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2024 AGOA Eligibility Review

The Federal Democratic Republic of Ethiopia

This document contains comments pertaining to the Annual Review of Country Eligibility for Benefits under the African Growth and Opportunity Act.

Topic: Ethiopia Continues to Violate Section 104(a)(3) of the African Growth and Opportunity Act

1. The African Growth and Opportunity Act (AGOA) provides trade preferences for quota and duty-free entry into the U.S. for certain goods. Section 104(a)(3) of the Act states that eligibility to benefit from the Act is based on, among other requirements, a country not engaging "in gross violations of internationally recognized human rights" and cooperating with international efforts to "eliminate human rights violations."
2. Section 104(a)(3) of the Act contains two specific and connected elements that must be resolved for Ethiopia to be deemed eligible to participate in AGOA. The first is the confirmed cessation of gross human rights violations. The second element is "cooperates in international efforts to eliminate human rights violations."
3. On 2 November 2022, a peace treaty was signed between the government of Ethiopia and the Tigray People's Liberation Front (TPLF). This brought an official end to the conflict in Tigray. Nevertheless, while the armed conflict has ended, and reports of atrocities against civilians in Tigray have drastically declined, reports of Ethiopia's and its ally's gross human rights violations against the civilian population of Tigray are still being reported.
 - 3.1 On March 1, 2023, the Washington Post reported, "Just days before a deal to end the war in Ethiopia's Tigray region, soldiers from neighboring Eritrea last fall massacred more than 300 villagers over the course of a week, according to witnesses and victims' relatives. The massacres, which have not been previously reported outside the Tigray region, were described in interviews with 22 relatives of the dead".¹
 - 3.2 On March 7, 2023, the Office of the UN Human Rights High Commissioner reported, "We have received reports of the continued presence in Tigray of the Amhara Regional Forces and Fano militia, as well as Eritrean Defense Forces, which have reportedly perpetrated very serious violations. There is a clear need for continued monitoring and reporting. There also needs to be tangible progress on accountability regarding conflict-related violations and abuses. In addition to Eritrea's continued military presence in Tigray, we have received reports that Eritrea is further increasing its use of forced and prolonged conscription, a practice that is akin to enslavement and the main driver of refugee outflows".²
 - 3.3 On June 1, 2023, Human Rights Watch reported, "Local authorities and Amhara forces in Western Tigray Zone in northern Ethiopia have continued an ethnic cleansing campaign against Tigrayans since the November 2, 2022, truce agreement"

¹ Hundreds massacred in Ethiopia even as peace deal was being reached:
www.washingtonpost.com/world/2023/02/28/ethiopia-massacre-tigray-eritrea/

² Annual Report and Oral Update by the High Commissioner for Human Rights: <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>

The November truce in northern Ethiopia has not brought about an end to the ethnic cleansing of Tigrayans in Western Tigray Zone,” said Laetitia Bader, deputy African director at Human Rights Watch. “If the Ethiopian government is really serious about ensuring justice for abuses, then it should stop opposing independent investigations into the atrocities in Western Tigray and hold abusive officials and commanders to account.”³

4. As noted in the Human Rights Watch report noted in section 3.3 of this document, and as noted by UN sources, the Ethiopian government is not sincerely cooperating with international efforts to eliminate human rights violations in Tigray and is actively working to hinder international human rights investigations in Tigray.

- 4.1 On February 27, 2023, Reuters reported that “Ethiopia is courting support for a motion to cut short a U.N.-mandated inquiry into atrocities in the Tigray war, five diplomats said, in a move that could divide African and Western nations. Though the Geneva-based U.N. Human Rights Council has never ended a probe before its mandate, Addis Ababa has circulated a draft version of a resolution calling for the Tigray inquiry to stop some six months early. That would also block the publication of findings and a final debate at the council. Ethiopia has opposed the investigation from the outset, calling it politically-motivated and trying to block its funding, preferring national accountability efforts”.⁴

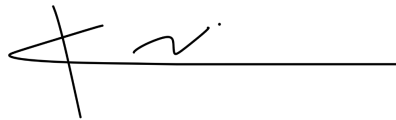
- 4.2 On February 27, 2023, the Addis Standard reported, “The Ethiopian government has been hindering both the International Commission of Human Rights Experts on Ethiopia (ICHREE) and African Commission on Human and Peoples' Rights (ACHPR) from conducting independent investigations into alleged crimes in Northern Ethiopia.”⁵

- 4.3 On March 21, 2023, the ICHREE reported, “Under international law, the Federal Government has the primary responsibility to ensure accountability for crimes committed during the conflict. In that regard, we note initiatives to investigate and prosecute alleged perpetrators of serious crimes, including through the Ministry of Justice and the Inter-Ministerial Task Force (IMTF). We urge the Federal Government to ensure greater transparency around these efforts and stand ready to offer advice in this regard. We remain concerned about a lack of pathways for accountability for serious violations committed by Eritrean forces. We regret that to date, and despite repeated requests, the Ethiopian Government has not yet allowed our investigation team access to the country. As a result, much of our work is being carried out remotely. We strongly urge the Government to reconsider its decision not to cooperate with the Commission”.⁶

- 5 The reports, statements, and evidence from credible news organizations, human rights organizations, US, and UN agencies show Ethiopia still violates section 104 of AGOA. We urge the AGOA Implementation Subcommittee to recommend to the President that the Federal Democratic Republic of Ethiopia remain suspended from the AGOA eligibility list due to non-compliance with Section 104(a)(3) of the Act - continued human rights violations committed against Ethiopia’s civilian population and failure to cooperate with international efforts to eliminate human rights violations as shown through numerous recorded attempts by the Ethiopian government to obstruct UN Human Rights investigations into the reported gross human rights violations in Tigray.

I look forward to hearing from the Subcommittee on this important issue.

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³ Ethiopia: Ethnic Cleansing Persists Under Tigray Truce: <https://www.hrw.org/news/2023/06/01/ethiopia-ethnic-cleansing-persists-under-tigray-truce>

⁴ Ethiopia seeks to end U.N.-ordered probe into Tigray war abuses: <https://www.reuters.com/world/africa/ethiopia-seeks-end-un-ordered-probe-into-tigray-war-abuses-2023-02-27/>

⁵ No peace without justice and accountability; and neither justice, nor accountability without truth first: <https://addisstandard.com/editorial-no-peace-without-justice-and-accountability-and-neither-justice-nor-accountability-without-truth-first/>

⁶ Statement of the Chairperson and Members of the UN International Commission of Human Rights Experts on Ethiopia, at the 52nd Human Rights Council Session: <https://www.ohchr.org/en/statements-and-speeches/2023/04/statement-chairperson-and-members-un-international-commission-human>