



Advocacy Network for Africa (AdNA)

June 7, 2023

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AGOA Implementation Subcommittee of the Trade Policy Staff Committee
The Office of the United States Trade Representative

RE: Annual Review of Country Eligibility for Benefits Under AGOA – Ethiopia (Docket Number USTR–2023–0003)

The Advocacy Network for Africa (AdNA) submits the following public comment for consideration with regards to the eligibility of the Federal Republic of Ethiopia (Ethiopia) for benefits under the Africa Growth Opportunity Act (AGOA).

AdNA is a non-partisan network of US-based organizations and individuals with a programmatic focus on Africa and U.S-Africa Policy.¹

Ethiopia is currently not a beneficiary of AGOA. Its status was terminated by the Biden-Harris administration on January 1, 2022, on grounds that Ethiopia had “committed gross violations of internationally recognized human rights,” in noncompliance with the AGOA eligibility criteria.² Now, in June 2023, the Treasury Department has notified Congress that based on a State Department assessment, it no longer believes that the Ethiopian government is engaging in “*a pattern of gross violations of human rights*”. The issuance of this determination reportedly paves the way for the U.S Treasury Department to resume economic relations with Ethiopia, including dispatching of U.S and international economic aid. We are writing to express concerns that this determination is premature for the reasons below and urge the Implementation Subcommittee to withhold recommendation to President Biden who is authorized to reinstate Ethiopia’s AGOA eligibility in accordance with the Trade Act of 1974, if he determines that the country meets the eligibility requirements.

Section 104 of AGOA specifically provides that a country is eligible on condition that it has established or is making continual progress toward establishing, among other things, the rule of law, political pluralism,

¹ Our initiatives address issues of peace and security; human, civil, political, and women’s rights; torture; gender-based violence; public health; environmentally and economically sustainable development, poverty hunger and disease eradication; social justice, popular participation, good governance; and humanitarian or crisis relief.

² <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2022/january/us-terminates-agoa-trade-preference-program-ethiopia-mali-and-guinea>

and the right to due process. In addition, the country has not engaged in gross violations of internationally recognized human rights.

Ethiopia's loss of AGOA benefits was largely linked to human rights violations that took place during a two-year brutal war in Tigray, where all parties to the conflict, particularly the Ethiopian National Defense Forces (ENDF), Tigray People's Liberation Front (TPLF) forces, Amhara Forces, and the Eritrean Defense Forces (EDF), committed gross human rights violations. As recently as March 15, 2023, the US Secretary of State, Anthony J. Blinken determined that members of ENDF, EDF, TPLF forces and Amhara forces, had committed war crimes.³ More specifically, ENDF, EDF and Amhara forces had also committed crimes against humanity, including rape murder and other forms of sexual violence and persecution. In addition, Amhara forces had committed crimes against humanity in the deportation or forcible transfer of Tigrayans and acts of ethnic cleansing in western Tigray.

The U.S determination echoed findings of the UN Human Rights Council, International Commission of Human Rights Experts on Ethiopia (ICHREE), which additionally implicated the ENDF in the use of "starvation as a weapon of war".⁴ In its first extensive report to the Council, the experts highlighted how "extrajudicial killings, rape, sexual violence, and starvation of the civilian population had been used as a weapon of warfare since the earliest days of the conflict".

Since the signing of the Cessation of Hostilities Agreement (peace agreement) in November 2022, there is no doubt that the direct hostilities in the Tigray region have been significantly reduced. Essential services have been restored, humanitarian aid is beginning to flow, political prisoners released, and efforts have been made towards a transitional process. AdNA, however, remains deeply concerned with reports of ongoing human rights violations not only in the western Tigray region, but in other regions including Oromia and Amhara, as well as the capital Addis Ababa.

Only when Ethiopia demonstrates significant progress in meeting the program's eligibility criteria should AGOA benefits be fully restored. As shall be highlighted below, since the cessation of hostilities in the north, the Ethiopian government has not taken measurable, genuine or meaningful steps towards justice and accountability for the serious human rights violations committed. In addition, violations in Tigray, Oromia, Amhara and other regions continue to be reported.

Eritrean forces remain in the Tigray region with the knowledge of the ENDF, firmly occupying several woredas and kebeles in Tigray,⁵ despite the peace agreement stipulating the withdrawal of all foreign forces from the region.⁶ The Tigray Interim Administration in April 2023, indicated that it could not fully take over the administration of the region given the continued presence of the EDF. In May 2023, credible media reported that Eritrean forces had prevented a UN-led humanitarian mission and other non-government organizations from entering a village in Tigray.⁷ The mission further reported that "looting, destruction of infrastructure, and rapes were continuing. Eritrean forces were committing all forms of violations in the villages including denying humanitarian access to those areas".⁸

- There must be complete withdrawal of Eritrean and non-federal forces from the Tigray region. Ethiopian federal and regional authorities, and other armed forces in conflict-affected areas, should also allow unrestricted humanitarian access, unhindered by bureaucratic requirements and the harassment of aid workers.

³ <https://www.nytimes.com/2023/03/15/world/africa/blinken-abiy-ethiopia.html>

⁴ <https://www.ohchr.org/en/news/2022/09/international-commission-human-rights-experts-ethiopia-finds-reasonable-grounds>

⁵ <https://www.washingtonpost.com/world/2023/02/28/ethiopia-massacre-tigray-eritrea/>

⁶ <https://www.thereporterethiopia.com/33392/>

⁷ <https://www.cnn.com/2023/05/26/africa/eritrean-forces-un-tigray-intl/index.html>

⁸ <https://www.cnn.com/2023/05/26/africa/eritrean-forces-un-tigray-intl/index.html>

A recent June 2023, Human Rights Watch report documented the continued forcible expulsion of Tigrayans despite the November 2022 peace agreement, as part of what they deemed an ongoing ethnic cleansing campaign in Western Tigray.⁹ Thousands of Tigrayans who had been arbitrarily detained in the towns of Humera, Rawyan and Adebai, were forcibly expelled between November 2022 and January 2023, on the basis of their identity. During the Tigray conflict, Amhara security forces engaged in a campaign of ethnic cleansing against the Tigrayan population which included arbitrary detentions in deplorable conditions, torture and forced deportation. Amhara forces continue to occupy western Tigray and as recently as March 2023, at least 47,000 freshly internally displaced people (IDPs), including women and girls and children, fled to Northwestern Tigray as a result of renewed persecution and harassment of Tigrayans.¹⁰

- In order to be considered for reinstatement of AGOA benefits, the Ethiopian government should demonstrate that it has taken steps to protect Tigrayans from harassment and forced displacement. The government should investigate and then prosecute those responsible for serious violations exposed in western Tigray and other parts of Ethiopia, including acts of ethnic cleansing.
- The government should demonstrate that it has taken concrete steps to ensure the rights of those forcibly displaced, including creating an environment conducive for a safe return. Lacking this, the terms of reinstatement have not been met.

Also on June 8, 2023, the US government suspended food aid to Ethiopia after a USAID investigation uncovered a scheme involving Ethiopian federal and regional authorities, to steal donated aid.¹¹

It is not enough that the guns in Tigray have been silenced. There is reason to believe that the guns once directed toward the Tigray region have been directed to the south of the country, in Oromia where almost a complete communications blackout and travel ban have been imposed. Numerous international treaties of which Ethiopia is a party including the International Covenant on Civil and Political Rights, provide for the right to a remedy and reparations for victims of violations of international human rights law. Failure to ensure redress for victims is a violation. Given the scale and complexity of violations throughout the country, the country's legal framework and justice system are not able to fully deliver justice, truth and reparations for gross human rights violations, both past and present. Furthermore, many Ethiopians have little faith that a credible justice mechanism can be led by the same perpetrators, doubting the government's commitment to delivering justice. The Ethiopian government's efforts to prematurely end the investigation of human rights violations not only in Tigray but throughout the country through a cessation of the work of the ICHREE, (International Commission for Human Rights Experts on Ethiopia), justifies the concerns. Furthermore, the continued restrictions of access for expert members of ICHREE to Tigray, Oromia, Amhara, Addis Ababa and elsewhere to undertake their investigations, diminishes hope of genuine truth telling.¹²

- The Ethiopian government must demonstrate transparency by facilitating not only the work of the ICHREE but also other regional and international human rights investigation and monitoring bodies, allowing independent access to sites of alleged human rights violations, forcible displacements, aerial attacks on civilians and atrocities.
- Ethiopian authorities must demonstrate much greater transparency around domestic accountability processes and criminal investigations into war crimes and serious rights abuses.

⁹ <https://www.hrw.org/news/2023/06/01/ethiopia-ethnic-cleansing-persists-under-tigray-truce>

¹⁰ <https://addisstandard.com/news-at-least-47000-fresh-idps-arrive-at-endabaguna-shire-from-ten-woredas-of-disputed-western-tigray/>

¹¹ <https://www.nytimes.com/2023/06/08/world/africa/ethiopia-us-food-aid.html#:~:text=The%20United%20States%20on%20Thursday,overseen%20by%20Ethiopian%20government%20officials>

¹² <https://www.amnesty.org/en/latest/press-release/2023/03/ethiopia-governments-effort-to-end-mandate-of-un-human-rights-commission-must-be-rejected/>

In other regions in Ethiopia, the Abiy government has continued to harass and detain independent journalists.

- In February 2023, the Ethiopian authorities arrested and detained two staff members of an internet broadcaster. The arrest was in relation to their coverage of the federal government’s dispute with the Ethiopian Orthodox Tewahedo Church. While the men were not officially charged, the authorities accused them of inciting violence and sowing distrust.
- In April 2023, Ethiopian authorities arrested and arbitrarily detained at least eight journalists, two of them women¹³. Six of them were arrested in Addis Ababa, where two of them were assaulted while in detention.
- Two other journalists were arrested in the Amhara and Oromia states. Six of the journalists publish for privately owned YouTube-based outlets. These journalists similarly face allegations of incitement to violence.
- The Committee to Protect Journalists (CPJ) has extensively documented the state of freedom of expression and the media in Ethiopia, raising concern that these recent arrests in 2023, are part of “pattern of Ethiopian police abusing the judicial system to retaliate against critical journalists”.¹⁴ The CPJ called on the government of Ethiopia to ensure that journalists do not operate in an environment of fear.

The authorities have also restricted access to social media platforms. In March 2023, a statement by Amnesty International condemned the restriction for over a month of selected social media platforms such as Facebook, Tik Tok and YouTube, as a violation of citizens’ rights to freedom of expression and access to information.¹⁵

- Ethiopian authorities should refrain from the harassment and arbitrary targeting of critical journalists and media houses, and restricting access to social media. They must also investigate attacks on journalists and ensure a conducive environment for the freedom of the press and exchange of information.
- Ethiopian authorities, above all, should allow independent investigators and journalists, including international media, access to conflict-affected areas of the country and the ability to report publicly without censorship.

In January 2023, the International Federation for Human Rights reported on the arbitrary arrest and detention and judicial harassment of four senior human rights experts of the Ethiopian Human Rights Council (EHRCO).¹⁶ The EHRCO staff were arrested in Addis Ababa where they were investigating complaints from people whose homes had been demolished by the government. The government alleged they did not have permission letters from the Oromiya Regional Police to carry out the investigations. On January 11, 2023, they were denied bail. EHRCO is the same group that in April 2023 released a report in which it had documented the disappearance of at least 39 people after they had been arrested by security forces more than five years ago. The group called for the release of the named individuals whose families deserved answers.¹⁷

Reports were also received of the enforced disappearance of ethnic Amharas by government security forces.¹⁸ The Amhara Association of America (AAA) reported that over a period in February 2023, more

¹³ <https://www.womeninjournalism.org/threats-all/ethiopia-police-violently-arrest-two-amhara-women-journalists>

¹⁴ <https://cpj.org/2023/02/ethiopian-authorities-detain-2-ethio-selam-journalists-media-worker-for-coverage-of-church-rift/>

¹⁵ <https://www.amnesty.org/en/latest/news/2023/03/ethiopians-in-social-media-blackout-for-second-month/>

¹⁶ <https://www.fidh.org/en/issues/human-rights-defenders/ethiopia-arbitrary-arrest-and-detention-of-four-ehrc-members>

¹⁷ <https://www.thenewhumanitarian.org/report/43086/ethiopia-rights-group-calls-details-39-disappeared-people>

¹⁸ <https://www.amharaamerica.org/post/enforced-disappearance-of-ethnic-amharas-after-arrest-by-government-security-forces-in-addis-ababa>

than 30 ethnic Amharas had been arrested by security forces for “*traveling in groups and supporting Fano*” amongst other reasons. The individuals were not afforded their due process rights, including being held for days without being produced before a court of law, not allowed visits from lawyers or family members, were not afforded reasons for their arrest and were ferried to unknown detention centers.¹⁹

- The authorities should be required to demonstrate the end of arbitrary arrests and harassment of human rights defenders. All those arrested should be afforded their full due process rights including a fair trial or released.

Most recently, in June 2023, the media reported several casualties as a result of security forces directly firing at protesters at the Grand Anuwar Mosque in Addis Ababa. The protesters were Muslims protesting the demolition of at least 19 Mosques by the Oromia regional state in the newly established Shaggar City, formerly the Oromia Special Zone.

- This kind of incident must be independently and thoroughly investigated before Ethiopia is declared to be making significant progress regarding human rights violations.

In April 2023, scores of residents across the Amhara region of Ethiopia took to the streets following a federal government announcement of the restructure of the paramilitary forces.²⁰ The protesters objected on grounds that the planned dissolution of regional special forces would leave the respective regions exposed to attacks from neighboring regions. Amhara nationalists particularly accused the Prosperity Party government of targeting their special forces, in an effort to weaken the region which has ongoing territorial disputes with the neighboring Tigray and Oromia regions.²¹ During the several days of unrest, the Amhara region was “*off limits*” to press “*for security reasons*.”²² In May, the Ethiopian Human Rights Commission reported that civilians had been killed and injured as a result of actions by security forces and unidentified persons. The EHRC also reported that “arbitrary arrests, inappropriate treatment of people in custody, disproportionate use of force during protests [were] among the major abuses the EHRC had documented being committed in the Amhara region under the guise of ongoing law enforcement.”²³ The EHRC called on the Ethiopian authorities to resolve the dispute through dialogue and consensus. Despite the strong opposition to the Federal government’s plan, Prime Minister Abiy vowed to proceed with the plan even if “*a price had to be paid*.”²⁴

- The Ethiopian government should demonstrate specific actions which indicate 1) respect, protection of rights and promotion of peaceful assembly, 2) allow citizens to collectively express their views, even if those are contrary to the government, 3) restraint from use of excessive force against civilians and 4) holding security forces accountable for extrajudicial killings.

In various areas of the Oromia region, serious human rights violations have occurred while the region is blocked from internet and telecommunications access and barred from overland travel. The violations in

¹⁹ <https://www.amharaamerica.org/post/enforced-disappearance-of-ethnic-amharas-after-arrest-by-government-security-forces-in-addis-ababa>

²⁰ <https://www.amnesty.org/en/latest/news/2023/04/ethiopia-government-should-respect-the-right-to-peaceful-protest/>

²¹ <https://www.bbc.com/news/world-africa-65194146>. See [opias-amhara-after-days-of-protests/](https://www.africanews.com/2023/04/13/calm-returns-to-ethiopia-amhara-after-days-of-protests/)

²² <https://www.africanews.com/2023/04/13/calm-returns-to-ethiopia-amhara-after-days-of-protests/>. Five towns in the region - Gondar, Dessie, Debre Berhan, Woldiya and Kombolcha also had nighttime traffic restrictions imposed by local “command posts” suggesting that the region was under military authority.

²³ <https://addisstandard.com/news-ethiopian-rights-commission-says-concerning-human-rights-abuses-in-amhara-region-in-connection-with-ongoing-military-actions/#:~:text=Arbitrary%20arrests%2C%20inappropriate%20treatments%20of,%20ongoing%20%E2%80%9C%20law%20enforcement%E2%80%9D>

²⁴ <https://www.africanews.com/2023/04/13/calm-returns-to-ethiopia-amhara-after-days-of-protests/>

Oromia reportedly include mass killings of civilians by drone strikes since the Pretoria Agreement²⁵, targeted killings by government Regional Special Forces against revered local leaders²⁶, and mass displacements of civilians was previously reported by the Ethiopian Human Rights Commission.²⁷ On March 21, 2023 the United Nations raised concern over a fast-deteriorating situation²⁸. Other reports from Oromia – concerning widespread sexual and gender based violence (SGBV), massive displacement of civilians in Western Wollega, Qellem Wollega, Horo Guduru Wollega, Eastern Wollega and beyond accompanied by restricted access by humanitarian agencies, arbitrary detention and extrajudicial killings on an unprecedented scale and the use of famine as a weapon of war – have not been investigated and publicized due to near blackout conditions and severe restrictions as mentioned above. The population in Oromia in particular is experiencing near identical conditions as applied in Tigray from 2020 to 2022.

- Until this absolute denial of access is lifted, a curtain exists behind which no light of examination is possible. Under such harsh and widely enforced restrictions against investigation, Ethiopia cannot be assumed to be making progress regarding its abysmal human rights record.

Indeed, the Ethiopian economy has suffered from several setbacks, including the Covid-19 pandemic, drought and the conflict in the north. Restoration of its AGOA status could potentially boost the economy, complimenting the United States' long-standing support of Ethiopia as the largest bilateral humanitarian aid donor. Section 104 of AGOA however is an acknowledgement of the interrelatedness of the respect for human rights, good governance, and rule of law as key pillars for sustainable peace and development. The US government must therefore not rush to restore Ethiopia's beneficiary status in the absence of demonstrated continual progress toward respecting, protecting, and promoting human rights, establishing strong rule of law institutions, and the promotion of political pluralism.

For any questions, please email the Coordinator AdvocacyNetwork4Africa@gmail.com.

Sincerely,

Advocacy Network for Africa (AdNA)

²⁵ <https://newlinesmag.com/reportage/evidence-of-drone-strikes-against-civilian-areas-in-ethiopia/>

²⁶ <https://www.theelephant.info/features/2022/02/11/a-dagger-to-the-heart-the-killing-of-indigenous-oromo-leaders/>

²⁷ <https://www.ethiopiaobserver.com/2022/12/08/serious-human-rights-violations-in-omoria-region-ehrc-report/>

²⁸ UN Expert Discusses Human Rights Violations in Ethiopia
<https://www.youtube.com/watch?v=Mvcpk9z1380>