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2024 AGOA Eligibility Review

The Federal Republic of Somalia

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

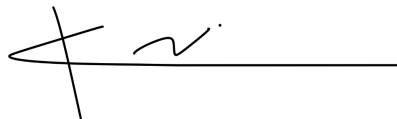
Topic: Granting AGOA eligibility to the Federal Republic of Somalia.

Von Batten-Montague-York, L.C. was engaged in June 2022 by the Federal Republic of Somalia's Embassy in Washington, D.C., to advise, initiate and facilitate discussions and actions toward the Federal Republic of Somalia achieving AGOA eligibility status.

- 1.1 The African Growth and Opportunity Act (AGOA) provides trade preferences for quota and duty-free entry to the United States for certain goods. AGOA was signed into law on May 18, 2000. The Federal Republic of Somalia has never been a beneficiary of AGOA since the enactment of the Act. The Federal Republic of Somalia's absence from the AGOA eligibility list since the enactment of the Act in 2000 is not due to any violation of the Act's provisions by the Federal Republic of Somalia but simply due to the fact that the Federal Republic of Somalia had never requested to participate in AGOA.
- 1.2 The Federal Republic of Somalia has not been able to benefit from AGOA for 23 years. The first high-level meeting between senior representatives of the Embassy of the Federal Republic of Somalia and the Office of the United States Trade Representative (USTR) on the issue of seeking AGOA eligibility took place on July 29, 2022.
- 1.3 Attached to this document is Appendix 1, which notes the criteria for achieving AGOA eligibility as set by Section 104 of the Act and presented by the Office of the USTR. The AGOA Subcommittee will find that the Federal Republic of Somalia meets and complies with the requirements for AGOA eligibility, as noted in the Act and presented in Appendix 1.
- 1.4 The government and people of the Federal Republic of Somalia believe that the increased economic activities that will come with achieving AGOA eligibility status will bring economic prosperity to Somalia and change the lives of millions of Somalis. Terrorist groups such as al-Shabaab exploit poverty and despair to recruit members and supporters. AGOA will help alleviate poverty and provide hope to millions of Somalis. This, in turn, will drain al-Shabaab's recruiting pool. Peace through economic prosperity.
- 1.5 We request that the AGOA Subcommittee recommends to the President of the United States that the Federal Republic of Somalia be deemed AGOA eligible and included in the AGOA 2024 eligibility list.

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

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Appendix 1

AGOA ELIGIBILITY CRITERIA

The President is authorized to designate a sub-Saharan African country as an eligible sub-Saharan African country if the President determines that the country:

1. Has ESTABLISHED, or is making CONTINUAL PROGRESS toward establishing –
 - a. a market-based economy that protects private property rights for men and women incorporates an open rules-based trading system and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets.
 - b. the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law.
 - c. 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.
 - d. economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through micro-credit or other programs.
 - e. a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; AND
 - f. protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.
2. DOES NOT engage in activities that undermine U.S. national security or foreign policy interests.
3. DOES NOT engage in gross violations of internationally recognized human rights.
4. DOES NOT provide support for acts of international terrorism; AND,
5. Cooperates in international efforts to eliminate human rights violations and terrorist activities.