Territorial Policing and the ‘hostile environment’ in Calais: from policy to practice

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Territorial policing and the ‘hostile environment’ in Calais: from policy to practice

Anya Edmond-Pettitt

Abstract

This article looks at the ‘hostile environment’ principle in the context of UK government policies since the 1971 Immigration Act focusing largely on the more recent expansion of immigration policing across Europe. The author draws both on her work at the Institute of Race Relations, researching the prosecution of humanitarians under anti-smuggling and anti-trafficking laws and her experience as a volunteer at Calais. The article is based on six interviews conducted in June 2017 with volunteers from Refugee Community Kitchen, Refugee Youth Service, L’Auberge des Migrants and the Refugee Rights Data Project. She establishes that, ever since the Le Touquet agreement when the British border was extended to Calais and the French border to Kent, there has been a convergence between French and British border policing. The violence at Calais of the CRS, also known as the riot police, is discussed, with the suggestion that intimidatory policing is not arbitrary but flows from the logic of territorial policing. The policing of aid distribution points within the context of a deliberate policy of shrinking the space for humanitarian activism is discussed, with regular harassment and identity checks of refugees and volunteers alike, including the throwing of tear gas into the food distribution lines, described. The author stresses that hostile environment policies linked to territorial policing form a deliberate means of intimidation and oppression of displaced populations whose very presence is deemed illegitimate.

Key Words: Crimes of solidarity; Dublin System; Social Abjection; State Crime; Xeno-Racism.

The dehumanisation of migrants and refugees as a ‘mass’, a ‘horde’, ‘influx’, ‘swarm’, and the passing of xeno-racist laws and policies to isolate, segregate

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1 An earlier version of this chapter appears in the IRR report ‘Humanitarianism: the unacceptable face of Solidarity’.
2 Anya Edmond-Pettitt holds a Masters degree in Transnational Studies from the University of Southampton. She currently works at the Institute of Race Relations as part of the European Research Programme and contributed a section to its 2017 report Humanitarianism: The Unacceptable Face of Solidarity. She has volunteered for various projects at Calais since 2016.
and expel them, is hardly new (Fekete, 2001). Since the Aliens Act of 1905, which introduced immigration controls and registration for the first time in Britain and was aimed at keeping out Jewish immigrants from Eastern Europe, successive governments (whether Labour or Conservative) have colluded with populist anti-foreigner racism.

Nevertheless, the openly stated goal of immigration policy that socially engineers a ‘hostile environment’ for those without legal status, is relatively new. It was during the early years of the coalition government that the active promotion of hostile environment policies was first introduced. Campaigners understood this to be the logical cumulation of deterrent asylum policy and the incorporation of nativist principles in employment and welfare law. However, what was novel and distinct in the promotion of the hostile environment principle was the dehumanised vocabulary that made no secret of its persecutory aims. Hence, the adoption of the phrase, the ‘Hostile Environment Working Group’ to describe the work of ministers tasked with making life impossible for migrants through the intensification of proactive enforcement. Taken together, all this denoted a step-change in the policing of migrants, and a further extension of xeno-racism.

The new hard-line approach to those deemed immigration offenders became headline news in the run-up to the passing of the 2014 Immigration Act. Theresa May, then home secretary, made it clear that the Conservative/Lib-Dem coalition government would not tolerate the presence of irregular immigrants, with the new Act deemed a necessary form of asserting territorial control. Hence, in the lead-up to the 2014 Act, territorial policing – a more intensive and expansive form of immigration policing characterised by proactive enforcement – accelerated. Not just at UK borders but also internally, with the immigration police (renamed the ‘border force’) exerting its authority through raids on workplaces, stops and searches at transport hubs, the much-ridiculed Operation Vaken (a pilot scheme involving mobile ‘ad vans’ being driven around six London boroughs which told people to go home or face arrest) and the countrywide rolling out of Operation Nexus, a Home Office police intelligence initiative to increase deportations, which was first piloted in London in 2012.

Nevertheless, developments in immigration policing over the past two decades have not been restricted to the UK. Immigration enforcement agencies across Europe also saw their budgets, influence and powers multiply, and immigration policing was the fastest growing and least accountable form
of policing. Peter Andreas, writing in 2003, noted that ‘in many places states are retooling and reconfiguring their border regulatory apparatus to prioritize policing’, with a ‘greater extension of tracking and control mechanisms beyond the point of entry’ (Andreas, 2003). The aggressive policing of migrants, which forms part of the ‘hostile environment’ in the UK, is clearly in evidence across the Channel.

**IRR research: focus and methodology**

As this article, with its focus on the British and French states and their drive to legitimise and normalise hostile environment policies through territorial policing in response to the humanitarian crisis in Calais, did not emerge from a distinct research project on this subject a note about its genesis may be in order. Since at least 2006, the Institute of Race Relations (IRR), an independent resource centre combining research with advocacy, has been documenting attempts by EU states to use the law to shrink the space for humanitarian activism³. In the summer of 2015, as more and more refugees attempted to cross the Mediterranean to seek safety, and with the ‘refugee crisis’ seeing the collapse of Europe’s Dublin system⁴ (Rosales, 2016) as well as the securitisation of Europe’s land borders, this work became more urgent still.

The IRR had received a spike in alerts from NGOs and advocacy organisations about attempts to criminalise human rights activists by utilising anti-smuggling, anti-trafficking and immigration laws. One of my first tasks when I joined the Institute in 2017 as an assistant on the European Research Programme was to sort and classify the information contained in these news alerts. This led to twenty-six detailed case files, involving forty-five individuals prosecuted under anti-smuggling, anti-trafficking and/or immigration laws since September 2015. The data gathered showed that prosecutions were clustered throughout Europe at ‘flare-up points’, predominantly at national borders. The lack of proper planning or assistance from states to process these people and the increase in national border security which hindered their progress led to dangerous bottlenecks and the creation of makeshift camps. Thus, it was within this wider context of securitisation of borders and

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³ In 2006 the IRR’s European Programme published ‘Asylum: from deterrence to criminalisation’ by Frances Webber and in 2008 Liz Fekete carried out a survey of legal and other measures which criminalised asylum seekers and those who south to act in solidarity with the undocumented ‘Grinding down the human rights defenders’
⁴ The Dublin system is a Europe wide law that states those seeking refuge and asylum must register in the first safe country they reach.
prosecution of humanitarians at ‘flare-up points’, that the escalation of territorial policing at Calais emerged as an area of specific concern.

The Institute had initially planned just to publish the case files we had pulled together. However, we soon recognised that the pattern of criminalisation demanded that we go much further than merely documenting the cases. We needed to explore the wider European security and territorial policing strategies that were impacting on the work of volunteers and researchers, particularly at the borders of France/Britain at Calais and Italy/France at Ventimiglia. As an organisation the IRR seeks to build on the research and analysis of a broad range of actors, both academic and non-academic, also giving primacy to those that are ‘experts by experience’ (i.e. at the sharp end of racism). Consequently, my previous experience as a volunteer in Calais and commitment to refugee rights complemented my professional practice as a member of the European Research Programme. To gain a more firsthand understanding of a rapidly evolving situation in Calais, on my next trip I extended my visit to discuss the deteriorating situation in Calais with my fellow volunteers. I conducted six interviews, with each person made aware that the purpose of the interview was for IRR’s new report; ‘Humanitarianism: the unacceptable face of solidarity’. The information and knowledge gained through the interviews informed the parameters of the report and where those interviewed were directly quoted, consent was obtained.

The evolution of hostile environment policies

During the summer of 2015, the hostile environment principle began to be characterised as a necessary condition for public safety through the legitimisation of scare tactics generated in the British media about ‘alien hordes’ at Calais threatening to overwhelm border controls. Such fearmongering was increased by the success of the UK Independence Party (UKIP) in whipping up fears of ‘mass invasion’ and terrorists posing as refugees and shifted the debate further onto far-Right terrain. In this way, the ‘hostile environment’ framework seduces the public into supporting what Green and Ward describe as ‘state organised deviance involving the violation of human rights’ (cited in Grewcock, 2009: 13). Furthermore, demands for a ‘hostile environment’ for undocumented migrants provide useful cover for politicians as they jettison humanitarian principles and further erode the social and human rights of asylum seekers, refugees and migrants.
The hostile environment, then, is a highly elastic concept whose application takes two main forms. In the first instance it undermines the rights of refugees through their systematic exclusion from the means of life, such as employment, welfare benefits, housing and health care; so as to reduce their options to destitution or self deportation, in the process conscripting civil society actors as gatekeepers and informers. Secondly it has seen the increase in arbitrary power of the police and immigration enforcement through raids, stops, detention and deportation, on the one hand, and further shrinking of the public space for solidarity, on the other.

However, this is not to say that the practice of creating a hostile environment for migrants is in itself new. The use of stops by the police, creating an intimidating climate for immigrants, was seen as early as the 1971 Immigration Act, which gave the police new powers of arrest (without warrant) and detention. Even before the Act came into force, the Metropolitan Police set up the Illegal Immigration Intelligence Unit which carried out raids and passport checks – many, due to the racialised image of immigration, on BAME communities. The assumption of the police seemed to be, as argued by the IRR (1979: 14) in its evidence to the Royal Commission of Criminal Procedure in 1979, that the police supposed ‘black people are illegal immigrants until they can prove otherwise’.

In this way, the racialisation and criminalisation of immigration, now embedded in the public and political consciousness, has become a legal and normative category (Griffiths, 2017). However, the hostile environment principle furthers this idea to establish the notion that borders are everywhere, and the ‘illegal immigrant’ needs to be policed, both internally and externally. Until the mid- to late 1990s, the main emphasis of British immigration policy was the prevention of arrival through border control. However, immigration status and means of arrival did not determine a person’s access to employment, housing, health care or social security, which for the most part were universally available. It was not until the early 2000s that eligibility for these rights was fully aligned with immigration status. In 1996 the government attempted to bring in legislation that would remove eligibility for state benefits from certain categories of asylum seekers (already banned from working) which would leave them destitute and homeless. The Court of Appeal quashed the regulations, saying ‘Parliament cannot have

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5 Alignment of access to public goods with immigration status was a gradual and piecemeal process, with NHS regulations limiting free access to non-urgent hospital care (in theory at least) from 1982, local authorities restricting social housing from the late 1980s and the restriction of social security benefits from the early 1990s.
intended a significant number of genuine asylum seekers to be impaled on the horns of so intolerable a dilemma: the need either to abandon their claims to refugee status or alternatively to maintain them as best they can but in a state of utter destitution’ (Webber, 2012). Parliament immediately enacted legislation that did exactly that, and has continued extending the exclusionary principle ever since, the fullest development of which is seen in the Immigration Acts of 2014 and 2016.

It is important to note that these Acts also included measures to increase private and public-sector bodies’ involvement in carrying out immigration status checks, and to use frontline services as extensions of the border guard. Amongst those now expected to check the immigration status of people are banks, schools and landlords. In 2017 a pilot project was launched in twenty hospital trusts in metropolitan areas, half of which are in London, whereby patients have to show either their passport or a utility bill before they are allowed NHS care for such things as hip replacements or giving birth (Forster, 2017).

In this way, the scale of harassment experienced by immigrants and asylum seekers today is not only qualitatively different from the past, but also has the state’s stamp of approval. Nativism has become the state ideology (Burnett, 2016) and is imprinted on the harassment of immigrants seen today. What was an open secret, that the purpose of immigration policy was to create a hostile environment for those without citizenship, is now expressed blatantly throughout government legislation. In this way the hostile environment policy is a culmination of the punitive immigration policy of the last twenty years, which has seen the decline in integrationist policy, family reunification and even child protection. The current government will not even relocate unaccompanied child refugees from the streets and squalid camps of Europe. Since the Dubs Amendment was passed in 2016, with the aim to relocate 3,000 unaccompanied children, only about 200 have been allowed in – and the government has now capped the scheme at 480 (BBC, 2016; Sparrow, 2017).

The increasingly punitive approach to migrants begins to resemble what used to be referred to as ‘aliens law’, which invokes a ‘hostile environment’ against foreigners (Fekete, 2018: 88). Indeed, European countries are increasingly reducing their societies to three categories: citizens, almost-citizens (those who must defend and justify their status) and non-citizens. All EU member states accept the premise that uncontrolled arrival is a threat to governance (Rosales, 2016). This closing of ranks throughout Europe and narrowing of who can access citizenship is the common response of the global
North to instability, crisis and forced migration. Within this new, narrowed view of citizenship it is the duty of the immigration police, helped by the growth in surveillance society, the extension of internal controls and identity checks, to enforce and defend the new parameters.

In this way, the hostile environment goes well beyond its policy and quasi-legal framework and now extends into public life; it forms part of the narrative of the public good. The government expects its citizens to implement the hostile environment on a regular basis, establishing this as acceptable, normal behaviour. The constant mobilisation of narratives that conjure up images of insiders and outsiders percolates down from state policies into popular culture, justifying ostracism and exclusion of the outsider on the basis of defending citizens’ rights. Therefore, both citizens and migrants exist within a new securitised framework, one which treats all those who may, on account of skin colour, language acquisition, or any other number of factors, appear to hold the characteristics of being a migrant. This insider/outside distinction resonates with Imogen Tyler’s work on social abjection. Tyler provides many examples of the stigmatisation of migrants, arguing that specific groups are being re-imagined and configured as revolting, becoming subject to stigma, with public anxieties and hostilities channelled towards those configured groups, who are imagined as a parasitical drain and a threat to national resources (Tyler, 2013). Thus, in the run-up to the referendum on EU membership in 2016, the prime minister David Cameron legitimised public hostility towards migrants and refugees through his use of provocative language. In an ITV interview in July 2015 he referred to refugees and migrants as ‘swarms’ (Cameron, 2015), also conjuring up the ominous image of the Calais ‘Jungle’ camp coming to the south east of England, if the remain vote did not prevail (Elgot, 2016).

This political fearmongering is reinforced in a more fundamental way through the analysis that is put forward by the media to explain forced migration, and the worst ‘refugee crisis’ since the second world war. One recent study conducted by Cardiff University’s Journalism School and published by the UNHCR, explored the media’s representation of the refugee crisis across Europe. It found that Britain had the most negative presentation of refugees and that the right-wing press ‘expressed a hostility towards refugees and migrants which was unique’ (Berry, et al, 2015) and occurred with depressing regularity, with frequent inflammatory front page headlines such as ‘Migrants: How many more can we take?’(Doughty, et al., 2015), ‘1 in 9
workers are migrants’ (Sheldrick, 2017) and ‘Migrants Swarm to Britain’ (Chapman, 2015), to name but a few.

Consequently, the hostile environment principle is a concept and narrative with which the British public is well acquainted. The framing of refugees and migrants as suspect and a national security risk has become a new common-sense to be accepted by the public. Interestingly this new norm has now been absorbed into French policing practices, fundamentally shaping the lived experiences of refugees and migrants in Calais.

Convergence between French and British border policing

In policy terms, Britain has continued to enforce the 2003 Le Touquet agreement with France and finance the militarisation of policing, to the tune of at least £80 million in Calais. The Le Touquet agreement saw the British border extended to Calais and the French border extended to Kent for border control purposes. In June 2017, there were an estimated 650 Compagnies Républicaines de Sécurité (CRS) agents and mobile gendarmerie to deal with a population of anything between 200 and 500 displaced people residing in Calais. This allows the number of refugees arriving on British shores to remain rather low, as the British border, to all extents and purposes, now physically exists at Calais. It is up to the French police then to further both French and British border policy by creating a ‘hostile environment’ at Calais. The presence of displaced people at Calais, first at the ‘Jungle’ camp and, since its destruction in October 2016, on the streets of this northern French city, is not viewed via a humanitarian but rather a security lens. As a result, even meeting the basic human needs of those compelled to live a nomadic existence perpetuates that threat, bringing to mind Hannah Arendt’s 1951 warning about the particular vulnerabilities of stateless people and refugees when they are ‘expelled from humanity’. She observed in *The Origins of Totalitarianism* that ‘the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them’ (Arendt, 1985: 292).

The CRS, also known as the riot police, are a mobile unit deployed by the French government predominantly for public order policing and border duties, such as patrolling borders and maintaining order during demonstrations and large public events. It is a national centralised service that is deployed to regions across France when deemed necessary; a company typically spends 200 days a year away from its base. Consequently, individual CRS agents are
not local to the area they police and on a constant rotation. CRS officers are equipped with a handgun as well as handcuffs, a baton, incapacitating (pepper) spray or a taser device, as deemed necessary (The Law Library of Congress, 2017). The CRS have been a presence in Calais for a number of years to monitor and manage the displaced population that has gathered there since the creation of the Sangatte camp in 1999. The very use of the CRS to police the displaced population in Calais permits the French government to perpetuate a central precept of the hostile environment principle: that refugees and migrants are a violent and criminal element that must be dealt with through an exceptional securitised state response.

The account that follows is based on the author’s experiences of volunteering at Calais, as well as those of volunteers with Refugee Community Kitchen, Refugee Youth Service, L’Auberge des Migrants and the Refugee Rights Data Project, all interviewed in June 2017. The tools used for policing are described by witnesses on the ground as ‘Intimidation, coercion, fear, power imbalance which inherently lead to this idea of brutality and violence’. Such observations demonstrate how the French government’s decision to use the CRS rather than the Police Nationale (which polices major cities and large urban areas and is under the control of the interior ministry) sets the tone for the reception of displaced people. The CRS is not a unit trained or expected to negotiate or liaise with organisations, groups or individuals within a community-oriented policing framework. In fact the unapproachable way the CRS operate in Calais actively dissuades any sort of communication or discussion with the displaced population. The CRS are never accompanied by interpreters, nor do they carry language-appropriate information explaining the asylum process. Instead, they break up any migrant groupings they find, continually moving them on; though where they are supposed to relocate to is not made clear.

As noted previously, the hostile environment principle in policy terms is reinforced by the representation of migrants and refugees in popular culture as a dangerous, and even criminal (or terrorist) threat. Whether dangerous in terms of their numbers, their destitution, their ill-health or because harboured in their midst are terrorists, the threat of the anti-social mob becomes the justification for an intensive form of territorial policing which draws on epidemiological criminology, wider discourses of public health, and the idea of

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6 All of those interviewed have volunteered with their organisation for over a year, either full or part-time, and all, bar the representative from Refugee Rights Data Project, live in Calais as permanent humanitarian workers.
disorder as disease, and as contagious (Saberi, 2017). Police intimidation which is often accompanied by violence in all its forms may appear arbitrary, but it is nonetheless something that flows from the logic of territorial policing. Typical examples that point to a deliberate police strategy behind seemingly individual ad hoc acts of violence and intimidation include: ‘the CRS basically kind of did a running charge with their rubber pellet guns’, ‘sore eyes from use of pepper spray’ and ‘then the CRS van slowed down and an arm stuck out and an arm sprayed pepper spray out the windows at the refugees walking on the side of the road’. Policing in Calais is based on creating a climate of intimidation and brutality, and the fact that there is no attempt at community policing is deliberate strategy.

**From policy to practice**

The presence of the CRS in Calais for the last decade shows that the French state has had a national security focus to its refugee policy for some time. However, it cannot be denied that as the displaced population has grown in Calais in relation both to the ‘refugee crisis’ and the headline status it has been given in Britain, so too has the number of CRS agents and the intensity of their presence. Yet it is not the case that French asylum policy *per se* is as restrictive as the treatment of refugees in Calais. The director general of the French Office for the Protection of Refugees and Stateless Persons (OFPRA), Pascal Brice, stated in a recent BBC documentary that 70 percent of those removed from the ‘Jungle’ in 2016 were granted asylum in France (Reed, 2017). Conversely, Britain only accepted 17,325 asylum applications (45 per cent) in 2015 (British Red Cross, 2017). France will also have 88,000 accommodation spaces for refugees and asylum seekers by 2019 (Briancon, 2017). The difference in the French policy towards the displaced population as a whole and the lived experience in Calais highlight the ways in which the hostile environment principle has been absorbed into the consciousness of this particular region.

Calais’ acceptance and enactment of the hostile environment principle, as a means to intimidate and oppress the displaced population by making their existence as difficult as possible, is most keenly seen in a decree issued by Calais mayor Natacha Bouchart of the centre-right party Les Républicains in March 2017. This ensured that in addition to the violence and intimidation the refugees experienced, they were also prohibited from accessing even the most basic necessities of life, such as food and water. Bouchart justified the banning
of the distribution of food to refugees and migrants on the grounds of public security. She clearly desired not only to reduce the numbers of refugees but also to minimise the presence of humanitarian organisations and volunteers who, by providing for basic needs, were undermining state attempts to force displaced people out of Calais. In March 2017, eleven NGOs lodged a legal complaint against the decree and the administrative court in Lille subsequently ruled that it was ‘not possible to leave these people, who are in a state of complete destitution, without any aid’ (The Local, 2017). The court ordered that volunteers be allowed to distribute food and water and also instructed Calais municipal officials to provide drinking water, toilets and showers. The authorities in Calais were given ten days to comply or face fines of €100 for each day that they failed to meet requirements. The Calais administration immediately launched an appeal against the ruling, but on 31st July France’s highest court, the Conseil d’Etat, upheld the ruling, saying ‘these living conditions reveal a failure by the public authorities that has exposed these people to inhuman or degrading treatment’ (O’Carroll, 2017).

Grewcock, writing in the Australian context, has observed that ‘refugees and forced migrants are not only excluded from their own national polity but often from the less formal, sometimes transnational, networks of civil society’ (Grewcock, 2009). The final destruction of the ‘Jungle’ in October 2016 did not lead to the disappearance of the humanitarian agencies which were present in this unauthorised refugee camp. The purpose of the decree, to hinder the attempts of humanitarians to provide food and water, suggests an evolution in state policy. As discussed above, refugees are not merely excluded from accessing civil society, but civil society actors are frustrated in their attempts to assist them. The hostile environment principle becomes extended to those who show solidarity with excluded communities. Refugee solidarity groups, which fill the gaps in state provision, now find themselves regarded as an anti-social presence, as just providing food, water and shelter (in the form of sleeping bags) can be enough to single humanitarian workers out to the police as ‘enablers of irregular migration’. Their actions are regarded as a ‘pull factor’ that encourages the migration to and nomadic existence at Calais.

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7 In October 2016 the French state entered the ‘Jungle’ camp and removed the majority of the residents via buses to be housed across France in formal centres where their status would be reviewed and any asylum applications processed.
The policing of aid distribution

To work around the ruling of the Conseil d’Etat without having to accept the displaced population and the humanitarian workers helping them, the Calais authorities restricted aid distribution to between 6pm and 8pm. The distributions are heavily policed and often cut short by the CRS agents present. There is regular harassment of refugees and volunteers alike. CRS agents intimidate all present with arbitrary identity checks – which often lead to refugees scattering and any humanitarian volunteer found without proof of identity taken to the police station to be held. It is French law that proof of identity must be carried at all times in Calais as it is within twenty miles of the French border.

However, demands to produce proof of identity seem to be increasing, as one volunteer stated: ‘in twenty years of travelling to and from Calais I have been asked to present my proof of identity only once and that was on entering the “Jungle”’.

There have also been accounts of CRS agents throwing tear gas into the distribution lines, or lining up in formation and then doing ‘a running charge with their rubber pellet guns’ into the congregated people. There are also frequent reports of the CRS forcing the early closure of the distribution point, long before all those present have had food or water. One volunteer described a situation where the CRS shut down the distribution early by blocking the ‘vans again, they barricaded the back of the big truck there ... we were trying to open the van and they literally pushed Jacob out of the way’. During this incident one volunteer was arrested for assaulting a CRS agent after she ‘carried on handing out plates of food and one of the CRS grabbed her shoulder from behind. It shocked her and she, like, threw the plate into his face’.

This experience of being persona non grata extends to treatment by locals. Several volunteers experienced this at the Calais Tourist Information office. Once it became clear they were volunteers working with the refugees, their reception became very cold and they were told that the office was there ‘to serve tourists’ and not volunteers.

The majority of volunteers and humanitarian workers interviewed in the course of this research wanted to talk about the ways in which the situation on the ground had changed since the demolition of the ‘Jungle’ in October 2016 and the election in May 2017 of Emmanuel Macron as president. They raised a number of concerns about the situation in Calais including the increase in
police violence towards them as well as the displaced people, the relationship between the humanitarian workers and the community in Calais and the policy of ‘moving on’ to stop the creation of another ‘Jungle’.

Since the demolition of the ‘Jungle’ camp it has been a priority of the French state to prevent the development of a new camp (France 24, 2017), with the CRS even going so far as to harass refugees and migrants while they sleep. The bedding of refugees is removed and destroyed by CRS agents daily. In addition to the destruction of bedding, either by confiscation or by spraying the blankets with pepper spray, the CRS also patrol throughout the night and move on refugees they find sleeping. A researcher from the Refugee Rights Data Project said that the ‘sleep deprivation is intentional and it really leads to a deteriorating mental health’. A central pillar of public order (riot) policing is dispersal. However, at Calais this is taken to new lengths, to a form of policing that is semi-criminalising existence itself; it borders on persecution.

In his seminal essay ‘The Camp as “Nomos”’, Giorgio Agamben argues for the investigation of the ‘juridical procedures and deployments of power in which human beings could be so completely deprived of their rights and prerogatives that no act committed against them could appear any longer as a crime’ (Agamben, 1998). Volunteers interviewed at Calais referred repeatedly to the ‘power imbalance which inherently leads to this idea of brutality and violence’. If by its nature, the embedding of the hostile environment principle within policing necessitates a culture that treats the very presence of displaced people in Calais as illegitimate, then all manner of horrors against society’s outcasts can be legitimised. There are many stories of the violence endured by the displaced people in Calais, but one vivid image is that of a CRS agent who dragged ‘a 16 year old boy who is drunk off his head because he’s been celebrating his one year anniversary of being in the street of Calais … they are dragging him across let’s say 50 metres across the pavement with his arm. His whole body pulled like a dead animal’.

That is not to say that police violence towards displaced people is a new phenomenon in Calais; it was also present while the ‘Jungle’ was still standing. However, as one volunteer described it, when the ‘Jungle’ was in existence, there was at least the opportunity for the police to develop dialogue and ties with the camp community, ‘the opportunity to sit down and be heard - for community policing. This does not happen now.’

The demolition of the ‘Jungle’ saw its population dispersed, significantly to Paris, and elsewhere across France. Although not the focus of this piece, the treatment the displaced population has encountered in Paris appears, from
newspaper reports, disturbingly similar to that experienced in Calais, which indicates that the hostile environment principle is spreading to other areas where the displaced population are congregating (Chrisafis, 2017). The dispersal saw the migrant and refugee community in Calais decrease dramatically. At its height the estimated population of the ‘Jungle’ was 9,000; at the time of writing it is only six percent of that, with an upper estimate of 500 refugees and migrants living in Calais. Conversely, the CRS presence has only decreased to 65 per cent of its size at the height; from 1,000 to 650. This means that while the ‘Jungle’ was in existence the ratio was one CRS agent to nine displaced people, but there are now more CRS agents than there are refugees and migrants living in Calais. The way the police interact with the displaced population has also changed since the demolition of the ‘Jungle’. The lack of a camp means that the police patrol the streets far more and are increasingly visible in the town rather than congregating around the port. Additionally, volunteers stated that the police have become more aggressive, one describing how their actions are now ‘petty to the point that the CRS are just malicious really … the CRS have literally come over and taken the hose away from 5-10 people who want to fill up their water bottle and they’re not allowed to do that even’, and they have seen ‘CRS fighting over a plate of salad with one of our volunteers … It’s a bit like a zoo now’.

The intimidation by the CRS is insidious. A volunteer spoke of CRS agents finding ‘all sorts of legal ways to intimidate, fine and make life difficult for people involved … For a long time they have been stopping British cars coming through, checking if they have the right equipment … you have to have the safety triangle and this and this.’ Additionally, volunteers spoke of fines, intended to limit the weight of cargo on goods vehicles, being issued against vans bringing in food for refugees in Calais, with vehicles also impounded, further hindering the work of the volunteer groups. To counter this intimidation and violence, many of the volunteer groups have begun recording their interactions with the CRS and challenging their actions so as to create a body of evidence and a record of incidents. It is the hope that this sort of action may ultimately produce a policy shift as the current policing will be proven to be illegal and immoral.

One high-profile incident involved a journalist for the French paper *Libération*, who was accompanying Mariam Guérey, a worker from the aid organisation Secours Catholique, while they helped seven Eritrean refugee children access showers at the Secours Catholique premises in Calais in February 2016. All were arrested by the CRS, taken to the police station, held
for two hours, but eventually released with a warning (Sabéran, 2017). This sort of intimidation was used as a means to deter future help being offered. It had been experienced by every one of the volunteers interviewed. One particular incident saw passports of a number of volunteers being confiscated by CRS agents, who ‘held them for too long and they stood around with them plus it was not a natural checking. There was a slight element of intimidation like trying to scare us. They look at them so slowly and they made some notes, they dropped one of them in the mud.’

**No exit route**

However, the most fundamental concern articulated by all those interviewed was the lack of any sort of long-term plan. What is being referred to as the ‘refugee crisis’ is not a problem only for Calais but rather a Europe-wide issue, with Calais being only one of many ‘flare-up’ points. Yet there is no clear national or international response, the European Union policy lacks proper focus and is maintaining a ‘crisis management’ approach (Carrera and Lannoo, 2015). There does not seem to be a coherent plan for the displaced population, instead there is what ‘appears to be a political game of chicken between France and the UK. Calais is a local flare-up point where it is pushed back to the people of Calais to respond to it … this then seems to end up with a climate of hostility and people being encouraged to leave Calais but without an actual exit route in place.’ Neither country is willing to set out a plan or vision on how to deal with this problem beyond the need to keep migrants out.

This is indicative of the ‘refugee crisis’ as a whole. There has been a constant tension between the European Union and its individual member states, with many countries either publicly refusing, or privately frustrating, attempts to impose a quota system so that each country takes in a specified number of refugees. At the same time, paradoxically, states still believe that decisions should be made at a European level, with the European Union regarded as the ‘key institution responsible for solving the crises’ (Barry, 2015). Consequently, the displaced populations continue to fall through the gaps between ineffectual European Union policy and the attitudes of member states. This is convenient in terms of the hostile environment principle as it allows Britain, and more recently, France to ignore the plight of refugees and lay the blame at the feet of the European Union. The argument is that it is not the role of individual states to solve the situation, but the European Union, and
therefore they merely need to contain the situation to ensure that their
borders are maintained and enforced.

In this way European member states seek to distance themselves from the
harm their policies create, repeating the mantra that the EU was built on
humanitarian values and abides by international law, despite evidence to the
contrary. The IRR keeps a record of deaths at Europe’s borders, in detention
centres and through the deportation process; creating a public record of state
violence. The IRR uses anti-racist and state crime frameworks to define these
crimes. Although some of the deaths recorded were the result of force used in
detention or during identity checks, the vast majority were due to institutional
neglect and cruelty, as seen in the large number of suicides in detention
centres. These deaths are not tragic anomalous incidents but rather the result,
either direct or indirect, of that state’s deterrent immigration and asylum
policies that prioritises exclusion at all costs.

These exclusionary practices that are experienced by the displaced
population in Calais, asylum seekers and migrants are understood by
humanitarian activists to be an aspect of what Green and Ward describe as
‘state organised deviance involving the violation of human rights’ (Grewcock,
2009: 13). This understanding in reinforced for activists by the militarisation of
national borders that is part of the wider politics of deterrence, which directly
contradicts humanitarian principles of international law. Consequently, it could
be argued that European member states are flouting the law.

However, state crime is elusive to prove as there is no formal body to
investigate or outline cases. However, there is an independent body, the
International State Crime Initiative (ISCI), a research centre that is working to
further understand and define state crime. ISCI defines state crime as ‘state
organisational deviance resulting in human rights violations’ including ‘crimes
committed, instigated, or condoned by state agencies or by non-state entities
that control substantial territory’ (ISCI, 2017).

The state crime framework is used by Green and Grewcock (2002) and
applied to the European anti-trafficking and anti-smuggling policy. They
describe the hard border enforcement at Europe’s southern and eastern
borders as a ‘zone of exclusion’ (Green and Grewcock, 2002: 88). This fortress
has been present for over a decade, however, since the summer of 2015 the
‘zone of exclusion’ has spread to the internal European borders along the most
common refugee routes, i.e. Ventimiglia and Calais, causing bottlenecks as a
result of border closures throughout all of Europe.
That there is no European wide process is compounded by the fact that the French state has not even set out a national response, but rather has allowed each region to dictate its own policy approach. For example, the Nord region, which includes Dunkerque, sanctioned an official camp for its refugee and migrant population. The Grande Synthe camp is no longer present, having burned down, and reports from the ground indicate that the police are now taking a similar approach as at Calais. Nevertheless, in July 2017, Grande Synthe mayor Daniele Carême said he would reinstate the camp if national authorities continued to neglect the refugees. In contrast, Pas de Calais, which includes Calais, never accepted the camp that developed and had it removed. This difference in policy and approach to the displaced population complicates their situation further, as what is acceptable in one region is not in another and yet there is no information given to the displaced people to help them navigate a complex state of affairs. The lack of any coherent plan for the refugees and migrants, as well as the extension of the hostile environment to Calais and the state’s pledge not to allow any new camps to develop, have all contributed to the increase in police violence visited on the refugees and migrants in Calais.

The absorption of the hostile environment principle into society is the latest example of how the incorporation of xeno-racist principles into territorial policing legitimises the abuse of vulnerable communities and the systematic violation of human rights. The humanitarian workers and volunteers on the ground are not only attempting to provide effective help but also to work with state officials to get young people access to the child protection system, and the health provision that they so desperately need. Nonetheless they find resistance from both the French agencies and the British Home Office, which was described as ‘quite shambolic, it is quite understaffed, it has a high turnover of staff’.

The EU’s decision to respond to the greatest forced displacement since the second world war with a military rather than a humanitarian response has led to significant changes within Europe. It has seen the weaponisation of the law and the intensification of territorial policing, within a framework of state racism, intent on creating a hostile environment for both the displaced population and all those supporting them. By taking on the humanitarian response and providing food, water, shelter and empathy, the humanitarian actors highlight the deviant policies of the state. Consequently, they are treated as deviants themselves, harassed by the territorial police, stigmatised by the authorities as a ‘pull factor’ that encourage more migrants to come. As
one volunteer argued, ‘yes, because somebody’s fleeing war-torn Iraq so that they can be fed by Refugee Community Kitchen, that’s their aim... It’s just so ludicrous. I would love to think that in some ways, but I don’t think we’re that good’.

Ironically, by adopting the British hostile environment principle in Calais the CRS agents are in fact helping to push more refugees, in the words of a volunteer, ‘to try even harder and more aggressively because the condition here confirms to the kids that the UK is the only right decision. The experience here is what some compare to their experience in Libya.’ The lived experience in Calais and the violence suffered reinforces the idea for many of the displaced people that ‘Oh France is so horrible we have to go to the UK because we hear that it’s nice there and that they respect human rights’. Unless a long-term, pragmatic but holistic policy is put in place, the refugees and migrants living in Calais will continue to be hounded, their mental health will continue to deteriorate, and they will continue to reach for desperate measures to alleviate their situation.

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