Following the recent terrorist attacks in Paris, several European politicians are suggesting security-related changes to the 1995 Schengen agreement, which created a borderless area within which European Union citizens can travel freely without passports or border checks.

The proposals demonstrate how severely the Paris attacks - in which Islamic-affiliated terrorists killed 17 people at the satirical magazine Charlie Hebdo and the Hyper Cacher kosher supermarket - are reverberating on the continent and worldwide.

“We must consider changing the Schengen system and inspections at border crossings in order to fight terrorism,” French Interior Minister Bernard Cazeneuve said at a Sunday news conference.

And in a recent interview with the newspaper El Pais, Spanish Interior Minister Jorge Fernandez Diaz responded to the attacks, saying, “We are going to back border controls and it is possible that as a consequence it will be necessary to modify the Schengen treaty.”

Meanwhile, smaller parties on the extreme right wing, such as France’s National Front and Italy’s Northern League, are going further, calling for the treaty to be scrapped.

The issue will likely be discussed at a summit of European leaders scheduled for mid-February. While France and Spain clearly are willing to amend the treaty, it’s unclear how the other members would vote on such a proposal. And at least so far, no major government has asked to repeal Schengen.

The Schengen treaty includes most EU states plus four European countries - Iceland, Liechtenstein, Norway and Switzerland - that are not EU members. Of the six EU members that aren’t part of the treaty, Bulgaria, Croatia, Cyprus and Romania still must fulfill the security requirements for joining the area, while Britain and Ireland have chosen to largely stay out.

The treaty lets citizens of all the Schengen nations travel freely in the area, although the police may stop travelers if they raise suspicions. And the accord assumes that the member states will coordinate on security.
But detractors claim it threatens the individual nations’ security because criminals and illegal immigrants can move freely in the borderless area just as law-abiding citizens can.

“I expressed to the president the absolute necessity ... to immediately suspend Schengen to be able to control our borders as an essential element in the fight against terrorism, and also the fight against arms trafficking,” Marine Le Pen, president of France’s National Front, said at a news conference following a Friday meeting with President Francois Hollande.

Some analysts hesitate to draw connections between the Schengen treaty and the failure to prevent the recent terrorist attacks, which were carried out by French nationals on French territory.

“On a rational level, [blaming Schengen] doesn’t make much sense,” says Arturo Varvelli, head of the Terrorism Program at ISPI, a Milan, Italy, research institute.

“It’s very naïve to think that shutting borders inside the EU can stop terrorists. Have you ever heard, let’s say, of a British jihadi putting a bomb in Germany? Most of the terror attacks we’ve witnessed in the recent years have been carried by native Europeans inside their own countries.

“Some of them have received military training in Middle Eastern countries. So we should focus our efforts in preventing them [from reaching] the Middle East, which requires better intelligence.”

And some observers argue that aspects of the Schengen may actually help prevent terror attacks.

“The Schengen area is not just a space of free movement but also a security space with constant reinforcement of the instruments of control and security cooperation,” says Antoine Mégie, an expert in anti-terror policies at the University of Rouen.

“There are European units, such as the [European Police Office], and databases, such as the Schengen Information System,” the largest information system for public security in Europe. The database was established as an intergovernmental initiative under the Schengen Convention.
Moreover, he argues, “when individuals are identified as dangerous and are under surveillance, movement can be halted in the Schengen area” because the agreement should enable countries to more easily track and coordinate.

"The Schengen area is often presented in political discourse or media coverage as the origin of illegal migration and human disasters in the Mediterranean," says Mégie. Critics claim that migrants who risk their lives on boats trying to reach the coasts of Italy and Spain wouldn’t do so if it wasn’t for the treaty, which makes it easier for them to reach richer countries in Northern Europe.

But "if we go beyond political discourse, the Schengen area is now a growing security space," Megie says.

Critics also argue that freedom of movement inside Europe can enable jihadis to avoid security checks in their own countries. If local authorities identify them, this argument goes, they won’t let these mercenaries board planes to Middle Eastern countries.

Reports have widely documented that people inclined to fight in the Middle East’s conflicts can and do receive military training there. Said Kouachi, one of the two brothers who stormed Charlie Hebdo’s newsroom and killed 12 people, reportedly had traveled to and trained in Yemen.

"The concern is that freedom of movement within Europe might facilitate the movement of jihadis to those countries,” says Javier Argomaniz, a lecturer on Spanish security who teaches at the St. Andrews Centre for the Study of Terrorism and Political Violence in the UK.

In late 2014, France and the U.K. enacted laws preventing people who are suspected of radical ties from flying to the Middle East even if they have committed no crime.

But since other states in the treaty don’t have such laws in place, these radicals can simply travel to those nations and leave for the Middle East from there.

For example, Hayat Boumeddiene, the French woman who local authorities suspect helped plan the Paris attacks, reportedly reached Turkey by plane on January 2. But rather than fly directly from Paris, where oversight of passengers heading for the Middle East is strict, she boarded from Spain and is now believed to be in Syria.
Bad communication

Some say, however, that the problem in Boumeddiene’s case is not free movement but lax information-sharing among EU countries.

“The question we should be asking is not how Boumeddiene managed to travel from France to Spain but rather why was she allowed to board a plane from Spain” to Turkey, says Giacomo di Federico, a professor of European Union law at the University of Bologna.

If indeed French intelligence had information on Boumeddiene – and the fact she tried to avoid controls in Paris suggests it may have – why didn’t those authorities pass that data to other European countries, including Spain? “The problem doesn’t lie in Schengen but rather in the lack of intelligence cooperation between [EU] member states,” argues di Federico.

Currently, he says, two EU directives, Council Framework Decision 2006/960 and Council Framework Decision 2008/615, regulate anti-terror cooperation between European countries.

“They’re very mild ... basically saying that governments can share information if they want to,” di Federico says.

"The truth is that Europe needs much stronger intelligence cooperation. We need to switch from the ‘government can share information’ mentality to the ‘governments should share information mentality.”

Despite the treaty, EU member states can close their borders – but only in exceptional circumstances. For example, Poland suspended the open–border policy for the Warsaw Climate Summit in 2013.

“A complete repeal of Schengen is highly unlikely,” says Argomaniz, the Spanish researcher. "We’ll have to wait for details. But possibly some member states will ask broader freedoms to suspend the agreement.”