

# **France and Spain Reasons to Propose Revision for Schengen Agreement by Increasing its Security**

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## **ABSTRACT**

The Schengen area and cooperation are founded on the Schengen Agreement of 1985. The Schengen area represents a territory where the free movement of persons is guaranteed. The signatory states to the agreement have abolished all internal borders in lieu of a single external border. Free movement is one of the basic principles in European Union, it gives all EU citizens ability to travel, live and work anywhere they wanted within the EU. However French and Spain wished for revision to the Schengen Agreement. The objective of this research is to analyze why French and Spain propose the revised of Schengen border code.

Keywords : *Schengen Agreement, French, Spain, European Commission, terrorists, immigrants, revision*

## INTRODUCTION

There are currently 26 states (22 European states including Iceland, Liechtenstein, Norway and Switzerland) has already joined The Schengen Agreement. The agreement had been signed in 1985 and implemented in 1995 (Schengen Area countries list , n.d.). Free movement is one of the basic principles in European Union (EU), it gives all EU citizens ability to travel, to live and to work anywhere they wanted within the EU. EU was formed as European leaders came together in the wake of the Second World War, wanting to prevent another catastrophic war.

The freedom of movement which is the result of The Single Internal Market aims to improve social and economy to boost European growth. The Schengen agreement allows the country members to abolish their internal borders and visa regulations and allow free traveling, living, working and investing across the Schengen countries (Schengen Agreement, n.d.).

The free movement also allows people to move across continent from the countries that do not have jobs to the countries that have shortages in labor. Every citizen whose countries are part of Schengen Agreement can moved freely without entry Visa demanded and no obligation to show any documents other than Passport or Identity card.

The Schengen area and cooperation are founded on the Schengen Agreement of 1985. The Schengen area represents a territory where the free movement of persons is guaranteed. The signatory states to the agreement have abolished all internal borders in lieu of a single external border. Simultaneously, to guarantee security within the Schengen area, cooperation and coordination between police services and judicial authorities have been stepped up.

In Amsterdam Treaty of 1997, Schengen cooperation has been incorporated in European Union legal framework. However, not all the countries in Europe is member to The Schengen Border Area this happened because they do not want to eliminate border controls or do not fulfill the conditions that required to apply of the Schengen acquires.

The Schengen border agreement allows most of legal citizen from EU countries including Switzerland, Norway and Ireland, to move across the zone with minimal border check. Some EU countries have already imposed temporary border controls that is to check in police databases at the EU's external borders including also the EU citizens. However, according to the rule, any change regarding to the border involved by Schengen members can only be used for 10 days and extended for 20 days and if the problem has not resolved yet the maximum time is given for six months, however under an exceptional situation it can be extended to maximum 2 years. Therefore border control is still has limited time before it returned to the normal method (Schengen: Controversial EU free movement deal explained, 2016).

The regulations related to Schengen Agreement that included in European Union law regarding the visa code was established by European Parliament and of the council in July 13<sup>th</sup> 2009 stated regarding the procedures for short stay and airport visas. The Schengen Border code legal text was as mentioned on the Regulation (EC) No 562/2006 of the European parliament and of the council on March 2006 in establishing a Community code on the rules governing the movement of citizen of the member states or the individual to across borders.

The immigrant's crisis is one of the most concerned issue in Europe today, as the conflict in Syria has caused many of its citizens fled from the war and seek for asylum to the safer country. In 2014 there were total of 3.8 million immigrant came to Europe, according to Eurostat, Germany has the largest total of immigrants with 884,9 thousands and UK with 632.0 thousands, French with 339,9 thousands and Spain with 305.5 thousands immigrants (Eurostat, 2016). However, recently some European leaders after

the Paris attack particularly French also supported by Spain demand a revised and a better Schengen Borders Code.

### **Freedom of Movement**

European Union rules for the free movement is included in the so called four freedoms which are the free movement of person (or workers), goods, services and capital. The four freedoms create the single market. According to Article 3 of the Treaty of European Union, the free movement of person is viewed as the core of the EU's area of freedom, security and justice. The freedom of movement in European countries enables people to move from one state to another. However, the problems arise when the ability of people to move to anywhere within the Schengen zone were being exploited by the terrors group especially the so called Islamic State to put some of their soldiers into the EU countries and created terrors.

### **Terrorism in Europe**

The Schengen area becomes vulnerable because the strings of attacks that happened in the recent years in Europe, especially when the attackers identified as immigrants came from Middle East or other countries, such as France, Germany have a large number of muslim population in their countries who have not better or enough economies, job opportunities as well as education, the Islamic States later provoke them and recruit some of the men to join the radical group then those people who have the EU passport were traveled to Syria or Yemen for several months or years and become radicalized and after that they are instructed to come back to their country and to carry out the plan to attack.

For the last couple of years there were a rise in the terrorism threat in the European Union states, there were attacks in France, Brussels, Germany, Spain) as the Islamic states and Al-Qaeda group saw Europe as target for them because some countries in Europe are part of the coalition against ISIS (Islamic State of Iraq and Syria). The countries in Europe that already joined anti-ISIS coalition are France, Germany, Spain, Britain, Italy and the Netherlands. (Lamothe, 2016)

Recently some European leaders after the Paris attack, particularly France also supported by Spain demand a revised and a better Schengen Borders Code with the number of terrorist attack in France such as in the Charlie Hebdo attack that had killed 12 people by terrorists being claimed by Al-Qaeda and the following day there was a killing of a woman police officer and 4 hostages in by a man also linked to Al-Qaeda group. France has being targeted of terrorist attacks for several times with so many innocent lives taken away by the terrorist.

### **Terrorism in France**

On January 7, 2015, a group of terrorism came to Charlie Hebdo magazine's office and killed 12 people, 8 of them were journalists in Charlie Hebdo while 2 others were police officers and the other two were a caretaker and a visitor (Raziye Akkoc, 2015) .The accused of the shooting were two brothers named Cherif Kouachi and Said Kouachi, the two terrorists had a connection in Iran, linked to Al-Qaeda resistance, the two brothers had been training with Al-Qaeda in Yemen for a couple of months.

On January 8, 2015, less than 24 hours after the Charlie Hebdo attack, a man name Amedy Coulibaly that later known linked with the Kouachi brothers shoot a police woman in the street at Montrouge. (Allen, 2015)

On November 13, 2015 was one of the most heinous criminals attack happened in France that killed at least 128 innocent people and 352 other were wounded. The first terrorist attack was at Stade de France stadium on the northern outskirts of Paris where people

watched soccer match between France and Germany, three explosions occurred right outside the stadium. French President who attended the soccer match was immediately evacuated. The attackers also shot and did the suicidal bombing on a bar named Le Carillon and restaurants named Le Petit Cambodge, La Belle Equipe cafe, there. The Islamic State (ISIS) claimed responsibility of all the terror attacks in Paris.

On June 13, 2016, a man killed a police officer, a deputy chief of judicial police at Les Mureaux police station named Jean Baptiste Salvaing (42). He was stabbed several times in the abdomen in the Paris suburb of Magnanville and later the police's wife, a secretary on the police station, also killed on the accident.

The tragedy of terror attacks happened again for France on July 13, 2016, the crowd of people were enjoying the fireworks while celebrating the Bastille Day, a celebration when the French people celebrated the marks of the beginning of their Republican democracy, when a large truck driven by the attacker identified as a Tunisian named Mohamed Lahouaiej-Bouhlel (31) shot and smashed toward the crowd, there were 86 people killed during the attack, among them were teenagers and children (Ellis, 2016) and there were a total of 303 other wounded.

With the several violence terrorist attacks that happened in France, has escalated the fear of the people in France, a right-wing party in France called the Front National which has been known as anti-immigrant party has risen in popularity in France a poll conducted by Odoxa for a French television called French television France 2, the poll that participated by 1,053 French citizens over the age of 18 years old chose the right-wing national party's leader Marine Le Pen to win the French next election (McGuinness, 2016).

French interior minister, Bernard Cazeneuve said that with the Schengen Free movement minimum identification procedures has allowed the French terrorist to move easily within the Schengen country territories, the minister asked for a systematic border control to those who want to enter the Schengen territories including for EU nationals, the change in Schengen Agreement by using biometric system information against the

databases at the external borders of Schengen areas (Traynor, 2015). In addition for the systematic border controls, France also asked for the immediate adaption of PNR (Passenger Name Record) to all the databases in airplanes in European Union, PNR will help to identify the individual who cross the border of European Union (Maurice, 2015).

### **Terrorism in Spain**

Spain has been a target of terrorism attack since 2004, on March 11, 2004 190 people killed and more than 1,800 others were wounded by 10 bombs that been set on four trains in Madrid, Al-Qaeda claimed to conducted the attack. Later, Spain authorities have arrested 21 people, the suspects who responsible for the attack some of them are Moroccan, Spanish, Lebanese and also Syrian (Hamilos, 2007).

In January 2008, Spain has been the target of a planned suicide bomb attack by Therik e Taliban Pakistan (TTP) as one of group associated with Al-Qaeda, the suspected were 10 Pakistan born individuals. In 2013, Spain has started the counter-terrorism program to cut the networks that connected to the Jihadist based on Syria and Iraq. Among the alleged jihadist that has been detained by Spain authorities in 1998-2013, 33.3% of them were arrested in Catalonia a region in Spain.

Catalonia itself with Barcelona as its capital has been known as European center for Al-Qaeda terrorism association and European largest terrorism recruitment as the Muslim extremist in Europe used the place as the meeting point, Catalonia is a home for approximately 300,000 Muslims and 100,000 of them are Moroccan immigrants. With the number of terrorist-associated individual arrested in Catalonia it has make the place the biggest number of the terrorism-related group that resided in Spain therefore the act of terrorism in Spain has been a threat for their national security as well as national interest (Fernando Reinares, 2015).

According to Spanish Confederation of Police, in every month there are about three to five Muslims in Catalonia travels to Iraq, Afghanistan and Chechnya to be trained as terrorist and later returned as jihadist to prepare for terrorist attacks, the Spanish counter-terrorism found that the Catalonia as place for terrorism recruits place was influenced by Salafi Islamism (Haahr, 2007). According to Spain's interior ministry Ignacio Zoido , ISIS used immigrants from Marocco and Algeria to pose as refugees who fled from Syrian war to sneak into Europe.

The Spain Interior minister Jorge Fernandez Diaz wanted several changes in Schengen Agreement rules as he believed that it is important for Schengen rules to be modified in order to limit the movement of Jihadist or Islamic fighters to coming back to European countries from being trained and radicalized in Middle East, the current rules of Schengen Agreement allowed the Jihadist travel to any country they want within the Schengen territories including Spain (Sputnik News , 2015).

### **Immigrant Crisis in France**

A large number of immigrants came to Europe for the recent years has brought crisis in Europe. As the results of wars in Iraq, Afghanistan and Syria have forced its people to flee from their countries to see asylum to another country especially inside the European Union countries. The problem that faced by European Union is the increasing number of immigrant that has reached more than one million of people in 2015, the immigrants came reached 63.5 million displaced people with 21.3 million of refugees, 40.8 internally displaced people and 3.2 of them are asylum seekers (Batha, 2016).

The migrant's crisis has reached France too as thousands of migrants came to France, the thousands of migrants came to a city named Calais in Northern France. The French

government has prepared refugee camps, the camp called 'The Jungle' is a gathering point for refugees to go to UK by Eurotunnel or Port of Calais they would stowed away cars, lorries, trucks in order to reach the place (BBC News, 2015).

French prime minister, Manuels Vallls, said that Europe could not be able to take all the refugees that came to their countries due to the war in Africa and Middle East, the prime minister who is speaking at the World Economic Forum in Davos said that it will destabilized their societies (BBC News, 2016), he also said that Europe needs to control their external border as he thinks that Europe is currently in a grave danger because of the terrorism attack in the several countries in Europe as well as the influx of the refugees.

*“The European project, not Europe as much. Not our values, but the concept of Europe that our founding fathers had, yes it is in very grave danger. That’s why you need border guards and controls outside the European Union. Sometimes we had the feeling that borders did not exist. No, borders do exist so you have to protect them.” (Cowburn, 2016)*

### **Immigrant Crisis in Spain**

The migrant came inside the EU mostly by the route of Mediterranean Sea using boat to come to Greece and Italy. However, in 2015 according to Frontex there were 3,800 immigrants died while crossing Mediterranean Sea while up to December 2016, approximately 4,600 immigrants have died. A large number of the immigrant have died while trying to cross from north Africa to Italy and it was reported that more than 800 people died while trying to cross from Turkey to Greece (Frontex, 2016).

The Spokesman of United Nations Refugee Agency, William Spindler said (News Wires , 2016). In order to avoid the dangerous routes, many immigrant turned their attention to Spain, they used Ceuta and Melilla, two cities from Spain in the north Africa as

loophole, the Syrian people bought a fake Morocco passport and to came legally as traders and later claimed asylum once they finally reached the land, they entitled to have a passport to come to Spain through the city until eventually came to the EU territory, in the north African country the people use a false document such as using a Syrian passport as they wanted to come to Spain as a way to enter UK (Gutteridge, 2016).

### **France and Spain to Revise Schengen Agreement**

Both terrorism and the influx of the refugees have forced the countries to tighten their security, France and Spain proposed the Schengen Agreement revision amendment as they believed that the current Schengen rules allowed the terrorist to move freely to the Schengen zones including their country, a more strict and more systematic checks will be needed for Schengen Free Movement in order to protect their countries against threats from outside. In the following page, the author show a table with the list of terrorism act that happened in France and Spain as well as the illegal immigrants that came to the both countries, the table also shown the affects it that made the leaders chose to revise Schengen Agreement.

## **CONCLUSION**

The freedom of movement was one of the fundamental freedom from EU Single market which also known as Internal Market is one of the biggest achievement of Europe, it offers new opportunities for people, workers as well as businesses.

However, recently some European leaders after the Paris attack, particularly France also supported by Spain demand a revised and a better Schengen Borders Code with the number of terrorist attack in France such as in the Charlie Hebdo attack that had killed 12 people by terrorists being claimed by Al-Qaeda and the following day there was a killing of a woman police officer and 4 hostages in by a man also linked to Al-Qaeda group. France has being targeted of terrorist attacks for several times with so many innocent lives taken away by the terrorist.

With the danger situation caused by the terrorism, France like other countries in European Union, faced with immigration crisis as a city in Northern France, Calais was crowded by thousands of refugees who wanted to go cross the border into United Kingdom, Hundreds of the French people conducted protest as they claimed to become the victims since the arrival of the immigrant has made their tourism sector as well as their economy to become worse, the people also worried if the immigrants will threatened their internal security. The Spain also suffered from the act of terrorism as well as the influx of immigrants that came to its country as European center for the Al-Qaeda terrorist were located in Catalonia, Spain. The immigrants that came from Africa through Mediterranean Sea feared to be smuggled by the terrorism to insert one of their jihadist to enter Europe through Spain as Spain already arrested hundreds of Jihadist.

Therefore with the terrorism acts that happened in both countries as well as the immigration crisis has prompted France and Spain government later proposed the revision for Schengen Free Movement Agreement. They proposed for the systematic border check including for the EU citizen as for the current rules proved that the terrorism can easily come and go to another EU countries as long as they have EU visa without any check, they also urged for the quick adoption for PNR which enable the authority to check the database of the individual person who move across the Schengen country zones.