

issues.”<sup>39</sup> Later, China’s Foreign Ministry attempted to portray the U.S. “boycott as a ‘farce,’ saying it had received visa applications” from U.S. diplomatic “personnel for the 2022 Winter Games.”<sup>40</sup> A spokesman for the U.S. Embassy in Beijing clarified that these were “consular and security officers” who would “assist athletes and coaches,” noting that “[i]t is standard to have those personnel on the ground,” and that they “do not constitute official or diplomatic representation at the Games.”<sup>41</sup> Citing human rights concerns, numerous other countries, including Australia, Canada, Denmark, and the United Kingdom, joined the United States in instituting diplomatic boycotts.<sup>42</sup>

To date, China appears unlikely to change its approach to Xinjiang in response to U.S. pressure. Contrary to U.S. condemnations grounded in international human rights, China has repeatedly emphasized that “Xinjiang-related issues are purely China’s internal affairs,” and that it believes that “Xinjiang-related issues are not human rights issues at all, but in essence about countering violent terrorism and separatism.”<sup>43</sup>

*United States Supports International Efforts to End Conflict in Northern Ethiopia*  
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Since the outbreak of conflict in the northern Ethiopian region of Tigray in November 2020, the international community has attempted to pressure Ethiopia, Eritrea, and regional Tigrayan forces to cease hostilities. Reports of human rights abuses and war crimes by parties to the conflict have prompted international condemnation. To step up pressure on the parties, the United States in recent months announced a sanctions regime, imposed sanctions on Eritrean officials, and terminated Ethiopia’s status as a beneficiary under the African Growth and Opportunity Act (AGOA), which provides trade benefits to eligible sub-Saharan African

<sup>39</sup> Min. of For. Aff. of the People’s Republic of China Press Release, Foreign Ministry Spokesperson Zhao Lijian’s Regular Press Conference on December 7, 2021 (Dec. 7, 2021), at [https://www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/2511\\_665403/202112/t20211207\\_10463627.html](https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/202112/t20211207_10463627.html) [<https://perma.cc/2V52-J8YH>].

<sup>40</sup> Eva Dou, *U.S., China Squabble Over Whether Lower-Level Officials Attending Olympics Constitutes “Diplomatic Boycott,”* WASH. POST (Dec. 28, 2021), at <https://www.washingtonpost.com/world/2021/12/28/china-winter-olympics-2022-diplomatic-boycott/>; Min. of For. Aff. of the People’s Republic of China Press Release, Foreign Ministry Spokesperson Zhao Lijian’s Regular Press Conference on December 27, 2021 (Dec. 27, 2021), at [https://www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/2511\\_665403/202112/t20211227\\_10476037.html](https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/202112/t20211227_10476037.html) [<https://perma.cc/8S6Q-JMYF>].

<sup>41</sup> Dou, *supra* note 40.

<sup>42</sup> Reuters, *Australia Joins Diplomatic Boycott of Beijing Winter Olympics*, CNBC (Dec. 7, 2021), at <https://www.cnn.com/2021/12/08/australia-joins-diplomatic-boycott-of-beijing-winter-olympics.html>; Lisa Kim, *Denmark Latest Country to Join U.S.-Led Diplomatic Boycott of Beijing Olympics*, FORBES (Jan. 14, 2022), at <https://www.forbes.com/sites/lisakim/2022/01/14/denmark-latest-country-to-join-us-led-diplomatic-boycott-of-beijing-olympics/>; Megan Specia, *U.K. Won’t Send Top Officials to Beijing Winter Olympics*, N.Y. TIMES (Dec. 8, 2021), at <https://www.nytimes.com/2021/12/08/world/europe/uk-china-olympics-diplomatic-boycott.html>; see also John Feng, *Which Countries Are Boycotting China’s Winter Olympics? Full List*, NEWSWEEK (Dec. 8, 2021), at <https://www.newsweek.com/every-country-staging-diplomatic-boycott-chinas-winter-olympics-1657177>.

<sup>43</sup> Min. of For. Aff. of the People’s Republic of China Press Release, *supra* note 33.

countries. In late March, the Ethiopian government announced a humanitarian ceasefire to permit aid delivery into Tigray.

The election of Ethiopian Prime Minister Abiy Ahmed in 2018 “marked the beginning of a political transition” for Ethiopia, which had been governed by a “coalition of ethno-regional parties” called the Ethiopian People’s Revolutionary Democratic Front (EPRDF) since 1991.<sup>1</sup> The Tigray Peoples’ Liberation Front (TPLF) had long dominated the EPRDF, despite the fact that Tigrayans make up only seven percent of Ethiopia’s population.<sup>2</sup> Repression by the EPRDF prompted several years of protests led by Ethiopia’s “largest ethnic group, the Oromo, and by members of the second largest group, the Amhara,”<sup>3</sup> and brought Abiy, “the EPRDF’s first Oromo leader,” to power with promises of reform.<sup>4</sup> Abiy’s “government released political prisoners, removed terrorist designations on opposition groups, . . . loosened media and civil society restrictions,” and prosecuted former officials for abuses and corruption.<sup>5</sup> Abiy won the Nobel Peace Prize in 2019 for his efforts, especially his negotiation of an end to a long-running border dispute with Eritrea, which borders the Tigray region.<sup>6</sup>

There were increasing frictions, however, between Abiy and the TPLF. In 2019, Abiy “led a merger of the EPRDF’s ethno-regional parties and allied ones into a new Prosperity Party,” and “[t]he TPLF objected and refused to join.”<sup>7</sup> In 2020, Abiy’s government cited the ongoing COVID-19 pandemic to justify “postpon[ing] the general elections that were scheduled for August 2020 and extend[ing] its term—an act that the TPLF dismissed as unconstitutional,”<sup>8</sup> and “[i]n September 2020, the Tigrayans defied . . . Abiy by going ahead with regional parliamentary elections.”<sup>9</sup> Abiy “called the regional vote illegal but said the government would not respond with force.”<sup>10</sup>

The conflict erupted on November 4, 2020 when TPLF “forces attacked a federal military base in Tigray in what they called a pre-emptive strike against federal forces preparing to attack them from a neighboring region,” and Abiy then ordered military action against Tigray.<sup>11</sup> The fighting split forces along ethnic lines, and Eritrean forces intervened on the side of Abiy’s government.<sup>12</sup> Fighting continued in the subsequent months. In June 2021, Tigrayan forces retook their regional capital and pushed the central government’s forces out of

<sup>1</sup> LAUREN PLOCH BLANCHARD, CONG. RES. SERV., R46905, ETHIOPIA’S TRANSITION AND THE TIGRAY CONFLICT 1–3 (2021), at <https://crsreports.congress.gov/product/pdf/R/R46905>.

<sup>2</sup> *Id.* at 3.

<sup>3</sup> *Id.*; see also Declan Walsh & Abdi Latif Dahir, *Why Is Ethiopia at War with Itself?*, N.Y. TIMES (Jan. 12, 2022), at <https://www.nytimes.com/article/ethiopia-tigray-conflict-explained.html>.

<sup>4</sup> BLANCHARD, *supra* note 1, at 3.

<sup>5</sup> *Id.* at 3–4.

<sup>6</sup> Norwegian Nobel Comm. Press Release, The Nobel Peace Prize for 2019 (Oct. 11, 2019), at <https://www.nobelprize.org/prizes/peace/2019/press-release>. But see *Nobel Body Criticizes Ethiopian Prime Minister, a Peace Prize Winner, Over Tigray War*, NPR (Jan. 13, 2022), at <https://www.npr.org/2022/01/13/1072860337/nobel-peace-prize-ethiopian-prime-minister>.

<sup>7</sup> BLANCHARD, *supra* note 1, at 4.

<sup>8</sup> *Id.* at 5.

<sup>9</sup> Walsh & Dahir, *supra* note 3.

<sup>10</sup> Giulia Paravicini, *Ethiopia’s Tigray Holds Regional Election in Defiance of Federal Government*, REUTERS (Sept. 8, 2020), at <https://www.reuters.com/article/us-ethiopia-politics/ethiopias-tigray-holds-regional-election-in-defiance-of-federal-government-idUSKBN25Z35S>.

<sup>11</sup> Walsh & Dahir, *supra* note 3; see also BLANCHARD, *supra* note 1, at 6 (discussing the outbreak of violence).

<sup>12</sup> BLANCHARD, *supra* note 1, at 6.

Tigray.<sup>13</sup> The conflict escalated in November 2021 when Tigrayan forces marched toward the Ethiopian capital of Addis Ababa,<sup>14</sup> prompting the United States and other countries to urge their citizens to depart the country.<sup>15</sup> The U.S. State Department warned, “There are no plans to fly the U.S. military into Ethiopia to facilitate evacuations or replicate the contingency effort we recently undertook in Afghanistan, which was a unique situation for many reasons.”<sup>16</sup> In an ultimately successful effort to stop the Tigrayan force’s advance, Abiy called on civilians to take up arms, went to the front lines, and deployed armed drones reportedly acquired from the United Arab Emirates, Turkey, and Iran.<sup>17</sup> Amidst improving security conditions, on February 15, Ethiopia’s parliament voted to lift the state of emergency declared in November.<sup>18</sup>

Since the outbreak of the conflict, the international community, including the United States, has repeatedly called on the parties to cease hostilities.<sup>19</sup> The African Union (AU) has played a leading role in mediation efforts in the region, deploying AU High Representative for the Horn of Africa region and former Nigerian president Olusegun Obasanjo.<sup>20</sup> Both the United States and the United Nations have expressed support for the AU efforts.<sup>21</sup>

The need to end the conflict has become more urgent as the humanitarian situation in Ethiopia has deteriorated. In August, UN Secretary-General António Guterres reported to the Security Council that two million people had been forced from their homes, 400,000 live in famine-like conditions, 100,000 children face life-threatening malnutrition, and 5.2

<sup>13</sup> *Id.*; see also Declan Walsh, *How Local Guerilla Fighters Routed Ethiopia’s Powerful Army*, N.Y. TIMES (July 11, 2021), at <https://www.nytimes.com/2021/07/11/world/africa/tigray-guerrilla-fighters-ethiopia-army.html>; Walsh & Dahir, *supra* note 3.

<sup>14</sup> Walsh & Dahir, *supra* note 3.

<sup>15</sup> Conor Finnegan & Luis Martinez, *US, Others Warn Citizens in Ethiopia to Leave as Prime Minister Heads to Front Lines*, ABC NEWS (Nov. 24, 2021), at <https://abcnews.go.com/Politics/us-warn-citizens-ethiopia-leave-prime-minister-heads/story?id=81354078>.

<sup>16</sup> U.S. Dep’t of State Press Release, *Briefing with Senior State Department Officials on the Situation in Ethiopia and Ongoing Efforts to Encourage the Departure of U.S. Citizens* (Nov. 22, 2021), at <https://www.state.gov/briefing-with-senior-state-department-officials-on-the-situation-in-ethiopia-and-ongoing-efforts-to-encourage-the-departure-of-u-s-citizens> [<https://perma.cc/5QE5-BUNS>].

<sup>17</sup> Abdi Latif Dahir, *Ethiopia Says It Recaptured Strategic Towns From Rebels*, N.Y. TIMES (Dec. 7, 2021), at <https://www.nytimes.com/2021/12/07/world/africa/ethiopia-tigray-civil-war.html>; Declan Walsh, *Ethiopian Leader Heads to Front Line as War Threatens to Widen*, N.Y. TIMES (Nov. 25, 2021), at <https://www.nytimes.com/2021/11/25/world/africa/ethiopia-abiy-troops-battlefront.html>; Declan Walsh, *Foreign Drones Tip the Balance in Ethiopia’s Civil War*, N.Y. TIMES (Dec. 20, 2021), at <https://www.nytimes.com/2021/12/20/world/africa/drones-ethiopia-war-turkey-emirates.html>.

<sup>18</sup> *Ethiopia Parliament Votes to Lift State of Emergency Early*, AL JAZEERA (Feb. 15, 2022), at <https://www.aljazeera.com/news/2022/2/15/ethiopia-parliament-votes-to-lift-state-of-emergency>.

<sup>19</sup> See, e.g., UN Security Council Press Release, *Security Council Press Statement on Ethiopia*, UN Doc. SC/14691 (Nov. 5, 2021), at <https://www.un.org/press/en/2021/sc14691.doc.htm>; U.S. Dep’t of State Press Release, *The Urgent Need to End the Conflict in Ethiopia* (Nov. 4, 2021), at <https://www.state.gov/the-urgent-need-to-end-the-conflict-in-ethiopia> [<https://perma.cc/TSL2-NLVG>]; USAID Press Release, *U.S.-EU Joint Statement on the Humanitarian Emergency in Tigray* (June 10, 2021), at <https://www.usaid.gov/news-information/press-releases/jun-10-2021-us-eu-joint-statement-humanitarian-emergency-tigray> [<https://perma.cc/F2PA-9NYT>].

<sup>20</sup> UN Security Council Press Release, *Voicing Support for African Union’s Peace Efforts in Ethiopia, Security Council Speakers Urge Political Dialogue Between Parties to Prevent Disaster*, UN Doc. SC/14693 (Nov. 8, 2021), at <https://www.un.org/press/en/2021/sc14693.doc.htm>.

<sup>21</sup> See, e.g., *id.*; U.S. Dep’t of State Press Release, *supra* note 16.

million people in Tigray alone need humanitarian assistance.<sup>22</sup> On September 30, Ethiopia expelled seven UN officials, including representatives of the UN Children's Fund and the UN Office for the Coordination of Humanitarian Affairs, accusing them of "'meddling' in Ethiopia's internal affairs."<sup>23</sup> Guterres denounced the expulsions as "inconsistent with Ethiopia's obligation under the United Nations Charter and the fundamental principles of international civil service."<sup>24</sup>

The international community has expressed particular concern about human rights abuses committed by the parties.<sup>25</sup> Over the summer, the UN high commissioner for human rights conducted a joint investigation with the Ethiopian Human Rights Commission,<sup>26</sup> into "alleged human rights violations and abuses and violations of international humanitarian law committed by all parties to the conflict in the Tigray Region."<sup>27</sup> Their report, released on November 3, 2021, "found serious abuses and violations of human rights, humanitarian, and refugee law, committed by the [Ethiopian National Defense Force], [Eritrean Defense Force], [Tigray Special Forces] and allied militia, [Amhara Special Forces] and allied militia, as well as other affiliate[s] to various parties to the conflict," and the investigators noted that they had "reasonable grounds to believe that a number of these violations may amount to crimes against humanity and war crimes, which require further investigations to ensure accountability."<sup>28</sup> The report identified specific instances of human rights violations, including the killing of more than one hundred civilians in the town of Axum in the Tigray region

<sup>22</sup> UN Security Council Press Release, At Least 400,000 "Living in Famine-Like Conditions" in Ethiopia's Tigray Region, Secretary-General Tells Security Council, Calling for End to Hostilities, UN Doc. SC/14614 (Aug. 26, 2021), at <https://www.un.org/press/en/2021/sc14614.doc.htm>.

<sup>23</sup> Sammy Westfall, Rachel Chason & Felicia Sonmez, *Ethiopia Expels U.N. Officials Amid Signs of Famine in the Tigray Region*, WASH. POST (Oct. 1, 2021), at <https://www.washingtonpost.com/world/2021/09/30/ethiopia-tigray-united-nations-famine>.

<sup>24</sup> UN Security Council Press Release, Secretary-General Denounces Ethiopia's Expulsion of Senior United Nations Officials as Security Council Delegates Differ on Potential Response, UN Doc. SC/14657 (Oct. 6, 2021), at <https://www.un.org/press/en/2021/sc14657.doc.htm>.

<sup>25</sup> See, e.g., U.S. Dep't of State Press Release, Reports of Human Rights Abuses, Atrocities, and Destruction in Amhara and Afar Regions (Dec. 12, 2021), at <https://www.state.gov/reports-of-human-rights-abuses-atrocities-and-destruction-in-amhara-and-afar-regions> [<https://perma.cc/H66T-WT4J>]; U.S. Dep't of State Press Release, Reports of Mass Detentions, Killings, and Forced Expulsions in Western Tigray (Dec. 17, 2021) at <https://www.state.gov/reports-of-mass-detentions-killings-and-forced-expulsions-in-western-tigray> [<https://perma.cc/J3BP-5SPP>]; Joseph R. Biden, Jr., Statement on the Situation in Ethiopia, 2021 DAILY COMP. PRES. DOC. 442 (May 26, 2021).

<sup>26</sup> Some commentators have expressed concerns about the report, and specifically the involvement of the Ethiopian Human Rights Commission, which reports to the Ethiopian government. See Chidi Odinkalu, Paulos Tesfagiorgis, Alex de Waal & Delia Burns, *Neither Impartial Nor Independent: The Joint UN-EHRC Human Rights Investigation in Tigray*, WORLD PEACE FOUND. (Oct. 11, 2021), at <https://sites.tufts.edu/reinventingpeace/2021/10/11/neither-impartial-nor-independent-the-joint-un-ehrc-human-rights-investigation-in-tigray>; Mehari Taddele Maru, *There Is Need for a Truly Independent Probe into Ethiopia Abuses*, AL JAZEERA (Nov. 24, 2021), at <https://www.aljazeera.com/opinions/2021/11/24/there-is-need-for-a-truly-independent-probe-into-ethiopia-abuses>; Declan Welsh, "I Didn't Expect to Make It Back Alive": An Interview with Tigray's Leader, N.Y. TIMES (July 3, 2021), at <https://www.nytimes.com/2021/07/03/world/africa/tigray-leader-interview-ethiopia.html>.

<sup>27</sup> Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by All Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia 7 (2021), at <https://ehrc.org/download/ehrc-ohchr-joint-investigation-report-on-tigray-conflict>.

<sup>28</sup> *Id.* at 5.

by Eritrean forces on November 28, 2020, and the killing of more than two hundred ethnic Amharas by Tigrayan police and militia in the town of Maikadra on November 9, 2020.<sup>29</sup>

The United States and fifteen other countries released a statement commending the “impartial and transparent” investigation, despite “considerable challenges” the investigators faced in accessing “places, people and documentation.”<sup>30</sup> The statement warned that “the human toll of the conflict will continue to mount” and called “on all parties to immediately cease hostilities, end impunity for attacks on humanitarian personnel, and cease other actions that continue to hinder the delivery of urgent life-saving assistance to the people impacted” while also “enter[ing] into negotiations without preconditions on a durable ceasefire and commit[ting] to achieving a durable peace, underscored by justice and accountability, that will enable future efforts towards reconciliation.”<sup>31</sup>

In recent months, the United States has stepped up concrete efforts to pressure the parties to end the conflict by establishing an economic sanctions regime and suspending Ethiopia’s participation in the AGOA. Citing the International Emergency Economic Powers Act, the National Emergencies Act, and the Immigration and Nationality Act, President Joseph R. Biden Jr. issued Executive Order 14,046 in September 2021 declaring a national emergency with regard to the conflict, noting that it “threaten[s] the peace, security, and stability of Ethiopia and the greater Horn of Africa region.”<sup>32</sup> The order authorized the secretary of the treasury to impose sanctions on, among others, the governments involved in the conflict, military or security forces operating in northern Ethiopia, and persons engaged in or complicit in human rights abuses, threats to security, obstructing humanitarian assistance, or a variety of other harmful actions in northern Ethiopia.<sup>33</sup>

The White House framed the sanctions as targeting those “responsible for, or complicit in, prolonging the conflict, obstructing humanitarian access, or preventing a ceasefire,” while promising that the United States would “seek to ensure personal remittances to non-sanctioned persons, humanitarian assistance to at-risk populations, and longer-term assistance programs and commercial activities that address basic human needs continue to flow to Ethiopia and the greater Horn of Africa region through legitimate and transparent channels.”<sup>34</sup> Although the Treasury Department did not immediately impose sanctions pursuant to the order, when asked about the timing for sanctions, a senior administration official noted

<sup>29</sup> *Id.* at 2, 30.

<sup>30</sup> U.S. Dep’t of State Press Release, Joint Statement on the Release of the OHCHR-EHRC Joint Investigation (Nov. 6, 2021), at <https://www.state.gov/joint-statement-on-the-release-of-the-ohchr-ehrc-joint-investigation> [<https://perma.cc/GB7B-FR9A>].

<sup>31</sup> *Id.*

<sup>32</sup> Exec. Order No. 14,046, 86 Fed. Reg. 52,389 (Sept. 21, 2021).

<sup>33</sup> *Id.* at 52,389–90. The United States previously imposed Global Magnitsky sanctions on an Eritrean military official. U.S. Dep’t of Treasury Press Release, Treasury Sanctions Eritrean Military Leader in Connection with Serious Human Rights Abuse in Tigray (Aug. 23, 2021), at <https://home.treasury.gov/news/press-releases/jy0329> [<https://perma.cc/ATT8-RB5T>].

<sup>34</sup> White House Press Release, Fact Sheet: Biden-Harris Administration Actions in Response to Ongoing Crisis in Northern Ethiopia (Sept. 17, 2021), at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/17/fact-sheet-biden-harris-administration-actions-in-response-to-ongoing-crisis-in-northern-ethiopia> [<https://perma.cc/QA7N-CVT8>].

that “we are looking at weeks, not months,” because “[w]e don’t want to see this crisis continue to protract out even further.”<sup>35</sup>

On November 12, the Treasury Department exercised its authority under the order to sanction Eritrea’s military, the political party led by Eritrea’s president, and four other individuals and entities linked to the Eritrean president’s political party.<sup>36</sup> The Treasury Department noted that the sanctions “target[] Eritrean actors that have contributed to the crisis and conflict, which have undermined the stability and integrity of the Ethiopian state.”<sup>37</sup> Noting “diplomatic efforts by AU High Representative Olusegun Obasanjo,” the State Department “urge[d] the Government of Ethiopia and the Tigray People’s Liberation Front (TPLF) to seize the opportunity to negotiate a cessation of hostilities,” and warned that “[i]f the parties fail to make meaningful progress, the United States stands ready to pursue additional sanctions, including against the Government of Ethiopia and the TPLF.”<sup>38</sup>

Also in November, Biden notified Congress of his intent to terminate Ethiopia’s status as a beneficiary under the AGOA, effective January 1, 2022.<sup>39</sup> Enacted in 2000,<sup>40</sup> the AGOA “provides eligible sub-Saharan African countries with duty-free access to the U.S. market for over 1,800 products, in addition to the more than 5,000 products that are eligible for duty-free access under the Generalized System of Preferences program.”<sup>41</sup> To maintain eligibility for the program, “countries must establish or make continual progress toward establishing a market-based economy, the rule of law, political pluralism, and the right to due process,” as well as “eliminate barriers to U.S. trade and investment, enact policies to reduce poverty, combat corruption and protect human rights.”<sup>42</sup> The Act requires the president to monitor countries’ ongoing eligibility and, if they fail to meet the program’s requirements, to terminate their beneficiary status after providing sixty days’ notice to Congress and the affected country.<sup>43</sup> Biden notified Congress that he intended to suspend Ethiopia “for gross violations of internationally recognized human rights.”<sup>44</sup> The Office of the U.S.

<sup>35</sup> White House Press Release, Background Press Call by Senior Administration Officials on Ethiopia (Sept. 17, 2021), at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/09/17/background-press-call-by-senior-administration-officials-on-ethiopia> [<https://perma.cc/5YMM-KTKZ>].

<sup>36</sup> U.S. Dep’t of Treasury Press Release, Treasury Sanctions Four Entities and Two Individuals in Connection with the Crisis in Ethiopia (Nov. 12, 2021), at <https://home.treasury.gov/news/press-releases/jy0478> [<https://perma.cc/BCN8-TXYT>].

<sup>37</sup> *Id.*

<sup>38</sup> U.S. Dep’t of State Press Release, Imposing Sanctions in Connection with the Conflict in Ethiopia (Nov. 12, 2021), at <https://www.state.gov/imposing-sanctions-in-connection-with-the-conflict-in-ethiopia> [<https://perma.cc/697P-VUXP>].

<sup>39</sup> Joseph R. Biden, Jr., Message to the Congress on Terminating the Designation of Ethiopia, Guinea, and Mali as Beneficiary Sub-Saharan African Countries Under the African Growth and Opportunity Act, 2021 DAILY COMP. PRES. DOC. 915 (Nov. 2, 2021).

<sup>40</sup> Pub. L. No. 106-200 (2000), codified at 19 U.S.C. §§ 3701–3741.

<sup>41</sup> U.S. Off. of the Trade Rep., *African Growth and Opportunity Act (AGOA)*, at <https://ustr.gov/issue-areas/trade-development/preference-programs/african-growth-and-opportunity-act-agoa> [<https://perma.cc/D7YM-DTDS>].

<sup>42</sup> *Id.*; see also 19 U.S.C. § 3703 (providing eligibility requirements). For more details on the program see, CONG. RES. SERV., AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA) (2022), available at <https://sgp.fas.gov/crs/row/IF10149.pdf>.

<sup>43</sup> 19 U.S.C. § 2466a(3).

<sup>44</sup> Biden, *supra* note 39. Biden also indicated his intent to terminate “Guinea, for not having established, or not making continual progress toward establishing, the protection of the rule of law and of political pluralism” and “Mali, for not having established, or not making continual progress toward establishing, the protection of the rule

Trade Representative announced on January 1, 2022 that the suspension had taken effect, but noted that Ethiopia “has clear benchmarks for a pathway toward reinstatement” and pledged to “work with” the Ethiopian government “to achieve that objective.”<sup>45</sup>

Congressional reaction to Ethiopia’s termination has been mixed. House Foreign Affairs Committee Chairman Gregory W. Meeks (D-NY) supported the decision, noting that “Congress has always been clear: governments that commit gross violations of human rights, fail to make progress on reforms, and shun the rule of law should not enjoy AGOA’s benefits.”<sup>46</sup> On the other hand, Sen. Chris Van Hollen (D-MD) and Congresswoman Karen Bass (D-CA), who chair subcommittees on Africa, urged Biden to reconsider the decision, expressing concern that the termination “will be counterproductive and disproportionately harm the most vulnerable Ethiopians without contributing to the cessation of hostilities” and urging the administration to allow Ethiopia more time to return to compliance.<sup>47</sup>

Ethiopia protested the termination. The Ethiopian trade ministry said in a statement that Ethiopia was “saddened over the decision” and asserted that “Ethiopia is carrying out various initiatives aimed at bringing peace and stability, political consensus and economic development in addition to conducting reforms in line with the longstanding relationship between the two countries.”<sup>48</sup> For its part, the Ethiopian Foreign Ministry called the termination “unjustified intimidation.”<sup>49</sup>

Efforts to bring about both accountability for human rights abuses and an end to the conflict continue. On December 17, 2021, the UN Human Rights Council voted to open an independent investigation into abuses during the conflict.<sup>50</sup> On January 10, after Abiy released some political prisoners, Biden held a call with him to discuss “opportunities to advance peace and reconciliation.”<sup>51</sup> Biden “expressed concern that the ongoing hostilities,

of law, political pluralism, and internationally recognized worker rights, and for not addressing gross violations of internationally recognized human rights.” *Id.*

<sup>45</sup> U.S. Off. of the Trade Rep. Press Release, U.S. Terminates AGOA Trade Preference Program for Ethiopia, Mali and Guinea (Jan. 1, 2022), at <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2022/january/us-terminates-agoa-trade-preference-program-ethiopia-mali-and-guinea> [<https://perma.cc/D9NV-CGFW>].

<sup>46</sup> House Foreign Affs. Comm. Press Release, Meeks Issues Statement on Administrations Decision to Terminate AGOA Eligibility for Ethiopia, Guinea and Mali (Nov. 2, 2021), at <https://foreignaffairs.house.gov/press-releases?ID=ED0D2FCF-33FA-44A7-A662-5B4CE35F7743> [<https://perma.cc/9SME-DQNS>].

<sup>47</sup> Off. of Senator Van Hollen Press Release, Van Hollen, Bass Urge Administration to Reconsider Ethiopia’s Suspension from Critical AGOA Trade Program (Dec. 22, 2021), at <https://www.vanhollen.senate.gov/news/press-releases/van-hollen-bass-urge-biden-administration-to-reconsider-ethiopias-suspension-from-critical-agoa-trade-program> [<https://perma.cc/3223-QNHN>].

<sup>48</sup> *Ethiopia Unhappy as U.S. Ends its Duty-Free Access*, ASSOC. PRESS (Dec. 27, 2021), at <https://apnews.com/article/business-africa-global-trade-kenya-ethiopia-f449cd73a8da5a51ae31898a630f2501>.

<sup>49</sup> Ethiopia Min. of For. Aff. Press Release, Press Statement on the Suspension of Ethiopia from AGOA Eligibility (Nov. 3, 2021), at [https://www.facebook.com/permalink.php?story\\_fbid=5269748579719009&id=623401301020450](https://www.facebook.com/permalink.php?story_fbid=5269748579719009&id=623401301020450).

<sup>50</sup> Stephanie Nebehay & Emma Farge, *U.N. Rights Forum Agrees to Investigate Abuses in Ethiopia*, REUTERS (Dec. 18, 2021), at <https://www.reuters.com/world/africa/ethiopia-conflict-marked-by-violations-all-sides-mass-arrests-un-2021-12-17>.

<sup>51</sup> White House Press Release, Readout of President Biden’s Call with Prime Minister Abiy Ahmed of Ethiopia (Jan. 10, 2022), at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/10/readout-of-president-bidens-call-with-prime-minister-abi-ahmed-of-ethiopia> [<https://perma.cc/RQ7U-M8AX>]; see also Declan Walsh, *On Day Biden Calls Ethiopia’s Leader to Urge Peace, a Drone Strike Kills 17*, N.Y. TIMES (Jan. 11, 2022), at <https://www.nytimes.com/2022/01/11/world/africa/ethiopia-biden-abi-ahmed-tigray.html>.

including recent air strikes, continue to cause civilian casualties and suffering, and . . . reaffirmed the U.S. commitment to work alongside the African Union and regional partners to help Ethiopians peacefully resolve the conflict.”<sup>52</sup> Later the same day, media reported that drone strikes in Tigray killed nineteen people, including women and children at a flour mill.<sup>53</sup> Nonetheless, by late January, after a visit by AU High Representative Obasanjo to Addis Ababa and the Tigrayan capital, UN Secretary-General Guterres expressed optimism that “there is now a demonstrable effort to make peace.”<sup>54</sup> Guterres noted, however, that “[o]ngoing military operations in some parts of Ethiopia remain a challenge to the peace process” and that the humanitarian situation is concerning.<sup>55</sup>

On March 24, Ethiopia’s government announced a “humanitarian truce” to permit food and other aid into Tigray, and the Tigrayan government responded “that if sufficient humanitarian aid arrived to meet the needs on the ground ‘within a reasonable timeframe,’ then it, too, would be ‘committed to implementing a cessation of hostilities effective immediately.’”<sup>56</sup> The AU, UN, and United States welcomed the declarations, expressing hope that aid will quickly reach those in need and urging the parties to work toward a permanent end to the conflict.<sup>57</sup>

#### INTERNATIONAL CRIMINAL LAW

##### *The Biden Administration Cracks Down on Ransomware*

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Following several significant ransomware attacks against U.S. companies last summer, the Biden administration has acted internationally and domestically to punish the perpetrators and prevent future attacks. As part of a shift from addressing ransomware as a law

<sup>52</sup> White House Press Release, *supra* note 51.

<sup>53</sup> Walsh, *supra* note 51; *Ethiopia: 19 People Killed in Latest Drone Strikes in Tigray*, GUARDIAN (Jan. 11, 2022), at <https://www.theguardian.com/world/2022/jan/11/ethiopia-19-people-killed-in-latest-drone-strikes-in-tigray>.

<sup>54</sup> UN Press Release, Secretary-General Statement on Ethiopia (Jan. 19, 2022), at <https://www.un.org/sg/en/node/261460>; UN Chief Cites “Demonstrable Effort” at Peace in Ethiopia, ABC NEWS (Jan. 19, 2022), at <https://abcnews.go.com/International/wireStory/chief-demonstrable-effort-peace-ethiopia-82352791>.

<sup>55</sup> UN Press Release, *supra* note 54.

<sup>56</sup> Abdi Latif Dahir & Simon Marks, *Ethiopia Declares “Humanitarian Truce” in War-Ravaged Tigray Region*, N.Y. TIMES (Mar. 24, 2022), at <https://www.nytimes.com/2022/03/24/world/africa/ethiopia-tigray-conflict-truce.html>.

<sup>57</sup> African Union Press Release, AUC Chairperson Welcomes the Declaration of an Indefinite Humanitarian Truce by the Ethiopian Government in Tigray Region (Mar. 25, 2022), at <https://au.int/en/pressreleases/20220325/auc-chairperson-welcomes-declaration-indefinite-humanitarian-truce-tigray>; United Nations, Welcoming Ethiopian Government’s Declaration of Indefinite Humanitarian Truce, Secretary-General Urges All Parties to Take Steps Towards Lasting Ceasefire (Mar. 25, 2022), at <https://www.un.org/press/en/2022/sgsm21207.doc.htm>; U.S. Dep’t of State Press Release, Declaration of a Humanitarian Truce by the Government of Ethiopia (Mar. 24, 2022), at <https://www.state.gov/declaration-of-a-humanitarian-truce-by-the-government-of-ethiopia/> [<https://perma.cc/VU47-523C>]; U.S. Dep’t of State, Department Press Briefing—March 25, 2022 (Mar. 25, 2022), at <https://www.state.gov/briefings/department-press-briefing-march-25-2022/> [<https://perma.cc/3M8E-5VPB>].