French-British SAR cooperation in the context of small boats crossings

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September 15th, 2023
Outline

Introduction: The emergence of the maritime border

Legal context & Literature Review:

Externalization of migration control in the context of maritime migration

→ How does the externalisation of the British migratory border to France affect SAR cooperation?

I. Externalization in the Dover Strait: Leaving the sea out?

II. Cooperation and conflicts around the maritime border

Camille Martel, September 15, 2023
Introduction: The emergence of the maritime border

"Prime Minister Rishi Sunak: My Plan to Stop the Boats",
Youtube thumbnail, posted on August 8th, 2023

Credits: Simon Walker / No 10 Downing Street

Camille Martel, September 15, 2023
### Introduction: The emergence of the maritime border

#### Crossings and crossing attempts in the Channel and the North Sea

![Graph](chart.png)

- **People rescued by French authorities (Bilan 2022 Préfecture Maritime de la Manche et de la Mer du Nord, press releases for 2023)**
- **People reaching the UK on boats (Home Office, Ministry of Defence, BBC)**

** Préfecture maritime Manche mer du Nord Press releases, Home Office and MoD data on small boats crossings**

2023: Data until September 11th, 2023

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**Ten most common origin countries (Home Office Figures) - January - June 2023:**
- Afghanistan
- Iran
- India
- Iraq
- Eritrea
- Syria
- Turkey
- Sudan
- Egypt
- Vietnam

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Camille Martel, September 15, 2023
Introduction: The emergence of the maritime border
French-British cooperation in migration management: Externalization of the migration border

Externalization as a global North - global South dynamic (Fau 2022)
- Italy-Libya, Italy-Tunisia (Albahari 2015), EU-Turkey (Davitti 2019), Spain-Morocco (Vives 2021), Australia-Indonesia (Fau 2022) → involving SAR actors

In the EU: Internal externalization (Heller and Pezzani 2016) vs (Welander 2021)

Fau (2022) defines externalisation as the “dissociation between the geographical location of the border and that of the border-related control”.

Border as a practice
Legal context & Literature Review:
Externalization of migration control in the context of maritime migration

**Search and rescue cooperation in the context of boat migration**

Maritime migration: at the intersection of human rights law, of refugee law, and of the law of the sea.

State parties must provide assistance to any person in distress (no consideration of nationality, status, circumstances of the distress) (1979 SAR Convention, 2.1.10)

States party to the 1979 SAR Convention should enter into agreements with neighbouring states to facilitate cooperation in rescue operations.

Search and rescue obligations can conflict with states’ desire to control their border (McAuliffe and Mence 2017).
→ In the Mediterranean: no regional agreement, overlapping zones factor of conflict and of gaps in SAR operations.

**Pull Factor theory**: SAR would be detrimental to efforts to dissuade migration and control borders.
→ Cusumano and Pattison (2018)
I. Externalization in the Dover Strait: Leaving the sea out?

1) Pursuing externalization

- 2016 (August 30th): Joint Declaration
- 2017 (November 16th): Joint Declaration
- 2018 (January 18th): Sandhurst Treaty → 2017: €140 millions over 3 years
- 2019 (January 24th): Joint Action Plan
- 2020 (November 28th): Joint Declaration
- 2021 (July 20th): Joint Declaration → 2023: €550 millions over 3 years
- 2022 (November 14th): Joint Declaration
- 2023 (March 10th): Joint Declaration following the 36th French-British Summit
### I. 2) The French binary

“The principle is to "block migrants on land" (LIC, Lutte contre l'Immigration Clandestine, on land) and "protect them at sea" (SAR, at sea).” (p.23)

CROSS Gris-Nez yearly report, 2020

<table>
<thead>
<tr>
<th></th>
<th>AT SEA</th>
<th>ON LAND</th>
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<tbody>
<tr>
<td><strong>Mission</strong></td>
<td>SAR (Search-and-Rescue)</td>
<td>LIC (Lutte contre l’immigration Clandestine - Fight against Clandestine Immigration)</td>
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<td><strong>Coordination</strong></td>
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<td><strong>Actors</strong></td>
<td>French Coast Guard (French Navy, Customs, Maritime Gendarmerie...), SNSM</td>
<td>National Police, National Gendarmerie</td>
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<td><strong>Actions</strong></td>
<td>Patrolling the sea, conducting rescue missions, accompanying migrant boats</td>
<td>Locating migrant groups, preventing departures (seizing material, puncturing dinghies...), dispersing groups</td>
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</table>
I. 3) British unilateral attempts to further externalization
II. 1) The Manche Plan, regulating SAR cooperation
II. 2) Relative fluidity of the maritime delimitation

“...let’s say, of the State, it exists, but then the border on the... well, the... interventional border, if, if this terms is right... It does not exist, because if people drown before or after the border, well... in the maritime world, we don’t stop at the border, when people are in distress at sea, we’ll go without question. It’s a rule... I’m not going to say, I don’t even know if its written, but it’s known to all sailors.”

(Alexis, Volunteer rescuer at the Dunkirk rescue station)

“After [the shipping lane], it’s the English waters. Oftentimes, when we escort them, we go as far as the shipping lane, and then it’s the English who take care of it.”

(Thierry, Volunteer rescuer at the Berck rescue station)

→ These interpretations of how the maritime border can be intervened onto rest on a territorially differentialized but relatively stable definition of distress. The maritime border is an operational limit for French rescuers, except for distress cases. But the territorialized practice of escort/interception may impact the handling of distress situations.
II. 3) Incidents in cooperation? Making use of the fluid nature of the border and of distress situations
Conclusions

Une forte hausse des noyades ces dernières années

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24 novembre 2021
Le naufrage d’une embarcation au large de Dunkerque fait 31 victimes.

18 juin 2000
58 personnes de nationalité chinoise sont retrouvées asphyxiées dans un camion au port de Douvres, en Angleterre.
Thank you for listening!
Any questions?

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