



The Schengen Area as a fair-weather project? A discursive analysis of solidarity

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Abstract

Recently, critical voices have raised concerns that EU member states are unwilling to express solidarity and proclaimed that EU solidarity was dead. Surprisingly, the Schengen Area, as opposed to asylum policies, has been examined only sporadically in this context. Although there is overall agreement that solidarity is a necessary precondition for the functioning of Schengen cooperation, it has multiple meanings. Hence, theoretically drawing on the concept of solidarity and methodologically employing the Discourse Historical Approach (DHA), this study attempts to find out how solidarity is conceptualised in legislative and political discourse on Schengen cooperation. It does so by identifying the argumentation strategies of the main actors. The main findings are that whereas scholars tend to link solidarity to free movement and incoming refugees, legislative and political discourse emphasise external border controls. Indeed, this suggests that Schengen will remain resilient as long as its security is ensured, no matter the reimpositions of internal borders. These are perceived as a remedy to Schengen deficiencies rather than a problem *per se*. Also, in line with EU legislation, the interstate dimension of solidarity clearly prevails within Schengen.

Keywords DHA · Discourse · EU · Refugee crisis · Schengen · Solidarity

Introduction

The Schengen Area is frequently presented as one of the most cherished achievements of the EU (e.g. European Commission 2016: 2).¹ How is it then possible that five of its members have kept their internal border controls reimposed for more than five years? This seems to contradict not only the vaguely defined Schengen spirit

¹ It, however, started outside the EU framework.

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but even the Schengen *Acquis*. Why was Greece blamed for its poor external border controls and threatened to be expelled from the Schengen Area while Germany, Austria and the Scandinavian countries have lived in a vacuum protected from any major criticism by the EU (represented mainly by the European Commission)?² This seems to be linked to how solidarity is perceived within Schengen.

When the ‘refugee crisis’³ began in 2015, critical voices raised concerns that member states⁴ (MS) were unable to agree on the principle of burden-sharing.⁵ Such voices also remarked upon a crisis of solidarity in the EU and even proclaimed that EU solidarity was dead (Lahusen and Grasso 2017; Giannakopoulos 2017). With the relocation system as the (seeming) crux of the matter, many articles have been devoted to solidarity pertaining to the Dublin system and to the approach towards refugees in general (Tsourdi 2017; Bast 2016). Interestingly, not much attention has been paid to Schengen cooperation, although it has been under significant pressure since some MS started reimposing internal border controls and enhancing flanking measures in autumn 2015. This was criticised by scholars as a lack of solidarity (Alkopher and Blanc 2016; Börzel and Risse 2017; Gasmi et al. 2016; De Angelis 2016; Cunha et al. 2015; Guild et al. 2015; Fijnaut 2015).

In research, solidarity has been mentioned as a necessary precondition to the proper functioning of Schengen since its very beginning (Apap and Carrera 2003; Atger 2008; Hobbing 2010; Schwell 2009; De Capitani 2014). However, it should be noted that it was initially absent from the Schengen *Acquis* (Siebold 2017). One of the most frequently discussed issues regarding Schengen has been the lack of unambiguous legislation and too much room for discretion, which is used or misused by the MS (Apap and Carrera 2003; Hobbing 2010; Nascimbene and Di Pascale 2011; Cornelisse 2014; Guild et al. 2015). Although scholars agree that states act within the limits of Schengen legislation, they stress that their actions often go against its spirit, which is a very vague concept. The opinions of scholars range from rather sceptical (Hobbing 2010) to being more conciliatory towards its interpretation (Guild et al. 2015). It seems that states are only willing to express solidarity if there is sufficient room for discretion, which Hobbing (2010) calls the problem of ‘compulsory solidarity’. Overall, as a necessary precondition for the survival of Schengen, scholars emphasise the need to share the refugee burden with other Schengen members, especially those at the external borders, and to express solidarity towards

² For more details on other EU institutions see below.

³ I use the term ‘refugee crisis’, despite its negative connotation, for two reasons. Firstly, it is commonly used to denote the events following the peak in the numbers of incoming refugees to the EU in 2015. Secondly, drawing on Koselleck (Koselleck and Richter 2006) and the special issue of the *Journal of Critical Globalisation Studies* (2011), the term ‘crisis’ is suitable since it highlights the extraordinary nature of the processes. Despite this, I fully acknowledge the fact that the numbers of incoming refugees to the EU were much smaller than e.g. in the Middle East and the crisis was more of a policy or solidarity crisis than a ‘refugee crisis’ (cf. Den Heijer, Rijpma and Spijkerboer 2016) and that is why I use the term in quotation marks throughout the text. For more details on how the term crisis is used in the context of Schengen, see my previous article (Votoupalová 2018b).

⁴ If not specified otherwise, the MS are Schengen, not EU member states.

⁵ For example, during the ‘refugee crisis’, the agreement on external actions (border controls) was much easier than on the internal aspects of cooperation (relocations) (Lahusen and Grasso 2017).



incoming refugees (Guild et al. 2015; Nascimbene and Di Pascale 2011; Apap and Carrera 2003). While the EU and its member states' representatives also acknowledge the importance of solidarity, they seem to link solidarity rather to the shared external border controls (see the analysis below). This is the main research puzzle of this article.

It is striking that scholars have failed to develop the discursive conceptualisation of solidarity systematically, despite presenting it as a cornerstone of Schengen cooperation (Campesi 2011; Carrera et al. 2011; Guild et al. 2015; Nascimbene and Di Pascale 2011; Pascouau 2012; Phull and Sutcliff 2013).⁶ A notable exception is Siebold (2017), who examines the historical development of how solidarity has been perceived within Schengen since the beginning of cooperation. Siebold argues that it changed from denoting solidarity among citizens in the 1980s to the meaning of interstate cooperation in the 1990s. Currently, it even refers to burden-sharing, including help towards incoming refugees. As Siebold concludes, solidarity must be perceived as a political concept embedded in a specific situation rather than a neutral term. Drawing on this claim, the following research questions will be addressed below. Firstly, pertaining to the particular context of the 'refugee crisis' and its aftermath, how has legislative and political discourse on solidarity been discursively constructed? Secondly, is there compliance with how research perceives solidarity in Schengen? Thirdly, what might the implications be for the resilience of Schengen?

Theoretically, the study enriches the current state of knowledge on the yet underdeveloped empirical and international dimensions of solidarity. The main empirical contribution is interpreting how discourse on solidarity is constructed within Schengen, as it encompasses three partial gaps in the knowledge on Schengen. Firstly, although a lot of attention has been paid to discourse on solidarity during the 'refugee crisis', it was mostly in the context of asylum and migration, not directly regarding Schengen cooperation. The latter was frequently mentioned as a by-product of the crisis but not explored in more detail (Trauner 2016; Müller and Oberprantacher 2017; Tsourdi 2017; Horizon 2020 TransSOL). Secondly, the discursive perspective on Schengen has not yet been widely explored (see e.g. Erjavec and Kovačič 2009; Scuzzarello and Kinnvall 2013; Siebold 2017). Thirdly, many articles exist on particular aspects of Schengen, such as the European Border and Coast Guard (EBCG) and the Schengen Information System (SIS) (e.g. Karanja 2008; Brouwer 2008; Vít and Tóth 2019; Carrera and den Hertog 2016; De Bruycker 2016). However, this study scrutinises the Schengen project as a whole.

The structure of the study is as follows. After the research design is presented, the theoretical concept of solidarity is introduced with a focus on the EU context. Then, an analysis of the legislative and political fields of action follows. To conclude, the main argumentation strategies are contrasted with the theoretical framework and their potential implications for the resilience of Schengen are interpreted.

⁶ Additionally, many news articles and short policy papers examining the issue of solidarity in Schengen have been published, albeit these cannot investigate the topic in much detail either (cf. Bertoncini 2018).



Research design

The methodological framework draws on the Discourse Historical Approach (DHA), which argues that discourse is both socially constructed and constructive (Wodak and Krzyżanowski 2008; Reisigl 2014). Hence, investigating the intersubjective construction of the concept of solidarity may also have a practical impact on Schengen cooperation, as it could help us understand the resilience of Schengen. Despite all the difficulties it has experienced during the aftermath of the ‘refugee crisis’, it has not been subject to any major reforms. This is crucial, particularly in light of the numerous recent remarks on the potential end of Schengen (Binyon 2015; Cendrowicz 2016; Grammaticas 2016; Kaminski 2015). On the other hand, other recent commentary has emphasised the importance of Schengen’s survival, for economic,⁷ political and symbolic reasons (Niemann and Speyer 2018).

In line with the DHA, the analysis offers a broader historical, legislative and socio-political context of current events (Wodak and Krzyżanowski 2008; Reisigl and Wodak 2009). In particular, three fields of action are investigated. Firstly, scholarly literature on the concept of solidarity in EU legislation is examined. Secondly, the conceptualisation of solidarity in the Schengen *Acquis* is explored. Thirdly, political discourse on solidarity in Schengen is investigated and contrasted with the preceding fields. Political discourse encompasses both policy documents and policy communication. To ensure that the paper remains complex but concise, the analysis focuses on the macro level, i.e. the discourse of the main EU institutions and representatives. Particular attention is paid to EU leaders (J.–C. Juncker, D. Tusk, M. Schulz, A. Tajani) and two relevant commissioners (D. Avramopoulos, F. Timmermans). Complementarily, discourse in Schengen MS is explored. This combination allows the identification of potential differences in how solidarity is constructed across EU institutions and MS as well as across various fields of action and genres.⁸ The analysis covers the years between 2015, when the number of incoming refugees peaked, and 2019, when the numbers decreased significantly, albeit internal border controls and debates on enhancing external border controls remained. Also, these years overlap with the mandate of the Juncker Commission. Additionally, this time frame allows the investigation of diachronic development in how solidarity is perceived.⁹

All data for the political field of action was accessed on official EU websites and in its legislative databases by searching the keyword ‘Schengen’. Complementarily, to investigate discourse in specific MS, official national governments’ websites and quality media branches¹⁰ were explored. Then, data relevant for the examination

⁷ However, trade creation due to Schengen may be significantly lower than in the case of EU or eurozone membership (Felbermayr et al. 2018).

⁸ In line with the DHA, genres are understood as specific realisations of fields of action, e.g. genres of the political fields could be reports, legislative proposals, speeches, etc.

⁹ The study concludes by summarising the situation in 2020, i.e. the restrictions on movements during the covid pandemic and the presentation of the New Pact on Migration and Asylum and the Strategy towards a fully functioning and resilient Schengen area.

¹⁰ E.g. DR.dk, SVT.se, Kurier.at.



of solidarity within Schengen was selected (official documents and reports, transcripts of debates and speeches), i.e. purely informative articles about the current situation in the Schengen area were excluded.¹¹ Importantly, data in which solidarity was touched upon indirectly was also included in the analysis. Using the keyword ‘solidarity’ would lose a lot of data, since, very often, solidarity was not mentioned explicitly.¹² For selecting relevant data, the general definition of solidarity as agreement and support within a community sharing interests and values, i.e. solidarity as an interpersonal and collective rather than individual phenomenon, was used.¹³ Drawing on how solidarity is perceived specifically in EU studies, it was distinguished from altruism. Emphasis was put on reciprocity and conditionality, i.e. on the expression of rights and obligations in which people can expect both to be helped and to help each other (Hilpold 2015; Lahusen and Grasso 2017; Lahusen 2018).

Subsequently, the sources were coded in the Nvivo programme and analysed by applying open (i.e. data-driven) coding (Gibbs 2018: 61–62). The identification of the main argumentative strategies (*topoi*) was informed by how solidarity is conceptualised theoretically and in the EU *Acquis* (see Table 2). Additional strategies were identified inductively and eventually aggregated into the main *topoi*, indicated in Table 1.¹⁴ This combination is not unusual within DHA (Krzyżanowski 2019) and its main added value lies in the originally developed *topoi*. Also, the focus on argumentation enables an investigation of how solidarity is constructed across genres and actors in a systematic and detailed way (Reisigl 2014). Overall, the interpretive approach to concepts was preferred to the positivist take. That is to say, using the terms defined by Schaffer, elucidating was favoured to reconstruction (Schaffer 2016).

Specifically, the DHA follows two levels of analysis. Firstly, the entry-level analysis examines discourse topics. Secondly, the in-depth analysis investigates how selected social actors are represented (the ‘us versus them’ dichotomy) by using discursive strategies. Specifically, how they are referred to (nomination, predication), how they act (activation, passivation, foregrounding, suppression), what the angle of representation is (framing) and what argumentation strategies (*topoi*) they employ. The argumentation strategies are understood as linguistic and cognitive processes of problem-solving that consist of relatively coherent statements which can justify what is true and right. This can be done by convincing or manipulating, both openly

¹¹ Altogether, over 600 documents on the discourse of political communication were identified and out of these 102 were found relevant and coded. Regarding policy discourse, 42 relevant documents issued by the EC and EP and 35 legislative documents were selected and coded.

¹² Translations from German, Scandinavian languages, Czech and Slovak are the author’s own.

¹³ <https://dictionary.cambridge.org/dictionary/english/solidarity>; <https://www.oxfordlearnersdictionaries.com/definition/english/solidarity>; <https://www.merriam-webster.com/dictionary/solidarity> (4 August, 2021).

¹⁴ E.g. the original sub-categories of ‘cooperation between MS’ and ‘external borders as shared responsibility’ merged into the ‘*topos* of collective responsibility’; ‘rules to be observed’, ‘changes to Schengen needed’ and ‘restoring normality’ merged into the ‘*topos* of rules’; ‘Schengen not to be blamed’ became the ‘*topos* of blame’.



and implicitly (Delanty et al. 2008; Krzyżanowski 2015; Reissigl 2014). The DHA is complemented by conceptual history (*Begriffsgeschichte*), developed by Reinhart Koselleck (2010). This methodological combination allows deep insight into how the concept of solidarity is discursively constructed across the selected fields of action in an event-specific discourse about the ‘refugee crisis’ in the Schengen area (Krzyżanowski 2019), which addresses the research puzzle defined above.

Solidarity in the EU: an ambiguous concept

There is no agreement about what solidarity represents in scholarly discourse. Researchers distinguish solidarity based on various aspects, such as solidarity within a family or a nation (Rehg 2007), solidarity as social (Durkheim 1964; Crow 2002), moral (Harvey 2007), racial (Chong and Rogers 2005; Hooker 2009; Shelby 2012), political (Dussel 2007; Rippe 1998; Scholz 2007), in the context of globalisation (Brunkhorst 2007; Gould 2007; Heyd 2007; Pensky 2007; Schwartz 2007) and the welfare state (Bayertz 1998; Schuyt 1998). Furthermore, solidarity can be investigated from a philosophical and sociological point of view (Harvey 2007; Rehg 2007; Rippe 1998; Schwartz 2007) or as an empirical manifestation (Chong and Rogers 2005; De Beer and Koster 2009; Tulmets 2012). The investigation of the international dimension of solidarity, which pertains to Schengen, is recent and still rather limited (Coicaud and Wheeler 2008; May 2007; Tulmets 2012; Wilde 2007). Although states are predominantly still perceived as major actors and solidarity is restricted by national interests, the two ideas are not incompatible, as Coicaud and Wheeler (2008) and Krieg (2013) argue. Rather, they can co-exist. Also, as Pensky (2008: 70) adds, solidarity at the international level replicates problems as they are known at the national level. In the same vein, Stites Mor (2003) claims that solidarity does not encompass everyone on a global or universal level (with the notable exception of Habermas, for example) and replicates the frequent argumentation strategy pertaining to solidarity, which is the *topos* of otherness (us versus them). Additionally, solidarity seems to be more developed at the national level, since it is easier to organise and also bonds tend to be closer than at the international level (Hilpold 2015).

Since the EU is an actor *sui generis* in the international arena, it is useful to focus on how solidarity is interpreted specifically in the EU. Although there is broad agreement that solidarity is one of the guiding principles in EU treaties, problems emerge once its definition and scope are to be interpreted. Taking as the point of departure the overall meaning of solidarity mentioned above and the fact that there is no universal understanding of solidarity in EU law (Hilpold 2015; Lahusen 2018; Giannakopoulos 2017; Siebold 2017) but rather fragmented ‘islands of solidarity’ dependent on specific policies (Tsourdi 2017: 668), multiple dimensions of solidarity need to be distinguished. These range from the interstate/intergovernmental, between MS and the EU (transnational), among EU citizens (horizontally), by EU citizens towards states or the EU (vertically) or towards third actors (e.g. refugees). Of course, categorisation is to a certain degree arbitrary and can vary. Terms can vary from solidarity between MS,



Table 1 Argumentation strategies

| <i>Topos</i> | Argumentation strategy |
|---|---|
| <i>Topos</i> of security | Linked to external borders – necessary to control them to secure the functioning of Schengen |
| <i>Topos</i> of collective responsibility | EU and MS must control external borders collectively; MS must take into account the interests of each other when protecting the external border and when reimposing internal controls |
| <i>Topos</i> of rules | Necessary to follow Schengen rules, ‘save Schengen by applying Schengen’, restoring normality, no major reforms desired |
| <i>Topos</i> of blame | Schengen not to be blamed for the problems within Schengen, their roots are external |

Source: Author’s own

Table 2 Types of solidarity as identified within Schengen

| Type of solidarity | Specific expressions |
|-------------------------|--|
| Interstate | Most prominent, necessary for the MS to cooperate on ensuring external border controls and to take other MS interests into account when reimposing the internal ones |
| Between the EU and MS | EU supporting external border controls, monitoring and evaluating internal reimpositions |
| Towards EU citizens | Marginally, when securing free movement and enhancing security at external borders |
| Towards TCNs | Marginally, when observing their rights in the broader context of migration |
| Towards third countries | Marginally, particularly in the broader context of migration |

Source: Author’s own

between MS and individuals and between generations (Hilpold 2015). Solidarity may be placed into the context of the welfare state, migration, outsiders (such as foreigners) and decision-making processes (Thym and Tsourdi 2017) or based on principles of national (citizens versus residents in MS), member state and transnational (obligations among EU citizens) solidarity (Sangiovanni 2013). To avoid misunderstandings, literal descriptive attributes of solidarity will be used in the analysis below: interstate or between MS, between the EU and MS, towards third-country nationals (TCNs), towards EU citizens and towards third countries.

However, what seems to matter more than these labels is how the various kinds of solidarity are expressed in legislation, i.e. to what degree they are legally binding. The original expression of solidarity in the EU was predominantly interstate (Hilpold 2015; Bast 2016). Indeed, horizontal or interstate solidarity has a systematic basis in EU legislation, including rules pertaining to immigration and asylum issues. Contrarily, vertical solidarity, which includes relations between the EU and individuals and the EU and MS, is based on human rights principles and its application is still rather limited. This is mainly due to the definition of EU competences (di Napoli and Russo 2018). Also, the relevance of solidarity in



EU law has been enhanced recently, although it is still circumscribed by reciprocity and elements of conditionality have even been reinforced (Hilpold 2015: 285).

Indeed, while the Maastricht Treaty (TEU)¹⁵ and the Treaty of Amsterdam¹⁶ merely touch on the notion of solidarity,¹⁷ the concept appears multiple times in the Lisbon Treaty in various contexts, with the main actors being MS. Solidarity with human beings follows mainly from the concept of EU citizenship and from the EU Charter on Fundamental Rights (Müller and Oberprantacher 2017). It is also stated in the preamble of the TEU. Also, as Article 21 on EU external action in the TEU states, this kind of solidarity should pertain to both the EU and TCNs and should be cosmopolitan in its meaning. That being said, this dimension of solidarity remains rather marginalised in the discourse (ibid.) and is limited in its application (di Napoli and Russo 2018). Sangiovanni (2013) even claims that solidarity towards human beings seems to contradict MS solidarity.

Similarly, within the Area of Freedom, Security and Justice (AFSJ), which encompasses Schengen cooperation, there is a prevalence of the interstate meaning of solidarity, which suppresses individual-oriented solidarity towards refugees. Particularly Articles 67 and 80 of the TFEU explicitly mention solidarity between MS. Article 80 stresses that immigration, asylum policies and border controls are ‘governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between Member States’. Article 67 stipulates that the EU ‘shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States which is fair towards third-country nationals’. Here, interstate solidarity is extended towards non-EU residents. Furthermore, the focus on solidarity between MS is complemented by the principle of fair sharing of responsibility, which Tsourdi (2017: 672) calls a ‘solidarity plus’. This insinuates that such a principle goes beyond what solidarity usually denotes in the EU *Acquis*.

Solidarity as an indispensable aspect of the Schengen *Acquis*?

As it is apparent that the concept of solidarity within the EU is very multifaceted and subject to conditionality (Lahusen 2018), this study further focuses on how solidarity is socially constructed in the specific case of Schengen cooperation, which is a project combining a substantial aspect of supranationality (internally) and interstate cooperation regarding external border controls (Niemann and Speyer 2018). Schengen legislation dates back to 1985, when the first Schengen Agreement¹⁸ was adopted. In 1990, the Schengen Implementation Convention¹⁹ was signed, and five

¹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11992M/TXT> (17 November, 2020).

¹⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11997D/TXT> (17 November, 2020).

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2007:306:TOC> (17 November, 2020).

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42000A0922%2801%29> (23 November, 2020).

¹⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42000A0922%2802%29> (23 November, 2020).



years later both documents were implemented. Already at this stage, when Schengen cooperation lay outside the EU framework, a dramatic shift was to be identified in the understanding of solidarity. Whereas the first agreement emphasised the abolishment of internal borders as an instrument of enhancing solidarity between the peoples of the Schengen area, the implementation convention stressed security matters as opposed to solidarity and burden sharing or mutual trust, which were completely omitted. With the Amsterdam Treaty in 1999, Schengen legislation was officially incorporated into the EU legislative framework and was gradually influenced by other aspects of EU cooperation, particularly by law enforcement, judicial, visa and asylum policies.

A major reform took place in 2006, when the Schengen Borders Code²⁰ (SBC) was elaborated, again without solidarity mentioned explicitly. Regarding human rights protection, the SBC draws on the Charter of Fundamental Rights of the European Union and the Geneva Convention on refugees. Specifically, Article 6 stipulates that border guards must respect human dignity and avoid discrimination while conducting border controls. According to Article 16, MS ‘shall assist each other and shall maintain close and constant cooperation with a view to the effective implementation of border control’, which would be coordinated by the FRONTEX agency. The EU also identifies potential deficiencies in conducting external border controls and suggests possible rectifications (Article 19b). Hence, MS are responsible for carrying out external border controls but the EU shall support them. Solidarity is expressed as both interstate and between the EU and MS, only marginally towards TCNs, with an emphasis on security.

The SBC continues by regulating internal borders and their reimpositions. MS have a right to carry out police checks as long as they are spot checks and do not have border control as their objective. Also, MS can reimpose internal borders but only if adequate and proportional (Article 23), which must be assessed (Article 23a) and consulted by other MS and the EC (Article 24). Article 26 links external and internal borders, in that it allows for internal reimpositions in the case of ‘exceptional circumstances where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control’ which ‘constitute a serious threat to public policy or internal security’. Such action draws on a Council recommendation based on a proposal from the Commission, which may be requested by MS themselves. The SBC also stipulates specific time periods for which internal controls can be reimposed. Hence, interstate solidarity with emphasis on security is prevalent also regarding internal reimpositions.

In 2013, a major reform of the SBC, known as the Schengen Governance Package (SGP), was adopted. Being a reaction to the Franco-Italian dispute over Tunisian refugees in 2011,²¹ the SGP defines more detailed rules on reimposing internal border controls, develops new control and evaluation instruments, and emphasises the

²⁰ SBC, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32006R0562> (17 November, 2020).

²¹ For more details, see Votoupalová (2015).



importance of external border controls. In the two regulations²² creating the SGP,²³ specific references to solidarity can be identified, always in its interstate meaning and especially towards MS on the external border. This is illustrated by the fact that in the regulation dealing with internal controls, solidarity is only touched upon in the conclusion, whereas in the regulation on external controls it already appears in the introduction.

Currently, as a follow up on the 'refugee crisis' in 2015 and the multiple terrorist attacks during its aftermath,²⁴ the SBC has been amended three times in a relatively short period – in 2016, 2017 and 2019. The main amendments include systematic checks against relevant databases at external borders (both at entry and at exit). These pertain not only to TCNs but also newly to EU/EEA and Swiss citizens as well as the incorporation of the Entry-Exit system regulation into the *Acquis*.²⁵ However, apart from even more emphasis on security and increased caution against incoming persons, the gist of the Schengen *Acquis* remains unchanged.

To sum up, solidarity in Schengen legislation is linked mainly to external border controls, which must be properly managed and the MS responsible for their control supported. In the case of internal controls, solidarity is linked to the fact that reimpositions must be an exceptional measure, in order to not disproportionately affect other MS and the freedom of movement. Ultimately, internal reimpositions can serve as a remedy in the case of insufficient external border controls. Not much room is devoted to other than interstate and MS-EU kinds of solidarity. The main actors are MS with the EU, with EU institutions being more active and foregrounded recently, especially since the implementation of the SGP. Even though it is up to MS to manage their borders, the EU is there to help and support them as well as other MS. In addition, the EU is responsible for monitoring and evaluating the situation. Third countries, TCNs and even EU citizens are backgrounded and passivised. Arguably, the *topos* of security (see Table 1) has clearly prevailed since the 1990s. The focus is not on the benefits related to the freedom of movement, as in the very beginning of cooperation, but rather on efficient external border controls.

²² Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council; Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances.

²³ <https://data.consilium.europa.eu/doc/document/PE-30-2013-INIT/en/pdf>; <https://data.consilium.europa.eu/doc/document/ST-10597-2013-INIT/en/pdf> (17 November, 2020).

²⁴ This is by no means to say that these terrorists were refugees despite them being often presented so in the political discourse (cf. Votoupalová 2018a).

²⁵ <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:02016R0399-20190611> (17 November, 2020).



Current developments within the Schengen Area: What form of solidarity plays the upper hand?

The discursive analysis below attempts to find out what the role of solidarity was in debates on the functioning of the Schengen Area from autumn 2015 to 2019. It does so by identifying the argumentation strategies of the main actors, which are summarised in the following table and then elaborated upon.

In line with the Schengen *Acquis*, the main argumentation strategy in EU discourse on Schengen is linked to security at its external borders.²⁶ It appears both in the official proposals²⁷ and in the political communication of EU representatives. The inefficiency of external controls is perceived as the main problem within Schengen, which must be remedied in order for it to function properly again. The *topos* of security proves to be much more evident than the *topos* of free movement, as it seems to be legitimate to restrict the latter to ensure the former: ‘The Schengen system is currently severely challenged by its exposure to high migratory pressures, and hampered by serious deficiencies in external border control. These pressures and deficiencies have together put the functioning of the entire system at risk’ (European Commission 2016: 11). Although Commissioner Avramopoulos argued that a balance between security and the freedom of movement must be preserved,²⁸ the importance of ensuring security at the external border is evident. According to the President of the European Council, Donald Tusk, ‘the only way not to dismantle Schengen is to ensure proper management of EU external borders’ (Strupczewski 2015). This is also mirrored in the efforts to perceive the controls as European and not as a primary responsibility of MS, as so far stated in the legislation. As Avramopoulos said in October 2016, ‘From now onwards, the external EU border of one Member State is the external border of all Member States – both legally and operationally. In less than one year we have established a fully-fledged European Border and Coast Guard system, turning into reality the principles of shared responsibility and solidarity among the Member States and the Union’.²⁹

In the discourse presenting this shift, which I call the *topos* of collective responsibility, solidarity is frequently mentioned explicitly. This is quite exceptional and documents the importance of collective cooperation and support for the MS at the external border. ‘As of now, Europe treats the protection of its borders as a common mission of solidarity.’ Simultaneously, it is stated that MS ‘will keep their sovereignty and national border guards will remain the key actors for managing their

²⁶ http://www.consilium.europa.eu/en/meetings/calendar/?frDt=01%2F03%2F2016&frDt_submit=01%2F03%2F2016&toDt=30%2F11%2F2016&toDt_submit=30%2F11%2F2016&cc%5B%5D=610&p=1&stDt=20161130; http://www.consilium.europa.eu/en/meetings/calendar/?frDt=&frDt_submit=&toDt=&toDt_submit=&ent%5B%5D=600&p=1&stDt=20170112 (17 November, 2020).

²⁷ Strengthening capacities of FRONTEX and establishing a new European Border and Coast Guard (EBCG), preparing passenger name record (PNR) and EU Travel Information and Authorisation System (ETIAS), enhancing the Schengen Information System (SIS), etc. <http://shorturl.at/twHT0>; <http://shorturl.at/osCHS> (17 November, 2020).

²⁸ https://ec.europa.eu/commission/presscorner/detail/en/IP_17_3407 (17 November, 2020).

²⁹ https://ec.europa.eu/commission/presscorner/detail/en/IP_16_3281 (17 November, 2020).



borders', whereas the EBCG will serve as a safety net.³⁰ This indicates that the Europeanisation of external borders is not absolute. It was demanded mainly by Sweden that the last word regarding the employment of the EBCG remained with MS (Svt.se 2015). But overall, even the states reimposing internal controls and those generally Eurosceptical agreed with the strengthened capacities of the EBCG and enhancing EU competencies.³¹ Hence, a state-centred measure inside Schengen was accompanied with more supranationalism at the external border. This is in line with how Schengen is presented on the EC website, which says that the 'abolition of internal border controls cannot come at the expense of security', while the section called 'Solidarity and cooperation' pertains to external borders.³²

Whereas the focus on efficient external borders is omnipresent, the issue of internal reimpositions is addressed much more rarely by EU representatives. Indeed, the pressure on the MS which reimposed controls is incomparable to the pressure imposed on Greece for not checking its borders properly. Overall, the reimpositions are seen as a remedy to the current problems within Schengen and in compliance with the *Acquis*, which is broadly accepted. They are presented as exceptional and temporary,³³ even though the *topos* of collective responsibility is used as well. As Commissioner Timmermans argued, 'the current patchwork of unilateral decisions on the reintroduction of border controls needs to be replaced with a coordinated approach to temporary border controls, with the aim to subsequently lift all internal border controls as quickly as possible'.³⁴ While at first the EC demanded the end of reimpositions by December 2015, since May 2016 it has repeatedly acknowledged that, despite the progress made, the situation at the external border is still not satisfactory and hence the reimpositions must continue.³⁵ The EC even proposed the use of Article 26(2) of the SBC 'until the structural deficiencies in external border control are mitigated or remedied' (European Commission 2016: 11). As late as 2017, police checks were given a clear priority over reimpositions.³⁶ Contrarily, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) had already, since 2015, condemned the reimpositions as undermining the principles of Schengen, had preferred targeted police controls, and stressed the economic and political impacts of such reimpositions on MS and EU citizens (European Parliament 2018).³⁷ A similar

³⁰ <http://europa.rs/european-border-and-coast-guard-agreed/?lang=en> (17 November, 2020).

³¹ <http://data.consilium.europa.eu/doc/document/ST-11986-2015-INIT/en/pdf> (10 July, 2017); <http://data.consilium.europa.eu/doc/document/ST-12111-2015-INIT/en/pdf> (10 July, 2017); https://www.regjering.no/no/aktuelt/hum_forum/id2464184/ (10 July, 2017); <https://www.cssd.cz/media/cssd-v-medii/ch/m-chovanec-kvuli-odmitnuti-kvot-hrozi-zruseni-schengenu/> (23 July, 2016).

³² https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/border-crossing_en (4 August, 2021).

³³ https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_16_590 (17 November, 2020).

³⁴ <http://europa.rs/back-to-schengen-commission-proposes-roadmap-for-restoring-fully-functioning-schengen-system/?lang=en> (17 November, 2020).

³⁵ https://ec.europa.eu/commission/presscorner/detail/en/IP_16_3501 (17 November, 2020).

³⁶ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52017DC0570> (17 November, 2020).

³⁷ In September 2016, the LIBE committee set up a Working Group on Schengen Scrutiny with the aim of reviewing and scrutinising the Schengen evaluations.



disagreement can be identified in the case of fences in the Schengen Area, which were condemned by the LIBE committee as incompatible with the SBC, but were judged by the EC as in line with the rules (European Parliament 2018; European Commission 2015b).³⁸

As follows from the justifications sent by MS to the EC, the main reason for reimposing internal borders was unexpected migratory pressures and their impact on internal security. Since internal reimpositions were presented as a remedy to the inefficient management of external borders, solidarity was rather required from other states than expressed towards those potentially affected by the reimpositions. Solidarity, in the sense of cooperating with other MS, was only stated by Slovenia.³⁹ Contrastingly, Austria, Germany and the Nordic countries required that other MS helped them process the immense migration flows, which they themselves did not feel responsible for.⁴⁰ Surprisingly enough, the reimpositions, albeit a state-based solution, seemed not to be incompatible with an EU approach, as German Chancellor Angela Merkel explicitly warned of nationalism coming back to Europe.⁴¹ Furthermore, reimpositions were not presented as a limitation to the right to asylum, but aimed at irregular migrants and smugglers.⁴² This was fully supported by Sweden,⁴³ albeit Austria and Denmark explicitly claimed that their solidarity towards refugees had clear limits.⁴⁴

While the positions of the MS reimposing internal controls rather differed in detail, the interests of the MS at the external border were quite different. Greece had already required a system of sharing asylum seekers and their free movement across the EU in 2015 (Guild et al. 2015). The Italian Prime Minister Matteo Renzi claimed bluntly that Europe would suffer if it did not help Italy (Adler 2015). In the end, a controversially accepted compromise of temporary relocations was reached (Zaun 2018). As mentioned above, supporting these countries in managing the external borders was much easier to be agreed upon and solidarity proved once more to be linked prevalently to external border management.⁴⁵

³⁸ However, the issue of fences is more complex, depending especially on whether they are internal or external (cf. Buckley and Spiegel 2015).

³⁹ <http://data.consilium.europa.eu/doc/document/ST-12111-2015-INIT/en/pdf> (10 July, 2017).

⁴⁰ <http://data.consilium.europa.eu/doc/document/ST-12110-2015-INIT/en/pdf> (10 July, 2017); <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2015/09/2015-09-15-merkel-faymann.html> (10 July, 2017); Zeit.de 2017. As Trauner (2016) points out, these states managed to prove statistically that they bear the burden of asylum claims equally if not more than the 'southern' states which often failed to fingerprint the incoming refugees properly.

⁴¹ <https://www.bundeskanzlerin.de/Content/DE/Reiseberichte/2016-05-04-reise-merkel-rom.html> (10 July, 2017).

⁴² https://www.regjeringen.no/no/aktuelt/hum_forum/id2464184/ (10 July, 2017); <https://www.bundeskanzlerin.de/Content/DE/Mitschrift/Pressekonferenzen/2016/04/2016-04-07-dt-franz-ministerrat.html> (10 July, 2017).

⁴³ <https://www.regeringen.se/4adaca/contentassets/3295338958214275b72db1002b42be27/svensk-migrations--och-asylpolitik> (10 July, 2017).

⁴⁴ DR.dk 2016; http://www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=5662435A69722B4553484D3D&page=43&view=1 (10 July, 2017).

⁴⁵ This being said, the support offered to these countries by the EU has been often subject to criticism for not being sufficient and effective, even before 2015 (see e.g. Ceccorulli 2019; Carrera and Guild 2010).



Although there are differences in the perception of internal and external controls, the *topos* of rules is dominant in both cases. As mentioned above, the internal controls have been accepted as in line with Schengen rules since their first reimpositions in autumn 2015, even though the EC acknowledged that new challenges such as terrorism and irregular migration flows had emerged and, consequently, the deadlines for the temporary reintroduction of border controls were prolonged while ensuring stricter procedural safeguards and evaluation (European Commission 2017). Even these prolongations proved to be insufficient, as the internal reimpositions were still ongoing in 2020 when they were ‘overshadowed’ by the COVID pandemic.⁴⁶ It is striking how easily they have been accepted, despite their problematic nature. First of all, the preamble of the SBC explicitly states that migration *per se* should not (notice the conditional) be the only reason for reimpositions. Despite this fact, MS that reimposed controls as well as the EC claim that the justification was in line with the *Acquis*, since it included threats to public security (cf. Votoupalová 2018b). The EC even claimed it did not receive ‘any complaints from citizens about the way border controls are carried out in practice’ (European Commission 2015a: 8). Apart from the actual reimpositions, quite a few other MS, such as Hungary, Slovakia and Finland, considered them but did not implement them in the end (Kaminski 2015; Majerský 2016). Overall, the reimpositions seem to be perceived as an exceptional and non-violent measure to remedy the insufficient functioning of Schengen, as opposed to excluding Greece from Schengen or the Dutch proposal of a mini-Schengen consisting only of ‘reliable’ countries (Guild et al. 2015). The fact that these measures were not adopted demonstrates that MS try to follow the rules and EC recommendations, albeit stretching them to their limits.

Despite the amendment of the rules to reimpose internal controls, the external borders remained the crux of discussions. Indeed, restoring efficient external border controls was presented as a way to securing the Schengen Area as such. As Commissioner Avramopoulos said, ‘we can only have a well-functioning Schengen area of free movement if we have secure external borders’.⁴⁷ The idea is clearly to go ‘back to Schengen’ (European Commission 2016: 1), to ‘save Schengen by applying Schengen’⁴⁸ and to ‘restore normality’,⁴⁹ i.e. the EU does not strive for a major reform, as in the case of the Dublin regulation. The *topos* of rules plays an important role, as it is demanded that all MS follow them. It is the only way to protect Schengen, which is presented as ‘a unique symbol of European integration’⁵⁰ or as ‘one of the most cherished achievements of European integration’ (shorturl.at/bGUX7, 17 November, 2020). Similarly to EU representatives, and regardless of the political nature and differing interests of their respective governments, all MS seemed to agree on the need to preserve Schengen as well (cf. Votoupalová 2018b). As Merkel

⁴⁶ https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control_en (17 November, 2020).

⁴⁷ https://ec.europa.eu/commission/presscorner/detail/hr/IP_16_211 (17 November, 2020).

⁴⁸ https://ec.europa.eu/commission/presscorner/detail/hr/IP_16_211 (17 November, 2020).

⁴⁹ https://ec.europa.eu/commission/presscorner/detail/en/IP_16_1723 (17 November, 2020).

⁵⁰ https://ec.europa.eu/commission/presscorner/detail/cs/STATEMENT_15_5638 (17 November, 2020).



said, ‘everything must be done to keep Schengen alive’.⁵¹ Also Eurosceptic politicians, such as the Austrian minister Johanna Mikl-Leitner, who warned of the collapse of Schengen, have acknowledged that it must be saved (Kurier.at 2015). The traditionally EU-sceptic Visegrad Four countries even proposed their own initiative, called Friends of Schengen. Albeit short-lived, it symbolised their positive stance towards keeping Schengen alive.⁵² This is not to say that the pro-Schengen stance was omnipresent, as there was much scepticism, particularly among Eurosceptic and populist parties in the European Parliament (EP), e.g. represented by the ENF.⁵³ However, the pro-Schengen stance was certainly prevalent.

The appraisal of Schengen is closely connected to the final argumentation strategy that was identified, i.e. the *topos* of blame. While problems within the Schengen Area and particularly at its external borders were acknowledged by the EU, external factors were blamed for them, not Schengen as such. As Avramopoulos said, ‘let me say that Schengen is not the problem’.⁵⁴ In particular, the ‘refugee crisis’; the terrorist threat; shortcomings in the asylum system, including a lack of political will; solidarity and responsibility sharing; the Dublin Regulation, and the management of the external borders are seen as the roots of the current crisis. However, Schengen is seen rather as ‘part of the solution and not part of the problem’ (European Parliament 2018). This is also supported by European leaders. According to Merkel, ‘only if there is a reform of Dublin will we be able to preserve Schengen permanently’.⁵⁵

Moving from argumentation strategies towards social actors, the EU and MS are clearly foregrounded. All MS are perceived as a whole, with the exception of Greece, which is explicitly blamed for having a negative impact on other countries by not protecting its borders sufficiently. However, it is simultaneously stated that Greece must be actively supported. ‘This [protecting external borders] is primarily the responsibility of Greece, but ultimately of the entire Union. Greece’s external borders are also the external borders of each member of the Schengen area’.⁵⁶ Contrarily, the MS that reintroduced border controls are not named but rather implicitly represented by the reimpositions themselves, which makes them more passive receivers of the situation than active actors.

It follows from the analysis that the interstate dimension of solidarity clearly prevails (see Table 2 above). Also, solidarity between the EU and MS is mentioned frequently. The other meanings of solidarity are not as present. Solidarity towards EU citizens is expressed in the goal of improving external controls, which are supposed

⁵¹ <https://www.bundeskanzlerin.de/Content/DE/Artikel/2016/01/2016-01-07-besuch-rumaenischer-minis-terpraesident.html> (10 July, 2017).

⁵² <http://www.visegradgroup.eu/calendar/2015/joint-statement-of-the-151204> (23 July, 2016); <http://www.visegradgroup.eu/calendar/2016> (23 July, 2016).

⁵³ [https://www.europarl.europa.eu/RegData/seance_pleniere/compte_rendu/provisoire/2016/05-11/P8_CRE-PROV\(2016\)05-11_XL.pdf](https://www.europarl.europa.eu/RegData/seance_pleniere/compte_rendu/provisoire/2016/05-11/P8_CRE-PROV(2016)05-11_XL.pdf), pp. 277–95 (17 November, 2020).

⁵⁴ https://ec.europa.eu/commission/presscorner/detail/fr/SPEECH_16_1064 (17 November, 2020).

⁵⁵ <https://www.bundeskanzlerin.de/Content/DE/Regierungserklaerung/2016/2016-03-17-regierungserklaerung.html> (10 July, 2017).

⁵⁶ https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_1628 (17 November, 2020).



to improve their security.⁵⁷ In line with what was written above, the rights of EU citizens are emphasised particularly in the reports developed by the EP, such as in ‘maintaining internal border controls in the Union or reintroducing such controls in the Schengen area has a serious impact on the lives of European citizens and all those who benefit from the principle of free movement within the EU’ (European Parliament 2018: 4). Solidarity towards third countries and TCNs is expressed even more rarely and mostly in the broader context of migration policies, as in the speech by Avramopoulos: ‘we all have a responsibility towards our citizens, towards our fellow Member States, towards our neighbouring partner countries, but also towards those vulnerable people seeking protection’.⁵⁸ Only exceptionally, albeit in line with the SBC, the president of the EP, Martin Schulz, emphasised the need to manage external borders not only effectively but also humanely.⁵⁹ Otherwise, the political discourse on solidarity within Schengen seems to be in line with the Schengen *Acquis*, both in terms of identified *topoi*, types of solidarity and main actors, which problematises how research literature presents solidarity in Schengen (see Fig. 1).⁶⁰

If the analysed timeframe is contrasted with later developments, a compliance can be determined. Solidarity is also mentioned as a cornerstone of cooperation in the New Pact on Migration and Asylum, which sets a shared protection of external borders supported by Frontex as a priority. Internal reimpositions are presented as a last resort mechanism, while alternative measures such as police controls are preferred (European Commission 2020). These points are further developed in the detailed strategy on the future of Schengen (European Commission 2021). Solidarity regarding sharing asylum seekers is linked explicitly to irregular arrivals and hence to security at external borders, which will ensure a functioning Schengen. Internal reimpositions are deemed as undesirable and preferably to be compensated by alternative measures, but, essentially, internal controls are accepted as an instrument to ensure security within MS if necessary (aptly, the whole section’s title includes the notion ‘compensatory measures’ and does not speak about abolishing internal reimpositions). Contrarily to the EC, the LIBE committee continues to condemn reimpositions openly as undermining the very principles of Schengen (European Parliament 2021). Despite this, both institutions agree on the resilience of Schengen. As Commissioner Schinas put it, ‘only targeted measures are needed, since Schengen works properly’ (Etiavisa.com 2021). Overall, the main argumentation strategies remain the same as in the period analysed above, with potentially more emphasis being put towards protecting human rights. In practice, however, the focus on security at external borders prevails unequivocally, as demonstrated by the initiative to

⁵⁷ https://ec.europa.eu/commission/presscorner/detail/en/IP_15_6327 (17 November, 2020).

⁵⁸ <https://www.statewatch.org/media/documents/news/2016/jan/eu-com-dg-home-com-speech-jha-informal.pdf> (17 November, 2020).

⁵⁹ <http://www.europarl.europa.eu/news/en/news-room/20151015STO97855/schulz-on-refugees-%E2%80%9CEuropean-solidarity-is-about-sharing-responsibilities%E2%80%9D> (17 November, 2020).

⁶⁰ However, it supports the claims about the ongoing securitisation processes in the EU, including migration and refugee management (cf. Huysmans 2000; Kostakopoulou 2000; Lazaridis and Khurshed 2015; Moreno-Lax 2017; Siegel and Nagy 2018; Bello 2020).



enhance external border security, presented by French President Macron,⁶¹ and by the pushbacks of refugees from Greece to Turkey.⁶²

Conclusion: solidarity, but what does it mean, really?

In light of the recent problems within Schengen, emerging from the ‘refugee crisis’ and causing debates about its potential end as well as the scholarly criticism of the lack of solidarity, the analysis above attempted to find out what role solidarity actually plays within the Schengen Area. It argues that the emphasis on solidarity as a necessary precondition for the resilience of Schengen, as identified in scholarly discourse, is over-simplified and a more nuanced analysis of solidarity is needed in order to understand why Schengen has survived despite its criticism. In particular, it is evident that both Schengen legislation and political discourse link solidarity rather to external border controls than to free movement. The meaning of solidarity is predominantly interstate, with the EU playing an important role too. Other kinds of solidarity (towards EU citizens, third countries and TCNs) are expressed only rarely, which supports the understanding of Schengen as an exclusive club in which security has the upper hand. Indeed, whereas the room for discretion pertaining to internal controls seems to be significant, efficient external border controls are presented as necessary for Schengen’s survival, often to the detriment of human rights, e.g. as documented by the current developments in Greece. In practice, ‘solidarity plus’ (Tsourdi 2017) is essentially neglected.

In line with this, the issue of ‘compulsory solidarity’ seems to apply to Schengen (Hobbing 2010). Indeed, solidarity within Schengen seems to be rather pragmatic in its nature, which is in compliance both with Schengen and EU *Acquis*, and with general legal theory (Hilpold 2015). It is perhaps even more pragmatic than the legislation suggests. Despite solidarity being inherently linked to MS and their citizens’ security, and expressed towards those perceived as ‘us’, if problems occur within the Schengen Area, MS do not hesitate to restrict interstate solidarity. This even includes towards other MS (as in the case of internal reimpositions, which are often presented as a legitimate means to ensure security rather than an impediment to borderless movement). Hence, the metaphor of fortress Europe and gated community (Siebold 2017) does not encompass the whole nature of Schengen and it cannot be said that solidarity is always the likelier the closer the respective subjects are to each other, as interests seem to prevail (Hilpold 2015). Nevertheless, this does not necessarily lead to selfishness. As this analysis has shown, even a pragmatic approach can promote shared competences with other MS and the EU, as the *topoi* of rules

⁶¹ Cf. Etiasvisa.com (2021).

⁶² After Turkey had opened its borders for refugees going to Europe in February 2020, Greece was accused of returning many of these refugees back to Turkey which was criticised by e.g. Amnesty International and UNHCR as a violation of humanitarian and refugee legislation (Amnesty International 2021). Despite this, Greece was appreciated by the EU representatives as a shield protecting the EU from incoming refugees. Only later, the EC added that securing external borders is not incompatible with protecting human rights (Amnesty International 2020; DW.com 2020).



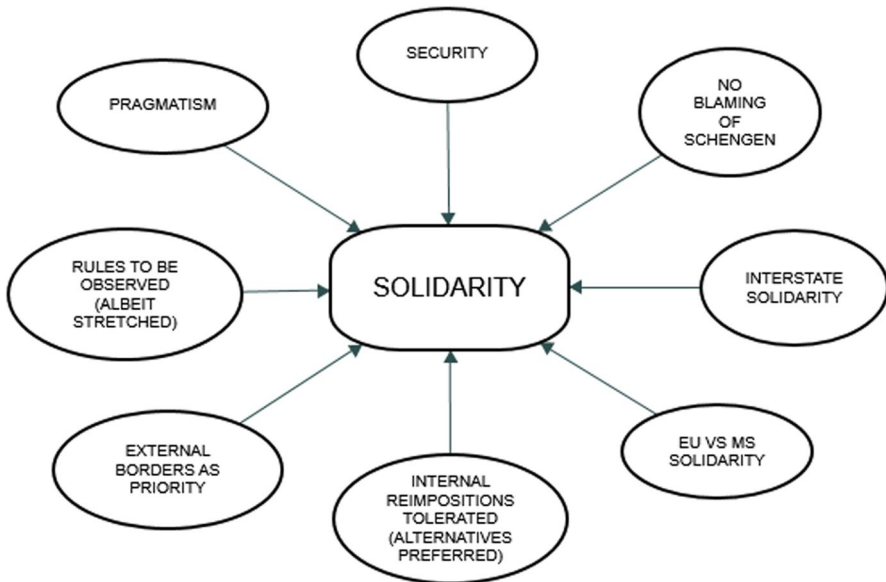


Fig. 1 Main aspects of solidarity in political discourse on Schengen

and collective action are prominent as well. The role of the EC has been systematically enhanced recently and the thesis that the internal dimension of Schengen is supranationally governed, whereas external borders are done so intergovernmentally (Niemann and Speyer 2018) seems not to hold true. To the contrary, the flexibility of interstate measures within Schengen is generally accepted both by the EC and MS, whereas insufficient external border controls are balanced by more EU intervention and most MS do not mind being backgrounded.

To sum up, this study contributes to the current research by arguing that Schengen is here to stay as long as its security is protected. It is not sufficient to ask whether there is a lack of solidarity but rather what solidarity means, as it is not a straightforward concept. Within Schengen, despite the perception of solidarity not being completely constant in time, the gist remains the same – solidarity pertains to external rather than internal borders. To follow up on the title of this article, Schengen does not seem to be a fair-weather project, despite all reimpositions. Indeed, the analysis suggests that Schengen will remain resilient, as there is a general consensus that security must be ensured as a priority, and that Schengen is not to be blamed for its problems and must be protected. This is also stated in the New Pact on Migration and Asylum and in the strategy on the future of Schengen and will likely suppress the scepticism surrounding the COVID pandemic. The question is who will profit from Schengen staying alive, as solidarity seems to be specifically targeted at MS and their security, rather than being humanely oriented.

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