

# **CHAPTER I**

## **INTRODUCTION**

### **A. BACKGROUND**

This undergraduate thesis aims to investigate French and Spain proposal to revise the Schengen Agreement. 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. On April 2015 at the summit in Rome, the leaders of French and Spain proposed for tighter border control in Schengen area (Vogel, 2011), on November 20<sup>th</sup>, 2015 the Ministers of Justice and Home Affairs and the Council of EU met in Brussel in there French asking for systematic, coordinated and strengthened checks on EU citizens at the external border also the member states can be check systematically regarding the EU security database. In January 2015, Spain Interior Minister, Jorge Fernandez Diaz, said that they want Schengen Agreement to be revised to limit the movement of Jihadist from the Middle East.

The author would like to analyze the reason why French and Spain propose the amendment of Schengen border code. This research is important because amid all the weakness it has, Schengen still holds a significant role for European countries. However, if there is a better way to improve the borders code, Europe will be safer and criminals can be easier to be spotted and to prevent the overflow of the refugees so that it can be managed better.

The research is addressed to policy makers in order to find a better solution to the current problem of the Schengen borders and the betterment of Europe borders and also to the fellow students in university to have a better understanding regarding to the border in Schengen countries and how it affected its security

## **B. RESEARCH QUESTION**

From the explanation above regarding the background, then the question emerged is “Why do French and Spain propose an amendment in Schengen agreement?”

## **C. THEORETICAL FRAMEWORK**

### **1. Securitization Theory**

In this undergraduate thesis, the author is going to use Securitization theory however before that we have to define what security is, there are many definition of security that was mentioned by scholars, Montesquieu stated that:

*“Political freedom consists in security, or at least in the opinion which one has of one’s security”* (Rothschild, 1995)

While Adam Smith said that

*“the freedom from the prospect of violent attack on the person or the person’s property, the sovereign as individual shared in this liberty, but*

*what state must do in order to ensure such freedom from the individual is not “security” but defense: ‘the first duty of the sovereign, that of protecting the society from violence and invasion of other independent societies’* (Mcsweeney, 1999)

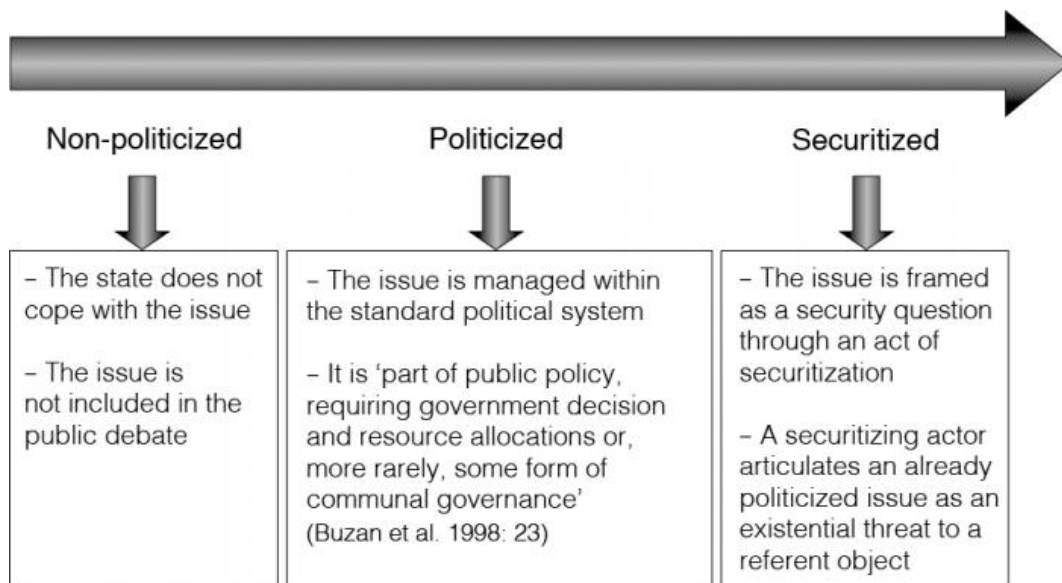


Figure 1 Securitization theory spectrum. Source: (Does, 2013)

Securitization theory was being developed by Ole Waever, Barry Buzan, Jaap de Wilde and the others of Copenhagen school. Theory of Securitization happened when an actor stating that a particular object being threatened its existence (Taureck, 2006). The issue then moved from normal politics into the emergency politics as it being labelled as a security issue. The Copenhagen school argued if security is an outcome of a speech act rather than an objective condition (Williams, 2003) .

Furthermore, speech act theory is the basis of securitization theory and the assumption of threat is exist only by the actor that claimed so. However, the Copenhagen school believed that there are some choices in deciding which issues

to be categorized as security threat. Whether or not an issue is security issue was not the result of objective but rather as a result of different actors identify a security threat subjectively.

The Copenhagen school invented a spectrum in which classify the public issues from Non-Politicized, Politicized to Securitized. Non-politicized issues are the issues that not part of public debate, politicized are the issues that part of public policy and in need of government's response and the last, Securitization matters are the issues that extraordinary and outside the normal procedures of the state. The application of this theory is since the establishment of the Schengen Border Code Agreement, a person can move freely in the member states as long as they have the ID card and visa, therefore an immigrant is something usual and not in particular concern of a government (Does, 2013).

However, after the Syria's war, thousands of its people fled and come to European countries as immigrant, with the overflowing number of the immigrant the issue then has been noticed by the state, the terrorism threats that happened in several European countries have been linked back to the immigrants that have come from Middle East, made several countries including French and Spain to demand stricter and more strengthen border code so that the Schengen not to be the loophole for criminal to come to their countries among the immigrant. Thus, the immigrant issue has changed into extraordinary issue as it has seen as a threat for security from several actors, in this case French and Spain.

## 2. Concept of National Interest

National Interest is one of the primary concept for realism in International Relations, the concept of National Interest is very wide and complex. Thus often made by the decision makers to justify their action in securing their national interest. The foreign policy of all nations are made to secure and to fulfill their national interest. The behavior and action of a state is always conducted and governed by its national interest as national interest is a duty to be fulfilled by all the states thus the primary justification of a state action is national interest. As Hans J Morgenthau said that:

*“Despite the profound changes that have occurred in the world, it still remains true, as it has always been true, that a nation confronted with the hostile aspirations of other nations has one prime obligation—to take care of its own interests. The moral justification for this prime duty of all nations—for it is not only a moral right but also a moral obligation—arises from the fact that if this particular nation does not take care of its interests, nobody else will. Hence the counsel that we ought to subordinate our national interest to some other standard is unworthy of a nation great in human civilization. A nation which would take that counsel and act consistently on it would commit suicide and become the prey and victim of other nations which know how to take care of their interests.” (Zimmer, 2011)*

According to Hans J. Morgenthau, National interest is one of the first foundation for foreign policy, he stated that diplomatic strategy should be based upon national interest not from morality, legal and ideology reasons (Mas'ood, 1990) National interest for all countries is to achieve power.

There are several methods that can be used in order to secure national interest: First, diplomacy as mean of national interest, diplomacy is one of the most used instrument for securing national interest. The foreign policy of one nation to another nations are being delivered and conducted by diplomacy.

The diplomats' responsibilities are to represent, negotiate, report and to protect their country's interest (Dawn, 2010). Negotiation diplomatic is one of the best method to resolve conflict and to settle the different interest of states. Diplomats use persuasion and threats, rewards and threats of denial of rewards as tool of exercising its power to obtain the national interest. Next, it is Propaganda, propaganda is used to convince the audiences regarding the justness of the goals or objectives and motivate actions in the interest of the propagator. Propaganda is aimed to impress other nations the importance of obtaining the interest of a nation. The advance of technology in communications also has a role to make propaganda more effective to supporting goals of national interest.

The third is through Economic means, the developed countries use economic loans to developing or poor country to secure their interest in international relations. In the globalization era, international economy is one of the fundamental key to obtain national interest.

The fourth is Alliances and Treaties. Alliances and treaties are being managed by two or more states to share their common interest. The alliances can be in form of military or economical. With the presence of Alliances and treaties, the member countries have obligation to achieve the shared agreement.

The implementation of this concept with the research question is that both



French and Spain propose the revision of Schengen Agreement is in order to fulfill their nation's interest. The fact that French and Spain proposed for a new and better revision for Schengen Agreement is due to their national interest to protect their nation from anything that can be seen as threats to their security as well as their economy. The French after the first terrorist attack in November 2015 and Spain from the immigrant issues has make them realized that the fragility for the free movement of Schengen Agreement can be caused therefore to protect their national interest they want the revision from the agreement. .

#### **D. HYPOTHESIS**

Based on the research question and the correlation towards the theoretical framework above, the hypothesis is as follows: French and Spain propose a revision of Schengen Agreement Code because both countries perceive the Schengen Agreement increase the insecurity due to the influx of immigrants and terror threats.

#### **E. SCOPE OF RESEARCH**

This research is limited to found out the reasons why European countries want the revision for Schengen agreement. To be more focused, the author will limited to some countries in EU such as French and Spain leaders' reason for a revision for Schengen.

#### **F. METHODOLOGY**

The method in which this research going to completed is using qualitative method. The data collecting method is the library research in which there are some types of sources the author will use. First, the author will use books relates Security,

European Union, Schengen Agreement to help the author to analyze the policy and the framework of European Union.

Then the author will use other relevant references such as the information taken from the European Commission press release database regarding the border issues in Schengen areas and also the situation across the Schengen signatories' that involved the criminals and immigrants that came caused by the Schengen borders code, relevant sources will also use to help the research including books, academic journals and related news regarding immigrants and terrorism in Europe.

## **G. SYSTEM OF WRITING**

In the first chapter the author will explain the background, research question, theoretical framework, hypothesis, research, scope of research, methodology and system of writing.

In the second chapter the author explain about Schengen Agreement and European single market.

The third chapter will analyze the proposal of French and Spain to revise the regulation in the Schengen Agreement.

The fourth chapter will analyze the terrorism and immigrant's crisis as the reason to propose revision.

Then the fifth chapter will provide summary and conclusion from all the previous chapters.