

ISSUE BRIEF

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Congress Must Address Saudi Human Rights Issues Without Undermining U.S. Security

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The Trump Administration and Congress remain divided over how to respond to the October 2, 2018, Riyadh-sponsored assassination of dissident Saudi journalist Jamal Khashoggi. President Donald Trump has refrained from directly criticizing Crown Prince Mohammed bin Salman, the suspected driving force behind the plot, while the Senate voted unanimously in December to rebuke the crown prince for his alleged complicity in the death. Motivated largely by outrage over Khashoggi's murder, the Senate also voted on March 13 to end U.S. military assistance to the Saudi-led coalition fighting an Iran-backed faction in Yemen, and the House will soon vote on the same measure, despite an expected presidential veto.

Conflating the Khashoggi issue with opposition to Saudi efforts to restore the internationally recognized government of Yemen risks undermining U.S. national security and regional stability. What is needed is a U.S. policy that clearly denounces the killing of dissidents and ensures that it does not happen again—without blowing up Saudi–American security cooperation.

Khashoggi's Death: Crime and Punishment

Jamal Khashoggi, a Saudi journalist critical of the Saudi government, was murdered on October 2 at the

Saudi consulate in Istanbul, Turkey, by a team dispatched by the Saudi government. After first denying culpability in Khashoggi's death, the Saudis claimed that he had been killed accidentally in a rendition that went awry, then changed the story again, claiming that the leader of the rendition team exceeded his authority when he decided to kill Khashoggi.

Although no “smoking gun” has been publicly revealed that directly links the crown prince to the killing, the CIA assessed with “medium to high confidence” that the crown prince likely ordered the operation against Khashoggi. The CIA also assessed that the prince is likely to survive the fallout and become the next king.

Although many have leapt to conclusions based on partial leaks of CIA assessments, intelligence estimates do not have the same weight as legal findings. Washington has no legal standing in the Saudi legal system to demand the prosecution or resignation of the crown prince. Moreover, King Salman, the father of the crown prince, is unlikely to sack his son.

A Saudi court began the trial of 11 suspects in the killing in January, but did not charge the crown prince. President Donald Trump, seeking to protect the broader strategic relationship with Saudi Arabia, also has refused to criticize Crown Prince Mohammed bin Salman. The Administration did impose sanctions on 17 Saudis on November 15 for their roles in the Khashoggi killing, under the Global Magnitsky Human Right Accountability Act, but it stopped short of sanctioning the prince.

Recalibrating U.S. Policy

Saudi Arabia has been a long-standing U.S. strategic partner, but the bilateral relationship has been

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troubled by clashing interests and values on several issues. For example, Riyadh for many years opposed U.S. policy on the Arab–Israeli conflict as well as on Islamic extremism, which the Saudis heavily funded before they realized they had helped to create Islamist revolutionaries that threatened the kingdom itself. Human rights always have been a source of disagreement, but Saudi Arabia has come a long way since prohibiting slavery in 1962.

Crown Prince Mohammed has publicly committed to re-orienting Saudi foreign policy, reforming its economy, and liberalizing social and religious restrictions on the Saudi public. He has called for embracing a more tolerant brand of Islam, approved closer cooperation with Israel under the table, and pushed for greater Arab efforts to fight Islamist terrorism and contain Iran. He has promoted Vision 2030, an ambitious economic reform program to modernize the Saudi economy, and pushed for social reforms, including encouraging women to enter the workforce and ending prohibitions on women driving.

Although the Khashoggi murder was indefensible, the Saudi–U.S. security relationship is a valuable instrument for protecting U.S. interests in an extremely volatile region. President Trump is right that Saudi Arabia plays a key role in helping to stabilize the region, especially in Syria and Yemen, where it is an important counterbalance to Iran. Washington has a vested interest in some of the crown prince’s reform initiatives, particularly on encouraging the emergence of a more tolerant brand of Islam, and long-overdue economic and social reforms. It does not, however, necessarily have a stake in the political survival of the crown prince, who has repeatedly demonstrated flawed judgment and a ruthless streak of rogue behavior.

The Trump Administration has prioritized U.S. national security interests over human rights considerations, arguing that Khashoggi’s death, while deplorable, should not jeopardize vital national interests in containing Iran and defeating ISIS, by derailing Saudi–U.S. cooperation. Congress has prioritized the articulation of American values over defending security interests, apparently willing to risk sustaining damaging real-world consequences for primarily symbolic votes criticizing Saudi leaders and policies. President Trump has said that he is open to congressional ideas on the issue. What is needed is a policy that balances national security interests with human rights concerns.

The U.S. cannot turn a blind eye to state-sponsored murder or allow it to pass without consequences. As a matter of principle, Washington should support free speech, a free press, and respect for the rule of law. The Trump Administration should not signal unqualified support for the crown prince. The U.S. cannot afford to embolden an impetuous leader who has reportedly violated the rule of law. This would risk making a bad situation worse.

Washington should recalibrate the bilateral relationship to ensure that Riyadh does not repeat the transgressions that led to Khashoggi’s death. To this end, the Trump Administration should:

- **Make it clear that the crown prince needs to help repair the damage he has caused to bilateral ties.** U.S. officials should press him to repudiate the repressive policies that contributed to Khashoggi’s death, including the intimidation and silencing of dissidents abroad, as well as arbitrary detention. Public rhetoric should be measured against results in terms of reducing the population of political dissidents jailed for nonviolent offenses. A good first step would be releasing jailed women reformers and social media activists, who pose little threat to the state. Until the Saudi government has made progress on these issues, the Administration should downgrade contacts with the crown prince and refrain from inviting him to visit the U.S.

Congress, for its part, should:

- **Avoid derailing Saudi–U.S. relations without providing any effective restraints on Saudi human rights abuses.** Congress should refrain from undermining U.S. national security interests by conflating the Khashoggi affair with the war in Yemen or arms sales to Saudi Arabia. Saudi insecurity was the driving force behind the Khashoggi debacle, and U.S. policies that undermine Riyadh’s sense of security risk encouraging further unilateral Saudi overreaches.

Cutting off U.S. military support for the Saudi-led coalition would not end the war, or necessarily improve the humanitarian situation, in Yemen. In fact, it could exacerbate the situation by depriving the Saudis of precision-guided weapons, increasing civilian casualties, and prolonging the fighting.

Such a one-sided policy would reward Iran, which has played a destabilizing role by transferring sophisticated arms, including ballistic missiles that the Houthis have launched against Saudi cities, airports, and other civilian targets. These are war crimes that Congress should not ignore in a rush to pillory the crown prince.

Saudi Arabia intervened in the Yemeni civil war in 2015 after Iran stepped up support for the Houthi rebels, who ousted the internationally recognized Yemeni government and violated several power-sharing agreements, for which the Houthis were condemned in the United Nations Security Council Resolution 2216. Although Congress has singled out Riyadh for blame for Yemen's humanitarian crisis, the Houthis have blocked humanitarian aid shipments, diverted food aid to feed their troops and supporters, and sold food on the black market to finance their war.

Washington has supported U.N. mediation efforts, but the Houthis continue to drag their feet on a negotiated settlement. Pulling the plug on U.S. military support to the Saudi coalition would erode the leverage needed to attain an acceptable peace agreement that limits Iran's influence in Yemen. Congress must keep this in mind when considering action on Yemen.

- **Confirm the nomination of retired General John Abizaid as the new U.S. Ambassador in Riyadh.** Abizaid, the former commander of U.S. Central Command, has extensive experience in dealing with Saudi leaders and is a respected figure who can advance U.S. interests and help guide the impetuous crown prince to adopt more prudent and lawful policies.

The Bottom Line

The U.S. cannot reverse Jamal Khashoggi's death but it can seek to prevent similar acts in the future. To encourage Riyadh to improve the Saudi human rights situation, Washington must remain effectively engaged and not torpedo the alliance. Khashoggi's murder was apparently motivated by a sense of insecurity. Congress must make sure that its response does not exacerbate that insecurity and play into the hands of U.S. adversaries, such as Iran, Russia, and China. The U.S. should try to insulate vital bilateral security cooperation from the fallout of the Khashoggi affair. The worst possible outcome would be a policy that destroys an important long-term partnership, pushes Saudi Arabia into the arms of Russia or China, and undermines U.S.-led efforts to contain Iran, defeat ISIS, and stabilize the volatile Middle East.

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