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Collective Border Policy in the European Union: Analysis of the Schengen Agreement

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COLLECTIVE BORDER POLICY IN THE EUROPEAN UNION:
ANALYSIS OF THE SCHENGEN AGREEMENT

By

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Chapter One

Introduction to the Schengen Agreement

When revolution rocked North Africa and the Middle East during the political uprisings of the 2011 Arab Spring, displaced persons fled the violence of their home nations and sought refuge along European shores, Italy and Greece in particular. The influx of immigrants rose to an unexpected and dangerous high of some 25,000 refugees arriving in boatloads by the thousands, forcing Italy to declare a humanitarian emergency (Campesi 2011). The surge placed grave monetary and spatial pressure on Italy to provide proper accommodations to the refugees. The crisis and chaos quickly snowballed into a heated political issue as Italy looked to the European Union for assistance, but to no avail.

Tensions rose specifically between France and Italy when Italy granted almost 20,000 migrants (mostly Tunisians) six-month residence permits, which brought broader debate to the European Union over the stability of the EU border policy known as the Schengen Agreement or more simply referred to as Schengen (Campesi 2011). France shut down its borders to all trains carrying African migrants from Italy – citing this action as being legal under the Schengen Agreement according to the European Commission (BBC Q&A: Schengen Agreement). Italy countered the action, accusing France instead, of violating Schengen. Both countries called for immediate revision and modification to the rules and regulations established under the Schengen Agreement.

Seemingly overnight, Schengen pole-vaulted itself from a relatively quiet (and ostensibly successful collective border policy of the EU) into position as one of the most hotly debated

issues in European politics. Climbing the ranks alongside critical issues like Euro zone and the European debt crisis, such heightened political discussion drew awareness to Schengen and lent both politicians and the general public to dust off the European integration textbooks and ask, “What is Schengen, again?”

The Schengen Agreement developed amidst the backdrop of European integration following the Cold War when the economic project of the Single European Act’s internal market spilled over into an internal security project (Huysmans 2000). Signed initially in 1985 by Germany, France, The Netherlands, Belgium, and Luxembourg, The Schengen Agreement sought to forward the “longstanding goal of ensuring free movement of persons” by agreeing to abolish internal border controls and allow for passport-free travel between the five participating member states of the European Economic Community (BBC Q&A: Schengen Agreement).

A few years later, in 1990, the Schengen Convention applied the 1985 Schengen Agreement and connected the fields of immigration and asylum with terrorism, transnational crime and border control (Bigo, 1996a). Over time, Schengen has evolved into a collective border policy that includes both internal and external border controls and border-monitoring mechanisms for the participating member states (EU and non-EU).

Despite developing initially outside the European Economic Community, Schengen was fully incorporated into the *acquis communautaire* of the European Union framework in the 1999 Treaty of Amsterdam and now falls under the EU’s Third Pillar of Justice and Home Affairs. Schengen competencies (meaning under Schengen jurisdiction) include four areas: illegal immigration and asylum, drug and human trafficking networks, organized crime, and terrorism. The Schengen Area has grown to include both EU and non-EU members and all newly elected members of the European Union are required to sign The Schengen Agreement as part of

inclusive terms of EU Membership. Today, The Schengen area is composed of 26 countries: 22 EU and 4 non-EU members (see Figure 1.1).

Figure 1.1: Map of Schengen and Non-Schengen Countries



Since 2011, the Schengen Agreement has been under review by the European Commission due to the extensive debacle exacerbated by the events during the Arab Spring. The Arab Spring served as a wake up call to EU member states – suggesting that perhaps the EU was not fully equipped to handle drastic changes in border control. European Commissioner for

¹ Map of Schengen Countries taken from BBC News Europe – Liechtenstein (not pictured) is an existing Schengen state not part of the EU: <http://www.bbc.co.uk/news/world-europe-13194723>

Justice and Home Affairs, Cecilia Malmström, noted that, “it was clear that the trust [and] sustainability of the system had been severely tested” (Malmström 2012). Dispute over the Schengen Agreement continues to be a dividing force between EU member states, namely France, but also Denmark, Germany, Belgium, and The Netherlands. Shortly after the early events of the Arab Spring, Denmark announced that it was planning on reintroducing controls at its borders as well as random checks for persons and cars at borders regardless if he/she held a passport from a Schengen member country (BBC Q&A: Schengen Agreement). Also in the wake of the Arab Spring, the Netherlands announced similar news – the installation of video surveillance cameras along the Belgium and Germany borders to “monitor organized crime,” the government claims (BBC Q&A: Schengen Agreement).

Needless to say, the Schengen Agreement and related provisions associated with Schengen are in the spotlight of EU politics. Member states are beginning to question Schengen’s level of effectiveness, success and stability as a collective border policy for Europe in the years to come. While this thesis does not directly analyze the level of success or measure how stable Schengen is, it does attempt to gain a general understanding behind what the Schengen Agreement is, why it was developed, and how the public views Schengen and attitudes toward internal border controls after the Arab Spring. By critically examining Schengen from its early stages of agreement to its present state operating as the Schengen Zone, the thesis enlightens on why Schengen is currently such a hotly debated issue between EU Member States.

Chapter two begins by examining the history and origins of the Schengen Agreement from initial signing to present day membership. Chapter three moves to explain why certain member states chose to participate in Schengen membership while others opted out. It provides a statistical analysis for the determinants of variation in state participation. Moreover, chapter four

takes a closer look at public attitudes toward Schengen by analyzing similar opinions toward immigration, European integration, and attachment to national identity that may cause public opinion toward the Schengen area to vary. Finally, chapter five concludes the thesis discussing the ongoing revisions of the Schengen Agreement by the European Commission. It further offers the implications of this research in speculating the future of the Schengen area in the EU and also for similar collective security and border policies in other regionally integrated areas outside of the European Union.

Chapter Two

The Origins and Implementation of the Schengen Agreement

Theories of European Integration and European Enlargement

To comprehend the origins and development of the Schengen Agreement's complicated integration process, it is first necessary to understand some background behind the history and theories of European integration. In the years following the Second World War, Europe was left with bleeding economies, wounded populations and in dire need of a unification effort that would lend recovery. European integration methodology led the nations of Western Europe to slowly begin cooperation strategies aimed at combining state competencies as a measure to unite common interests and work toward prolonging peace throughout Europe's war-torn regions ("The History of the European Union: 1984").

European integration architects such as Jean Monnet and Robert Schuman believed the formula for European integration was an incremental approach that focused on strategy and convergence rather than the idealistic federalist movements of a pre 1950's Europe (Rosamond 2006). While both Monnet and Schuman envisioned a rather idealistic ultimate goal of European integration – political unity between the countries of Europe (namely the age old opposition between France and Germany) – the means to realize this goal began through clear structure and stealth design of the supranational institution².

² The concept of supranationalism is defined as states or countries working together in some capacity that does not permit them to maintain full control over developments. With this, states are required at times to act against their preferences, which typically involve relinquishing some level of national sovereignty (Nugent 2010).

The result became the first integration effort – the establishment of the European Coal and Steel Community (ECSC) in The Treaty of Paris in 1951. The ECSC unified the most important sources of power and economic capability at the time between six European countries – Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands (EUROPA “ECSC Treaty”). The purpose of the ECSC thought that by linking states’ resources, other aspects of unity and common goals would spillover into an economic and political union.

Evidenced by the ECSC, the concept of linking a political union to an economic union through the integration process introduced a new premise to a functional approach to European integration, called neofunctionalism. In fact, Ben Rosamond claims in his book entitled *Theories on European Integration*, “for many, ‘integration theory’ and ‘neofunctionalism’ are virtual synonyms (Rosamond 2000). The term neofunctionalism was technically coined in the early sixties by Ernst Haas to give formal name to the ideas tracking its foundational concept – the spillover effect. Describing the integration process of the ECSC, neofunctionalism revolves largely around the idea of spillover – proving that the integration process promotes further integration (Rosamond 2006).

According to Neill Nugent, the spillover effect operates at two levels – a functional/economic level and a political level. Occurring first at the functional level, economic spillover results from the interconnectedness of the modern economy (Nugent 2010). As one sector integrates, related sectors with aligning interests become pressured to integrate as well. Political spillover on the other hand, takes use of separate institutional bodies and focuses on building and creating one or few strong initial institutions in hopes that further institutions will integrate to create a nation state (Rosamond 2006). The idea is to turn political elites away from their nation state in favor of developing a supranational institution. As a result, “government

actors become less influential; and the increasing importance of integration for political control and accountability” is placed at the supranational level (Nugent 2010).

French theorist Jean Monnet, whose ideas were to focus more on the secretariat or regional bureaucrats that lead individual institutions to be effective, embellished neofunctionalist theory, which support the idea of a dual economic and political integration process. In regards to political spillover, Monnet believed in greater integration power with the institution rather than with separate member states at the national level. He modeled three factors that would interact with each other: economic interdependence, organizational capacity, and supranational market rules that would replace national regulatory regimes (Rosamond 2006). As for European integration, Monnet urged the need to begin with economic interdependence. He agreed that by aligning economic interests, political integration would follow.

Indeed, examples supporting both functional and political spillover are found as European integration continued. The Treaty of Rome in 1957 established the European Economic Community (EEC), whose objective was to create a common market with free movement of labor and capital and was the first step towards the idea of a free movement of persons (“Text of the Treaty of Rome”). After the establishment of the EEC, states were already moving toward greater economic integration, and the elimination of border barriers was a way of helping generate an economic union. In 1958, Belgium, Luxembourg, and the Netherlands (also referred to as Benelux) signed a treaty between the three states establishing an Economic Union, and later in 1960, signed the Convention Concerning the Transfer of Entry and Exit Controls to the External Frontiers treaty (“Freedom of Movement and the Travel Document in Benelux”). These agreements eliminated entry and exit checks at the internal borders between these three

states and provided freedom of mobility of goods, persons, and services within the Benelux territory.

The EEC continued to enlarge through a series of four enlargement rounds (See Table 2.1 Below).

Table 2.1: The Enlargement Rounds

Enlargement Round	Date of Accession	Member States Acceding
Founding Member States	1957	Belgium, France, Italy, Luxembourg, The Netherlands, and West Germany
The First Enlargement Round	1 January 1973	Denmark, Ireland, the United Kingdom
The Mediterranean Round ³	1 January 1981	Greece
	1 January 1986	Portugal and Spain
The EFTAN Round ⁴	1 January 1995	Austria, Finland, Sweden
The 10 + 2 Round ⁵	1 May 2004	Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia
	1 January 2007	Bulgaria and Romania
Set to accede	2013	Croatia

Table adapted from Nugent 2010 – Table 4.1.

European enlargement, particularly in terms pertaining to the EEC's free movement of persons and later what becomes envisaged in the Schengen Agreement, offered a new meaning to European integration. Not only did governments and economies deepen ties, but through the

³ Referred to the Mediterranean round because of the Mediterranean countries who acceded.

⁴ EFTAN refers to the European Free Trade Association, of which all applicants were members.

⁵ 10+2 refers to the Enlargement round where ten applicants were Central and Eastern European countries and the other two were Mediterranean.

enlargement process, Western European countries also experienced an influx of immigrants invited from neighboring regions to help boost local and regional workforces. The customs union, established in July 1968, removed internal tariffs and set a common external tariff (“Treaty Establishing the European Community”). As a result, the need to freely exchange goods and persons grew as the European Community sought to achieve greater economic and political status in the global sphere.

Consequently, the combination in the increase in cross-border movements between European countries and the desire to advance the common market, led to a discussion in December 1974 during the Paris Summit about abolishing passport controls. This discussion further led to talk of a standardization of passports for citizens within the EEC (“The European Passport”). In 1981, European Community member states adopted a uniform passport design and in 1984 the Council and governments of the member states approved “free passage across the Community’s internal frontiers for member states’ nationals” (“The European Passport”).

These pre-Schengen examples of European integration – from the baseline concept of a free movement of persons, followed by the development of the Economic Union between Benelux, and finally with the increased cross border movements associated with European enlargement and the abolishment of passport controls – serve as the beginning framework for what later becomes realized in the Schengen Agreement. It is evident based on these examples that the spillover effect of neofunctionalism’s institutional approach to regional integration proves to be true. Therefore, neofunctionalism is widely accepted as the dominant theory explaining Schengen’s integration process in the European Union.

The Schengen Agreement – An Intergovernmental Approach

As states watched the success of the Benelux economic union, other nations began to recognize the potential benefits of a free movement of persons area between countries.

Therefore, on June 15, 1985, in the small, picturesque town of Schengen, Luxembourg five countries – The Netherlands, Belgium, Luxembourg, France and Germany – gathered to sign an agreement called The Schengen Agreement (“The Schengen Area and Cooperation”). The Schengen Agreement set forth both short term – and long term measures that aimed at eliminating border checks between the Benelux Economic Union, Federal Republic of Germany and the French Republic by January 1, 1990. An intergovernmental agreement⁶, founded outside the framework of the European Community, Schengen established the creation of:

... working groups to deal with ‘compensatory measures’ in policing and security (narcotics, arms, border controls and security, information exchange, threats to public order and state security); movement of people (asylum, border controls, visa controls, exchange of information, a common deportation fund); transport (including lists of passengers carried across borders); and customs and circulation of goods (“The Schengen Agreement: Introduction" 1).

Schengen further agreed to a free movement of persons across borders, unified asylum policy, introduced visa controls, and installed the creation of a common deportation fund between the states. Finally, Schengen called for the free circulation of goods and the elimination of customs controls at borders (EUROPA - Press Releases - Schengen: Basic Facts).

⁶ Intergovernmentalism refers to the cooperation between nation states on matters of collective or common interest that the states can control. The element of control enables participating states to decide on the level and extent of cooperation, “meaning that national sovereignty is not directly undermined” (Nugent 2010).

It's puzzling to note that these countries – Benelux, France, and Germany – were all supporters of the integration efforts taken by the European Community. Why then, did they choose to develop Schengen as an intergovernmental agreement, outside the framework of the Community rather than approaching Schengen as a Community effort? At this time and stage of integration in the European Community, the sensitive nature of the issues that Schengen discussed (border security) led to disagreement between the countries and hesitation in the European Commission's ability to effectively manage countries' border control efforts like asylum and immigration policies.

Particularly, a debate began in the 1980s on the definition of the type of person the “free movement of persons” clause applied. Countries were divided in their viewpoints on whether movement would apply solely to EU citizens and non-EU nationals or if movement would apply to everyone. As a result, the type of border inspections that were to be eliminated throughout the Community as part of the Schengen Agreement, depended on the type of persons approved for movement (Keeping up with Schengen: Migration and Policy in the European Union). Ultimately, the countries weighed the risk of relinquishing their national sovereignty⁷ differently and were hesitant to allow the Community to define the persons who would be crossing their national borders. Because countries could not achieve agreement at the Community level, the decision moved forward with the Schengen Agreement under an intergovernmental approach – where decision-making power remained at the national level.

Furthermore, at the time of Schengen's signing in 1985, the Commission of the European Community also attempted to posit a discussion on the cooperation of migration policies

⁷ National sovereignty is defined as the power, authority, independence, and exercise of will lying with the nation state. It is mostly used in situations referring to decision-making authority.

between the twelve member states in the European Community. Belgium, Denmark, France, The Netherlands, and the UK rejected this dialogue in the European Court of Justice, proving that countries were not ready to accept immigration and asylum decision-making power at the supranational, Community level.

Resulting from both debates, the Commission of the European Community recognized the Schengen Agreement as an intergovernmental initiative; that decisions on such hypersensitive issues of policing and border control would be best discussed independently at the country level, and the role of the European Community would only be observatory (Keeping up with Schengen: Migration and Policy in the European Union).

The Single European Act – Emergence of the Internal Market

As Schengen continued to work towards developing a free movement of persons outside the European Community structure, the European Commission was building an internal market at the same time. The Single European Act (SEA) was first recognized in the same year as Schengen's signing – 1985 – at the Milan European Council. It was formally signed on February 28, 1986, and finally went into force in July 1987 (after facing ratification issues in Ireland). The Single European Act, also referred to as the Single Market, is arguably one of the most important integration efforts of the Community. The SEA formally incorporated numerous policy areas into official treaty status, which increased the decision-making power in the fields of environment, research and technological development, and economic and social cohesion (Nugent 2010). It also gave the European Council legal recognition as an institution within the Community and extended Qualified Majority Voting (QMV) power to Council decisions, mainly those in reference to the newly created internal market.

The most relevant initiative in relation to Schengen however, was the creation of the internal market. It denotes “an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured.” (Europa: SCADPlus, “Single European Act”). With the completion of the Single Market in December of 1992, the SEA successfully established ‘four freedoms:’ movement of goods, services, people, and money, which marked a new era of a Europe without internal frontiers (Directorate General for Communication – European Commission). Workers were now free to travel across national borders to seek job opportunities in neighboring European states. Its success sparked ambition for further integration of policy, particularly along the lines of the four freedoms (The Schengen Area and Cooperation). The SEA further established an economic market and later the common currency of the euro that enabled goods, services, and money to flow freely. It was not until the Schengen Convention, however, that the free movement of persons objective of the SEA became realized and internal border checks fully eliminated.

The Schengen Convention

On June 19, 1990, the initial signatories of the Schengen Agreement met again to sign a Convention that would implement the ideas spelled out in the original Schengen Agreement (Home Affairs - Policies - Borders - Schengen Convention). It was a technical outline that extensively disclosed the specific measures set forth to realize the abolition of internal checks at common borders and “create a single external border where immigration checks for the Schengen area are carried out in accordance with identical procedures.” (EUROPA, “The Schengen Area and Cooperation”)

The Convention consisted of eight titles and 142 articles (see Table 2.2 below). The titles called for the “abolition of checks at internal borders and movement of persons,” a chapter on “police and security” to combat drug trafficking and terrorism networks across borders, the development of a “Schengen Information System” to help track persons and facilitate information data sharing, a “transport and movement of goods” chapter, and the creation of an “Executives Committee” which was the institutional body responsible for ensuring implementation of the provisions spelled out in the Convention (Home Affairs - Policies - Borders - Schengen Convention).

Within the institutions of European Community, the response of the Schengen Convention greatly differed between the Commission and the Parliamentary bodies. The Commission had played the role of observer from the onset of the Schengen Agreement and was thus in support of the Convention and favored its provisions. The European Parliament, on the other hand, had no such involvement in the development of the “Schengenland” project, and therefore viewed the Schengen Convention as an illegitimate agreement, lacking transparency (Europa: Abolition of Border Controls). The divide between the European Community institutions further contributed to the difficulty and lengthy process of integrating the Schengen project into official Community legislation.

It was not until the Maastricht Treaty of December 1990 that the ideas of the Schengen Convention began to gain political legitimacy through the changing structures of the European Community. Also known as the Treaty on the European Union, the Maastricht Treaty was a defining moment for the European Community and an important turning point towards greater European integration. At this time, the European Community formally became the “European Union” and was structured into three pillars: (1) The European Communities, (2) Common

Foreign and Security Policy (CFSP) and (3) Cooperation in the fields of Justice and Home Affairs (JHA) (Eurotreaties Text of the Treaty on European Union).

Table 2.2: Titles of the Schengen Convention

<u>TITLE I</u>	Definitions	Article 1
<u>TITLE II</u>	Abolition of checks at internal borders and movement of persons	Article 2 - 38
<u>Chapter 1</u>	Crossing internal frontiers	Article 2
<u>Chapter 2</u>	Crossing external borders	Article 3 - 8
<u>Chapter 3</u>	Visas	Article 9 - 18
<u>Section 1</u>	Visas for short visits	Article 9 - 17
<u>Section 2</u>	Visas for long visits	Article 18
<u>Chapter 4</u>	Conditions governing the movements of aliens	Article 19 - 24
<u>Chapter 5</u>	Residence permits and reporting as a person not to be permitted entry	Article 25
<u>Chapter 6</u>	Measures relating to organized travel	Article 26 - 27
<u>Chapter 7</u>	Responsibility for the processing of applications for asylum Police and security	Article 28 - 38
<u>TITLE III</u>	Police and security	Article 39 - 91
<u>Chapter 1</u>	Police co - operation	Article 39 - 47
<u>Chapter 2</u>	Mutual assistance in criminal matters	Article 48 - 53
<u>Chapter 3</u>	Application of the Non bis in idem principle	Article 54 - 58
<u>Chapter 4</u>	Extradition	Article 59 - 66
<u>Chapter 5</u>	Transfer of the execution of criminal judgments	Article 67 - 69
<u>Chapter 6</u>	Narcotic drugs	Article 70 - 76
<u>Chapter 7</u>	Firearms and ammunition	Article 77 - 91
<u>TITLE IV</u>	The Schengen Information System	Article 92 - 119
<u>Chapter 1</u>	Setting up of the Schengen Information System	Article 92
<u>Chapter 2</u>	Operation and utilization of the Schengen Information System	Article 93 - 101
<u>Chapter 3</u>	Protection of personal data and security of data under the Schengen Information System	Article 102 - 118
<u>Chapter 4</u>	Apportionment of the costs of the Schengen Information System	Article 119
<u>TITLE V</u>	Transport and movement of goods	Article 120 - 125
<u>TITLE VI</u>	Protection of personal data	Article 126 - 130
<u>TITLE VII</u>	Executive Committee	Article 131 - 133
<u>TITLE VIII</u>	Final Provisions	Article 134 - 142

* Table adapted from similar model at: <http://www.hri.org/docs/Schengen90/>.

The first pillar of European Communities absorbed the European Community, The European Coal and Steel Community, and Euratom⁸. Of the three pillars the first is the only one that is supranational. It established the legal proceedings of decision-making power between the three European institutions: where proposals are drafted by the European Commission, adopted by both the European Council and Parliament, and monitoring and compliance with Community law is led by the European Court of Justice (EUROPA “Treaty on Maastricht) Both the second and third pillars are intergovernmental in their decision-making strategies. The second pillar fully incorporates the CFSP into the treaty framework, which replaces security provisions in the SEA and extends member states the opportunity to coordinate their foreign policy (Nugent 2010). Because decision-making is intergovernmental, the Court of Justice has no authority in this field. Finally, the third pillar or the JHA branch, was created with an objective to provide greater control at the EU’s external borders, unify visa applications, and facilitate cooperation in law enforcement agencies between member states (EUROPA “Treaty on Maastricht).

The JHA pillar captured four increasingly important areas of European cooperation: immigration policy, asylum policy, judicial and police cooperation, and control of the Community’s external borders. (The Schengen Area and Cooperation). Schengen’s framework as set by the Schengen Convention developed in similar alignment with these cooperation areas.

(1) JHA Cooperation area: Immigration Policy

In the first of the four areas, immigration policy, Schengen proposed the removal of control on all persons, including a highly debated particular group of migrants known as third-country nationals (or TCNs) (EUROPA - Press Releases - Schengen: Basic Facts). In addition, Schengen

⁸ The European Atomic Energy Commission (EURATOM) was established in 1958 to coordinate European countries’ nuclear programs.

specified legislation that member states were only allowed to reintroduce checks at internal borders under specific, limited and rare conditions. Moreover, to aid in tracking the number of migrant flow between the Community's borders, Schengen permitted member states to agree upon the issuance of common entry visas (EUROPA - Press Releases - Schengen: Basic Facts). This effort laid the groundwork for an EU-wide visa policy. The visa became known as the "Schengen visa" and the migrants who possessed such a visa were granted passport-free travel throughout the Schengen territory (EUROPA - Press Releases - Schengen: Basic Facts). This enabled both individual member states and the Community to compile a list of countries whose citizens would and would not need entry visas to travel. For citizens holding a Schengen visa, job and economic opportunities beyond their home country's borders became a viable and legal option. With an increased number of citizens crossing borders and engaging in neighboring countries labor markets, participating member states greatly benefited from the regional gains by building greater cultural diversity in their populations and fostering the idea of a more European identity.

(2) JHA Cooperation Area: Asylum Policy

Regarding the second JHA cooperation area of asylum policy, Schengen assigned one state responsible for processing asylum applications for the entire Schengen zone (EUROPA - Press Releases - Schengen: Basic Facts). The uniformity of asylum applications greatly reduced administrative costs and prevented the possibility of multiple applications for the same asylum applicant in several countries.

(3) JHA Cooperation Area: Police and Judicial Cooperation

Although the introduction of the Schengen visa and Schengen's revision to asylum policy were perhaps the two most significant contributions of Schengen to the integration efforts of the

European Union, progress was also made in judicial cooperation. One of the goals of the Schengen Convention was to reduce the expulsion or repatriation of migrants who did not hold a Schengen Visa. The Schengen Agreement allowed migrants to apply for a one-time asylum claim, where if approved, they could be issued a Schengen visa. If not, police authority of any participative state within the Schengen area was then able to initiate extradition (EUROPA - Press Releases - Schengen: Basic Facts).

(4) JHA Cooperation Area Control of the Community's External Borders

Furthermore, Schengen also contributed to the fourth JHA cooperation area, control of the Community's external borders, by attempting to alleviate the challenging issue of drug trafficking. As of 1990 and even still today, control of a country's external borders remains a highly sensitive issue and because of this member state governments mostly handle enforcement of external border control and management of trafficking networks. However, the creation of the Schengen Information System (SIS) database is used to track and share information regarding criminal records and asylum applications between member states (EUROPA - Press Releases - Schengen: Basic Facts). "SIS is a sophisticated database used by authorities of the Schengen member countries to exchange data on certain categories of people and goods." (EUROPA, "The Schengen Area and Cooperation") Each member state is able to access the information provided by the SIS database and may be used as an aid in combating drug trafficking problems as well as any other areas of cooperation aforementioned. Having recognized weaknesses of the original SIS system due to outdated technologies, a newer, more technically advanced SIS II system is being developed as of 2009 (Parkin, Joanna).

Incorporation of The Schengen Convention into the European Union

Gradually, as the EU integrated with the establishment of the three pillars of the Maastricht Treaty, so did the Schengen Convention. The measures defined in the Schengen Convention came into force for the original five signatory states in September 1993 and later in December 1994, added Spain and Portugal (Home Affairs - Policies - Borders - Schengen Convention). The official implementation date of the Schengen Convention was March 26, 1995 in which the seven states – Belgium, The Netherlands, Luxembourg, Germany, France, Spain, and Portugal – implemented all eight titles set forth in the Schengen Convention (The Implementation of the Convention Applying in the Schengen Agreement).

A year later, in March 1996, member states met at the Intergovernmental Conference (IGC) in Turin, Italy to discuss several negotiations, one of which was concern for the integration of the Schengen Convention into the official legal framework of the European Union (The Implementation of the Convention Applying in the Schengen Agreement). The IGC discussed an outline, which proposed Schengen integration into the EU in three parts. However, member states who had not participated in the developmental process of Schengen such as the UK, Ireland, and Denmark had difficulty understanding the complicated structure of Schengen. They questioned the language of the texts written in the Schengen Convention and were hesitant to even consider the concept of free movement of persons between internal frontiers (given the nature of the debate that the security of a country's borders should be a national competency and not under Community law) (“The Schengen Area and Cooperation”). Such technical questions led Schengen negotiation and the formal integration of the Schengen Convention into the European Union framework to be put on hold.

The Treaty of Amsterdam and the Incorporation of the Schengen *acquis* into the European Union

After much debate and comprehensive discussion, an agreement on Schengen was finally realized during the Amsterdam Summit in June 1997 (Treaty of Amsterdam Amending the Treaty on European Union). A formal structure to legally incorporate the Schengen Convention into the institutional framework of the European Union was defined in the Treaty of Amsterdam established in October 1997 and was entered into force in May 1999 (Europa: SCADPlus. The Amsterdam Treaty). The accords and provisions determined in the Schengen Convention became the Schengen *acquis*.⁹ The Schengen *acquis* called for the replacement of the Schengen Executive Committee by the Council of the European Union. The Council was given legal authority to set the standards of Schengen for member states according to the *acquis* and became the official institutional body in charge of conducting inspections at the external borders of the European Union (“The Schengen Acquis and its Integration into the Union”). Finally, the *acquis* incorporated the Schengen Secretariat into the General Secretariat of the Council (EUROPA, “The Schengen Area and Cooperation”).

The Schengen *acquis* recognized thirteen EU Member States – Belgium, Luxembourg, The Netherlands, Germany, France, Spain, Portugal, Greece, Italy, Austria, Denmark, Finland, and Sweden – and two observatory states – Norway and Iceland (“The Schengen Acquis”). The concept of observatory states introduces the element of non-EU Member State involvement in

⁹ The Schengen *acquis* is the formal document, prepared by the General Secretariat of the Council that serves as the legal premise of the measures defined in the Schengen Convention. It was published in the Official Journal of European Communities in September of 2000 and any revisions or modification updates are posted to the Europa website.

European integration. This phenomenon is part of what makes Schengen a unique example of the EU's integration efforts.

The reason behind Norway and Iceland's membership in Schengen dates back to the 1954 development of the Nordic Passport Union (Nordic Passport Union's Schengen Membership Confirmed). The Union eliminated internal border checks between Nordic members (Denmark, Sweden, Finland, Norway, and Iceland) and created passport-free travel between participating territories. Aligning with the same objectives as the Schengen agreement, when the EU members of the Nordic Passport Union (Denmark, Sweden, and Finland) showed interest in joining Schengen, they pushed for the addition of Norway and Iceland into Schengen as well, so to uphold the Passport Union among all five Nordic States (Nordic Passport Union's Schengen Membership Confirmed).

As a result, when defining the Schengen *acquis*, the Council ensured that Norway and Iceland would only have decision-making powers relating to Schengen and their involvement in the Schengen area would not interfere with any other decisions made at the EU level. Other opt-out provisions for Schengen involvement were also made by the Council and stated in the Schengen *acquis*. In the cases of the UK and Ireland, both countries are allowed to either participate fully or partially in Schengen on a conditional basis as approved by other Schengen group member states and the Council. From this moment forward, as the EU continues to enlarge, countries that request EU Membership are required to also accept the Schengen *acquis* as part of their national legislation ("The Schengen Acquis and its Integration into the Union").

Aside from the opt-out provisions, the gradual expansion of the Schengen Area of Cooperation has led non-EU countries that have certain relations with the EU or maintain particular agreements with EU member states to take part in Schengen. "The precondition for

association with the Schengen *acquis* by non-EU countries is an agreement based on the [common principle] of the free movement of persons between those states and the EU.” (EUROPA, “The Schengen Area and Cooperation”) This is established in the Agreement on the European Economic Area and provides for the cases of Iceland, Norway and Liechtenstein and the agreement on the free movement of persons in Switzerland’s case.

For participative non-EU states, their involvement in Schengen allows their participation within the designated Schengen area without internal border checks and requires them to implement all original and additional provisions stated in the Schengen *acquis*. They do not have any voting power, but are able to be involved in the decision-making process of text revisions to the Schengen *acquis* only (“The Schengen Acquis and its Integration into the Union”).

Schengen Enlargement and Participation in the Schengen Area

The current framework of the Schengen Agreement maintains the following provisions and requires active participation by the member states (as monitored by the European Court of Justice) to ensure their implementation and enforcement (EUROPA, “The Schengen Area and Cooperation”).

- Removal of checks on persons at the internal borders
- A common set of rules applying to people crossing the external borders of the EU Member States
- Harmonization of the conditions of entry and of the rules on visas for short stays;
- Enhanced police cooperation (including rights of cross-border surveillance and hot pursuit)
- Stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments
- Establishment and development of the Schengen Information System (SIS).

Today, the Schengen area includes nearly every country in the European Union. Appendix 1 notes the Chronology of Schengen enlargement and addition of member states over time. The initial signatories include Belgium, The Netherlands, Luxembourg, France and Germany. The remainder of Schengen enlargement occurred gradually. Italy signed the agreements on November 27, 1990 with Spain and Portugal joining shortly after on June 25, 1991, and Greece following on November 6, 1992 (“Abolition of Border Controls”). The next wave included central Europe with the joining of Austria on April 28, 1995 and the inclusion of the Nordic States: Denmark, Finland and Sweden on December 19, 1996 (“Abolition of Border Controls”). As the European Union continued to expand its membership into Eastern Europe, it added 10 new countries into the European Union. They include: The Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. As stated in the Schengen *acquis*, when accepting EU membership, states also agree to accept all provisions under the Schengen *acquis*, and thus the 10 member states also officially joined the Schengen area as of December 2007 (“Background on Schengen Enlargement”).

As previously discussed, although Switzerland engaged in discussion with the Council regarding admission into Schengen beginning in 1998, they did not officially sign the Schengen Agreement to become incorporated into the Schengen *acquis* until December 12, 2008 (EU Relations with Switzerland). Currently, Bulgaria, Cyprus and Romania are not yet fully participative members of the Schengen area. Border controls between them and the Schengen area are maintained until the EU Council decides that the “conditions for abolishing internal border controls have been met.” (EUROPA, “The Schengen Area and Cooperation”).

The next chapter revisits Schengen's initial signing and takes a closer look at the ten member states in the European Economic Community at the time of Schengen's signing in 1985 to determine why certain member states chose to join Schengen whereas others opted out.

Chapter Three

Statistical Analysis of Determinants for Schengen Participation

Introduction

Within the field of international relations literature, studies on the Schengen Agreement or the Schengen area mainly exist as part of a greater discussion regarding European integration or in a section accompanying the development of the three pillars of the European Union. While some studies include Schengen as a policy example when explaining opt-out behavior among member states, very few look at Schengen's early development and why there were certain states who chose to participate when others did not (Adler-Nissan 2009, 2011; Kolliker 2001; Stubb 1996).

From development outside the EEC, the composition and incorporation of the Schengen Agreement into the legal body of the European Union institutional framework was a lengthy, complicated, and technical process. It is natural to question the motivation and reasoning behind why Schengen developed the way it did and what variables were present in countries who chose to join as opposed to those who opted out and remained partially participative or abstained from membership completely. So far, no study within the literature has targeted the ten initial member states in the EU in 1985, at the time of Schengen's inception, and attempted to find common factors that explain the variation in member state participation of the Schengen Agreement. Therefore, I have developed a series of three variables that I believe could be factors in explaining variation in Schengen membership: geographic location, partisanship, and wealth.

This chapter begins by linking the importance of understanding Schengen's early developments to predicting the success of future integration projects within the EU as well as in other regionally integrated areas outside the EU. I then move to provide a theoretical background explaining why there is variation in Schengen membership based on the Theory of Differentiated Integration and Rational Choice. I follow with a brief content analysis of why these three variables are important in determining variation in Schengen membership stating the respective hypothesis for each. Finally, I test the three variables through a series of chi square tests against the dependent variable, defined as the binary choice of a member between participation and non-participation in Schengen, for the 10 member states in the EEC in 1985, the year the Schengen Agreement was signed. I conclude this chapter with the findings and implications of the analysis.

Why Participation in Schengen Matters

Logically, it is necessary to analyze the motives behind countries' participation in past integration projects from their beginnings in order to better predict the outcome of future integration projects in the EU. Looking at the policy level, Schengen falls under the Justice and Home Affairs Pillar of the EU and characterizes issues related to illegal immigration, drug and human trafficking, asylum, and terrorism as competencies related to Schengen's jurisdiction (Bigo 1996a). As a result, analyzing the factors that determine variation in Schengen membership will be useful to future research forecasting participation in similar integration projects in any of the areas related to Schengen: immigration or asylum policy or the Common Defense and Security Policy in the European Union for example. Moreover, Schengen's determinants for membership can be applied beyond the EU when discussing border policy or

similar integration efforts along Schengen's policy lines in other regionally integrated areas outside the E.U. – in Latin America for example, with MERCOSUR and other related efforts.

Theory of Differentiated Integration:

Variable Geometry

Most European integration models have been based on the spillover methodology established in neofunctionalist theory (Rosamund 2006). Schengen's unique composition, allowing both EU and non-EU states to participate, as well as its development outside the European Community framework, warrant Schengen's integration process to be different from traditional spillover policies. The theory of Differentiated Integration, often used interchangeably with the term 'flexible integration' has been a source of political discussion for some time since the 1970s. It has been used to explain the variation in member state support for European integration efforts, like Schengen, since the 1990s (Holzinger and Shimmelfennig 2012). The term 'differentiation' inherently characterizes the ability of member states to have different rights and obligations in terms of a specific common policy area (Kolliker 2001). There have been several quantitative analyses on the description and categorization of differentiated integration, but only few empirical analyses done to support the theory - Schengen being one of them as a successful representation of treaty-based differentiation (Holzinger and Shimmelfennig 2012).

Today, there are more than thirty different strands built out of the Theory of Differentiated Integration used in European integration literature that encompass three main categories: multi-speed, variable geometry, and à la carte (Stubb 1996). According to Stubb's categorization of differentiated integration, he classifies Schengen as a differentiated integration policy under the subcategory of variable geometry and one that "exemplifies the middle ground

between multi-speed and à la carte” (Stubb 1996). In his analysis, Stubb pioneered the categorization of differentiated integration pegging the three main categories of differentiated integration with corresponding variables: time, space and matter respectively – space being assigned to variable geometry.

There are competing explanations, however, on whether Schengen falls under a territorial “space” differentiation (Stubb 1996) or a sectoral “matter” differentiation (Holzinger and Shimmelfinneg 2012). Holzinger and Shimmelfinneg argue that space and matter by definition are present in all types of differentiation. Inherently, there is always a territorial aspect to differentiation because certain countries or regions opt out of participating in integration, and there is likewise always some sectoral aspect because integration is being applied to a specific sector or policy area (Holzinger and Schimmelfinneg 2012).

Stubb claims, “this form of integration [variable geometry] is differentiated by space in that it recognizes permanent differences among both the core and periphery [...and tends] to push for deeper integration outside the regular decision-making structure of the Union” (Stubb 1996). Schengen’s initial development based on the central agenda of the core five countries (France, Germany, and Benelux) that included an extensive list of external border control measures, a common visa policy, coordination in asylum areas, and police cooperation separated the goals of the core from the periphery (the remaining member states in the EEC) – thus, aptly fitting Stubb’s distinction between the core and periphery (Kolliker). Moreover, Schengen appropriately fits Stubb’s description of variable geometry by its negotiations for deeper integration taking place outside the European *aquis communautaire* as part of a separate integrative unit.

Stubb's main distinction that classifies Schengen and the category of variable geometry as being different from multi-speed or à la carte integration methods, is that variable geometry "exemplifies a certain opt-in or opt-up to a conglomeration of Member states which have already pursued deeper integration in a specific policy area (Stubb 1996)." By definition, Schengen's enabling varying levels of participation between members as well as the option for non-EU member states to participate accurately fit Stubb's classification as Schengen under variable geometry of differentiated integration.

Holzinger and Shimmelfinneg argue that Stubb neglected to include purely functional conceptions in his analysis and that his three groups do not distinguish between fixed and flexible membership in regimes. As a result, their analysis suggests that there are not only the three variables of time, space, and matter that apply to differentiated integration models, but rather differentiation exists along a series of six dimensions:

- 1) permanent vs. temporary differentiation
- 2) territorial vs. purely functional differentiation
- 3) differentiation across nations vs. multi-level differentiation
- 4) differentiation takes place within the EU treaties vs. outside the EU treaties
- 5) decision-making at EU level vs. regime level
- 6) only for member states vs. also for non-member states/areas outside the EU territory.

Citing Stubb as the main reference, according to these dimensions, Holzinger and Shimmelfinneg find that Schengen does fall under the model of variable geometry, but contain the following characteristics: permanent differentiation, territorial differentiation, differentiation at nation-state level, also outside EU treaties, decision-making was at the EU level, and includes non-member states/areas outside the EU territory. These dimensions established in the theory of

differentiated integration, support my argument behind why there is indeed variation between member states' support for Schengen. Holzinger and Shimmelfinneg find that the differentiation for Schengen was territorial; supporting my argument that geographic location matters in a country's decision to participate in Schengen. Finally, Holzinger and Shimmelfinneg characterize that Schengen differentiation occurred at the nation-state level. This supports my theory behind why country level variables of partisanship and wealth within a particular nation-state are valid measures to distinguish differentiation between participation in Schengen.

Rationalist Approaches to Differentiated Integration

One of the main approaches to the conceptual development of differentiated integration is a rational one, where collective goods and externalities play a role in European integration ideology. Early studies on Schengen include Gehring's 1998 analysis of how differentiated integration can be functional to overcome deadlock by enabling member states and non-member states to somehow co-operate at varying levels of integration (Dyson and Sepos 2010; Holzinger 2011; Majone 2009; Stubb 1997; Warleigh 2002). Schengen developed outside the EEC framework in attempt to overcome a deadlocked situation, and when established, shifted the incentive structure for outsiders (Holzinger and Shimmelfinneg 2012).

There were three elements to the Schengen regime, according to Gehring, that characterize Schengen as a policy with rational choice motives. The first is that Schengen crafted a dichotomy restricting the options for outsider states to either accept Schengen or reject the idea of passport-free travel completely. Second, Schengen's stricter external border controls created higher costs for outsiders. Finally, Schengen is defined as an excludable public good where

outsiders were denied free-riding opportunity (Gehring 1998; Holzinger and Schimmelfinneg 2012).

Alkuin Kolliker (2001) took Gehring's study on Schengen and linked differentiated integration to public goods theory based on the presence of three explanatory variables 1) the flexibility of institutions, 2) the willingness of actors and 3) the character of the issue area in terms of public goods theory. Kolliker argues that European policies can be seen as goods produced and consumed in common by EU member states, supporting the notion that excludable goods, like Schengen spawn strong incentives for the "initially unwilling" to join while non-excludable goods enable outsiders to free-ride (Kolliker 2001, 2006). With this, I can assume that member states will act as rational actors viewing Schengen as an excludable good with an associated cost of participation. Combining the theory of differentiated integration with rational choice theory enables me to link the costs associated to Schengen as an excludable good to the variables associated with Schengen participation. By this token, each member state will weigh the risk of joining Schengen differently according to the variation in risk assessment of the costs associated with the three variables of Schengen participation: geographic location, partisanship, and wealth.

Content Analysis of Variables: Explanation for Variation in Schengen Participation

Geographic Location

In 1985, there were ten member states in the European Economic Community with Spain and Portugal positioned to join the following year. For southern European states like Spain, Portugal, Italy, and Greece, the thought of being able to easily access Northern Europe was

enticing, but their geographic location hindered initial membership acceptance into Schengen. Belgium, France, Germany, Luxembourg, and the Netherlands opposed opening their borders completely to Greece, Italy, Portugal, and Spain based on the understood assumption that “Mediterranean countries were incapable of enforcing their border regulations” (Dinan 2010; Jensen and Slapin 2011). Due to the placement of these southern European states’ borders, these states have traditionally had problems with controlling illegal immigrants and securing their coastlines. Italy, during the Arab Spring for example, attracted thousands of North African migrants from the Tunisian coastline who sought refuge on Italy’s island of Lampedusa (Italy and Immigration: Take My Migrants, Please). Spain as well, has felt pressure from neighboring Morocco and continues to fight towards preventing illegal crossings at their borders. Therefore, when considering these states’ admission to the Schengen zone, signatory states felt the openness of their borders would lead to increased illegal migration and act as a gateway to Europe.

In Greece’s case, Greece does not border any EU state, and as a result, their external borders were viewed as “problematic” (Greece Joins Schengen Area). Greece has traditionally battled illegal migration from Albanian and eastern European migrants as well as fought hard to control human trafficking networks. Such reasons barred initial decision-making on these states’ inclusion in Schengen and continued to halt implementation methods even after joining.

Yet southern European states were not the only ones where geography played a role in Schengen participation. Throughout the negotiations of the Single European Act, Denmark, Ireland, and the UK were opposed to the full incorporation of Schengen into the European treaty framework (Jensen and Slapin 2011). In fact, according to the UK, their geographic location “makes their frontier controls more efficient than those of its EU partners” (Pallett 2001). The UK feared that Schengen’s elimination of border controls would cause an influx of immigrants

that could harm the internal balance of peoples in the UK. As a result, they chose to abstain from Schengen membership.

According to Jensen and Slapin in their study on multi-speed integration in the European Union, they developed a model to explain opt-outs of the Schengen Agreement based on an arrangement of preferences. Schengen is a policy deeply intertwined with immigration policies (Huysmans 2000). Therefore, Schengen's free movement of peoples and abolition of border controls "caused complications for immigration policies for the member states" (Jensen and Slapin 2011). As a result, the preference of states decisions to join Schengen aligns with recent theoretical analyses of EU immigration policy which places the UK at the laggard end of the spectrum and Germany at the most integrationist (Givens and Luedtke 2004; Jensen and Slapin 2011).

The dual link between immigration policy to the performance spectrum and immigration policy to Schengen supports my argument that the geographic location variable matters and will perform similarly across the spectrum. I argue that member states with a larger proportion of country borders also being external EU borders, like the UK, will feel more at risk to the threats of immigration than countries with less proportions of country borders being external EU borders, like Germany. Based on these case studies and assumptions, there is reason to believe that geographic location affects a countries willingness to participate in Schengen.

H1: Member states with greater proportions of external EU borders will be less likely to participate in the Schengen area than member states with lower proportions of external EU borders.

Partisanship Within the Country

The political climate in a country and a country's commitment to the objectives of the EU's supranational power served also as a contributing factor in why states chose or did not choose to join Schengen. It is particularly evident in the decisions of initial signatories, Germany and France.

Germany has been one of the frontrunner states in initiating the creation of the European Union and developing the integration project since its infancy. Believing in the benefits of a political and economic collective union led Germany to be a key proponent in pushing for greater European integration. Therefore, having already engaged in economic integration with the development of the EEC, Germany's reasoning for joining Schengen was political. In fact, Germany's motivation to join and belief in Schengen's ability to advance European unification efforts brought Germany to amend their constitution by restricting entry to asylum seekers so to better align German laws with the laws of its surrounding European neighbors. In doing so, Germany not only successfully gained admittance to Schengen but also sought border agreements with Poland and the Czech Republic that would constrain asylum seekers from these countries fleeing across German frontiers.

The French, on the other hand, were slightly more hesitant in the prospects of Schengen and were worried about the risks that the agreement could impose on the political, economic, and social climate of the country. The French Parliament disagreed with the technical aspects of Schengen's abolishing internal borders and most feared the thought of relinquishing their national sovereignty to a supranational power. Instead, France's acquisition into the Schengen Agreement can be directly attributed to the involvement of French President at the time, Francois Mitterrand. Mitterrand, like Germany, understood the greater picture of a collective union and

called for France's participation in European integration efforts. It was the compromise between Mitterrand and the French Parliament on the insertion of the following clause into the Schengen Agreement: that there will be no "large transfer of responsibilities [of France] to the supranational level" that solidified France's willingness to join Schengen. As a result, if France had not elected such a pro-Europe supporter during the time of Schengen's development, France may have abstained from participation.

Therefore, it is evident that a country's political climate had an effect on a country's decision whether or not to participate in Schengen. Traditionally, governments to the right end of the political scale are more conservative with a strong national focus and tend to refrain from engaging in policy at the supranational level (Dyson and Sepos 2010). Governments that leaned more center or to the left end of the spectrum, however, as depicted by the case studies of Germany and France above, tend to adopt a more open, collectivist ideology (Dyson and Sepos 2010). Given these studies, the more left a government is, the more likely the state will be to support European integration efforts and willingness to participate in Schengen.

H2: Member states with left wing governments will be more likely to participate in the Schengen area than member states with right wing governments.

Wealth of a Country – GDP per capita

Finally, the last factor that I believe affects a country's decision whether to participate in the Schengen area or not is the wealth of the country according to their population. Thinking in terms of human security, greater amounts of wealth equal greater opportunity and access to factors of security – such as job stability, abilities to purchase food for themselves and their

family, to have the capacity to own or rent a home. By this regard, the Schengen area opens up the prospect of seeking jobs as well as other opportunities outside a resident's own country, so that one may have the chance to increase their income and general wealth – to secure greater job stability with better food and shelter securities than those found in his/her own country.

Such factors of basic needs and overall quality of life hinge on a country's income relative to its population, or GDP per capita. As a result, depending on the respective GDP of the country, there may be incentive for certain countries to participate in the Schengen area more so than others. Citizens in countries with higher GDP per capita should logically be more secure in terms of sustaining needs of job, food and shelter securities. Thus, populations who are, on average, wealthier than others, should experience fewer threats to the stability of maintaining their overall livelihood. As a result, countries with higher GDP per capita should see no threat in seeking opportunities abroad to maximize their potential wealth.

On the converse, countries with lower GDP per capita may struggle to provide sufficient jobs to their populations or find it difficult to increase the wealth of their citizens. Citizens may be experiencing greater job insecurity in countries with lower GDP per capita, and as a result, Schengen's opening of borders may cause alarm to resident's job opportunities within their country. Therefore, this may prove as motive for countries with lower GDP per capita to abstain from participating in Schengen as a means to better protect their citizens' economic and employment security within their own country from any potential cross-border traffic in search of job opportunities elsewhere.

H3: Member states with higher GDP per capita will be more likely to participate in the Schengen area than member states with lower GDP per capita.

Data Analysis

The unit of analysis is the individual member state in the European Economic Community (EEC) in the year 1985, since this study considers why member states vary in their decision to participate or not in the Schengen area. In 1985, ten countries had joined the EEC: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, and The United Kingdom.

The Dependent Variable: Schengen Membership

Since this study focuses on answering the basis of why a state chooses to join Schengen, the dependent variable is built on the condition that the member state signed the Schengen Agreement in 1985, thereby becoming a member of the Schengen area. Based on information solicited from the European Commission in 1985, I have coded the variable on a dichotomous scale (0) not a member of the Schengen area and (1) member of the Schengen area.

The Independent Variables

Geographic Location

Because this study chooses to look at a country's borders as a determinant of how a country decides whether or not to participate in the Schengen area, it is necessary to classify a country in terms of its type of borders. I have chosen to rank a country according to the proportion of its national borders that are also classified as external borders of the EEC. Table 3.1 indicates the value and how each country is coded by increasing proportion of national borders that are also external EEC borders.

Table 3.1. Country Borders, Coded by Increasing Proportion of External EEC Borders

Value	Label	Description
1	None	No sides of the national, country borders are external EEC borders – all sides are bordered by another country.
2	Partial	One side or less of the national, country border is an external EEC border – Remaining sides are bordered by another country.
3	Majority	Two or three sides of the national, country border are external EEC borders but one side is bordered by another country.
4	All	All sides of the national, country border are external EEC borders.

Partisanship

To determine partisanship in a country, I utilize The Ideological Complexion of Government and Parliament (CPG) score compiled by Woldendorp, Kerman, and Budge in their research on party government in political democracies (Woldendorp, J., Keman, H., & Budge, I. (1993). The CPG score is an indicator, which introduces a more qualitative aspect to government composition. It attempts to account for the relative strength of parties in government with reference to the Left-Right dimension, through a five-point scale in which the proportional shares of the Right, Centre and Left are transformed into scores (1 to 5) representing the degree of dominance of either party both in parliament and government. It is mostly used to relate the degree of party-control of a government to its policy-guided actions. Table 3.2 indicates how each score was operationalized.

Table 3.2. The Ideological Complexion of Government and Parliament (CPG), Codes

Value	IPG Label
1	Right-wing dominance (share of seats in Government and supporting parties in Parliament larger than 66.6 per cent)
2	Right-Centre complexion (share of seats of Right and Centre parties in Government and supporting parties between 33.3 and 66.6 per cent each)
3	Balanced situation (share of Centre larger than 50 per cent in Government and in Parliament; or if Left and Right form a government together not dominated by one side or the other)
4	Left-Centre complexion (share of seats of Left and Centre parties in Government and supporting parties between 33.3 and 66.6 per cent each)
5	Left-wing dominance (share of seats in Government and supporting parties in Parliament larger than 66.6 per cent)

Wealth

Since this variable attempts to measure the wealth of each member state relative to its citizens, I chose to use data for GDP per capita taken from the World Bank's global database of World Development Indicators, or WDI (GDP per capita Data | World Development Indicators). The WDI database is updated annually and covers data for 214 economies from the years 1960 to 2011. The data used in this study are the values of GDP per capita reported in current U.S. dollars, in the year 1985, for the 10 EEC countries in this analysis.

Empirical Results

Out of the ten countries in the EEC, there is an even distribution between Schengen and non-Schengen Members: Belgium, France, Germany, Luxembourg, and The Netherlands are Schengen Members, while the remaining five: Denmark, Greece, Ireland, Italy, and The United Kingdom are not Schengen Members.

For **geographic location**, there is a fairly even distribution across the countries in the analysis, with 30% of the countries falling in each of categories 2, 3, and 4, while the remaining

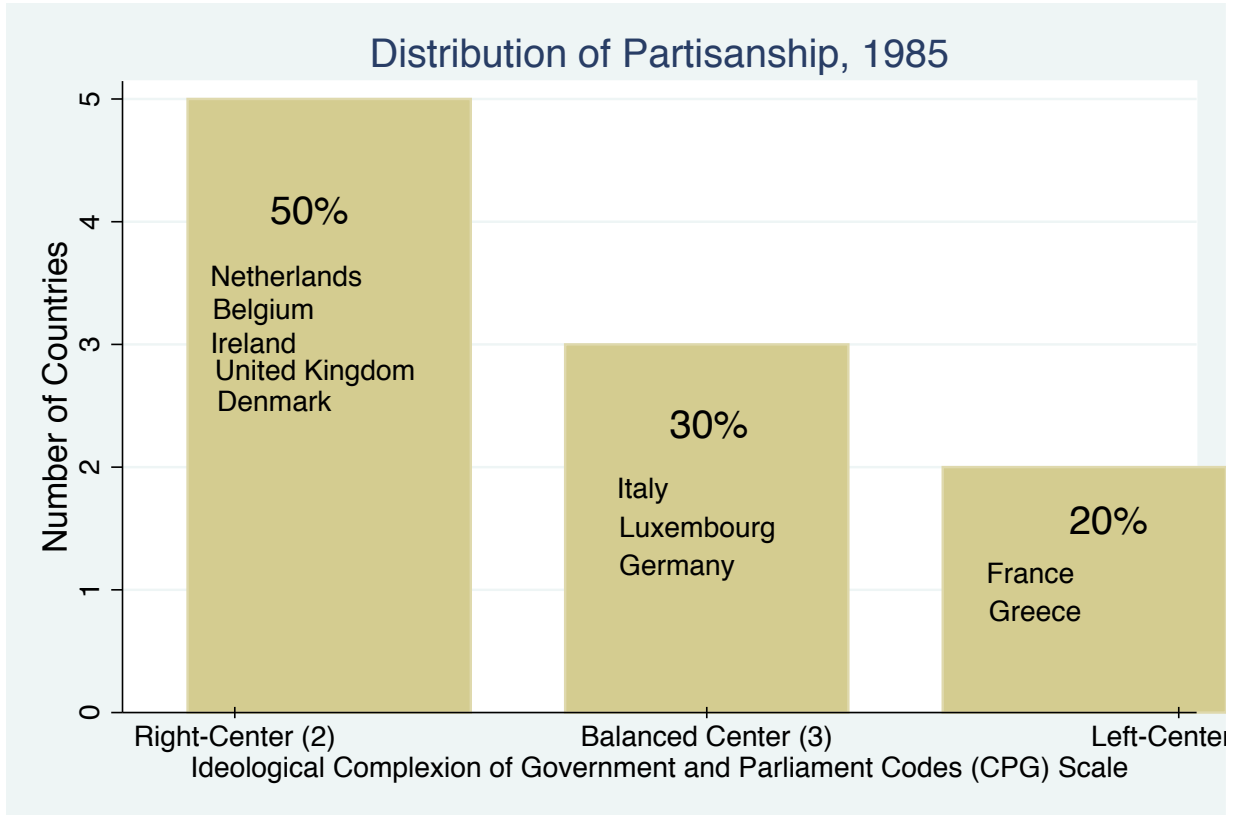
10% fell in category 1. Given that the variable is coded according to rank, it is inappropriate to report the mean, but rather more fitting to discuss the middle case of the distribution. Sixty percent of the cases scored a three or above, meaning that either the majority or all of the national, country borders were also classified as external borders of the EEC.

Table 3.3: Distribution of Geographic Location Across EEC Countries

Proportion of National Borders External EEC Borders	Country	Number	Percent
None (1)	Luxembourg	1	10.00
Partial (2)	Netherlands Germany Belgium	3	30.00
Majority (3)	Denmark Italy France	3	30.00
All (4)	Greece Ireland United Kingdom	3	30.00
Total number of cases		10	100.00

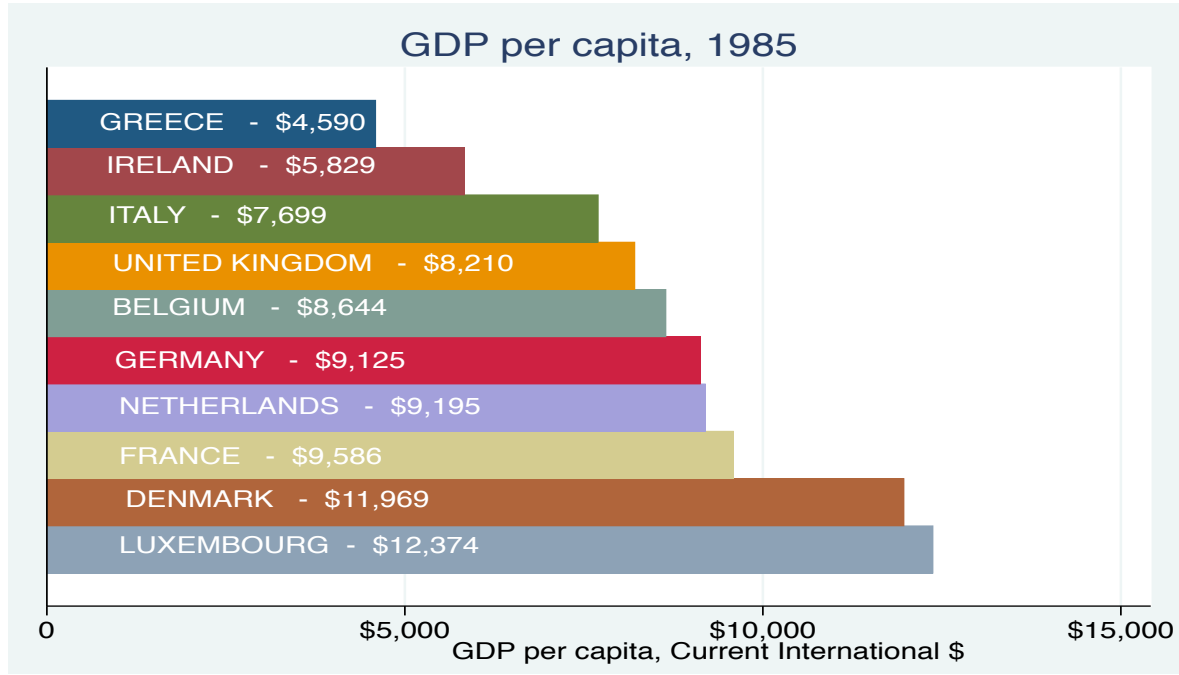
While the **partisanship** variable coding ranges from 1 to 5 on the CPG index, within the sample, the range is only from 2 to 4, meaning that none of the cases represented either of the two most extreme values: (1) majority right and (5) majority left. Fifty percent of the cases scored a 2 on the CPG scale, indicating that they are right-center, followed by 30% scoring a 3 indicating a center distribution of political parties in the country, and the remaining 20% scored a 4, indicating a left-center share.

Figure 3.1: Distribution of Countries According to Partisanship - CPG Scale



As for wealth, **GDP per capita** for each country ranged from \$4,590 to \$12,374 with an average of \$8,722 and a standard deviation of about \$2,398. To align measurement of GDP per capita with the other categorical variables, I converted the variable from an interval level to a categorical measure. I divided the cases at the median (\$8,884.5) into two categories, low and high GDP per capita, and assigned low the value of (0) and high the value of (1).

Figure 3.2: Distribution of GDP per capita



Because the dependent variable of Schengen Membership is a categorical measure, I performed a series of chi-squared tests in contingency tables for each independent variable against the dependent variable to see if geographic location, partisanship, or GDP per capita had an effect on a member state's choice to participate in Schengen. To determine robustness and the direction of association, I report the chi square value along with the probability value that the null hypothesis is true. The tables below display the results for each variable.

Table 3.4: Analysis of Schengen Membership and Geographic Location

Schengen Membership	Geographic Location, Increasing Proportion of External EEC Borders				Total
	None (1)	Partial (2)	Majority (3)	All (4)	
Not a Member of Schengen (0)	0	0	2	3	5
Member of Schengen (1)	1	3	1	0	5
Total	1	3	3	3	10

Pearson chi2 (3) = 7.3333 Pr = 0.062

Table 3.5: Analysis of Schengen Membership and Partisanship

Schengen Membership	Ideological Complexion of Government and Parliament Indicators			Total
	Right-Center Complexion (2)	Balanced Situation (3)	Left-Center Complexion (4)	
Not a Member of Schengen (0)	3	1	1	5
Member of Schengen (1)	2	2	1	5
Total	5	3	2	10

Pearson chi2 (2) = 0.5333 Pr = 0.766

Table 3.6: Analysis of Schengen Membership and Wealth (GDP per capita)

Schengen Membership	Wealth – GDP per capita		Total
	Low GDP per capita (0)	High GDP per capita (1)	
Not a Member of Schengen (0)	4	1	5
Member of Schengen (1)	1	4	5
Total	5	5	10

Pearson chi2 (1) = 3.600 Pr = 0.058

Table 3.7: Regression of Significant Determinants of Schengen Participation, 1985

Regressor	Coefficients (SE)	
	Bivariate Analysis: GDP per capita	Multivariate Analysis: Geographic Location and GDP per capita
Geographic Location	–	- 0.37 (0.14)**
GDP per capita	0.60 (0.28)*	0.16 (0.27)
Constant	0.2 (0.2)	1.45 (0.49)**
R ²	0.36	0.68
F-Ratio	4.5 (0.07)	7.53 (0.02)*
Number of Cases	10	10

* Denotes significance at the 95% confidence level one-tailed test, **two tailed test

* Because Partisanship had a high chi square probability of .766 that there was no relationship between partisanship and Schengen participation, I chose to exclude partisanship from the regression analysis.

Findings and Implications

My findings indicate significant results for two of the variables: geographic location and wealth (GDP per capita), suggesting that the location of the country and wealth of its population matter in a country's choice to participate in the Schengen area.

Testing geographic location, the results strongly support my hypothesis – showing that countries with a greater proportion of their country borders also being external EU borders will be less likely to participate in Schengen. Looking at the multivariate regression model, the coefficient for geographic location of -0.37 is both in the direction and size expected by the hypothesis. This means, that when holding GDP at zero, the effect of a one unit increase in the proportion of country borders that are also external EU borders will yield a 0.37 decrease in the

predicted probability that a member state will participate in Schengen. The coefficient is also statistically significant beyond the 95% confidence level, and therefore, the null hypothesis in which geographic location has no effect on determining a member state's willingness to participate in Schengen may be rejected.

Of the two countries with all country borders also being external EU borders (United Kingdom and Ireland), both did not participate in Schengen. To that end, of the four countries with the majority of their borders also being external EU borders (category 3), 75% did not participate in Schengen. Conversely, for categories with partial and no country borders being external EU borders, all countries in these categories did participate in the Schengen area. With a Pearson's chi square value of 7.333 and only 6.2% probability that the null hypothesis in which geographic location has no effect on a country's choice to participate or not in the Schengen area is true, we can conclude that geographic location does indeed matter in Schengen participation.

My hypothesis for wealth also was supported; that countries with high GDP per capita were more likely to participate in Schengen than countries with low GDP per capita. Four out of the five countries with high GDP per capita did become a Schengen member compared to the exact same proportion for the countries with low GDP per capita - four out of the five countries did not become a Schengen member. In the bivariate regression model, the coefficient for GDP per capita is significant beyond the 95% confidence level – revealing that a country with high GDP per capita will have a 0.60 increase in the predicted probability that the member state will participate in Schengen. In the multivariate regression model, however, the results lose significance. This is most likely attributed to having so few cases in the model combined with the additional explanatory variable of geographic location. It becomes more difficult to assess the true effect of each variable, and the high standard error yields the non-significance. Regardless,

the strong significance of GDP per capita in the bivariate model suggests that wealth does in fact matter for determining Schengen participation.

Finally, although my results for partisanship did not prove significant (with a Pearson chi square value of 0.533 and 76.6% probability that partisanship has no effect on Schengen participation), the trends across the contingency table reveal slight indirect support for my hypothesis. The table is rather biased in that 50% of the countries identify with the right ideological complexion, compared to a mere 20% identifying with the left, which is potentially problematic in framing a hypothesis around the condition of left wing governments. Of the member states identifying with the left, there is even distribution between being a Schengen member and not being a Schengen member, with one member state in each category. This notion therefore does not support my hypothesis that member states with left wing governments are more likely to join Schengen than right wing governments. However, when looking at the right category, of the five countries identifying with right wing governments, three did not participate in Schengen. This majority indirectly supports my hypothesis by supporting the converse notion that member states with right wing governments are less likely to participate in Schengen than states with left wing governments.

Conclusions

Based on the theory of differentiated integration combined with rational choice motives, this study proves that a country's geographic location and wealth significantly matter in determining why a country chose to initially participate in Schengen in 1985, whereas partisanship did not seem to play as great a role as expected. With so few cases however, it is inherently difficult to pinpoint the sole reasons behind member states' participation in Schengen.

In reality, there was not purely one factor that directly caused a country to join Schengen, but rather a compilation of many factors potentially related to the three variables in this analysis: geographic location, partisanship and wealth. Nevertheless, I argue that within the context of forecasting participation in future integration projects not only within the EU, but also other regionally integrated areas as well, a country's geographic location and GDP per capita should be taken into consideration for further research on member state participation.

In the next chapter, I continue to explore the effects of Schengen by taking a closer look at Schengen's aftermath beyond the initial development, enlargement and incorporation into the European Union by investigating public attitudes toward Schengen and internal border controls after the Arab Spring.

Chapter Four

Statistical Analysis of Public Attitudes toward the Schengen area

Introduction

While differentiated integration models have successfully attempted to explain Schengen's advancement, scholars have been relatively quiet on the public's attitudes towards the Schengen area. A December 2011 Eurobarometer public opinion survey, however, revealed that 62% of individuals residing in one of the 27 EU member states felt that the free movement of people, goods, and services (that Schengen provides) ranked either the first or second most positive result of the European Union among eight different policy fields (Eurobarometer 2011). Such results bear firm evidence that Schengen and its policy effect on the EU populous are indeed important in terms of representing a positive and successful integration effort of the European Union.

In today's rapidly globalizing world and in light of European enlargement, not to mention in the aftermath of the Arab Spring, it is thus surprisingly shocking that Schengen – a policy bearing salient threats associated with a nation's border security with clear and affirmative implications – has remained unstudied in terms of public opinion. This chapter, therefore, aims to fill the gap in public opinion literature on Schengen by seeking the determinants of individual support for the Schengen area.

Why Public Opinion Towards Schengen Matters

Political science literature has historically paid considerable attention to the importance of European integration in advancing the future of Europe, particularly in the role that public opinion plays in the image of policy-making. As a result, it is necessary to establish the basic assumption that enables us to understand why the individual matters when assessing attitudes toward European integration and thus why public opinion towards Schengen matters to EU policy makers for purpose of deepening European integration.

Prior literature on public opinion finds that citizens are ignorant and lack significant information on many issues because the incentive to become informed fail to override the cost of obtaining information (Freeman 1995). As a result, elites do not take the public's preferences into account during the policy making process (Almond, 1950; Converse 1964; Lippman, 1922). For this reason, research has overlooked interest in understanding factors that affect individual policy preferences at the national level. In a fairly recent study on public opinion toward immigration in the EU however, Lahav finds that publics are "more sophisticated and informed than is commonly assumed" (Lahav 2004). Assuming that populations are more informed than traditionally thought, we can make the argument that public opinion matters in elites' decision of policy formation. This is a key assumption to make because we can infer that any analysis of attitudes toward the Schengen area will be useful to policy-makers structuring future elements of Schengen's domain and contributing to greater European integration.

Moreover, in Kentman's study on determinants of support for the Common Foreign and Security Policy in the EU, he finds that "individuals rely on cues received from other policy areas rather than identities when evaluating a policy area that is not so visible" (Kentman 2010). Assuming this claim is true, individuals will utilize their knowledge of outside policy areas to

form opinions about other policies that they are less familiar with. Based on this assumption, it is necessary to begin by assessing attitudes toward related policy areas associated with Schengen when seeking to understand the determinants of public support for the Schengen area.

Previous studies on public opinion in the European Union have traditionally focused on explaining successful examples of the European integration process – some bearing resemblance to the themes related to Schengen’s competencies, but none conducted specifically regarding attitudes toward Schengen. Lahav (2004), for example, examines the impact of immigration in the European Union on public opinion, finding that immigrant flows are closely related to EU Cooperative Agreements; Schengen being one of them through abolishing internal border controls between participating member states. Along similar lines, McLaren’s work on attitudes toward European integration finds that attitudes toward the European Union are based largely in part by a “general hostility toward other cultures” (McLaren 2002). In line with other literature about how public opinion toward European integration is formed, McLaren argues that the European Union is a threat to a state’s national integrity and that integration poses greater threat to the nation-state rather than the individual (McLaren 2002; Gabel and Anderson 2002; Kerbergen 2000). Schoen further addresses public opinion on common European policies in foreign affairs and defense – a policy said to co-vary with Schengen – finding that attitudes are a result of territorial identities and driven by domain-specific evaluations of the European Union’s performance (Schoen 2008).

Within the framework of literature related to Schengen competencies, I approach determining attitudes toward the Schengen area through utilizing a method similar to Schoen’s study on European public opinion on foreign and security policy. I begin by discussing three competing theoretical models that drive European public opinion of European integration

policies to assess how public attitudes toward the Schengen area are derived. I then produce an analysis of public support toward the Schengen area, drawing from Eurobarometer data, to examine the explanatory power of the three models in effort to find the determinants of support for Schengen. The paper concludes with the findings and implications for future research on public opinion of the Schengen area not only within the European Union, but also speaks to the broader audience of regional integration scholars as an example of how forthcoming models of collective security and border policies elsewhere should potentially be developed.

Theoretical Models Determining Attitudes Toward Schengen

As the Schengen area is one of the many examples of European integration ideology, I have approached studying attitudes toward Schengen by applying the models that have previously been used to explain support for European Integration. The literature is split between three models of support for European Integration that are thought to be pertinent in determining levels of support – the Utilitarian model, the performance model, and factors associated with national identities (Schoen 2008).

The Utilitarian Model

The Utilitarian model is built on the assumption that citizens are rational actors and that their decisions regarding attitudes toward European integration are based on the relative costs and benefits associated with that choice (Schoen 2008). Although not a study of public opinion, Huysmans discussion on the concept of securitization of migration in the EU links migration policy to security policy and finds that the inclusion of immigrants, asylum-seekers, and refugees in European societies challenge internal security policies, such as Schengen (Huysmans 2000).

Since no prior public opinion studies have been conducted on the Schengen area, the link between immigration literature and Schengen is an important one to make when moving forward under the utilitarian model.

Schengen became connected to the field of immigration in the aftermath of the Single European Act, when Schengen's diminished internal border controls created a need to strengthen the European Community's external border controls so to "guarantee a sufficient level of control of who and what can legitimately enter Schengen's space of free movement (Huysmans 2000; De Lobkowicz, 1994; Anderson, 1996 pp.186-187). According to Article 7 of the Schengen agreement, "...parties shall endeavor to approximate...the easing of controls at the common frontiers in the field of immigration and security" (Europa: EURLex). There are two critical assumptions made connecting Schengen to immigration literature. The first is that control of illegal movement of goods, services, and persons occur chiefly at the border (under Schengen jurisdiction). The second is that the free movement of persons across borders is caused by the abolition of border controls (Huysmans 2000). Based on these two assumptions, it is logical to connect attitudes toward immigration in the European Union (along with the relative costs associated with immigration) to the attitudes toward the Schengen area and any costs individuals associate with supporting Schengen.

Using the Utilitarian model, scholars have found that citizens' attitudes toward immigration are based either on sociotropic motivations, conditions of the nation at large, or motivations of personal, self-interest (Lahav 2004; McLaren 2001, 2002). Lahav found that sociotropic factors of concern for the nation-state, culture, and national economy were more determinate of public opinion towards immigration in the EU rather than an individual's personal threat from immigration (self-interest) (Lahav 2002; 2004). If this is true, we can assume that the

European public is concerned about policies at the country level and that any perceived threats a person feels from immigration should be related to those of the state. By this same token, we can further assume that an individual's attitudes toward immigration in the European Union should reflect an individual's attitudes toward the Schengen area.

H1: The more favorable an individual feels toward immigration in the European Union, the more likely that he/she will support the Schengen area than an individual who feels less favorable toward immigration in the EU.

The Performance Model

Perhaps attitudes toward immigration in the EU does not explain attitudes toward Schengen, but rather the general evaluations of how the EU performs as an institution or an individual's support for the European Union overall may be the factor that drives attitudes toward the Schengen area. The performance model is based on the assumption that a citizen's view of the European Union shapes his/her attitudes when forming opinions about specific EU policies (Schoen 2008). Similar evidence for this model is seen in studies on economic integration in the European Union. The success of the euro has led individuals to evaluate the EU rather favorably and therefore supports the notion for continued economic integration (Kentmen 2010). In recent years, the same effect holds true yielding opposite results. In light of the euro debt crisis, citizens evaluated the EU less favorably and in turn, opposed policies for further economic integration. Following this school of thought, support for the Schengen area should be increased by favorable evaluations of opinions toward the European Union.

H2: The more favorable an individual feels about the role of European integration in the European Union, the more likely he/she is to support the Schengen area than someone who feels less favorable.

National Identity and the Theory of Double Allegiance

National identities in Europe are closely related to the idea of the nation-state (Schoen 2008; Bloom, 1990; Van Kerbergen, 2000). This idea is grounded in the theory of double allegiance, where primary allegiance lies with the nation-state and a secondary allegiance with the EU (Van Kersbergen). According to Van Kerbergen's study on political allegiance and European integration, the theory of double allegiance serves as one of the theoretical mechanisms that explain public support for the European Union. He says, "One of the crucial yet often underestimated differences between state formation and nation-building in European integration concerns the relationship between the elite of the territorially sovereign unit of authority (the state elite) and the cultural political attitude of the population of that territory (the citizenry or public)" (Van Kerbergen 2000). Based on this logical progression, if national polity is determinate of national identity then likewise, European polity will be determined by feelings associated with European identity.

There have been many studies along these theoretical lines that link attachment to European identity to an individual's view of the European Union and the associated policies. Earlier studies utilizing Eurobarometer data have proven that individuals who show stronger attachment to their national identity than to European identity are more likely to be "Euroskeptics" and therefore, less likely to support policies at the European level (Christin and Trechsel, 2002; Hooghe and Marks, 2005). Conversely, the literature further supports the notion

that individuals who feel close to Europe over the nation or region will be more supportive of deeper European integration (Kentman 2010). If these presumptions are true, we can assume that an individual's national identity will affect his/her viewpoints on a state's national sovereignty and self-determination. By this logic, we should expect the intensity of an individual's national attachments to decrease support for the Schengen area because it is a European integration policy.

H3: Regarding an attachment to Europe, individuals with greater attachment to Europe will be more likely to support the Schengen area than someone who has less attachment to Europe.

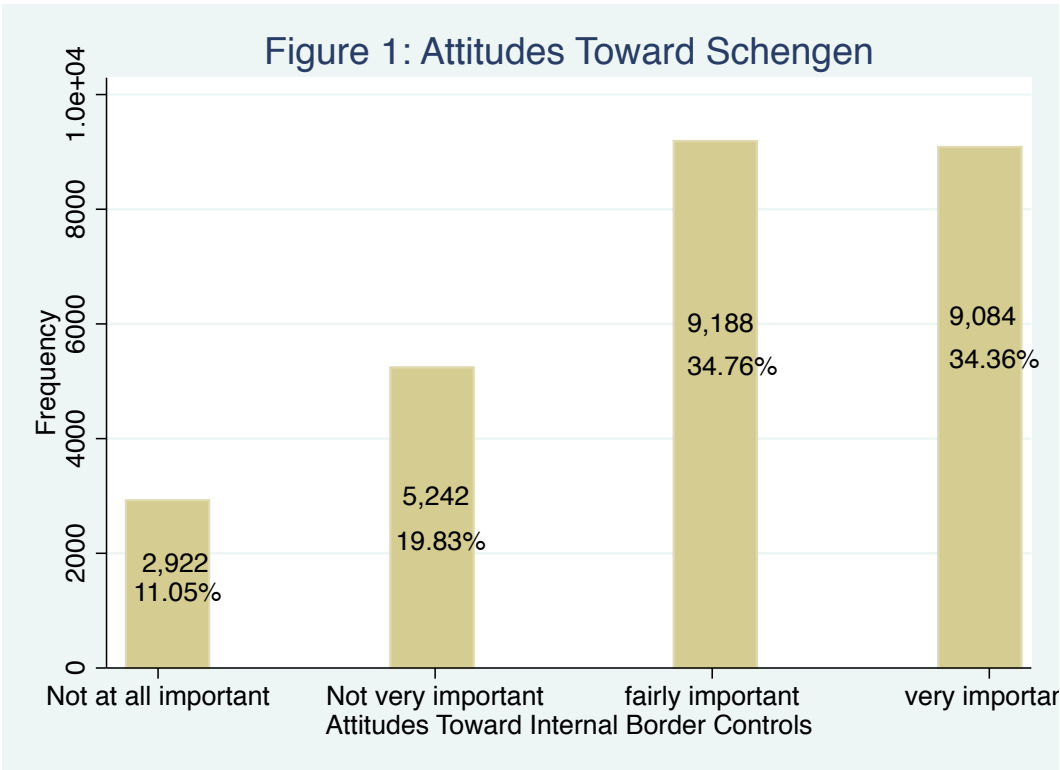
Data Analysis

This paper utilizes Standard Eurobarometer 76.4 data and was carried out between December 3, 2011 and December 18, 2011. There are 26,693 cases, and the *unit of analysis is the individual respondent* from the each survey interview. This is the most recent dataset produced from Eurobarometer, and should therefore yield the most current assessment of attitudes toward Schengen.

The Dependent Variable: Attitudes toward Schengen

The dependent variable measures the attitudes toward Schengen and is represented by this question: "How important is it to you to be able to travel within the EU without internal border controls?" It is a categorical variable, measured on an ordinal scale ranging from 1 to 4 according to increasing levels of importance. Response choices are as follows: 1 "not at all important" 2 "not very important" 3 "fairly important" 4 "very important." All "don't knows" are

coded as missing values and do not appear in the analysis.¹⁰ It is assumed that the more important a respondent feels about being able to travel within the EU without internal border controls that he/she would be in greater support for the Schengen area. As seen from Figure 1 below, the majority of cases (70%) feel that internal borders are important with practically equal distributions between categories “fairly important” and “very important (about 35% of cases each).

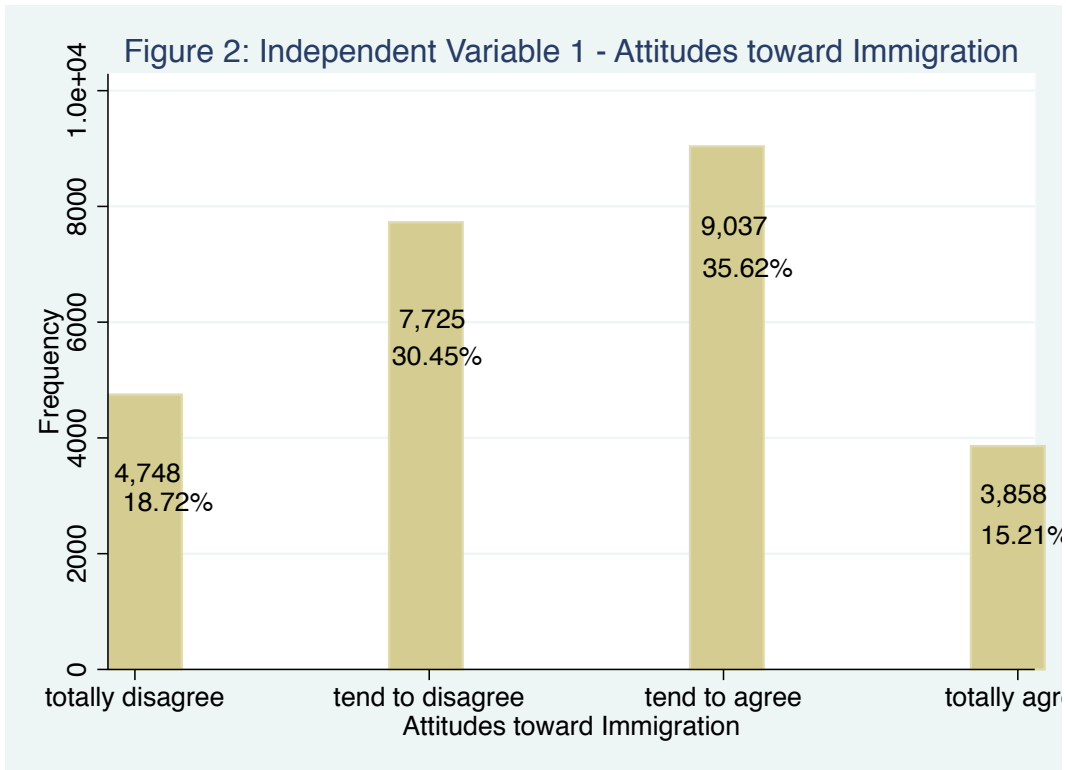


¹⁰ It is worth noting the limitations of this proxy measure as a means to properly measure attitudes toward Schengen. Eurobarometer data is the most recent survey available on public opinion in the EU, but the question does not specifically denote attitudes toward Schengen, only attitudes toward internal border controls. However, given the questions available in the survey and Schengen being the overarching policy regarding internal border controls, I am confident that this measure is valid to assess attitudes toward the Schengen area.

The Independent Variables

The independent variables are: attitudes toward immigration in the European Union, attitudes toward the European Integration, and the individual's attachment to his/her national identity.

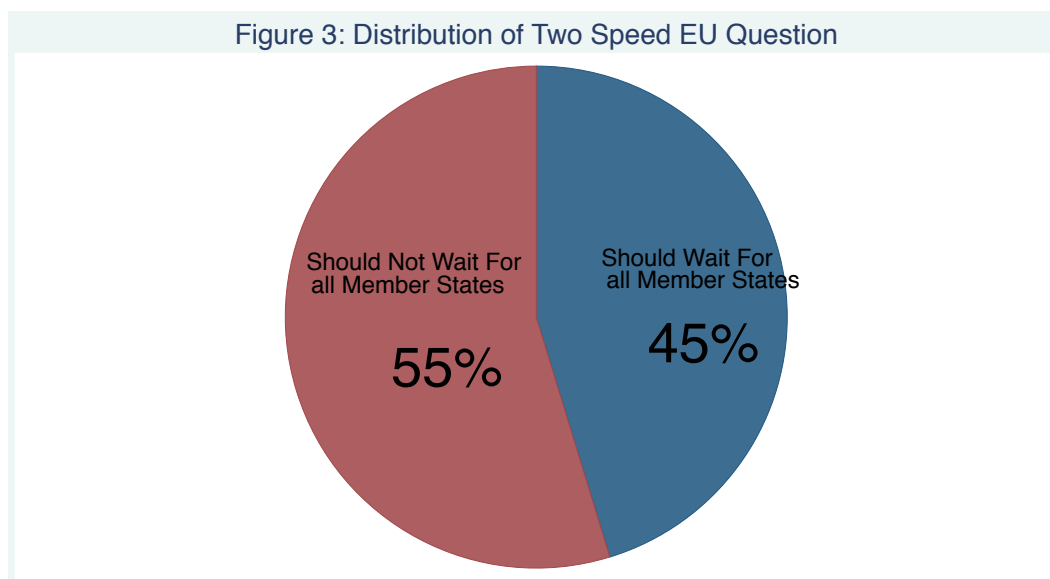
Attitudes toward immigration are measured by the question, "About 4% of the people living in the EU come from a non-EU country. There are different views regarding their integration in European societies. To what extent do you agree or disagree with the following statement about integration? Immigration enriches (OUR COUNTRY) economically and culturally." It is a categorical variable, also measured on an ordinal scale ranging from 1 to 4 according to increasing level of agreement. Response choices are as follows: 1 "totally disagree" 2 "tend to disagree" 3 "tend to agree" 4 "totally agree." All "don't know" are coded as missing values and do not appear in the analysis. Seen in Figure 2 below, the distribution is fairly even, with the majority of cases falling in the two middle categories, "tend to agree" and "tend to disagree" with approximately 36% and 30% of cases respectively.



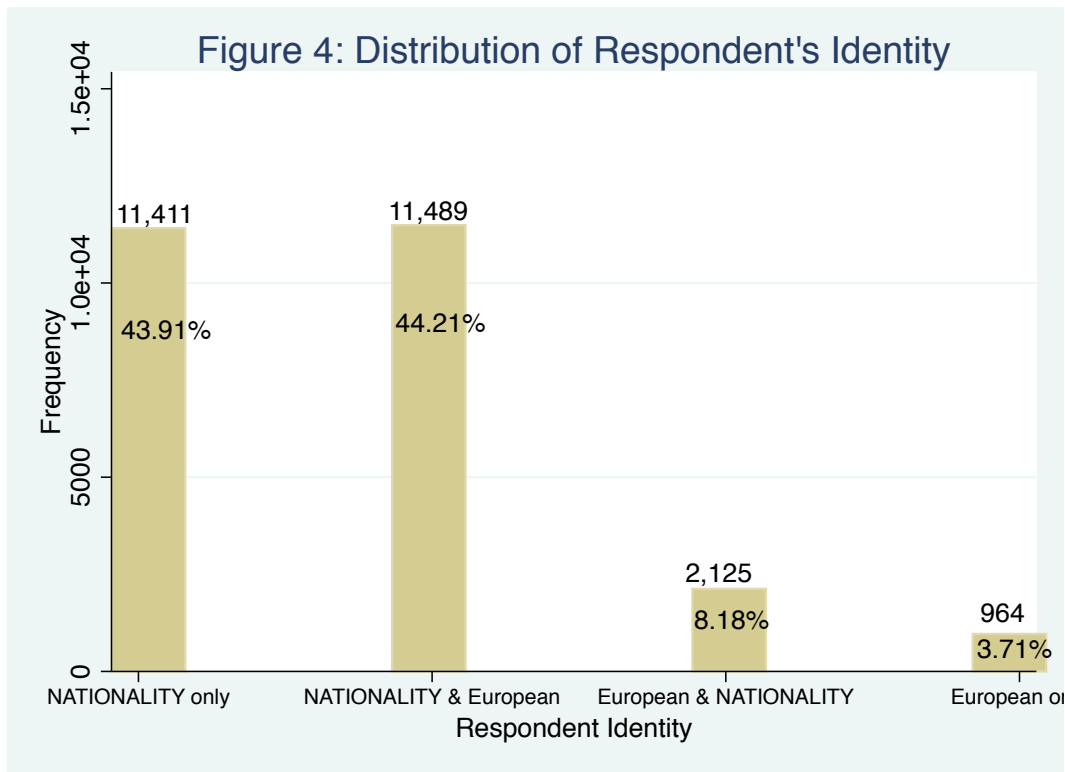
Attitudes toward European integration are measured by the question, “As regards the idea of a "TWO SPEED EUROPE", which of the following comes closest to your personal preferences? Those countries which are ready to intensify the development of a common European policy in certain important areas... (1) Should wait until all Member States of the EU are ready for this (2) Should do so without having to wait for the others” All “don’t knows” are coded as missing values and do not appear in the analysis. This question does not account for respondents who do not support European integration as a whole, but rather simply asks the speed to which integration should continue. It is assumed that respondents who perhaps oppose moving forward with greater European integration will fall under category (1), wanting to wait for all Member States before continued integration.

The model category is to move forward with integration without waiting for others with about 55% of cases, compared to 45% of respondents felt the EU should wait until all Member

States are ready. Although 55% is a majority, the difference between the two categories is very slight, by only 10%. This denotes that there is still great variation in opinion on EU citizens views on European integration. As a result, using this model to explain attitudes toward Schengen may be fairly difficult to determine due to the large variation in attitudes toward European integration.



Attitudes toward national identity are measured by the question, “In the near future, do you see yourself as...?” It is a categorical variable, measured on an ordinal scale ranging from 1 to 4 according to increasing feelings of European identity. Response choices are as follows: 1 "(NATIONALITY) only" 2 "(NATIONALITY) and European" 3 "European and (NATIONALITY)" 4 "European only." All “don’t knows” are coded as missing values and do not appear in the analysis. As seen in Figure 4, there is great disparity in respondent identity. Only 3.71% of individuals identified themselves as European only. Instead, the majority of respondents selected either Nationality only or Nationality & European (about 44% in each category). These results are important to recognize as we move forward with empirical analyses – that individuals still predominately identify with their nationality more so than being European.



The Control Variables

Controls are as follows based on prior research of these variables being outside factors that explain public opinion in European integration: individuals' perception of *economic integration*, *gender*, *age*, *employment status*, and whether the individual is part of the *core six EU members*¹¹, (Lahav 2002; Lahav 2004; McLaren; Kentmen 2010)¹².

The *economic integration* measure is taken from Eurobarometer question: "Please tell me whether you totally agree, tend to agree, tend to disagree, or totally disagree with the following statement. The EU has sufficient power and tools to defend the economic interests of Europe in the global economy." Respondents were given a four point response scale that ranged from (1) "Totally disagree" (2) "Tend to disagree" (3) "Tend to agree" and (4) "Totally agree." *Gender* is

¹¹ Core Six EU Members are the first founding members of the European Coal and Steel Community. They are: Germany, France, Italy, Luxembourg, The Netherlands, and Belgium.

¹² See Appendix 2 for descriptive statistics of control variables.

also a dichotomous measure coded (1) for Male and (2) Female, while *Age* is a continuous measure. *Employment Status* is taken from the question, “What is your current occupation?” The choices are coded as follows according to the individual’s responses: (1) “Self-Employed” (2) “Employed” and (3) “Not Working.” Moreover, the *core six* variable is a dummy variable coded (1) core six and (0) not core six depending on the country’s condition. Finally, for purpose of this analysis, I have also included and if the country is a member of the *Schengen Zone* or not. The Schengen variable is a dichotomous dummy variable, coded (0) for Not a Schengen Member and (1) Schengen Member¹³.

Empirical Analysis & Results

The OLS regression model produces the results in Table 1 below with standard errors being clustered by country. Overall, holding all variables in the model at zero, the model produces a baseline support for Schengen at a 2.52 on the four point scale of importance for traveling without internal border controls: (1) not at all important to (4) very important, meaning that the average person does support Schengen. All three of the models report the hypothesized positive direction, meaning that favorable attitudes toward one indicate greater support for Schengen. Only two of the three models, however, attitudes toward immigration and attachment to national identity, proved to be statistically significant.

As for the *immigration argument*, the hypothesis proved to be correct: the more favorable an individual feels toward immigration in the European Union, the greater support he/she will feel toward Schengen. The model finds that for each unit increase on the scale of agreement that

¹³ This measure is potentially problematic given the fact that Eurobarometer data only reports data for countries that are in fact members of the EU. Since some Schengen members (Norway, Switzerland, and Iceland) are not EU members but are Schengen members, the data fails to account for respondents in non-EU, Schengen Member countries.

immigration enriches the country, there is an additional .08 increase in that the respondent's level of support Schengen. This value is statistically significant at the .01 levels, which supports the hypothesis that favorable attitudes toward immigration positively affect the level of support for the Schengen area.

In regards to the *European integration* model, there was little difference between the two response categories as noted earlier, and thus it is somewhat to be expected that the results are only statistically significant at a one-tailed test. The model finds the direction to be as expected: the more favorable an individual feels toward moving forward with European integration, the greater support he/she will have for Schengen. The model shows for each unit increase in moving forward without all member states, an additional .04 support for the Schengen area.

Table 4.1: Analysis of Attitudes Toward the Schengen Area

<i>Argument</i>	<i>Variable</i>	<i>B</i> <i>(t-ratio)</i>	<i>SE</i> ¹	
Immigration	Feelings toward Immigrants	.0788 (3.08)	.0256	**
European integration	Two Speed EU	.0409 (1.75)	.0233	†
National Attachment	National Identity	.2121 (9.90)	.0214	**
Controls	Economic Integration	.1241 (7.33)	.0169	**
	Gender	-.0483 (-2.49)	.0193	**
	Age	-.0065 (-6.10)	.0011	**
	Employment Status	-.0198 (-1.07)	.0185	
	Schengen	-.1081 (-0.84)	.1289	
	Core Six	-.0288 (-0.40)	.0724	
Constant		2.52 (14.03)	.1798	**
R ²		0.0805		
F-Ratio		44.85		
Number of Cases		21,079		

**p<.01 *p<.05, two-tailed tests, † one- tailed test

¹ Standard Errors are clustered by country.

Moreover, the *argument for national attachment* proved to be the most telling in determining the level of support or opposition for the Schengen area. As hypothesized, the greater the attachment an individual held to Europe or a European identity, the greater support he/she granted Schengen. The model shows that for each unit increase on the identity scale from (1) Nationality only to (4) European only, there is an additional .21 increase in the individual's level of support for Schengen. This value is also highly significant at the .01 level, and proves that a person's identity is perhaps the strongest variable in determining the level of support for Schengen.

Control Analysis Results

The controls in the model revealed quite interesting and at times, surprising results. Of the four controls that political science literature has previously noted play a role in determining public opinion in the European Union (attitudes toward economic integration, gender, age, and employment status), all but employment status proved to be statistically significant in this analysis. It is no surprise that the more favorable an individual feels toward *economic integration*, the greater the level that he/she will support Schengen. The model shows a 0.12 increase in support for Schengen for each unit increase in the level of agreement for further economic integration.

Both *gender* and *age* controls however, depict negative relationships with support for Schengen. Regarding gender, literature has shown that women are traditionally more hesitant to show their support for policies at the European level (McLaren; Lahav). In line with the literature, this model reveals that women on average will support Schengen 0.05 units lower than men on the 1 to 4 scale of importance to travel without internal borders in the EU. The model

further shows that age negatively plays a role in determining support for Schengen. For each year older an individual is, there is a 0.007 decrease in his/her support for the Schengen area.

In past studies, an individual's *employment status* has proven to be a significant factor driving his/her general attitudes. In this analysis however, employment status does not seem to affect an individual's support for Schengen. While the relationship in the model shows that employment status is negatively related to support for Schengen, meaning that unemployed workers are more likely to have less support for Schengen than employed workers, the value is not statistically significant and should therefore, not have an affect on an individual's attitude toward Schengen.

Finally, the last two controls: Core Six (whether the individual came from a country who was a part of the core six EU founding members) and Schengen (if the individual came from a country who was a member of Schengen), proved to be the most surprising. Both variables show negative and statistically insignificant relationships.

It was expected that being a member of the *core six* would show much greater support for the Schengen, given that their country has backed the European integration strategies and forwarding Europe as a whole, since the beginning after the Cold War. Granted, that this is not the case, this result raises some interesting questions on the dynamic between how individuals perceive the historical importance behind European integration verses the future of the EU's integration policies, like Schengen. There are a few factors that I believe could explain this finding. The first is that priorities within the EU countries are shifting. Evidenced by the results of the European integration model question, 45% of the EU population still feels hesitant to move forward with European integration. There are a number of growing concerns that individuals residing in the EU are faced with today that they were not forty years ago, at the

inception of the European Coal and Steel Community (where the core six EU members were first defined). For example, the economic uncertainty surrounding the euro leaves many Europeans, particularly those in the core six countries, to question the success of Europe as a whole.

Furthermore, the rise of political uncertainty that accompanies the potential decline of the euro introduces much speculation on the future of Europe. Perhaps such speculation on the success of Europe is affecting individual's residing in a core six country by causing their attitudes to shift toward hesitation in their willingness to support European integration policies, like Schengen.

Similar logic behind the core six hypothesis was expected for the Schengen variable. It was thought that individuals who belong to a Schengen member country should deem traveling within the EU without internal border controls of high importance and should therefore, be in strong support for the Schengen area. This however, is not the case. I believe that the discrepancy in this finding is not due to a lack of support for Schengen, but rather a lack of awareness of what Schengen is. There is much literature connecting how the level of knowledge or level of awareness that individuals in the EU have relative to understanding EU policies to the success of support for the respective policy. I strongly believe that given Schengen's complicated background – inception outside the European Economic Community, allowing for member state opt-outs, enabling non-EU states to participate, etc. – that individuals may first be unaware that their country is a member of Schengen. Secondly, individuals may be further unaware the role that Schengen played in eliminating internal border controls and allowing for passport-free travel in participating member states.

Moreover, this data does not account for participating Schengen member states that are not members of the EU. Because of this, it is impossible to determine the true effect that residing

in a Schengen member state has on an individual's willingness to support traveling without internal border controls, or for purposes of this analysis, the Schengen area.

Conclusions

Overall, this study finds that all three models: the utilitarian model under rational choice theory, the performance model under neofunctionalist theory, and the national identity model the theory of double allegiance prove the hypothesized direction of results. The Utilitarian and the National Identity Models proved to be statistically significant in favor of the expected hypotheses at the two-tailed test while the Performance Model significant in a one-tailed test. It is evident that attachment to national identity is the strongest approach in determining support for Schengen, but the results also show strong indication that a more favorable attitude toward immigration and greater support for European integration will increase support for the Schengen area. The model further indicates that perception towards economic integration, gender, and age all prove to also affect an individual's level of support for the Schengen area.

With this analysis, it is important to note how attitudes toward the Schengen area are derived in view of future policy-making at the EU level. When moving forward with Schengen's integration – whether being restructuring Schengen or introducing new programs to the Schengen area – policy makers should take in to consideration the following: how the public views their national identity, public views on immigration within their country, views on economic integration, the individual's age and gender. These determinants will prove quiet beneficial to forecasting future support for the Schengen area.

Chapter Five

Conclusion and Implications

On February 08, 2012, European Commissioner responsible for Justice and Home Affairs, Cecilia Malmström, released a press statement from the European Parliament S&D Conference in Brussels, Belgium on the importance of safeguarding Schengen, entitled “Upholding Freedom of Movement – An Improved Schengen Governance” (Malmström 2012). As of this report, the European Commission estimates that there are approximately 420 million people that reside in the Schengen area, accounting for about 1.25 billion journeys traveled within the EU every year because of Schengen (Malmström 2012). With such magnitude, it is to no surprise that Malmström’s reflection on the importance of Schengen was positive – saying that, “the creation of the Schengen area ... is undoubtedly one of the most tangible, popular, and successful achievements of the EU” (Malmström 2012).

Indeed, Schengen can be deemed successful despite its complicated intergovernmental development, complex policy structure, and confusing member state opt-out opportunities as presented in chapter two. Overall, Schengen does enable persons to enjoy the freedom of traveling outside their home country without the worry and hassle of border checks or passport stamps. Not to mention, the abolition of border checks at internal borders also supports other Schengen achievements of instituting a common visa policy and coordinating police and judicial cooperation through the information sharing available in the Schengen Information System (SIS I and SIS II). Additionally, Schengen has aided countries by unifying the rules to which irregular migrants are repatriated as well as providing a uniform template of asylum applications so that applications are no longer duplicated across Europe. Schengen’s accomplishments should be

praised for these progressive developments and its “comprehensive legal framework ... over the past decade, which guarantees the integrity and sustainability of the Schengen area ”

(Malmström 2012).

Yet despite Malmström’s reassuring words to the Parliament about Schengen success, it is clear that the post Arab Spring breakdown of Schengen demonstrated a lack of member state coordination and EU authority when it comes to external border control. The 2012 report proved that the future of Schengen greatly lies in the much-anticipated coordinated action regarding external border controls. The best way to “safeguard the integrity of our cherished area of internal free movement,” spoke Malmström, “is by ensuring more secure external borders”

(Malmström 2012).

Chapter three of this thesis finds that geographic location and wealth, measured by GDP per capita, are predictors of variation in Schengen participation. It is gathered from this conclusion that in terms of coordinated action at external borders, policy-makers at the EU level should consider a country’s geographic location when forecasting countries’ commitment to coordinated action at its external, country border. Countries in which greater proportions of the national border are also considered external EU borders will be more hesitant to participate in Schengen cooperation initiatives.

Moreover, the extent to which a country can successfully offer resources: such as physical contributions to FRONTEX (the EU’s external border guard) in terms of the number of persons the country will commit, as well as monetary contributions to FRONTEX, should depend on the wealth of a country. It is found that countries with higher GDP per capita will be more likely to participate in Schengen. In regards to external border controls, this finding potentially suggests that the willingness of countries to engage in coordinated action may be

lower in countries with lower GDP per capita. This fact is evidenced by the countries who are challenging Schengen's efficiency and sustainability: France, Denmark, Germany, and the Netherlands. It is interesting to note that all four of these countries bear very high GDP per capita in comparison to other participating member states in the Schengen area. What is even more surprising to notice is that three of the four countries were initial signatories to the Schengen Agreement. This fact denotes strong indication of the critical need for fundamental Schengen revision and crucial cooperation to restore Schengen governance.

Chapter four of the thesis also lends slight support to the belief that the future success of Schengen hinges on the collective action of member states at the EU's external borders. When examining what determines public opinion toward the Schengen area, one of the main determinants proved to be based on the public's attitudes towards immigration. Given that immigration occurs both at internal and external borders, this notion suggests that attitudes toward immigration may also be a determinant for forecasting greater coordinated action at the EU's external borders.

In addition, chapter four finds that the strongest determinant of public support for the Schengen area is linked to a person's attachment to their national identity. It is integral for policy-makers to note the drastic difference in support Schengen when a person's identity is characterized as being European verses identifying with his/her nationality only. This finding underscores the importance of the key word being "European" in the view of Schengen's future development slogan as a "coordinated European approach" (Malmström 2012). The success of Schengen will not only be based on the coordinated action between member states, but rather on the support for Europe as a whole – suggesting that the EU push the value of residents identifying as European rather than being defined solely by their nationality.

Nevertheless, aside from emphasizing the need to beef up external border controls, other revision plans for Schengen include: revisiting the idea of instituting temporary border controls in case of emergency, revising the legal guidelines of issuing travel documents such as temporary residence permits, and improving Schengen's "evaluation mechanisms" that seek out the deficiencies in countries' border controls before crisis arises (BBC: Q&A The Schengen Agreement). The most important implication for the future of Schengen is notably the necessity for increased political dialogue between not only member states and the EU representatives, but also between the EU institutions themselves (European Council, European Parliament, and European Commission, etc.)

As of 2013, the Schengen saga continues with Romania and Bulgaria vying for admission into the Schengen area, but they are unfortunately being faced with hard line vetoes from Germany and Finland (L.C. 2013). Both countries have been seeking Schengen membership since 2007, but fellow EU member states are not ready to support Schengen enlargement. Proposed revisions and deeper cooperation remain the goals of the Commission and on the discussion agendas for 2013 European summits and conferences. It would be helpful to include studies on the transference of Schengen's external border competency to FRONTEX in further research of the Schengen area. Additionally, analyses on the predicted success of the FRONTEX agency would be greatly beneficial in terms of forecasting Europe's outlook for a collective security and border policy and should accompany future literature on the Schengen area.

Appendix

Appendix 1: Chronology of Schengen Cooperation

- 1985 Agreement of gradual abolition of European border controls
5 Nations join Schengen: Belgium, France, Germany, Luxembourg, The Netherlands
- Schengen Implementation Convention, Schengen, Luxembourg: policy gained the formal title
- 1990 "Schengen"
New Proposals:
1) Connection of Police Forces and Customs Authorities between the Schengen Zone
2) Schengen Information System (SIS)
Italy integrated into Schengen Agreement
- 1991 Portugal and Spain integrated into Schengen
- 1992 Greece integrated into Schengen
- Austria integrated into Schengen
New Proposal:
- 1995 1) SIS II
- 1996 Denmark, Finland, and Sweden integrated into Schengen
- 1999 Amsterdam Treaty: Schengen fully incorporated into the EU's *acquis communautaire*
Established by Commission and Immigration Working Group of the JHA
- Accepted by Council to uphold four areas of Cooperation
(Immigration, Asylum, Judicial, and Drug Trafficking)
- 15 Member States fully integrated into Schengen:
13 EU
2 non-EU Norway, Iceland
- Nine nations integrated into the Schengen *acquis*:
- 2007 The Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovakia, Slovenia
- 2008 Switzerland and Liechtenstein joined and became fully integrated into Schengen
Adopted the SIS II System into Schengen *acquis*
- 2013 26: Current Members in Schengen
22 EU States: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden
- 4 Non EU States: Iceland, Liechtenstein, Norway, Switzerland

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