

RELEASE IN PART
B5

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Monday, March 12, 2012 7:19 AM
To: H
Subject: Re: The Fayza op ed

Below is the op ed.

B5

Fayza Abounaga: Egypt's case against NGOs Washington Post Sat, Mar 10, 2012

Fayza Abounaga is Egypt's minister of planning and international cooperation.

Deep, fundamental changes are occurring in Egypt. The process begun on Jan. 25, 2011, continues. Our friends must understand that Egypt will never be the same, that this is an Egyptian revolution and that the Egyptian people will determine its outcome.

Recent strains in the U.S.- Egyptian relationship over unregistered nongovernmental organizations (NGOs) operating in this country are unfortunate. Neither country benefits from these tensions. But a necessary first step to putting these differences behind us is U.S. understanding of the Egyptian government's concerns, which are shared by the overwhelming majority of Egyptians.

The problem did not begin on Dec. 29, when 17 offices of 10 NGOs operating throughout Egypt were investigated. It started several years ago. Egyptian judicial actions were not initiated to harm relations with the United States, nor were they implemented to curtail civil society. The dispute involves a handful of NGOs that are operating here illegally. But more than 35,000 Egyptian and 83 foreign NGOs, including 23 American ones, operate in Egypt without a problem. Egyptian civil society, with 200 years of history, is flourishing. Its future will not be determined by judicial action concerning a handful of NGOs operating outside the law.

Egyptian law requires all NGOs to register before starting operations. Last year alone, 4,500 NGOs were registered. The NGOs under investigation are not registered; their activities are, therefore, illegal. Whether and when they applied for registration, or should have, does not change the fact that they were operating illegally.

Under the former regime, unregistered NGOs functioned at a minimal level and were funded directly by the State Department. The former Egyptian government attempted to deal with the issue through quiet diplomacy, with no success.

After the Egyptian revolution began last winter, the U.S. government decided that these NGOs should expand their activities. To fund this expansion, Washington chose to direct economic assistance that previously had been allocated under conditions negotiated in the 1978 bilateral agreement and in a mutually agreed-upon exchange of letters. The letters stipulated that U.S. funding should be provided only to registered NGOs after consultation with the Egyptian government. This was the established practice. But in February 2011, Washington unilaterally declared that unregistered NGOs would be funded. In the past 10 months, \$150 million that had previously been allocated to assist the Egyptian people, who are experiencing quite challenging times, was reprogrammed by Washington to these Egyptian and American NGOs. That amount is more than what was provided to NGOs over the past six years.

The Egyptian government objected to the United States ignoring the bilateral agreement that governed how to handle the disbursement of U.S. assistance. The action was particularly perplexing because U.S. officials were in the forefront of

those commending the Egyptian transitional government's determination to honor all outstanding international commitments.

All nations restrict foreign political activities and foreign funding of those activities within their borders. Some of the alleged NGO activities would violate American laws if undertaken by foreign entities in the United States. Repeated requests by the Egyptian government to the U.S. government to address the situation went unanswered. Moreover, several staff members of one unregistered NGO collectively resigned, stating on independent television that the organization was engaged "in suspicious and wrongdoing activities, discriminating against Muslims and violating other laws." These allegations are being investigated.

U.S. officials' declaration last June that Washington was providing \$40 million to the unregistered NGOs brought the issue to the attention of the Egyptian people. In July, the Egyptian cabinet instructed the minister of justice to establish a fact-finding mission on all foreign funding. Its conclusions were submitted in late September. Given the seriousness of the conclusions, the cabinet decided a judiciary investigation was required. As part of that inquiry, the investigating judge independently ordered investigators to inspect the offices of the unregistered NGOs on Dec. 29 and seize evidence. I am told that these actions are no different from those undertaken by U.S. law enforcement officials.

Neither the Supreme Council of the Armed Forces, as Egypt's acting national executive, nor the cabinet was involved in that decision. Nor should they be. Egyptians are baffled by calls urging the council to interfere in an ongoing judicial investigation. While the recent lifting of the travel ban on foreign employees of the accused foreign organizations is a judicial prerogative, limiting executive authorities is fundamental change Egyptians are trying to institutionalize.

As our parliamentary elections demonstrate, Egyptians are working hard to transform our society. They are choosing new leaders, promoting the rule of law, honoring international commitments and treating all people equally before the law. International institutions operating in Egypt must abide by Egyptian laws. When violations are committed, no one should be exempted from judicial investigation. Giving privileges to some was the way of the former regime. Egyptians now aspire to much more.

----- Original Message -----

From: H [mailto:HDR22@clintonemail.com]

Sent: Monday, March 12, 2012 07:04 AM

To: Sullivan, Jacob J

Subject: The Fayza op ed

I still haven't seen it. Can you send it to me? Also, who is doing response? And do you have a draft yet?