



Should the EU give up on readmission agreements as a foreign policy tool?

As seen in Nigeria, with the decoupling of visa facilitation from readmission agreements, the EU lacks an effective incentive for negotiations with partner countries, yet seeks to incentivise with financial aid, trade agreements and other prospective partnerships.

As visa facilitation agreements appear to lose popularity within the broader political discourse, the EU attempts to decouple visa facilitation from readmission agreements.

A focus on return without adequate consideration of other aspects of migration may lead to ineffective negotiations and incoherent policies.

If the EU is to sign readmission agreements, it needs to offer incentives of national interest to partner countries.

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Image 1. Nigerian presidential election posters, February 2023

Source: Tolu Owoeye.

Readmission agreements aim to standardise return procedures and streamline the return of irregularised migrants to their countries of origin. The European Union (EU) has signed formal readmission agreements with 18 countries and entered into informal arrangements with six countries.

Historically, the EU coupled readmission agreements with promises of greater visa liberalisation. However, these processes have become decoupled over time. Readmission agreements have become part of the diverse packages offered to EU partners, which can include monetary benefits, such as development aid, tariff and customs duty exemptions.

Drawing on MIGNEX research in Nigeria, this Policy Brief considers whether readmission agreements are an effective policy tool, based on research documented in MIGNEX Background Paper: ‘Exploring EU Migration Partnerships: The Cases of Turkey and Nigeria’.¹

After nearly a decade of negotiations, there is still no EU-Nigeria readmission agreement

On 20 September 2016, the European Commission received an official mandate from its Member States to negotiate a readmission agreement with Nigeria. Later that year, Nigeria halted the negotiations because the discussions did not reflect their interests. After

a four-year hiatus, the negotiations recommenced in 2020. However, an outstanding technical issue² required the agreement to be returned to the political level, which again effectively halted negotiations until 2022.

MIGNEX data reveals that both parties were very close to signing the agreement in early 2023. However, the Nigerian presidential elections complicated the negotiations. Instead of engaging in tedious negotiations with the EU as a whole, Nigeria has over three years sought to optimise its interests by negotiating bilaterally with individual member states.

Tedious negotiations occur in the absence of adequate incentives

With waning support for visa facilitation agreement from the Member States, the EU lacks an attractive legal incentive to facilitate negotiations with partner countries. As a result, it often uses other forms of monetary or political incentives in their readmission negotiations with third countries.

In Nigeria, the EU has tried to leverage the Generalized Scheme of Preferences (GSP). This scheme removes import tariffs from products coming to the EU from low-and middle-income countries, in this case Nigeria, in order to promote sustainable development in those countries.³ However, this incentive proved to be inefficient and to date.

National interests play a greater role in government decision-making than EU incentives

Incompatibility between the terms of the readmission agreement and Nigerian interests is a key reason why Nigeria has yet to sign an agreement with the EU. According to many observers on the Nigerian side, signing the agreement without further negotiations would diverge from Nigeria's domestic interests for three key reasons.

The first is economic. The remittances sent by Nigerians abroad, regardless of their status, are a crucial source of income for many Nigerian families. In 2019, 5.3% of the Nigerian GDP was represented by remittances.

The second is pragmatic. The proposed draft agreement lacks reintegration assistance for readmitted nationals. Returnees often face social and economic vulnerabilities upon their return, which in turn exacerbates already existing domestic issues.⁴ Furthermore, return without reintegration effectively re-creates the conditions that initially motivated their migration decision, leading to higher levels of re-migration among returned migrants.⁵

The third is demographic. Nigeria has a rapidly growing and young population. Nigeria is interested in increasing opportunities for young people to move. Given the EU's ageing population, efforts to address youth mobility could be the key to reaching an agreement on

the readmission agreement. In this context, the Talent Partnership – which would open limited pathways for Nigerian youth – was included as part of the readmission agreement package, but it remains insufficient in scope.

Should the EU resort to an informal readmission "arrangement" with Nigeria?

In other contexts, the inability to conclude formal readmission agreements has resulted in the EU signing informal readmission arrangements (such as with Afghanistan in 2016). Informal arrangements can be easier to negotiate because they are not legally binding and remain largely out of public scrutiny; thereby circumventing democratic control and judicial accountability.

Yet these features have drawn criticism from legal scholars due to the problematic nature of regulating fundamental rights through the use of soft-law material.⁶

Should the EU give up on readmission agreements as a foreign policy tool?

If readmission agreements are difficult to conclude and potentially ineffective⁷, should the EU rethink its approach to external migration policy?

- If the EU wants to achieve its mandated ambition of signing readmission agreements with third countries, it needs to offer better



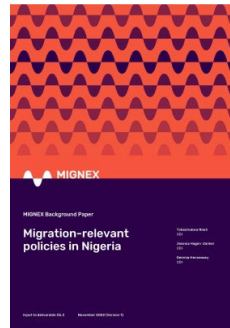
Image 2. Town centre of Ekpoma; a migration hot spot in Nigeria and of the MIGNEX research areas.

Source: Iro Aghedo for MIGNEX.

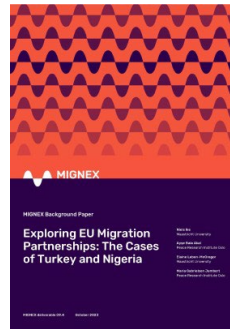
incentives. A one-sided and narrow focus on return and readmission can be counterproductive; often contradicting domestic interests of the partner country.

- Opening legal regular migration channels and reintegration support are among the most constructive and appealing incentives from the perspective of the Nigerian stakeholders interviewed.
- The EU needs to listen to its partner countries, engage in inclusive multi-stakeholder dialogues, and offer evidence-based incentives that are in the interests of third countries. These incentives should go beyond financial aid to address societal, economic and political tensions in a holistic manner.
- The EU should establish partnership cooperation frameworks with an emphasis on “responsibility sharing” rather than “burden shifting.”

Further reading



Nneli, T. Hagen-Zanker, J. Hennessey, G. (2022) Migration-relevant policies in Nigeria (v2). MIGNEX Background Paper. www.mignex.org/nga.



Ike, N. Bala Akal, A. Lebon-McGregor, E. and Gabrielsen Jumbert, M. (2023) Exploring EU Migration Partnerships: The Cases of Turkey and Nigeria. MIGNEX Background Paper. www.mignex.org/d094.

Notes

¹ This policy brief is based on research documented in Ike, N., Bala Akal A., Lebon-McGregor E., and Gabrielsen Jumbert M (2023) Exploring EU Migration Partnerships: The Cases of Turkey and Nigeria. MIGNEX Background Paper. Oslo: Peace Research Institute Oslo. Available at www.mignex.org/d094.

² Statewatch (2022). Update on the State of Play of External Cooperation in the Field of Migration Policy.

³ European Commission (2021). Enhancing cooperation on return and readmission as part of a fair, effective and comprehensive EU migration policy. Brussels: COM (2021) 56 final.

⁴ Arhin-Sam, K. & Zanker, F. (2019). *Nigeria at the crossroads: the political stakes of migration governance*. Mercator Dialogue on Asylum and Migration Policy Brief 2019/4.

⁵ Bisong, A. (2022). Return, Precarity and Vulnerability in West Africa: Evidence from Nigeria. In J. Kofi Teye (eds.), *Migration in West Africa: IMISCOE Regional Reader* (p. 211-236). Springer: IMISCOE Research Series.

⁶ Slagter, J. (2019). An “Informal” Turn in the European Union’s Migrant Returns Policy Towards Sub-Saharan Africa. Washington: Migration Policy Institute.

⁷ Stutz, P. & Trauner, F. (2022) The EU’s ‘return rate’ with third countries: Why EU readmission agreements do not make much difference. *International Migration*, 60, 154-172.

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