local authorities and the government to address migratory phenomena, with respect to which there was hesitation about what to do next. Framed as a “migration crisis”, this “influx” resulted in the creation of a humanitarian emergency facility combining “humanity” and “firmness”: the Sangatte camp. This was the groundwork for a socialist approach to the management of migratory flows (III).

## I. WHEN CALAIS BECAME A BORDER

---

*“The problem with Calais is its proximity to England. Today, similar things are happening at the Italian border and the pushbacks from Nice or Menton to the Italian border.”<sup>12</sup> (Jean Dussourd, prefect of Pas-de-Calais from 1999 to 2001)*

France and Great Britain are geographically separated by 30 kilometres by the Pas-de-Calais strait. This space fluctuates between separation and connection, enabling, in particular, the growth of economic and port activities. This maritime space was gradually appropriated by both states, resulting in the sharing of territorial waters equidistant from the two shores at the time of the signature of the so-called Montego Bay Convention in 1982.

The legal reason for the creation of this maritime border was to separate the economic issues it represents, since it enabled the growth of maritime trade in the North Sea and the

---

11. This interview was part of Camille Guenebeaud's work on her doctoral dissertation: Dans la frontière, Migrants et luttes des places dans la ville de Calais, geography doctoral dissertation, 2017.

12 Interview conducted on 12 June 2021.

Baltic Sea. This strait, which is a major space for international maritime trade, is heavily used, shallow and the weather conditions are often poor. Nevertheless, the dangerous nature of the strait has not prevented the growth of trade by ship between the two countries.

For several decades, the ports of Boulogne-sur-Mer, Calais and Dunkirk have grown on the French side, intensifying maritime links with Dover, Folkestone and Ramsgate on the English side. These daily and sustained connections have reduced the crossing time (75 minutes by ferry) and therefore brought the two shores closer together. The opening of the Channel Tunnel in 1994 contributed to bringing the two countries closer together geographically, enabling London and Paris to be located just over two hours apart.

In a context of open borders established by Schengen and European integration, the challenge was to boost flows and reduce barriers between the two countries, which used this proximity to promote travel and make it an argument for trade and economic relations.

This openness was nevertheless selective. Both states imposed controls on migratory flows in order to prevent exiled people from benefiting from this proximity and the growth in traffic. As Britain was not part of the Schengen Area, the Franco-British border acted as an external border, while bilateral agreements relocated the border to French territory. Calais embodied the border, on the one hand, because it became the access point for leaving the Schengen Area and getting to Britain and, on the other hand, because it was represented by the presence of exiled people.

Until the opening of the Channel Tunnel, crossings were made by boat, from the ports of Boulogne-sur-Mer, Calais and Dunkirk. When the Tunnel opened in 1994, maritime operators favoured the port of Calais in order to “remain competitive”, increasing the number of links<sup>13</sup> and new opportunities for exiled people to cross. The Tunnel became a new option for crossing the Channel. The entrance to the Eurotunnel Terminal is located in Coquelles, a few kilometres from Calais. This geographical proximity makes Calais a strategic location for exiled people seeking passage.

The Franco-British border, far from being natural, is a political and legal construction based on the organisation of maritime, and then rail and road, flows. As cross-Channel traffic was organised and concentrated in or near Calais, the city became “the symbol of the closure of the Franco-British border. (...) In the 1990s, the city of Calais experienced both a concentration of cross-Channel links and the settlement of people pushed back by England” (GUENEBAUD, 2017, p. 86).

The gradually increasing visibility of people stranded in Calais embodied this border, as a symbol of the legal impossibility of crossing and the inability of the English and French States to deal with the situation of people stranded on the border.

## II. THE MATERIALITY OF THE BORDER

---

Since the 1980s, exiled people have been stranded on the coast of Nord-Pas-de-Calais. Few in number and not very visible, they gathered together and settled in makeshift spaces before attempting to cross.

---

13. In 2021, there were 50 crossings per day between Dover and Calais.