

**THE SCHENGEN AGREEMENTS**  
**AND**  
**THE EMERGENCE OF A NEW MIGRATION REGIME IN EUROPE**

**AN INTERPRETATION**

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**DRAFT, NOT TO BE QUOTED WITHOUT AUTHOR'S PERMISSION**

**INTRODUCTION**  
**STRENGTHS AND WEAKNESSES OF THREE INTERPRETATIONS**

The present paper aims at providing an interpretation of the origins of the Schengen Area through the analysis of the Italian case.

In particular, on the basis of unpublished documents of the archives of the European Union in Florence and Brussels, French archives, including the French National Archives in Paris and the French Diplomatic Archives in Nantes and Italian archives, including the Central Archive of State, the Historical Archives of the Chamber of Deputies, the Historical Archives of the Senate and the Historical Archives of the Bettino Craxi Foundation in Rome, it intends to answer three distinct but closely intertwined questions: what were the main reasons why, between the mid-1980s and the early 1990s, a group of member states of the European Community (EC) agreed to abolish internal border controls while, simultaneously, transferring them to external borders? why did they decide to act outside the framework of the EC? why did they resolve to initially exclude the Southern members of the Community?

In literature three main interpretations of the origins of Schengen were offered.

The mainstream way of thinking about the emergence of Schengen is provided by Andrew Moravcsik, professor of politics and director of the European Union Program at the Princeton University. In his “economistic” perspective, Schengen emerged because «the French government, concerned that German standards were blocking imports, and the German government, concerned that France would close its borders because of balance of payments difficulties, successfully pressed for a bilateral Franco-German arrangement to simplify and eventually eliminate border

formalities»,<sup>1</sup> including border controls on persons; the French and German leaders then agreed to include in this arrangement the members of the Benelux Customs Union, including Belgium, the Netherlands and Luxembourg, essentially because of commercial interests.

The decision to create an area without border controls, related to the parallel decision to establish a Common Market at EC level, was in turn part of a strategic game in which France and West Germany used the Schengen initiative as “a threat of a two-tier Europe”, a threat mainly directed toward the United Kingdom, unwilling to establish a common travel area with continental Community countries.

Although the Moravcsik’s model does not preclude the possibility that more strictly political considerations, such as national security, played a role, therefore, it reaches the conclusion that economic considerations tied to the emerging European Common Market decisively contributed to the emergence of Schengen and that the decision to act outside the context of the EC was primarily intended to put pressure on Great Britain.<sup>2</sup>

Over all, this hypothesis captures some of the core features that characterize the emergence of Schengen, both in terms of process and outcome. Yet the hypothesis is not fully convincing.

The first problematic element concerns the relationship between the EC and the Schengen system. While the European Common Market was conceived and established within the strict boundaries of the European Community, the Schengen regime was elaborated not only outside the EC framework but also, to a certain extent, in competition with it. As an alternative to the Community process, Schengen, despite the cautionary remarks of its proponents, had the potential to weaken or even disrupt the EC as the primary mechanism of European integration.

The second objection concerns the membership of the Schengen system. If, as argued by Moravcsik, economic considerations were the primary force behind Schengen, it would have been in the interest of the proponent states to include as many EC countries as possible in the Schengen system since its inception. On the contrary only five out of the then ten members of the Community signed the Schengen Agreement in the mid-1980s. Great Britain, Ireland and Denmark opposed stopping border controls because they did not trust effectiveness of continental European countries and wanted to maintain sovereignty in this politically sensitive domain. In addition to these

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<sup>1</sup> A. MORAVCSIK, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Cornell University Press, New York, 1998, p. 359.

<sup>2</sup> On the same line of reasoning, Jörg Monar, rector of the College of Europe, stressed that the Schengen agreements were a direct consequence of the need to complete the European Common Market. The loss of controlling possibilities at internal borders, which was implicit in such a strategy, was in turn compensated by common standards, procedures and instruments at external borders. See: V. MITSILEGAS, J. MONAR, W. REES, *The European Union and Internal Security. Guardian of the People?*, Palgrave Macmillan, Basingstoke; New York, 2003. See also: J. MONAR, *The Project of a European Border Guard: Origins, Models and Prospects in the Context of the EU’s Integrated External Border Management*, in: M. CAPARINI, O. MARENIN (eds.), *Borders and Security Governance. Managing Borders in a Globalised World*, Lit, Zurich; Munich, 2006, pp. 193-194.

motives, the determination to remain part of the Nordic Passport Union, a borderless area composed of all Scandinavian countries, played a role in the Denmark's decision as well as the willingness to remain member of the Common Travel Area with Great Britain played a part in the Ireland's opposition to borderless areas at European level. Greece and, above all, Italy, however, were clearly interested in participating in Schengen and, despite this, they were consciously excluded from it.

Although, as previously remarked, Moravcsik provides the mainstream way of thinking about the emergence of Schengen, his is not the only attempt to provide an explanation for the emergence of the Schengen system which is present in literature. The most relevant alternative, in particular, is offered by Didier Bigo, professor of International Relations at King College in London and at Sciences-Po in Paris. Drawing on ideas elaborated by the sociologists Pierre Bourdieu and Michel Foucault, the French scholar presents the border control domain in Europe as embedded in an emerging "security field". Here the focus is on political strategies involving the increasing salience of border control and the emphasis is on the symbolic value of the common European frontiers as protection against danger.<sup>3</sup>

According to Bigo, in particular, the origins of the Schengen agreements should be sought in the activities of practitioners with a specialization in the security field across Europe, including police officials, border guards and security consultants. These security entrepreneurs played upon the collective anxieties and insecurities of European citizens regarding the immigration of non-Community nationals, the ultimate aim being to gain more power and visibility. That said, the security field is not defined by a master plan; rather, it is shaped by the unintended consequences of these actors' practices. By producing and reproducing fear, these practitioners created the conditions for the establishment of a new "Europeanized" field of security.<sup>4</sup>

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<sup>3</sup> See: D. BIGO, *Polices en réseaux: l'expérience européenne*, Presses de la Fondation Nationale des Sciences Politiques, Paris, 1996. See also: D. BIGO, *Liaison officers in Europe: new officers in the European security field*, in: J. W. E. SHEPTYCKI (ed.), *Issues in Transnational Policing*, Routledge, London; New York, 2000, pp. 67-99; D. BIGO, *When two become one: internal and external securitisations in Europe*, in: M. KELSTRUP, M. C. WILLIAMS (eds.), *International Relations Theory and the Politics of European Integration*, Routledge, London; New York, 2000, pp. 171-204; D. BIGO, *Frontiers and Security in the European Union: the Illusion of Migration Control*, in: M. ANDERSON, E. BORT (eds.), *The Frontiers of Europe*, Pinter, London; Washington, 1998, pp. 148-164; D. BIGO, *The European internal security field: stakes and rivalries in a newly developing area of police intervention*, in: M. ANDERSON, M. DEN BOER (eds.), *Policing across National Boundaries*, Pinter, London; New York, 1994, pp. 161-173.

<sup>4</sup> On the same line of reasoning, Virginie Guiraudon, research professor at the National Centre for Scientific Research based at the Centre for European Studies of Sciences-Po in Paris, argued that the Schengen agreements were the result of the activities of various actors, including not only high-level decision makers, but also a plurality of other local, national, trans-, inter- and supra-national agencies, institutions and groups actively involved in the security field. See: G. LAHAV, V. GUIRAUDON, *Actors and Venues in Immigration Control: Closing the Gap between Political Demands and Policy Outcomes*, in: V. GUIRAUDON, G. LAHAV (eds.), *Immigration Policy in Europe. The Politics of Control*, Routledge, London; New York, 2007, pp. 1-23; V. GUIRAUDON, *De-nationalizing control. Analyzing state responses to constraints on migration control*, in: V. GUIRAUDON, C. JOPPKE (eds.), *Controlling a New Migration World*, Routledge, London; New York, 2001, pp. 31-64; G. LAHAV, V. GUIRAUDON, *Comparative Perspectives on Border Control: Away from the Border and Outside the State*, in: P. ANDREAS, T. SNYDER (eds.), *The Wall around the West. State Borders and Immigration Controls in North America and Europe*, Rowman & Littlefield Publishers, Lanham, 2000, pp. 55-77

This interpretation gets important points, but it is our contention that it is not able to offer a compelling account of the emergence of the Schengen regime.

The first problematic aspect concerns the geographical dimension of border controls. When the new governance of borders emerged, the institutional context defining the border domain in Europe was overwhelmingly state-centric, as well as the security entrepreneurs were essentially state-minded. Therefore there was no ideal environment where Europe-wide norms could flourish. Rather than its original source, this normative context seems more a consequence of the process leading to the emergence of Schengen.

The second objection concerns the role of actors in the Schengen decision making process. Bigo relies on security practitioners' activities as the driving force behind the establishment of Schengen. These actors, however, were dragged into the initiative, rather than actively supporting it; also, among practitioners there were divisions and many of them were bitterly opposed to Schengen and its underlying philosophy. In addition, it should be noted that the process leading to the creation of Schengen was mainly decided at high political levels by key national decision makers; even if we grant that security practitioners played a role in this process, it is not clear how they convinced decision makers to adopt their views, and how they acquired these assumptions in the first place. Incidentally, at least initially, the Schengen system was negotiated by officials of Foreign Ministries, traditionally less familiar with security practitioners. Bigo also does not explain why Schengen and not, for example, a Communitarian option within the European Union was chosen.

More recently, Ruben Zaiotti, professor of Political Science and Director of the European Union Centre of Excellence at the Dalhousie University, elaborated an alternative, sophisticated, theory. The gist of his argument is that the emergence of the Schengen regime should be conceptualized in terms of the evolution of the culture of border control in which members of Europe's border control community are embedded. According to Zaiotti, in particular, the Schengen regime was the result of a historical transition from a nationalist approach to the management of borders to a post-national culture of border control. Seen in this light, the emergence of a new border control regime in Europe can be understood in the context of the evolution from one culture of border control, the "Westphalian" one, to another, the "Schengen" one, which represents a substantial post-national reformulation of traditional strictly national notions of sovereignty and territoriality in Europe.<sup>5</sup>

While promising and inspiring, also this hypothesis has, in our opinion, significant shortcomings.

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<sup>5</sup> R. ZAIOTTI, *Cultures of Border Control. Schengen and the Evolution of European Frontiers*, The University of Chicago Press, Chicago; London, 2011, pp. 14-16.

As all culturalist explanations for complex economic or political phenomena normally do, it evades questions as to what the real motives behind actors' behaviour are. In this sense, the cultural change which is associated with the emergence of Schengen seems more the consequence than the cause of the change in the migration regime which occurred in Europe between the mid-1980s and the early 1990s.

Moreover, the cultural change itself should not be overestimated. Without any doubts, the Schengen border control regime broke with traditional approaches to territorial governance, as reflected in the invention of the notion of a common external border, in the establishment of new trans-governmental modes through which European governments operate and in the mix of trans-, inter- and supranational institutional contexts where European governments carry out their functions. Yet, there are many evidences that the Schengen system was not intended by its founding members as a way to give up their sovereignty over border control but as a way to share it in order to make it more effective and less expensive. In this sense, despite appearances, the Schengen system can not be considered as a nation state's retreat from border management but, on the contrary, as a nation state's attempt to regain control over it.

## **THE ORIGINS OF THE SCHENGEN AGREEMENTS SEEN THROUGH THE LENS OF THE ITALIAN CASE**

As it is well known, since the early and especially mid-1950s, all the member states of the EC apart from Italy experienced mass immigration, largely in response to the pull of high growth economies which desperately needed cheap labour from poorer countries of periphery, especially in the Mediterranean region. Although the phenomenon of illegal immigration was even then widespread,<sup>6</sup> a significant part of such a movement of labour from South to North occurred within the framework of bilateral migration agreements through which, in particular, France recruited manpower from Italy (1946; 1951), Greece (1954), Morocco (1962), Algeria (1962; 1964; 1968; 1971), Portugal (1963), Tunisia (1963), Yugoslavia (1965) and Turkey (1965), the Federal Republic of Germany recruited workers from Italy (1955), Greece (1960), Spain (1960), Turkey (1961; 1971-1972), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968), Belgium recruited manpower from Italy (1946), Morocco (1963), Turkey (1964), Tunisia (1969) and Algeria (1970)

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<sup>6</sup> C. CARUSO, *Inclusion opportunities and exclusion risks: Mediterranean labour migration and European migration policies*, in: C. CARUSO, J. PLEINEN, L. RAPHAEL, *Postwar Mediterranean Migration to Western Europe. Legal and Political Frameworks, Sociability and Memory Cultures/La migration méditerranéenne en Europe occidentale après 1945. Droit et politique, sociabilité et mémoires*, Peter Lang, Frankfurt am Main, 2008, pp. 9-35.

and the Netherlands recruited workers from Italy (1948), Turkey (1964), Morocco (1969) and Tunisia (1971).<sup>7</sup>

At that early stage, the EC hardly played any role, migration relations being smoothly conducted at bilateral/national level.

But what started as an apparently efficient transfer of labour from poorer countries in the South to richer countries in the North became a political, social and economic liability between the late 1960s and the early 1970s; this change in perceptions, in turn, led to a dramatic shift from liberal to restrictive migration policies in all European immigration countries.

The debate over the motives behind this change is still open.

Generally speaking, we can say that there are two main schools of thought.

On the one hand, a group of scholars emphasize political factors.<sup>8</sup> According to them, the transition from European to African and Asian migrants, which was a consequence of improvements in the economic conditions of Southern European countries and, at the same time, the lengthy and dramatic crisis affecting most former European colonies in the so-called Third World, contributed to a rise in opposition to immigration in European receiving countries; as cultural and ethnic diversity increased and, consequently, anti-immigrants sentiments resurfaced within European societies, political leaderships realized that there was the need to contain further immigration and, at the same time, to make further efforts to integrate immigrants, the ultimate aim being to preserve social cohesion and harmony. According to a minority in this group of scholars, another political event was even more influential in determining the U-turn in European migration policies.<sup>9</sup> The surprisingly active role played by foreign workers in the protests that swept through Northern European industries between the late 1960s and the early 1970s, in particular, alarmed most employers who had benefited of the docility of immigrant employees; as a result, even before the economic crisis in the mid-1970s, they began to mistrust immigrant workforce and, accordingly, to reduce the request for further foreign workers.

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7 S. CASTLES, M. J. MILLER, *The Age of Migration. International Population Movements in the Modern World*, Palgrave Macmillan, Basingstoke, pp. 68-78.

8 See: J. F. HOLLIFIELD, *L'immigration et l'Etat-Nation à la recherche d'un modèle national*, L'Harmattan, Paris; Montreal, 1997. See also: J. F. HOLLIFIELD, *Immigration and the politics of rights: the French case in comparative perspective*, in: M. BOMMES, A. GEDDES (eds.), *Immigration and Welfare. Challenging the borders of the welfare state*, Routledge, London; New York, 2000, pp. 109-113; J. F. HOLLIFIELD, *Immigration and integration in Western Europe: a comparative analysis*, in: E. M. UÇARER, D. J. PUCHALA, *Immigration into Western Societies: problems and policies*, Pinter, London; Washington, 1997, pp. 28-41.

9 See: U. ASCOLI, *Movimenti migratori in Italia*, Il Mulino, Bologna, 1979; A. SERAFINI, *L'operaio multinazionale in Europa*, Feltrinelli, Milano, 1974. See also: P. BASSO, F. PEROCCO, *Gli immigrati in Europa*, in: P. BASSO, F. PEROCCO (eds.), *Gli immigrati in Europa: diseguaglianze, razzismo, lotte*, Franco Angeli, Milano, 2003, pp. 6-7.

On the other hand, a group of scholars put emphasis on economic factors;<sup>10</sup> this view is prevalent in literature. According to them, as growth rates slowed, and unemployment rates increased, in consequence of the 1973 Oil Shock, the need for further immigrants simply ceased; as a consequence, employers stopped to insist on liberal immigration policies, trade unions voiced concern about the conditions of local workforce and political leaders tried to preserve social peace and consensus by preventing fresh immigration.

Regardless of motives, what it is sure is that, between the early and the mid-1970s, all the receiving member states of the EC unilaterally decided to stop the recruitment of foreign workers and to encourage voluntary repatriation of immigrants; in exchange, efforts were stepped up to incorporate foreigners already settled in the host societies, also by expanding family reunification opportunities.<sup>11</sup>

In the same period when its member states were closing down their respective borders to non-Community workers, the EC, under pressure from Arab leaderships, began to include migration issues in its nascent foreign policy, especially its Mediterranean policy.<sup>12</sup> Since they were no more allowed to negotiate exportation of surplus manpower to European labour markets, the governments of Mediterranean sending countries began to reorder priorities in favour of socio-economic integration of emigrants and to bring this issue to the agenda of the main bilateral and multilateral fora at Euro-Mediterranean level.

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10 See: M. LIVI BACCI, *In cammino. Breve storia delle migrazioni*, Il Mulino, Bologna, 2010; J. HUYSMANS, *The Politics of Insecurity. Fear, migration and asylum in the EU*, Routledge, Abingdon; New York, 2006. See also: D. BIGO, *Frontier Controls in the European Union: Who is in Control?*, in: D. BIGO, E. GUILD (eds.), *Controlling Frontiers. Free Movement Into and Within Europe*, Ashgate, Aldershot, 2005, pp. 59-85.

11 Unlike European receiving countries, which experienced convergent evolution in their migration policies, the main sending countries in the Mediterranean region pursued different strategies. While Algeria unilaterally suspended emigration to France in 1973 and turned to policies of national economic development to substitute exportation of workers in Western Europe, Morocco, Tunisia and Turkey adopted different combinations of economic development policies and, in order to diversify migration destinations, new active emigration policies; as a result, significant migrant flows from these states headed towards Southern European countries, including Italy and Spain, and petroleum producing countries in North Africa, including Libya, and in the Persian Gulf, including Saudi Arabia. S. COLLINSON, *Europe and international migration*, Pinter Publishers for Royal Institute of International Affairs, London; New York, 1994, pp. 64-80.

12 See: F. BICCHI, *European foreign policy making toward the Mediterranean*, Palgrave Macmillan, New York; Basingstoke, 2007; J. NIESSEN, F. MOCHEL, *EU external relations and international migration*, Migration Policy Group, Brussels, 1999; J.-F. DREVET, *La Méditerranée, nouvelle frontière pour l'Europe des Douze?*, Karthala, Paris, 1986. See also: E. CALANDRI, *L'eterna incompiuta: la politica mediterranea tra sviluppo e sicurezza*, in: E. CALANDRI, *Il primato sfuggente. L'Europa e l'intervento per lo sviluppo (1957-2007)*, FrancoAngeli, Milano, 2009, pp. 89-117; A. BIN, *L'Europa e la sicurezza nel Mediterraneo*, in: F. ATTINÀ, F. LONGO, *Unione europea e Mediterraneo fra globalizzazione e frammentazione*, Cacucci, Bari, 1996, pp. 91-94; S. HENIG, *Mediterranean policy in the context of the external relations of the European Community 1958-1973*, in: A. SCHLAIM, G. N. YANNOPOULOS, *The Eec and the Mediterranean countries*, Cambridge University Press, Cambridge, 1976, pp. 305-324.

This item was thus pushed into the centre of the Euro-Arab Dialogue,<sup>13</sup> where, between 1975 and 1978, representatives from the EC and the Arab League discussed

the problems of the migrant workers and particularly the Arab workers in countries of the European Economic Community. [They] referred to the importance of considering the topic of the Arab workers in Europe, especially its human aspects considering labour as a human value in the first place, and the role that can be played by the Arab workers in the field of cultural contacts and economic development.<sup>14</sup>

In this context, representatives from the EC and the Arab League committed themselves to exchanging views, information and data concerning the employment situation, working and living conditions and social security schemes of respective migrants; though they did not achieve any concrete results, they also made serious efforts to contribute to the solution of the problem of the training of Arab workers in Europe and Arab workers returning to countries of origin. More importantly, despite relevant divergences of opinion which undermined the political and juridical significance of the final document,<sup>15</sup> in late 1978 in Damascus they adopted a “Declaration on the principles concerning working and living conditions of migrant workers”, which recognized some generic rights for Arab migrants residing in EC countries.<sup>16</sup>

Also, migration issues were widely discussed in the negotiations for the cooperation agreements that were signed in 1976 by the EC and Algeria, the EC and Morocco, the EC and Tunisia and the EC and Turkey within the framework of the Global Mediterranean Policy. In the third chapter of all these four agreements, “Cooperation in the sector of labour”, the member states of the EC committed themselves to respecting the principle of non-discrimination based on nationality regarding working conditions and remuneration of Algerian, Moroccan, Tunisian and Turkish workers residing in their respective territories; at the same time, Algeria, Morocco, Tunisia and Turkey committed themselves to respecting the principle of non-discrimination based on

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13 I. SABRI ABDALLAH, *La place du Dialogue euro-arabe dans les relations internationales contemporaines*, in: J. BOURRINET, *Le Dialogue euro-arabe*, Economica, Paris, 1979, pp. 115-129.

14 Archives Diplomatiques de Nantes [hereafter: ADN], Ambassade à Tunis [hereafter: AT], 164 711PO A, République Française – Ministère des Affaires Étrangères. Direction des Affaires Politiques, Note: Dialogue euro-arabe, Paris, 30.07.1975.

15 Unlike Arab representatives, European representatives opposed any reference to international conventions that were not ratified by all the EC countries, opposed specific and binding provisions and supported the introduction of safeguard clauses stating that the application of all principles should be subject, on the one hand, to public order, safety and public health and, on the other hand, to national laws. ADN, AT, 164 711PO A, République Française – Ministère des Affaires Étrangères. Direction des Affaires Consulaires, Réunion à Tunis du groupe de travail spécialisé euro-arabe “Affaires culturelles et sociales” (28-31 octobre 1976), Tunis, 31.10.1976.

16 ADN, AT, 165 711PO A, République Française – Ministère des Affaires Étrangères. Dialogue Euro-Arabe, Note: Situation du dialogue euro-arabe, Paris, 25.05.1979.

nationality regarding working conditions and remuneration of workers from EC countries residing in their respective territories.<sup>17</sup>

While the receiving countries in the EC were closing frontiers to non-Community workers and, together with the EC, were making efforts to integrate migrants already settled in their territories, demand-pull forces were rapidly giving way to supply-push forces in the third Mediterranean countries; as populations began to grow at a rapid pace and economies began to weaken in all non-petroleum-producing countries in Northern Africa and the Middle East, it became more and more difficult for the member states of the EC to contain migration flows from the South. The struggle to win civil and social rights for marginal groups, including ethnic minorities and foreigners, and the institutionalization of those rights in the jurisprudence of liberal-republican states, in addition, made it impossible for receiving countries in the EC simply to militarise their respective borders or to expel or deport all unwanted migrants. Inadvertently, the result of trying to slam the front door of legal immigration shut thus led to the opening of side doors, including family reunification, illegal immigration and false refugee claim.<sup>18</sup>

In this context, after a series of contacts between French President François Mitterrand and German Chancellor Helmut Kohl, the French Secretary of State for European Affairs, Roland Dumas, and the Head of the German Chancellery, Waldemar Schreckenberger, agreed upon the Saarbrücken Accord. The agreement, signed on July 13, 1984, envisioned the immediate abolition of control on persons and the easing of control on vehicles; on the other hand, it envisioned the transfer of these controls to the external borders, the harmonization of visa policies and legislation on foreigners, drugs, arms and passport delivery and the strengthening of police and customs cooperation.

The Italian government, on initiative of the Foreign Minister, Giulio Andreotti, immediately expressed the desire to reach a similar agreement with France.<sup>19</sup>

The Laurent Fabius government, however, dropped the request. In the opinion of the officials of the French Interior Ministry, Italy was pursuing a lax immigration policy, which made it the most important transit country for illegal immigration coming from Yugoslavia, Turkey, the Maghreb countries, including Tunisia, Morocco and Algeria, and sub-Saharan African countries,

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17 F. MARTINES, *The cooperation agreements with Maghreb countries: a contribution to the study of consistency of EEC development cooperation policy*, European University Institute, Florence, 1994, pp. 37-53.

18 See: T. BALE, *Immigration and Integration Policy in Europe. Why Politics – and the Centre-Right – Matter*, Routledge, London; New York, 2009; R. COHEN, Z. LAYTON-HENRY, *The Politics of Migration*, Edward Elgar Publishing, Cheltenham Glos, 1997; M. PACINI, *Italia, Europa e nuove migrazioni*, Edizioni della Fondazione Giovanni Agnelli, Torino, 1990.

19 G.-H. SOUTOU, *L'Italie et le "couple" franco-allemand*, in: P. CRAVERI, A. VARSORI (eds.), *L'Italia nella costruzione europea. Un bilancio storico (1957-2007)*, FrancoAngeli, Milano, 2009, p. 60.

especially Senegal, to France;<sup>20</sup> according to the officials of the French Ministry for External Relations, 800,000 undocumented immigrants who then lived in the peninsula were already potentially ready to cross the Alps into France.<sup>21</sup> In addition, the officers of both the French Ministry for External Relations and the French Interior Ministry were concerned that the abolition of border controls with Italy might unwillingly encourage influx of Italian inactive and unemployed persons and, more importantly, might favour international terrorism and criminal traffics, including counterfeit money, artwork, stolen car and drug smuggling, into the French territory.<sup>22</sup> Without cooperation between border guards, a drastic tightening of its own immigration policy and, more importantly, a readmission agreement with France, Italy could not hope to form a borderless area with its Northern neighbour.<sup>23</sup>

Soon after the signature of the Saarbrücken Accord, the Benelux countries began to show interest in the project and, at the conclusion of brief negotiations, on June 14, 1985, the French Secretary of State for European Affairs, Catherine Lalumière, the Head of German Chancellery, Waldemar Schreckenberger, the Dutch Secretary of State for Foreign Affairs, Willem Frederik van Eekelen, the Belgian Secretary of State for European Affairs, Paul De Keersmaeker, and the Luxembourgian Secretary of State for Foreign Affairs, Robert Goebbels, signed the so-called Schengen Agreement<sup>24</sup>. Modelled on the Saarbrücken Accord, this agreement provided for the removal of internal border controls, while simultaneously introducing measures to strengthen external border controls and to fight against drug-trafficking, international crime and illegal immigration.

Whereas the governments in London, Dublin and Copenhagen were notoriously opposed to Schengen-like agreements, the government in Athens was potentially interested in them; yet, it was

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20 ADN, Consulat Général à Florence (hereafter: CGF), 227 PO 1 291, République Française - Ministère de l'Intérieur, Note à l'attention de Monsieur Charasse, Conseiller Technique au Cabinet du Ministre. Objet: Réflexions sur le contrôle transfrontalier à la frontière franco-italienne, Paris, 06.1985.

21 ADN, CGF, 227 PO 1 137, République Française - Ministère des Relations Extérieures. Direction d'Europe. S/Direction d'Europe Méridionale, Immigration clandestine, Paris, 25.10.1984.

22 ADN, CGF, 227 PO 1 39, République Française - Ministère des Affaires Étrangères. Direction des Français à l'Étranger. Sous-Direction des Étrangers en France, A/S: Ressortissants italiens soumis à l'obligation du visa, Paris, 30.03.1981; ADN, CGF, 227 PO 1 291, République Française - Ministère des Relations Extérieures. Direction des Français à l'étranger et des étrangers en France. Service des accords de réciprocité, A/S: Sommet franco-italien. Procédure d'allègement des contrôles aux frontières avec l'Italie, Paris, 28.05.1985; ADN, CGF, 227 PO 1 291, République Française - Ministère de l'Intérieur, Note relative à l'ouverture de la frontière franco-italienne, Paris, 05.06.1985.

23 ADN, CGF, 227 PO 1 137, Ministère des Relations Extérieures. Direction d'Europe. S/Direction d'Europe Méridionale, A/S: Éventuel allègement des contrôles à la frontière, Paris, 22.10.1984; ADN, CGF, 227 PO 1 137, République Française - Ministère des Relations Extérieures. Direction d'Europe. S/Direction d'Europe Méridionale, A/S: Cadre général des relations franco-italiennes, Paris, 19.10.1984; ADN, CGF, 227 PO 1 137, République Française - Ministère des Relations Extérieures. Direction des Affaires Économiques et Financières. Affaires Générales, A/S: Passages à la frontière Franco-Italienne, Paris, 18.10.1984.

24 *Le Soir*, 14.6.1985; *Le Républicain Lorrain*, 15.6.1985; *Le Figaro*, 16.6.1985.

not even taken into consideration since Greece was then a newcomer to the European Community which, in addition, was still an emigration country at the far periphery of the EC.<sup>25</sup>

Italy was thus the only great excluded from the accord.

The President of the Italian Council of Ministers, Bettino Craxi, was so concerned about this issue that he insisted on putting it at the top of the agenda in the summit with French President Mitterrand, which took place in Florence the same day on which the Schengen Agreement was signed.<sup>26</sup> Under Craxi's pressure, Mitterrand agreed on bilateral negotiations aimed at reaching a quasi Schengen arrangement between Italy and France, making peremptorily clear, however, that Rome first needed to strengthen controls on persons that tried to illegally enter France through Italy, especially from the Mediterranean region.<sup>27</sup> What clearly emerged was a basic disagreement over the role of the EC and, more importantly, the perception of the Mediterranean region. Craxi was convinced that the EC was the appropriate framework for dealing with the liberalization of cross-border movement of persons and that the European Community should develop a generous immigration policy, consistent with its moral responsibilities and political interests in the Mediterranean region; this attitude went hand in hand with the Italy's renewed Mediterranean ambitions, which implied a greater role in the Middle East, Malta and the Maghreb region, including Algeria, Libya and Tunisia.<sup>28</sup> On the contrary, preoccupied with the political and electoral rise of the anti-immigration National Front (*National Front*, NF) and the sharp increase of the risk of terrorist attacks in France,<sup>29</sup> Mitterrand was of the opinion that any prospect of Communitarisation of the Schengen policy and any enlargement of the Schengen group should be subordinated to the preliminary tightening of immigration policies, the ultimate aim being to protect Europe and, in particular, France from unwanted immigration from South.

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25 See: P. BOELES, M. DEN HEIJER, G. LODDER, K. WOUTERS, *European Migration Law*, Intersentia, Antwerp, 2009; S. K. KARANJA, *Transparency and Proportionality in the Schengen Information System and Border Control Co-operation*, Martinus Nijhoff, 2008; G. SCIORTINO, *L'ambizione della frontiera. Le politiche di controllo migratorio in Europa*, FrancoAngeli, Milano, 2000; V. HREBLAY, *Les accords de Schengen: origine, fonctionnement, avenir*, Bruylant, Bruxelles, 1998; J. S. LOUTTE, *Les États du Benelux et la France face aux accords de Schengen*, Centre de recherche et d'information socio-politiques, Bruxelles, 1998; S. BELLUCCI, *L'Europa senza frontiere e le nuove misure di cooperazione tra polizie*, Laurus Robuffo, Roma, 1997; G. RENAULT, *Schengen. Un modèle pour l'Europe pénale?*, Maison Larcier, Bruxelles, 1995.

26 ADN, CGF, 227 PO 1 291, République Française - Ministère des Relations Extérieures. Direction d'Europe. Sous-Direction d'Europe Méridionale, Note de cadrage. A/S: Sommet franco-italien (Florence, 13 et 14 juin 1985), Paris, 24.05.1985.

27 *Financial Times*, 15.06.1985.

28 ADN, CGF, 227 PO 1 291, République Française - Ministère des Relations Extérieures. Direction d'Afrique du Nord et du Moyen Orient. Afrique du Nord, L'Italie et le Maghreb, Paris, 23.05.1985; ADN, CGF, 227 PO 1 291, République Française - Ministère des Relations Extérieures. Direction d'Europe. Sous-Direction d'Europe Méridionale, Politique étrangère de l'Italie, Paris, 05.06.1985.

29 ADN, CGF, 227 PO 1 291, République Française - Ministère des Relations Extérieures. Direction des Français à l'Étranger et des Étrangers en France. Sous-Direction des Étrangers en France, A/S: Circulation des personnes: Immigration clandestine, Paris, 05.1985.

Shortly after the summit in Florence, representatives from the Italian Foreign Ministry headed by Andreotti and from the French Ministry for External Relations headed by Dumas entered into negotiations to come to an agreement but, after months of fruitless discussions, talks came to an abrupt halt in early 1986.

As shown by both Italian and French primary sources, the main cause for the breakdown in negotiations was the Italian government's refusal to acquiesce to the requests for change made by French representatives on behalf of all the member states of the Schengen Agreement. On the one hand, Italian authorities were reluctant to pay the political and financial cost of removing from legislation the special clauses of the Geneva Convention in which the status of political asylum was only recognized for asylum seekers from Eastern European Communist countries;<sup>30</sup> this request was due to the willingness of the Schengen countries, especially West Germany, to share the increasing burden of refugee flows from Africa and Asia. Second, they opposed signing a readmission agreement with France whereby Italy had to readmit irregular migrants transiting from Italy to France<sup>31</sup> and, more importantly, conforming its own immigration legislation to the stricter ones adopted by all the original members of the Schengen Agreement between the early 1970s and the mid-1980s.<sup>32</sup> In addition to questioning the feasibility and effectiveness of both stricter border controls and new penalties on carriers transporting undocumented foreigners,<sup>33</sup> in particular, the government in Rome staunchly rejected the French call for the introduction of visa requirements for nationals of all emigration or potential emigration countries. While both the French government and Presidency regarded visas as potent antidotes to illegal immigration and international terrorism,<sup>34</sup>

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30 Archivi Storici della Fondazione Bettino Craxi [hereafter: ASFBC], Fondo Bettino Craxi [hereafter: FBC], 4A, Repubblica italiana - Ministero degli Affari Esteri, Consiglio Europeo (Londra, 5-6/12/1986). Libera circolazione delle persone nella Comunità. Nota informativa, Roma, 11.1986.

31 According to the officials of the Italian Foreign Ministry, the Schengen Agreement «was conceived of, especially by France, as a means of pressure against Italy in order to solve, possibly with profit, the problem of repatriation of illegal immigrants to their countries of origin» [Translated by the Author]. ASFBC, FBC, 4A, Repubblica italiana - Ministero degli Affari Esteri, Consiglio Europeo (Londra, 5-6/12/1986). Libera circolazione delle persone nella Comunità. Nota informativa, Roma, 11.1986.

32 According to the officials of the Italian Foreign Ministry, the real reason why the Schengen countries signed an intergovernmental agreement rather than adopting a EC directive was their conviction that «the other members of the Community (above all Italy) were not sufficiently able to ensure a serious control over common external borders» [Translated by the Author]. ASFBC, FBC, 12B, Repubblica italiana - Ministero degli Affari Esteri, Consiglio Europeo (Londra, 5-6/12/1986). Europa dei cittadini. Cooperazione in materia di libera circolazione delle persone, Roma, 11.1986.

33 ASFBC, FBC, ALL12, Repubblica italiana - Ministero degli Affari Esteri, Seguiti riunione interministeriale sul soggiorno dei cittadini CEE, snellimento controlli frontiere intracomunitarie e proposta tedesca sull'ingresso illegale di extra-comunitari provenienti con navi e aerei, Roma, 14.11.1986.

34 Claude Cheysson, French Foreign Minister between 1981 and 1984, was the first to draw up a plan to extend visa requirements; the plan, however, was abandoned because of the protests from sending countries, especially in the Maghreb and francophone sub-Saharan Africa. R. LEVEAU, *Migrations et imaginaires sociaux: l'épreuve de la guerre du Golfe*, in: B. BADIE, C. WIHTOL DE WENDEN (eds.), *Le défi migratoire. Questions de relations internationales*, Presses de la Fondation Nationale, Paris, 1994, pp. 127-139. After the French legislative election in 1986, which saw the rise of the National Front and the victory of the Rally of the Republic (*Rassemblement pour la République*, RPR)/Union for French Democracy (*Union pour la Démocratie Française*, UDF) coalition, the new French Prime

the Italian government argued for continuing to exempt a number of Third World countries, especially in the Mediterranean basin, from visa requirements; according to Italian authorities, the expansion of visa requirements, in addition to being ineffective in dealing with illegal immigration and international terrorism, was a contradiction to the internationalist values of the country and its main political and social forces, a hindrance to both tourism to Italy and pilgrimage to the Vatican City and, what was worse, an obstacle to the Mediterranean strategy of the government.<sup>35</sup>

In coincidence with the fall of Craxi cabinet in mid-1987, however, the government in Rome realized that it was too costly, in both political and economic terms, to continue to stay on the margins of the Schengen club, also because this might contribute to transform Italy from a transit country, as it was still perceived by a large part of its ruling class and public opinion,<sup>36</sup> to a receiving country. Moreover, after a rebuffed attempt of alliance with Spain, Italy faced the serious risk of being diplomatically isolated in Europe; unlike the Italian one,<sup>37</sup> in fact, the Spanish Parliament was prompt to bring national immigration legislation in line with the more restrictive regimes enforced in the signatories of the Schengen Agreement, even if it remained reluctant to impose visa requirements on citizens of Maghreb and South American countries.<sup>38</sup>

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Minister, Jacques Chirac, the new French Interior Minister, Charles Pasqua, and the French Foreign Minister, Jean-Bernard Raimond, carried the idea of visa requirements to extremes, by deciding to impose visas on all the countries of the world apart from Switzerland and Community countries. ADN, CGF, 227 PO 1 39, République Française - Ministère des Affaires Étrangères. Direction des Français à l'Étranger et des Étrangers en France. Sous-Direction des Étrangers en France, A/S: Extension du régime du visa de court séjour, Paris, 07.11.1986. As remarked in a confidential note approved by French Foreign Minister Raimond, the aim was to contribute to the fight against international terrorism and illegal immigration from Maghreb and francophone sub-Saharan African countries without undermining bilateral relations: «la décision prise le 16 septembre 1986 de généraliser l'obligation de visa de court séjour à tous les pays du monde, à l'exception de ceux de la CEE et de la Suisse, répondait à une préoccupation essentielle, celle de mieux lutter contre les actions terroristes qui frappaient alors directement notre territoire. Elle a également permis de mieux contrôler les flux migratoires en provenance de pays dont, souvent, les ressortissants entraient librement sur notre sol en raison de leurs liens historiques avec nous. Il est tout à fait clair que c'est le caractère universel de la mesure qui a permis de faire admettre le visa aux pays du Maghreb et de l'Afrique francophone, sans que ceux-ci le ressentent comme une discrimination intolérable». ADN, CGF, 227 PO 1 205, République Française - Ministère des Affaires Étrangères. Le Directeur des Français à l'Étranger et des Étrangers en France, A/S: Note d'information: les visas, Paris, 13.01.1988.

35 A. MELONI, *Visa Policy within the European Union Structure*, Springer, Berlin; Heidelberg, 2006, pp. 38-39.

36 K. CALAVITA, *Immigrants at the Margins. Law, Race, and Exclusion in Southern Europe*, Cambridge University Press, Cambridge, 2005, p. 4.

37 See: C. BONIFAZI, *L'immigrazione straniera in Italia*, Il Mulino, Bologna, 2007; E. PUGLIESE, *L'Italia tra migrazioni internazionali e migrazioni interne*, Il Mulino, Bologna, 2006. See also: K. CALAVITA, *Italy: Economic Realities, Political Fictions, and Policy Failures*, in: W. A. CORNELIUS, T. TSUDA, P. L. MARTIN, J. F. HOLLIFIELD (eds.), *Controlling Immigration. A Global Perspective*, Stanford University Press, Stanford, 2004, pp. 366-369; P. BONETTI, *Italy*, in: B. NASCIMBENE (ed.), *Expulsion and Detention of Aliens in the European Union Countries*, Giuffrè, Milano, 2001, pp. 314-315; G. SCIORTINO, *Planning in the Dark: the Evolution of Italian Immigration Control*, in: G. BROCHMANN, T. HAMMAR (eds.), *Mechanisms of Immigration Control. A Comparative Analysis of European Regulation Policies*, Berg, Oxford; New York, 1999, pp. 237-239; M. CONTEL, R. DE BIASE, *Italy*, in: S. ANGENENDT, *Asylum and Migration Policies in the European Union*, Research Institute of the German Society for Foreign Affairs, Berlin, 1999, pp. 236-237; G. ZINCONE, *Immigration to Italy: Data and Policies*, in: F. HECKMANN, W. BOSSWICK (eds.), *Migration Policies: a Comparative Perspective*, Enke, Stuttgart, 1995, p. 138.

38 See: A. CORTÉS MAISONAVE, *Los antecedentes políticos del codesarrollo: la reinvencción del nexo entre la migración y el desarrollo en el sur de Europa*, in: F. CHECA Y OLMOS, J. C. CHECA, A. ARJONA (eds.), *Las*

After a short internal debate, on initiative of Foreign Minister Andreotti, the Italian government agreed on asking for admittance to the groups charged with drafting the Convention implementing the Schengen Agreement, well aware that the governments of the five original signatories of the Schengen Agreement had not intention to give up their requests.<sup>39</sup>

Unsurprisingly, the governments of the Schengen countries accepted the Italian request, the aims being to reassure the European Commission and the European Parliament that the Schengen Agreement moved towards the inclusion of all the members of the EC and to contribute to a politically and financially convenient externalization of border control activities.<sup>40</sup> Their line, however, remained that Italy should meet all the conditions and remove all the obstacles for acceptance into the Schengen club;<sup>41</sup> this strictness, incidentally, was also due to the fact that the Italian case set the precedent for all Southern European cases, including the Greek, Portuguese and Spanish ones.<sup>42</sup>

In addition, Italian ministers were excluded from biannual ministerial meetings that took place in the framework of the negotiations for the Convention implementing the Schengen Agreement whereas Italian representatives attending technical committees were admitted as mere observers without any decision making capacity.<sup>43</sup>

After one year and half of second-class participation in negotiations, the time came for the Italian Parliament to discuss the opportunity of entering the Schengen system and accordingly adapting the national immigration legislation to the Schengen requirements. Between late 1988 and late 1989, the Parliamentary Committee on Constitutional Affairs of the Chamber of Deputies conducted an enquiry into immigration and conditions of foreign people, which highlighted the existence of a vast majority of political and social forces opposing the Italian participation in the upcoming Schengen area. With the only exceptions of Foreign Minister and, since mid-1989, president of the Council of Ministers Andreotti and Interior Minister Antonio Gava, all the

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*Migraciones en el Mundo: desafíos y esperanzas*, Icaria, Barcelona, 2009, p. 75; F. J. MORENO FUENTES, *Dissonance between Discourse and Practice in EU Border Control Enforcement. The Spanish Case*, in: A. CHEBEL D'APPOLLONIA, S. REICH (eds.), *Immigration, Integration, and Security. America and Europe in Comparative Perspective*, University of Pittsburgh, Pittsburgh, 2008, pp. 262-267.

<sup>39</sup> Historical Archives of the Council of the European Union (hereafter: HACEU), Schengen Executive Committee (hereafter: SEC), 230487, Ambassade d'Italie à Bruxelles, Lettre au Secrétariat Général du Benelux, Bruxelles, 13.04.1987; HACEU, SEC, 230487, Union Économique Benelux – Ministère des Affaires Économiques (La Haye), Note aux présidents Benelux du Groupe Central de Négociation: Demande d'adhésion de l'Italie, Bruxelles, 23.04.1987.

<sup>40</sup> C. BOSWELL, *European Migration Policies in Flux. Changing Patterns of Inclusion and Exclusion*, The Royal Institute of International Affairs, London; Blackwell, Oxford, 2003, pp. 100-112.

<sup>41</sup> J. S. LOUETTE, *Les Etats du Benelux et la France face aux accords de Schengen*, Centre de recherche et d'information socio-politiques, Bruxelles, 1998, pp. 11-16.

<sup>42</sup> N. GUIMEZANES, *La Convention de Schengen: une présentation française*, in: A. PAULY (ed.), *Schengen en panne*, European Institute of Public Administration, Maastricht, 1994, pp. 5-10.

<sup>43</sup> M. FRIDEGOTTO, *L'accordo di Schengen: riflessi internazionali ed interni per l'Italia*, FrancoAngeli, Milano, 1992, pp. 17-20.

members of associations, trade unions, parliamentary groups and government who spoke during hearings criticized the Schengen Agreement and opposed the Italian accession to it on the basis of its alleged incompatibility with national interests and values.<sup>44</sup>

As to government members, in particular, the Vice-President of the Council of Ministers, Claudio Martelli, bluntly attacked the essence of the Schengen Agreement, denouncing it as an inhuman and ineffective attempt to establish a cordon sanitaire directed against the South whose poverty was, according to him, largely attributable to the North. In alternative to the Schengen system, Martelli proposed the strategic planning of migration flows at the level of the EC and in close coordination with the countries of origin; according to this proposal, in particular, the European Community ought to set a flexible and articulated framework within which all its member states, on the basis of their respective socio-economic needs and in a spirit of international solidarity, would plan the quotas of immigrants to be admitted each term and sign bilateral agreements with sending countries.

With this in mind, in late 1989 Martelli introduced a bill to reform the Italian immigration policy in a way that was explicitly distinct from the immigration policies adopted by the Schengen countries; according to Martelli, in particular, Italy should not follow the model of France, which was then «shaken by waves of racism and characterized by a foreign population that is five times larger than ours».<sup>45</sup>

After the approval of Martelli's decree law by the Council of Ministers, however, a heated debate emerged, in which the distance between Italian and Northern European immigration regimes became a fundamental argument in the hands of the opponents of Martelli's approach.<sup>46</sup> At a time when long-standing fears of immigrant invasion from the South combined with more recent fears of a looming immigrant invasion from the East, significant national political forces began to openly criticize the liberal approach taken by the Vice-President of the Council of Ministers, borrowing the definitions of Italy as the soft underbelly and the open door of Europe from French and German media and political discourses.<sup>47</sup>

Moreover, the governments of the Schengen countries did not hesitate to put direct and indirect pressure on both the Italian government and Parliament to accept their views on immigration, with the Schengen agreements being used as a sort of blackmail. The French

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44 CAMERA DEI DEPUTATI, *Immigrazione e condizione dello straniero. Indagine conoscitiva della I Commissione Affari Costituzionali e Testi normativi conseguenti (novembre 1988-dicembre 1989)*, Ufficio Pubblicazioni del Servizio Informazione Parlamentare e Relazioni Esterne della Camera dei Deputati, Roma, 1990.

45 *Il Giornale*, 20/12/1989.

46 L. EINAUDI, *Le politiche dell'immigrazione in Italia dall'Unità a oggi*, Laterza, Roma-Bari, 2007, pp. 144-148.

47 SENATO DELLA REPUBBLICA ITALIANA, *Atti parlamentari. X Legislatura. 305° Seduta pubblica. Resoconto stenografico*, Roma, 27.02.1990;

government and Presidency were the most resolute in pressing Italian authorities since, as emphasized by Gilbert Pérol, Ambassador of France to Rome, on the eve of the summit between the President of the French Republic, Mitterrand, and the President of the Italian Council of Ministers, Andreotti, which took place in Venice in late 1989,

notre intérêt, [...] n'est pas d'avoir, sur notre flanc méditerranéen oriental, le plus expose précisément à la pression démographique, un "pays-passoire", [...], ni un pays marginalisé avec lequel il faudrait maintenir, faute d'avoir pu maîtriser le problème, une sorte de "cordon sanitaire" sur les Alpes. L'occasion nous en est fournie précisément par la négociation sur les accords de Schengen - quel que soit, en définitive, le sort de ces accords. Puisque l'Italie frappe à la porte, il faut [...] contraindre le Gouvernement italien, en l'enserrant dans un compte à rebours précis, à procéder à la nécessaire mise à jour de sa réglementation.<sup>48</sup>

At the same time, the Italian politicians who were more exposed to European influence such as European Commissioner Carlo Ripa di Meana publicly agreed with the authorities of the Schengen countries, especially the French ones, who refused to open borders with Italy unless Italy adopted stricter rules on immigration, including visas on persons from Southern Mediterranean countries.<sup>49</sup>

Foreign policy considerations, which came together with growing concerns over the impact of immigration on domestic political, economic and social dynamics, led to a dramatic shift from liberal to restrictive approach to immigration and from opposition to support for the Schengen Agreement in the main government parties.<sup>50</sup>

At the conclusion of the parliamentary debate, the original decree law was radically modified and all the most significant reforms requested as conditions for the country's accession to the Schengen system were adopted.<sup>51</sup> First, the Italian Parliament was pushed into abolishing the special clauses of the Geneva Convention in which the status of political asylum was only recognized for those from Eastern European Communist countries. Second, it was persuaded into strengthening rejection and detention procedures for irregular immigrants, tightening up sanctions for migrant smugglers and traffickers and introducing penalties on carriers transporting undocumented foreigners. Finally, it was reluctantly convinced to impose visas on citizens coming

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48 ADN, CGF, 227 PO 1 291, Ambassade de France en Italie. Gilbert Pérol, Fiche télégraphique. Objet: Sommet Franco-Italien de Venise (4-5 Octobre 1989). Rencontre de M. le Président de la République avec M. Andreotti, Président du Conseil italien, Rome, 27.9.1989.

49 *Il Messaggero*, 24.02.1990.

50 S. PAOLI, *La legge Martelli su asilo politico e immigrazione: una scelta europea*, in: *Storia e Politica - Annali della Fondazione Ugo La Malfa*, XXIX (2015).

51 See: C. BONIFAZI, *European Migration Policy: Questions from Italy*, in: R. KING, G. LAZARIDIS, C. TSARDANIDIS (eds.), *Eldorado or Fortress? Migration in Southern Europe*, Palgrave Macmillan, Basingstoke; New York, 2000, pp. 233-252; C. MARTELLI, *Introduzione*, in: A. SAIJA, *La normativa sugli extracomunitari. Testo e commento della Legge 28/2/1990 N. 39*, Edizioni delle Autonomie, Roma, 1990, pp. 5-6.

from Turkey, Maghreb and sub-Saharan African countries<sup>52</sup> at the same time that all Schengen countries, immediately after the collapse of Communist regimes and under pressure from West Germany, agreed on crossing out Hungary and Czechoslovakia from the Schengen Black List and, prior to the reunification, considering the German Democratic Republic as a non foreign country in relation to the Federal Republic of Germany, so de facto admitting East Germany into the Schengen system.<sup>53</sup>

The Convention implementing the Schengen Agreement was signed by the five original signatories of the Schengen Agreement on June 19, 1990, while Italy signed both of them on November 27, 1990; on December 6, 1990 Italy signed a readmission agreement with France.

## CONCLUSION:

### A NEW INTERPRETATION OF THE ORIGINS OF THE SCHENGEN SYSTEM

The perceived failure and the high costs of national migration policies and the unexpected strength of constitutional, social and political obstacles to the adoption of restrictive policies at national level, were fundamental reasons why a group of member states of the EC, including France, West Germany, Belgium, the Netherlands and Luxembourg, began to look for a Europe-wide solution to the problem of the control of migration flows, especially from Southern Mediterranean countries. The Schengen Agreement and the Convention implementing the Schengen Agreement, in this sense, primarily responded to the need to effectively protect the geopolitical core of Europe from unwanted immigration from the South while, simultaneously, reducing financial and political costs associated with large-scale border controls.

This is the first conclusion we drew from my researches on the origins of the Schengen agreements, especially the Italian case. On the one hand, political considerations were more important than economic factors in the decision to sign the Schengen Agreement in 1985 and the Convention implementing the Schengen Agreement in 1990 and the strengthening of external border controls, rather than relaxation and eventually abolition of internal border controls, was the primary motive behind these accords. On the other hand, the decision to act outside the context of

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52 K. BADE, *Migration in European History*, Blackwell, Malden; Oxford; Carlton, 2003, pp. 234-240.

53 HACEU, Coordinators' Group on Free Movement of Persons (hereafter: CGFMP), 3607/1/90, Groupe des Coordonnateurs Libre Circulation des Personnes, Conclusions du Groupe des Coordonnateurs "Libre Circulation des Personnes", Bruxelles, 16.02.1990; HACEU, Ad Hoc Group on Immigration (hereafter: ADGI), SN 2480/90 (WGI 612), Groupe Ad Hoc Immigration, Conclusions du Groupe Ad Hoc Immigration Bruxelles, 15.05.1990; HACEU, ADGI, WGI 598, Groupe Ad Hoc Immigration, Conclusions du Groupe Ad Hoc Immigration, Bruxelles, 05/04/1990; HACEU, ADGI, WGI 567, Groupe Ad Hoc Immigration, Conclusions du Groupe Ad Hoc Immigration, Bruxelles, 05/03/1990; HACEU, ADGI, WGI 541, Groupe Ad Hoc Immigration, Réunion de Groupe ad Hoc Immigration, Bruxelles, 29.01.1990.

the EC was not primarily intended to put pressure on Great Britain, but to exclude the institutions of the European Community from the decision-making process on immigration and, more than this, to press Italy, Spain and to a lesser extent Greece and Portugal into adapting their migration policies to the more restrictive ones which were adopted and pursued in the Northern members of the EC.

The decision to sign the Schengen Agreement before the 1986 entry of Spain and Portugal into the Community and, as discussed in this article, the political decisions to exclude Italy from the 1985 Schengen Agreement and to subordinate the Italy's signature of the Schengen agreements in 1990 to the compliance with strict conditions whose terms were set out by the original members are clear evidences of the intention of the governments of Northern European countries to use Schengen as a means of pressure on Southern European countries.

Between the late 1970s and the mid-1980s, in the founding members of the Schengen agreements, especially France, migration became a more and more politicized issue in the public space and the Mediterranean region began to be more and more perceived as a dangerous and potentially destabilising source of mass migration flows;<sup>54</sup> in this context, the Southern members of the EC, especially Italy, were gradually seen and treated as a buffer area, a transit country to which patrols could be conveniently delegated and illegal aliens could be conveniently returned.

This is the second conclusion of our study.

After that readmission agreements and wider cooperation accords on migration were signed in the 1990s and the 2000s between members of the European Union (EU) and third Mediterranean countries, the concept of externalisation of European borders began to widely circulate in specialized literature.<sup>55</sup> Generally speaking, this notion imply that, since the late 1990s, the European Union and its member states systematically tried to move the place where the control of travellers occurs from the border of the state into which the individual is seeking to enter to within the state of origin or transit. In an effort to reduce the number of persons entering irregularly while,

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54 See: P. WEIL, *La France et ses étrangers. L'aventure d'une politique de l'immigration de 1938 à nos jours*, Gallimard, Paris, 2004; J.-B. DUROSELLE, *L'«invasion». Les migrations humaines: chances ou fatalité*, Plon, Paris, 1992.

55 See: A. BERRAMDANE, J. ROSSETTO, *La politique européenne d'immigration*, Karthala, Paris, 2009; S. LAVENEX, E. UCARER, *Migration and the Externalities of European Integration*, Lexington Books, Lanham, 2002. See also: M. CECCORULLI, *The Mediterranean as a buffer: confining irregular migrants in North Africa*, in: M. CECCORULLI, N. LABANCA (eds.), *The EU, Migration and the Politics of Administrative Detention*, Routledge, Abingdon; New York, 2014, pp. 187-208; F. SAHLI, *Le partenariat Euro-Maghrebin, droits humains et dialogue*, in: L. BEKEMANS, M. KARASINSKA-FENDLER, M. MASCIA, A. PAPISCA, C. A. STEPHANOU, P. G. XUEREB (eds.), *Intercultural Dialogue and Citizenship. Translating Values into Actions: a Common Project for Europeans and their Partners*, Marsilio, Venice, 2007, pp. 333-343; R. A. DEL SARTO, *Borderlands: the Middle East and North Africa as the EU's Southern Buffer Zone*, in: D. BECHEV, K. NICOLAIDIS (eds.), *Mediterranean Frontiers. Borders, Conflict and Memory in a Transnational World*, IB Tauris, 2010, pp. 149-165; D. BIGO, *Sécurité et immigration: vers une gouvernementalité par l'inquiétude?*, in: *Cultures et Conflicts*, 31-32 (1998), pp. 13-38; C. BOSWELL, *The "External Dimension" of EU Immigration and Asylum Policy*, in: *International Affairs*, 3 (2003), pp. 619-638; D. LUTTERBECK, *Policing Migration in the Mediterranean*, in: *Mediterranean Politics*, 1 (2006), pp. 59-82; A. GEDDES, *Europeanisation Goes South: The External Dimension of EU Migration and Asylum Policy*, in: *Journal for Comparative Government and European Policy*, 3 (2008), pp. 275-293.

simultaneously, reducing political costs and bypassing legal constraints implicit in such an attempt, in other words, the EU and its member states delocalised frontiers to outsource border controls outside of their respective territories.

In agreeing with this thesis, we argue that the strategy of externalization began much earlier than it is generally acknowledged; in particular, before being moved to origin and transit countries in Northern Africa, the Middle East and, to a certain extent, Eastern Europe, European border controls, especially Northern European border controls, were moved to Southern European transit countries.

As discussed in this article, the requests to sign a preliminary readmission agreement with France, to adopt stricter immigration rules and policies and to impose visas on all emigration or potential emigration countries, which were made to Italy by the original signatories as part of the conditions to be met in order to enter the Schengen Agreement and the Convention implementing the Schengen Agreement, are clear evidences of the intention of the countries that formed the geopolitical core of the EC to use the Southern periphery as the first circle of their externalisation strategy; unlike non EC origin and transit countries, which were rewarded for their collaboration in controlling European borders with financial support, Italy and, afterwards, Spain, Portugal and Greece were rewarded for warding the Southern flank of the EC with the mere acceptance into the Schengen system.

The main reason why, between the mid-1980s and the early 1990s, Italy was so important in the migration strategy of the founding members of the Schengen agreements is quite obvious. Italy was, for both geographical and political reasons, the country most exposed to flows from Southern Mediterranean countries, which were considered as the most alarming source of illegal immigration and international terrorism in all Northern European countries, especially France.

This is the third and last conclusion I arrived to.

With very few exceptions,<sup>56</sup> the multifaceted relationship between the establishment of the Schengen area, the external relations policy of the EC, later the EU, and the complex of Euro-Mediterranean relations was largely neglected in both European and Mediterranean studies. In my view, however, the Schengen agreements ought to be primarily interpreted in terms of foreign policy, since they were first and foremost a political act directed at protecting the geopolitical core of the European Community from a security threat: unwanted mass immigration, especially from

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56 See: M. CREMONA, J. MONAR, S. POLI, *The External Dimension of the European Union's Area of Freedom, Security and Justice*, P.I.E Peter Lang, Brussels, 2011; P. J. CARDWELL, *EU External Relations and Systems of Governance. The CFSP, Euro-Mediterranean Partnership and Migration*, Routledge, Abingdon; New York, 2009; N. RIBAS-MATEOS, *Migration, Welfare & Borders. The Mediterranean in the Age of Globalization*, Transaction Publishers, New Brunswick; London, 2005; S. COLLINSON, *Shore to Shore: the politics of migration in Euro-Maghreb Relations*, Royal Institute of International Affairs, London, 1996.

Southern Mediterranean states. To put it bluntly, third Mediterranean countries were the main targets of the Schengen Agreement in 1985 and remained the main targets of the Convention implementing the Schengen Agreement in 1990 even if, after the collapse of Communist regimes, immigration flows from the East were expected to outnumber those from the South.

Significantly, at the same time when, between the late 1980s and the early 1990s, Spain and Italy were constrained to introduce compulsory visas for people coming from the Mediterranean region in order to be admitted into the Schengen system, all the Schengen countries exempted a group of Central and Eastern European countries from visas and granted Eastern German citizens freedom of movement in the whole Schengen perimeter.