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Beyond conclusion: Success, failure and legitimacy in international return frameworks

Executive Summary

This working paper offers a conceptual and empirical investigation of the factors shaping the conclusion and legitimacy of Intergovernmental Return Frameworks (IRFs), a central instrument of the European Union's (EU) return and readmission cooperation with non-EU countries. It suggests that the success of return negotiations cannot be assessed solely by whether a framework is concluded, as formal agreement does not necessarily translate into legitimate, sustainable, or effectively implemented cooperation. Drawing on theoretical literature, document analysis, expert interviews, and previous FAiR research, the paper develops an analytical framework that examines the conclusion of IRFs and their perceived legitimacy as distinct but interconnected dimensions of negotiation success.

The paper identifies several factors influencing the conclusion of IRFs, including asymmetries of interests and bargaining power, conditionality and issue linkage, negotiation strategies, diplomatic agency, and political timing. It examines how these factors interact with each other within broader political and institutional contexts to facilitate or constrain agreement. While shared political interests, credible incentives, and established diplomatic relationships can facilitate agreement, divergence in interests and insufficient incentives to address the perceived costs of readmission may prolong negotiations or prevent an IRF from being concluded. To assess legitimacy, the paper relies on four dimensions: *input legitimacy*, *throughput legitimacy*, *legal legitimacy*, *output legitimacy*. These dimensions allow us to assess different audiences and standards through which return cooperation may be evaluated, and whose interests are represented, how negotiations are conducted, whether cooperation delivers the expected outcomes, and whether the resulting commitments comply with applicable legal standards.

The empirical analysis draws on interviews with representatives of EU institutions and stakeholders in Switzerland, Nigeria, Georgia, Poland, and Türkiye, alongside document analysis and previous FAiR working papers. The analysis shows that negotiation outcomes are shaped by different combinations of interests, incentives, diplomatic relationships, institutional arrangements, and political circumstances. Finally, the paper synthesises these findings into four analytical constellations of IRF negotiations. The first, *interest asymmetry and insufficient reciprocal incentives*, illustrates how unresolved interest asymmetries can prolong negotiations and undermine the anticipated outcomes. The second, *strategic alignment and credible issue linkage*, shows how broader political objectives and incentives can facilitate formal conclusion despite limited procedural inclusion. The third, *political urgency and reciprocal dependence*, demonstrates how exceptional political circumstances can accelerate conclusion while leaving legal legitimacy concerns unresolved. The fourth, *institutional trust and pragmatic cooperation*, highlights how established relationships and repeated interactions can facilitate cooperation, without necessarily resolving broader inclusion concerns.

Taken together, the findings demonstrate that there is no single pathway to conclude an IRF and no automatic relationship between formal conclusion and legitimacy. The paper contributes to the FAiR project by examining how different combinations of negotiating factors shape both conclusion and legitimacy. It argues that the success of return diplomacy should be assessed not only in terms of whether an agreement is reached, but also by considering whose interests are represented, how negotiations are conducted, whether cooperation achieves its intended outcomes, and whether the resulting commitments comply with applicable legal standards.

I. Introduction

Over the past two decades, Intergovernmental Return Frameworks (IRFs) have played a central role in the European Union's (EU) migration governance. As the EU's readmission architecture expanded from early bilateral agreements to EU-negotiated frameworks that also cover third-country nationals (Lavenex, 1999; Noll, 2000; Misafir, 2022; Reslow 2012a; 2012b), as well as additionally adopted informal frameworks (Carrera et al., 2019; Cassarino, 2010; Slominski and Trauner, 2021), the number of IRFs increased considerably. Yet, the proliferation of IRFs has been accompanied by longer negotiation processes, with many cases ending without a conclusion. Furthermore, even when IRFs are concluded, they frequently face implementation challenges.

Functioning return cooperation between states is not determined solely by the formal conclusion of legal frameworks (Stutz and Trauner, 2022), and the "success" of IRFs, therefore, should not be reduced to quantitative indicators such as return rates (Chedraui et al. (2024). The conclusion of an IRF does not necessarily translate into effective cooperation. As our findings in the FAiR project (Cleton et al., 2025; Cleton and Leerkes, 2025) show, cooperation is also negotiated and sustained during implementation, which requires continued dialogue, trust-building, and the establishment of relationships. At this point, legitimacy plays a key role in sustaining cooperation over time. Therefore, these patterns suggest that the success of EU return negotiation processes cannot be reduced to whether an agreement has been signed; it should also be understood from a legitimacy perspective. This paper therefore raises two interrelated questions: (1) What factors influence the conclusion of IRFs between European and non-European states? (2) What elements shape the perceived legitimacy of IRFs? To answer these questions, this paper explores the factors that shape both the conclusion of IRFs and their legitimacy and proposes four analytical constellations based on recurring patterns in return negotiations. Drawing on the empirical findings of the FAiR project, this paper identifies four analytical constellations: (1) interest asymmetry and insufficient reciprocal incentives, leading to prolonged negotiations and contested output legitimacy; (2) strategic alignment and credible issue linkage, facilitating formal conclusion despite limited procedural inclusion; (3) political urgency and reciprocal dependence, enabling accelerated conclusion while raising legal and procedural legitimacy concerns; and (4) institutional trust and pragmatic cooperation, facilitating conclusion while leaving broader legitimacy questions unresolved. Together, these constellations demonstrate how different combinations of factors shape negotiation outcomes and their implications for legitimacy.

The literature on EU return cooperation focuses on key issues, such as bargaining asymmetries (Coleman, 2009; Wolff, 2014; Kefale and Brochmann, 2025), divergent interests (Roig and Huddleston, 2007), conditionality and issue linkage (Kaiser, 2019; Lavenex, 2023), implementation dynamics (Cassarino, 2007; Leerkes and Van Houte, 2020; Stutz and Trauner, 2022), and the legal and normative implications of return governance (Peers and Rogers, 2006; Torres-Chedraui et al., 2024). Nevertheless, limited attention has been given to the relationship between the factors shaping the conclusion of return and readmission negotiations and those shaping legitimacy. In this paper, legitimacy refers to the extent to which IRFs and their negotiation processes are regarded as justifiable by relevant audiences. Following Torres-Chedraui et al. (2024; 2026), this paper examines four dimensions of legitimacy: input, throughput, legal, and output. Input legitimacy concerns the inclusion of participants and the interests that are represented. Throughput legitimacy focuses on the fairness

and accountability of the decision-making process. Legal legitimacy concerns whether commitments are compatible with legal obligations and human rights standards. It is important to highlight that legitimacy may be perceived differently by negotiating parties, implementing authorities, international organizations, and other stakeholders, including migrants, returnees, and civil society. Output legitimacy is related to the extent to which cooperation delivers its intended outcomes and responds to the expectations of relevant stakeholders. These four dimensions of legitimacy allow us to discuss the perceived legitimacy from different audiences. Yet, due to the uneven coverage of the empirical data, this analysis does not claim to establish how all actors affected by return cooperation perceive the legitimacy of the negotiation processes associated with these frameworks.

This paper focuses on these four dimensions in relation to negotiation processes and the conclusion of IRFs. Nevertheless, legitimacy plays an important role in the three interconnected phases of return cooperation: negotiation, conclusion, and implementation. Legitimacy itself can also influence the conclusion of IRFs. If negotiating parties feel that their interests are not adequately represented or find the terms unacceptable, they may be less willing to reach an agreement. The conclusion and legitimacy of IRFs are, on the other hand, distinct but closely related outcomes shaped by interacting factors. Interest asymmetry, issue linkage, negotiation style, diplomatic agency, and political timing primarily determine whether a framework is concluded, while stakeholder inclusion, procedural transparency, formalization, monitoring, and normative alignment primarily shape perceptions of political and legal legitimacy. Some factors that influence both the conclusion and the legitimacy of IRFs may persist after their conclusion and create problems with their implementation. Many of these problems may stem from legitimacy deficits. For this reason, this paper acknowledges output legitimacy as an important dimension, but its systematic analysis falls beyond the scope of the paper.

The factors that shape the conclusion of IRFs and their legitimacy also depend on the scope and legal form of the framework under negotiation. The analysis builds on the typology of IRFs developed in a previous FAiR working paper (Rausis and Lavenex, 2025), which distinguishes frameworks according to their legal form (agreements or arrangements) and scope (readmission-only or composite).

Empirically, this analysis is based on interviews with representatives of EU institutions and stakeholders in Switzerland, Nigeria, Georgia, Poland, and Türkiye, as well as document analysis, including policy papers, European Commission reports, and press statements. Due to the uneven empirical data collected across cases, particularly regarding third-country government perspectives, the paper employs a factor-mapping approach rather than a comparative case study. The factor-mapping approach identifies and examines that shape the conclusion and legitimacy of IRFs. For this purpose, empirical material is used to identify recurring patterns and develop analytical constellations. However, it does not seek to establish causal relationships across the constellations. Drawing on this, this paper identifies four constellations: 1) interest asymmetry and insufficient reciprocal incentives: prolonged negotiations and contested output legitimacy; (2) strategic alignment and credible issue linkage: formal conclusion despite limited procedural inclusion; (3) political urgency and reciprocal dependence: accelerated conclusion with legal legitimacy concerns; and (4) institutional trust and pragmatic cooperation: different pathways to conclusion and legitimacy.

The paper makes two main contributions. First, it distinguishes conclusion and legitimacy as distinct but interacting outcomes and maps the factors associated with each. Second, it synthesizes these

factors into four analytical constellations. These constellations aim to capture recurring configurations across the selected cases within the framework of the FAiR project. They serve as an interpretive framework for understanding why some negotiations extend over years without reaching a conclusion, why some frameworks are concluded despite limited legitimacy, and why others achieve both conclusion and perceived legitimacy more successfully.

The paper proceeds as follows. First, it develops the conceptual framework focusing on success and legitimacy in negotiation processes (Section II). Then, the Section III explores the principal factors shaping the conclusion of IRFs, while Section IV examines those influencing legitimacy across its input, throughput, legal and output dimensions. Section V proposes four analytical constellations based on the findings. Section VI reflects on the broader implications of these patterns, including the structural trade-off between conclusion and legitimacy. Finally, Section VII considers the relevance of these findings for the subsequent analysis of implementation.

II. Conceptual Framework on Success and Legitimacy in Negotiations Processes

Policy discussions on EU return cooperation often treat the signature of a return framework as a sign of successful negotiation, while academic scholarship has increasingly questioned this assumption by highlighting implementation gaps, compliance problems, and legitimacy concerns. This distinction in return diplomacy parallels debates in the broader negotiation literature. Lewicki and Polin (2013) argue that negotiation success is inherently multidimensional. They observe that negotiators who seek to reach an agreement typically also aim to preserve relationships, build trust, protect reputations, and create conditions for future cooperation (Lewicki and Polin, 2013). However, these goals do not always reinforce one another and may instead conflict. If an agreement is reached through strategies that create highly asymmetric advantages and put pressure on the other party, this may lead to the conclusion of an agreement while damaging trust and long-term relationships or creating risks that undermine commitment to implementation (Lewicki and Polin, 2013). Therefore, the success of a negotiation cannot be reduced to the moment of signing of an agreement; it also depends on the quality and durability of the relationship, as well as the perceived legitimacy of the essence of the negotiated issue.

A similar argument also appears in the literature on EU external action. Carbone (2021) argues that the EU's success or effectiveness in multilateral negotiation processes cannot be assessed simply by whether it achieves its stated objectives. It also depends on the EU's capacity to shape negotiation processes, align its actions with its values, and influence outcomes in ways that are accepted by negotiating partners. Building on this literature, this paper approaches conclusion and legitimacy as analytically separate but complementary and interacting dimensions of success in negotiation processes.

In this paper, *conclusion* represents the first analytical dimension and is broadly understood as the establishment of an Intergovernmental Return Framework (IRF). Following the previous FAiR working paper (Rausis and Lavenex, 2025), this paper adopts the same typology of IRFs, which distinguishes between legally binding agreements, such as EU Readmission Agreements (EURAs), and less formal arrangements including Memorandum of Understanding, as well as instruments dealing with readmission and return cooperation. Rausis and Lavenex (2025) classify IRFs along two dimensions:

policy scope and legal obligations. While legal obligations refer to how the legal status of an instrument varies between agreements and arrangements, policy scope distinguishes readmission-only instruments from composite frameworks that combine broader issues with return cooperation. This produces four types of IRFs: *Readmission Agreements*, *Readmission Arrangements*, *Composite Agreements*, and *Composite Arrangements*. Formal agreements generally require ratification and parliamentary scrutiny, whereas informal arrangements may bypass these legislative procedures. Composite frameworks broaden the scope of bargaining compared with readmission-only frameworks, which can affect the transparency of specific return commitments. Nevertheless, the relationship between IRF type and negotiation dynamics is not deterministic. Different types of frameworks negotiated through different processes may exhibit different patterns of legitimacy and contestation.

The second analytical dimension of this paper is *legitimacy*. Following Torres-Chedraui et al. (2024), this paper considers legitimacy through three dimensions: input, throughput, legal legitimacy, and output. Input legitimacy concerns who participates in shaping return negotiations and whose interests are represented. Throughput legitimacy refers to the quality of the decision-making process, including transparency, procedural fairness, accountability, and administrative coordination. Legal legitimacy concerns compliance with international and European law, respect for human rights obligations, and the clarity of legal commitments. Output legitimacy captures the perceived acceptability of negotiated commitments (Torres-Chedraui et al., 2026).

This paper's contribution lies in bringing these two analytical dimensions (conclusion and legitimacy) together while treating them as separate but closely related outcomes. Existing literature has generally examined bargaining strategies, power and interest asymmetries, conditionality, negotiation practices, implementation, and legitimacy in isolation. This paper instead adopts a factor-mapping approach that identifies which factors shape the conclusion of return frameworks, which shape their legitimacy, and which influence both dimensions while proposing different constellations.

III. Factors Shaping the Conclusion of IRFs

From the perspective of migration diplomacy, Adamson and Tsourapas (2019) conceptualise return and readmission cooperation as a strategic bargaining process in which states' interests and leverage derive from their structural positions within the migration system, as countries of origin, transit, or destination, rather than from the technical merits of individual agreements. While this structural explanation answers, to some extent, why Georgia's and Türkiye's positions differ so noticeably from Nigeria's, and why interest asymmetry appears as the most frequently cited obstacle to conclusion in the interview material, it has limitations in explaining why negotiations with structurally similar prospects nonetheless conclude on very different timelines or why some negotiators manage to conclude frameworks under less favourable circumstances. Carbone (2021) argues that favourable structural conditions alone do not determine whether the EU succeeds in negotiations. Negotiation outcomes also depend on how actors strengthen their positions, build partnerships, and engage in the bargaining process (Carbone, 2021). Applied to return negotiations, this suggests that structural conditions shape the opportunities for concluding a framework, but they do not, by themselves, determine whether or when an IRF can be concluded.

From this perspective, this section identifies the following factors shaping conclusion: (1) interest asymmetry, issue linkage, and bargaining power; (2) negotiation architecture; (3) trust at two levels: institutional and individual agency; and (4) timing and policy windows. These factors, however, should be understood as mutually reinforcing or weakening rather than independent factors shaping negotiation processes.

III.1 Interest (A)symmetry, Issue Linkage, and Bargaining Power

In the literature, one of the most frequently discussed arguments is that return and readmission negotiations rarely begin from a position of equal interests. While destination countries generally prioritise the return of migrants without a legal right to remain in EU+[1] territory, countries of origin or transit often seek further development cooperation, trade relations, remittances, visa liberalisation or facilitation, alternative legal pathways, including labour migration, and the protection of their citizens' rights abroad. Interest asymmetry, therefore, constitutes a structural bargaining challenge underlying most return negotiations (Cassarino, 2010; Coleman, 2009). Although interest (a)symmetry plays an important role in negotiation processes, the literature suggests that bargaining success depends not only on the parties' interests but also on the resources they can exchange and the strategies they can use to mobilise those resources (Weiler, 2012). Therefore, negotiation outcomes depend on whether parties can find ways to make cooperation mutually acceptable.

In the context of return cooperation, this typically takes the form of issue linkage, which embeds readmission within broader negotiations over visas, development assistance, security cooperation, and other policy fields. Bargaining power usually depends on the resources each side possesses and the strategies it uses to mobilise them. Our findings show that when interests diverge, the EU typically uses its leverage to compensate for these differences through conditionality, linking return cooperation to incentives in other policy areas to bridge the underlying gap between interests. In this regard, Fernández-Molina and Tsourapas (2024) argue that migration power operates not only through bargaining and conditionality but also through institutional and structural relations that shape the capacities and interests of negotiating parties. For instance, while the EU may traditionally exercise leverage through financial assistance, visa facilitation, and broader cooperation across various policy areas, negotiating parties (origin and/or transit countries) may also use their strategic geopolitical positions to advance their political priorities. Therefore, despite the unequal availability of resources, bargaining power is not necessarily concentrated on one side. Rather, it depends on how existing resources are mobilised within a particular political context.

Migration diplomacy is also shaped by the communicative approaches that states adopt during negotiation processes. Rausis and Lavenex's (2025) typology of four communicative approaches (Conditional Sectoral, Consensual Sectoral, Conditional Whole-of-Government, and Consensual Whole-of-Government) helps explain how interest (a)symmetry translates into negotiation dynamics. Among the cases they selected to illustrate each approach (EU-Georgia, Poland-Ukraine, EU-Nigeria, and Switzerland-Nigeria), the differences between Nigeria and Georgia strikingly demonstrate this dynamic. While Georgia represents a case of strong incentive alignment through visa liberalisation and progress towards EU integration (Bolkvadze, 2016), Nigeria illustrates how interest asymmetries, combined with insufficient incentives to compensate for the costs of readmission, complicate

[1] EU+ refers to EU member states plus Norway and Switzerland.

negotiations (Irabor, 2023). The case of Türkiye illustrates a different configuration. Unlike Georgia, where incentive alignment largely overcame asymmetry, or Nigeria, where asymmetry remained unresolved, the EU and Türkiye temporarily bridged the interest gap through their mutual dependence, enabling them to reach an agreement.

The 2010 EU-Georgia Readmission Agreement was negotiated alongside the EU's 2004-2009 Action Plan for Georgia and the 2009 Eastern Partnership, while its conclusion became an explicit condition for visa liberalisation and progress towards EU integration (Rausis and Lavenex, 2025). Interviews with EU officials in Georgia also identified the Deep and Comprehensive Free Trade Area (DCFTA) as an additional incentive that reinforced support for readmission cooperation (EU1). Respondents noted that the agreement was a necessary step towards visa liberalisation and expressed satisfaction with the outcome. Our interview with an international organisation representative emphasised the willingness of Georgia to cooperate by stating: "The EU didn't need to use the stick because from the outset Georgia has cooperated with the EU and EU Member States" (GE2).

Further, our interview with a European official based in Germany provided an additional perspective on the alignment of interests. The respondent identified Georgia's demographic concerns including the decline in population and the willingness to return the working-age citizens to Georgia (GE3).

Another respondent further stated that Georgia now seeks to replicate this model in its own negotiations with Armenia, Azerbaijan, several Central Asian states, and African countries. An interview with another EU official in European Commission also confirms this broader pattern, indicating that the prospect of EU accession provides a politically credible justification for concluding readmission frameworks, transforming return cooperation from a politically sensitive issue into part of a broader European integration agenda (EU2).

In the Nigerian case, on the other hand, interest asymmetry is not only deeper due to concerns over diaspora remittance flows, human rights, and the potential for mass returns resulting from EU-wide implementation, but the incentives offered by the EU are also considered insufficient to bridge this gap. A migration policy specialist interviewed in Nigeria (NG1) described this imbalance in concrete terms: "The Nigerian government feels that the priorities of other countries are not necessarily their own priority. And in order for it to be their own while, there needs to be a give or take in it" (NG1). The respondent further highlighted the discrepancy between the incentives offered by the EU and the economic and political costs of large-scale readmissions.

In particular, when Nigerian policymakers compare the incentives offered by the EU with the substantially larger financial packages provided to countries such as Niger, Libya, and Tunisia for migration cooperation, they perceive return cooperation as primarily serving European interests while offering more limited benefits to Nigeria. Formal negotiations on an EU-Nigeria Readmission Agreement began in March 2016 and have remained unresolved for over a decade. During this period, a dozen rounds of negotiations have taken place (Rausis and Lavenex, 2025). Alongside the deeper asymmetry of interests, the prolonged negotiations also reflect the difficulty of identifying incentives that would compensate for the costs of readmission cooperation as perceived by Nigeria. According to the MIGNEX findings, Nigeria suspended negotiations in late 2016 because the proposed agreement did not adequately address its interests (Ike et al., 2024). Negotiations resumed in 2020, but an

unresolved technical issue brought them to another standstill until 2022. Although the negotiation process subsequently took a more positive turn, the presidential elections in 2023 further complicated the process. Meanwhile, Nigeria pursued bilateral agreements with individual EU Member States, suggesting a preference for bilateral arrangements rather than an unwillingness to cooperate on readmission (Ike et al., 2024).

The MIGNEX findings also demonstrate that, while visa facilitation had historically been an important incentive in EURA negotiations, its gradual detachment from readmission agreements has affected the EU's capacity to offer incentives (Ike et al., 2023). In the Nigerian case, the EU sought to activate other instruments, including trade preferences under the Generalised Scheme of Preferences (GSP), financial assistance, and prospective migration partnerships. Yet, these instruments still seem insufficient to address Nigeria's priorities. The MIGNEX research identifies three major concerns shaping Nigeria's position: remittances from the Nigerian diaspora, the lack of adequate reintegration programmes, and the need to expand legal mobility opportunities for the country's young population. These findings suggest that Nigeria's priorities are not solely political or financial but also domestic (Ike et al., 2023). Similarly, Hoffmeyer-Zlotnik et al. (2024) highlight the limitations of trade-related incentives as an effective bargaining tool, while the European Court of Auditors (2021) highlights how difficulties in coordinating different policy instruments limit the EU's ability to offer attractive incentives.

At the same time, recent developments suggest that protracted negotiations do not necessarily prevent more limited forms of cooperation. While this paper was being prepared, the EU and Nigeria announced the Eighth EU-Nigeria Ministerial Dialogue in March 2026, during which both sides welcomed the intention to sign the EU-Nigeria Readmission Agreement while maintaining existing readmission practices (Council of the EU, 2026; InfoMigrants 2026). This development appears to be embedded within a broader migration agenda covering reintegration, cooperation against migrant smuggling and trafficking, the development of legal migration pathways (possibly through the launch of a Talent Partnership), and measures addressing the root causes of migration, alongside return and readmission cooperation. Although these recent developments do not undermine this paper's argument regarding the deeper interest asymmetry, they also demonstrate that, in cases where interest asymmetries make the conclusion of frameworks difficult, the EU tends to offer a broader package of political, economic, and mobility-related incentives.

Türkiye holds an intermediate position between the Georgian and Nigerian cases. The EU-Türkiye relationship evolved through negotiated reciprocity rather than reflecting either an alignment of interests or a deadlock. As the former senior Turkish diplomat involved in the negotiations explained during the interview, Turkish authorities never directly opposed readmission cooperation; rather, they insisted that it should proceed in parallel with visa liberalisation. The diplomat emphasised this point several times: "Our position was clear: readmission and visa liberalisation had to move together" (TR1). Therefore, the 2013 EU-Türkiye Readmission Agreement reflected a reciprocal bargain rather than Türkiye's unilateral acceptance of EU priorities. To preserve this reciprocity, the provisions concerning the readmission of third-country nationals were deliberately postponed until October 2017, giving the EU time to fulfil its commitments on visa liberalisation. This reciprocity was also confirmed by our interviewee from an EU official based in Turkey: "There is also the aspect of third country nationals to be returned via Turkey to their country of origins, that does not work. And Turkey says we will

implement those provisions from the day when the EU grants us full visa liberalisation. So there is a certain conditionality in practice, even though it was not written in the agreement" (EU3).

In addition to visa liberalisation, the Turkish diplomat underlined that the agreement was conceived as part of a broader effort to repair deteriorating EU-Türkiye relations at the time. According to the interviewee, the readmission agreement was never considered in isolation but rather as a confidence-building measure intended to improve broader political relations. Although Türkiye had fulfilled most of the roadmap benchmarks, the visa liberalisation process stalled, which was interpreted as evidence that the political bargain underlying the agreement had ceased to function (TR1). This episode also aligns with the literature on the persistent structural asymmetry between the EU and Türkiye. As Eltiok (2015) argues, this asymmetry stemmed from the fact that Türkiye assumed immediate and legally binding obligations, whereas the EU's commitment to visa liberalisation depended on a longer political process that the agreement itself could not guarantee, independently of other political circumstances.

A different negotiating dynamic characterised the EU-Türkiye Statement of March 2016. Unlike the 2013 Readmission Agreement, it was negotiated under the immediate pressure of refugee arrivals and the urgent need to establish readmission cooperation for irregular migrants crossing from Türkiye to the Greek islands. The Statement also established a one-for-one resettlement mechanism for Syrians, alongside substantial financial support for refugees in Türkiye and renewed commitments concerning visa liberalisation (EU3). Our interview confirms that the Statement emerged from an exceptional political moment in which both sides urgently needed cooperation, making their mutual dependence more pronounced than during the earlier negotiations. Yet, this reciprocity was also fragile. As broader EU-Türkiye relations deteriorated, Turkish authorities suspended the implementation of the provisions of the Readmission Agreement, which the former diplomat described as an explicit reciprocal response to the EU's failure to fulfil its side of the bargain (TR1). Therefore, the Turkish case demonstrates that bargaining power is not fixed once an agreement has been concluded. Rather, changing political circumstances can reshape the balance of leverage, allowing the parties to use implementation or its suspension as leverage in subsequent negotiations.

These findings reaffirm the increasingly transactional character of migration diplomacy. Adamson and Greenhill (2023) argue that migration cooperation has become an issue negotiated through broader diplomatic exchanges rather than as a standalone policy issue. While interest (a)symmetry, issue linkage, and bargaining power shape the conclusion of IRFs, our three cases also demonstrate that negotiations do not end once an IRF is concluded. The implementation phase can create further opportunities for renegotiation as political circumstances change and interests shift. As Weiler (2012) argues, bargaining success depends not only on the distribution of interests and resources but also on how negotiations are conducted. In this context, the following section examines the impact of these organisational dimensions on the conclusion of IRFs.

III.2 Negotiation Architecture

Alongside the distribution of interests and resources, the architecture of negotiations has an impact on bargaining success (Weiler, 2012). Negotiation architecture refers to the institutional arrangements that determine which actors participate in negotiations, who has the authority to make commitments, and how different policy areas and institutions are coordinated. Although negotiation architecture

does not directly determine whether negotiations conclude successfully, it shapes negotiators' ability to mobilise relevant actors, coordinate across policy domains, and respond to the priorities of the negotiating parties. Based on Rausis and Lavenex's (2025) typology of negotiation approaches, sectoral approaches are restricted to negotiations involving migration authorities, while whole-of-government approaches involve a broader range of ministries and policy areas, allowing for issue linkage. Their analysis does not suggest that one model consistently produces agreements more quickly. Rather, it demonstrates that governments organise negotiations differently depending on the scope of the issues under discussion and the extent to which return is embedded in broader political relationships. From this perspective, our empirical data provide important insights into how these institutional arrangements function in practice. For instance, Poland largely follows a sectoral model, although not rigidly. According to a Polish Officier (PL1), both the Ministry of Interior and Administration and the Ministry of Administration are the formal negotiating authorities, but the Border Guard conducts the negotiations themselves. Nevertheless, there is a formal division of responsibilities. While the Border Guard may request political support or country-specific information, the ministries can also instruct the Border Guard to open a new negotiating track. Therefore, the initiative flows in both directions.

The Polish official emphasises the importance of country-specific information flows between authorities: "Every country requires a different negotiation instruction. It would be absurd to negotiate with Vietnam and Morocco using exactly the same template" (PL1).

Our respondent from DG HOME describes a similar logic at the EU level. The interviewee (EU_1) explains that the Council first adopts a country-specific negotiating mandate, after which the Commission leads the negotiations with the support of a coordination group comprising DG HOME. Usually, the relevant EU Delegation, the Legal Service, and other Commission services, depending on the country, are involved in this coordination group. Rausis and Lavenex (2025) describe this model as a restrained whole-of-government approach, in which broader expertise is available when necessary, but migration authorities remain in the lead.

The interviews also reveal the importance of coordination among authorities. Another EU-level respondent from the European Commission (EU2) argues that, during negotiations with Nigeria, an effective whole-of-government approach within the Commission would require every EU actor engaging with Nigerian counterparts on trade, agriculture, development, and other relevant areas to reinforce migration-related priorities. In practice, however, Member States usually act bilaterally and independently. Our respondent observes that Nigerian authorities continue to deepen cooperation in other policy areas "without anyone mentioning readmission." According to the interviewee, the problem was not a lack of bargaining resources but a failure to coordinate existing resources. This observation complements the previous discussion of issue linkage. Linking issues across policy domains remains limited if governments fail to coordinate these linkages internally.

Switzerland can be considered an example of a clearer whole-of-government model, having progressively expanded coordination through an interdepartmental working group, the establishment of the position of Special Ambassador for International Cooperation on Migration, and stronger central coordination within the migration administration (Rausis and Lavenex, 2025). Although this does not necessarily lead to a quicker conclusion of negotiations, our interview material identifies Switzerland as the most coherent case in terms of coordination during and after the negotiation processes.

At the EU level, negotiation architecture presents additional challenges, particularly due to the division of competences between EU institutions and Member States. An EU respondent described the Commission's country-specific negotiating mandate and its coordination with relevant delegations. The same interview also highlighted the difficulties of mobilising Member States' competences in some cases (EU2). In line with this account, another respondent identified coordination problems between policy areas, such as development, trade, and migration cooperation, during the EU-Nigeria negotiations (EU2). These examples demonstrate that the ability to offer incentives depends not only on political willingness but also on the institutional capacity to coordinate relevant actors and commitments.

Finally, negotiation architecture may also affect partner countries' perceptions of the negotiation process. One Nigerian respondent (NG2) compared the procedural fairness of negotiating collectively with the EU with that of engaging individual Member States under different conditions: "When the partners are not equal in strength and in capacity, one would have an advantage over the other. … If the EU has a framework, then each individual EU country should use that framework to engage with countries directly."

Drawing on these findings, it is important to note that negotiation architecture not only plays a significant role in governments' ability to coordinate but also shapes perceptions of consistency and fairness in negotiation processes. These perceptions become central to the discussion of legitimacy in the following section.

III.3 Diplomatic Agency and Trust

In addition to interest (a)symmetry, issue linkage, bargaining power, and the institutional design of negotiations, our interviews reveal trust as an important determinant of negotiation outcomes. Nevertheless, the role of trust in negotiation processes remains understudied in the literature. Lewicki and Polin (2013) identify three foundations of trustworthiness: perceived ability, perceived benevolence, and perceived integrity. Ability refers to the perceived competence of an actor to fulfil commitments, while benevolence concerns the belief that an actor takes the other party's interests into consideration. Finally, integrity refers to the perception that an actor adheres to accepted principles and honours commitments. Distinguishing between these foundations is important for adding nuance, particularly when one party accuses the other of being "untrustworthy." Our empirical data extend this framework by showing that trust in negotiation processes operates at two levels that do not always move in parallel. The first concerns institutional trust, while the second relates to interpersonal trust between negotiators. These two levels may diverge: a negotiator may be perceived as personally trustworthy even when the institution they represent is not. In some situations, our data suggest that personal relationships and trust between negotiators can compensate for this institutional credibility gap. Conversely, a negotiator can also undermine bilateral relations by damaging interpersonal trust.

The comparison between Switzerland and the EU shows how differences in institutional competences may affect these perceptions, particularly in the Nigerian case. Regarding ability, a European Commission official highlighted the EU's structural limitations during our interview (EU2). Although the Commission has the competence to negotiate visa facilitation, its capacity to offer labour migration

opportunities is constrained by the competences retained by Member States, particularly regarding the number of labour migrants admitted (European Court of Auditors, 2021, para. 63). This does not reflect an unwillingness on the part of EU negotiators to accommodate partner-country requests but rather a limitation of their authority. This distinction is important because labour mobility often constitutes a significant incentive in readmission negotiations, as illustrated by the Nigerian case. For instance, although Nigerian negotiators repeatedly requested labour mobility opportunities, the Commission's mandate did not allow it to respond to these requests. By contrast, as a unitary state with a single migration authority, Switzerland does not face the same constraint in defining its negotiating mandate. According to our respondent (NG4), due to the stable system in Switzerland, Nigeria did not have to change its priorities in this bilateral cooperation.

Integrity, as understood by Lewicki and Polin (2013), concerns an actor's track record of keeping or failing to keep promises. The EU's commitments regarding visa liberalisation in exchange for a readmission agreement in the Turkish case provide an example in this context. Despite the signing of the Readmission Agreement and the subsequent adoption of the EU-Türkiye Statement, the stalled visa liberalisation process may be perceived by Türkiye as an instance of a promise made but not fulfilled.

The second level of trust operates at the individual level. Trust established between diplomats can partially compensate for unfavourable structural conditions, while also revealing the fragility of this form of agency. Across the interviews, we identified cases in which personal relationships helped sustain negotiations, as well as cases in which the deterioration of key interpersonal relationships undermined the potential for cooperation.

The Poland-Ukraine relationship illustrates a longstanding and trusted working relationship between the Border Guards of the two countries. Polish interviewees described the relationships that laid the foundation for negotiating the 2017 Implementation Protocol as being built through direct, multi-day meetings rather than formal diplomatic channels. This contributed to a relatively low-stakes negotiation process that proceeded smoothly. Nevertheless, friction subsequently arose between the Border Guards and Ukraine's Ministry of Interior during implementation, which our respondent described as a "clash of bureaucracy" (PL2). The same respondent also noted that Ukraine had initially been concerned that the EU-level framework would undermine the pre-existing bilateral agreement, but these concerns were allayed by the good relations between the two sides.

In the case of Türkiye, the Turkish diplomat who played a leading role in both the signing of the Readmission Agreement and the preparation of the EU-Türkiye Statement also emphasised the importance of maintaining good and trusting relations with counterparts on the EU side. According to the diplomat, informal channels, alongside formal diplomacy, helped make the process more effective in achieving its intended outcome (TR1). Nevertheless, cooperation between the EU and Türkiye deteriorated after the coup attempt in July 2016, particularly amid disagreements over the EU's response to the coup attempt and concerns within the EU about Türkiye's subsequent political developments. This illustrates the limits of interpersonal trust and even well-established diplomatic relations in the face of major political shocks.

Meanwhile, the EU-Nigeria negotiations illustrate a different challenge. Personnel discontinuity within negotiation teams can undermine institutional memory and, consequently, accumulated trust. A European Commission respondent (EU2) highlighted the negative impact of staff turnover on the Nigerian side during the later stages of the negotiations. This required the EU side to revisit basic points that had already been settled with previous Nigerian counterparts during earlier rounds.

These cases support Wheeler's (2018) findings on how interpersonal trust-building and face-to-face relationship-building between negotiators can affect negotiation outcomes. Although good personal relations between negotiators do not guarantee the conclusion of an agreement, their impact on negotiation processes should not be underestimated. While the Turkish case illustrates how broader political tensions can undermine established relationships, the Nigerian case demonstrates how personnel changes can disrupt accumulated trust. Thus, although interpersonal trust does not guarantee the conclusion of an IRF, it can facilitate negotiations, while its erosion may complicate or delay the process.

III.4 Timing and Policy Windows

The timing of political and institutional developments plays an important role in shaping the conclusion of IRFs. Both domestic political developments, including elections, government formation, and public incidents, and external dynamics, such as migration trends, the COVID-19 pandemic, and regional stability, can accelerate or interrupt negotiations. Timing, therefore, matters. It affects not only political will but can also temporarily create the conditions necessary for negotiations to advance or be interrupted.

As an example of a domestic political development, the Polish official (PL1) identified a change of government or political leadership as the single most disruptive factor in ongoing negotiations in their case. A change of government or leadership does not necessarily entail an explicit rejection of ongoing negotiations; rather, it may lead to a desire to "start over", which can erode the momentum of the negotiation process. Given the varying lengths and unpredictability of negotiation processes across countries, domestic political changes are often inevitable and may significantly affect the outcome of IRF negotiations. This perspective also connects timing to input legitimacy, particularly its domestic-audience dimension, which is discussed further in Section IV.1. Drawing on Putnam's (1988) two-level game framework, Reslow and Vink (2015) show that Member States' domestic political considerations shape their support for particular forms of cooperation, as well as the timing of their willingness to engage in such cooperation. Governments aim to minimise the domestic political costs of cooperation. For this reason, their willingness to act varies according to the prevailing political circumstances (Adamson and Tsourapas, 2019).

Regional and international political dynamics also play an important role in shaping cooperation. The case of Türkiye demonstrates the significance of the temporal dimension in accelerating or delaying the negotiation of IRFs, as well as their implementation. For instance, the signing of the EURA improved cooperation between Türkiye and the EU. Nevertheless, in 2015, the mass arrival of Syrians from Türkiye on the Greek islands intensified migration diplomacy between the EU and Türkiye, leading to the preparation of the EU-Türkiye Statement of March 2016. In less than a year, both sides agreed on its terms and adopted the Statement as an informal arrangement concerning the return and

readmission of Syrians from the Greek hotspot islands. Following the outbreak of the COVID-19 pandemic, implementation of the Statement was suspended, and Türkiye stopped readmitting Syrians from Greece under its provisions (EUAA, 2022).

These specific moments, shaped by domestic and international political dynamics, can be understood as "policy windows." Kingdon (1984) conceptualises policy change as dependent on the temporary convergence of three independent streams: the problem stream (recognition of a problem), the policy stream (availability of feasible solutions), and the politics stream (a favourable political environment). If these streams do not converge, even a well-prepared and developed proposal may fail to progress. Applying the multiple-streams framework to the conclusion of IRFs suggests that successful conclusion requires recognition of a problem requiring action, a viable solution, a favourable political environment, and sufficient institutional capacity to take advantage of a particular temporal window. Nevertheless, the temporal dimension is not an exogenous variable that independently affects negotiation processes between the EU and third countries; rather, it is relational. One party may have sufficient political space to conclude an IRF while the other is constrained by domestic political developments, such as elections or government formation. Similarly, a seemingly favourable moment for both parties may be disrupted by an unexpected external event.

IV. Factors Shaping the Legitimacy of IRFs

Legitimacy in return and readmission cooperation has been discussed primarily in relation to the implementation and effectiveness of agreements. The literature shows that agreements do not necessarily translate into effective implementation, particularly when they lack broader political support, normative backing, or adequate implementation and monitoring mechanisms (Bodansky, 2012; Lavenex and Rausis, 2022; Stutz and Trauner, 2022; Torres-Chedraui et al., 2026; Wiener, 2017). However, this report takes a step back and focuses on the factors shaping the legitimacy of the negotiation process itself. In this section, the report explores how legitimacy is constructed and negotiated as actors work towards concluding an IRF.

This distinction is important because the conclusion of an IRF does not indicate whether the negotiation process was perceived as legitimate. An IRF may be concluded through a process perceived as largely predetermined, with limited opportunities for negotiating parties to influence its substance or procedures. This can lead to legitimacy deficits that undermine the sustainability and implementation of the resulting framework. Legitimacy, therefore, is relevant not only to whether an agreement is concluded but also to the quality and sustainability of the cooperation resulting from the negotiation process. In this section, the factors shaping legitimacy are examined along three dimensions: input, throughput, and legal legitimacy. Output legitimacy is also acknowledged as a fourth dimension, reflecting the distinction between the expected benefits negotiated by the parties and the actual outcomes of cooperation (Torres-Chedraui et al., 2024).

Although the analysis in this section does not focus on implementation or monitoring, both remain important for understanding how the legitimacy of the negotiation process is tested over time. Two findings from the FAiR project are particularly relevant in this respect. First, Cleton et al. (2025) demonstrate that return cooperation cannot be fully understood solely through formal agreements or return rates; rather, it also depends on relationships, expectations, and everyday interactions among

officials. Legitimacy deficits perceived during negotiations can shape how commitments are subsequently understood and implemented. Second, monitoring is equally important because it establishes a mechanism for assessing whether commitments made during negotiations are respected in practice. According to Conte et al. (2025), monitoring gaps can weaken transparency and accountability, while Patteri (2024) and Petkov et al. (2024) specifically highlight the need to establish human rights monitoring (HRM) mechanisms to strengthen the legitimacy of EU return and readmission policies and practices. The presence or absence of these mechanisms affects not only the quality of implementation but also the legitimacy of the negotiation process, as it indicates the extent to which negotiating parties are willing to subject their commitments to accountability and uphold human rights.

IV.1 Input Legitimacy

As discussed in the section on negotiation architecture, the institutional arrangements of IRFs determine which actors participate in negotiations and who has the authority to make commitments. However, the participation of different governmental institutions does not necessarily ensure the representation of other stakeholders' interests, such as those of returnees or other societal groups. This brings us to the question of input legitimacy, which concerns whose interests and voices are included in negotiation processes and the extent to which they can influence the commitments made.

In the Georgian case, our interview with a ministry official shows that various governmental institutions are involved in negotiation processes (GE1). The Ministry of Foreign Affairs led the negotiations on the EU-Georgia Readmission Agreement, while the Ministry of Internal Affairs participated in the negotiations and contributed to drafting the agreement. Other governmental departments were also consulted during the negotiation and drafting processes. On the one hand, this demonstrates coordination among governmental institutions, reflecting different policy interests. On the other hand, our interview data show that there was no inclusion of the civil society actors in negotiation process. Our respondent from an international organisation based in Georgia stated: "But for return frameworks, its government to government. I don't think they would bother engaging somebody else. Let alone civil society".

In the Nigerian case, our interviews reveal a similar pattern of governmental participation in negotiation processes but also highlight the importance of domestic political considerations. Our interviewee working on migration policy indicated that the process was largely government-led, involving the Ministry of Foreign Affairs, the Nigerian Immigration Service, and other migration-related agencies (NG1). The interviewee also explained how domestic political considerations may influence the negotiating positions of governmental actors, even when the wider public and returnees are not directly represented. However, the involvement of civil society and affected populations remains limited. When asked about the role of youth in discussions on return cooperation, the same respondent stated: "I don't think that they're engaged in that discussion yet" (NG1). Our other interviewee, based in Nigeria, who is a migration expert with personal experience in deportation, criticised the limited influence of public opinion and civil society on the policymaking process. Alongside this criticism, the respondent noted that some civil society organisations and migrants' families had mobilised at the subnational level, particularly in Edo State, to influence return and migration cooperation (NG3).

In the Turkish case, the involvement of ministries in the negotiation process was limited, while civil society was entirely absent. According to the former diplomat we interviewed, negotiations were conducted primarily by the Ministry of Foreign Affairs, with the Ministry of Interior also being consulted. Nevertheless, even within the government, the negotiation process was not free from contestation. Our interviewee described the initial resistance to the agreement within governmental bodies, particularly the Ministry of Interior, due to concerns about the disproportionate responsibilities that Türkiye might assume under EU-Türkiye migration cooperation (TR1).

Taken together, these findings suggest that the negotiation of IRFs is predominantly an administrative and executive process, involving relevant governmental bodies to varying degrees. However, it is not an inclusive process in terms of representing the interests of broader societal groups. In particular, returnees and other affected groups do not appear to have a meaningful role in negotiation processes. It should also be noted that the data collected for this work package have limitations in capturing the views of returnees and other affected populations on readmission negotiations. Our findings, based on interviews with government authorities, international organisations, and some civil society organisations, point to the limitations of input legitimacy in negotiation processes. They also underline the importance of distinguishing between coordination among governmental bodies, domestic political acceptance, and the participation of affected populations.

IV.2 Throughput Legitimacy

If input legitimacy depends on who is included in the negotiation process, throughput legitimacy concerns the quality of the process itself. In this context, how actors interact, how information is shared, how decisions are coordinated, and whether procedures are considered fair and transparent become important elements in assessing throughput legitimacy. This dimension focuses on how participation and interaction take place rather than on who participates. As much of the negotiation process in IRFs involves repeated interactions between officials, informal exchanges, technical coordination, and various forms of arrangements over time, this dimension is particularly important in IRF negotiations. Within the framework of throughput legitimacy, we assess the quality of these negotiation processes. Our findings reveal four interconnected dimensions of throughput legitimacy: transparency, procedural fairness, the role of intermediaries, and horizontal coordination.

Transparency

Transparency is a crucial dimension of throughput legitimacy, particularly regarding the public accessibility of IRFs and the possibility of scrutinising the commitments made by governments. Although negotiations may require confidentiality, unpublished agreements and arrangements raise concerns about accountability. This is particularly relevant for informal IRFs, whose contents are not always publicly available.

The FAiR inventory provides empirical evidence of this problem. Drawing on existing inventories developed by Cassarino (2022) and the European Migration Network (2022), the Migration Policy Group (MPG) created a dataset of return frameworks concluded between 2008 and 2023. However, as Conte et al. (2025) note, the inventory includes only publicly accessible arrangements and therefore covers fewer IRFs than the existing inventories. The final dataset contains 108 agreements concluded by 11 European countries and 11 agreements concluded at the EU level (Conte et al., 2025).

Nevertheless, these figures should not be interpreted as representing the total number of frameworks concluded during this period.

This discrepancy has important implications for throughput legitimacy. When frameworks are not made public, parliamentary representatives, civil society organisations, and other stakeholders in both European and partner countries cannot adequately scrutinise the commitments made by their governments. This also restricts opportunities for public accountability, particularly regarding the implications of readmission cooperation for returnees' rights.

The lack of transparency should not be understood as an inevitable consequence of informal arrangements. Rather, it reflects governments' decisions regarding whether and to what extent the contents of these arrangements are made public. As Slominski and Trauner (2021) argue, non-binding instruments may facilitate cooperation by providing greater flexibility in negotiations and reducing political costs, but they can also limit opportunities for parliamentary and judicial scrutiny. Therefore, transparency concerns not only how negotiations are conducted but also whether the resulting commitments can be scrutinised and contested by relevant stakeholders.

Fairness and procedural equality

Procedural fairness and equality are closely related to the power asymmetries identified in Section III.1. Power asymmetries may affect the extent to which negotiating parties can influence the process and shape the terms of cooperation, alongside the uneven distribution of interests and incentives. This can be observed in negotiations between the EU and partner countries. Our interviewee from Nigeria (NG2) reported that Nigerian officials questioned the value of negotiating an EU-wide readmission agreement when Nigeria already had several bilateral agreements and arrangements with individual EU Member States. The interviewee highlighted the imbalance in negotiating capacity between a single country and the EU. Although negotiating collectively may strengthen the EU's position, perceptions of this advantage may vary depending on the negotiating partner.

Our interview with an official from the European Commission (EU2) suggests that preferences regarding EU-level or bilateral negotiations also differ among Member States. While some Member States with established bilateral cooperation may prefer to maintain these arrangements, those without such frameworks may favour negotiations at the EU level. Molinari (2021) examines this tension, noting that France preferred to continue bilateral negotiations with Tunisia, while Italy maintained its bilateral readmission agreement with Algeria despite the existence of EU-level negotiating mandates. These examples of differing preferences within the EU demonstrate the complexities of coordination and the choice of negotiation format. They are also significant because they indicate that preferences for EU-level or bilateral negotiations cannot be explained solely by the interests or preferences of partner countries.

Role of intermediaries

Intermediaries may contribute to throughput legitimacy by reducing information asymmetries, facilitating communication, and helping negotiating parties identify common interests. From a theoretical perspective, intermediaries may help sustain dialogue and build trust between negotiating parties. Nevertheless, their involvement does not necessarily lead to a fairer process. As Zartman and

Touval (1985) emphasise, mediators may also have interests of their own. Their credibility therefore becomes crucial, particularly in determining their effectiveness (Kydd, 2003).

In light of the expanding network of regional and interregional consultation processes on migration, intermediaries may also play a role in IRF negotiations. For instance, the Budapest and Rabat Processes provide platforms for dialogue and cooperation among governments and international organisations, with ICMPD playing a role in supporting these processes.[2] These processes demonstrate how intermediaries can provide technical expertise and facilitate information exchange, helping to maintain continuity in intergovernmental cooperation.

The FAiR inventory illustrates the limited formal involvement of actors other than governmental bodies. Of the 108 publicly accessible bilateral IRFs examined, only three agreements (2.8%) provide for the involvement of external stakeholders in implementation. Two of these agreements were concluded by Switzerland and one by the UK. Furthermore, according to the inventory, only one agreement established an external and independent monitoring committee (Conte et al., 2025). Although these figures primarily concern implementation and monitoring rather than negotiation processes, they also demonstrate how rarely the participation of external actors is formally incorporated into IRFs.

In the Poland-Ukraine case, our interview shows that an international organisation supported technical discussions by organising meetings and facilitating exchanges between relevant authorities during the preparation of implementing protocols (PL1). In the Georgian and Nigerian cases, however, although international organisations have contributed to broader migration cooperation, our empirical data provide limited evidence of their direct involvement as intermediaries in the negotiations themselves.

These findings also relate to the distinction between whole-of-government and whole-of-society approaches, as discussed by Rausis and Lavenex (2025). While a whole-of-government approach emphasises coordination across ministries and public institutions, a whole-of-society approach includes civil society organisations, affected communities, and other non-state stakeholders. The authors identify intra-governmental coordination as an important feature of return diplomacy and suggest that a consensual whole-of-government approach may be particularly beneficial for legitimacy between negotiating partners. However, this approach primarily concerns cooperation between governmental bodies, as the authors acknowledge that return diplomacy remains largely state-driven, with minimal involvement of civil society and occasional participation by international organisations (Rausis and Lavenex, 2025).

Finally, our findings suggest that despite the growing role of intermediaries in migration governance, they are not systematically included in IRF negotiations. Similarly, a whole-of-society approach remains largely absent from negotiation processes and from the processes through which these frameworks are concluded.

[2] See https://www.icmpd.org/our-work/projects/budapest-process & https://www.rabat-process.org/en/about/secretariat.

Horizontal coordination

Finally, how coordination is structured within and across institutions can also affect throughput legitimacy. IRF negotiations often involve several ministries and agencies with different responsibilities and institutional priorities. Weak coordination not only causes delays, disagreements, or inconsistent positions but can also undermine the coherence of negotiation processes. In such cases, challenges may arise from insufficient communication or conflicting priorities among domestic authorities rather than between the negotiating states themselves. This also applies to the institutional organisation of the EU.

In the case of the EU-Nigeria negotiations, our respondent from the European Commission (EU2) underlined that effective coordination would require EU actors to engage with Nigeria across various policy areas, including trade, agriculture, and development. However, according to our respondent's observations, cooperation in these areas often continued without readmission being raised, while Member States pursued their bilateral relations individually. From this perspective, the difficulty was not necessarily a lack of bargaining resources but rather the limited coordination of existing instruments across EU institutions. This example suggests that the potential benefits of issue linkage depend not only on the incentives involved but also on the negotiating parties' capacity for internal coordination.

The Polish case, on the other hand, provides a different perspective on horizontal coordination. According to our respondent (PL1), the Border Guard conducts negotiations and maintains regular communication with ministries. Coordination operates in both directions: while the Border Guard may request political guidance or country-specific information, ministries may direct it to initiate negotiations. Our respondent also emphasised the importance of adapting negotiating instructions to individual countries rather than following a one-size-fits-all template.

IV.3. Legal Legitimacy

Level of formalisation

The degree of formalisation has important implications for legal legitimacy, particularly regarding legal certainty and accountability. Nevertheless, the distinction between formal and informal instruments does not automatically determine the level of democratic oversight. The procedures applicable to binding agreements vary according to the legal frameworks and institutional arrangements of the negotiating parties. For EURAs concluded under Article 79(3) TFEU, Article 218 TFEU establishes the relevant treaty-making procedures, including the roles of the European Parliament and the Council. Meanwhile, agreements concluded by individual Member States are subject to their respective constitutional requirements. Non-binding arrangements, such as joint statements, memoranda of understanding, or administrative arrangements, may fall outside ordinary treaty-making procedures, potentially limiting opportunities for parliamentary and judicial scrutiny and public accountability.

Cassarino (2007, 2010, 2014) has documented the increasing reliance on informal instruments in European return cooperation. While informal arrangements may offer greater flexibility, they can also expand legal and institutional grey zones in which the nature of commitments, mechanisms of

accountability, and safeguards may be less clearly defined. Their legal status may therefore complicate legal oversight, public scrutiny, and opportunities to challenge governmental action.

The choice between formal and informal frameworks reflects the preferences of the negotiating parties and their broader geopolitical interactions. Lavenex and Rausis (2026) note that formal agreements have been more common in cooperation with Eastern European partners, while informal arrangements have gained significant prominence in relations with African and South Asian countries. Nevertheless, this variation should not be interpreted solely as a reflection of unilateral EU preferences. Third countries may also favour particular forms of cooperation depending on their domestic constraints, political priorities, and expectations regarding the legal status of the cooperation. For instance, Nigeria has approached binding readmission commitments with caution, while other partners, such as Türkiye, have preferred formal agreements when the conditions became mutually acceptable. Although EU-Türkiye migration cooperation encompasses both the legally binding Readmission Agreement signed in 2013 and the informal political arrangement established by the EU-Türkiye Statement of March 2016, our interviewee (TR1) emphasised Türkiye's preference for legally binding instruments over memoranda of understanding. Our interviewee characterised memoranda of understanding as a "gentleman's agreement" and associated formal agreements with greater legal certainty and fewer ambiguities concerning commitments. This example demonstrates how formalisation may be valued by a negotiating partner as a means of clarifying obligations and expectations rather than as a procedural obstacle to concluding an agreement.

Finally, legal legitimacy cannot be assessed solely on the basis of an IRF's formal status or the procedures adopted. Both binding and non-binding frameworks must be assessed against applicable international and European legal standards concerning human rights.

Normative alignment

As emphasised by Torres-Chedraui et al. (2024), legal legitimacy also depends on an IRF's compliance with international legal norms, such as the principle of non-refoulement and broader human rights obligations, as well as applicable EU legal standards. However, these legal obligations may themselves be perceived as instruments of conditionality rather than neutral legal standards, particularly in contexts characterised by colonial legacies and significant power asymmetries. This perspective can also be complemented by norm theory in International Relations, which frames the EU's promotion of legal standards not in terms of conditionality or bargaining but as norm entrepreneurship. Countries of origin may respond with varying degrees of contestation or compliance with the EU's efforts to establish an international "norm to readmit" through legal codification and policy networks (Paasche et al., 2026). For instance, Georgia is frequently cited in the literature as an example of compliance rather than norm contestation (Jaroszewicz et al., 2025). However, our findings also reveal the limitations of this interpretation, particularly regarding internalised normative commitments. Our findings suggest that Georgia's cooperation is driven more by strategic alignment in the context of its EU accession process.

Another example emerges from Poland. One interviewee (PL2) described how the period of cooperation with Russia on returns to Chechnya overlapped with discussions on EU-Russia visa facilitation between 2015 and 2018. Beyond diplomatic considerations, the respondent noted that

"the problem is that even the border officers felt an ethical problem with returning to Chechnya while being there in Russia" (PL2). The same interview also highlighted the sustained involvement of NGOs and human rights organisations in cases involving family reunification and the treatment of women and children. This involvement generated monitoring activities in practice despite the absence of an adequate monitoring mechanism in the agreement.

Checks, balances, and monitoring

Judicial and institutional oversight varies considerably across IRFs. Nevertheless, the ability of external actors to evaluate the adequacy of accountability mechanisms is an important dimension of legal legitimacy. Negotiating parties do not always consider formal monitoring necessary and may not incorporate it into IRFs (Torres-Chedraui et al., 2024). However, the absence of such mechanisms can undermine the long-term sustainability of return cooperation, as illustrated by the Nigerian case. Establishing accountability and monitoring mechanisms therefore extends beyond the conclusion of an agreement and affects legal legitimacy throughout its implementation. Patteri (2024) highlights that existing monitoring practices in assisted voluntary return and reintegration primarily focus on post-return outcomes. However, the protection of returnees' human rights remains insufficiently and inconsistently monitored. Patteri's (2024) study, conducted under the FAiR project, therefore calls for more systematic and independent human rights monitoring throughout the return process to strengthen transparency and accountability.

IV.4. Output Legitimacy

Output legitimacy concerns the extent to which the outcomes of cooperation are considered acceptable, beneficial, and responsive to the interests and needs of relevant stakeholders. In the context of IRF negotiations, this involves assessing not only whether an agreement is concluded but also whether its anticipated benefits address the priorities of the negotiating parties and affected populations. Reciprocity is therefore important, but it should not be confused with procedural fairness: an asymmetrical negotiation process may produce an arrangement that both governments consider acceptable because of the broader benefits they expect from cooperation.

The EU-Georgia case illustrates this distinction. Although readmission cooperation was largely driven by EU priorities, it formed part of a broader relationship involving visa facilitation and closer political integration. Bolkvadze (2016) demonstrates that visa facilitation enjoyed considerable public support in Georgia and offered political incentives for the Georgian government to comply with EU conditionality. The anticipated benefits of greater mobility and closer EU ties thus help explain why an otherwise asymmetrical readmission arrangement could be acceptable to Georgian authorities. This interpretation is consistent with Rausis and Lavenex's (2025) findings concerning the importance of the broader political relationship between negotiating partners.

Our interview findings in Georgia provide further support for this interpretation. Respondents described the agreement as a necessary step towards closer EU integration and expressed satisfaction with its conclusion. These accounts suggest that the anticipated benefits of the wider cooperation package helped make the agreement acceptable to Georgian authorities, despite the asymmetry of interests. However, they reflect the perspectives of government representatives rather than those of returnees or other affected groups. They should therefore not be taken as evidence that the

arrangement was procedurally fair or that its eventual outcomes were equally beneficial to all stakeholders.

V. Constellations of Negotiation Outcomes and Legitimacy

The factors identified in Sections III and IV can be synthesised into four constellations that show different patterns of negotiation and conclusion of IRFs, as well as their implications for legitimacy. These constellations are analytical constructs developed based on the empirical findings collected within the FAiR project. Due to the limitations on the collected data, they should not be considered as an exhaustive and generalised classification of IRFs. Rather, they provide a framework for comparing how different combinations of factors affect negotiation outcomes and their implications for legitimacy.

During the examination of these constellations, it is important to distinguish between the conclusion of an IRF from its legitimacy. A concluded IRF does not necessarily indicate a legitimate negotiation process while prolonged negotiations do not automatically imply a legitimacy deficit. Furthermore, legitimacy should be assessed differently depending on the audience. The following analysis therefore considers input, throughput, legal, and output legitimacy, while marking the perceptions documented in our interviews from those of other relevant audiences. Since this study focuses primarily on negotiation and conclusion, the findings provide stronger evidence concerning governmental perspectives than concerning the subsequent effects of IRFs on affected communities.

Constellation 1 — Interest asymmetry and insufficient reciprocal incentives: Prolonged negotiations and contested output legitimacy

This constellation combines a high asymmetry of interests with limited reciprocal incentives and challenges in identifying a mutually acceptable scope of cooperation. Under these conditions, negotiations may continue for a prolonged period without reaching a formal conclusion. Notably, asymmetry of interests should be confused with asymmetry of bargaining power since leverage is no substitute for shared interests. Even when one party holds greater economic and political resources, the other may retain considerable leverage through its ability to suspend cooperation.

The EU-Nigeria Readmission Agreement negotiations can be considered as an illustration for this constellation. While the EU prioritised the conclusion of an EU-wide readmission agreement, our findings show that Nigeria focused on legal migration and mobility opportunities, reintegration programmes, remittances and the broader benefits of migration cooperation. These different priorities complicate the identification of sufficient incentives. Moreover, the EU's negotiation team's ability to offer labour migration opportunities was constrained due to their competences, while Nigeria maintained bilateral relationships with individual European countries (Ike et al., 2023).

Our interviewee who is a Nigeria-based specialist (NG1) highlighted that the priorities of European countries did not necessarily correspond to those of the Nigerian government and questioned the incentives for concluding an EU-wide agreement. Similarly, a European Commission respondent (EU2) highlighted difficulties in coordinating different EU policy instruments and Member State initiatives. These statements indicate that the prolonged negotiations resulted not only from divergent interests but also from limitations in the capacity to formulate and deliver a coherent package of incentives.

Although negotiations formally began in 2016 and continued for nearly a decade, the parties initialled a proposed agreement in March 2026. This development indicates progress towards conclusion but should not be confused with formal signature. Moreover, Rausis, Lavenex and Adekola (2026) suggest that prolonged negotiations may also reflect a form of collective procrastination, whereby continued diplomatic engagement can serve the interests of both parties without necessarily producing a concluded agreement.

While the EU's priority was securing an EU-wide readmission agreement, the incentives that the EU offered did not sufficiently address Nigeria's broader migration and mobility. This suggests that the challenge was not simply a lack of bargaining leverage, but the absence of a package that both parties considered sufficiently beneficial. In this sense, concerns about output legitimacy may themselves become an obstacle to conclusion, rather than emerging only after an agreement has been reached.

Throughput legitimacy raises a related but distinct question. The coordination difficulties identified by our interviewee (EU2) suggests that the fragmented responsibilities and limited authority of negotiating teams may have constrained their ability to formulate credible reciprocal commitments. These institutional limitations do not, by themselves, mean that the negotiation process was unfair or lacked transparency. They do, however, indicate how the organisation of negotiations can affect the credibility of proposed commitments and their acceptability to the other party as a consequence.

Constellation 2 — Strategic alignment and credible issue linkage: Formal conclusion despite limited procedural inclusion

This constellation emerges when readmission cooperation is linked to broader political and economic objectives that provide sufficiently attractive incentives for the negotiating parties. Even where interests and bargaining power remain asymmetrical, the prospect of achieving wider strategic objectives may facilitate conclusion.

The EU-Georgia Readmission Agreement is an example for this pattern. The agreement was negotiated in the context of Georgia's pursuit of European integration process. As Rausis and Lavenex (2025) observe, the negotiations were largely shaped by the EU conditionality, with participation concentrated among the relevant governmental institutions. Nevertheless, Georgia's strategic commitment to closer EU relations created strong incentives to accept the readmission obligations.

Our interviews with Georgian and EU officials further also expressed satisfaction with the outcome. Bolkvadze (2016) similarly demonstrates that visa facilitation enjoyed considerable public support in Georgia and provided political incentives for the government to comply with EU conditionality.

From a legitimacy perspective, this constellation shows how the anticipated benefits of cooperation can strengthen output legitimacy from the perspective of negotiating governments, even when the negotiation process remains asymmetrical. Georgian officials viewed readmission commitments as part of a broader political cooperation. Their satisfaction with the outcome suggests that the perceived benefits of visa liberalisation and closer EU relations contributed not only to the conclusion of the agreement but also to its acceptability among governmental actors. However, the public support for visa facilitation identified by Bolkvadze (2016) should not be interpreted as evidence of broader public

acceptance of readmission obligations. The legitimacy of the readmission agreement may differ across audiences.

Regarding input legitimacy, the process remained largely concentrated among governmental institutions, with civil society organisations and affected groups largely excluded from the process, despite the involvement of international organisations in other areas of migration cooperation.

Constellation 3 — Political urgency and reciprocal dependence: Accelerated conclusion with legal legitimacy concerns

This constellation combines political urgency, reciprocal dependence and strong incentives for reaching an agreement in a short period. Under pressure, immediate political priorities may temporarily overcome existing disagreements and facilitate rapid conclusion. However, it may raise questions concerning procedural and legal legitimacy.

The EU-Türkiye Statement of March 2016 can be considered as an example for this constellation. Against the background of increased crossings in the Aegean and considerable political pressure on both sides, the EU and Türkiye reached a political understanding linking migration management to financial assistance, visa liberalisation and other commitments. The Statement was concluded rapidly, reflecting the immediate need for bilateral cooperation.

The Statement did not follow the ordinary EU treaty-making procedure under Article 218 TFEU. Its institutional attribution subsequently became the subject of litigation. The General Court found that the Statement was not attributable to the European Council for the annulment proceedings (*NF v European Council*, T-192/16, paras. 70–74; *NG v European Council*, T-193/16; *NM v European Council*, T-257/16). Although these decisions concern the Court's jurisdiction rather than the substantive legality of return practices, they highlight a central concern about legal legitimacy related to the difficulty of establishing clear institutional responsibility and securing judicial scrutiny of commitments made through informal arrangements.

Constellation 4 — Institutional trust and pragmatic cooperation: Different pathways to conclusion and legitimacy

This constellation emerges when established diplomatic or administrative relationships facilitate negotiations through direct communication and trust. While the parties can rely on existing institutional relationships, cooperation may be concluded without extensive new bargaining incentives. However, trust among negotiators does not necessarily translate into broader institutional coordination.

The 2017 Poland-Ukraine Implementation Protocol, for instance, was built on long-standing cooperation between the countries' border authorities. According to our respondent (PL1), established professional relationships and mutual trust facilitated direct negotiations over operational procedures, including documentation and the division of responsibilities. The protocol therefore formalised aspects of an already existing administrative relationship.

At the same time, our interviews reveal the limitations of this sectoral approach. While coordination between the Border Guard and the responsible ministries took place (PL1), the Ministry of Foreign Affairs had more limited involvement (PL2). Further difficulties related to the implementation were identified, which required additional Ukrainian authorities beyond those involved in the initial negotiations. These findings reflect the operational scope of the Protocol and do not, in themselves, indicate a lack of procedural fairness or adequate representation. These are better understood as limitations of institutional coordination than as evidence of a legitimacy deficit.

The **2011 Switzerland-Nigeria Migration Partnership** signals a different role for institutional trust. Rather than an established administrative cooperation, the Swiss-Nigerian partnership emerged from a broader diplomatic process following prolonged difficulties in return cooperation. The two governments developed a non-binding framework covering several areas of migration cooperation, supported by diplomatic engagement and confidence-building measures. According to our respondent who works for Nigeria-Switzerland migration cooperation (NG4), repeated interactions, trust developed over practices between the relevant authorities contributed to sustaining cooperation. Here, trust was important not primarily for formalising existing operational procedures, but for creating a basis for cooperation in a politically more sensitive relationship.

From a legitimacy perspective, both cases suggest that institutional trust can contribute positively to **throughput legitimacy** despite using different mechanisms. In both cases, the available evidence suggests that participating officials viewed the negotiation processes positively, particularly in terms of mutual trust and cooperation. Nevertheless, our empirical material does not provide sufficient evidence to assess how civil society organisations, migrants or returnees perceived the negotiations or the resulting commitments.

VI. Discussion

The previous section explained how different combinations of interests, bargaining resources, political circumstances and institutional relationships shape conclusion and legitimacy of IRFs by proposing four constellations Rather than pointing to a single explanation for success or failure in negotiations, the cases demonstrate how similar factors may produce different outcomes depending on the political and institutional contexts in which negotiations take place. They are also important to show that legitimacy is not simply a question arising once a framework is concluded, but perceptions of the negotiation process and the anticipated commitments may themselves influence whether the parties are willing to reach a cooperation. Four broader findings emerge from our analysis.

First, negotiation success cannot be reduced to the conclusion of an IRF. Conclusion and legitimacy are interconnected dimensions of success. The perceptions of legitimacy may themselves influence whether a framework is reached while the conclusion of a framework does not necessarily establish its legitimacy. Building on the multidimensional understanding of negotiation success developed by Lweicki and Polin (2013) and Carbone (2021), our findings suggest three possible forms of failure: failure to conclude a framework, failure to achieve sufficient legitimacy upon conclusion, and failure to sustain legitimacy after conclusion (during implementation). Although the third failure extends beyond the scope of this working paper, distinguishing these forms help to avoid treating the conclusion of IRFs as sufficient evidence of successful negotiations.

Second, individual factors rarely explain negotiation outcomes independently. Factors including interest asymmetry, bargaining power, issue linkage, negotiation architecture, political timing and trust should not be understood as a checklist of variables whose effects can be assessed in isolation. How they interact each other within particular negotiating contexts is significant. For instance, issue linkage may help overcome divergent interests in the political contexts in which the proposed incentives are sufficient and attractive to the negotiating partner. Also, credible incentives with the capacity to deliver may strengthen governmental perceptions of output legitimacy. Our four constellations capture combinations of factors rather than proposing fixed pathways to success or failure.

Third, the informal arrangements that facilitate conclusion can also shape legitimacy. Restricted participation, informal diplomatic channels, and flexible negotiating procedures may increase effectiveness to reach commitments more quickly. At the same time, these arrangements can raise questions about transparency, accountability, and the representation of interests of affected groups, particularly when these arrangements are not publicly available or institutional responsibilities remain unclear. Broader involvement of stakeholders, legal safeguards and monitoring mechanisms should not be understood as obstacles to efficient negotiation as they can strengthen the credibility and accountability of cooperation.

Fourth, the relationship between conclusion and legitimacy has an important temporal dimension. In certain policy windows, particularly during political urgencies, the interests can converge or diverge temporarily. Therefore, the political context, interests and institutional relationships that facilitate or constrain negotiations may change over time. Similarly, perceptions of reciprocity and the credibility of commitments may evolve or become contested as political circumstances change. Legitimacy therefore should not be treated as a fixed characteristic established at the moment of conclusion, but it can strengthen or deteriorate subsequently during implementation. While this working paper focuses on negotiation and conclusion, its findings suggest further examination across later stages of return governance.

Taking together with these, the four constellations should therefore be understood as interpretive patterns rather than rigid categories or generalisable causal explanations. They demonstrate how different combinations of negotiating factors shape both the prospects for conclusion and the legitimacy of negotiation processes. Their contribution lies in showing that negotiation success is neither determined by the formal establishment of an IRF nor adequately explained by any single bargaining factor, but must be understood in relation to the political, institutional and legal conditions under which cooperation is negotiated.

VII. Conclusion

Within the framework of this working paper, the factors shaping the conclusion and legitimacy of Intergovernmental Return Frameworks (IRFs) were examined. For this purpose, expert interviews with representatives of EU institutions, national authorities and stakeholders in Switzerland, Nigeria, Georgia, Poland and Türkiye were used for the analysis alongside documentary analysis and previous FAiR Return Project research. Given the uneven distribution of empirical data across these contexts, this working paper has adopted a factor-mapping approach rather than a comparative case-study

design. In this way, recurring factors and their interactions that affect the negotiation and conclusion processes of IRFs could be identified while recognising the different political and institutional circumstances in which return cooperation is conducted. These findings demonstrate that bargaining asymmetries, convergence or divergence in political interests, and incentives cannot explain negotiation outcomes independently. Rather, it depends on how they interact with each other, as well as with other factors including institutional capacities, diplomatic relationships, policy windows, and the anticipated benefits.

The main contribution of this paper is to bring the conditions of conclusion and legitimacy into a common analytical framework without assuming that they necessarily move in the same direction. The factors that facilitate IRFs do not necessarily ensure their legitimacy if they create ambiguity over procedural fairness, credibility of commitments, transparency, accountability, and scrutiny. The four constellations proposed in this working paper show that the relationship between conclusion and legitimacy of IRFs depends on combinations of negotiating factors rather than a fixed set of conditions. Finally, the success or failure of return diplomacy cannot be reduced to the conclusion of an IRF, but instead the ability of negotiating parties to reach mutually acceptable commitments, the perceived legitimacy of the negotiation processes, and outcomes of cooperation, including their inclusiveness, effectiveness, fairness, and compliance with legal standards should be assessed.

References

Adamson, F. B., & Greenhill, K. M. (2023). Deal-making, diplomacy and transactional forced migration. *International Affairs, 99*(2), 707–725. https://doi.org/10.1093/ia/iiad017

Adamson, F. B., & Tsourapas, G. (2019). Migration diplomacy in world politics. *International Studies Perspectives, 20*(2), 113–128.

Bodansky, D. (2012). Legitimacy in international law and international relations. In J. L. Dunoff & M. A. Pollack (Eds.), *Interdisciplinary perspectives on international law and international relations: The state of the art* (pp. 321–342). Cambridge University Press.

Bolkvadze, K. (2016). Cherry picking EU conditionality: Selective compliance in Georgia's hybrid regime. *Europe-Asia Studies, 68*(3), 409–440.

Carrera, S., Mitsilegas, V., Allsopp, J., & Vosyliūtė, L. (2019). *Policing humanitarianism: EU policies against human smuggling and their impact on civil society*. Hart Publishing.

Carbone, M. (2021). Making a difference in multilateral negotiations: the European Union and the global agenda on aid effectiveness. *Global Affairs*, *7*(4), 453–470. https://doi.org/10.1080/23340460.2021.1967183.

Cassarino, J.-P. (2007). Informalising readmission agreements in the EU neighbourhood. *The International Spectator, 42*(2), 179–196.

Cassarino, J.-P. (2010). Dealing with unbalanced reciprocities: Cooperation on readmission and its implications for the Southern Mediterranean states. In J.-P. Cassarino (Ed.), *Unbalanced reciprocities: Cooperation on readmission in the Euro-Mediterranean area*. Middle East Institute.

Cassarino, J.-P. (2014). A reappraisal of the EU's expanding readmission system. *The International Spectator, 49*(4), 130–145.

Cassarino, J.-P. (2022). Inventory of the bilateral agreements linked to readmission (Version 2) [Data set]. Harvard Dataverse. https://www.jeanpierrecassarino.com/datasets/ra/

Cleton, L., & Leerkes, A. (2025). *EU return policy since 2000: Time for a paradigm shift?* (FAiR Working Paper D5.1).

Cleton, L., Pfister, L., Majidi, N., McLean, A., Dalkıran, M., & Kılınçarslan, P. (2025). *Report on empirically derived quality criteria for processes of identification and travel documents and for measuring collaborativeness with return policies* (FAiR Deliverable D5.1.2).

Coleman, N. (2009). *European readmission policy: Third country interests and refugee rights*. Martinus Nijhoff.

Conte, C., Yavcan, B., Gorgerini, M., & Khezri, S. (2025). *Mapping bilateral return agreements: Towards a comprehensive inventory* (FAiR Working Paper D3.2).

Council of the European Union. (2026, March 26). *Nigeria-EU 8th ministerial dialogue: Joint communiqué*. https://www.consilium.europa.eu/en/press/press-releases/2026/03/26/nigeria-eu-8th-ministerial-dialogue-joint-communique/

Elitok, S. P. (2015). A step backward for Turkey? The readmission agreement and the hope of visa-free Europe. *IPC-Mercator Policy Briefs*. http://ipc.sabanciuniv.edu/?p=5363

European Court of Auditors. (2021). EU readmission cooperation with third countries: Relevant actions yielded limited results (Special Report No. 17/2021). Publications Office of the European Union. https://www.eca.europa.eu/en/publications?ref=SR21_17

European Migration Network. (2022). Bilateral readmission agreements (EMN Inform). European Commission. https://home-affairs.ec.europa.eu/system/files/2022-10/EMN_INFORM_bilateral_readmission.pdf

European Union Agency for Asylum (EUAA). (2022). *Asylum report 2022*. https://www.euaa.europa.eu/asylum-report-2022/4157-eu-turkey-statement

Fernández-Molina, I., & Tsourapas, G. (2024). Understanding migration power in international studies. *International Affairs, 100*(6), 2461–2479.

Holmes, M. (2018). *Face-to-face diplomacy: Social neuroscience and international relations*. Cambridge University Press.

Ike, N., Akal, A. B., Lebon-McGregor, E., & Gabrielsen Jumbert, M. (2023). Exploring EU migration partnerships: The cases of Turkey and Nigeria (MIGNEX Background Paper). Peace Research Institute Oslo.

Ike, N., Lebon-McGregor, E., Gabrielsen Jumbert, M., & Bala Akal, A. (2024). *Should the EU give up on readmission agreements as a foreign policy tool?* MIGNEX Policy Brief. Peace Research Institute Oslo.

InfoMigrants. (2026, March). *EU and Nigeria seal migrant returns pact*. https://www.infomigrants.net/en/post/70531/eu-and-nigeria-seal-migrant-returns-pact

Irabor, P. (2023). Response of the European Union on Return Directive and Readmission Agreements (RDRAs) on Nigerian irregular migrants. *Rocznik Integracji Europejskiej, 17*, 257–281.

Jaroszewicz, M., Krępa, M., & Pachocka, M. (2025). *The EU-Georgia readmission agreement as a showcase of the strengths and weaknesses of the EU neighbourhood policy* (GAPS Working Paper Series 2025/25). Centre of Migration Research, University of Warsaw. https://www.returnmigration.eu/wp-series/research-digest-eu-georgia-readmission-agreement

Kaiser, K. (2019). *EU–Morocco negotiations on a readmission agreement* (College of Europe EU Diplomacy Paper 7/2019). College of Europe. https://www.coleurope.eu/sites/default/files/research-paper/edp_7-2019_kaiser_0.pdf

Kefale, A., Brekke, J. P., & Brochmann, G. (2025). The power switch in bilateral return migration management: The case of Norway and Ethiopia. *Journal of Ethnic and Migration Studies*, 1–20.

Kingdon, J. W. (1984). *Agendas, alternatives, and public policies*. Little, Brown.

Kydd, 2003).Kydd, A. (2003). Which Side Are You On? Bias, Credibility, and Mediation. *American Journal of Political Science*, *47*(4), 597–611. https://doi.org/10.2307/3186121

Lavenex, S. (1999). *Safe third countries: Extending the EU asylum and immigration policies to Central and Eastern Europe*. Central European University Press.

Lavenex, S. (2023, September 5). From something to “offer in return” to something to “withdraw”: Retracing trade conditionality in EU readmission policy. *EU Immigration and Asylum Law and Policy* (Odysseus Network blog).

Lavenex, S., & Rausis, F. (2026). Chessboard politics: The contested emergence of EU return and readmission norms. *Journal of Ethnic and Migration Studies, 52*(16), 4202–4222.

Leerkes, A., & Van Houte, M. (2020). Beyond the deportation regime: Differential state interests and capacities in dealing with (non-)deportability in Europe. *Citizenship Studies, 24*(3), 319–338.

Lewicki, R. J., & Polin, B. (2013). The role of trust in negotiation processes. In R. Bachmann & A. Zaheer (Eds.), *Handbook of advances in trust research* (pp. 29–54). Edward Elgar Publishing.

Misafir, S. (2022). Readmission agreements in Europe and the European Union-Turkey Readmission Agreement: From past to present. *Law and Justice Review, 13*(23), 55–78.

Molinari, C. (2021). Sincere cooperation between EU and Member States in the field of readmission: The more the merrier? *Cambridge Yearbook of European Legal Studies, 23,* 269–289. doi:10.1017/cel.2021.10.

NF v. European Council, Case T-192/16, EU:T:2017:128 (2017).

NG v. European Council, Case T-193/16, EU:T:2017:129 (2017).

NM v. European Council, Case T-257/16, EU:T:2017:130 (2017).

Noll, G. (2000). *Negotiating asylum: The EU acquis, extraterritorial protection and the common market of deflection*. Martinus Nijhoff.

Paasche, E. (2022). *Contested conditionality in return and readmission* (EMN Occasional Paper). European Migration Network.

Paasche, E., Stutz, P., & Trauner, F. (2026). International norm dynamics in return and readmission: A research agenda. *Journal of Ethnic and Migration Studies*. https://doi.org/10.1080/1369183X.2026.2633664

Patteri, A. (2024). Best practices of implementing a human rights approach in assisted voluntary return (and reintegration): Introducing human rights monitoring [Policy brief]. FAiR Project. https://fair-return.org/wp-content/uploads/2024/09/D7.2.1_Policy-Brief_-Introducing-HRM-in-AVRR-v2_web-version.pdf

Peers, S., & Rogers, N. (Eds.). (2006). *EU immigration and asylum law: Text and commentary*. Martinus Nijhoff.

Petkov, V., Ilareva, V., Miteva, M., Klaus, W., Torres Chedraui, A. M., & Lepsa-Rogoz, M. (2024). Legal review of fundamental rights in return processes. FAiR Project. https://fair-return.org/working-paper-legal-review-of-fundamental-rights-in-return-processes/.

Putnam, R. D. (1988). Diplomacy and domestic politics: The logic of two-level games. *International Organization, 42*(3), 427–460.

Rausis, F., & Lavenex, S. (2025). *Extra-European return diplomacy: A conceptual and empirical investigation* (FAiR Working Paper). https://fair-return.org/working-paper/

Rausis, F., Lavenex, S., & Adekola, P. O. (2026). The Art of No Deal: Collective Procrastination in Nigeria-EU Return Diplomacy. *Geopolitics*, 1–33. https://doi.org/10.1080/14650045.2026.2742959

Reslow, N. (2012a). Deciding on EU external migration policy: The member states and the Mobility Partnerships. *Journal of European Integration, 34*(3), 223–239.

Reslow, N. (2012b). The role of third countries in EU migration policy: The Mobility Partnerships. *European Journal of Migration and Law, 14*(4), 393–415.

Reslow, N., & Vink, M. (2015). Three-level games in EU external migration policy: Negotiating Mobility Partnerships in West Africa. *Journal of Common Market Studies, 53*(4), 857–874.

Roig, A., & Huddleston, T. (2007). EC readmission agreements: A re-evaluation of the political impasse. *European Journal of Migration and Law, 9*(3), 363–387.

Scharpf, F. W. (1999). *Governing in Europe: Effective and democratic?* Oxford University Press.

Slominski, P., & Trauner, F. (2021). Reforming me softly – how soft law has changed EU return policy since the migration crisis. *West European Politics*, *44*(1), 93–113. https://doi.org/10.1080/01402382.2020.1745500

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*(3), 154–172.

Torres-Chedraui, A. M., Leerkes, A., Ince Beqo, G., & Ambrosini, M. (2024). *Working paper on legitimate return and alternatives to return* (FAiR Working Paper D2.2).

Torres-Chedraui, A. M., Leerkes, A., Maliepaard, M., & van der Meer, M. (2026). 'Nothing works'? A quantitative assessment of the effects of different types of return and readmission frameworks on EU Member States' enforced return rates. *Journal of Common Market Studies, 64*, 48–74.

Wheeler, N. J. (2018). *Trusting enemies: Interpersonal relationships in international conflict*. Oxford University Press.

Weiler, F. (2012). Determinants of bargaining success in the climate change negotiations. *Climate Policy, 12*(5), 552–574.

Wiener, A. (2017). A theory of contestation—A concise summary of its argument and concepts. *Polity, 49*(1), 109–125. https://www.wiso.uni-hamburg.de/fachbereich-sowi/professuren/wiener/dokumente/publikationenaw/zeitschriftenartikelaw/polity2017wienersummary.pdf

Wolff, S. (2014). The politics of negotiating EU readmission agreements: Insights from Morocco and Turkey. *European Journal of Migration and Law, 16*(1), 69–95.

Zartman, I.W. and Touval, S. (1985), International Mediation: Conflict Resolution and Power Politics. *Journal of Social Issues, 41,* 27-45. https://doi.org/10.1111/j.1540-4560.1985.tb00853.x

Annex

Overview Expert Interviews

The list below lists the experts interviewed, structured according to state or organization, indicating the position of the interviewee as well as the date, duration, format, and place of the interview plus the institution of the interviewer.

Interview	***State/institution***	***Department/expertise***	***Date***	***Format***	***Interviewer***
PL1	Poland	Ministry of Interior and Administration	November 2024	Face-to-face in Warsaw	INP PAN
PL2	Poland	Migration expert	January 2025	Face-to-face in Warsaw	INP PAN
PL3	Poland	Office for Foreigners	March 2025	Face-to-face in Warsaw	INP PAN
GE1	Georgia	Governmental representative	September 2024	Face-to-face in Tbilisi	ICMPD
GE2	Georgia	IOM Georgia	September 2024	Face-to-face in Tbilisi	ICMPD
GE3	Georgia	German Embassy in Georgia	September 2024	Face-to-face in Tbilisi	ICMPD
NG1	Nigeria	ICMPD Nigeria	July 2024	Face-to-face in Abuja	ICMPD
NG2	Nigeria	Civil Society Network on Migration and Development	July 2024	Face-to-face in Abuja	ICMPD
NG3	Nigeria	Migration Expert	July 2024	Face-to-face in Abuja	ICMPD
EU1	EU	EU Delegation in Georgia	September 2024	Face-to-face in Tbilisi	ICMPD
EU2	EU	DG Home	November 2024	Virtual	ICMPD
EU3	EU	EU Delegation in Türkiye	April 2024	Face-to-face	KU