



MIGNEX Background Paper

Exploring EU Migration Partnerships: The Cases of Turkey and Nigeria

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MIGNEX

MIGNEX (Aligning Migration Management and the Migration-Development Nexus) is a five-year research project (2018–2023) with the core ambition of creating new knowledge on migration, development and policy. It is carried out by a consortium of nine partners in Europe, Africa and Asia: the Peace Research Institute Oslo (coordinator), Danube University Krems, University of Ghana, Koç University, Lahore University of Management Sciences, Maastricht University, the Overseas Development Institute, the University of Oxford and Samuel Hall.

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MIGNEX Background Papers

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Exploring EU Migration Partnerships: The Cases of Turkey and Nigeria

The cases of Turkey and Nigeria raise questions about the EU's pursuit of return and readmission agreements, and the evolution of the EU's approach to migration partnerships.

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Certain features of a readmission agreement with the EU are at odds (incoherent) with the national policy objectives of partner countries.

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The EU's lack of reintegration policy and heavy emphasis on return and readmission is incoherent with its aims of reducing irregular migration.

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Partnerships are dynamic; constantly reconsidered and renegotiated as interests, demands, motives and objectives shift.

Introduction

Conflicting interests between actors on different levels pervade the world of migration governance. Within the EU, the domestic interests of individual member states often prevail over commonly shared, EU-wide interests. This is reflected in the lack of solidarity of Northern and Eastern member states vis-à-vis Southern member states when it comes to the reception of asylum seekers (Carrera and Geddes, 2021; Karageorgiou and Noll, 2022). Likewise, the EU's engagement with third countries is permeated with divergent interests.

The EU increasingly seeks to establish partnerships with third countries in the field of migration. The increased engagement of the EU with third countries all over the world through formal and informal partnerships is often referred to as the externalisation of EU migration policy (Bialasiewicz, 2012; Boswell, 2003; Cuttitta, 2018; Lavenex and Stucky, 2011; Lemberg-Pedersen, 2019). This paper provides an in-depth analysis of the EU's external policies regarding migration by empirically focusing on selected partnerships with two of the third countries with whom the EU has an interest in cooperating on return and readmission: Turkey and Nigeria. In the case of Turkey, the negotiations for a return and readmission Agreement were concluded in 2013 and came into effect in 2014, although its effectiveness has been questioned. In Nigeria, negotiations have been ongoing since 2016 but, at the time of writing, had yet to be concluded.

This paper builds on the conceptual and empirical work in previous MIGNEX Background Papers. For example, through an examination of selected EU policy documents, Godin et al (2021) (BP9.2) drew attention to the increasing focus of EU migration policy on returns and readmissions at the expense of other relevant areas of cooperation for partner countries, such as the opening of legal pathways. In Lebon-McGregor et al (2022) (BP9.3) this was further explored by investigating the application of compensation and conditionality in EU migration partnerships using data collected in Work Package 5 of the MIGNEX Project. However, while BP9.3 examined all ten countries included in the MIGNEX project, this paper zooms in on two specific case studies: Turkey and Nigeria, adding new empirical insights, in order to address the following research question:

What can an examination of the evolution of EU migration partnerships with selected partner countries reveal about the emergence of incoherent policies?

In order to address the overarching research question, we address two interconnected sub-questions:

How has the partnership between the EU and the partner country evolved?

What does the existing literature and perspectives of key informants reveal about the negotiation of different interests within the partnership?

While an interested reader can consult Godin et al (2021) for a more detailed discussion of the concept of (in)coherence, it is worth pausing briefly to define what we mean by incoherent policies in the context of this study. At its simplest, policy incoherence refers to the unintended outcomes of a specific policy or contradictions between the goals of policies in different policy areas, or jurisdictions within or between countries. This can occur because of internal inconsistencies in the policy logic but it can also be introduced (deliberately or inadvertently) through the prioritisation of certain interests over others.

In the remainder of the paper, we first elaborate on the choice of the two cases and the methodological approach employed to gather primary empirical data for each case ([Section: Methodology](#)). We then present each

case in turn (Case 1: [EU-Turkey Partnership](#) and Case 2: [EU-Nigeria Partnership](#)) before concluding with some observations that emerge from the case studies and recommendations for the future.

Overall, the paper concludes that the use of soft-law declarations can serve to circumvent more formal legal bindings, including fundamental rights – as is the case with the EU-Turkey Statement; and accordingly lead to incoherent policies. However, in the absence of being able to offer adequate incentives in the form of legal pathways, it appears to be an increasingly common approach, given challenges in negotiating readmission agreements. This could also be a possible direction taken in a future EU-Nigeria deal given difficulties in signing a formal agreement.

We see that neither Turkey nor Nigeria, are passive receivers of EU externalisation policies, rather they are well aware of their strategic positions towards the EU and actively negotiate to get the most out of their respective arrangements - notably in terms of legal migration channels (in exchange for any readmission agreement). Another commonality among the case studies is the lack of a coherent, comprehensive, and explicit integration and/or reintegration policy. Partnerships are also a matter subject to continuous negotiation rounds: interests, demands, motives, objectives, compensations and conditionalities are continuously reconsidered, negotiated and re-negotiated - and needs (for the EU and the partner country alike) change over time.

Based on the findings of this paper, we offer the following policy recommendations:

- Make resettlement and other legal pathways to Europe available in a substantive manner to demonstrate responsibility sharing that goes beyond mere aid allocation.
- Enhance cooperation and coordination with partner countries in the field of labour migration.
- Reassess the utility of Readmission Agreements as a foreign policy tool.
- Cooperate with partner countries in creating sustainable job opportunities for the refugees and local host communities within the partner country.
- Cooperate with partner countries in creating systematic and comprehensive (re-)integration policies.
- Cooperate with partner countries to address issues around access to efficient and fair status determination procedures, access to legal documents, and issues pertaining to protection after readmission.
- Establish bodies that monitor readmission and resettlement procedures and collect comprehensive and collective data on these processes that is made available to the wider public) in line with the GDPR and local data protection regulations).
- Reassess the legal implications of safe third country designations that impose blanket restrictions on asylum claims.
- Support transparency and accountability by ensuring that the proceedings of negotiations are available in the public domain.

Methodology

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The overall methodological approach can be described as a case study. Two cases were selected - Turkey and Nigeria - in order to explore the process of negotiating and, in the case of Turkey, implementing an EU return and readmission agreement. In this section, we first outline our case selection criteria before explaining the two main sources of data to address the research question: documents and interviews.

Case Selection

The selection of Turkey and Nigeria as case study countries was informed by the country-level policy reviews conducted within the context of Work Package 5 and the findings of Background Paper 9.3 on the “Comparative Experiences of Third Country Cooperation.” Turkey and Nigeria were selected because they represent two countries of strategic importance to the EU and with whom the EU has sought to sign a return and readmission agreement. As further elaborated in the paragraphs below, in the case of Turkey, an agreement came into effect in 2014, although its effectiveness has been questioned. In the case of Nigeria, negotiations commenced in 2016, however, at the time of writing, had not yet been concluded.

Turkey

The EU-Turkey Readmission Agreement came into effect 2014, after over five years of negotiations. The Readmission Agreement was comprised of clauses both on the readmission of the countries’ nationals and third-country nationals and stateless persons, the latter becoming applicable only from 2017. This was, in large part, due to Turkey’s stance on only implementing the agreement on third-country nationals once the visa waivers for Turkish citizens were brought into effect. This formed a significant deviation from the conventional practice of entering into VFAs as a compensation for signing a readmission agreement. Following the 2015 “refugee crisis”, Turkey has shifted from primarily being a country of origin to being a country of transit. This has led to the EU-Turkey partnership to reprioritise its focus on the return of third country nationals. Turkey’s cooperation in preventing transit migration has been contingent upon aid allocation and continuous cooperation on visa liberalisation. The dialogues around visa liberalisation have stagnated whereas aid allocation has come to the forefront of the partnership as the primary conditionality for continuous cooperation.

In particular, the EU-Turkey case provides an illustrative study of the notion of “reverse conditionality”, which refers to the concept where the partner country derives its power to set conditions based on their relative importance in achieving EU’s migration control agenda.

Nigeria

Nigeria was the first country to sign the Common Agenda on Migration and Mobility (CAMM) with the EU. In 2016, one year after signing the CAMM, Nigeria became a priority country within the Mobility Partnership Framework. Nigeria’s priority status can be explained by the high number of Nigerian asylum seekers in Europe, reaching up to 15,414 asylum

applications in 2021 (EUAA, 2022). However, Nigeria is not very dependent on EU development aid, which strengthens its bargaining position vis-à-vis the EU. Due to a large diasporic community across the world, remittances play an important role in Nigeria's economy and forms a crucial source of income for many Nigerians (Zanker et al., 2019). In 2019, 5.3% of the Nigerian GDP was represented by remittances. Diaspora engagement is, accordingly, of crucial importance for the Nigerian government. From a geopolitical perspective, moreover, the EU is not the only actor interested in cooperating with Nigeria (Adunbi and Stein, 2019). China has invested billions in the Nigerian economy over the last decade, which significantly reduces the EU's bargaining position vis-à-vis Nigeria.

The combination of, on the one hand, conflicting interests between Nigeria and the EU, and on the other hand, the incapability of the EU to enforce an agreement through the carrot-and-stick approach, makes Nigeria a unique and interesting case for further analysis.

Methods

Broadly speaking, both case studies followed a similar methodological approach. Initially, we conducted a document review including an in-depth review of the bilateral agreements and preparatory documents falling under the framework of Mobility Partnerships between the EU and the respective partner country. To limit the scope of the initial desk research, the document review focused on documents relating to the country's partnership with the EU and excluded domestic policy and legislative archives. The document review was supplemented by a detailed literature review to examine relevant literature (academic and grey) produced on the specific EU-country partnership. The document review informed the creation of a stakeholder overview, which helped in the identification of key informants who could be interviewed in the next stage of the research. The thematic literature review for Turkey case study was conducted between November 2022 and March 2023. In Nigeria, the thematic literature review was conducted between December 2022 and March 2023.

In the second stage of the research, we conducted interviews (n=14) with stakeholders in the case study countries, including state actors and key informants with field experience within immigrant communities in the respective partner countries. Interviewees were purposively sampled to ensure that they could offer observations on the migration partnerships from the partner country's perspective. After our review of EU migration policy coherence including perspectives from EU officials and policy makers in Godin et al (2021), the focus of Lebon-McGregor et al (2022) and this present paper has been on the perspective of partner countries. Existing literature on the topic has also consistently identified this as a relevant knowledge gap, which is key to our aim of evaluating the EU's approach to migration. From the initial list of potential respondents constructed during the document review, we additionally made use of snowball sampling to identify other relevant respondents. Furthermore, the institutional ties of the MIGNEX project across both countries provided the opportunity to find multiple entry points to avoid one-sided, biased perspectives.

The interviews aimed to uncover and identify the main sources from which incoherence emerges, while also trying to ascertain possible policy recommendations for mitigating the implementation failures from a partner country perspective. A semi-structured interview guide was developed for use in both countries. The interview guide served as a broad guideline for the interviews, which left sufficient space for specific follow-up questions. Since we were interested in capturing general perspectives on the partnerships as well as very specific negotiation details. We deliberately chose to keep the interview guide as general as possible, while digging deeper during the interview itself on key points.

Our interviews started with a general introduction of the respondent, their current role, and how they are related to the migration partnership with the EU. Subsequently, we asked the respondents to describe the historical development of EU-partner country migration partnership. As a follow-up to this general introduction on the partnership, we tried to elucidate the main interests from both parties; how they affect the partnership and the negotiations, and how they can be better aligned with each other. We closed our interviews with the question of what an ideal partnership with the EU would look like, in order to extract certain recurrent elements and demands from a partner country perspective.

For **Turkey**, insights to supplement the literature review were provided through six semi-structured interviews conducted between November 2022 and March 2023. All of the interviews were conducted online, in English and lasted on average 45-60 minutes. All interviews were recorded and anonymised. The interview data was used to conduct a thematic analysis for the purposes of identifying common themes, problem areas, recommendations and ideas pertaining to the partnership. Of the six interviews, five were with Turkish scholars and researchers active in the migration field, the majority of whom had extensive experience on the ground, in addition to roles as policy advisors. The other interviewee was not a Turkish national, although had extensive research and field experience from the Turkish context. The interviews were used to build upon the existing literature to gain insights into the different aspects of the migration cooperation scheme from the perspective of Turkey and identify issues pertinent to policy incoherence under the cooperation. Due to the (then forthcoming) General Elections of May 2023, the sensitivity of the issues at hand and the earthquakes on 6 February 2023, it was difficult to establish connections with Turkish policy makers and officials. We sent several rounds of interview invitations to officials at the Directorate General of Migration Management, as well as a number of other ministries such as the Ministry for EU Affairs, and the Ministry of Foreign Affairs. However, we were unable to receive responses to these interview requests. In a similar vein, our interview participants warned us of potential difficulty in reaching Turkish officials. Most did not suggest Turkish officials when asked for other potential contacts at the end of each interview.

In **Nigeria**, we conducted eight semi-structured interviews, which lasted on average 45 minutes. All interviews were recorded, transcribed and anonymised. Four of our respondents were Nigerian government officials, and four were experts either working for IGOs (n=1) or research institutes

(n=3). The period of data collection started in December 2022 and was concluded in February 2023. Importantly, the Nigerian Presidential Elections took place on 25 February 2023, shortly after our data collection. The majority of the governmental interviews were conducted shortly before these Presidential Elections, which may have influenced the types of responses that we received. We reflect on the particular timing of our interviews vis-à-vis the elections later in this paper.

After having transcribed all interviews, we conducted a thematic coding analysis. The codes were both inductively and deductively created. Some codes followed from the literature review, while others were inductively created based on the interview-data itself. In doing so, we particularly paid attention to how interviewees articulated the interests of both parties (i.e. EU and Turkey/Nigeria). Our coding scheme can accordingly be categorised into four overarching nodes: either EU or partner country interests; substantive interests (e.g. remittances, legal pathways, return and readmission, etc.); regional (e.g. bilateral versus multilateral); and specific negotiation codes attached to those quotes specifically related to negotiation dynamics. As a result, our analysis provided a clear insight into which themes were most important, which considerations played a role in the negotiations, and where the main points of friction can be found.

Limitations

While every effort was made to ensure that case studies were conducted using a similar design, there were inevitably differences in the implementation of each case study, which does limit their comparability. This includes the availability of potential respondents, especially in light of the earthquake in Turkey, and elections in Nigeria.

During the data collection, we were confronted with a lack of transparency with regard to the negotiation process. In the Nigerian case, the negotiations on a readmission agreement were still ongoing at the time of our data collection. Some interviewees – especially policy-makers – could provide limited information on the negotiations itself, as they were still ongoing during the interviews. Moreover, we had limited access to key policy documents, as these were not yet publicly available.

Moreover, it is necessary to reflect on our own positionality as researchers from European universities, which might have resulted in biased answers from respondents. Given the sensitivity of the topic of the interviews – in which we explicitly addressed EU-policy from the perspective of third countries – it is possible that our respondents were more reluctant to express thorough critiques of the migration partnership with the EU and EU migration policy in general. It is therefore important to take our positionality as researchers from European institutions into account for the rest of this paper.

Case 1: EU-Turkey Partnership

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Introduction to the EU-Turkey partnership case study

Cooperation between the EU and Turkey has a long history intertwined with shifting prospects for Turkey's accession to the EU. This has been influenced by Turkey's shifting migration patterns, from being a migrant country of origin to a country of transit and destination. EU-Turkey cooperation on migration represents a unique case of continued cooperation despite a history of unfulfilled promises and failed negotiations, particularly pertaining to accession and visa liberalisation for Turkish citizens. One of the main roadblocks to progress toward accession has been Turkey's refusal to apply the Additional Protocol and Financial Protocol of 23 November 1970, to Cyprus, which the EU has declared to be non-negotiable for them to conclude accession talks (European Commission, n.d.). Ten years after the start of the accession negotiations, 2015 marked the year when EU-Turkey relations with regards to migration really came to the forefront, with the 2015 "refugee crisis" being the turning point in the migration cooperation.

In this section, we will first briefly describe the recent history of EU-Turkey migration cooperation, with a focus on the Readmission Agreement, which was concluded in 2013. It came into effect in 2014 with subsequent challenges to implementation. The discussion below is based on a thematic review of available academic and grey literature, spanning from peer-reviewed journal articles and chapters in edited volumes to reports and blogposts. The literature review is supplemented by the findings of the interviews conducted. The section concludes with an overview of our key findings.

A brief history of the EU-Turkey partnership

The EU-Turkey partnership on migration has largely taken place against the backdrop of broader EU-Turkey relations. Table 1 provides a brief timeline of key events under the partnership starting from Turkey's accession negotiations to the EU to the current state of the partnership under the EU-Turkey Statement. Next to the interconnection with accession talks, another relevant feature of EU-Turkey migration cooperation is that it marked the start of a shift from the traditional approach to concluding visa facilitation agreements and readmission agreements in parallel with one another. In Turkey, the EU bypassed standard practice when, in 2013, it initiated a visa liberalisation dialogue instead (Elitok, 2015; Flessenkemper and Bütow, 2011; Lebon-McGregor et al., 2022; Yavuz, 2019). At the time, then Minister of Foreign Affairs Ahmet Davutoglu criticised what was perceived by Turkey as a "double-standard" by stating it was unacceptable that "certain Balkan countries" who were in the initial stages of the membership process were given Schengen privilege whereas Turkey "considering the level that Turkish-EU relations have reached" was not (Petkova, 2012: 5). This compromise has arguably led to the misperception of the wider Turkish public that the Readmission Agreement would lead the way to freedom of movement for Turkish citizens (Elitok, 2012).

Table 1. Timeline of Key Events in the EU-Turkey Partnership

Date/Year	Event
December 1999	Helsinki European Council provides Turkey with EU candidate status which opens the way to access EU funding, programmes and participation in EU agencies.
2001	Greece and Turkey enter into a bilateral Readmission Agreement (From 1 June 2016, this is succeeded by the EU-Turkey Readmission Agreement, following the entry into force of the provisions on readmission of third country nationals of this agreement).
2000 – 2005	Turkey begins overhauling its policies with particular emphasis on the adoption of “European style” border management policies.
October 2005	Accession negotiations are launched in an Intergovernmental Conference.
2006	The lack of progress in the accession negotiations further hinders EU-Turkey relations, Turkey makes a turn to the relatively more relaxed visa system (removing visa obligations for a number of countries on EU’s negative list).
April 2013	The Turkish Law on Foreigners and International Protection is adopted.
December 2013	EU-Turkey Readmission agreement is signed along with the roadmap for visa liberalisation dialogue.
1 October 2014	EU-Turkey Readmission agreement comes into effect.
15 October 2015	EU-Turkey Joint Action Plan is established.
8 March 2016	Greece and Turkey reactivate their bilateral cooperation by signing a joint declaration.
18 March 2016	The EU-Turkey Statement is announced in the form of a press release.
1 June 2016	EU-Turkey Readmission Agreement succeeds the Greece – Turkey bilateral Readmission Agreement, following the entry into force of the provisions on readmission of third country nationals.
6 June 2018	Turkish Foreign Minister Mevlut Cavusoglu announces the suspension of the bilateral readmission deal with Greece.
27 February 2020	Greece-Turkey border crisis begins.
As of December 2020	All of the 6 billion euros have been committed and contracted under the Facility for Refugees in Turkey, the European Council promises “to continue providing financial assistance to Syrian refugees and host communities in Turkey.”
June 2021	A Greek Joint Ministerial Decision designates Turkey as a ‘safe third country’ for people from Afghanistan, Bangladesh, Pakistan, Somalia and Syria.
June 2021	The European Commission announces a €3 billion package to support refugees in Turkey until 2024.
As of March 2021	28,000 Syrian refugees have been resettled.
14 June 2022	The European Commission announces €50 million to support vulnerable refugees and their host communities in Turkey (part of the package announced in June 2021).
As of 2022	Approximately 2,140 people have been returned from Greece to Turkey under the deal.

The EU-Turkey Readmission Agreement of 2013 was concluded at a time when Turkey was viewed primarily as a country of origin. Very quickly thereafter, this perception changed as by the end of 2015, Turkey had become host to around 2.5 million refugees within its territorial borders (Kleist, 2022: 12). The Readmission Agreement entails the readmission, by both parties, of their own nationals and the readmission of third-country nationals (TCNs) and stateless persons:

If they hold, at the time of submission of the readmission application, a valid visa issued by Turkey entering the territory of a Member State directly from the territory of Turkey; or (b) hold a residence permit issued by Turkey; or (c) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of Turkey (European Union, 2014: article 4 and 6).

Article 24 of the Readmission Agreement further states that the return of TCNs and stateless persons should become applicable in 2017. The inclusion of this Article was due to the Turkish government's resistance to the implementation of Article 4 until the visa requirement for Turkish citizens travelling to the Schengen zone is lifted (amendment of Regulation (EC) No 539/2001). However, despite reminding the Turkish government of its obligation to apply the Readmission Agreement in full since 2017, the EU has yet to take any judicial or political action against Turkey regarding this non-compliance (Yavuz, 2019).

From 2016, the EU has consistently expressed discontent with Turkey's cooperation on readmission. In response, Turkish officials declared that full cooperation on readmission was conditional on the EU acknowledging that all benchmarks for visa liberalisation had been achieved (Janvier, 2023: 10). In July 2019, the Turkish Minister of Foreign Affairs, Mevlut Cavusoglu, announced the suspension of the Readmission Agreement citing stagnation in the visa liberalisation process as the primary motivation for doing so (Ozturk and Soykan, 2019). From March 2020, the return of irregular migrants from the Greek islands to Turkey was suspended (European Commission, 2022a). Next to dissatisfaction with cooperation on return, the EU was also displeased that, despite the disbursement of a large proportion of promised EU funding¹, Turkey was still not implementing the provisions relating to TCNs in the Readmission Agreement. In anticipation of Turkey responding that this was due to delays in the visa liberalisation process, the EU also argued that six benchmarks required for visa liberalisation remained unfulfilled: anti-terror legislation, data protection, the implementation of the Readmission Agreement, and the conclusion of an international agreement on corruption and full judicial cooperation with EU Member States (European Commission, 2022a).

In light of the ongoing challenges, and the strategic importance of Turkey in achieving the EU's migration related goals, it is unsurprising to find alternatives cooperation approaches between the EU. On 18 March 2016, the EU and Turkey announced a joint statement, in which they agreed on a number of action points including:

¹ The EU reported that "out of the full operational budget of EUR 6 billion under the Facility for Refugees, over EUR 4.7 billion was disbursed by June 2022" (European Commission, 2022a:57).

- all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 being returned to Turkey;
- for every Syrian being returned to Turkey from Greek islands, another Syrian being resettled from Turkey to the EU taking into account the UN Vulnerability Criteria (the 1:1 scheme);
- the fulfilment of the visa liberalisation roadmap being accelerated vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016, provided that all benchmarks have been met; and
- In close cooperation with Turkey, the EU speeds up the disbursement of the initially allocated 3 billion Euros under the Facility for Refugees in Turkey and ensures funding of further projects for persons under temporary protection (European Commission, 2016a).

In 2019, the full operational budget of the EU Facility for Refugees in Turkey was committed. The Facility coordinated the aggregation of EUR 6 billion in two separate tranches. However, by 2021, just EUR 2.6 billion had been disbursed from the first tranche. The perceived “slow” cash disbursement was criticised by President Recep Tayyip Erdogan, who stated that the EUR 3.8 billion spent by the EU paled in comparison to the EUR 40 billion spent by Turkey within the same time period of time (van Heukelingen, 2021).

Despite the many challenges encountered, EU Member States still expressed their interest in renewing the EU-Turkey Statement in 2021. At the time, Germany’s foreign minister, Heiko Maas was reported as stating:

I don't want to pull a number out of the air, but obviously it's not going to work without money. (Lindsay, 2021)

It is evident that continued aid allocation to Turkey will remain a key feature of any renewed Statement.

In June 2021, the EU announced the allocation of a further EUR 3 billion to refugees in Turkey for the 2021-2023 period (European Commission, n.d.). In December 2021, the EU announced that it had finalised the contracting of EUR 6 billion in aid, with the signing of the final eight contracts under the Facility for Refugees, amounting to EUR 780 million.

As it stands in 2023, accession negotiations are still at a standstill, with only one out of thirty-five Negotiation Framework chapters provisionally closed. However, this has not hampered cooperation between Turkey and the EU. The financial dimension of EU-Turkey cooperation appears to have consistently taken precedence over the other forms of cooperation, most notably, visa liberalisation for Turkish citizens and the accession process (van Heukelingen, 2021).

Thematic Literature Review

This section provides a thematic review of the literature on the EU-Turkey migration partnership. The focus of a lot of the literature on EU-Turkey relations as they relate to migration has been on a number of instruments, namely: the Readmission Agreement, the 2015 EU-Turkey Joint Action Plan

and the 2016 EU-Turkey Statement. Several key themes emerged from the review of the literature, namely that: 1) cooperation has become a core feature of the EU's externalisation policy; 2) power dynamics 3) the unsatisfactory implementation of promises made by both parties; 4) the increase in anti-immigration sentiment in Turkey; and 5) the implications of cooperation for the rights of refugees.

Cooperation as a symptom of EU's externalisation policy

Frelick et al., (2016: 193) define externalisation as extraterritorial state actions aimed at “preventing migrants, including asylum seekers, from entering the legal jurisdictions or territories of destination countries or regions or making them legally inadmissible without individually considering the merits of their protection claims.” There is a growing body of literature exploring the EU-Turkey migration cooperation as emblematic of the externalisation paradigm dominating EU migration policies post-2015 (Benvenuti and Toygurt, 2017; Casaglia and Pacciardi, 2022; Karadag, 2019; Kleist, 2022; Koutsouraki, 2018; Muftuler-Bac, 2022; Terry, 2021; Toaldo, 2016). One such scholar, Benvenuti (2016: 12), points to the paradoxical nature inherent to the EU-Turkey cooperation scheme of using the “carrot of membership” as an incentive to gain Turkey's cooperation. According to Benvenuti, actual accession to the EU would “render Turkey's borders – adjacent to troubled regions – EU's external borders, which runs counter to the EU's interest in keeping Turkey as a buffer” (2016: 12).

Many of the authors who examine EU-Turkey cooperation from the perspective of externalisation are also critical of focus on burden shifting rather than protection (Elitok, 2015; Elitok, 2019; Kaya, 2020; McEwen, 2017; Toygurt, 2020). For example, Meral, (n.d.) suggests that the EU-Turkey deal has weakened the overall regional cooperation on refugee protection and migration governance by shifting the responsibility for the protection of refugees to Turkey.

Power dynamics

Another trend in the literature, including literature on externalisation, addresses the power dynamics of EU-Turkey relations within the context of migration cooperation. Karadag (2019) frames the accession negotiations as an incentive utilised under the EU's externalisation policy while challenging the framing of Turkey as a mere passive receiver of this policy. Çetin (2022), in a similar vein, argues that Turkey seeks to challenge the hierarchical power asymmetry, which has historically permeated EU-Turkey relations, by using migration issues in their negotiations with the EU. Likewise, Demiryontar (2021) demonstrates how Turkey utilised migration diplomacy by establishing linkages between issues such as visa liberalisation, and the promise of cooperation in the migration policy field.

Unsatisfactory implementation of promises under various cooperation schemes

A large part of the literature discusses the mutual failure to fulfil promises made under the cooperation instruments, with a particular focus on the stagnation of the accession talks (Kirisici, 2021; Toygur, 2022). A number of

academic sources recognise the compromise made by Turkey on bypassing the visa liberalisation process as part of its candidacy rights (Bilgin and Simone, 2019; Paul and Seyrek, 2016; Petkova, 2012; Yavuz, 2019). However, several authors are more critical of the EU. Elitok (2015) argues that the visa liberalisation dialogue entered into as reciprocity for the Readmission Agreement is in contravention of the EU's equal treatment principles. Demiryontar (2015) observes the shortcomings of accession as an adequate incentive for cooperation, as Turkey's prospects for membership has lost credibility. Demiryontar suggests that the EU has utilised the visa liberalisation roadmap as a more achievable external incentive (than accession) to secure Turkey's commitment to cooperate with the EU's migration policy agenda. Pénczvártó (2019), who examined the official Turkish discourse around the visa liberalisation process, finds that the analysed texts describe the visa negotiations as a process in which all responsibilities lie with the EU, and where the EU applies double standards and does not consider Turkey to be an equal partner. Pénczvártó argues that this framing is used as a tool in reconstructing and strengthening the wider populist and securitisation discourse in Turkey.

The literature focusing on the unsatisfactory implementation of conditionalities often points to aid allocation by the EU as the primary compensation that allows any form of cooperation to exist at all. Continued aid allocation to Turkey, and the enthusiasm shown by European leaders for the renewal of the EU-Turkey Statement implies that the financial elements of the cooperation have gained primacy over the other incentives (van Heukelingen, 2021).

Anti-immigration sentiment in Turkey

Another recurrent theme within the literature centres around the protection of Syrian refugees (Csicsmann, 2016). In this context, focus has been placed on shifting public sentiments among the wider Turkish public, which have compounded anti-immigration politics reminiscent of anti-immigration attitudes evident within the EU (Adar and Puttmann, 2022). Furthermore, the political cost of the EU-Turkey migration deal to the Turkish government has also been identified as a contributory factor leading to a rise in anti-immigrant sentiments (Efe and Jacoby, 2022; Erdogan, 2022; Toygurt, 2020; Velentza, 2020). During the 2023 General Elections, the return of Syrian refugees emerged as one of the primary election promises across the political spectrum (Karatzas, 2023). The February 2023 earthquakes further served to aggravate the societal tensions within the host communities in the South-Eastern Anatolia region. Erdogan (2020: 47) has emphasised that the "spontaneous placement" of Syrian refugees has "proved to be an effective factor that has led Syrians to feel secure and establish self-sufficient lives in Turkey." However, Erdogan also notes the risks that this model poses for local governments. He suggests that due to the absence of additional resources for refugees "the local governments that receive large numbers of refugees end up using the scarce, and at times already insufficient, resources to respond to the local challenges created by this inflow" (Erdogan, 2020: 47).

Cooperation scheme under international law and implications on the rights of the refugees

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In their 2016 submission to the Court of Justice of the European Union (CJEU), the European Commission argued that the EU–Turkey Statement was not a legally binding agreement. In the submission the EC described the Statement as a “political arrangement” and a “political commitment of the Heads of State or Government of the Member States of the European Union vis-à-vis their Turkish counterpart” (Case T - 192/ 16, 2017). While the academic community has not yet reached consensus regarding the legal nature of the Statement, the most prevalent view is that it constitutes a legally binding international agreement (Cherubini, 2016; Gatti and Ott, 2019).

Several authors (Alpes et al., 2017; Kaya, 2020; Wesel, 2021) flagged the legality of the readmission framework with respect to potential violations of international human rights and refugee law. A significant portion of this literature pertains to the question of whether the Agreement constitutes refoulement² and the implications of the blanket application of the safe third country concept (Benvenuti and Toygurt, 2017; Borges, 2017; Gkliati, 2017; Toaldo, 2016). The safe third country designation was also challenged several authors (Alpes et al., 2017; Tekin, 2022) because of the geographical limitation applied to the 1951 Convention by Turkey.

However, while there is a broad focus on the limitation of the agreement, limited research is available on the effects that it has had in practice. For example, Ustubici (2019) argues that an overall focus on foreign policy and EU-Turkey relations has resulted in the socio-legal implications of migration governance being overshadowed. Further, there is a significant lack of research and sources on what the readmission procedure entails, and the implications it has on the rights of asylum seekers once the readmission takes place. Two notable exceptions that examine the readmission process in practice are Alpes et al. (2017) and Ulusoy and Battjes (2017), who have identified problematic trends that constitute violations of international refugee law. These include but are not limited to the lack of a case-by-case evaluation of the asylum claims before deportation; the lack of access to fair and efficient procedures for the determination of status once admitted to Turkey; and the overall lack of systematic legal aid for asylum seekers. In the case of readmitted non-Syrians, Alpes et al. (2017) reported a particularly problematic trend of not having access to fair and efficient procedures. According to Alpes et al., in 2017, out of 1,144 non-Syrians readmitted to Turkey, merely 57 of them were able to submit an international protection application.

Another emerging trend in the literature investigates the use of non-binding instruments in the area of readmission (Frasca, 2021; Slominski and Trauner,

² Article 33(1) of the 1951 United Nations Convention relating to the Status of refugees provides that: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

2021; Wesel, 2021). Molinari (2021) argues that the EU-Turkey Statement opened the gate for the proliferation of readmission agreements based on informal instruments. Frasca (2021: 14) emphasises the paradoxical nature of the use of soft-law material for issues pertaining to the fundamental rights of asylum seekers and deems the EU-Turkey statement to be the informal agreement, which “has the most evident impact from a legal point of view.” Carrera (2017) proposes that the publication of the Statement in the form of a press release enabled the heads of State or government to bypass democratic scrutiny of the European Parliament as well as the jurisdiction of the CJEU, an act he deems to have been in mala fide (carried out in bad faith).

Results and Analysis

While an extensive body of literature already exists on EU-Turkey cooperation on migration, one relatively underdressed aspect of the current literature relates to the explicit examination of policy incoherence (Lebon-McGregor et al., 2022; Demiryontar, 2015). There are cursory mentions of incoherence concerning unintended consequences - referring to the partnership creating further societal tensions in Turkey within the context of electoral support and the exacerbated anti-immigration sentiments within the public discourse. However, few studies explicitly address the notion of reversed conditionality within the specific context of EU-Turkey cooperation. Turhan and Yıldız (2022) refer to “asymmetrical reverse interdependence”, which they argue has given Turkey bargaining leverage over the EU, because of the EU’s increasing dependency on to control its external borders following the 2015 crisis. This case study will build upon existing literature based on the conceptualisation of reversed conditionality and explores how this concept manifests itself in the larger discussions around policy incoherence and the implementation of the 2016 EU-Turkey Statement. The study will also touch upon the various thematic areas identified in past literature.

The remainder of this section presents the thematic analysis of the interviews conducted and described in the [Methodology](#). Three main themes emerged. The first relates to a degree of strategic pragmatism that characterises EU-Turkey relations in the sense that cooperation continues despite unfulfilled promises and ineffective agreements. The second is that the development of domestic policy has been undermined as most attention has been spent on developing EU-Turkey relations. Finally, the informal nature of the partnership can increase the number of individuals with irregular status, further undermining their access to protection.

EU-Turkey relations: A form of strategic pragmatism

EU-Turkey relations over recent years can be described as *strategic pragmatism*: the EU has moved from seeking to be a normative force seeking to enact change in Turkey to cooperating with Turkey when it “needs to” in the area of migration.

From the 1990s to the early 2000s, Turkey dragged its feet on the Readmission Agreement. One Turkish official’s concern at the time was that the EU was attempting to turn Turkey into a buffer zone with no prospects for the resettlement of refugees within Europe and accordingly Turkey was

reluctant to respond to the EU's pressure on Turkey to sign the Readmission Agreement. However, from around the year 2000, Turkey thought it had a real chance of becoming an EU Member State, and, therefore, started aligning its laws and policies to those of the EU. Until 2007/08, the accession process was moving at a steady pace. However, by the time the Readmission Agreement was signed in 2013, Turkey's accession process was already losing its credibility.

From 2010 and onwards (with none of the negotiation chapters closed), it was understood by Turkish officials and the wider Turkish public that Turkey was no longer a viable candidate for accession, and today no realistic prospect of Turkey joining the EU exists. Turkey's role then progressively shifted to becoming a strategic partner, particularly within the EU's externalisation policies on migration. The EU-Turkey relationship was largely dormant until the Syrian flow intensified in 2014. Since then, relations have been tense, although the EU still wants and needs Turkey's cooperation on migration issues. Turkey no longer considers itself a prospective EU member but rather a trade and strategic partner.

In the context of an intensified politicisation of the refugee issue, several interviewees argued that the EU and Turkey both benefit from the prevailing political discourse within their respective borders. Some even claim that the EU, in its search for a way to curb migration to Europe, is increasingly unwilling to respond to violations of the rule of law by Turkey, due to the strategic significance of sustaining the partnership. Accordingly, our Key Informants argued that the EU has lost its normative power over Turkey because the ability to use EU membership as an incentive for compliance and cooperation lost its effectiveness. Others even argued that it is no longer the EU who has the normative power, but Turkey – in the sense that it decides whether it is willing or not to cooperate on migration. In short, both parties are seen as tolerating the other, because they need the partnership – but currently, it seems the EU needs Turkey more than the other way around, and the push for migration containment is the reason for that.

When it comes to the EU-Turkey declaration, several interview participants seem to agree that the deal has led to the deterioration of EU-Turkey relations, as both have parties failed to fulfil their commitments. However, despite the seemingly ineffectiveness of the declaration, both parties seem to view more value in continuing the agreement than abandoning it.

Since 2015, there has been a crystallisation of the EU-Turkey partnership in the sense that both sides are negotiating and actively reaffirming what they want to get out of the relationship. The Statement opened considerable space for cooperation at the bureaucratic and civil society level, as well as the level of international agencies.

A focus on return over integration

While there has been a lot of focus on the relationship between the EU and Turkey, less attention has been given to the situation in Turkey for refugees, and in particular for Syrian refugees. According to the Syrians Barometer 2020 (Erdogan, 2021: 63), the number of Syrian children aged 5-17, has reached 1 million 197 thousand as of December 2020. This implies that almost half of the Syrian refugee population was either born in Turkey or

has lived in Turkey since early childhood. Interviewees note that despite anti-immigration sentiment, refugees, in particular Syrian refugees, are a big part of the informal labour market. As such, Turkey's need for semi-skilled workers could potentially play a part in the formation of future migration policies. Some interviewees suggest that a form of ad hoc integration has already taken place since 2015. Particularly the young Syrian population who has been in Turkey for almost a decade have found themselves integrated into the Turkish society; deemed by a number of interviewees to be "Syrian-Turks", although it is difficult to assess the quality of this integration. Regardless, this might be perceived as a success from the EU perspective as this ad-hoc integration solidifies the containment of the migratory flow, irrespective of the societal and political cost for Turkey.

While Law No. 6458 of 2013 on Foreigners and International Protection is deemed one of the most concrete manifestations of the EU's influence on Turkish domestic law, there seems to be gaps in terms of integration. In other words, as was also observed in the literature, a preoccupation with external cooperation has potentially undermined the development of a coherent domestic policy on integration. However, there are also signs that Turkish policies are increasingly moving towards a more unified integration plan, though the wider political discourse still focuses on voluntary returns. One interviewee pointed towards the recommendations within the Global Compact on Refugees, in particular on the extension of trade facilitation to countries hosting a large number of refugees as a viable alternative in service of sustainable solutions and burden sharing.

Overall, the focus of EU-Turkey cooperation has been primarily on the return aspect without due consideration to what happens after this. There was consensus among the interviewees that there is no real prospect for resettlement under the Statement, which makes it even more important to ensure adequate measures are in place for the returned. However, the EU had no policy or plan to address the problems pertaining to the precarious situation of the refugees on the ground (particularly regarding the status of their papers and other procedural rights). One interviewee suggests that this lack of support from the EU would result in Turkey finding its way to cope with this increasing irregularity and lack of (quality) integration and naturalisation. Another interviewee states that legal pathways (for semi-skilled refugees) to the EU should become a feature of the partnership.

Implications on informality on protection and a lack of solutions

As also identified in the literature review, interviews also noted difficulty in acquiring good quality information on what is happening in the field regarding readmission numbers and processes. This was particularly relevant from the perspective of ensuring that the use of informal soft-law approaches does not lead to violations of international law. As reflected in the literature, the Key Informants, in large part, confirmed the view that soft-law material was utilised under the partnership to circumvent liability arising from violations under the implementation of the cooperation. One interviewee pointed to the CJEU's decision of inadmissibility in joint cases C-208/17 P to C-210/17 P (EU-Turkey Statement cases) which creates a gap of between responsibility and attribution. Another interviewee, while acknowledging the issue around the nature of the Statement, argues that the

primary challenge is not necessarily the nature of the instruments but the decision-makers in Brussels who did not want to provide humanitarian visas, safe legal routes, and other solutions.

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Most interviewees also argued that a significant number of refugees and asylum seekers in Turkey do not see Turkey as their final destination and are still hoping for legal pathways to Europe to become available. One interviewee suggests that this might contribute to irregularity within Turkey as asylum seekers who are eligible to apply for international protection might refrain from applying until they reach their destination. The abovementioned aspects of the partnership all have the potential to contribute to further irregularity within Turkey further undermining access to protection.

Key findings

Through an in-depth literature review and interviews, this case study has provided a number of key findings on EU-Turkey cooperation on migration. Firstly, it is necessary to examine the partnership from the contextual grounding of the failed accession negotiations. In the initial stages of the readmission negotiations, Turkey's accession to the EU was presented as the primary compensation that Turkey would receive if they signed the agreement. However, the prospect of EU membership has lost its currency as an incentive, both in the eyes of the policymakers and within the wider public discourse.

While the Readmission Agreement appears to be ineffective, the partnership between the EU and Turkey continues. Turkey continues to host the largest refugee population in the world, with approximately 3.6 million of them under temporary protection status. While the use of accession to incentivise cooperation failed, 4 million refugees remain outside of EU borders and financial aid allocation to Turkey under the scheme continues. This continued cooperation points toward Turkey not being a passive receiver of the EU's external migration control policy but a strategic partner with significant leverage. There are varying opinions on what fuels the continuance of the partnership. Some sources have suggested that it is financial, and that it relates to ongoing funding by the EU (despite the Turkish government expressing discontent with the manner and pace of the distribution of funds). Others suggest that the partnership has utility for both parties when it comes to their own respective political discourses. What is clear is that the EU-Turkey partnership continues to evolve.

The informality of the EU-Partnership raises serious legal and protection related concerns. The basis for the readmission scheme and the EU-Turkey Statement at large has been Turkey's designation as a safe third country. This designation continues to be a highly contentious issue and is regarded as a violation of the principle of non-refoulement and international refugee law by scholars at large. Issues around access to efficient and fair status determination procedures, legal aid and protection documents have arisen as a result. From the limited evidence available, the implementation of the agreement on the ground and its implications for the refugee population appear to be less than desirable and, at times, in contravention with international refugee law. As confirmed by the Court of Justice of the

European Union (CJEU), the EU-Turkey Statement constitutes a mere political commitment by the Member States and Turkey. The use of soft law for the regulation of matters related to fundamental rights raises questions for accountability in the case of violations. The circumvention of CJEU's is another concern that continues to draw the criticism of the international legal community.

The absence of integration from the discussions. While there appears to be no realistic voluntary return or resettlement prospects for Turkey's refugee population, a widespread discussion around integration and sustainable solutions is still lacking under the discourse of the partnership. Further, the February 2023 Turkey-Syria earthquakes, which killed more than 55,000 people in South-Eastern Turkey alone, has given rise to new needs and significantly hindered the already overburdened infrastructure supporting the refugee population, as well as the local population.

Case 2: EU-Nigeria Partnership

Introduction to the EU-Nigeria partnership case study

Nigeria has a long history of migration, which has historically been shaped by various factors. Current migration patterns in West Africa cannot be understood in isolation from its colonial past – migration and mobility in West Africa today are deeply rooted in the entangled histories of colonialism. “Migration” as we understand it today – movement across the borders of nation states – is arguably a colonial invention. Before the colonisation of West Africa, small-scale regional mobility and “migration” was commonplace, mostly driven by the ecological conditions of the land as well as trade (Awumbila et al., 2014; Teye, 2022). As migrants often sought fertile ground to farm on, mobility was inherent to the way of life in West Africa. Mobility was a means of survival.

The perception and enactment of a borderless area was violently disrupted by colonialism. Colonial administrations started to establish national boundaries and adopted new economic policies that formalised and legalised forced labour, i.e. slavery. Mobility and migration were increasingly instrumentalised and tailored to the needs of colonial production. Migration became a tool of the colonisers to staff the mining industry and agricultural sector in the south of the region, mostly following the direction of North-South, from landlocked (Sahelian) states to coastal states. Consequently, Nigeria became an important country of destination in the colonial era, and it continued to be so in the following decades.

Although Nigeria gained formal independence from its coloniser – the United Kingdom – in 1960, migration patterns largely persisted in the following decades. As a result of a thriving mining and cocoa industry, Nigeria attracted many labour migrants from surrounding countries. The already dominant North-South migration was further amplified by a drastic increase in oil prices in the 1970s (Teye, 2022). The booming Nigerian oil industry demanded more a lot of labour power, which was partially supplied with

migrant labour. It is against this historical background that Nigeria became one of the most important countries of destination for migrants in Africa.

In an attempt to stimulate regional integration, the ECOWAS Free Movement Protocol was adopted in 1979 (Idrissa, 2019; Garba and Yeboah, 2022). By eliminating the barriers to mobility, the Protocol envisaged fostering regional integration, building cohesion among the ECOWAS community, and stimulate stimulating development between states (Ibid.), thereby maximising the benefits of migration for development purposes. Given the specific history of migration and mobility within the West-African region, the adoption of the Free Movement Protocol can also be interpreted as a first step towards the restoration of the pre-colonial, borderless area within which people and goods can move freely. Despite the adoption of the Free Movement Protocol, EU interventionism poses a threat to regional freedom of movement and regional integration. Moreover, the lack of solidarity between ECOWAS member states further hinders the actual implementation of the freedom of movement area. Similar to EU migration policy, relinquishing migration policies to regional bodies remains a complicating factor in the establishment of regional freedom of movement.

In what follows, we will take an in-depth perspective into the migration partnership between the EU and Nigeria, the specific interests that play a role, the use of conditionalities and compensation in the negotiations, and the power balance between the two parties. The next section will provide a brief history of EU-Nigeria relations on migration. Subsequently, we will present the key findings of the literature review, which will inform our analysis of the interview data.

A brief history of the EU-Nigeria partnership

Although the EU's pursuit of cooperation with African countries on migration-related issues can be traced back to the late 1990s, the origins of Nigeria-EU relations can be found in 2012 (See Table 2). Nigeria and the EU concluded a Working Arrangement with Frontex in 2012, and Best Practices with Frontex in 2013 (Olakpe, 2022). In 2014, subsequently, the EU and Nigeria signed the framing of a common agenda, which would later evolve into the Common Agenda on Migration and Mobility (CAMM) (D'Humières, 2018). In the aftermath of the Syrian crisis in 2015, the partnership entered into a new accelerated phase, as the EU felt the need to strengthen cooperation with the main countries of origin and transit of irregular migration. Nigeria was perceived to be one of those countries. Accordingly, Nigeria became the first every signatory of a CAMM with the EU in March 2015, which paved the way for an intensified dialogue with the ultimate EU objective of establishing a readmission agreement with Nigeria.

One year later, in 2016, Nigeria was designated one of the “priority countries” in the EU's Migration Partnership Framework (MPF). Under the MPF, a number of actions were undertaken. Examples include identification missions, the establishment of a Nigeria-EU platform on smuggling and trafficking, the deployment of EU liaison officers in Nigeria, the enhancement of joint return operations, and the implementation of various

European Union Emergency Trust Fund for Africa (EUTF)³ projects revolving around return, readmission, reintegration, migration management, trafficking and smuggling (European Union, 2016). It is of note that actions relating to visa allocations or legal channels do not appear on the list. Crucially, the Syrian crisis in 2015 appears to be a critical point in time when it comes to the evolution of the EU-Nigeria partnership. As the actions under the MPF demonstrate, the predominant focus of the partnership revolves around irregular migration, and return and readmission, which was further amplified in the context of the Syrian crisis in 2015.

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³ The European Union Emergency Trust Fund (EUTF) for Africa was introduced to address the “root causes of instability, forced displacement and irregular migration and to contribute to better migration management.” (European Union, 2023). It includes a wide range of programmes implemented in 26 partner countries, across three regions of Africa. For more information: https://trust-fund-for-africa.europa.eu/index_en

Table 2. Timeline of the EU-Nigeria partnership on migration

Date/Year	Events
2012	EU initiates dialogue with Nigeria on migration and mobility. Nothing concrete is agreed upon at this point.
2015	Nigerian government officially adopts National Migration Policy. The creation of this national framework was heavily supported by the EU, both technically and financially.
March 2015	The EU and Nigeria sign Common Agenda on Migration and Mobility (CAMP). Nigeria was the first country to sign a CAMP with the EU.
2016	Nigeria is first country to receive "priority status" in the Migration Partnership Framework (MPF).
June-December 2016	A wide range of actions were introduced under the MPF, including identification missions; deployment of liaison officers from both sides; launch of an EU-Nigeria cooperation platform on migrant smuggling; introduction of various EUTF-funded projects.
20 September 2016	European Commission formally receives mandate to start negotiations with Nigeria on an EU Readmission Agreement.
October 2016	European Commission officially starts EURA-negotiations with Nigeria (1st round). Negotiations were stalled later in the same year.
2018	European Commission and Nigeria resume EURA-negotiations. Four negotiation sessions were held this year (exact dates remain unclear). However, negotiations were stalled again towards the end of the year as Nigerian elections approached.
18 November 2020	At the Seventh Nigeria-EU Ministerial, both parties agreed to relaunch EURA-negotiations.
28 January 2021	Resumption of EURA-negotiations (6th round).
18 February 2021	7th round of EURA-negotiations.
25 February 2021	8th round of EURA-negotiations.
2 March 2021	9th round of EURA-negotiations.
18 March 2021	10th round of EURA-negotiations. After this negotiation round, negotiations were stalled and referred to the political level, as a number of outstanding issues remain unresolved at technical level.
7-8 July 2022	Resumption of EURA-negotiations (11th round). First physical negotiation session since COVID-19 outbreak was held in Abuja.
September 2022	Another round of negotiations on an EU-Nigeria Readmission Agreement took place in Abuja (12th round).

Negotiating a Readmission Agreement

In recent years, much of the focus of EU-Nigeria relations in the area of migration have has focused on the long, and yet to be concluded, negotiations of an EU-Nigeria Readmission Agreement. The formal mandate for the negotiation of an EU-Nigeria Readmission Agreement was adopted by the Council in September 2016 (European Commission, 2016b), and the formal negotiations were launched the following month.

In the First Progress Report on the Partnership Framework with third countries under the European Agenda, which was published in October 2016, Nigeria was described as having a specific interest in concluding a readmission agreement⁴, a stance that finds limited grounds in later descriptions of the negotiations. In contrast, it is evident that, from the initiation of the negotiations in 2016, limited progress was made, and negotiations largely stalled. This is largely attributed to Nigeria's lack of interest in negotiating an agreement (Table 3).

Table 3. Mapping the readmission agreement negotiations through EU progress reports

Report	Updates	Goals/Next Steps
1st Progress Report (October 2016)	Mandate for Negotiations planned	First negotiation rounds scheduled for October 2016
2nd Progress Report (December 2016)	First round of negotiations proceeded as plans	Second round planned for early 2017
3rd Progress Report (March 2017)	Second round of talks been delayed by Nigeria several times	Desire to conclude Readmission Agreement by June 2017
4th Progress Report (June 2017)	Second date still to be agreed	Resume negotiations on the readmission agreement
5th Progress Report (September 2017)	Second date still to be agreed	Resume negotiations on the readmission agreement

However, after the failed attempts to organise negotiations in 2016 and 2017, further talks seemingly took place in 2018, with four further negotiation sessions organised in quick succession. However, they again stalled towards the end of the year as Nigerian elections approached (Statewatch, 2022).⁵ A Special Report of the European Court of Auditors in 2021 confirms that between 2015 and 2020, negotiations in Nigeria did move slowly forward on technical matters, however, “the more contentious points were set aside” (European Court of Auditors, 2021: 23). Progress was hampered by staff turnover, which led to the reopening of previously agreed upon topics. Negotiations were ultimately halted as a result of political sensitivities surrounding national elections.

It was not until 2020, that negotiations recommenced. At the Seventh Nigeria-EU Ministerial Dialogue on 18 November 2020, both sides agreed to reactivate the discussion and to “finalise negotiations on a readmission agreement, as soon as possible” (EEAS, 2020: 9).

⁴ “Nigeria is particularly interested in simplifying cooperation on readmission by concluding an EU-wide agreement” (European Commission, 2016b: 7).

⁵ This document was not officially published by the European Commission, but circulated among member state delegations in the European Council. It was published by Statewatch (2022) via <https://www.statewatch.org/news/2022/may/european-commission-update-on-state-of-play-of-external-cooperation-in-the-field-of-migration-policy/>

Shortly thereafter, negotiations recommenced in 2021. In total, five rounds of (virtual) negotiations took place in 2021 (Council of the European Union, 2021). In a Discussion Paper entitled “EU Return Policy – Gaps and Opportunities” sent by the Presidency to the Strategic Committee on Immigration, Frontiers and Asylum on 20 September 2021, the following update is provided on the progress of the EU-Nigeria Return and Readmission Agreement:

Negotiations with Nigeria restarted on 28 January 2021, honouring the commitment Nigeria made in the seventh ministerial dialogue of 18 November 2020. Since then, four negotiating sessions have taken place, on 18 and 25 February, and on 2 and 18 March. Progress has been slow, with Nigeria showing little openness towards compromise. Avenues for moving the negotiations forward are being explored (Council of the European Union, 2021: 8).

A few months later, in a letter written by the Director General on Migration and Home Affairs of the European Commission, Monique Pariat, to Juan Lopez Aguilar, the chair of the European Parliament’s civil liberties (LIBE) committee, a further update is notes, with a similar conclusion:

“the last... (negotiation session) was held on 18 March 2022. Since then, negotiations have again ground to a standstill, with Nigeria showing little openness towards compromise. In December 2021, Nigeria issued a moratorium on returns, due to the pandemic” (European Commission, 2022b: 6).

On 7-8 July 2022, the first physical negotiation session for the Nigeria-EU Readmission Agreement since the COVID-19 outbreak was held in Abuja (NewsDirect, 2022). While it is possible to broadly trace the starts and stops in the negotiations, limited information is available on the contents of the various meetings that have occurred. It is apparent that different attempts have been made by the EU to couple the negotiations with the provision of various other support packages, however - to date – to no avail.

While informal readmission *arrangements* have been made with other African nations (such as Ethiopia), it appears that the quest for a readmission agreement continues to be on the agenda for both parties.

Thematic literature review

Through the lens of the Nigeria-EU partnership, this case study provides an insight into how the governance of migration is shaped by divergent political, social and economic interests, and power asymmetries. In this section, we map the existing literature on the complex and multifaceted configuration of interests between the EU and Nigeria. The central, overarching target around which the greater part of the EU’s external approach to migration is built is the reduction of irregular migration towards the EU. The EU has repeatedly expressed the principal goals of its external migration policy, which – directly or indirectly – pertains to curbing (irregular) migration to the EU: addressing the root causes of migration, fighting human traffickers and smugglers, and return and readmission. However, the content of the migration partnerships is obviously not solely determined by the EU; partner countries also exert their agency and increasingly make demands towards the EU. In short, the central underlying conflict of the EU-Nigeria partnership can best be captured in the following

trade-off: maximising the benefits of migration versus curbing migration at all (Idrissa, 2019; Olakpe, 2022). In what follows, the existing literature will be discussed in more detail, revolving around the main interests of Nigeria and the EU with regard to: return, readmission and reintegration; remittances and diaspora engagement; and migration and development.

Return, readmission and reintegration

The swift return of third third-country nationals to their countries of origin is a top priority for the EU. From an EU-perspective, this would ideally take the form of an official, legally-binding readmission agreement with a third country. A readmission agreement sets out the “bases, procedures and modalities [...] to return non-nationals who do not or no longer fulfil the conditions for entry or stay” (IOM, 2019: 169). Such an agreement would formalise and standardise the swift return of irregularly arrived – or irregularly staying – Nigerian nationals in Europe, thereby streamlining return migration to third countries on a collective level, rather than on a case-by-case basis. In light of the broader objective of curbing irregular migration to the EU, the ability to promptly return Nigerian nationals through predefined procedures is a crucial tool. In what follows, Nigerian interests and its main objections against a readmission agreement with the EU will be outlined, based on existing literature.

First, transit returns⁶ are commonly discussed in public in Nigeria and widely accepted among the Nigerian population, both in the personal sphere as well as in public discourse (Arhin-Sam and Zanker, 2019; Bisong, 2022; Zanker et al., 2019). However, in sharp contrast with transit returns, there is a heavy taboo attached to forced returns from Europe. Forced returns are far more politically sensitive and divisive. From a political and electoral perspective, the conclusion of a readmission agreement with the EU would come at the expense of domestic electoral support. In other words, the Nigerian government has not signed a readmission agreement for domestic, internal political reasons.

Besides the political divisiveness of forced returns from the EU in Nigeria, returned migrants are often confronted with precarious post-return conditions, stigmatisation and exclusion (Bisong, 2022; Digidiki and Bhabha, 2020). Amanda Bisong (2022) has identified four aspects of precarious and vulnerable conditions that characterise post-return life in Nigeria. First, returnees struggle to find proper housing, and often end up being homeless. Second, stigmatisation forms a significant barrier to finding employment. Third, exclusion from social networks (including family) and participation in communal activities due to stigmatisation and a sense of shame among returnees further hampers successful reintegration. Fourth, migrants tend to fund their migration trajectories with borrowed money, thereby assuming that their migration journey is successful. However, when migrants are

⁶ It is important to distinguish between two forms of return: transit returns and forced returns from Europe. Transit return refers to returns from migrants in transit, i.e. those migrants who are returned to Nigeria while still in West-Africa (Zanker et al., 2019). This form of return migration is associated with a certain extent of voluntariness and is often motivated by humanitarian reasons (e.g. returns from Libya, where migrants live under extremely abusive circumstances).

deported back to Nigeria, they often lack the financial means to pay off their debts.

This combination of interrelated vulnerabilities is mutually reinforcing, leading to complex and multifaceted problems for returnees. Beyond the problems experienced at the individual level of the returnee, the lack of reintegration assistance also has broader, societal consequences (Digidiki and Bhabha, 2020). Existing domestic issues like unemployment, poverty and homelessness are exacerbated by non-integrated returnees (Arhin-Sam and Zanker, 2019). The return of Nigerian nationals to Nigeria thus forms an additional burden on top of already existing societal issues. Moreover, the lack of effective reintegration assistance for returnees (re)creates, or at least does not take into account, the conditions that initially motivated their decision to migrate, which effectively leads to a high percentage of re-migration among returned migrants (Bisong, 2022).

Apart from the lack of adequate reintegration assistance mechanisms for returnees, Nigeria's reluctance – or even resistance – to cooperate with the EU on return migration can be explained by the crucial importance of remittances for Nigeria, which will be discussed in the following section.

Remittances and diaspora engagement

Nigeria has a large diaspora community living across the world, of whom a significant proportion lives in Europe. Nigerians living abroad send remittances back to their social networks in Nigeria. Remittances thus forming an important and significant source of income for many Nigerians (Kipp, Knapp and Meier, 2020; Olakpe, 2022; Zanker et al., 2019). Nigeria is the largest recipient of remittances in the Sub-Saharan region. Throughout the past five years, the percentage of the GDP represented by remittances has been around five percent (World Bank, 2022). Accordingly, the Nigerian government adopts a pro-active approach when it comes to diaspora engagement and attracting remittances. The policies include an office assisting the president on diaspora affairs, a diaspora policy, a diaspora commission (Nigerians in Diaspora Commission, NiDCOM), a senate committee on diaspora matters, strong governmental support for the Nigerians in Diaspora Organisation (NIDO), and the enrolment of diaspora members into the Nigerian National Identification Database (Arhin-Sam and Zanker, 2019). More concretely, for instance, the Nigerian government launched a diaspora bond, through which it raised US\$300 million from the Nigerian diaspora community (Kazeem, 2017). This money raised through this bond was used to fund “significant capital projects and anti-corruption campaigns” in an attempt to stimulate economic growth (Ibid.).

The diaspora policies of Nigeria are currently, however, as one-dimensional and fragmented as they are heavily focused on reaping the economic benefits of remittances. As Arhin-Sam and Zanker (2019) show, the advanced institutionalisation of diaspora policies in the Nigerian government has not yet translated into social and political rights for diaspora members. Members of the diaspora community are not allowed to vote, no representatives of the diaspora community are represented in the government, and there is no effort put into retaining highly qualified Nigerians. In other words, the government's engagement with the diaspora – notwithstanding its proactive

stance – does not extend far beyond the mere attraction of remittances (Arhin-Sam and Zanker, 2019).

Crucially, however, IOM and the Nigerian government have introduced the “National Diaspora Policy for the Federal Government of Nigeria” in 2021, with financial support from the EU (Nneli, Hagen-Zanker and Hennessey, 2022). With the introduction of this policy, the Nigerian government has committed itself in a comprehensive and coordinated way to the enhancement and expansion of policies on diaspora issues. This includes the granting of political and social rights to members of the diaspora community. Among the policy’s priority objectives are, for instance, “the coordination of diaspora activities”, “facilitate political inclusion and participation”, “engage the diaspora in the delivery of health services” (IOM, 2021). Interestingly, the 2021 diaspora policy explicitly highlights the importance of diaspora engagement for national sustainable development (Nneli et al., 2022). These priorities demonstrate the government’s commitment to expand the scope of its diaspora policies beyond the mere attraction of remittances, and presents a holistic and comprehensive framework to engage with the diaspora across the board.

Although the adoption of the new diaspora policy represents a crucial step towards a more comprehensive, holistic and coordinated approach to diaspora issues, its actual implementation has yet to be realised. However, at least, Nigerian diaspora policies are now part of a broader, targeted institutional and legal framework. The continued importance of remittances for Nigeria explains its consistent refusal towards signing a readmission agreement with the EU. The conclusion of such an agreement would potentially undermine the attraction of remittances, thereby taking away an important source of income for many Nigerians, as well as a significant source of development for Nigeria at large (MEDAM, 2020; Olakpe, 2022). In the next section, the issue of return migration and readmission of Nigerian nationals will be further discussed, with particular attention for to the EU’s sustained desire to conclude a readmission agreement.

Tackling the root causes: migration and development

Development policy has become a constitutive element of the EU’s engagement with third countries, and has become increasingly intertwined with migration policies. Departing from the “root causes” narrative of the EU, this section juxtaposes the different conceptions of the migration-development nexus, thereby focusing on how the “root causes” narrative is practically given form through the most important funding mechanism: the Emergency Trust Fund for Africa (EUTF).⁷ By doing so, we will elucidate how diverging priorities of the migration-development nexus represent conflicting interests regarding migration and mobility more generally.

⁷ For a more detailed and in-depth discussion on the European Union Trust Fund (EUTF) for Africa, and its relationship with the migration-development nexus, see: Erdal et al. 2021; Lebon-McGregor et al., 2022.

As Idrissa (2019) demonstrates, development is the primary concern for Nigerian policy-makers, with migration being a potential factor that can either enhance or impede development. Migration is of secondary importance and can ideally be mobilised for the sake of stimulating development. For their European counterparts, however, migration is the prioritised issue – always perceived negatively, or problematic – to which development appears to be the possible solution, or a “cure” to migration (Idrissa, 2019; Langan and Price, 2021: 508). In other words, whereas Nigeria seeks to maximise the benefits of migration for the sake of development, the EU one-sidedly focuses on restricting mobility and migration for which it strategically employs development aid (Arhin-Sam and Zanker, 2019; Bisong, 2019; Bisong, 2021; Olakpe, 2022).

The MIGNEX on-site fieldwork in Nigeria has provided a more nuanced and in-depth perspective on the relationship between migration and development in Nigeria, thereby doing justice to the contextual and regional differences within Nigeria. Although there are a lot of broad assumptions made about the relationship between development and migration, MIGNEX fieldwork casts a different light on the relationship, pointing to significant regional differences within Nigeria. Where economic development stimulates international migration in one region, its effects on mobility are limited in other regions (Aghedo et al., 2022; Genyi et al., 2022; Umaru Adamu et al., 2022). It demonstrates how common assumptions about development and migration are more context-specific than is often thought. In other words, the generalised narrative of “tackling root causes of migration” by allocation of development aid is blind to the varying outcomes in different regions. Against this background, it is questionable whether we can speak of “national Nigerian interests”, taking into consideration the internal effects and conflicting interests even within Nigeria.

The Edo-state in South Nigeria, for instance, is known for its numerous educational institutions and universities (Aghedo et al., 2022). Outward migration is very common, and people in Ekpoma – the largest city in the region – maintain strong ties with diasporic communities across the world. Accordingly, the region has come to be known as a “migration hotspot”. The proportion of people in the age range 18-39 that aspires to migrate to a richer country amounts to 92%, despite the widespread deployment of “awareness raising campaigns” (Aghedo et al., 2022).

The fieldwork conducted in Down Quarters and Awe provides a different picture. In Down Quarters, a settlement that was formerly known for its thriving industrial sector, the population is highly mobile, but mobility remains mostly internal. As a result of the collapse of the industrial sector, many people see themselves forced to migrate, but they lack the means to undertake the expensive journeys of international migration. Migration from Down Quarters is mostly internally in Nigeria in search of better livelihoods (Umaru Adamu et al., 2022). The migration context in Awe, a small town in a rural and agricultural area, follows a similar pattern as Down Quarters. The area is plagued with violent conflict and the consequences of climate change (i.e. erosion, flooding) (Genyi et al., 2022). Migration happens largely within Nigeria, and international migration is uncommon. In line with existing literature on the relationship between

migration and economic development, MIGNEX fieldwork insights show that economic development does not reduce migration, but rather amplifies aspirations to migrate internationally (Aghedo et al., 2022).

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In strong contrast to the EU's commitment to the prevention of migration at all, Nigeria thus seeks to optimise the potential benefits of migration (Erdal et al., 2023). A key objective here is the organisation of "skilled" labour migration in such a way that it renders the consequent diaspora community a development asset for Nigeria (Idrissa, 2019). Concrete steps to achieve this include reducing the transaction costs of remittances, and making remittances tax-free (De Haas, 2005; De Haas, 2012). In addition, a better organisation of skilled labour migration mitigates the potential detriments of a brain-drain. At the same time, "unskilled" labour migration is usually intra-regional, within the ECOWAS-territory, and is regionally considered a "rational economic pursuit" that should be facilitated, rather than policed and controlled (Idrissa, 2019: 20). Accordingly, Nigeria has little incentive to align its policies with the EU's politics of control and restriction. The increased interference and presence of Frontex in Nigeria, for instance, practically criminalises, securitises and militarises migration and mobility within the ECOWAS-area, which stands in strong contradiction with domestic Nigerian interests as well as regional ECOWAS-protocols (Arhin-Sam and Zanker, 2019; Bisong, 2021; Bisong and Knoll, 2022).

Results and Analysis

Nigeria-EU cooperation on migration can be traced back to the early 2010s. Whereas the initial dialogue between the two parties started in 2012, the first formal agreement was signed years later in 2015. The particular timing of the intensified cooperation and the formalisation of cooperation coincides with the EU's external border crisis in 2015, usually referred to as the European "refugee crisis". Ever since, the EU has been trying to increase cooperation on migration with third countries far beyond its external borders, mainly to the African continent. In an attempt to reduce irregular migration towards the EU, the conclusion of readmission agreements has become the key objective. However, despite ongoing negotiations on such an agreement for almost a decade now, there is still no agreement in place today. Throughout the interviews, there were a lot of common grounds and consistent arguments made regarding the partnership between Nigeria and the European Union. There is a clear thread of arguments, interests and objections running through the interviews regarding the specific negotiations on a readmission agreement, as well as the partnership on migration more generally (see Table 4). In this section, we will break down the story of ongoing negotiations between the EU and Nigeria and elucidate sources of policy incoherence, while at the same time trying to find potential ways forward for both parties.

Table 4. Overview of Nigeria and EU interests mentioned in MIGNEX Key Informant interviewsMIGNEX
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	EU Interests	Nigeria Interests
Diaspora	1	2
Irregular migration	2	0
Legal pathways	1	16
Protection	0	1
Reintegration	1	15
Remittances	1	3
Return	13	3
Security	0	3
Trade	0	1
Youth	0	8

Notes: (1) The numbers in the columns reflects the number of times a specific interest was mentioned in an interview, and from which perspective. The EU interests reflect the assessment of EU interests by Nigerian respondents.

Conflicting interests in the negotiations of an EU-Nigeria readmission agreement

From the very outset of EU-Nigeria relations – and especially since 2015 – the readmission agreement has been a core issue on the negotiation table. In this section, we will examine and describe the process of the negotiations based on the interviews. In doing so, specific attention will be paid to the various interests, objections and motives underlying the negotiations on a readmission agreement, from the perspective of Nigeria.

As discussed previously, the conclusion of a readmission agreement is the most powerful tool the EU has at its disposal in its fight against irregular migration. While the EU has multiple readmission agreements in place with various countries, efforts to conclude one with Nigeria have remained unsuccessful despite over a decade of ongoing negotiations ongoing over a decade. The main reason for Nigeria's resistance towards signing a readmission agreement is twofold, as articulated in the interviews as well as the literature. Firstly, the EU structurally fails to provide adequate reintegration support for returnees. Secondly, a readmission agreement undermines and obstructs the significant benefits Nigeria gains from remittances. In this subsection, we will further explain these objections and motives.

Firstly, the lack of a functioning reintegration infrastructure would make the readmission agreement an additional burden on top of already existing domestic problems in Nigeria. The provision of adequate and effective reintegration assistance is a necessary condition for Nigeria to sign a readmission agreement. As INT007 explained:

There are certain factors we want to see properly being taken care of. For example, we want to see that there is a completion of a return cycle in every partnership agreement we have with any country and that is the return, readmission and reintegration. So we want to see it happen in everything.

Because we believe that the if that circle is not complete then all the effort you're making are wasted. You need reintegration in order to complete the circle. (INT007).

The quote above demonstrates how return and reintegration cannot be treated separately from the Nigerian perspective, thereby confirming the conclusions we drew from the literature review. Return and reintegration are regarded as two sides of the same coin – i.e. they are part of the same “return cycle” (INT007, government official, line 52). Reintegration assistance is therefore a non-negotiable prerequisite for signing a readmission agreement for Nigeria. Multiple respondents have voiced their concerns about what happens with the returnees when they are deported to Nigeria. Two respondents specifically explain how a lot of returnees have left everything behind in Nigeria, spent years abroad (often in irregularity) and have nothing to return to in Nigeria (INT004; INT005). However, according to one respondent who was closely involved in EU-Nigeria relations, the EU has been trying to “shy away” from the issue of reintegration by detaching the issue of return from reintegration (INT007). It must be mentioned that we have not been able to find additional evidence for this, besides this quote.

A second consideration for Nigeria’s rejection to sign a readmission agreement with the EU is rather strategic in character and concerns the incompatibility of increased cooperation on return and the crucial importance of remittances for the Nigerian economy. As we demonstrated before, Nigeria has an exceptionally large and widespread diaspora community living across the globe. The Nigerian diaspora significantly contributes to the Nigerian economy, with remittances amounting to up to five percent of the GDP. Accordingly, remittances form a vital source of income for many Nigerians. One respondent explained the government’s stance towards a readmission agreement as follows:

The Nigerian Government would be calculating: if they did participate in the return of their nationals, they would get a certain sum from the EU, and if they do not participate, they get this much from the diaspora, as well as foreign currency reserve due to the remittances. They have no incentive to cooperate on return and readmission (INT006).

As this quote shows, the Nigerian government takes a pragmatic and strategic stance when it comes to the readmission agreement. Indeed, the EU employs a financial compensation component to the conclusion of a readmission agreement: they would pay a certain amount of money to Nigeria for every readmitted migrant. However, a basic cost-benefit calculation of the readmission agreement weighed against the amount of incoming remittances does not move Nigeria towards signing the agreement. When Nigeria increases cooperation on returns of their nationals, it undermines the structural benefits in terms of remittances from the diaspora community, which would be detrimental to the Nigerian economy. As a result, the Nigerian government is confronted with a clear and straightforward political choice, which is one of the possible explanations for the fact that no readmission agreement has been agreed upon until today (INT001; INT006). However, it remains unclear to what extent irregular migrants (who are subject to readmission) send remittances back to Nigeria in comparison to regular migrants. Clear data and figures on the proportion of remittances sent by irregular migrants are lacking. The absence of distinct

data on this shows that interests and motives are not necessarily evidence-based.

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Moreover, the example of the readmission negotiations cast a different light on the relations of power between the EU and Nigeria and between the EU and third countries more generally. The reluctance of the Nigerian government to sign a readmission agreement evidently debunks the idea of third countries as passive and powerless recipients of EU-funding. On the contrary, it shows how Nigeria actively tries to shape and steer the negotiations towards its own needs and interests (INT002). Nigeria actively leverages the provision of a reintegration infrastructure before it agrees on the readmission agreement; it demands reintegration assistance as a form of compensation into the negotiations. In the next section, we will further map Nigeria's interests and illuminate new perspectives on the migration partnership with the EU.

Opening legal pathways: labour and youth migration

From a Nigerian perspective, the opening of legal migration channels should be the core objective of the partnership with the EU, as opposed to increased cooperation on return and readmission. The argument of opening legal channels was mentioned unanimously by all respondents as a key objective for Nigeria. Multiple respondents have suggested a wide range of ways through which migration can be rendered mutually beneficial by legalising or regularising migration and mobility. In this section, we will specifically focus on two migrant categories, which were repeatedly designated as target groups most eligible for legalisation: labour and youth migrants.

Various respondents have sharply and accurately identified the weak spots in the EU's approach to migration and mobility. Widely supported by research on migration and the EU's internal labour market, various respondents have indicated that the EU is at on the verge of significant demographic transitions (i.e. an ageing workforce), which will drastically reduce its internal workforce. At the same time, Nigeria has a very young population and hence a surplus of skilled labour power domestically. Nigeria has one of the fastest growing populations on the African continent and can hence easily fill the void of an ageing workforce. Some respondents have accordingly advocated for a better alignment of the required skill sets on the demand side in the EU and the available labour power and their skill sets in Nigeria on the supply side. Importantly, the interviewees hereby assumed and took for granted the EU's self-formulated objectives and interests, without attaching their own normative judgements to their analyses. Indeed, even when concurring with the EU's self-formulated objectives, the respondents propose a viable alternative approach. As Respondent 004 explains:

So our priority now is let's look less on irregular migrants. Let's concentrate more on regular pathways for migrants to go (...) So if we create a path, rewards will be mutually beneficial to both countries then we have less people dying in the desert or in the Mediterranean Sea, and more people getting to Europe and contributing to the economy in Europe (INT004).

The quote above accurately articulates the connections between the lack of regular pathways for migrants, the missed opportunity to maximise the

potential of migration for both parties, and the migrant deaths in the sea and desert. In doing so, it identifies the very source of incoherence within the EU's external approach to migration, while at the same time providing a possible solution to overcome this incoherence. Opening legal pathways for migration would significantly reduce irregular migration towards the EU as it eliminates the incentive to migrate irregularly, while at the same time carrying the potential of maximising the benefits of migration for both parties. In other words, "when you make regular pathways difficult, you create irregular pathways" (INT004). Importantly, however, an adequate alignment and coordination of skill sets in the EU and Nigeria is a necessary condition for this to work out.

In the interviews, various respondents identified the area of labour migration as a crucial terrain for legalisation. An illustrative example in this context is the recruitment of Nigerian doctors by some countries in the Global North (INT005, government official). A shortage of workers in the health care sector across the EU can thus be filled by young and highly skilled doctors from Nigeria. The deficiency of health care workers in the EU is likely to increase in the coming years as a result of an ageing workforce combined with the increased pressure of the same ageing population on the health care sector across the board. As one respondent explained:

Nigerians are known to be involved in a lot of these classical fields like medicine, law and things like that. So you know that you have a population of people who is trained in this area who can fill that void. So yes, the need would have been there before, but now it had become apparent that this could provide some solution in this regard so why do we not look in that direction? (INT005)

Accordingly, labour migration would be an area *par excellence* where the opening of legal channels could render migration beneficial to both the EU and Nigeria. Although the recruitment of highly skilled Nigerians already happens bilaterally in some countries in the Global North, it can be extended beyond individual countries and integrated into a broader and rather formalised cooperative framework between the EU and Nigeria.

Since such an overarching framework is difficult to agree upon with the EU at large, Nigeria engages bilaterally with individual member states. Multiple respondents have mentioned this as a deliberate strategy of Nigeria, in order to circumvent EU bureaucracy. In this context, the so-called "Digital Explorers" initiative between Nigeria and Lithuania is particularly interesting. This bilateral "knowledge exchange initiative" aims to align Lithuania's need for ICT-specialists with the broad availability of young and talented ICT-specialists in Nigeria (Digital Explorers, 2019). It allows Lithuanian ICT companies to legally recruit young and talented workers from Nigeria, thereby rendering migration mutually beneficial to both parties (INT002, academic). This example presents a convincing argument for the opening of legal channels of migration, and hence provides a strong empirical case of how regularisation of migration always carries the potential to create a win-win situation out of migration.

A second argument for the legalisation of (certain forms of) migration is that strict visa regimes and a general lack of legal pathways impede circular and temporary migration. While a lot of evidence suggests that a lack of legal

pathways does not prevent migrants from trying to enter the EU, it does force migrants to stay permanently in the EU once they entered. Consequently, strict entrance policies and visa regimes obstruct more temporary and circular forms of migration. This notably pertains to less-skilled migrants as well. A crucial sector that lacks legal options for migration in this regard is for instance agriculture. The agricultural sector often requires seasonal labour, for which legal pathways are lacking. Limited legal channels of migration in fact stimulate and exacerbate irregular migration, while at the same time forcing those who managed to enter the EU into settling permanently, even if they had initially planned to stay temporarily. This can be solved as follows:

(...) the issue of illegal migration can be stemmed by first having a good visa regime that permits the good to move and come back and (...) by, having a good labour migration regime that accommodates things like circular migration, seasonal labour migration. And also importantly, the issue of labour exchange and engaging people (INT007).

The EU's strict entrance policies – which are aimed and designed to reduce (irregular) immigration towards the EU – amplify the use of irregular pathways and renders migration a more permanent issue, rather than temporary and circular. It thus strongly contradicts the EU's objectives and main targets.

Although the opening of legal pathways thus seems like a win-win situation for both parties, the issue of regularisation/legalisation seems to be out of the question for the EU. The question then arises: why does the EU not open legal channels of migration? The answer to this question can be found in the organisational structure of the EU as a supranational institution with limited power, relative to its individual member states. EU politics are largely shaped by its individual member states and their sovereign governments. Given the deeply rooted divisiveness concerning issues of migration and mobility across the EU – at both the supranational as well as the national level – it has proven to be difficult to develop EU-wide policies and cooperation mechanisms. The internal divisiveness and sensitivity around migration leaves the EU powerless. Without the approval of individual member states to open legal channels, the EU is not authorised to introduce such measures. Consequently, negotiations on the legalisation/regularisation of migration are deadlocked due to the sovereign powers of the individual member states.

What the EU can and actually does offer to third countries, however, are so-called Talent Partnerships. On the 27th of April 2022, the Talent Partnership was brought into the broader negotiations on a readmission agreement, as part of the package (Statewatch, 2022: 5). This relatively new compensation tool was introduced in the EU's New Pact on Migration and Asylum, which was formally adopted by the European Commission (EC) in September 2020. On the EC's website, it says the following about the following objective of Talent Partnerships are stated: “[...] enhance legal pathways to the EU, while engaging partner countries strategically on migration management” (European Commission, 2023). This explanation substantiates the idea that Talent Partnerships are commonly used as a compensatory measure within

broader migration deals, conditional upon cooperation on migration management.

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These Talent Partnerships thus form a potential convergence of interests between the EU and third countries, including Nigeria. Youth migration appeared to be one of the core focus points of the Nigerian government in our interviews (see co-occurrence table). Respondent 007 explains Nigeria's interest in youth migration as in the following words:

Let me elaborate a little on the Nigerian interest. You know that Nigeria has huge population and within that population, we have the youth. The youth bracket is huge, indicating that we have a lot of workforce, and so then our major interest is how do we engage those youths meaningfully. And when we talk about issues of migration, we want to see a relationship that can encourage the issues of labour migration, the labour exchange. And also we want to see a situation even in that area of talking about the return and reintegration, we want to see that the some me there may be some way of handling that return that will be beneficial (INT007).

This quote shows how youth engagement and labour migration are closely related to each other. It also demonstrates that opening legal channels does not necessarily mean the Nigerian youth is expected to migrate permanently to the EU. The respondent explicitly places youth migration and labour exchange within the wider context of return. Accordingly, the facilitation of legal pathways is not only a means through which Nigerians can enter the EU, but more importantly a way to make return migration and readmission mutually beneficial. The reasoning behind it is that young Nigerians would be able to get educational and working experience within the EU, which would equip them with skill sets that may also be of relevance in Nigeria. In other words, opening legal channels for migration would foster more circular and temporary forms of migration (both high and low skilled) thereby creating a mutually beneficial partnership.

Banality of the negotiations: shifting delegations, shifting interests

Apart from the incongruent interests between the EU and Nigeria, multiple respondents mentioned the crucial, practical importance of the composition of the negotiation team, from both sides. This is a particularly interesting point because it is often overlooked in the literature. Every four years, the presidential elections take place in Nigeria, and the negotiating delegation changes, while the usual length of the EU-ambassador in Nigeria (and ECOWAS in general) amounts to two years on average. Within these relatively short periods of time, the readmission agreement needs to be agreed upon by both parties. Indeed, when the negotiation delegations shift, the negotiation process usually starts from scratch.

One respondent, who was heavily involved in the most recent round of negotiations for the readmission agreement, stated that the current EU-ambassador to Nigeria and ECOWAS, Samuela Isopi, was highly invested in signing the deal before the new Nigerian government would be installed around May 2023.

[...] the new ambassador wants to sign this before she leaves, I think. She's extremely good. And she is very engaged, and I think she can get it done. The problem for her is that that new government is going to come in by May and that

may complicate things for her. So, they need to get it done before the elections that are going to take place this mid-February. The elections might kick out the ruling party, so they need to sign it with the state before the elections. You are going to have no conversations if there is a new government, because by the time they understand the structure of the government, and everything is put in place: you're going to have eight months to have a proper interlocutor and you have to give them the space to understand the process. Then you start negotiating again (INT006).

This quote shows how specific persons who occupy key positions within the negotiation process have decisive power to either sign or not sign a readmission agreement. Although much of the existing literature focuses exclusively on diverging interests and power imbalances between Nigeria and the EU, our interviews highlighted the crucial importance of something seemingly banal and ordinary as the composition of the negotiating staff on both sides. The latest Nigerian presidential elections took place in February 2023, which put extra pressure on the negotiators. This was shortly after the conclusion of the interviews for this Background Paper. At the time of writing, however, it has become clear that the ruling party was re-elected, and they will deliver the new president of Nigeria again. Our interviewees confirmed that both parties were close to an agreement in at the beginning of 2023, but it remains unclear to what extent these negotiations are still proceeding today.

Key findings

This case study provides in-depth insights into how migration partnerships between the EU and partner countries are practically given form. An initial finding of this case study (similar to the Turkish case study) is that it has clearly demonstrated that migration partnerships are never finished or concluded. Instead, the partnerships are subject to continuous negotiating and re-negotiating, tweaking and redefining. Both case studies have illuminated the processual and dynamic character of migration partnerships.

Within the broader context of the externalisation of EU-migration policy, this case study provides a detailed account of how these partnerships are shaped. In doing so, we pay specific attention to how conflicting interests are negotiated, the power dynamics between the parties, the use of conditionality and compensation, and finally the banality of the negotiation process itself. We will now present the most important findings of the Nigerian case study. The EU-Nigeria partnership can best be examined through the lens of the, yet to be -to-be-concluded, readmission agreement. This specific negotiation process provides a unique insight into the black box of migration partnerships, and particularly debunks the idea of third countries as mere executors of EU-policy, or passive recipients of EU development aid.

First, Nigeria has leveraged the facilitation of a reintegration infrastructure for returned migrants. Nigeria's position can be summarised in the following phrase: without reintegration, no readmission. A second objection to the readmission agreement is that it would undermine the significant benefits of remittances for the Nigerian economy. A third reason for the failed RA-

negotiations is rather banal in character; the shifting composition of the negotiation delegations, which significantly complicates the conclusion of an agreement. Shifting key positions (like the EU-ambassador for ECOWAS, the Nigerian administration, and the negotiation teams of both parties) hampers the negotiations and at times means starting the negotiations from scratch.

Besides the objections to a readmission agreement, Nigeria has also actively put their own demands on the table. Our respondents unanimously mentioned the opening of legal channels as their most important demand. Interestingly, the case for opening legal channels represented an effort to render migration mutually beneficial, and in accordance with the EU's self-formulated objectives. Indeed, it is assumed that regular pathways would drastically reduce irregular migration, while at the same time reducing migrant smuggling and trafficking. Additionally, it would stimulate more circular and temporary forms of migration, which are now structurally obstructed by strict entry and visa policies.

The opening of legal channels for migration is an often-heard demand from third countries in general, but the question remains: how? Our respondents designated the field of labour migration as the most beneficial and rewarding area of legalisation. Whereas the workforce within the EU is bound to shrink significantly in the coming years, Nigeria has a large pool of highly educated and talented youth who can easily fill the labour shortage in the EU. Better coordination and alignment of skills sets on both sides could create a win-win situation out of migration. Although limited in scope, the Talent Partnership – which would open legal channels for Nigerian youth – has been included in the RA-negotiation package as a form of compensation for Nigeria. However, the EU has no mandate to open legal channels for migration beyond Talent Partnerships without the unanimous approval of all its individual member states.

A strategy to overcome the deadlocked negotiations of opening legal pathways with the EU can be found in bilateral cooperation with individual member states. Nigeria has concluded bilateral agreements with various countries in Europe, including Germany, Lithuania, Switzerland, and the United Kingdom. In the absence of a multilateral agreement with the EU at large, Nigeria takes the initiative by negotiating with individual countries in order to serve their interests and maximise the potential benefits of migration. Nigeria thus strategically seeks to benefit from migration through a variety of ways, of which bilateral cooperation is an important strategy.

To summarise, the Nigerian case study provides an in-depth and rather nuanced perspective of migration partnerships. It challenges common Eurocentric perspectives depicting third countries as passive and powerless recipients of EU externalisation policies. Instead, it highlights how Nigeria plays an active role in shaping the partnership according to their needs and interests, whether successfully or not. Ideally, the Nigerian government envisages a partnership with the EU through which the potential benefits of migration and mobility are maximised for both parties. The key to this ideal partnership – according to our respondents – lies in the opening of legal channels for Nigerian youth as well as labour migrants. However, it remains the question if the EU – and its Member States in particular – will face and acknowledge their demographic realities of an ageing workforce and act

accordingly. Although the viable and feasible solution of migration is already at hand for the EU, there are few signs the EU is willing to set aside its external approach to migration predicated upon the repression and restriction of migration. The near future will tell us whether these ideal scenarios will be actualised or not. In other words, the defining question of the near future will be: is the EU able to recognise and acknowledge the need for maximising the potential of migration, or does it persist in its counterproductive and incoherent approach of combatting migration at all?

Conclusion

From the examination of our two case studies, a number of concluding observations can be presented.

Use of soft-law material/ informality

Drawing upon the findings of this paper, there is significant reason to suggest that certain features of a readmission agreement with the EU are in contravention of the national policy objectives of the respective countries. This, we suggest, has manifested itself in a number of similar manners under the two partnerships discussed.

In the case of Turkey, the EU resorted to the 2016 EU-Turkey Statement rather than forcing Turkey's hand to apply Article 4 (on the readmission of third country nationals) of the Readmission Agreement. The Statement foresees that "all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey", which has the same implications as Article 4 of the Readmission Agreement. The statement, however, unlike the Readmission Agreement, has been regarded by scholars and the CJEU as a soft-law instrument or a mere declaration of intention between Turkey and its Member State counterparts.

The use of soft-law material for the regulation of fundamental rights has already been a contentious issue among legal scholars examining the partnership. Further, the recent Case T - 192/ 16 before the CJEU has demonstrated how the non-binding nature of the statement can serve as a tool to circumvent the jurisdiction of international judicial mechanisms. It is yet to be seen whether EU, who has faced significant resistance from Nigeria on signing a readmission agreement, will attempt to utilise a soft-law approach to enter the partnership.

Partner countries as active negotiators

Both case studies have clearly demonstrated that partner countries actively try to negotiate their interests. Given the key strategic positions of both Turkey and Nigeria, they do not automatically follow the EU's externalisation efforts. Instead, both countries are well aware of their position regarding the EU and actively leverage their interests. They make their demands in the negotiations, thereby trying to maximise the benefits of the partnership. In different ways, both countries have clearly demonstrated their abilities to exert their agency.

It can be suggested that, among the various drivers examined in the preceding sections of the report, Turkey's importance as a strategic partner, and its associated leverage, is one of the reasons why the EU chose not to take any action forcing Turkey to implement Article 4. This is one of the clearest indications that Turkey is not a passive receiver of the EU's external migration policy, but a counterpart with significant negotiation powers.

In a similar vein, despite continuous efforts by the EU and extensive negotiations since 2016, Nigeria has shown significant resistance to signing an EU – Nigeria Readmission Agreement. From the perspective of the EU's core objective of curbing irregular migration, Nigeria appears to be a crucial strategic partner for the EU – both as a country of origin and as a transit country. Given this strategic importance, Nigeria actively tries to get as much as possible out of the migration partnership with the EU, thereby prioritising the opening of legal migration channels.

This ability to exert agency by consistently averting a readmission agreement or avoiding the full implementation of a readmission agreement arises from a common leverage both Turkey and Nigeria have vis-a-vis their negotiations and partnerships with the EU.

Lack of adequate reintegration mechanisms

Another commonality among the case studies is the lack of a coherent, comprehensive, and explicit integration and/or reintegration policy. This absence of integration/ reintegration efforts can be a manifestation that readmission, in its current form, gives rise to a number of societal and economic costs (whether real or perceived) and proves to be electorally unpopular. Both in the case of Turkey and Nigeria, the lack of coherent and systematic integration/reintegration assistance programmes can progressively overload an already burdened infrastructure. The consequent economic and societal tensions have the potential to significantly hamper domestic development policies. The lack of a functioning reintegration assistance, combined with the heavy emphasis on return and readmission from the EU's side, shows the pitfalls of the EU's external engagement on migration for a partner country such as Turkey.

Migration partnerships as dynamic processes

Both the Nigerian and the Turkish case study studies have highlighted the processual, dynamic and non-linear nature of migration partnerships. Instead of being static, linear, confined agreements between the EU and third countries, the case studies have demonstrated that partnerships are subject to continuous and repeated negotiation rounds. Interests, demands, motives, objectives, compensations and conditionalities are continuously reconsidered, negotiated and re-negotiated again. Broader socio-economic and (geo-) political developments significantly affect the issues brought to the negotiation table between the two parties. Indeed, the project of externalisation of migration management beyond EU-borders – of which Turkey and Nigeria are two examples – originated in the context of the 2015 crisis situation at the EU's external borders. Whereas the initial need for external cooperation emerged as a response to this crisis situation, it also means that interests and motives shift as well over the course of time. An

interesting development in this respect is the ageing workforce within the EU; a demographic transition which may have a significant impact on the EU's interests and motives when it comes to migration. Although very speculative at this point, it is likely that the opening of legal channels might become increasingly appealing for both the EU and partner countries. The inclusion of a Talent Partnership into the negotiations for a readmission agreement with Nigeria forms a preliminary indication of this hypothesis.

Moreover, and closely related to the processual character of partnerships, it is precisely the processual and dynamic character that grants legitimacy to the partnerships. The negotiating and re-negotiating safeguards and maintains some form of dialogue between the parties. In this context, the partnership negotiations form a tool through which the EU stays in touch with key partner countries and vice versa, regardless of whether concrete agreements are concluded or not. Given the limited mandate of the EU to act on migration (without the approval of individual member states), the partnership negotiations have become the ends themselves. Through the ongoing negotiations, both parties continue to come to the negotiation table and hence maintain dialogue with each other.

In light of the preceding findings, we have formulated a set of policy recommendations for the EU:

- **Make resettlement and other legal pathways to Europe available in a substantive manner to demonstrate that responsibility sharing goes beyond mere aid allocation.** The opening of legal channels for migration would address two of the core objectives of EU migration policy: it reduces irregular migration and tackles networks of smugglers and traffickers as the incentive to migrate irregularly and to use those networks disappears.
- **Enhance cooperation and coordination with partner countries in the field of labour migration.** Our analysis has demonstrated that a better alignment of skill sets between the EU and partner countries forms an opportunity to render migration mutually beneficial. Labour shortages within the EU can be filled with labour power from partner countries, yet a better reconciliation of labour supply and demand is necessary.
- **Reassess the utilisation of Readmission Agreements for the containment of migration flows.** In particular, focus on the reasons for the circumvention or partial implementation of these agreements by partner countries and the potential hampering effect these agreements have on domestic development policies. Reassess the effectiveness of tying readmission cooperation to development aid and migration control, and make sure it is in line with international human rights standards. Enhance the provision of more appealing and effective incentives for cooperation of migration by taking seriously the demands of partner countries.
- **Cooperate with partner countries in creating sustainable job opportunities for the refugees and local host communities within the partner country.** An example in this respect is the UNDP

programme (UNDP, 2023), supporting the employment of refugees and host communities in the textile sector in South-Eastern Turkey.

- **Cooperate with partner countries in creating systematic and comprehensive (re-)integration and / or harmonisation policies.** The lack of reintegration assistance (Nigeria) and a more general lack of integration policies at all (Turkey) creates dissatisfaction and resentment in partner countries about the EU's heavy emphasis on return and readmission.
- **Cooperate with partner countries to address issues around access to efficient and fair status determination procedures; access to legal documents; and issues pertaining to protection after readmission.**
- **Establish bodies that monitor readmission and resettlement procedures and collect comprehensive and collective data on these processes that is made available to the wider public (in line with the GDPR and local data protection regulations).** These bodies will be able to examine the implications of and potential violations that take place as part of these procedures, as well as shed light on how they are reflected in day-to-day practices.
- **Reassess the legal implications of safe third country designations that impose blanket restrictions on asylum claims.** Make sure return and readmission of migrants does not violate international standards and obligations, in terms of the right of anyone to seek asylum (1951 Refugee Convention), the right to leave one's country (Universal Declaration of Human Rights), and the obligation of non *refoulement* (for states, under the Refugee Convention).
- **Support transparency and accountability by ensuring that the proceedings of negotiations end up in the public domain.** The transparency regarding the negotiation proceedings is important for the refugees whose fundamental rights are being regulated under the cooperation frameworks. Further, host populations in partner countries have equal interest in being able to observe the negotiation proceedings in a fully transparent manner. From the perspective of understanding the impact of informality on migration governance in practice, it is also important that researchers are able to access information on the negotiation of partnership agreements.

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