REVIEWING THE EFFECTIVENESS OF MIGRATION GOVERNANCE TOOLS AND INSTITUTIONS IN CONTROLLING IRREGULAR MIGRATION IN ETHIOPIA: A RAPID REVIEW

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ARTICLE INFO	ABSTRACT
  Corresponding Author: † **Basha Bekele Barako** Student of Doctor of Education (DED), Department of Civics and Ethical Studies, Hawassa University, Hawassa, Ethiopia. **Email:** bashabekelebarako@yahoo.com	*Human migration is an age-old activity touching almost every society around the world. Particularly, in this age of intensified globalization the pace and the rate of migration have been alarmingly increased than any than ever before. In face of this, it needs the cautious response of the countries to widen the legal possibilities of migration and to take the potential benefits of the process. In this regard, Ethiopia has been making its attempt to adopt various international agreements on minimizing the illegal migration, formulated proclamations and set up several institutional frameworks too. Unlikely it was found that the rate of informal outflow of its citizens left strangely huge. Thus, this paper attempts to appraise the effectiveness of the migration governance of Ethiopia with particular focus to irregular migration. The data in the paper were collected from the secondary sources through the online means and the rapid review was made using a document analysis method. Finally, it was found that the irregular migrations haven't shown a significant decrease despite the legal responses. The problem has been yet worsened due to lack of national migration policy which in turn resulted in lack of accountability.* ***Key terms: Illegal migration, migration governance, tools and institutions.***
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1. INTRODUCTION

A human migration is a long-standing phenomenon that affects practically all societies worldwide (IOM, 2022:21). The pace and rate of migration, in particular, have dangerously increased more than at any other time in history during this era of increasing globalization. According to certain arguments, a considerable shift in the migratory demography has occurred as a result of societies' growing involvement in international movement systems and the significant levels of immigration and emigration that these nations are experiencing (Skeldon, 1997). The number, diversity, geographical breadth, and general complexity of international movement have also increased, and this is related to developments in transportation and communication technology and more broadly to globalization processes Czaika and De Haas (2014:285).

Due to factors like escalating poverty, political repression, violations of human rights, and disputes, which are pushing people out of their home countries and luring both highly skilled and unskilled workers into new countries with economic opportunities and political freedom, the rate of international migration is unlikely to slow down any time soon Martin(2001).

On the other hand, expanding international demand for labor and skills, along with the lack of good employment and long-term living conditions for many people in many nations, are the main drivers of increasing migration. International migration has thus always been a crucial component of growth and the wellbeing of people. Only when legal migration patterns outweigh illicit migratory patterns will this occur. Migration results in exploitation and abuse at work, a breakdown of social cohesiveness, denial of social assistance, family dissolution, decreased productivity, and missed chances for growth and prosperity unless it is managed by appropriate legislation, policy, and practice under the rule of law compatible with international norms GMPA, (2015:1).

This century has seen millions of people leave their home countries without meeting all the requirements and cross illegally into other countries.

According to Adem & Ebrahim, (2020), people with illegal status are subject to phenomena of exploitation, oppression, and human rights abuse. For example, forced rape, prostitution, ruthless mass killing in Libya, xenophobic attack in South Africa, massive deportation

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of Ethiopian irregular migrants from Saudi Arabia, hundreds of government-sponsored returnees from Yemen, Lebanon, and the threat of ISIS, as well as political crisis in the host states, are just a This shows that Ethiopia has been a part of the international community and has dealt with this global issue, particularly in the form of illegal labor migration.

As Research Program Consortium, (2019) argues, due to difficult socioeconomic and political conditions in the nation and the relatively restricted options for legitimate international migration, young people are frequently forced to undertake lengthy and worrisome overland journeys across deserts and seas to reach destinations in Europe, the Middle East, and southern Africa.

Additionally, it's been reported that a sizable number of Ethiopian migrants in the Middle East have irregular status, in part because registered recruitment firms in charge of the regular migration process were previously only able to do business through Addis Abeba because the federal government handled all migration cases until the overseas employment proclamation was changed in 2016.

As a result, Ethiopians in other areas discovered that it was less difficult to immigrate via unregistered agents, brokers, and smugglers who operated close to their place of residence. Additionally, men have had fewer opportunities to move regularly. It is difficult to estimate the precise number of Ethiopians who migrate irregularly and don't use a centralized registration system each year (Daniel Lindgren, *et.al*. 2018:2). The practice, which was even fueled by legally registered PEAs, has impeded the government's efforts to protect the rights of its citizens, aside from placing a temporary general ban like it did in October 2013 until it was lifted in October 2016(Tesema, 2020)

The nation has yet to create a policy framework to control the concerns, despite having encountered all of these difficulties. Ethiopia has recently made great efforts to deploy various migration governance mechanisms in an effort to improve management of this intricate overseas labor migration. As a result, Ethiopia has ratified and signed a number of international treaties and conventions relating to migration, and the government has also implemented a number of legislative frameworks to promote safe and legal movement while reducing irregular migration (Research Program Consortium) (2019)

So, the effectiveness of such legal frameworks in deterring irregular migration has to be evaluated. Finally, this paper attempts to examine how well the emigration governance is effective to make the process safer and take the benefits of the leaving citizens.

2. CONCEPT OF MIGRATION GOVERNANCE AND IRREGULAR MIGRATION

2.1. Migration Governance

Migration governance is a complex concept that involves a number of actors, including people, governmental and non-governmental organizations, and the corporate sector, according to studies by the IOM (2015) and Economist Intelligence Unit (2016). As a result, there is a lot of debate among academics and renowned research organizations about how best to describe migration governance. This highlights the complexity of the notion

of migration governance and the need for more widely agreed definitions.

However, Betts (2010) provides a definition of migration governance that is commonly referred to since it concentrates on a range of standards, regulations, guiding ideas, and procedures that exist above and beyond the level of a single nation-state. According to IOM (2019:138), migration governance is a framework of legal norms, laws and regulations, policies and traditions, as well as organizational structures (sub-national, national, regional, and international) and the pertinent processes that shape and regulate States' approaches to migration in all of its forms, addressing rights and responsibilities and fostering international cooperation.

GMPA member experts define governance with regard to migration as the interdependent set of statutory rules, regulations, structures, and practices that administrate, control, and mediate activity and connections within defined political-social entities, whether States, administrative regions, cities, or corporate bodies(GMPA, 2015:1). The governance of international migration takes on many different forms, including national migration policies and programs, interstate negotiations and agreements, multilateral and consultative processes, the work of international organizations, and laws and conventions (GCIM 2005:65).

According to the African Union Commission's migration policy framework (2018–2030), efficient migration governance takes use of the many advantages that come with migration and mitigates any potential negative consequences that irregular migration may have. The explanations and justifications given above demonstrate how various players, connections, and infrastructures are involved in migration governance throughout the migration cycle. Building systems and actors' capacities to facilitate accessible and effective migration would thereby improve migration governance (AU, 2018)

According to Lavenex and Panizzon (2011), "migration governance" is the term for the emerging idea of "migration partnerships" in the political management and governance of global migrant flows. Accordingly, (Pasetti, 2019) views migration governance as a multilevel arrangement of the resources, relationships, regulations, and practices that control international migrations.

These definitions, which aim to accomplish excellent migration governance where the rights of migrants are to be treated as a central affair in the process, do not conflict with one another in their messaging. According to GMPA (2015), effective migration governance must be sensitive to the diversity and complexity of movement reasons as well as refugee and migrant situations, while always keeping in mind that the primary goal of governance must be to advance human well-being for all. Similarly, (Pasetti, F. 2019) defined good migration governance as "the multiphase, multisite, multistage and multi-area system of actors, relations, resources, policies, and practices that effectively regulates international migrations while respecting the principles of protection and sustainable development."

 Therefore, (Ogahara & Kuschminder, 2020) defines good migration governance as adhering to a bottom-up

perspective centered on practices; being consistent with the complex multi-dimensional nature of migration governance; and taking seriously the interests of migrants and countries of origin, while taking into account the principles of protection and sustainable development.

However, it should be mentioned that migration governance is constantly changing and contextualized to the level of governance that the researchers are highlighting while defining it.

2.2. Irregular Migration

Although individuals have been migratory throughout human history, irregular migration is a newer policy and political phenomenon. Although the impacts of irregular migration are obviously evident, this may be related to the fact that individuals have been traveling in more fluid and transient ways than in the past. The governance of (irregular) migration, according to Walters (2010:73), as referenced in Triandafyllidou & Ricard-Guay (2019:115), is integral to the phenomena of irregular migration itself and goes beyond just managing population movements in a restrictive manner. Actors, legislative initiatives, societal perspectives, and technological advancements that "function as an active and constitutive force that alters the social reality in particular ways with particular political repercussions" are included.

It is still exceedingly challenging to come up with a definition of irregular migration that is accepted by all. The term "irregular migration" refers to migration that occurs without the proper documentation or authority to enter, remain in, or work in a particular country from the perspective of the countries that are the migrants' final destinations (Tesema 2020). International migration is seen to be regular, in the opinion of the International Labour Organization, 2006), as reported in (ILO, 2018:1), if the movement of individuals complies with legal procedures that are acknowledged and recorded by the authorities. Conversely, irregular migration refers to the unlawful, unreported, and illegal movement of individuals who breach international borders, frequently with the aid of smugglers.

According to this explanation, the RMMS (2014) research considers irregular migration as a movement that takes place outside of the legal frameworks of the sending, transiting, and receiving nations. In 2015, Daniel Gebresilasse came to a conclusion about the definitions of migration from the perspectives of receiving (destination and sending countries). From the perspective of the destination countries, irregular migration is defined as illegal entrance, stay, or employment in a country. The migrant does not possess the requisite permission or papers required under immigration procedures to enter, reside, or work in a given country.

From the viewpoint of the sending country, the illegality is evident, for instance, when a person fails to comply with the formalities necessary to leave the country or crosses an international border without having a passport that is now valid.

Additionally, (Tsion Abebe, 2017) defined irregular migration as leaving the country using unauthorized means. The route of irregular migrants is greatly facilitated by smugglers and traffickers. Therefore, the type of actor gluing the process over international borders is identified with her definition.

2.3. Migration as a governance agenda in Ethiopia

As reported in ILO's 2017 report, structural issues in Ethiopia's economy and society have led to an increase in both domestic and international migration in recent decades (ILO 2017,Dessalegn *et al.* 2019:2). Because it is one of the top labor-sending nations and hosts the most refugees in Africa, Ethiopia has developed into a center for both inbound and outbound migration (Daniel Lindgren, 2018a). The nation is crucial as an immigration source, a transit stop, and a final destination for foreigners because of its geostrategic location (Research Program Consortium 2019).

Ethiopia, which is a major source, transit, and destination country for migrants, has thus elevated migration to a crucial national problem (Carter & Rohwerder, 2016:11).

The migration debate, in particular, places irregular migration dynamics at the forefront, influencing the nation's foreign policy, political agenda, and development priorities (Sahan 2016).

In truth, migration has been creating and injecting significant amounts of foreign remittances into Ethiopia's national economy. However, migration would be more productive if migrants followed the official emigration procedures. In terms of economic contribution, in 2010 Ethiopia experienced a strong influx of remittances of 387 million USD compared to net inflows of 100 million USD and 3.3 billion USD in Overseas Development Assistance (ODA) (World Bank, 2011). Remittance inflows to Ethiopia have increased over time, reaching 600 million USD in 2016 (World Bank,2017).

The desire and actual migration through illegal channels hasn't been prevented yet, despite these and similar national advances. Especially when moving irregularly, being trafficked, or being smuggled, Ethiopian migrant workers encounter a number of difficulties throughout their journey, in their target country, and upon their return. Most migrant workers from Ethiopia either travel irregularly or run the risk of doing so once they are in their new country by overstaying their visas. Due to this irregularity, the majority of Ethiopian migrant workers are exposed to abuse and exploitation during their recruiting, travel, employment, and repatriation (Asefa Admassie *et al.* 2017).

In addition, vulnerability is increased because there is no prior knowledge of the type of worker, their employers, or the nation. In a 2017 ILO poll of 1,450 potential migrants, more than 30% of respondents said they had no information about the job's nature and 54% said they had no information about their employer (ILO, 2017:12). (Daniel Lindgren, 2018b:2) confirmed that less than one in five migrants have access to the pre-departure orientation provided by the Ministry of Labour and Social Affairs, and the majority of prospective migrants opt for informal alternatives that are probably less effective in preparing them for living and working in a specific destination country.

Additionally, the decision to migrate irregularly is influenced by the obstacles to legal migration (Henok et

al., 2017). Migrants pick illicit pathways because they are less expensive than legal ones, are more accessible, have less red tape, and are finally persuaded to do so by brokers(Universities 2017:15). Uncomfortably, this makes them prime prey for criminal organizations, especially those who utilize or mistreat migrants as human shields. Additionally, it is particularly challenging to determine the precise number of Ethiopians who have immigrated overseas due to the higher propensity for illegal migration (Daniel Lindgren *et al.,* (2018), ILO (2019), ILO, (2017), ILO (2018), Dessalegn *et al.,* (2018,) This prompts government action, taking into account the context-driven out-migration, the size of such movements, and the possible advantages of migration. Ethiopia, meanwhile, doesn't yet have a migration policy. It is challenging to effectively regulate migration practices and oversee migration-related development projects and procedures in the absence of such a national framework (Dessalegn *et al.,* 2019:2)

Despite the lack of a migration policy in the nation, the government made discernible steps to reduce unauthorized immigration. The GoE is currently engaging with international partners, including the ILO, to improve the country's overall migration governance, strengthen the protection of Ethiopian migrant workers abroad, and manage irregular migration, as noted by Taran (2019).In light of this, the government has produced various proclamations, signed and approved various international and bilateral agreements, organized national and sub-national task forces as an integral part of irregular migration governance. Thus in the subsequent section I will try to go through such proclamations to shade light on (irregular) migration governance in the country.

2.4. Legal tools to govern migration in Ethiopia: Practices and gaps

2.4.1. The Private Employment Agency Proclamation, Proclamation No. 104/1998

After the ILO Convention No. 181 on Private Employment Agencies was ratified, Ethiopia issued its first Private Employment Agency Proclamation No. 104/1998, which was based on the guidelines outlined in the Convention. The first proclamation assigns commercial employment companies the job of deploying labor abroad. This decree establishes the qualifications for PEAs, the fines and jail time for breaking the legislation, as well as the obligations of actors. The main objective of the declaration was to safeguard the rights, security, and dignity of migrant Ethiopian workers.

According to the proclamation's article 4(3), a private employment agency must give migrant workers the necessary orientation regarding the work they will be performing in the destination country before they sign the employment contract. Additionally, under article 12(2b), they must give workers the necessary orientation regarding the work and the country in which they will be employed (2c).

However, the proclamation did not stipulate what level of education applicants had to present in order to compete for jobs abroad, which made it challenging to control applicants' age, abilities, and education levels. Many migrant workers were therefore underage and inexperienced, making it impossible for them to handle

the tasks outlined in their job contract. Immaturity and incompetence among migrants were the causes of their exposure to human rights abuses at their final destinations (Tesema 2020:26)

Another issue was due to inadequate government oversight and PEAs' unwillingness to monitor workers' conditions after placing them with employers. As a result, several migrants have mentioned instances where the requirements of the proclamation and accepted practice conflict.

Despite these organizations' expansion in recent years, the government does not adequately oversee their operations or hold them accountable (ILO 2019; The Freedom Fund 2019). This subpar supervision sparked concerns about how MoLSA and private employment agencies handled the placement of hundreds of Ethiopians in international work. The laborers, who frequently travel to Middle Eastern nations, look for employment abroad in the hopes of leading better lives, but they frequently have their aspirations dashed by deceptive promises and unforeseen working circumstances(https://allafrica.com/stories/200704240725.html).

In its biggest error, the proclamation gives PEAs the authority to organize placements in Middle Eastern nations. Only unofficial brokers were able to enable labor migrations to other regions of the globe, including South Africa, Sudan, northern Africa, and Europe. Because of this, potential migrants and their families now depend on informal brokers (Research Program Consortium 2019). Additionally, neither the minimum wages established in the ILO convention nor the bilateral agreements indicated in the 1994 directive were addressed by the proclamation (Asnake and Fana 2021). The Employment Exchange Services Proclamation No. 632/2009 has replaced Proclamation No. 104/1998 due to these and other restrictions.

2.4.2. Employment Exchange Services Proclamation No. 632/2009

The necessity to post job openings with complete PEA addresses was introduced by Proclamation No. 632/2009. The proclamation also permitted employment through PEAs and foreign employers under the permission of Ministry of Labour and Social Affairs. In general, Proclamation No. 632/2009 contained more specific requirements than Proclamation No. 104/1998. (Tesema 2020:26).

The proclamation therefore stipulates some modifications, at least at the provision level. As stated by Asnake Kefale and Fana G 2021), these were some of the new contents compared to its predecessor; emphasizing on the rights of workers before the departure, during the employment, and returning to Ethiopia and contractual issues (age, contract, and registration at embassy); permitting both Ethiopians and non-Ethiopians based on the permanent settlement to have agencies; requiring the agencies to have offices and representatives in the receiving country; and ordering that agencies have offices and representatives in the receiving countries.

Additionally, the new Proclamation stipulates that deployment abroad must be contingent upon the presence of a bilateral agreement between Ethiopia and the destination nation. Direct employment is normally

against this Proclamation's rules, but it is permitted on occasion and under unique conditions. In particular, whether the employer is (i) a member of staff of an Ethiopian mission(ii) an international organization, or (iii) a job applicant who voluntarily accepts a position other than housemaid (ILO, 2017).

PEAs were seen to be acting in blatant contravention of the proclamation's terms, failing to pay for the expenditures of migrants, safeguarding workers' rights, aiding migrants in times of need, and even becoming a contributor to the issue by demanding payment upon their return (Asnake Kefale and Fana G 2021). Additionally, this declaration continued to be geared toward making it easier for migrants to travel to Middle Eastern and Gulf countries.

The period after 1998 saw an increased flow of persons leaving the country, despite the progressive provisions in the proclamation guaranteeing the rights of regularly moved workers.

2.4.3. The 2013 migration ban as an accelerator of irregular migration

Despite the desire of a large number of residents to travel elsewhere, Ethiopia's major route for regular migration is through the Middle East (ICMPD, 2008). It should be noted that the government's goal was to send housemaids to Middle Eastern nations, but untold thousands of migrants were also leaving the country illegally and traveling the same route to other areas of the world. Between 2008/9 and 2012/13, a five-year period, more than 500,000 regularly registered migrants traveled to the Gulf states, according to MoLSA (IOM, 2014).

Contrarily, information suggests that there are more than twice as many unauthorized immigrants living in the Gulf States and working as domestic helpers as in other regions (ILO 2011, as cited in (Daniel Lindgren, 2018a:3). This only shows an approximate number of unauthorized migrants in the Middle East and Gulf States; data regarding other migration routes is unavailable.

These unchecked migration flows exposed the migrants to serious human rights abuses in the destination nations. Due to violations of migrant workers' human rights, between October 2013 and the middle of 2015, the Ethiopian government forbade labor movement from Ethiopia to the Middle East (de Regt & Tafesse 2015: 5).

The prohibition vaguely prohibited the movement of migrants who would be eligible to leave after proper procedures. After 2013, a brief restriction and the ineffectiveness of the judicial system (Addis 2014: 131) led migrants to take unofficial routes (Carter & Rohwerder, 2016).

Although the restriction was intended to limit potential migrants' alternatives, it unluckily raised the possibility that they would turn to migrant smuggling operations and become exposed to exploitation and fraud (Lecadet and Melkamu 2016; Zewdu 2018), as noted in Mulugeta & Makonnen (2017). (Dessalegn *et al.,* 2019:4).

Due to the ban's inability to permit migration even through official channels, it had become widespread and simple to use smugglers and informal recruiters (Daniel Lindgren, 2018:26). After that, in the years 2014 and 2015, Ethiopia's irregular migration situation worsened

and occupied the attention of academic researchers, decision-makers, and the general public. For instance, it was only in 2014 that more than 800,000 unauthorized immigrants entered Europe across the Mediterranean Sea, and over 4077 of them perished, the bulk of whom perished while attempting to traverse the Mediterranean Sea(Gutema Adem & Ebrahim, 2020 :125) as referenced in (Mehari, T. 2015)

It inspires the argument that it would be logical to anticipate the fact that it is difficult to restrict people's mobility due to its historical impossibility and identification with peoples' fundamental freedoms to live where they need to dwell. Understanding this, (Papademetriou, 2015:5) argues that history shows that governments cannot improve chances at home to keep residents from leaving or to attract them to stay. In order to curb the outflow, governments must create long-term plans that take fundamental socioeconomic shifts into consideration.

The government recognized that restricting people's freedom of movement was difficult and encouraged research into potential solutions to regularize migration. As a result, it prompted the government to issue a new decree aimed at lowering the likelihood that people would enter the country illegally.

2.4.4. Proclamations of Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants (Proclamation 909/2015 and Proclamation 1178/2020)

The Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015 is another piece of legislation related to migration.

Strong punishments and penalties were supported by this proclamation against both engaging in and enabling human trafficking. This decree was intended to discourage unauthorized immigration and promote safe migration (Dessalegn *et al.*, 2019:4). The proclamation establishes processes for safeguarding and rehabilitating trafficking victims as well as for investigating and prosecuting related offenses (Research Program Consortium 2019)

To extend migratory control activities, law enforcement agencies, religious leaders, and traditional authorities have been persuaded to form anti-human-trafficking organizations locally. Along the main migratory routes, checkpoints have been set up in order to catch smugglers and brokers as well as unlawful migrants. Hundreds of brokers have been found guilty of trafficking and smuggling as a result of this well-planned campaign, and they are currently serving significant prison terms (ibid)

However, Proclamation 909/2015 is unclear, incompatible with other legislation, and does not offer sufficient solutions to the issue. As a result, proclamation 1178/2020 was used in its place. There have been some modifications made to the way the migration issues are governed by the updated proclamation 1178/2020. The Proclamation No. 1178/2020 developed more thorough and long-lasting procedures to prevent and suppress migrant smuggling and transfer in person, which are both forms of unauthorized migration. A more powerful national council took the role of the national committee set up by its predecessor.

Accordingly, it replaced a taskforce created under the previous law with the National Partnership Coalition on Migration (NPCM) for the prevention and control of the crimes of human trafficking, migrant smuggling, and the illegal shipping of people overseas to work. It even went beyond the Palermo Protocol's stated prohibitions by adding surrogacy, forced labor marriage, debt bondages, and begging to the list of exploitations (Tadesse, 2022:4). The proclamation established the structures for cascading responsibility for combating irregular migration from within societies, incorporating civil societies, elders, and working through cross-ministerial coordination in more direct ways. The proclamation also made extensive reference to the integration of returnees. Although there has not yet been a disagreement about the proclamation's implementation, there are still several restrictions that will ultimately affect how it turns out. The act and the means components of the crime of trafficking in persons, however, were not included in the proclamation, as stated by Tadesse (2022:5). The Proclamation No. 1178/2020 does not mention any of the behaviors that the international definition of TIP includes, including the hiring, transportation, transfer, harboring, or receipt of people through the threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to obtain the consent of a person who has control over another person.

2.4.5. The Ethiopian Overseas Employment Proclamations No. 923/2016 and Proclamation No 1246/2021)

The Ethiopian Overseas Employment Proclamation was established in 2016; however it wasn't implemented until October 2018 (ILO 2018). This law is a positive step toward managing labor migration effectively. However, its success depends on how well bilateral agreements and exchanges between governments work. Bilateral agreements between Ethiopia and Jordan, Saudi Arabia, and Qatar have so far been negotiated (The Freedom Fund 2019, Dessalegn *et al.,* 2019)

In this decree, the role of the government and public and commercial employment agencies is outlined. Additionally, it improves the system for observing and regulating domestic and international employment exchange services, highlights the value of bilateral agreements or memorandums of understanding with destinations, and advocates for the rights, security, and dignity of Ethiopians who travel for employment abroad. The newly enacted Proclamation 923/2016 on Overseas Employment is likewise concerned with MDWs' access to a basic health care program (ILO, 2017:22)

The Proclamation No. 923/2016, like earlier proclamations, has a number of flaws regarding the requirements for prospective migrants to obtain employment abroad, including the completion of grade 8 and COC certificates, deployment only to countries with which Ethiopia has bilateral agreements, and PEAs license renewal every year, among other things (Tesema, 2020). Proclamation No. 923/2016 makes no mention of the responsibilities and obligations of state actors or the coordination mechanisms required to promote labor migration governance in the country. Roles and

responsibilities should have been specified in the proclamation, especially for governmental actors, to allow for better coordination and monitoring of overseas labor deployment management (Ibid).

Furthermore, the proclamation made changes to migratory governance but gave little thought to strategies and modalities for reintegration. Ethiopia's government has prioritized repatriation and reintegration as a result of a huge number of Ethiopians leaving, most of whom do so illegally (Girmachew, 2021:10). This is in line with Proclamation 1178/20, which aims to stop unauthorized immigration. The government changed the working proclamation and issued proclamation 1246/2021 as a new Overseas Employment proclamation to do away with the restrictions.

The proclamation includes new definitions for terms like "Representative of Victim Worker," "Labour Attaché," "Memorandum of Understanding," "Domestic Work," and "Requirement of Bilateral Agreement or Memorandum of Understanding, Establishment of Board, and Approval of Employment Contract." A recent decree that allows foreign nationals and native Ethiopians to open abroad employment agencies in partnership with nationals further supports the idea of opening up the economy to international investors with hard money.

More significantly, the criteria for worker eligibility have changed as a result of the legislation. In contrast to the prior rule, which required migrant workers to show they had passed the eighth grade, anyone without a formal education is now permitted to travel as long as they have received training and a Certificate of Competency (COC) from authorized institutions. In the past, many people were compelled to travel illegally in order to get over such stringent laws.

In order to decrease the chance of an undetected citizen exodus and raise the likelihood of legal migration, the Ethiopian government has been gradually upgrading its legal system. Despite their flaws, there is no denying that legal methods have been effective in stopping illegal immigration.

For instance, Proclamation No. 923/2016 and its predecessor set forth the duties of the Ministry of Labour and Social Affairs with regard to legislation and outlined the duties of PEAs with regard to supporting deployment overseas. Proclamations have been used as instruments to prosecute those who have committed crimes. Proclamations No. 1178/2020 and its predecessors were used by the Ethiopian government to forbid and pursue offenders involved in human trafficking and smuggling. Proclamation No. 1178/2020 in particular and its predecessors clearly defined participants and their roles in the prevention and prosecution of offenses involving the use of foreign labor (Tessema, 2020:31-32).

2.5. Effectiveness of Institutional coordination

In Ethiopia, the effectiveness of the institutional coordination in governing migration can be assessed from the separated ministerial responsibilities and jointly set institutions by various proclamations.

2.5.1. Ministerial Responsibilities

Some line ministries and committees received extra particular responsibilities as a result of the proclamations No. 909/2015 for the prevention and

suppression of human trafficking and the smuggling of migrants and No. 923/2016 for overseas employment (ILO, 2018:5). In light of this, the proclamations gave authority and duties to each ministry and committee so that they could act on their own behalf and established the group institutions to deal with the issue at hand. The government has a number of institutions that deal with migration-related issues. The two institutions concerned in migrant worker protection are the Ministry of Labor and Social Affairs and the Ministry of Foreign Affairs. The Federal police and the Ministry of Justice focus more of their efforts on migrant legal issues and criminal investigations.

2.5.2. Ministry of Foreign Affairs
The Ministry of Foreign Affairs is authorized by Proclamation 909/2015 Art. 42 to: (1) collect and disseminate data on the list of victims of crime, the country in which they are found, and other necessary information; (2) conduct assessments on human trafficking and migrant smuggling and the level of risks of various countries; and (3) communicate with victims and migrants of Ethiopian nationals who reside abroad through various mechanisms.

2.5.3. Ministry of Labor and Social Affairs
Although it contains significant articles about working abroad and handles labor regulations in the Ethiopian context, the Ethiopian Labor Proclamation No. 377/2003 (FDRE 2004) somehow doesn't specifically address migration. According to Article 175 of the proclamation, Ethiopians may only work abroad if the ministry can guarantee that the citizens' rights and dignity would be upheld.
The Ethiopia Overseas Employment Proclamation No. 923 (2016) mandates that MOLSA be responsible for establishing employment standards, approving recruitment firms, monitoring pre-departure vocational training provided by the Technical and Vocational Education and Training (TVET) centers, and taking administrative action against organizations and agencies that disobey the Proclamation Ethiopia (Fund, 2020).

2.5.4. Ministry of Justice
The Ministry is required by Proclamation No. 909/2015Article (41) to develop a plan of action and push for the development of broachers, modules, theatrical scenes, and other teaching techniques. According to Article 44, the minister of justice has the right to act as a central authority and negotiate international legal cooperation agreements (1-2). In proclamation 1178/2020 article 38, the Federal Attorney General took the place of this agency.

2.5.5. Federal Police
The Federal police entrusted with the obligation of investigation, information exchange, capacity building to prevent and suppression of crimes under the proclamation and the authority to sign a memorandum of agreements with foreign similar bodies (Proclamation no 909/2015Art 43&44/3).

2.6. The Joint institutions under Proclamation 909/2015 and 923/2016
2.6.1. National Committee
In accordance with Proclamation No. 909/2015 Article 39, a national committee has been established to provide advice on the formulation of policy, plans, and implementation frameworks, to accommodate the interests of victims, and to combat the crimes of human trafficking and smuggling of migrants. The committee's primary responsibility is to explain the social impact of the crime and its negative effects.
It includes the Ministries of Justice, Foreign Affairs, Federal Affairs, Labor and Social Affairs, Women, Children and Youth Affairs, Education, Regional States, other governmental organizations, religious institutions, charities and societies, various structures, and other relevant organizations, all of which are answerable to the Deputy Prime Minister.
By Proclamation No. 923/2016 Article 15, the committee was also given the authority to: (1) ensure proper provision of services related to returnees' reintegration; (2) cause the conduct of studies with a view to concluding bilateral agreements with receiving countries on issues related to employment and thereby create favorable conditions; (3) cooperate with appropriate organs and ensure the taking of legal action against those responsible for rights violations or damage inflicted on third parties.
This provides a condition for legal inter-conformity by holding up a single institution by the two proclamations. In both proclamations, the National Committee was empowered to combat illegal human trafficking and to facilitate legal oversea employments.

2.6.2. Ethiopian Anti-Trafficking Task Force (EATTF)
In addition to the distinct duties assigned to such ministries, the proclamations emphasized the need to set up a unified institution focused on migration. As a result, a large number of federal and local authorities were given the responsibility of harmonizing the formalization of migration and the prevention of irregular migrations. To combat human trafficking and migrant smuggling and better meet the needs of victims, Ethiopia established the Ethiopian Anti-Trafficking Task Force (EATTF) in 2016 to coordinate migration-related issues across ministries.
According to proclamation 909/2015, the Ethiopian Anti-Trafficking Task Force (EATTF) was created with the intention of assisting activities aimed at rehabilitating victims, preventing and controlling offenses involving human trafficking, and controlling migrant smuggling. In addition to the Ethiopian Federal Police Commission, Charities and Societies Agency, a representative designated by the Minister, and other individuals assigned, it was organized by bringing together the Ministries of Justice, Foreign Affairs, Labor and Social Affairs, Women, Children and Youth Affairs, Education, and National Security and Intelligence Service. It was suggested that the minister of the ministry of justice serve as chair of the framework.
More specifically, the task force was also given authority under proclamation 923/2016's article 15(2) to direct foreign employment by ensuring adequate provision of cooperation and support pertinent to the goals of organs engaged in counseling and reintegration activities of returnees; initiating studies with a view to concluding bilateral agreements with receiving countries on issues related to employment in order to create favorable conditions; cooperating with international organizations; and protecting the rights of the citizens.

The task force was supposed to act as a framework for institutionally regulating migration; nevertheless, the ILO (2018) has identified the following barriers to institutional cooperation to stop irregular migration;

i. The organizations treat migration-related operations as incidental, which leads to a subpar performance of scheduled activities. The absence of a designated budget and a lack of funding for migration and related activities show that there hasn't been enough attention paid to them.

ii. Many times, organizational structures and plans fail to formalize or properly coordinate migration and related activities. This is especially true for businesses without a formal or obvious migration mandate. Seasonality was cited as a significant flaw in the federal and lower-level coordination structures, which, together with the responses of stakeholders, are considered to lack consistency.

iii. Participating organizations' inability to fulfill their obligations fully and effectively is a result of their lack of organizational, financial, and technical capabilities.

iv. It seems that the coordinating mechanism's operation and the results it produces are not sufficiently shared. Taskforces at the national and regional levels are still unable to properly cooperate horizontally as a result.

v. Law enforcement receives additional attention from the federal taskforce. The focus that should have been given to other aspects of migration, such as labor migration, returnee reintegration, and the benefits of migration, has not been given. Another important barrier to the platform's operation and success was the absence of appropriate procedures that might hold stakeholders accountable for their acts or inaction.

vi. The regional taskforces and the national anti-human trafficking taskforce have sporadic connections.

The present federal level coordination mechanism created through the creation of a taskforce to combat human trafficking and smuggling was deemed ineffective in light of all these flaws. Its stated goals are what are thought to be moving slowly. Law enforcement and public understanding of the scope of illegal migration are both still insufficient. Comments from stakeholders, in particular on the rehabilitation of victims of human trafficking and smuggling and the reintegration of returnees, are highly encouraging.

2.7. The Joint Institutions under Proclamation 1178/2020 and 1246/2021
2.7.1. National Partnership Coalition
Due to aforementioned limitations EATTF has dissolved and replaced by another organization EATTF with its further transformation into the National Partnership Coalition established by Proclamation 1178 to coordinate migration management across Ethiopian authorities at different levels and with different ministries. Following the example of EATTF, region-based committees on migration management have been established in Amhara, Tigray, Oromia and the Southern Nations, Nationalities, and Peoples' Region. These functional and effective cooperation mechanisms include relevant actors to address migration related issues and work up joint solution (Better Migration Management 2022).

The passing of Proclamation 1178/2020 has led to key structural changes in the country's migration governance architecture. The National Anti-Trafficking and Smuggling Taskforce was dissolved, leaving space to a new structure; the National Partnership Coalition (NPC).

The NPC organization, which currently exists in the regional states of Amhara, Oromia, Southern Nations, Nationalities and Peoples (SNNP), and Tigray, is intended to cascade down to the regional state level, similar to the taskforce structure. With a goal of reaching out to all 12 regional states and city administrations in the nation, the GoE is now concentrating on cascading the new NPC structure to regional states with established secretariats as well as new regional states (National Voluntary Report on the Implementation of the Global Compact on Migration 2020). In essence, the NPC was given the responsibility of creating an action plan and program to carry out its duties after submitting it to the National Council for approval.

Contrarily,despite Proclamation 1178/2020 requiring the government did not report initiating efforts to do so during the reporting period according to American Foreign department report of 2021. This implicates, that the coalition's role is limited at its nominal existing.

2.7.2. National Board
After Proclamation 923/2016 was amended, the new overseas labor proclamation No. 1246/2021(article 15) provided the Ethiopian Overseas Employment Board, a new institution, with the authority to coordinate with relevant parties in order to strengthen the implementation of overseas employment, ensure the rights, safety, and dignity of Ethiopians employed abroad, and ensure that those involved in illegal overseas employment activities are prosecuted.

The Board shall be presided over by the Ministry of Labour and Social Affairs of the Federal Democratic Republic of Ethiopia, and shall be composed of the Ministries of Foreign Affairs, Science and Higher Education, Health, Attorney General, Federal Police Commission, Immigration Nationality and Vital Events Agency, Federal Technical and Vocational Education and Training Agency, and Other Institutions as deemed appropriate.

Contrary to the formation of the National Partnership Coalition, Ethiopia was dropped to tier 3 in 2021 based on its readiness to combat human trafficking, which is one method of unauthorized immigration. This was done because of Ethiopia's ranking on tier-2 for some years. This suggests that despite attempts to curb human trafficking, there are now a much greater number of prospective victims. As an alternative, the government does not offer any proof of increased efforts to combat human trafficking.

Importantly, the nation's standing in 2021 was downgraded to tier 3, meaning it doesn't match the requirements and makes no real steps to. Therefore, despite increased efforts to address it or the unresolved task force constraints during the national coalition, it can be said that Ethiopia's legislative frameworks are not appropriately identifying the issue of irregular migration or applying it. Again, the organization known as the national board, which is tasked with seeing that those who engage in illegal foreign employment operations are

brought to justice, cannot state with certainty that the work is being done because no case has yet been brought before a court. Therefore, despite inflated expectations, the national cooperation to combat irregular migration has operated ineffectively.

3. RETURNEES GOVERNANCE IN ETHIOPIA

The regulation of irregular migration encompasses more than just providing chances for normal migration; it also includes reintegration programs for irregular migrants who have returned to their original countries. Reintegrating returnees is a problem that must be addressed as part of managing irregular migration because doing so lessens cyclical movements.

The return was viewed as problematic because a large number of people went back to places where they felt unsafe because of safety concerns and ongoing conflicts, because resources were scarce, because relationships with neighbors were still challenging, or because they were no longer welcome because of demographic changes that had taken place while they were away. Although some returns were successful, this resulted in many cases having a negative impact on the returnees and the local community.(Haller, 2020:9).

Whether freely or involuntarily, there has been a significant number of forced repatriation from Saudi Arabia, where 163,018 Ethiopians were deported between November 2013 and March 2014, and another 300,000 or more between May 2017 and August 2019. (Ogahara & Kuschminder, 2020:20).

Following increasing international pressure, Ethiopia and Saudi Arabia decided to return 1,000 Ethiopian migrants per week. Since then, tens of thousands of migrants have been sent back home. It is critical to comprehend the opportunities and difficulties faced by Ethiopians who are being returned to their country of origin in the current situation, where large-scale repatriation is anticipated to occur. For policymakers involved in migration governance, these complicated migratory movements provide difficulties (Girmachew 2021:1).

The returnees experience numerous difficulties during the reintegration process. Strong legal frameworks that can prevent unauthorized remigration are required from the outset in order to serve everyone with justification. According to (Ruta Nimkar, Emily Savage, Isaias Tesfalidet, 2020) there are three main pieces of legislation make up Ethiopia's legal and legislative framework for the return and reintegration of migrant workers.

- The Overseas Employment Proclamation (No. 923/2016 on articles 15(2b), 33(2e), 42(3i), and 64(4); as of now, proclamation 923/2016 has been replaced by proclamation 1246/2021 on article 7); (1b);
- Proclamation on the Prevention and Suppression of Trafficking in Persons and Smuggling of Persons (Proclamation No. 1178/2020) on Article 23, 24 and 39 (2);
- Moreover, the issues of reintegration and returns were considered under the directive 65/2018. Nevertheless, the Directive 65/2018 recommends the provision of reintegration services, limiting its use to returning migrants who meet the category of victim returnee migrants and establishing standards for identification

and qualifying. This essentially disqualifies those returnees who don't meet the requirements.

A variety of supports are necessary for reintegration, including thorough skill development, the discovery of business chances, the provision of enough finances, the creation of employment opportunities, and workspace. In order to facilitate job placement for migrants who have returned home, it is crucial to form relationships with the business sector (Girmachew Adugn 2021:15). However, the majority of people who return from irregular migration journeys lack passports, because either they left Ethiopia without passports or maybe because their passports were seized by employers, and when they come back they have difficulty accessing services. In practice, thus, few have received loans because they are unable to accumulate the savings necessary to obtain the loans (Bakewell et al., 2020:22, Danish National ID Centre Note, 2018).

The returnees had limited reintegration support and many of them ended up becoming a financial burden and economic dependent on family and friends due to poor coordination and reintegration of schemes, a lack of resources and institutional ineffectiveness (Ruta Nimkar, Emily Savage, and Isaias Tesfalidet, 2020), inadequate intervention in migration(ILO 2018:X). Due to these circumstances, they are forced to reevaluate the need for remigration (Kelemework *et.al.* 2017), as stated in Ethiopian Universities (2017:16.)

Overall, the majority of Ethiopian migrants do not succeed in making a sustainable return that includes, as stated by IOM, their ability to contribute to their communities of origin and to live independently (Girmachew Adugn 2021:15).

This is further supported by a study done by the ILO in 2016 that found that very few migrant workers are successful in raising their standard of life after they return home. In spite of their prior hardships, this cyclically sparks the remigration of the returnees and dashes their expectations of reintegration.

4. CONCLUSION

In today's alarmingly globalizing world, the flow of people from one corner of the world to another has become easier than ever before accompanied by rapidly developing means of transportation and communications. The migration is rated as a component of globalization and which brings both benefits and burdens depending on the way it is managed so as to take advantage and minimize the risk. In this process a number of the migrants flow either in regular or irregular mechanisms. The nations' gain from its citizens most importantly related to the number of its citizens emigrating in a formal way. However, in most developing nations including Ethiopia, a lot of migrants tend to leave their home country through irregular means without holding all the necessary migration documents and a result exposed to the violation of basic human rights either in the hands of smugglers/traffickers or the recipient country to whose boundary they entered irregularly. The reason behind the irregular means might be poor governance of migration which can be manifested through the existences of effective legal frameworks and policies, efficiency to practice the laws

and existence or non-existence of effective coordination system.

In light of this view, Ethiopia has been attempting to make the issue of migration as one aspect of governance by developing various proclamations, setting up joint coordination mechanisms and adopting different international instruments related with migration. However, despite of its efforts to minimize the irregular migration, it hasn't shown any decrease and end. The legal frameworks envisaged to reduce irregular migration are frequently detected of gaps serving the problem itself. Moreover, those formerly migrated through irregular means are being deported from the destinations and not receiving sufficient reintegration supports from the government.

Finally, the irregular oversea migration governance of Ethiopia has been primarily challenged by lack of national migration policy and which results in lack of accountability about the issue of migration.

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