



EMN Occasional paper

Contested Conditionality in Return and Readmission:

EU policy and the case of Norway

A report by Paasche Analytics

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Paasche Analytics
Thinks it through

The European Migration Network (EMN)

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EMN Norway Occasional papers

The objective of the series is to generate insight and contribute to the discussions on future policies and good practices in the field of migration. EMN Norway Occasional Papers addresses a wide audience, including policymakers, academics, media and sivil society.

The views and conclusions of the EMN Occasional Paper are those of the respective authors.

Foreword

Paasche Analytics was commissioned by the Norwegian Directorate of Immigration to develop research-based policy recommendations for Norway's new multiyear return strategy starting up 2023. My heartfelt thanks go to the interview informants who gave me their time and generously passed on their professional insights.

Dr. Erlend Paasche

Oslo, 27 October 2022

Executive summary and recommendations

The report discusses the links between foreign policy and developmental aid on the one hand and return and readmission policy on the other. It suggests some criteria for distinguishing between problematic and constructive approaches to conditionality in return and readmission policy. Recommendations are set out in three sections and presented in bullet points.

1. Strengthen collaboration between the immigration authorities and development actors.
2. Address policy dilemmas both regarding Norway's role vis-à-vis the EU and regarding the Ministry of Foreign Affairs' role in Norway's whole-of-government approach.
3. Introduce more targeted mobility schemes in order to facilitate dialogue with origin states on return and readmission.

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1 Introduction

Paasche Analytics was commissioned by the Norwegian Directorate of Immigration to produce two reports: on return and readmission and on the development of cooperation with origin states. The intention was that the reports should support the development of Norway's new multiyear return strategy starting up in 2023. The analysis in the second report was to be guided by the following questions:

- I. How can host states such as Norway promote origin states' ownership of return, and what are the implications of this for the sustainability and effectiveness of return?
- II. Are there reasons for strengthening collaboration across ministries and agencies in the fields of migration control and development aid – for instance, to promote the capacity of origin state institutions to receive return migrants?

The assignment was undertaken against the background of recent developments in return and readmission policy in other European states and of EU-wide policy developments. While the analytical observations and policy recommendations suggested here are national, they are therefore based on international developments and are relevant to a broader European and international readership, including that in origin states.

The analysis has an extensive empirical base. It includes a non-systematic review of the literature on return and readmission since the turn of the millennium, analysis of key national and EU policy documents, and 27 in-depth interviews with decision makers, practitioners and experts in Norway, Sweden, Denmark, Germany, Belgium and the United Kingdom, together with key informants in the EU Commission, International Organisation for Migration, and Frontex. Some of these informants were recruited with the help of the Norwegian Directorate of Immigration (UDI), and some were recruited by the author directly. The variation in recruitment channels helps to protect the anonymity of informants and to ensure a sound empirical basis. The interviews were conducted between December 2021 and January 2022.

What follows is a section on aid conditionality in EU return and readmission policy, and a brief outline of some core concepts and buzzwords. There is then a section describing the situation in Norway, a country with a long tradition of investing generously in development collaboration as in return and readmission policies, making it an interesting case for exploring whether and eventually how an EU(+) state can learn from the EU's use of migration-related conditionality in its external relations with third countries. As will be demonstrated, there are different ways of understanding the interplay between development aid, visa policies and return, and some appear more constructive than others. It is on that premise that some policy recommendations are made for the new national return strategy.

2 Return, readmission and conditionality in EU policy

Conditionality in return and readmission is nothing new in EU return and readmission policy. However, it has been intensified by low return rates and high levels of arrivals. In the wake of the spike in migration in 2015 and 2016, the European Council has repeatedly called on the European Commission to use all relevant means available, including aid, trade and visa policy, to make readmission agreements and arrangements more efficient. The underlying objective is more effective enforcement of return for migrants who are not given permission to stay. Whether relevant means should be interpreted as positive or negative conditionality has varied in the policy discourse, as is illustrated in table 2, but the wish for conditionality of some kind has become increasingly evident.

Table 2. Conditionality at the EU level

Document	Negative conditionality (less favourable relations with the EU if there is less collaboration)	Positive conditionality (more favourable relations with the EU in exchange for more collaboration)	Unspecified conditionality (changes in the EU's external relations as a function of more or less collaboration)
European Council meeting (21 and 22 October 2021) – Conclusions, EUCO 17/21	-	-	X
European Council meeting (18 October 2018) – Conclusions, EUCO 13/18	-	-	X
European Council meeting (19 October 2017) – Conclusions, EUCO 14/17	-	-	X
European Council meeting (22 and 23 June 2017) – Conclusions, EUCO 8/17	-	-	X
European Council meeting (20 and 21 October 2016) – Conclusions, EUCO 31/16	-	-	X

European Council meeting (28 June 2016) – Conclusions, EUCO 26/16	-	-	X
European Council meeting (25 and 26 June 2015) – Conclusions, EUCO 22/15	-	X	-
A more effective return policy in the EU – A renewed Action Plan, Commission Communication, COM(2017) 200 final	-	-	X
Establishing a new Partnership Framework with third countries, Commission Communication, COM(2016) 385 final	X	X	-
EU Action Plan on return, Commission Communication, COM(2015) 453 final	-	-	X

In the European Commission’s proposed New Pact on Migration and Asylum (the Pact), return policy serves as an overarching and unifying motive, one that binds together seemingly disparate policy propositions. Many of the proposed policies are responses to a suboptimal return and readmission policy, and formulated within a paradigm of deterrence. This includes filtering, fast-tracking and detention at consolidated external borders, burden sharing mechanisms (such as return sponsorship), harmonising asylum policy, strengthening the mandate of Frontex, refining Eurodac, crisis management plans, and so on. Third countries may note that there is some mention of ‘partnership’ with them, and a stated preference for collaboration for the sake of mutual benefit, but there is no doubt that the Pact calls for a greater use of conditionality.

To deliver on the goal set out by the European Council to mobilise relevant policies and tools, joint efforts need to be taken a step further. This is why the proposed Asylum and Migration Management Regulation includes the possibility that the Commission, when reporting to the Council on the state of play of the cooperation on readmission, could identify further effective measures to incentivise and improve cooperation to facilitate return and readmission, including in other policy areas of interest to the third countries, while taking into account the Union’s overall interests and relations with the third country (EU Commission 2020: 22).

The increased emphasis on conditionality reflects the difficulty of enforcing immigration law through return. The EU's political and financial investments in return have yielded 'limited results' (European Court of Auditors 2021), giving rise to two policy tools that it has introduced recently. One is the Global Europe: Neighbourhood, Development, and International Cooperation Instrument (NDICI), the main financing instrument for the EU's external cooperation.¹ The other is the revised Visa Code, which links the EU's short-stay visa policy to assessment of third countries' cooperation on readmission.

Both these policy tools have been controversial, with much of the disagreement arising from differences of opinion on the effectiveness and legitimacy of using conditionality to make origin states collaborate. In June 2021, after much political debate, the EU commission announced that the NDICI was to include a limited measure of migration-related conditionality.

Migration-related actions under the Instrument should contribute to the effective implementation of EU agreements and dialogues on migration with third countries by encouraging cooperation relying on a flexible incitative approach and supported by a coordination mechanism.²

The NDICI Global Europe has earmarked 79.5 billion EUR for collaboration with third countries in the period 2021-2027. Of this, 10 per cent is allocated to reward progress in democracy, human rights, economic governance, and reforms and, most importantly in the present context, 'cooperation on migration'.³

The revised Visa Code is less directly linked with development, even if the nexus between mobility and development is beyond dispute. The revised Visa Code also makes use of conditionality, sanctioning or incentivising third countries, depending on whether they are found to be cooperating on readmission. The difference is that the revised Visa Code, supported by Norway, uses *mobility* as its bargaining chip. This enables a different and more intuitive form of issue linkage. The NDICI and the revised Visa Code thus represent overlapping yet distinct approaches to promoting return and readmission.

It is too early to judge the effect that these policy tools will have, though now that Iraq, Gambia and Bangladesh have been branded as 'uncollaborative' under the revised Visa Code, it will be interesting to see how this will affect collaboration in the short and long term.⁴ What is clear is that there is a certain disconnect between the principle of conditionality and the foundational principles of collaboration on development. The fact that the EU Commission itself openly foregrounds the need to consider the Union's general interests and relations with the third country subjected to its stick-and-carrot policy, can be viewed both as a way of pre-empting criticism, and as a tacit acknowledgement of this disconnect. If one accepts that the NDICI is more starkly transactional and intrusive in its attempt to 'buy' collaboration, and

¹ EU homepage. https://ec.europa.eu/info/funding-tenders/find-funding/eu-funding-programmes/global-europe-neighbourhood-development-and-international-cooperation-instrument_en (Accessed 25.10.2022).

² EU home page. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021PC0267&rid=4> p. 4 (Accessed 25.10.2022).

³ NDICI fact sheet. <https://eurocid.mne.gov.pt/sites/default/files/repository/paragraph/documents/13254/factsheet-global-europe-ndici-june-2021en.pdf> p. 4. (Accessed 25.10.2022).

⁴ EU home page. https://ec.europa.eu/commission/presscorner/detail/da/qanda_21_3691 ((Accessed 25.10.2022).

that the revised Visa Code is intuitively more legitimate in its tit-for-tat logic, this disconnect is more obviously associated with the NDICI.

It would be a mistake, however, to think that the EU is just hardening its stance. On assisted return, it is, at least in terms of its stated intentions, taking a softer approach than before: the new EU Strategy on Voluntary Return and Reintegration differs both in tone and substance from the Pact, but it is also different from previous strategy documents on the topic. The new strategy states that good return programmes should first and foremost be in the interest of the migrant, then in the interest of local communities, and last, but not least, in the interest of origin states (EU Commission 2021: 10).

2.1 ‘Sustainability’ in the new EU Strategy on Voluntary Return and Reintegration

Definitions are not the strategy’s strongest suit, and partly undermine its strong message. The term ‘sustainable reintegration’, for instance, is defined as

a multi-faceted concept that encompasses the needs and vulnerabilities of the individual, the economic, social and psychosocial reintegration in the community, cost-effectiveness for the donors and the contribution to local development. In addition to supporting individual returnees, the concept of sustainable reintegration has the broader goal of building up the capacity of receiving communities, the private sector and local stakeholders. The aim is to encourage partner countries to take ownership of the process to reintegrate and ultimately return and readmit their own nationals as part of the broader objectives for the country’s development and migration management (EU Commission 2021: 16).

The definition suffers from a lack of precision. Firstly, ‘sustainable return’ and ‘sustainable reintegration’ should perhaps not be used interchangeably (though they often are), as ‘sustainable return’ may well result in remigration or onward migration rather than reintegration. Secondly, the definition lumps together desired reintegration outcomes (sustainable reintegration), administrative effectiveness (cost effectiveness for donors), and the willingness of origin states to readmit their nationals (readmission). These factors are connected in myriad ways, but not as simply as this definition implies. Good reintegration can perhaps stimulate the willingness of origin states to readmit, but there may well be other and more effective ways of stimulating it. A cost-effective return and reintegration programme is a good thing, but cost-effectiveness for donors is one thing, an actor-based definition of economic, social and psychosocial reintegration is another. A conceptual hodgepodge that mixes different objectives and hypothesised mechanisms, is unhelpful, partly because conceptual clarity is key to good programming and partly because it shifts the focus away from the idea that good return programmes should first and foremost be in the interest of the migrant. If that is not achieved, the EU’s strategy will not succeed either.

Another issue with the definition, and with the strategy as a whole, is its lack of clarity on how the EU should respond to the fact that some returnees will migrate back to Europe (or elsewhere). Academic literature on this subject concluded decades ago that return migration should not be understood as being the end of mobility (Black and Koser 1999). It is well documented that many returnees aspire to migrate again, making use of their know-how and migration-specific skills and networks, and that quite a few succeed in doing so. The IOM’s definition of sustainable reintegration takes this into account, by defining ‘sustainable

reintegration’ as achieved ‘when returnees have reached levels of economic self-sufficiency, social stability, and psychosocial well-being that make their further migration decisions a matter of choice, rather than necessity’ (IOM 2019: 1).

This has important implications for the broader objective outlined in the EU’s new strategy on return and reintegration – that of fostering development at the community level and the national level in origin states. It is not return *qua* containment that should be the objective of EU strategy, but the ambition to collaborate with community level and national level authorities to offer returned citizens the basic services and rights that make further migration decisions a matter of choice rather than necessity. Beyond this, EU strategy could also be bolder in striving to ensure that irregular migrants who are returned are encouraged to remigrate through legal channels. This would certainly fit with Sustainable Development Goal 10.7, which speaks of the need to ‘facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies’. This could also be a way of promoting a dialogue with origin states on return and readmission based on shared interests.

2.2 ‘Third countries’ ownership’ in the new EU Strategy on Voluntary Return and Reintegration

On a related note, another key concept in EU strategy is third countries’ ‘ownership over the return, readmission and reintegration of their nationals’ (EU Commission 2021: 2). The term ‘ownership’ occurs 15 times in 20 pages, yet it is never explicitly defined. Without a definition of this concept, it is hard to operationalise it coherently.

So then, what is ‘ownership’? It is a concept borrowed from the field of development collaboration. Its centrality in EU strategy might perhaps indicate the influence of the Directorate General for International Partnerships (DG INTPA), or its predecessor, the Directorate General for International Cooperation and Development (DG DEVCON). Essentially, ‘ownership’ conveys the idea that return and reintegration should be in line with national migration management and development strategies and priorities, and that national and local institutions of governance are included to the greatest extent possible in return and readmission, reintegration, referrals (linking returnees to institutions offering the services they need), monitoring and evaluation.

Fostering ownership requires dialogue, coordination, resources, trust and compromise, but can ultimately create awareness and encourage origin states to take greater responsibility for citizens returned from abroad. This is sensible in principle. For international development collaboration as for the reintegration support offered by host states, the long term objective must be to become superfluous.⁵

Empirically, ‘ownership’ does not seem to describe a reality where origin states are often reluctant to collaborate on return and readmission and, in fact, often resist ownership. As such, the term resembles ‘voluntary return’, a discursive soldier in the terminology wars, marshalled to serve the political function of facilitating coerced return while in fact many rejected asylum seekers and irregular migrants resist it. The political industry of return, with

⁵ See also the home page for the EU-IOM Joint Initiative for Migrant Protection and Reintegration <https://www.migrationjointinitiative.org/reintegration> (Accessed 25.10.2022) and ICMPD (2021).

its plethora of self-interested state and non-state actors, tends to create flowery language, which sometimes stands in the way of sound policies. The term ‘ownership’ can be meaningful but should be used reflectively with care, and not as a buzzword.

The EU’s strategy proposes several measures to increase ownership over return programmes among origin states (‘third countries’). Many of these measures appear well thought through. Below is a condensed summary of how the EU’s strategy seeks to align return programmes with the interests and needs of third countries.

- Pre-return qualifying measures for prospective return migrants, targeted towards prioritised sectors in the third country.
- Capacity building measures in administration, management and monitoring, so that third countries can gradually take over the management of return and reintegration programmes.
- Support for services that meet the economic, social and psychosocial needs of returnees.
- Better quality control, shared standards for implementing partners, better indicators for reintegration and monitoring.
- Closer dialogue with local and national partners through the development of the programmes.
- Closer coordination and collaboration between implementing partners, public institutions and private actors who can help meet the needs of returnees.
- Coordination of return programmes by Frontex in order to prevent the fragmentation of policies across member states and the duplication of measures.
- Harmonisation with migration partnerships.
- Offering social services to return migrants and non-migrants alike.

It has taken the EU commission a long time to come up with this list. While a cynic may point out that the tone and rhetoric differ dramatically from the proposed EU Pact on Migration and Asylum, another way of reading the list is as a humble acknowledgement that assisted return cannot be a logistical issue alone. To encourage return, return and reintegration programmes need to be designed, monitored and evaluated in an orderly and meaningful way. Read in such a way, the list appears to be an attempt to make better returns, rather than to simply boost the number of returns in the short term.

If one opts for this interpretation, however, it does beg the question of what lies behind the rise of Frontex, the EU’s border agency, as the key player in the field of assisted return and reintegration. This field has not traditionally been dominated by border police. Yet Frontex is called upon to support ever more voluntary return operations and increase its capacity to provide operational assistance to Member States in all phases of the voluntary return and reintegration process, including pre-return counselling (e.g. outreach campaigns to migrants), post-arrival support and monitoring the effectiveness of reintegration assistance. By making Frontex the champion of its new strategy for assisted return, the European Commission has added a further layer of complexity to the task of grounding return and reintegration programmes in the benign language and logic of development collaboration (Paasche 2021).

So far, the discussion has been focused on EU policy developments. The following section considers whether, and how, these policy developments could bring about a shift in the national strategy of Norway, an EU+ state.

3 Norwegian return policy

Since the turn of the millennium, the return of unauthorised migrants has moved steadily higher on the agenda of the Norwegian immigration authorities. Specific reference to the intersection between return, readmission and development aid, however, dates back to the early 1990s. A white paper, produced in response to the sudden influx of refugees from Bosnia (St.meld. nr. 17 (1994-1995) Om flyktningpolitikken) then examined the need for return and reintegration assistance in Bosnia, and the importance of coordinating such assistance with that country's local and national development priorities. It called for harmonising assistance to returnees and post-conflict recovery with the broader principles of Norwegian development policy.

In retrospect, the white paper was ahead of its time. It stressed the importance of linking pre- and post-return stages, addressing especially vulnerable groups, seeking sustainable reintegration, and the need to align domestic and foreign policy objectives to achieve policy coherence. More importantly, it illustrates the persistent difficulty of producing coherent solutions to such policy problems, located as they are at the intersection of development collaboration and migration control. No easy answer is provided by 'evidence' alone in this case, as there are different understandings and problem framings by different actors. The resultant conflict about policy solutions is less about hard facts, and more about values, ideology, organisational mandates, and political legacies (Head 2008). Some would call such policy problems 'wicked' (Rittel and Webber 1973).

Can return and readmission policy harmonise with development objectives, for instance in the form of reintegration programmes, and be designed and implemented in cooperation with origin state authorities, to foster their 'ownership' and benefit from it? What are the broader principles underlying Norway's approach to development collaboration, and why do they matter? These are fundamental questions for any destination state. The answers to them will affect the new national return strategy, and the opportunities available for Norway to participate in EU-wide policies and practices.

4 A Norwegian whole-of-government approach?

Return has long been a political objective for Norwegian governments, and several government political platforms in the past two decades (Soria Moria II, Jeløya, Granavolden) have avowed an intention to use Norwegian aid to achieve readmission agreements and promote return. Such intentions have been vaguely expressed, however, with little detail on how exactly this would be done. As we shall see, this is in line with political tradition.

Given the number of institutional actors involved in return and readmission, and their diversity, in Norway as elsewhere, it is not a given that they work together. The Ministry of Justice and Public Security (MoJ) has overall responsibility for return and readmission, but the Ministry of Foreign Affairs (MFA) is tasked with establishing effective return collaboration with origin and transit states. It is also responsible for development collaboration, handled by The Norwegian Agency for Development Collaboration (NORAD). For migrants, The Directorate for Immigration (UDI) and the Immigration Appeals Board (UNE) are responsible for case processing. Operational responsibility is divided between the National Police Immigration Service (NPIS), which deals with forced returns and identification, and the UDI, which handles assisted return. There is also the Norwegian ID Centre (NID), which assists with ID documentation and verification. Finally, there are partnering institutions, including the UN, NGOs and civil society actors that are engaged in outreach and information services, and in the provision of reintegration assistance (including the International Organisation for Migration (IOM) and Caritas).

The complexity of this situation has led to widespread acknowledgement of the need for, and challenges of, a whole-of-government approach to return and readmission. While the MoJ has sectoral responsibility, the MFA, in theory, has formal responsibility for migration diplomacy – but this takes place on multiple levels of governance and across many agencies and institutions. Good policy dialogue with origin states may be initiated by ambassadors but also by return liaison officers deployed to embassies from the UDI or NPIS, or by technocrats from the UDI and NPIS in Norway, for example by hosting delegations from origin states. The UDI maintains relations with the UN agency IOM, which is in charge of day-to-day coordination with origin state embassies for assisted return. Together they foster dialogue by co-organising the annual Embassy Seminar on Return. The NPIS works on forced return with those same embassies on a day-to-day basis. Against this institutional backdrop, it is clearly very important to avoid policy fragmentation.

Policy coherence requires coordination, of course, but also awareness of how policy discourse can enable or constrain a whole-of-government approach. Over the years, many Ministers of Justice and Public Security have declared the need to get tough on irregular migrants, or have taken pride in a ‘strict but fair’ return policy, supposedly ‘among the best in Europe’.⁶

Harsh rhetorics come with risks. While it can be expected that these ministers will occasionally wish to flex their political muscles and signal to the electorate their ability to safeguard territorial sovereignty and enforce immigration law, this may inadvertently

⁶ See, for instance, Løkeland-Stai [https://www.dagsavisen.no/nyheter/innenriks/2009/12/07/varsler-flere-utsendelser/\(tilgjengelig%2031.01.2022\)](https://www.dagsavisen.no/nyheter/innenriks/2009/12/07/varsler-flere-utsendelser/(tilgjengelig%2031.01.2022)); https://www.nrk.no/norge/justisministeren_-_vil-ikke-stoppe-utsendelser-av-barn-1.12079097 (Accessed 25.10.2022). <https://www.abcnyheter.no/nyheter/politikk/2018/06/05/195403015/justisministeren-vil-bruke-sanksjoner-for-a-fremme-retur>; <https://www.utrop.no/nyheter/nytt/202828/> (accessed 25.10.2022).

complicate rather than expedite returns. In the absence of good data, one is tempted to speculate that the harsher the rhetoric, the higher the risk of alienating potential partners and jeopardising the whole-of-government approach that is the essential prerequisite for a successful return policy. Among the partners it may alienate are origin state embassies, NGOs, and, crucially, the MFA.

5 Norwegian foreign policy and the normative motives for developmental aid

Norway's foreign ministers have rarely made public statements on return and readmission, but the topic does feature in foreign policy documents. In Norway's strategic framework for engagement with fragile states, for instance, return and migration is to 'be an integrated and central element in the relationship to important origin states' (MFA 2016: 9). That is an emphatic statement, but one that is not elaborated further. Elsewhere, in a white paper on partner countries for development collaboration, issued by the MFA, the ministry suggests that 'it is, in some countries, in order to focus on national conditions that would strengthen migration management or reintegration of returned asylum seekers' (Meld.St. nr.17 (2017-2018), p.10).⁷ Some years later, in the country-specific strategies for 16 partner countries,⁸ another version of this formulation can be found.

For Ethiopia, Somalia, Afghanistan and Palestine, return and migration are to be integral components of Norwegian foreign policy and development collaboration, through readmission agreements and practical arrangements for persons found not to be eligible for protection and who do not have authorised residence in Norway. For Afghanistan, the capacity building of Afghan immigration authorities 'with regard to border control at the airport in general and to the reception of returnees in particular', is described as a tool to promote Norwegian foreign policy interests. It calls for strengthened collaboration with the Afghan authorities on the effective return of all rejected asylum seekers, and especially of unaccompanied minors, for whom it is hard to find caregivers and for whom family reunification is particularly challenging (Regjeringen 2018: 4-5).

It appears that lately the MFA has indeed devoted more effort to return and readmission. Country-specific strategies for a few select partnership countries in Norway's international development collaboration have been issued and return liaison officers were consulted during the process, so that return and readmission are mentioned, if only vaguely. If a core objective of the partnership strategies is to create predictability and a shared understanding between Norway and these countries, it might be useful to somehow suggest scenarios for various levels of collaboration on return and readmission, describing a ladder of options in a diplomatic language. The lack of any such pointers does little to signal political commitment, predictability or credibility.

It is possible to gain some insight into how far the MFA takes a proactive stance on return and readmission from the allocation letters from the MFA to Norad, the Norwegian Agency for Development Cooperation. These letters are steering documents from the Norwegian Government and establish budgetary frameworks, performance targets and reporting requirements for Norad. They thus signal political priorities.

Over the last five years, the letters have contained few references to return and readmission. The most notable is in Letter of Allocation 1, 2018, to the Joint Valletta Action Plan of 2015,

⁷ Author's translation. The terminology is confusing. Reintegration is migration management, and those returned are, one would presume, no longer asylum seekers.

⁸ Colombia, Ethiopia, Ghana, Indonesia, Malawi, Mozambique, Myanmar, Nepal, Tanzania, Uganda, Afghanistan, Mali, Niger, Palestine, Somalia and South Sudan.

in which European and African government officials discussed ways to collaborate on migration policy and identify shared objectives.⁹

Following the Joint Valletta Action Plan on joint collaboration between European and African countries on migration, displacement and return is also an important part of the international collaboration. The aim is to make migration part of foreign policy and development collaboration. Norad is asked to contribute to this endeavour by giving professional advice through continuous dialogue and interaction. Target areas in 2018 will be related to Norwegian participation in international processes in the intersection between migration and development.¹⁰

Two years later, Norad produced the report Migration and Development. A Report on Norwegian and International Engagement with Development in the Light of Agenda 2030 and the Sustainable Development Goals.¹¹ It was not made publicly available. Only two of the report's 53 pages deal with return and reintegration. Nonetheless, Norad's internal report makes it clear that development actors can play a role in return and readmission.

5.1 Norad as an actor in return and readmission?

In the Norad report an argument is made that taking back citizens is a fundamental responsibility of origin states (in line with the EU's insistence on 'ownership' discussed above), but that these states' 'lack of resources makes development aid important' (Norad 2020: 30). The report also suggests that '(...) development actors can make a substantial contribution to ensuring the best possible reintegration outcomes' (Norad 2020: 30-31). This is reiterated in its policy recommendations:

Efforts to reintegrate returnees are currently being made by the Ministry of Justice and Public Security and the UDI. It would strengthen reintegration if Norwegian development actors could contribute to ensuring a professionally motivated use of reintegration assistance and a holistic development gain from these resources (Norad 2020: 52).

Another measure proposed in the report is that Norad could evaluate return and reintegration programmes. One could imagine a closer collaboration between the UDI and Norad if these measures were taken.

It is still possible, however, to sense a certain scepticism. The report says that many people would be critical of aims and objectives of development collaboration that were added to those of development and poverty eradication, and warns that any attempt to tie return and reintegration more closely to development must ensure that '*the normative motivations of development assistance are not compromised (...)*' (Norad 2020: 30, added emphasis). The report concludes with an opaque reference to the relationship between forced return and development collaboration elsewhere in Europe.

⁹ <https://www.khartoumprocess.net/valletta/valletta-follow-up>

¹⁰ MFA home page. 'Norad. Tildelingsbrev nr. 1-2018. Accessible from: <https://www.norad.no/globalassets/filer-2015/tildelingsbrev/2018/tildelingsbrev-2018---nr-1---fra-ud-til-norad.pdf> (Accessed 25.10.2022). Author's translation.

¹¹ Title and references are author's translation.

The relationship between forced return and development collaboration differs across European countries, from being closely connected to being explicitly distinct. Readmission agreements and aid are occasionally part of the dialogue between donor states and receiving states, but without there being any direct connection (Norad 2020: 31).

No further details are given on what ‘being closely connected’ means, why the focus has shifted towards forced return, what the empirical basis of this is, or what a ‘direct connection’ means in this context. It could be understood as conditionality, but as noted above, that term can be understood in multiple ways. It is also worth noting that getting accurate information about whether and eventually how European states do or do not impose migration-related conditionality on origin states is exceedingly hard to get. In fact, both bilateral and multilateral return agreements and arrangements are rarely fully transparent (Gatti 2022), in part precisely *because* migration-related aid conditionality runs counter to ‘the normative motives of aid’, at least as they are commonly understood. What then, are these normative motives? One way to identify the value systems underpinning development collaboration is to consider significant global platforms and action plans, European commitments, and, nationally, Norway’s stated intentions.

5.2 The normative motives of aid: International and national platforms

A foundational principle of the Paris Declaration of 2005, reaffirmed in the Accra Agenda for Action in 2008 and in the Busan declaration of 2011, is that of strengthening recipient states’ ownership of developmental aid. This principle is widely understood as being at odds with conditionality and its transactional logic. As was argued by the European Council on Refugees and Exiles (ECRE), the European Commission’s idea of making development aid conditional upon perceived cooperativeness on return and readmission conflicts with the EU’s commitment to the principle of ownership, professed at such global forums. The ECRE also argues that doing so conflicts with the EU’s own Consensus on Development, the framework for achieving the Sustainable Development Goals and working towards the 2030 Agenda. Conditionality related to readmission cooperation would, says the ECRE, ‘mean backtracking on the principles and commitments made by the EU’ (ECRE 2020: 2).

At the national level, Norway has made similar pledges on the principle of ownership. As stated in White Paper 24 (2016-2017) on sustainable development goals and Norwegian development aid: ‘The donor principles of the Paris, Accra and Busan declarations still form the foundation for Norway’s long-term bilateral objectives: results, partnerships, transparency and responsibility on the part of recipient states’ (White paper 24 (2016-2017): 29). It should also be noted that Norwegian development assistance has evolved a great deal since those commitments were made: bilateral development aid has been reduced and investment in global and multilateral organisations has greatly increased.

It is not uncommon for institutions outside the aid sector to promote aid conditionality in pursuit of their own interests, and this is also the case in Norway. Military forces called for aid conditionality in Afghanistan. Private companies occasionally call for the instrumentalisation of aid to promote their financial interests. Since the 1980s there has been debate on whether aid should be used to leverage economic reform, and since the 1990s, on whether it should be used to stimulate political reforms for ‘good governance’, in the fields of human rights, anti-corruption and women’s rights (Stokke 2006, Tjønneland 2022).

The stated core objective of Norwegian aid is to eradicate poverty and foster economic development and welfare in developing countries, and to alleviate human suffering (White Paper 24 (2016-2017), p. 23). This is at odds with the use of migration-related conditionality, even if effective aid is seen as a means of preventing forced migration.

The Government's main development policy goal is to combat poverty and promote economic development and welfare in developing countries. Striving to reduce misery and suffering in the world is both in line with our fundamental values and in our own interests. Social and economic development in other countries makes the world more stable and is positive for the Norwegian economy, and our security and prosperity. Failing to combat poverty can set the stage for conflict and force millions of people to flee (Meld. St. 27 (2018-2019), p. 51).

This is not to say that poverty eradication and economic development has been the only objective, or to deny that this overarching objective has been under pressure both domestically from an expanding portfolio, and from multilateralism and international developments. Yet it remains the core objective. If, as some argue, 'an expanding list of thematic priorities has watered down and weakened the poverty focus', it is also true that Parliament has remained committed to it and 'reinforced the emphasis on poverty reduction when the [government and the MFA have] been perceived to stray too far from the poverty focus' (Tjønneland 2022: 393).

It is in the practicalities of implementing aid programmes that the lines start to blur, rather than in strategy documents. Norwegian private sector actors do benefit from Norway being a donor state, whether intentionally or not. Norway has used DAC funds, earmarked for development aid, to cover the cost of hosting refugees.¹² As noted above, since 2000, at least three governments have declared that Norway *should* use its position as an aid donor to expedite returns. Nonetheless, while there are nuances in the debate, the overarching stated objective is still the same.

It is a Norwegian tradition to give aid, generously and without conditions, and this is both reflective and constitutive of a significant level of political consensus. That there has long been strong political commitment to development aid as a tool to eradicate poverty, especially in Sub-Saharan Africa, via sector-specific domains such as health, education, growth, human rights and gender equality, is evident both in policy statements (e.g. St. Melding 24 (2016-17), p. 23) and in international rankings. The Overseas Development Institute has used various indicators to quantify the degree of self-interest involved, as opposed to needs-based poverty eradication.¹³ In their 2018 ranking of 27 donor states, Norway ranks as the second most altruistic overall (after Ireland but before Sweden, Canada, Luxembourg and Switzerland, which all differ only marginally) and number one in terms of global cooperation. It is described as a 'role model' for other donor states.

Altruism is not the polar opposite of principled, long term self-interest. Norway's relative generosity has increased its international status, visibility and global influence (Wohlfort et al.

¹² Norway is not alone in this. The OECD DAC has developed controversial codes for migration that expand the definition of what official development assistance is. See Norad (2020) for more details.

¹³ ODI Principled Aid Index 2020. Accessible from: <https://odi.org/en/insights/multimedia/principled-aid-index-2020/> (Accessed 25.10.2022). www.bistandsaktuelt.no/nyheter/2019/rapport-mer-egeninteresse-i-internasjonalt-bistand/

2020, de Carvalho and Neumann 2014). These are not unimportant benefits for a small state, and they need to be borne in mind when foreign policy on return and readmission is formulated. If migration control becomes too much of a driving force, the gains accumulated over decades of development collaboration may be put at risk. An excessive focus on return and readmission may also jeopardise the effectiveness and perceived impartiality of aid.¹⁴ Choosing a good foreign policy on return and readmission therefore involves a difficult balancing act. The following arguments rest on these assumptions.

5.3 Six arguments against the direct use of developmental aid conditionality to make origin states readmit

Direct use of developmental aid conditionality to make origin states readmit citizens may not be advisable, for six reasons.

1. The tradition of giving unconditional aid.
2. The effectiveness of aid.
3. The transparency of aid.
4. The limits to using aid as a bargaining chip.
5. The political costs of using aid as a bargaining chip.
6. The risk of reversed conditionality.

These six arguments need to be carefully considered by those who advocate for using development aid to *coerce* origin states to collaborate on return and readmission. First, it would break a long political tradition in Norway of giving aid unconditionally, which dates back to 1966 (St. prp. nr. 109 (1966 – 67)). Second, the justification for allocating taxpayers' money to aid rests on the premise that it is result-oriented and effective. That is sufficiently challenging in low-income, fragile, and conflict-affected states as it is (Cassen 1994), as has been shown recently in the debate on Norwegian aid to Somalia (Larsen 2021). Third, development aid needs to be transparent. Return and readmission, however, is rarely carried out in an entirely transparent fashion – one need only look at the proliferation of informal return 'arrangements' over formal 'agreements', and the frequent calls for more parliamentary oversight (Gatti 2022). Fourth, Norwegian developmental aid is of limited use as a means of political leverage. This is partly because remittances from citizens abroad are usually vastly more valuable financially for origin states. Similarly, the goodwill of electorates (which include diasporas) is generally more important politically than the limited and often uncertain development initiatives that incentivise collaboration. Moreover, Norway has now reduced its visibility as a donor state by channelling funding into multilateral instruments.¹⁵ Finally, economies in many low- to medium income states are growing, and alternative donor states are emerging in a shifting world order. The fifth argument, outlined briefly above, is that a confrontational and transactional use of development aid can make it more difficult to achieve foreign policy objectives in other areas, such as security collaboration, or in prioritised fields such as education, health, job creation, renewable energy or climate ((Meld.St. nr. 24 (2016-

¹⁴ As a case in point, Norway spent 3.2 billion NOK on developmental aid to Somalia during the period 2012-2018, but without a publicly available strategy. A Norad evaluation found that the greatest unintended effect of this was uncertainty in Somalia about Norway's interests, and doubt as to whether Norway was a reliable and neutral partner (Norad 2020: 47).

¹⁵ While this reduces Norway's visibility, theoretically it could also enable it to use access to multilateral organisations and their priorities as a bargaining chip.

2017), p. 65). The last argument on the list is that using development aid to make origin states collaborate on return and readmission would make Norway vulnerable to reverse conditionality (Cassarino 2007): whereby an origin state could dictate terms for Norwegian return policy. Relations between Turkey and the EU serve as a reminder of this risk to the EU, and, to origin states, as a reminder of this opportunity.

Saying that a good foreign policy on return and readmission is a balancing act also suggests, however, that there are certain steps that can be taken. Even though there are compelling reasons for not seeking to overcome the reluctance of origin states to readmit by means of transactional aid, there are nonetheless reasons to use small scale initiatives to cultivate good relations and political goodwill. Practitioners constantly stress the importance of good relations, and developmental aid can be useful for such relational work and dialogue. In principle, this is different from using it as a source of direct leverage, even if, in practice, lines may blur, potentially with problematic consequences.

5.4 Capacity building, relationships, and the cultivation of goodwill

For several years, the Ministry of Justice and Public Security has funded ‘capacity building’ and other projects that underpin dialogue and negotiation with important origin and transit states on return and readmission. Some of these projects also focus on cooperation on migration management more generally, including border control. The formulation for chap. 490, post 72, in allocation letters from the Ministry to the UDI, has changed slightly over the years, and the budgetary allocations to it have likewise fluctuated somewhat. The Ministry held back 35 million in 2018, 28.6 million in 2019, 37.9 million in 2020, and 21.1 million in 2021, before the budgetary post under chap. 490 was transferred to a new post 76 in 2022. This has enabled there to be small-scale capacity building initiatives in border control, reintegration systems, support for general administrative capacity and infrastructure (e.g. new buildings), new tools and skills for identification and verification, etc. These small-scale projects are seen as important for relationship-building, in part precisely because they come without any explicit strings attached for the recipients.

Where does one draw the line between conventional collaboration on development and this kind of capacity building? Looked at analytically, the distinction is somewhat rhetorical and artificial. The capacity building that the Ministry of Justice and Public Security funds can indeed be understood as collaboration on development, if it qualifies as needs-based and not donor driven. Problematically, such capacity building can potentially securitise migration and impose the migration control agenda of Northern states on Southern states, a development referred to as the extra-territorialisation of migration control. Yet it can also help to strengthen public institutions in origin states and thereby their ability to reach sustainable development goals. This applies in particular to objective 10.7: facilitating ‘orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies’ (10.7).

For some, the above statement will be controversial, so this point may merit further discussion. The Ministry of Justice and Public Security has formal responsibility for sustainable development goal 16, namely to ‘promote peaceful and inclusive societies for sustainable development, provide access to justice for all. Target 16.6 is to ‘develop effective, accountable and transparent institutions at all levels’. This can be understood to include institutions responsible for border control and those tasked with return, readmission and reintegration. Target 16.9 is to ‘by 2030 provide legal identity for all including free birth

registration'. A reliable and interoperable ID system is at once an absolute requirement for a modern state, the premise for a wide range of public goods (World Bank 2019), and, since ID is often a bureaucratic bottleneck for return and readmission, the cornerstone of an effective and functional return policy.

In some ways, however, the capacity building in question differs from traditional development collaboration. First, it targets the origin state's justice sector institutions. While this is a less common target than education or health, it is not unknown. However, the focus on institutions of migration control is more unusual and differs, for instance, from the UN's efforts to consolidate human rights in the rule of law sector, broadly defined.¹⁶ Funding that targets justice sector institutions must be sensitive to conflict and based on sound political analysis, to avoid strengthening instruments of repression and aiding state transgression; but this is a well-known problem both for aid to this specific sector and for other types of development collaboration (ICHRP 2000).

Second, the capacity building efforts that the Ministry of Justice and Public Security funds in pursuit of dialogue on return and readmission can neither be lavish nor be unduly meagre. They need to be sufficiently modest as not to appear transactional, while also being not so modest as to seem purely symbolic and insignificant. This principle of proportionality needs to be adapted to each origin state, while not losing sight of the official position that origin states are legally obliged to readmit their citizens.¹⁷ This legal and normative principle would be undermined by excessively generous support for capacity building.

To ensure that such capacity building is as cost-effective, needs-based and well-managed as possible and has the greatest possible developmental effect, there are good reasons for involving developmental actors with the requisite skills and expertise, such as Norad, the Norwegian Agency for Development Cooperation, and, more specifically, its Knowledge Bank. More than twenty government entities in Norway belong to the Knowledge Bank, which was set up in 2018 to coordinate and strengthen technical cooperation between public sector institutions in areas where Norway has expertise and experience. These institutions engage in long-term cooperation with their counterparts in partner countries, exchanging knowledge and developing solutions together. The core idea is that many partner countries need knowledge rather than funding (OECD 2015), and that 'capacity development of the public sector is one of the most important contributions that Norway can make in the fight to eradicate global poverty by 2030'.¹⁸

¹⁶ UN home page. <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/> (accessed 21.10.2022). For a sectoral distribution of Official Development Aid 2011-2020, see <https://stats.oecd.org/Index.aspx?DataSetCode=DACSECTOR> (accessed 21.10.2022).

¹⁷ Most legal scholars today seem to agree that there is a duty to readmit nationals, even if its exact nature and scope are not entirely clear. According to Gurakar-Skribeland (2022: 316), 'whenever a state seeks to exercise its sovereign right to lawfully expel a non-national there exists a corresponding inter-state obligation to readmit owed to that state. Nationality provides a fundamental link in this context, determining the state which will bear the obligation to readmit. Finally, to the extent they provide for the readmission of states' own nationals, readmission agreements simply confirm an obligation that is already present in international law.' For another recent take on the debate, see Giuffré 2020).

¹⁸ Norad home page, <https://www.norad.no/en/front/the-knowledge-bank/this-is-the-knowledge-bank/> (accessed 21.10.2022).

Nine of Norway's fifteen ministries are involved in the Knowledge Bank,¹⁹ as are 18 directorates and other governmental agencies.²⁰ It has a plethora of thematic priorities and programmes. Neither the Ministry of Justice and Public Security nor its subordinate, the UDI, are involved so far. The Knowledge Bank has a wealth of experience of state-to-state capacity building efforts of the kind that are promoted by the Ministry of Justice, and could provide quality assurance of them, and specialised tools for monitoring and evaluation. It could also free up administrative capacity, as the small capacity building projects in question require a disproportionate amount of administrative resources. Norad and the immigration authorities could have a shared interest in this.

While this report is focused on Norway, it may be worth pointing out that the above holds true also for other European destination states. Denmark has its 'Partnering with Denmark' programme. In Sweden, the designated organisation for government bodies involved in aid efforts is the Swedish International Development Cooperation Agency (Sida). In the UK, special advisers with expertise on specific topics or countries deal with capacity building as a cross-cutting theme at the UK's Department for International Development (DFID). In Germany, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) cooperates with authorities in developing countries on sectoral priorities.²¹

To summarise, this report has sketched out some criteria for distinguishing between problematic and constructive approaches to conditionality in return and readmission policy. A confrontational direct use of aid to promote readmission risks being counter-productive, especially in the long run, and could perhaps only be effective in exceptional circumstances, in the absence of other options. The thinking behind the emphasis on relationship building is that host states such as Norway can engage in capacity building in part to promote personal communication channels and political goodwill. The national agency for development cooperation offers valuable expertise in this area.

Rather than thinking of aid as a means to boost the number of returns in the short term, one may think of development cooperation as a way to develop dialogue, relations and goodwill that may (or may not) also help to promote collaboration on return and readmission in the long term. Norway is a good case in point, both as a major donor of aid and as a state which has invested heavily in its return policy, but such approaches are as relevant to the EU as they are to individual EU and EU+ states. The need for a long term perspective has implications for the development of performance indicators and target numbers. While exploring those

¹⁹ The Ministry of Foreign Affairs; The Ministry of Petroleum and Energy; The Ministry of Finance; The Ministry of Climate and Environment; The Ministry of Transport and Communications; The Ministry of Trade, Industry and Fisheries; The Ministry of Labour and Social Affairs; The Ministry of Health and Care Services; and The Ministry of Culture.

²⁰ The Norwegian Petroleum Directorate; The Norwegian Water Resources and Energy Directorate; The Norwegian Environment Agency; The Petroleum Safety Authority; Statistics Norway; The Petroleum Tax Office; The Norwegian Tax Administration; The Norwegian Coastal Administration; The Norwegian Directorate for Children, Young People and Family Affairs; The Directorate of Fisheries; The Institute of Marine Research; The Norwegian Food Safety Authority; The Norwegian Tax Administration; The Norwegian State Educational Loan Fund; The Norwegian Veterinary Institute; The Norwegian Institute of Public Health; The Norwegian Directorate for Health; and The International Centre for Hydropower.

²¹ All examples are taken from a Norad report. Norad (2017). Knowledge to fight poverty: Capacity development of the public sector in developing countries. The Norad results report 2017. <https://www.norad.no/globalassets/publikasjoner/publikasjoner-2018/results-report-knowledge-to-fight-poverty-capacity-development-of-the-public-sector-in-developing-countries.pdf> (accessed 21.10.2022).

implications is beyond the scope of this paper, there are links here to a larger debate on new public management in migration policy.

6 Some possible directions for Norway's new multiyear strategy on return

Paasche Analytics was commissioned by the Norwegian Directorate to develop research-based policy recommendations for Norway's new multiyear return strategy starting 2023. Grounded on the discussion above, these are the recommendations:

6.1 Strengthen collaboration between the immigration authorities and development actors

While return is often couched in the language of development, it is rarely taken seriously (and evaluated) as something that can be good for development. This, combined with the resulting lack of a solid evidence base, suggests that the focus is primarily on law-and-order. There are good reasons, however, to believe that a holistic, whole-of-government approach should also include actors from the field of development collaboration.

- Norad's Knowledge Bank seems well placed to support and quality control the capacity building funded by the Ministry of Justice and Public Security and implemented by the UDI. Many other states have similar administrative hubs for capacity building.
- Monitoring and evaluation (M&E) could usefully involve actors from the field of development collaboration to a greater extent, including local state and non-state actors in the origin state. Such actors could have a watchdog function, representing less of a risk of co-optation.
- Norway may learn from other states in this matter. As regards cross-sectoral collaboration on return and readmission, the German collaboration between BMZ (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung), BMI (Bundesministerium des Inneren, für Bau und Heimat), and the GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit, could provide inspiration. Note that the model is not without its critics (SWP 2021). In Belgium too, there has been collaboration between Enable and Fedasil, possibly with more mixed results.
- If current development initiatives that target specific demographics in origin states were also made available to return migrants, this might be one way of collaborating across the organisational and cultural divide between immigration authorities and actors in development collaboration. Again, the German model can offer some lessons on this. Germany has also established bilateral collaboration with France.
- Adopting a development-minded perspective can be hard for immigration authorities used to thinking in terms of justice and deterrence. For instance, giving reintegration assistance to forced returnees too, and not just those who opt for assisted return, can make a lot of sense from the point of view of development, but is at odds with the deterrence paradigm, and may undermine the value of incentives for assisted return. There are no easy solutions to this, but if offering forced returnees assistance would help make their return more humane while also promoting dialogue on readmission, this needs to be taken into account.
- Overselling the development impact of return programmes, on the other hand, is something that national immigration authorities and other actors in migration management are traditionally prone to do. A risk of doing so is that origin states and returnees alike are frustrated if the programmes do not deliver as expected, become

overly complex and bureaucratic, and fail to produce results. Realism and expectation management are required, both vis-à-vis origin states and migrants.

- Pre-return skilling of prospective returnees could be one way to enhance the development impact of return and reintegration programmes while also promoting dialogue on return and readmission. This is a complex and demanding endeavour and requires good coordination and collaboration with origin state authorities to make such programmes fit with their development agendas and labour market needs. It would nonetheless be a way of promoting origin states' ownership of return and reintegration.
- The growth of South-South return programmes has been exponential. Norway has valuable expertise and experience with such programmes. It could seek dialogue with partner countries looking to develop or scale up such programmes, to exchange knowledge and develop joint solutions.

6.2 Address policy dilemmas both regarding Norway's role vis-à-vis the EU and regarding the Ministry of Foreign Affairs' role in Norway's whole-of-government approach

Politically and institutionally, return policy in Europe has seen tectonic shifts in recent years. Key actors, such as the European Regions Research and Innovation Network (ERRIN), the International Organization for Migration (IOM), the International Centre for Migration Policy Development (ICMPD), Caritas and Frontex, have had to reimagine and reinvent themselves. The EU Commission has proposed the Pact and developed its first strategy on assisted return and reintegration. All of which is of relevance to national strategies on return. A weakness of the previous Norwegian strategy was that it did not make clear what Norway's position on EU policy should be (Wold 2021). This should be avoided in the new strategy, in which the Norwegian MFA's role could also be outlined in further detail.

- EU return and readmission policy has had major flaws. According to the European Court of Auditors (2021), the revised visa code has the potential to improve a rather poor return rate. At the time of writing it is too early to judge on this, even if early results appear to have been positive for the EU, partly because it may have a negative effect on external relations in the long term. Either way, the revised visa code offers the possibility of using mobility as bargaining chip. That might be viewed as more legitimate than using, say, trade or developmental aid for the same purpose.
- Return is institutionally compartmentalised in Norway, in ways that it is not in Frontex. Given the political ascendancy of Frontex in return and readmission, it will be of crucial importance for the UDI and NPIS to collaborate effectively and coordinate a shared approach.
- The political ascendancy of Frontex in return and readmission also adds another layer of complexity to the aspiration to align return and reintegration with development collaboration. Frontex, even if it works with partners, may not have the same perceived reliability and access to partners on the ground as IOM and ERRIN had. What this will mean in practice is hard to predict, but it is something to keep in mind. National authorities may simply need to wait and see how Frontex performs and modify the return strategy accordingly.
- The MFA may assist by developing a ladder of options for what can and should be done if an origin state does not collaborate on readmission. These options and the

appropriate course of action will vary widely across countries. Making return and readmission the overriding priority of foreign policy involves many risks (SWP 2021). Taking a whole-of-government approach also means that it may, with regards to specific countries, not be in Norway's overall interest to prioritise return and readmission. Good lines of communication on this between the Ministry of Justice and Public Security and the MFA prevents there being wasteful political and financial investments.

- There are advantages and disadvantages in aligning return and readmission with development collaboration. Doing so requires sensitivity to clearly formulated red lines. For instance, humanitarian operations such as refugee resettlement should not be instrumentalised as a bargaining chip for promoting return.²² In other cases, the line is not so clear. Defining red lines and taking a principled approach to them is of great importance for Norway's credibility as a major donor of development and humanitarian aid.
- Sound political economy analysis of origin states is required both to identify political and bureaucratic bottlenecks in return and readmission and to identify ways of promoting dialogue and collaboration on it with origin states.²³ Knowledge sharing across the MFA and the Ministry of Justice enables there to be a shared understanding on this.

6.3 Introduce targeted mobility schemes in order to facilitate dialogue with origin states on return and readmission

For political elites in origin states, collaboration with EU states on return and readmission is often highly sensitive. Collaboration (or subservience) serves neither their country's economic interests (as it cuts off remittances), nor their own political interests (as it alienates the electorate). They therefore need a narrative. One possibility is 'we get development aid in exchange for readmitting'. Another one, which is more easily spun, is 'we readmit unauthorised migrants from Europe to enable other citizens to go there legally'. This is where the revised Visa Code has an advantage over the NDICI Global Europe: it offers a more appealing and more intuitively legitimate story line. Research shows that, in return and readmission, liberal visa policies are among the few incentives that actually work (Stutz and Trauner 2021), possibly due to their perceived legitimacy as bargaining chips, and their intuitive appeal. The revised Visa Code, however, is still no magic bullet. It may have unintended side effects and its overall effectiveness will likely vary over time and across origin states.²⁴

²² Programme home page. Rundskriv G-15/2020: Retningslinjer for arbeidet med overføringsflyktninger jf. utlendingsloven § www.regjeringen.no/contentassets/47fe09b332c54f95aad990583df64da6/rundskriv-g-15-2020---retningslinjer-for-arbeidet-med-overforingsflyktninger.pdf (Hentet 31.01.2022). «Norges tilbud om gjenbosetting av flyktninger er uttrykk for vilje til solidarisk å bidra til å løse situasjonen til flyktninger som lever under utrygge eller svært vanskelige forhold der de er» p. 1. (Accessed 25.10.2022).

²³ For an example, see Norwegian Institute of International Affairs home page: Political Economy Analyses. www.nupi.no/en/About-NUPI/Projects-centers/Political-economy-analyses (Accessed 25.10.2022).

²⁴ For instance, the bilateral relations of France to Tunisia, Morocco and Algeria were differentially impacted when France introduced visa restrictions as a consequence of perceived lack of collaboration on return and readmission. MEI homepage. <https://www.mei.edu/publications/thorny-question-readmission-france-maghreb-migration-talks> (accessed 25.10.2022).

On the premise that mobility works relatively well as a bargaining chip, while also being part of the mobility-development nexus, Norway and other host states could develop this logic and translate it into further measures to stimulate dialogue with origin states on return and readmission.

- A student mobility scheme could be made available for students from select origin states. This could be done in collaboration with Norwegian and origin state universities, along with other origin state partners, in ways that are in keeping with national development plans and priorities. Public sector employees working in the field of return and readmission in origin states could potentially be given preferential access to such scholarships.
- A more selective return policy could remove some of the financial, social and political pressure on origin states. Decision makers in origin states may find it particularly politically sensitive to readmit specific demographics, such as unaccompanied minors, the elderly and those with medical conditions. In terms of development, it could make sense to relieve them of that burden. In terms of deterrence, it is not a good idea. Humanitarian considerations need to be weighed against realpolitik and what produces the best results overall, and institutional actors will have different opinions on how this should be done.

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