



# Conditionality in Migration Cooperation

## Five Ideas for Future Use Beyond Carrots, Sticks, and Delusions



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Effective migration partnerships with third countries are a declared goal of the European Union. But views diverge on what good migration cooperation looks like. Using carrots and sticks, also known as conditionality, is a controversial strategy to reach the EU's migration goals. Politicians and experts either frame it as necessary and legitimate, or as post-colonial and counterproductive.

Whether one supports conditionality or not, positive and negative incentives have shaped the different types of migration agreements the EU and its Member States have struck in the last decade. Some are formal agreements binding under international law, but most are soft law or handshake deals. They may cover just one specific issue within migration

policy, or tie migration to other policy areas. Some are public, others confidential. All these agreements reflect the interests and the leverage which the EU, Member States, and partner countries bring to the table.

The three most discussed levers the EU uses to nudge partner countries toward joint migration management are visas, development aid, and trade – the holy trinity of migration conditionality. But the exclusive focus on these three levers is artificial. Europe also uses other levers, such as police or military cooperation and training, diplomatic attention and high level visits, legal migration opportunities, and others (see Figure 1 on page 2).

**Figure 1 –  
Levers of Migration  
Conditionality**

		<b>“More for more”</b>	<b>“Less for less”</b>
		POSITIVE	NEGATIVE
	VISAS	Visa facilitation (lower fees, simpler procedures, multiple entry) or visa liberalization (visa-free entry)	Visa restrictions, measures, or sanctions, such as higher fees, more paperwork
	AID	Providing additional aid	Cutting existing aid
	TRADE	Trade benefits, easier access to the single market	Trade barriers or suspension of trade benefits
	MILITARY COOPERATION	Offering material support, defense cooperation, or military missions	Withdrawing or cutting military cooperation or missions
	POLICE COOPERATION	Trainings, exchange programs, joint patrols, Frontex missions, or liaison officers	Exclusion from trainings, end of cooperation, cutting access to intelligence
	TENDERNESS, LOVE AND CARE („TLC“)	Official visits of heads of state or high-level delegations, subdued criticism on human rights violations or internal affairs	Official complaints, cancellation of official visits or summits
	LEGAL PATHWAYS	New legal pathways or widening existing pathways	Decrease of legal pathways or migration opportunities, more red tape

Source: Authors own compilation

When these levers are used, they generate three kinds of effects: the conclusion of an agreement, common document, or statement (paper), procedural or technical changes (process), and migratory movements (people). But they also bring unintended side effects, such as backlash from the citizens of third countries, or the phenomenon of reverse conditionality, when a third country reacts to threats by reducing border patrols or by supporting irregular onward migration. Lever use of one EU country can also worsen the migration relationship of its EU neighbors with that third country (see Figure 2 on page 3).

Despite these high stakes, Europe uses conditionality remarkably inconsistently. Its strategy to

create coordination mechanisms to make Member States' approaches more coherent is hobbled by entrenched realities: The cost of coordination is often disproportionate to its benefits, and turf demarcation hinders cooperation. Thus, the chase for coherent conditionality usage in the EU is at best an uphill battle and at worst a delusion.

This report puts forward five recommendations to improve Europe's migration conditionality use and debate in the future. It draws on case studies that trace the EU's use of incentives and threats toward Bangladesh, The Gambia, Afghanistan, Iraq, and Nigeria, and distills lessons from them.



**1. Stop using conditionality as a rhetorical tool and start using it as a practical tool that has legitimate yet limited use.**

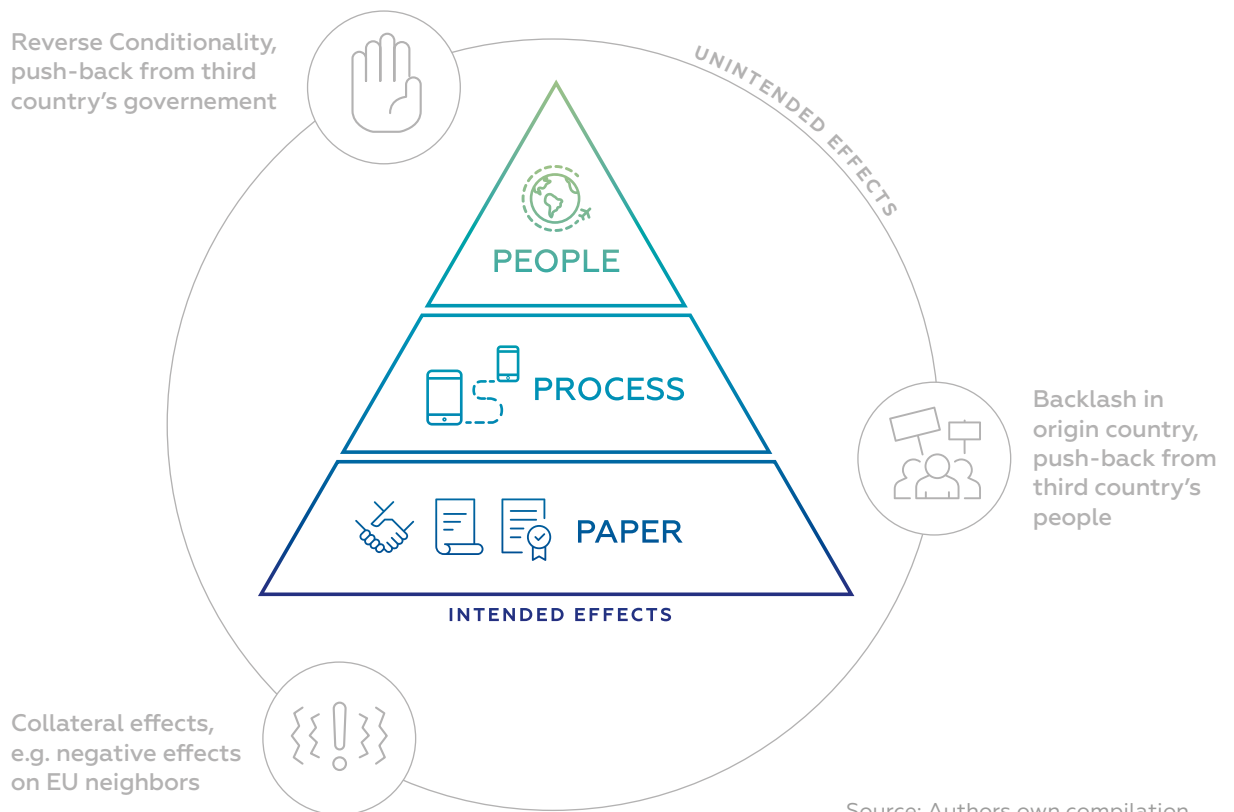
Politicians and experts alike should work to make the debate on conditionality less ideological and more pragmatic. Concretely, opponents of conditionality should acknowledge that applying carrots and sticks can indeed be effective and legitimate, while proponents of conditionality should acknowledge that it only works in specific cases, and that large-scale replicability of successful cases is unlikely. Rejecting or embracing conditionality categorically, as happens so often, prevents a meaningful and nuanced debate on incentives in migration cooperation.



**2. If you use conditionality, use it smartly.**

Policy-makers should go through a checklist to use conditionality more effectively and credibly in the future. They should avoid path dependency and use of a lever just because it is there or has worked elsewhere, and instead find the levers a country is most receptive to. They should also adapt the timing and sequencing of their demands to the electoral calendar of the country they are engaging; the case studies show that elections and governmental changes are central determinants of countries' behaviors, perhaps more so than the EU's lever use itself. European policy-makers should also be more consistent in their demands. They should use threats more credibly, and negative levers consciously, not accidentally – as has happened in the past.

**Figure 2 – Intended and Unintended Effects of Migration Conditionality**



Source: Authors own compilation



### 3. Make the visa lever fairer and more daunting.

The EU should try and make its visa lever fairer by adapting the indicators that measure readmission cooperation, and by monitoring the effects of visa restrictions more systematically. To date, restrictions under Article 25a are not used on the countries that cooperate the least, but on countries that depend most on the EU and do not have a strong veto player friend among Member States. At the same time, the EU should try and make its visa restrictions more daunting. The EU could consider increasing wait times by introducing delays longer than the maximum 45 days, and it could critically review the current visa fee increase structure. Alternatively, Member States should improve the speed and efficiency of their visa delivery to increase the impact of restrictions. The current visa process is so cumbersome that the added hassle brought by visa restrictions has little impact on applicants. A better baseline would make visa restrictions more potent.



### 4. Let realism reign about development, trade, and legal pathways levers.

Policy-makers should come to a more realistic assessment of the potential of the development, trade, and legal pathways levers, as expectations of these levers' powers are overblown. Less for less aid conditionality is hotly debated in theory, but rare and easy to buffer in practice. The trade lever formalization is uncertain, and even if it is formalized, it is unlikely that it will be used. Legal pathways are now in the spotlight, but ways to use them as a positive incentive have either been discarded (resettlement) or are underdeveloped (skill-based schemes).



### 5. Create alternatives to decrease dependency on conditionality.

Europe should also go beyond conditionality and work to solve migration challenges with other or fewer external partners. European countries could piggyback on other countries' established relations with third countries on readmissions, which would allow them to use a path already carved instead of having to carve new paths from scratch. Also, European countries could decrease the urgency to strike migration agreements through internal improvements, such as fixing dysfunctions in their national systems of migration, return, and visa processing, and decreasing their population of irregular migrants through alternative efforts like regularizations. They can also change their strategies at home to improve EU coordination, for

instance when they sidestep the go-to solution of yet another coordination format, and instead bring in third-party moderators to create incentives for positive coordination.

Migration conditionality, like it or not, is here to stay. The EU will keep expanding its conditionality toolbox. But if it wants this toolbox to be more effective, coherent, and credible, it needs to use it more smartly and selectively than in the past. The use of carrots and sticks will continue. But it will hopefully be driven by more facts and fewer delusions.



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