

July 7, 2023

Mr. William Shpiece, Chair

Trade Policy Staff Committee

Office of the United States Trade Representative

600 17th Street, NW

Washington, DC 20508

RE: Docket Number USTR–2023–0003, Annual Review of Country Eligibility for Benefits Under the African Growth and Opportunity Act for Calendar Year 2024

Dear Mr. Shpiece,

We, the undersigned organizations, are writing to submit comments regarding the Annual Review of Country Eligibility for Benefits Under the African Growth and Opportunity Act (AGOA) for Calendar Year 2024, specifically Ethiopia's eligibility for possible restoration as a beneficiary country under AGOA.

In November 2020 a war broke out in Tigray, Ethiopia's northernmost region, after months of tension between Ethiopian Prime Minister Abiy Ahmed and Tigrayan leaders. The conflict between the Ethiopian federal government and the Tigrayan forces, which concluded with a peace agreement signed in Pretoria, South Africa, on November 2, 2022 (with an additional agreement signed in Nairobi, Kenya, on November 12), was marked by extreme human rights abuses, including massacres of civilians, weaponized rape, and starvation tactics inducing a man-made famine.

The human rights abuses committed by the Ethiopian government and its allies have been well documented in the media and echoed by U.S. and international officials. Secretary of State Anthony Blinken has [accused](#) Ethiopian security forces of "ethnic cleansing" in western Tigray. UN Humanitarian Relief Chief Martin Griffiths [stated](#) that the Ethiopian government had enacted a "de-facto blockade" on humanitarian aid to Tigray. Echoing Mr. Griffiths, USAID Administrator Samantha Power [declared](#) "hundreds of thousands of people are facing starvation" because the Ethiopian government prevented humanitarian aid from reaching them. At the UN Security Council, U.S. Ambassador to the United Nations Linda Thomas-Greenfield [said](#) the Ethiopian government had enacted a "siege" on the Tigray region, blocking humanitarian supplies. Joining the Ethiopian government in its war in Tigray was the government of Eritrea, which on November 12, 2021 was [sanctioned](#) by the US Treasury Department for human rights abuses committed by its forces.

As a result of these actions taken by the Ethiopian government, on November 2, 2021, President Biden issued a [notice](#) to Congress of his intent to terminate Ethiopia as a beneficiary country under AGOA, effective January 1, 2022. President Biden cited

Ethiopia's noncompliance with the eligibility requirements of section 104 of the AGOA, specifically citing "gross violations of internationally recognized human rights".

Despite the Pretoria agreement and reduction of active conflict in northern Ethiopia, we believe Ethiopia is still in noncompliance with AGOA's eligibility requirements. We ask you to consider the following ongoing human rights violations as you determine whether the Ethiopian government has made sufficient progress in meeting its obligations under AGOA since its beneficiary status was officially terminated on January 1, 2022. The following examples are by no means an exhaustive list of the human rights violations the Ethiopian government continues to commit in Tigray and the rest of Ethiopia in 2023.

1. Failure to Implement Peace Agreements

Eight months after the signing of the [Pretoria](#) and [Nairobi](#) peace deals, the Ethiopian government has failed to uphold key features of these agreements.

As documented by Human Rights Watch and Amnesty International in their joint April 2022 [report](#), Amhara regional government forces allied with Ethiopian federal forces engaged in a systematic campaign of destruction and ethnic cleansing of Tigrayan civilians in Western Tigray zone beginning in November 2020. The joint report, citing figures from the then-interim federal Tigray administration in place from November 2020-June 2021, stated that at least 723,000 Tigrayans were displaced from Western Tigray zone and registered as IDPs in other parts of Tigray. A June 2023 Human Rights Watch [report](#) documented ongoing ethnic cleansing committed by Amhara regional forces in Western Tigray zone.

According to Article 3 of the Nairobi [agreement](#), "the protection of civilians shall be the responsibility of all federal security and regional security organs." As shown in the HRW report, Tigrayan civilians have not only been unprotected by government security organs, but continue to be systematically attacked by Amhara regional forces with no interference from the federal government. Article 2 of the Nairobi agreement also mandated "the withdrawal of foreign and non-ENDF forces from the region", meaning Tigray. In violation of the agreement, Western Tigray zone and Southern Tigray zone continue to be occupied by forces from the Amhara region, and parts of northeastern and northwestern Tigray continue to be occupied by the Eritrean military, the Ethiopian government's ally in the Tigray conflict.

Article 5 of the Pretoria [agreement](#) also stipulated that the Ethiopian government shall "facilitate the return and reintegration of internally displaced persons and refugees". Eight months after the agreement, the Ethiopian government has not only failed to make any effort at allowing the hundreds of thousands of Tigrayan civilians forcibly displaced from their homes to return, it has actively undermined efforts at accountability and redress for the ethnically cleansed IDPs by [calling](#) the June 2023 Human Rights Watch report false.

According to eligibility requirements outlined in Section 104 of the AGOA legislation, eligible countries must not “engage in gross violations of internationally recognised human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.”

According to [guidance](#) provided by the State Department, the Amhara regional security forces who have been documented committing ongoing ethnic cleansing of Tigrayan civilians qualify as a “security force” (“Any organization or entity authorized by a State to use force”) under State and DOD Leahy Law definitions of “gross violations of human rights” which are prohibited by AGOA requirements. As the State Department reported in its March 2023 atrocity [determination](#) for Ethiopia, “Members of the Amhara forces also committed the crime against humanity of deportation or forcible transfer and committed ethnic cleansing in western Tigray.” The ongoing commitment of this crime against humanity as documented by Human Rights Watch and the failure of the Ethiopian government to prevent or remedy clearly renders it ineligible for restoration of AGOA at this time.

2. Theft of Humanitarian Aid

Article 2 of the Pretoria agreement, “Principles Underpinning the Permanent Cessation of Hostilities”, states that “the Parties shall be guided by the following principles”, including “The use of humanitarian aid for exclusively humanitarian purposes.” Despite this, recent preliminary investigations by USAID and the World Food Program have uncovered an aid diversion scheme by the Ethiopian government that has caused a [pause](#) on food aid to the entire country. According to a June 9 Reuters [report](#), “USAID believes food has been diverted to Ethiopian military units as part of a scheme orchestrated by federal and regional government entities”. According to a June 21 Associated Press [report](#), “U.S. aid officials told international partners that this could be the largest-ever diversion of food aid in any country”. The Ethiopian government has refused responsibility for the theft, [calling](#) the decision by USAID “political”.

3. Blocking Human Rights Investigations and Lack of Accountability

The Ethiopian government continues to hinder human rights investigations into atrocities committed in Tigray during the war. In March 2021, after international pressure, the government of Ethiopia relented in allowing the Office of the United Nations High Commissioner for Human Rights (OHCHR) access to Tigray on the condition that the investigation be jointly conducted with the state-appointed Ethiopian Human Rights Commission. The joint OHCHR-EHRC investigation was heavily [criticized](#) for its limited scope and lack of impartiality.

In December 2021, the UN Human Rights Council [voted](#) to form an International Commission of Human Rights Experts on Ethiopia (ICHREE), a decision heavily opposed by the government of Ethiopia. In March 2022, the Ethiopian government [attempted](#) to derail funding for ICHREE, an attempt that ultimately failed. A July 25-30, 2022 visit to Addis Ababa by the three commissioners of ICHREE [ended](#) with the

Ethiopian government refusing their request to travel to Tigray. The Ethiopian government has made subsequent attempts to defund ICHREE in [December 2022](#) and to prematurely terminate its mandate in [March 2023](#). Eight months after the Pretoria and Nairobi peace deals, the Ethiopian government has still refused access for international human rights investigators into Tigray and other conflict affected regions in Ethiopia.

The refusal to allow independent international investigations in Ethiopia is compounded by the Ethiopian government's unwillingness to commit to domestic justice and accountability mechanisms.

In March of 2022 a video [emerged](#) showing uniformed Ethiopian federal and regional security forces burning a man alive in Metekel, western Ethiopia. Despite the perpetrators being clearly identifiable by face and uniform, no arrests or charges have been announced in this crime.

In late April of 2022 another video [emerged](#) showing uniformed Ethiopian federal security forces taunting, beating, and executing a Tigrayan boy. The incident took place in the Wag Himra zone of the Amhara region. Although the state-appointed Ethiopian Human Rights Commission [said](#) it would investigate the incident, and despite the perpetrators being clearly identifiable by face and uniform, to this date no arrests or charges have been announced in this crime.

According to eligibility requirements outlined in Section 104 of the AGOA legislation, eligible countries must not only not “engage in gross violations of internationally recognized human rights” but must also “*cooperate in international efforts to eliminate human rights violations and terrorist activities.*” The Ethiopian government's ongoing blocking of international human rights investigations and its refusal to pursue justice domestically signal that the federal government is committed to a culture of impunity for human rights violations and in clear violation of AGOA eligibility requirements.

4. Arrests of Journalists and Media Restrictions

In 2022 the Ethiopian government continued a crackdown on media, joining Eritrea to become what the Committee for the Protection of Journalists [called](#) “sub-Saharan Africa's worst jailer of journalists.” In May of 2022, the Ethiopian government expelled Tom Gardner, Ethiopia correspondent for The Economist. This followed the [May 2021](#) expulsion of journalist Simon Marks of the New York Times and the [November 2020](#) expulsion of analyst William Davison of the International Crisis Group.

Despite the November 2022 peace agreements, to this date the federal government has continued its ban on international media traveling to Tigray, preventing the world from learning the extent of the humanitarian situation in the region. Elsewhere in Ethiopia, the federal government has increased its harassment and arrests of journalists in 2023, as [documented](#) by Amnesty International.

Conclusion:

We do not wish to minimize potential economic impacts that come from AGOA delisting. However, we believe the only factors that should influence the decision of including a country in AGOA are whether the country meets the eligibility requirements as outlined in the program guidelines. Any economic impacts on Ethiopia from AGOA delisting are the responsibility of the Ethiopian government failing to meet clearly outlined AGOA requirements, not from the U.S. government expecting adherence to the rules of the program. As [stated](#) by former Special Envoy to the Horn of Africa Jeffrey Feltman, “Ethiopia, not the United States, is in the driver’s seat” regarding the keeping of AGOA trade benefits or other economic assistance.

To comply with AGOA’s eligibility requirements on human rights, the Ethiopian government must do the following, at a minimum:

1. Adhere to all provisions of the Pretoria and Nairobi peace agreements, particularly the federal government’s responsibility to remove foreign and non-ENDF forces from Tigray, protect civilians, and facilitate the return of IDPs.
2. Cooperate fully with U.S. and international investigations into theft of humanitarian aid.
3. Cooperate fully with the requests of the UN International Commission of Human Rights Experts on Ethiopia, including granting access to Tigray.
4. Release all detained journalists in Ethiopia, allow expelled journalists to return to Ethiopia, and end restrictions on media traveling to Tigray.

Premature restoration of Ethiopia into AGOA before these minimum human rights requirements are met will not only hurt the credibility of the AGOA program, but send a dangerous signal to other foreign governments that U.S. commitments to upholding human rights do not need to be taken seriously.

Signed,

Iron Anina Civil Society (<https://irobanina.org>)

Legacy Tigray (<https://twitter.com/LegacyTigray>)

Meaza Gidey (<https://twitter.com/meazaG>)

Omna Tigray (<https://omnatigray.org/>)

Tigray Action Committee (<https://tigrayactioncommittee.com>)