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Hearing on

***“Assessing the Human Rights Situation in Saudi Arabia”***

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Chairman Deutch, Ranking Member Wilson, and members of the Subcommittee, thank you for your attention to and interest in shaping the future of the US-Saudi relationship in a way that best conveys American outrage over human rights abuses while preserving American strategic interests.

I have worked on issues related to Saudi Arabia for over twenty-five years, beginning at an NGO, then as one of the founding staffers of the Near East South Asia Center for Strategic Studies at the National Defense University, later as a one of the small team that established the Global Engagement Center at the Department of State, and most recently as the senior director for Gulf Affairs at the National Security Council, hired by H.R. McMaster, at the time of the Jamal Khashoggi killing. I have become very attuned to the leverage the US does and does not have with Saudi Arabia in varying issue areas, as observed over now five presidents. In my current role as the director of the Scowcroft Middle East Security Initiative at the Atlantic Council, I am able to reflect on that leverage and offer thoughts on how US policy can be instrumental in changing the kingdom's behaviors with regard to human rights.

### **Assessing Success Thus Far**

The White House has taken steps of varying effectiveness in its first efforts to “recalibrate” the US relationship with Saudi Arabia.

The administration's vow to apply Magnitsky Act sanctions to employees of the kingdom who strongarm and threaten Saudi activists or opposition voices abroad is a step in the right direction. While this will not immediately reduce the crown prince's attempts to utilize his employees as such, it will give individual employees reason to weigh their interests and may dissuade action by those with bank accounts or business interests abroad.

Likewise, the travel visa ban known as the Khashoggi Ban on actors involved in surveilling or harassing journalists and dissidents abroad will reduce the usefulness to Crown Prince Mohammed bin Salman (MBS) of the seventy-six banned employees and will immediately inhibit the ability of the crown prince in the near term to threaten journalists and dissidents in the US. It also sends a message to those in the kingdom that if their children want to go to college in the US, they should not go to work for the crown prince. The downside to this ban is that human rights attorneys preparing cases against these individuals will not have a mechanism for enforcing decisions in their favor; we cannot arrest these perpetrators if they do not enter our borders.

Diplomatically, President Biden has chosen to limit MBS' access within the US government to his official role as minister of defense, communicating only with his US Department of Defense counterpart. In one of his other roles as head of Saudi Arabia's sovereign wealth fund, the White House may begrudgingly find the US government compelled to engage with the crown prince. A US regulatory filing on February 16, 2021, reported that Saudi Arabia's sovereign wealth fund increased its holding of US stocks by \$5.8 billion in the fourth quarter.<sup>1</sup> This announcement of a downgrade in access sends a further important deterrent message to Mohammed bin Salman. By not treating him as de facto head of state, the Biden administration implies that the crown prince would not be safe from prosecution in American courts.<sup>2</sup>

US pressure combined with the crown prince's desire to take very public steps to improve the kingdom's image led to reforms that allowed women to drive and travel abroad independently, to end flogging as a

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<sup>1</sup> Saeed Azhar, “Saudi sovereign wealth fund boosts U.S. equities exposure to nearly \$12.8 billion,” Reuters, February 16, 2021, <https://www.reuters.com/article/saudi-pif-stocks-int/saudi-sovereign-wealth-fund-boosts-u-s-equities-exposure-to-nearly-12-8-billion-idUSKBN2AG289>.

<sup>2</sup> Beth Van Schaack, “US Suit Against Saudi Prince for Attempted Killing of Ex-Insider Faces Hurdles,” Just Security, August 8, 2020. <https://www.justsecurity.org/71920/us-suit-against-saudi-prince-for-attempted-killing-of-ex-insider-faces-high-hurdles/>.

criminal punishment, and to end the death penalty for child offenders of some crimes. The release of Loujain al-Hathloul is another example of the positive impact of US pressure on Saudi decision-making. Pressure should remain consistent to ensure that Loujain's imprisoned peers are also released.

The US State Department has encouraged Saudi Arabia's efforts to remove hate speech from its school curriculum since 2015 when the kingdom reached out for support in doing so and prioritized it in its Vision 2030 plan. New versions were released in 2019 and, with a press from the US government for additional changes, in 2020. Even critics of the Saudi government credit the close relationship the Trump administration had with MBS with the release of this improved curriculum, now available to schools around the world, saying the pressure worked because Saudi Arabia felt the US returned the goodwill by helping to contain the Iranian regime's efforts to export its ideology.<sup>3</sup>

According to Human Rights Watch, the use of capital punishment sharply declined in 2020 to 8 percent of 2019 numbers.<sup>4</sup> It is estimated that for the same year, Iran carried out the death penalty fifteen times as often as did Saudi Arabia.<sup>5</sup> The US cannot directly claim credit for this drop in executions in Saudi Arabia, but Saudi's need to differentiate itself from Iran in ways that are meaningful to Europe may have played a role.

The United Nations (UN) documented a two-thirds reduction of child casualties in Yemen between 2017 and 2019, prompting the UN Secretary-General in June of 2020 to remove the Saudi-led coalition from his list of parties responsible for grave violations against children globally. This reduction was in great part due to the role US military members played in supporting the coalition's Joint Incident Assessment Team charged with identifying civilian gatherings and infrastructure to ensure they were not included on coalition target lists, illustrating the very tangible role the US can play in reducing human rights violations by Saudi Arabia. The recent end to this US support to the Saudi-led coalition in Yemen was successful in convincing MBS that an end to the war is in his own best interest. The US Special Envoy for Yemen stated in a public event on March 12 that the Saudis are providing "full support for my efforts."<sup>6</sup> Unfortunately, the end of that support also emboldened the Houthis, who rejected the US Envoy's proposal for a ceasefire this week and look 1) to be planning a military advance on the city of Marib in opposition to entreaties by UN Special Envoy Martin Griffiths, and 2) to block UN access to inspect the Safer tanker, a leak from which would prevent delivery of humanitarian aid to the port of Hudeidah.<sup>7</sup> According to a colleague who leads aid and relief delivery for an industry leader in the international logistics sector and major service provider to US Agency for International Development and World Food Program, should this happen, overland delivery would be difficult and dangerous due to unstable road infrastructure that does not link the ports in Aden or Salalah with the southwest of the country, so the aid community would have to recreate the entire supply chain to serve a region the size of Pennsylvania before aid delivery could be restored. The end of this support was, sadly, a pyrrhic victory.

There is one arena in which the US does not currently have sufficient leverage to effect human rights-related change in Saudi Arabia—domestic royal politics. Both the Biden administration and the Trump administration called for release of Mohammed bin Nayef, the former crown prince and one of America's strongest counterterrorism partners during his tenure, at the top of their talking points when

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<sup>3</sup> Kimberly Dozier, "Saudi Arabia Is Scrubbing Hate Speech from School Books. Why That's a Win for the Trump Administration," Time, December 15, 2020, <https://time.com/5921721/saudi-arabia-extremism-trump-administration/>; Husain Haqqani, "Iran's Revolutionary Influence In South Asia," Eurasia Review, November 18, 2020, <https://www.eurasiareview.com/18112020-irans-revolutionary-influence-in-south-asia-analysis/>.

<sup>4</sup> Human Rights Watch, "Saudi Arabia: Events of 2020," <https://www.hrw.org/world-report/2021/country-chapters/saudi-arabia>.

<sup>5</sup> Human Rights Watch, "Iran: Events of 2020," <https://www.hrw.org/world-report/2021/country-chapters/iran>.

<sup>6</sup> "A briefing on Yemen's humanitarian crisis," Atlantic Council, March 12, 2021, <https://www.atlanticcouncil.org/event/a-briefing-on-yemens-humanitarian-crisis/>.

<sup>7</sup> UN Security Council resolution 2564 (2021), S/RES/2564 (25 February 2021), [undocs.org/en/S/RES/2564\(2021\)](https://undocs.org/en/S/RES/2564(2021)).

engaging privately with Saudi leadership. Mohammed bin Salman has been unmoved. Bin Nayef poses a perceived succession threat, as do other royal family members who remain in detention, like Prince Salman bin Abdulaziz bin Salman Al Saud, on whose behalf French President Macron intervened to no avail.<sup>8</sup>

The US recently lost one point of leverage with MBS by releasing the unclassified Office of the Director of National Intelligence (ODNI) report on the murder of Jamal Khashoggi so early in the administration. The release of activist Loujain al-Hathloul was two weeks before the ODNI report was made public. It is widely believed that her release was intended to mitigate against any incriminating information in the report. Riyadh also began its compliant coordination with the US Special Envoy to Yemen during this period. It is likely that a delay in the report's release could have yielded additional concessions to US asks.

### **What is at Stake in Holding MBS Personally Accountable for Human Rights Violations?**

In the bilateral relationship the US position is stronger than the kingdom's. But the US is still wise to weigh the costs of its policy options.

Sanctioning MBS could lead to calls for sanctioning Chinese President Xi Jinping and Iranian Supreme Leader Ali Khamenei for ordering and overseeing the abuses that make China and Iran number one and number two respectively on monitoring NGO UN Watch's list of the world's worst human rights abusers in 2020, ahead of Saudi Arabia's slightly less egregious position as number five.<sup>9</sup> The Biden team would have a difficult time arguing against the equal or greater need to send signals to these leaders about US redlines with regard to human rights, but doing so could complicate the administration's strategies toward both nations.

Sanctioning the crown prince for his role in overseeing programs that violate human rights in Saudi Arabia, Yemen, and other parts of the world where alleged dissidents are harassed will not end these programs or reduce these violations. In fact, based on what we know about bin Salman's patterns of behavior and decision-making, he is more likely to react to this or other threats to his personal power by increasing programs like these in order to secure his position. Domestically, sanctioning him is unlikely to create support on the ground in the kingdom for replacing him as the heir apparent. After numerous members of Congress spoke angrily in December of 2018 about MBS's role in the Khashoggi killing, third-party pollsters in Saudi Arabia registered rising support for the crown prince amongst young adults, his "base."

The Biden administration's decision to sanction the crown prince's Rapid Intervention Force, a unit directly implicated in the Khashoggi killing, serves an additional purpose. It achieves the goal of delaying or preventing the crown prince from enhancing his international credibility by visiting the White House even in a scenario where he maneuvers himself into a role like prime minister or foreign minister. This force is his personal security guarantor, and he is not comfortable traveling without them. Forming a new body with equally trusted members would take time and effort.

US actions targeting Mohammed bin Salman personally with the implied aim of impacting his chances for ascension would be responded to on multiple fronts:

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<sup>8</sup> "Exclusive: Macron intervenes in case of detained Saudi prince," Middle East Monitor, November 12, 2018, <https://www.middleeastmonitor.com/20181112-exclusive-family-of-two-detained-saudi-princes-worried-about-their-fate-and-macron-intervenes/>.

<sup>9</sup> UN Watch, "The Top 10 Human Rights Abusers of 2020," December 30, 2020, <https://unwatch.org/the-top-10-human-rights-abusers-of-2020/>.

- It is likely that Saudi foreign direct investment in US private sector industries would be curtailed, and that pending and future arms purchases from US companies would be redirected to South Korean, British, French, or other friendly competitors, to the displeasure of the American business community. In July 2020, the United Kingdom announced sanctions on Saudi individuals linked to the Jamal Khashoggi killing but the next day resumed arms sales to the Kingdom.
- Saudi cooperation with China on the kingdom's civilian nuclear program and on a ballistic missiles program currently overseen by an entire branch of the Saudi armed services and aided by Chinese advisors in residence would likely be ramped up.<sup>10</sup>
- Saudi decisions on oil production could be made as much to impact Biden's green energy agenda or create political displeasure among his base as to support the Saudi economy. Experts have explained in previous Congressional testimony that America's energy dependence on any particular country is not measured in how much oil we import from them, but on their ability to stabilize (or destabilize) the oil market by wielding spare capacity.<sup>11</sup> Saudi Arabia has the largest spare capacity in the world. In 2011 the Obama administration appealed quietly to Saudi Arabia to use this spare capacity to stabilize the oil market so that the US could place sanctions on Iran without driving already high oil prices further up.<sup>12</sup> According to the International Energy Agency's World Energy Outlook for 2020, OPEC's share of the global oil supply market is likely to rise in coming decades, and oil will continue to dominate sectors like transportation, no matter how fast electric vehicles spread, meaning US reliance on Saudi oil for the uninterrupted functioning of modern American life is projected to be a reality through the next five to ten US administrations.<sup>13</sup>
- MBS, in his capacity as minister of defense, could accept offers from other Great Powers to train the kingdom's military forces. CENTCOM can be asked to provide details at any level of classification on how this would impact US strategic goals in the region and beyond.
- The tens of thousands of Saudi students traditionally paying full fare at small colleges across the US now struggling to recover from COVID-19 shortfalls would likely find other educational destinations.<sup>14</sup>
- US requests for Riyadh's help in stabilizing areas of Syria outside of regime control could be denied. In 2018 the Kingdom met a direct request from then Special Presidential Envoy for the Global Coalition to Counter ISIL, now President Biden's Coordinator for the Middle East at the National Security Council, for \$100 million in stabilization aid for liberated areas of Syria. Requests for coordination on Iraq or Lebanon could similarly be slow-rolled or politely denied. MBS could choose to conduct outreach to Bashar al-Assad, undermining US policy in Syria. A March 10 statement by the Saudi Foreign Ministry indicates this may be under consideration.<sup>15</sup>
- In addition, it is likely that US pressure related to the war in Yemen would be ignored. In this scenario, Saudi Arabia would pursue their objective to remove the Houthis from Yemen's capital and reinstate a government friendly to Riyadh. The conflict would continue indefinitely, resulting in countless lives lost and escalated violations of human rights by all parties. In the final analysis, this

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<sup>10</sup> Phil Mattingly, Zachary Cohen and Jeremy Herb, "Exclusive: US intel shows Saudi Arabia escalated its missile program with help from China," CNN, June 5, 2019, <https://www.cnn.com/2019/06/05/politics/us-intelligence-saudi-arabia-ballistic-missile-china/index.html>.

<sup>11</sup> "Factors that are impacting global oil prices: Written Testimony before the Committee on Energy and Natural Resources" 115<sup>th</sup> Congress (2018) (testimony of Robert McNally), <https://www.energy.senate.gov/services/files/8E497B21-BD5F-4340-990E-27B27AD2F9B4>.

<sup>12</sup> Annie Lowrey, "Obama Finds Oil in Markets Is Sufficient to Sideline Iran," New York Times, March 31, 2012, <https://www.nytimes.com/2012/03/31/business/global/obama-to-clear-way-to-expand-iranian-oil-sanctions.html>.

<sup>13</sup> "World Energy Outlook 2020," International Energy Agency, October 2020, <https://www.iea.org/reports/world-energy-outlook-2020>; Robert McNally, "Biden's decision to cancel Keystone is one the US will eventually regret," CNN, February 8, 2021, <https://www.cnn.com/2021/02/08/perspectives/keystone-cancel-biden/index.html>.

<sup>14</sup> Ibrahim Naffee, "Number of Saudi students in America up 6 percent," Arab News, January 25, 2013, <https://www.arabnews.com/number-saudi-students-america-6-percent>.

<sup>15</sup> "After Abu Dhabi, Riyadh signals intent to pursue rapprochement with Syria," The Arab Weekly, March 11, 2021, <https://theArabweekly.com/after-abu-dhabi-riyadh-signals-intent-pursue-rapprochement-syria>.

would mean that pressure to punish Mohammed bin Salman from those with the primary aim of ending human suffering in Yemen would instead result in an increase in human deaths in Yemen. The Houthis are currently incentivized to continue fighting and not to negotiate. Promises from the administration to enhance the kingdom's missile defenses will not reassure Saudi military analysts enough to mitigate the likelihood of this scenario. Patriot batteries are massively expensive compared to Houthi-deployed missiles and drones; their use in a protracted conflict is impractical and unsustainable. Cyber support from the US to disarm launch mechanisms or missile guidance systems may not be sufficiently quick-turn to win the game of "whack-a-mole" against the near-daily attacks.

While focusing retribution for human rights abuses on one man at the top could predictably result in retaliation against US interests, adopting a "tough love" approach has the potential not only to protect but to advance US interests. Boiling it down to the simplest terms, Saudi Arabia is important for two reasons. First, it is not going anywhere. Saudi Arabia will remain a large and powerful country in a volatile region with a penchant for exporting its problems to US shores, and Riyadh will use this weight and power in alignment with or opposition to US interests. Two, Saudi Arabia is sitting on trillions of dollars that will be put to use around the region and the world also either in alignment with or in opposition to US interests. Due to its weight and resources, Saudi Arabia's impact and influence will not be neutral. The US can shape it or react to it.

## US Options

The US objective is to (create leverage with which to) change Saudi human rights practices while also advancing US interests. When considering the spate of options, the administration may opt to choose those that mitigate the negative impact on long-term US interests.

It is important to understand that at the root of human rights abuses perpetrated by Saudi Arabia are issues perceived as existential by the increasingly narrow circle of decisionmakers in the royal family. Whether this perception is accurate or not, if Riyadh's calculus indicates that a US ask will cause regime vulnerability, it will not be met.

A Congressional Research Service report on Saudi Arabia published in February 2020 offered the following:

*Given the kingdom's global influence and the prominence and depth of US-Saudi security ties, the success or failure of the kingdom's domestic transformation initiatives and the future of its foreign and defense policies may have significant consequences for bilateral relations and international security for years to come.<sup>16</sup>*

The same report is frank that "there is little evidence that US pressure has fundamentally altered core Saudi domestic or foreign policy approaches." New methods are necessary.

## Two overarching factors would increase the odds of any US policy actuating change in Saudi Arabia.

1. **Clearly defined lines and the consequences for violating them.** These could be communicated publicly or privately. This US administration bears the baggage of the Obama red line on the use of chemical weapons in Syria in 2012-13. Actionable tiers of red lines with proportional

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<sup>16</sup> Christopher M. Blanchard, "Saudi Arabia: Background and U.S. Relations," Congressional Research Service, updated February 18, 2020, <https://fas.org/sgp/crs/mideast/RL33533.pdf>.

responses, reiterated with regularity in official engagements, would reduce the likelihood of the Kingdom calling the US' bluff.

2. **An internationalized response.** Citizens of multiple nations are victims of human rights abuses at the hands of Saudi actors. There is no need for the US bilateral relationship to be the sacrificial lamb. Right now, for example, if the US ends arms sales to Saudi Arabia, the defense sectors of other countries benefit. For consideration: an international convention against harassment and harm of political dissidents abroad that commits all signatories to enact sanctions or take other steps together against violators.

The first and most immediately implementable options for creating new and positive political pressure on Saudi Arabia to atone for its human rights record and improve its record going forward are diplomatic. The Biden administration could press for a number of initiatives in the kingdom. For example, the inclusion of a freedom of expression plank within the "Quality of Life" Vision Realization Program in the Vision 2030 plan; the release of political prisoners to build on the international goodwill that was won by releasing Loujain al-Hathloul; the passing of a press freedoms law; and the continuation or acceleration of reforms already begun to improve the rights of women and codify laws to protect vulnerable parts of the population.<sup>17</sup> Per the discussion of an internationalized response above, each of these efforts would be made more effective if the ask is made simultaneously by European and Asian partners and supported by regional partners.

Outside the kingdom, the US could exert impactful diplomatic pressure on foreign governments facing extradition requests from Saudi Arabia to deny those requests. These extradition requests are made in the context of the Arab League's "Riyadh Arab Agreement for Judicial Cooperation," dating back forty years. This week Morocco sent a Saudi-Australian citizen to Riyadh in response to such a request.<sup>18</sup> No doubt pressure from Riyadh played a role in the speed with which the Moroccan court processed this transfer request. Countervailing pressure from the US in such cases could prevent situations where extradited individuals may face torture.

In Yemen, donor countries have fallen short of the funding level required to provide humanitarian assistance to the full population needing it. An Oxfam report in October of 2020 calculated the percentage of donations to the Yemen Humanitarian Plan that each donor country should make in relation to its GDP. Saudi Arabia has donated 80% of its share according to this report. The US administration could strongly suggest that Riyadh contribute the remaining 20%. It should be noted, however, that the same report states that the US has donated only 39% of its share in relation to GDP.

In addition to conveying expectations that Riyadh will support US efforts to reenter a nuclear deal with Iran, the US could propose a pact of mutual non-aggression between the kingdom and Iran. Any decrease in tensions between these two neighbors makes the tens of thousands of US citizens living in Saudi Arabia safer. And as Iran and Saudi Arabia are two of the more serious human rights abusers globally, the US and Europe could push for language on prisoner exchange to be included in this pact.

Several options for US action reside in the military-to-military relationship. Saudi Arabia funds much of the US assistance, but the US holds the cards in this relationship as the provider of technical expertise, both human and machine. Plans for a drawdown from Saudi Arabia are already underway. It would be

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<sup>17</sup> Marwa Rashad, "Saudi Arabia announces new judicial reforms in a move towards codified law," Reuters, February 8, 2021, <https://www.reuters.com/article/saudi-judiciary-int/saudi-arabia-announces-new-judicial-reforms-in-a-move-towards-codified-law-idUSKBN2A82EK>.

<sup>18</sup> Amy Remeikis, "Australian extradited to Saudi Arabia faces 'credible risk' of torture," The Guardian, March 14, 2021, <https://www.theguardian.com/australia-news/2021/mar/14/australian-extradited-to-saudi-arabia-faces-credible-risk-of-torture>.

worth consulting CENTCOM on whether the timing is wise, in light of the uptick in Houthi aggression and attacks of unconfirmed origin; attack incidents rose by 100 percent between January and February of this year. This risks drawing more kinetic action by Iran and feeding perceptions in the region that the US should not be the partner of choice among Great Powers. But it would make a statement about the cost for repeated human rights abuses and would not require drafting new policy, but simply going forward with plans that are already in process.

Similarly, the administration could place demands related to military transformation on the Saudi Ministry of Defense specifically, which is headed by Crown Prince Mohammed bin Salman in his role as minister of defense. A plan exists now to greatly increase the level of US advisement inside the Saudi Ministry of Defense, as part of a long-term military transformation program overseen by the United States Military Training Mission (USMTM) in Saudi Arabia, the hub for US defense cooperation with the kingdom for almost seventy years. President Biden could make this embedding of advisors a requirement and ask that it be implemented immediately due to a need to have US eyes on decisions made by the crown prince. Since taking on the role of minister of defense, MBS issued written direction to his military leadership for creating a unified command structure for the military and for making the kingdom a partial producer of military equipment, instead of solely a consumer, by inking technology transfer deals as part of arms sales. In support of that goal, USMTM oversees a robust 300+ point plan for military modernization in the Kingdom to be implemented by US defense firms. The Biden administration could mandate that courses on civilian protection be beefed up, made more prominent, or added to all training curriculums the US military delivers to Saudi trainees.

Sharing of US intelligence with branches of Saudi security services implicated in human rights abuse cases could be ended. This would preserve intelligence-sharing arrangements with key interlocutor services. The sharing of US intelligence is highly valued in the Kingdom. A service without a sharing arrangement would be automatically downgraded in terms of its importance and operational capacity. One step beyond this, the US could downgrade intelligence sharing if the administration's request for the release from house arrest of Mohammed bin Nayef is not met.

When considering legislation to limit arms and equipment transfers to internal security services or law enforcement agencies in the kingdom, it is suggested that these organizations be reviewed by the US intelligence community to ensure that the appropriate units are identified. To the extent of my knowledge, neither the State Security Presidency, the General Intelligence Presidency, nor the military proper or National Guard directed the Jamal Khashoggi killing. This could be easily verified by a classified briefing for members from the CIA or DNI. It would not be in the US' interest to target these services when the partnership is productive simply because they are visible. In addition, the Saudi Ministry of Interior Military Assistance Group (MOI-MAG) program is heralded as a model for other nations to imitate.<sup>19</sup> Damaging this program would be to the detriment of US goals in the region related to building partner capacity for securing their own homelands.

Another option tied to the MOI is to embed American advisors within the ministry to advise on drafting laws to protect minorities including women, ethnicities, and religions. The Office of Program Management-Ministry of Interior (OPM-MOI) embeds US advisors into Saudi offices overseeing critical infrastructure protection and public security. The mandates of OPM-MOI and OPM-MAG could be expanded to include a line of effort related to civilian protection.

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<sup>19</sup> Tom Warrick and Joze Pelayo, "Improving counterterrorism and law enforcement cooperation between the United States and the Arab Gulf States," Atlantic Council, October 20, 2020, <https://www.atlanticcouncil.org/in-depth-research-reports/improving-counterterrorism-and-law-enforcement-cooperation-between-the-united-states-and-the-arab-gulf-states/>.



In the economic lane, businesses owned by MBS or others implicated in human rights abuses could be sanctioned. This is a less drastic action than sanctioning the crown prince himself but is not toothless. In his role as head of the Public Investment Fund (PIF), Mohammed bin Salman oversees companies including one that provided the planes used to transport Khashoggi's killers in and out of Turkey.<sup>20</sup> This option could incur blowback domestically from US companies where the PIF has made investments.<sup>21</sup> These include a \$20 billion joint investment fund with Blackstone as well as investments with Uber, Facebook, Citigroup, Live Nation Entertainment, and Walt Disney.<sup>22</sup>

Apart from actions pertaining to the bilateral relationship, the US could aim for change in the Saudi decision-making structure by impacting the members of the decision-making inner circle. Individuals and organizations named in 2018 as parties to the Khashoggi murder were sanctioned immediately. Prominent among them is Saud al-Qahtani, Oddjob to Mohammed bin Salman's Goldfinger.<sup>23</sup> In response to US pressure, al-Qahtani was removed from his place at the elbow of the crown prince, where he provided other questionable, and likely criminal, services like overseeing the torture of political prisoners, extortion from royals imprisoned at the Ritz, and hacking operations against Qatar and at least one US CEO.<sup>24</sup> Al-Qahtani has since resurfaced and continues to be a key player in the technologies and programs that make the crown prince feel personally secure.<sup>25</sup> The survivors and victims of al-Qahtani's abuses may bring suit against him in US courts for human rights violations and atrocity crimes under laws with an extraterritorial application, and criminal prosecutions can also be pursued in national systems if jurisdiction and other requirements are met.<sup>26</sup> The US administration could encourage these victims to come forward. Further, President Biden could make it clear that any organization to which al-Qahtani is assigned will be sanctioned.

In order to improve high-level decision-making in Riyadh and reduce the potential for ill-qualified advisors like al-Qahtani to emerge, the Biden team could offer assistance to the kingdom's flailing National Security Agency, their equivalent to the National Security Council at the White House. This organization was established with the intent to coordinate policy among ministries and vet national security proposals before they reach the crown prince. Due to stove piping, under-manning, and personality politics, the sincere efforts of this office have amounted to little. With some handholding, this organization could serve the important function of ensuring that Saudi policy decisions are systematically reviewed for human rights impact.

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<sup>20</sup> Eli Clifton, "Court docs reveal Saudi wealth fund courted by Hollywood and Wall Street owned planes used in Jamal Khashoggi's killing," Business Insider, March 3, 2021, <https://www.businessinsider.com/saudi-arabia-wealth-fund-owned-planes-jamal-khashoggi-killing-2021-3>.

<sup>21</sup> Azhar, "Saudi sovereign wealth fund boosts U.S. equities exposure to nearly \$12.8 billion."

<sup>22</sup> Gillian Tan, "How Blackstone Landed \$20 Billion From Saudis for New Fund," Bloomberg, October 21, 2018, <https://www.bloomberg.com/news/articles/2018-10-22/how-blackstone-landed-20-billion-from-saudis-for-infrastructure>; Andrew England and Arash Massoudi, "'Never waste a crisis': inside Saudi Arabia's shopping spree," Financial Times, May 25, 2020, <https://www.ft.com/content/af2deefd-2234-4e54-a08a-8dbb205f5378>.

<sup>23</sup> Kirsten Fontenrose, "Saudi failure to convict Saud al-Qahtani is glaring," Atlantic Council, December 24, 2019, <https://www.atlanticcouncil.org/blogs/new-atlanticist/saudi-failure-to-convict-saud-al-qahtani-is-glaring/>.

<sup>24</sup> Ben Hubbard, "The Rise and Fall of M.B.S.'s Digital Henchman," New York Times, March 13, 2020, <https://www.nytimes.com/2020/03/13/sunday-review/mbs-hacking.html>; Marc Fisher, "U.N. report: Saudi crown prince was involved in alleged hacking of Bezos phone," Washington Post, January 22, 2020, [https://www.washingtonpost.com/politics/un-ties-alleged-phone-hacking-to-posts-coverage-of-saudi-arabia/2020/01/22/a0bc63ba-3d1f-11ea-b90d-5652806c3b3a\\_story.html](https://www.washingtonpost.com/politics/un-ties-alleged-phone-hacking-to-posts-coverage-of-saudi-arabia/2020/01/22/a0bc63ba-3d1f-11ea-b90d-5652806c3b3a_story.html).

<sup>25</sup> Middle East Eye, "Qahtani comeback? Saudi official circulates song praising Khashoggi suspect," February 21, 2020, <https://www.middleeasteye.net/news/qahtani-comeback-song-praising-saudi-official-circulated-sign-rehabilitation>.

<sup>26</sup> "Strategic litigation project," Atlantic Council, <https://www.atlanticcouncil.org/programs/middle-east-programs/scowcroft-middle-east-security-initiative/strategic-litigation-project/>.

The US could also work with Saudi Arabia on digitization of services in a way that respects or even advances human rights. The creation of Absher, an app that digitized the guardianship system, took digitization in the wrong direction.<sup>27</sup> US guidance on the use of technology and “using data for good” could redirect these efforts toward those that serve civil liberties.<sup>28</sup>

NOPEC legislation is a blunt tool that appears at first to create useful leverage but proves upon further examination to create disproportionate risk for US interests.<sup>29</sup> Pursuing OPEC producers under the Sherman Anti-Trust Act would likely result in these producers cutting off sales to the US of the oil that still underpins our economy. NOPEC is not a precision tool and would target twenty-one nations beyond Saudi Arabia, creating diplomatic troubles. Without OPEC limits in place, their nearly ten million barrels per day of excess production would enter the market, dropping oil prices through the floor and disincentivizing a move to electric vehicles.

## Conclusion

The kingdom is a linchpin for US strategies that span the spectrum of US regional objectives: drawing down our military footprint, expanding and deepening Arab-Israeli normalization; preventing the resurgence and spread of violent extremist groups; ending the war in Yemen; containing Iranian nuclear and regional ambitions; preventing adversarial Great Power domination of the resources and waterways of the region; ensuring the flow of energy to fuel American lives and industry; and stabilizing post-conflict zones so populations in countries wracked by war can begin to rebuild their lives.

US goals in the Middle East are best served by remaining closely engaged from leadership to action officer levels with the government of Saudi Arabia, adopting an approach that is part boot camp instructor, part parole officer, part avuncular advisor.

Demographic and economic trends indicate that Saudi Arabia will look very different in ten to twenty years.<sup>30</sup> That could allow for a new political model. While MBS is in a mode of consolidated authoritarianism at the moment, one author of a respected report assessing the Vision 2030 plan suggested in an interview conducted for this testimony that “perhaps there is an alternative future of greater citizen representation in order to win political stability.”<sup>31</sup> An alienated Saudi Arabia will not get there by itself. It is in the US interest to shepherd that potential and build a better partner.

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<sup>27</sup> Human Rights Watch, “Saudi Arabia’s Absher App: Controlling Women’s Travel While Offering Government Services,” May 6, 2019, <https://www.hrw.org/news/2019/05/06/saudi-arabias-absher-app-controlling-womens-travel-while-offering-government>.

<sup>28</sup> “Practical steps towards data for good in 2021,” Atlantic Council, December 9, 2020, <https://www.atlanticcouncil.org/event/practical-steps-towards-data-for-good-in-2021/>.

<sup>29</sup> Phillip Brown, “No Oil Producing and Exporting Cartels (NOPEC) Act of 2018,” Congressional Research Service, November 7, 2018, <https://fas.org/sgp/crs/misc/IF11019.pdf>.

<sup>30</sup> Karen Young, “Economic diversification in Saudi Arabia in the wake of COVID-19,” Report MED2020: Navigating the Pandemic, Italian Institute for International Political Studies, November 24, 2020, <https://www.aei.org/articles/economic-diversification-in-saudi-arabia-in-the-wake-of-covid-19/>.

<sup>31</sup> Stephen Grand and Katherine Wolff, “Assessing Saudi Vision 2030: A 2020 Review,” Atlantic Council, June 17, 2020, <https://www.atlanticcouncil.org/in-depth-research-reports/report/assessing-saudi-vision-2030-a-2020-review/>.