

3 Conditionality for readmission cooperation

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Increasing the returns of migrants without a legal right to remain is gaining prominence as an EU political priority. In particular, there is a growing emphasis on the use of conditionality to secure other countries' cooperation in readmitting migrants. In the first section, this chapter provides an overview of this trend and the factors explaining non-EU countries' hesitation to cooperate with the EU on readmission

absent sufficient incentives. The next section discusses the effectiveness of conditionality and obstacles that need to be navigated in its implementation. Finally, the third section highlights the shift within the EU toward a more restrictive use of conditionality for readmission cooperation, also referred to as 'less for less' rather than 'more for more,' which risks multiplying the complications of an already sensitive policy area.

3.1 Increasing calls for conditionality

As outlined in the previous chapter, a growing number of EU initiatives aimed at increasing returns emphasize the use of conditionality. Accordingly, cooperation in areas of common interest to the EU and non-EU countries—such as capacity building, legal migration pathways, visas, development assistance, refugee resettlement, and trade—is increasingly viewed as leverage to secure readmission cooperation.

The EU has repeatedly called for using “all leverage and incentives at its disposal” to secure migration partnerships with non-EU countries.²⁵ This approach also became a core tenet of the EUTF established in 2015 and the 2016 Partnership Framework (Cortinovis and Conte 2018). Under these frameworks, funds and projects were allocated to states as a function of their cooperation with the EU on migration-management objectives, including readmission, and their success was often measured based on their impact on migration flows. At the same time, the Commission has

made repeated calls to identify incentives to enhance readmission cooperation by non-EU countries.²⁶ It often negotiates readmission agreements and visa facilitation agreements simultaneously to make partnerships on the former more attractive.

Calls to expand the conditionality approach have continued to grow in prevalence recently. The mission letter sent to Jutta Urpilainen, Commissioner for International Partnerships, for example, reflects the precedence that migration will enjoy over other policy areas in her portfolio:²⁷ “You should support efforts to reach comprehensive partnerships with countries of migration origin and transit, bringing together all instruments, tools and leverage. You should therefore be ready to adapt bilateral funding to achieve our objectives on migration management.”

This trend is also clear in legislative developments. Most significantly, the revised Visa Code, which entered into force in February 2020, will enable the introduction of visa restrictions or facilitation as a func-

²⁵ European Commission, “A European Agenda on Migration,” Brussels (2015, 10), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.

²⁶ European Commission, “Fifth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration,” Brussels (2017, 2), https://eeas.europa.eu/sites/eeas/files/20170906_fifth_progress_report_on_the_partnership_framework_with_third_countries_under_the_eam_en_0.pdf.

²⁷ European Commission, “Mission Letter to Jutta Urpilainen, Commissioner-designate for International Partnerships,” Brussels (2019, 5), https://ec.europa.eu/commission/sites/beta-political/files/mission-letter-jutta-urpilainen_en.pdf.

tion of a country's readmission cooperation, affecting factors like visa processing times and fees. This new legislation followed and formalized the legal basis for the "informal visa leverage mechanism," which had been established by Coreper²⁸ in 2017 but never used in practice.²⁹ The assessments of a country's cooperation will consider such factors as the number of return decisions and actual returns to that country, assistance in identification of nationals, member state reports of cooperation, or the signing of a readmission agreement. The precise benchmarks for what will be considered "sufficient" cooperation, and how this will be reliably quantified, remain unclear.

Member states have signaled their intention to broaden this approach to other policy areas. For example, conditionality has featured significantly in negotiations over the future of EU external funding in the next Multiannual Financial Framework (MFF) for 2021–27. Several member states have called for development assistance under the Neighbourhood, Development and International Cooperation Instrument to be subject to annual reviews of non-EU countries' performance on migration management, including readmission, as is the case for visas (ECRE 2020, 2). In addition, in late 2019 a non-paper submitted by Greece and a leaked discussion paper by the Finnish Presidency of the Council both proposed a robust use of leverage beyond the Visa Code, for instance by linking trade, development aid, and the creation of legal pathways to readmission cooperation (ANA-MPA 2019).³⁰ These positions appear to have the support of a majority of member states. Conditionality will therefore likely play a significant role in this legislative cycle.

The high costs of readmission

The EU's resort to creating incentives for readmission is based on the recognition that readmission is a fundamentally asymmetrical policy objective, with non-EU countries bearing the brunt of the reciprocal obligation to take individuals back. Cooperating on readmission is often not in non-EU countries' interests for multiple reasons, as discussed further in chapter 4. It can be costly due to the structural and institutional reforms needed to implement the agreement or

the socioeconomic reintegration of returnees. It also undermines migration's function as a safety valve to relieve pressure on local economies and, crucially, as an important long-term source of income through remittances (Cassarino 2010, 33; Carrera et al. 2016, 6).

Furthermore, readmitting one's own nationals can have high political costs and damage the state's relations with its citizens. In some cases, large-scale returns can pose risks for a country's political stability. A public backlash led Mali, for example, to withdraw from an agreement with the EU in 2016 (AFP 2016). Other countries, such as Bangladesh and Afghanistan, have repeatedly refused to sign formal readmission agreements with the EU yet agreed to informal arrangements, which reduce the publicity around the cooperation.

Despite this, states vary in their willingness to cooperate in different cases. In particular, countries have been reluctant to cooperate on readmitting nationals of other states. As a rule, EU agreements expect non-EU countries to accept non-nationals, such as citizens of neighboring states that are unsafe or unwilling to readmit them, as well as their own nationals. This is unpopular in non-EU countries since it may compromise their relations with those returnees' countries of origin, and since there is no guarantee that the latter would eventually take them back. For transit countries, which may receive arrivals from multiple directions at once, this can generate fears of considerable economic burdens. EU member states' insistence on this clause blocked progress on readmission agreements with Tunisia and Morocco, among others (Carrera et al. 2016, 6; Abderrahim 2019, 17–19).

In addition, non-EU countries are more resistant to cooperation on forced returns of their own nationals. Voluntary returns do not carry the same negative public perception domestically, and so are rarely problematic. Iraq, the African Union, and several West African states have stressed the difficulty of cooperation on forced returns and called for voluntary returns to be given more attention in negotiations (Bowcott 2012; Barbière 2017; Zanker et al. 2019). Voluntary departures are around 50 percent of all returns from the EU currently; despite this, they are increasingly deprioritized in EU policy compared with forced returns (Sundberg Diez 2019, 15).

²⁸ The Committee of the Permanent Representatives of the Governments of the Member States to the EU.

²⁹ European Commission, "Impact Assessment Accompanying the Document, Proposal for a Regulation of the European Parliament and of the Council Amending Regulation (EC) No. 810/2009 Establishing a Community Code on Visas (Visa Code)," Brussels (2018, 23), https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_7173_2018_ADD_2&from=DE.

³⁰ See also Council of the European Union, "Policies and Tools to Enhance Readmission Cooperation," (2019).

3.2 Is conditionality an effective response?

The effectiveness of conditionality in securing readmission cooperation in the past is unclear. The Commission's impact assessment of the revised Visa Code itself states that "there is no hard evidence on how visa leverage can translate into better cooperation of third countries on readmission" besides limited "anecdotal experience."³¹ The case studies are Bangladesh and Cote d'Ivoire: visa restrictions were reportedly instrumental in reaching readmission arrangements in September 2017 and July 2018 respectively.³² However, the return rate has not increased in either case since then; in fact, it has fallen. While this could be due to a wide range of factors, it does not facilitate extrapolation about the success of conditionality elsewhere.

A mechanism similar to the one contemplated in the Visa Code reform has been employed in the Western Balkans since 2016, enabling visa-free travel to be suspended if countries do not cooperate on returns, among other benchmarks. The Western Balkans have had return rates from the EU of over 100 percent in recent years, although these have fallen recently.³³ That being stated, the Western Balkans are unique in their geographical proximity to the EU, the intensity of cooperation in other areas, and the prospects of significant positive rewards in the long term, namely EU accession. Scholars have persistently pointed out that such factors make countries more likely to cooperate on readmission (Cassarino 2010, 32). Close relations and incentives of this magnitude cannot easily be made available elsewhere. In negotiations with Morocco and Tunisia, for example, the visa liberalization incentives on offer were not considered significant enough. As such, negotiations remain stalled.

Considerations on implementing conditionality

In practice, the implementation of conditionality is not straightforward, and several factors will need to be taken into account as this Commission develops its approach to readmission cooperation.

First, the incentives on offer must be significant in order to have a real impact on non-EU countries' willingness to cooperate. They must also be visible, so as to allow them to claim some political wins from negotiations with the EU. As noted above, readmission cooperation can be very difficult for non-EU countries to justify domestically and is rarely economically advantageous to them. The hostile reception in Mali of a readmission agreement with the EU in 2016, for example, was enough to lead to its withdrawal, despite it being linked to €145 million in project support (Collett and Ahad 2017, 17). If the EU is serious about readmission, it will have to scale up its offers.

Second, the incentives will need to be credible. To begin with, the EU has repeatedly been guilty of promising more than it can deliver. Member states may be unwilling to commit resettlement spots or labor migration opportunities, which fall within their powers, or to subsidize visa fees. Despite this, the EU has repeatedly overstated these possibilities to non-EU countries in an attempt to offer incentives for cooperation on migration management. For example, references to promoting legal migration and mobility have regularly featured in EU statements and meetings with partner countries. Legal migration was one of the five pillars of the European Agenda on Migration and the Valletta Action Plan in 2015, and was emphasized in the context of the 2017 EU-Africa summit (Reuters 2017). This rhetoric has not translated into practice: no serious or concrete opportunities for labor mobility have been offered by member states, and less than 1.5 percent of the EUTF budget has been directed toward regular migration channels. African actors have repeatedly voiced their dissatisfaction with the number, duration, and accessibility of legal migration pathways available as a result (Ndiaye 2020).

The same can be said for the EU's threats. Although member states generally agree on the need to increase the return rate, they have proven hesitant in the past to compromise their bilateral relationships with non-EU countries by applying conditionality (Collett and Ahad 2017, 28). Securing agreement in the Council on

³¹ European Commission, "Impact Assessment, Establishing a Community Code on Visas (Visa Code)," (2018, 31).

³² Council of the European Union, "Policies and Tools to Enhance Readmission Cooperation," (2019, 6).

³³ European Commission, "Second Report under the Visa Suspension Mechanism," Brussels (2018), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20181219_com-2018-856-report_en.pdf.

the response to a specific country may be difficult, not least when negative conditionality is concerned. The failure to deliver on its rhetoric, in either direction, can impact the EU's credibility and countries' responses to conditionality.

Third, the EU's prospective use of conditionality may be complicated by the fact that it is generally losing leverage with key countries of origin and transit, especially in Africa. Conditionality is only likely to be effective as long as Europe is the only or the most important player in the region (*ibid.*, 28). With rapidly increasing Chinese, Russian, and Middle Eastern investment and influence in Africa, such as the first Russia-Africa summit held last year, this is no longer the case. In the meantime, regional integration within Africa is playing a larger role. Morocco, for example, has prioritized moving closer to the African Union and the Economic Community of West African States (ECOWAS) over strengthening ties with the EU (Guild 2019, 56).

These shifts in non-EU countries' priorities have several implications for the EU. Policies that negatively affect regional cooperation or integration, such as border controls or the establishment of readmission networks within the region, may encounter more resistance than in the past. Furthermore, positive incentives offered to non-EU countries to cooperate may need to become more substantial going forward, as they compete with other regions' investments that are not tied to similar conditions. Restrictive uses of conditionality, such as the removal of existing aid or visas, may become less effective as the costs for non-EU countries of dropping out of the EU framework decrease. In short, the EU's negotiating position is becoming weaker.

Fourth, developing a coherent approach to the EU's multiple partners also poses challenges. On the one hand, a one-size-fits-all approach is certainly not practical: various forms of leverage will have different impacts on different countries, as a function of their domestic priorities. Visa restrictions are bound to be more effective on Algeria or Morocco (which requested 713,255 and 662,585 Schengen visas, respectively, in 2018) than on Guinea or Afghanistan (13,487 and 1,350, respectively).³⁴ Correctly identifying each partner's interests will require close and regular dialogue.

On the other hand, creating tailored packages for partner countries can itself pose problems. The discrepancies between what one country and another

receives can raise questions about the credibility of partnerships with the EU (*ibid.*). If two countries with comparable readmission rates receive divergent visa fees or only one has access to legal pathways, if necessary to influence greater readmission efforts, that may complicate relations with non-EU countries or empower them to demand larger concessions. Countries are likely to be hesitant to follow the EU's lead on conditionality if they do not perceive it to be fair or reliable. As such, these complex trade-offs need to be navigated carefully.

Finally, it must be noted that, even at its most effective, conditionality for readmission cooperation will only have a limited impact on the overall rate of effective return. As highlighted in the previous section, the factors limiting returns from the EU are extensive, including migrants' lack of cooperation, member states' practical difficulties, and people who cannot be returned due to international law constraints, besides the widely acknowledged unreliable elements in member states' return figures. If conditionality approaches successfully and considerably increase non-EU countries' willingness to cooperate on readmission, there is still a ceiling on how much this may increase return numbers.

Given this, readmission is best regarded as a long-term policy objective and as part of a broader strategy for cooperation with non-EU countries, rather than a particularly urgent, immediate, or self-standing policy priority. In addition to the factors listed above, therefore, the use of conditionality should take into consideration its impact on broader EU policy goals. Two examples of its potential implications beyond return rates are outlined below.

Impact on broader EU objectives

Employing conditionality for readmission cooperation may also have unintended consequences for other policy areas. Two relevant implications, for relations with non-EU countries and for other related policy fields, merit discussion.

The EU has a stated interest in building sustainable partnerships with non-EU countries. As such, officials have consistently stressed that relations with Africa should be "a true partnership of equals," between "equal partners with mutual interests," and "a partnership that works on the basis of reciprocal commitments."³⁵ This is a critical juncture for the EU's future

³⁴ European Commission, "Visa Statistics for Consulates, 2018," Brussels (2019), https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats.

³⁵ European External Action Service, "The European Union and African Union—Key Partners," Brussels (2019), https://www.africa-eu-partnership.org/sites/default/files/documents/factsheet_eu_au-21-1-2019.pdf; see also Ursula von der Leyen, "Remarks by President von der Leyen at the Joint Press Statement with Moussa Faki, Chairperson of the African Union Commission," Addis Ababa (2019), https://ec.europa.eu/commission/presscorner/detail/en/speech_19_6697.

relationship with Africa, among others through the new, comprehensive EU-Africa Strategy and the ongoing negotiations for the future of the new Cotonou Agreement (or Africa-Caribbean-Pacific/EU Partnership) beyond December 2020.³⁶ EU officials have reiterated throughout that these strategies must be “not about Africa, but ... for Africa together with Africa.”³⁷

Yet, the use of conditionality for readmission clashes with this rhetoric. Non-EU countries, especially in Africa, have long been frustrated with the EU’s approach to cooperation and its imposition of the migration agenda over their own priorities. In 2018 and 2019, European proposals to establish disembarkation platforms for the external processing of asylum claims in North African states were met with firm opposition, as the African Union underscored that they would undermine the fundamental rights of African citizens (Boffey 2019). Several African academics have outlined concerns about the dynamics of partnerships with Europe, and the impact that the prevalence given to migration management has had on other issues of interest, such as legal pathways, remittances, and development projects (Ndiaye 2020; Thiombiano 2020; Songa 2020). African diplomats have reported feeling pressured and undermined by the EU’s use of conditionality (Raty and Shilhav 2020, 10). For example, time and again objections have been raised about the lack of African ownership or influence over EUTF objectives, projects, or the implementation thereof.

As outlined in earlier sections, readmission is a controversial policy area within non-EU countries, in part due to the perception that domestic interests are being made subsidiary to the European agenda (Mouthaan 2019). The continued use of conditionality, through which policies that non-EU countries value are contingent on readmission (which is highly contentious domestically), is likely to undermine EU attempts to form sustainable partnerships. The effects go beyond immediate readmission cooperation: conditionality approaches may add unnecessary friction and mistrust to relations with non-EU countries in the long term and across policy objectives.

A further implication of conditionality relates to the efficacy of broader EU policy objectives. In those policy areas that are made subsidiary to migration management, the most effective actions will have to be compromised to incentivize progress on migration management objectives. In certain cases, policies that are made conditional on readmission cooperation may consequently not be implemented at all, despite hav-

ing been in the EU’s interest to begin with. This may impact a wide range of policy areas, such as effective development aid, the economic benefits of trade, tourism and labor migration, or the promotion of human rights and good governance.

In the past, critiques have centered on efforts to make development aid or resettlement conditional on migration management.³⁸ In the context of the EUTF, funds designated as development aid have repeatedly been allocated and evaluated according to migration-management objectives (Raty and Shilhav 2020, 14, 21). As such, migration management appears to be overtaking poverty reduction as the primary objective of development aid, in contradiction of core principles about the purpose of development assistance under the Treaty on the Functioning of the European Union.³⁹ Similarly, the Commission’s proposal for a Union resettlement framework, which is still pending negotiations, seeks to make resettlement commitments contingent on non-EU countries’ cooperation with the EU on migration management, including on readmission. This undermines resettlement’s primary purpose as a humanitarian tool to assist particularly vulnerable individuals (Bamberg 2018, 10).

Most importantly, the shift in function of the funds entails that they are diverted away from where they are most effective. For example, there are recurring instances of the EUTF directing development assistance to favor countries of origin or transit, which have greater migration relevance for the EU (Cortinovis and Conte 2018, 8). This has shifted support away from poorer countries or those with the most pressing needs, which often do not produce substantial numbers of migrants. Whether aid is actually effectively employed becomes a secondary consideration. This has reverberations at the local level. NGOs and agencies operating in non-EU countries have reported being required to adjust their focus, for example, by relocating their headquarters to areas that are less in need, or by concentrating on young men, who are deemed more likely to migrate, rather than on women or other highly vulnerable demographics (CONCORD 2018, 27). These concerns have been echoed for resettlement. If resettlement places are primarily offered to countries that cooperate closely with the EU and have the most developed migration-management systems, they will leave regional resettlement blind spots. The countries with the least ability to support refugees will receive less assistance through offers to host those refugees (Bamberg 2018, 11).

³⁶ European Commission, “New Africa-Caribbean-Pacific/EU Partnership: Moving Forward towards a New Partnership Fit for the Future,” Brussels (2020), https://ec.europa.eu/commission/presscorner/detail/en/IP_20_248.

³⁷ Josep Borrell, “Foreign Affairs Council: Remarks by High Representative/Vice-President Josep Borrell at the Press Conference,” Brussels (2020), https://eeas.europa.eu/headquarters/headquarters-homepage/74772/foreign-affairs-council-remarks-high-representativevice-president-josep-borrell-press_en.

³⁸ European Parliament, “Revision of the European Consensus on Development” (2017).

³⁹ See Article 208, Treaty on the Functioning of the European Union, OJ C 115/47 (9.5.2008), <https://www.refworld.org/docid/4b17a07e2.html>.

Finally, the policy choice of using migration-related conditionality entails a corresponding loss of EU influence in other areas. Employing two forms of conditionality simultaneously would render them ineffective: one of the two objectives must take priority over the other for the use of leverage to be credible and impactful. As such, the EU cannot effectively pursue both migration-related conditionality and human rights conditionality. The EU has faced justified criticism for financially supporting regimes that commit systematic human rights abuses, due to their relevance for migration-management objectives, such as

Libya, Sudan, and Eritrea. If migration conditionality continues to gain prominence in EU relations with non-EU countries, its credibility and financial leverage when demanding states' respect for human rights, good governance, or international law will continue to suffer (Strik 2017). This is not only important in isolation but can, in the long term, also have implications for migration flows into Europe. Addressing human rights and governance conditions in non-EU countries are key to improving migrants' vulnerabilities and tackling the causes of displacement in the long term (Chetail 2019, 46).

3.3 Current and future EU policy: A shift toward 'less for less'?

As the previous section shows, employing conditionality for readmission cooperation is, in general, a difficult policy area, and one that can have wide implications beyond the number of returns from Europe. Nevertheless, recent EU policy initiatives risk adding a further layer of complexity, by increasingly resorting to negative (less for less) conditionality.

A distinction should be drawn here between 'positive' (more for more) and 'negative' (less for less) conditionality. Whereas positive conditionality involves rewarding states for cooperative behavior, negative conditionality implies the use of sanctions or reduced benefits compared with the status quo before conditionality was applied. Both modes of conditionality are interlinked, in that positive rewards may later be withdrawn if conditions are not met so as to become negative. There is a distinction, however, regarding whether non-EU countries are presented with benefits or restrictions compared with the reference point before conditionality was implemented. The way conditionality is framed and perceived is important.

Recent initiatives on readmission cooperation at the EU level seem to pave the way for an increasingly punitive use of conditionality, focused on less for less. In

the past, positive incentives have been favored in readmission negotiations with non-EU countries, such as by negotiating visa liberalization, capacity building, or new development projects concurrently. By contrast, policy tools like the revised Visa Code emphasize the threat of withdrawing current benefits or weakening the EU's existing relationships with partner countries unless they increase their cooperation.

This punitive shift is clear from EU documents describing its new policy tools. For example, the Commission underscored and praised the fact that the Visa Code will allow the introduction of a new "possibility to adopt restrictive visa measures."⁴⁰ More generally, the Finnish Council Presidency has highlighted the need for procedures to address "situations in which a third country systematically refuses to cooperate" on readmission.⁴¹

The tendency toward less-for-less conditionality is due, in part, to member states' frustration about persistently low return numbers. At the same time, it reflects a general unwillingness to offer significant enough benefits so as to sway non-EU countries' positions. Negative conditionality typically involves asking less from member states, whether it be further development aid, legal pathways, resettlement com-

⁴⁰ European Commission, "Progress Report on the Implementation of the European Agenda on Migration," Brussels (2019, 16), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20191016_com-2019-481-report_en.pdf.

⁴¹ Council of the European Union, "Policies and Tools to Enhance Readmission Cooperation," (2019, 3).

mitments, or reduced visa fees. While it may ease political consensus building at the EU level, this shift poses additional complications.

Complications of negative conditionality

Negative conditionality is likely to have an especially adverse impact on relations with non-EU countries. When readmission negotiations are framed around the EU's withdrawal of existing cooperation or benefits, or the threat to do so, they are bound to be interpreted as a unilateral threat or ultimatum in non-EU countries. These negotiations cannot be presented domestically as an agreement reached by both countries in a spirit of partnership.

Under negative conditionality, governments that choose to increase their efforts on returns may receive no additional support in exchange. As such, they will be unable to claim wins and present the benefits of cooperation domestically, such as new legal pathways or visa facilitation regimes (Collett and Ahad 2017, 26). This may unnecessarily limit non-EU countries' room for maneuver domestically to cooperate on readmission and inadvertently bolster a public backlash against it. More broadly, it may compromise ongoing efforts to establish comprehensive partnerships with countries of origin and transit. Given the increasing presence and leverage of non-EU actors in the region, the risk that countries opt out of EU frameworks entirely should not be dismissed either.

Moreover, this approach risks leading to a vicious cycle of less for less. Removing development resources or resettlement places—for example, from countries that cooperate less on readmission—is likely to contribute to the pressure on their asylum systems. It can have the pernicious effect of limiting non-EU countries' capacity to improve their asylum and reception systems, and the resources they can direct toward reintegrating returnees. This in turn renders them less able to increase their cooperation on readmission, which may force the EU to reduce support further, while public perceptions of readmission in non-EU countries continue to worsen.

Conditionality approaches to readmission should be sensitive to how dynamics in non-EU countries can make EU pressure counterproductive. Given the multiple reasons for states' hesitation to readmit their own or other nationals, and the EU's decreasing leverage over key countries of origin and transit in Africa, the incentives offered would have to be significant.

Whereas the current EU approach relies increasingly on punitive measures and negative conditionality, offering non-EU countries benefits they would not have received in the status quo is less likely to cause

tension and will allow them to claim successes domestically. As such, if the EU is to employ conditionality, more-for-more conditionality should be favored. These positive incentives should be determined in close conversation with non-EU countries, and would likely include visa facilitation and legal pathways to the EU. The potential negative implications of conditionality on the effectiveness of other policy areas also merits consideration, and should be weighed against the likely realistic impact on return rates. Making development aid or resettlement conditional on readmission cooperation, for example, may have an excessive negative effect on those policy objectives without having a logical link to readmission. Conditionality on these terms is therefore likely to be highly problematic.

The incentives on offer should also be credible, visible, and fully implemented. Partner countries have often perceived the EU as making commitments that it could not keep. False expectations and the promise of incentives that never materialize also compromise bilateral relationships. Commitments must be realistic and backed up. For example, legal pathways, if used as leverage, must be more realistic and visible than they have been in the past. Member states have different labor market needs and have opposed initiatives to harmonize labor migration, as was made clear from the negotiations on the Blue Card Directive (Groenendijk 2019, 69). That notwithstanding, creating visible and viable alternatives to irregular migration is still in EU member states' interests. In the absence of harmonization, EU institutions should encourage and secure commitments from member states as to what concessions they are prepared to make, before offering such incentives to non-EU countries.

Other aspects of readmission cooperation face substantially less resistance from non-EU countries, and prioritizing these could contribute to increasing the rate of return without compromising partnerships or broader objectives. For example, clauses that expect non-EU countries to readmit other countries' nationals have limited value and cause disproportionate friction in negotiations. These could be revised. Similarly, member states could continue efforts to increase the number of voluntary rather than forced returns, on which non-EU countries are least reluctant to cooperate. In that regard, the recast Return Directive should protect non-EU nationals' opportunities to return voluntarily and increase the reintegration support they receive when they do so (Sundberg Diez 2019, 15).

Key to these steps will be developing a better understanding of the impact of EU policies on non-EU countries and their respective domestic priorities, as discussed in the following chapter.