

# AFRICAN DIASPORA INTERNATIONAL TRADE ASSOCIATION

August 29, 2017

**VIA REGULATIONS.GOV** (Docket No. USTR–2017-0005)

Office of the United States Trade Representative  
Trade Policy Staff Committee AGOA Implementation Subcommittee  
600 17th Street, NW  
Washington, D.C. 20508

**Re: African Growth and Opportunity Act (AGOA): Request for Public Comments on Annual Review of Country Eligibility for Benefits under AGOA in Calendar Year 2018**  
**Public comments of African Diaspora International Trade Association (ADITA)**

Dear Trade Policy Staff Committee:

## 1. Introduction

ADITA welcomes the opportunity to provide input in this AGOA review because ADITA has grave concerns regarding the effectiveness of AGOA with regards to economic development related issues, including technical assistance to promote economic reforms and development, which many African countries have chosen to ignore.

We were present at the public hearing on August 23, 2017, and we would have presented to the Trade Policy Staff Committee (“TPSC”) compelling testimonies by ADITA members supporting our recommended suspension under AGOA, and removal from the Generalized System of Preferences of all currently eligible countries that implement policies that put exporters of American technology to those countries at a disadvantage.

We are grateful to TPSC for allowing us to submit the following post-hearings comments.

## 2. Description of ADITA

ADITA is a non-profit trade association, incorporated in the State of Virginia.

The purposes of the corporation are to:

- 1) represent and advocate for the interests of its members who are African immigrant business persons living in the United States of America;
- 2) stimulate commerce between the United States of America and the African home countries of its members;
- 3) promote economic development in the African home countries of its members;
- 4) support the concepts of free and fair trade with the African home countries of its members;
- 5) and encourage the removal of tariff and non-tariff international trade barriers by African governments.

In furtherance of those purposes, the corporation works with African immigrant business entrepreneurs seeking to achieve the American dream and with American businesses in order to establish mutually-beneficial commercial relationships between American and African immigrant businesses. It also:

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- 1) supports the traditional American ideals of equal opportunity, personal responsibility, and limited government in order to advance the well-being of its members;
- 2) seeks to create an African Diaspora community in the United States of America that exercises African cultural values in harmony with traditional American cultural values;
- 3) informs and educates its members regarding American economic, political, legal, and commercial systems; and
- 4) encourages its members to assimilate into American society, to support America's free enterprise system, and to seek and celebrate the honor of American citizenship.

Through its activities of transferring American technology to Africa, ADITA members create businesses that provide meaningful employment for hundreds of people in Africa and generate much needed exports for the United States.

### 3. Cause for Action

ADITA is concerned because the government in some AGOA eligible countries had been able to thwart all attempts by the African Diaspora and other expatriates to bring American technology and investments in those countries. The actions of those governments are in direct opposition with the sense of Congress that enacted AGOA. We believe that those governments cannot continue to benefit from AGOA and at the same time implement policies that violate the requirements for AGOA eligibility as well as the AGOA statement of policy; such as:

#### 3.1 The elimination of barriers to US Trade and Investment

The President may designate a country as a beneficiary sub-Saharan African country eligible for these benefits of AGOA if he determines that the country meets the eligibility criteria set forth in: Section 104 of AGOA (19 U.S.C. § 3703); Section 104 of AGOA includes requirements that the country has established or is making continual progress toward establishing:

***the elimination of barriers to United States trade and investment, including by— (i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment; (ii) the protection of intellectual property; and (iii) the resolution of bilateral trade and investment disputes;***

One of such trade and investment barriers is Customs policy, which is poignantly described in the attached video. The TPSC will see in the attached video testimony of a Cameroonian lady that Customs in some African countries is the single most important threat to free trade between the United States and Africa. Some AGOA eligible countries erect Customs barriers that prohibit American investors from doing business in those countries:

<https://www.facebook.com/patrickayan/videos/vb.1409578178/10213154206395650/?type=2&theater>

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## 3.2 AGOA statement of policy

SEC. 127. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

*(E) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.*

*(F) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.*

ADITA believes that the current implementation of AGOA violates the above policy. Rather than promoting an enabling environment for private sector-led and market-led economic activities, the focus is on doing business with corporations and governments. Hundreds of small entrepreneurs are excluded from participation, even from attending meetings to express their gratitude to the American people.

The TPSC will find attached photos of U.S officials speaking to empty chairs at AGOA forums while hundreds are standing outside wanting to meet with them.

## 4. Concluding remarks

AGOA represents a generous trade instrument to support the future growth and development of sub-Saharan Africa - whilst at the same time offering opportunities for the African Diaspora to involve in the economic development of the continent.

However, the spirit of AGOA would be wasted if the sub-Saharan countries that violate the basic principles of AGOA end up benefiting from it by hiding under the large umbrella of multilateral trade agreements.

It remains our view and that of tens of entrepreneurs who signed the attached ADITA's petition that the President of the United States pursue a policy of bilateral trade agreements with sub-Saharan countries and remove those sub-Saharan countries that maintain tariff and non-tariff barriers on imports from the United States as beneficiary sub-Saharan countries for 2018 under the African Growth Opportunity Act, and also remove those countries for 2018 from the list of countries eligible for duty-free treatment under the Generalized System of Preferences.

Sincerely,

Jocelyn Nana Tchakounte  
ADITA