

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Briefing
on
Bahrain: 2018 Elections

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Since this commission's last briefing on Bahrain in February, the U.S. administration has continued its warm embrace of the Government of Bahrain with nearly \$1 billion in additional arms deals, further emboldening the regime to continue its repression of free speech and free association, particularly against members of the country's Shia community and others who criticize the government. With the elections scheduled for this fall fast approaching, Congress should use its leverage, where the administration has not, to push back against the Government of Bahrain's crackdown and try to salvage these elections. That is no easy task, as the Government of Bahrain has banned nearly every opposition party and arrested their leadership on spurious charges. It was a welcome sign that Al-Wefaq's leader Sheikh Ali Salman was acquitted on one of his many charges last month, but absent additional steps to open up public space and political competition, the election will fall far short of free and fair, nor even as a credible or meaningful political event.

It has been particularly disappointing to see the administration drop the hold on a multibillion-dollar sale of F-16s that had been in place since 2016 due to human rights concerns, without any real progress having

taken place. In addition to the notification to Congress of the potential sales of 19 F-16s, fast patrol boats, and other equipment valued at \$4 billion last September, in the past three months the State Department has notified Congress of an additional two major sales worth nearly \$1 billion in missiles and attack helicopters. Nearly \$5 billion in arms sales in less than a year is a staggering amount of equipment for a small country struggling with debt, which had purchased a combined \$2 billion in American equipment over the 16 years of the Bush and Obama administrations.

The White House appears to view Bahrain almost entirely through the prism of Iranian regional encroachment and the preservation of U.S. defense capabilities. By enabling the Government of Bahrain to escalate its repression, this approach undermines the very security interests - countering Iran and support for the U.S. military - that the administration has prioritized.

The administration has legitimate concerns about Iran's role in the region, including in Bahrain. And the naval base in Manama, where \$430 million is requested for FY19 U.S. personnel and operations costs, serves an important function. These concerns should and must be addressed. But by enabling the Government of Bahrain's repression of its own people, it creates openings for Iran and increases the risk of violent clashes endangering the U.S. base and its 8,500 personnel. This policy engenders a self-fulfilling prophecy that in fact threatens U.S. interests.

The role of Congress on Bahrain has only become more important, given the diminished interest in issues of domestic repression and human rights abuses by the executive branch. Over the years, Congress has often taken a strong and important stance in support of the rights of Bahraini citizens, but more sustained pressure is sorely needed.

Congress can most effectively promote U.S. interests by increasing the costs for the Bahraini government to continue on its current path, exercising oversight to prevent the United States from becoming implicated in human rights violations, and ensuring that the United States is not helping to perpetuate discriminatory practices against the Shia majority population.

Some Members of Congress have opposed placing human rights restrictions on arms sales to Bahrain, but the Arms Export Control Act, Section 502(b) directly states that no sales can be provided to countries that “engage in a consistent pattern of gross violations of internationally recognized human rights,” and the Government of Bahrain has sadly engaged in exactly such a pattern since 2011. Furthermore, some Members of Congress do appear increasingly willing to use the withholding of arms sales as leverage. Last year, a bipartisan Senate resolution to block a sale to Saudi Arabia of precision-guided missiles in response to human rights concerns in relation to its bombings in Yemen failed to pass by only 3 votes. In addition, Senator Corker placed a hold on sales to the Gulf Cooperation Council countries over its dispute with fellow member-Qatar, and Senator Menendez just came out opposing a future sale to Saudi Arabia and the United Arab Emirates, again over concerns with their execution of the war in Yemen.

Congress is speaking up and pushing back on the administration’s foreign policy. There is no reason this should be different with Bahrain, given the magnitude of the human rights violations taking place in the country, and the consequences of those violations for U.S. interests at stake there.

Recommendations

Congress can play a constructive role in reshaping U.S. foreign policy toward Bahrain by taking the following steps:

1. The leadership of the Senate Foreign Relations Committee or House Foreign Affairs Committee should place a hold on all deliveries of the recent arms sales, conditioning their release upon concrete steps taken towards opening the political environment, for example:
 - a. the reinstatement of all banned political societies;
 - b. the release from prison of the leadership of those societies;
 - c. the reinstatement of what was the last remaining independent newspaper, *Al Wasat*, shut down in June 2017
 - d. the positive evaluation by independent observers that the upcoming election is free and fair
2. Freeze all military aid, including any remaining tranche of the \$29 million allocated through Section 2282 and notified to Congress in June 2016
3. Members of Congress should urge the U.S. administration to call publicly for the release of political prisoners before the election as a gesture of goodwill
4. Members of Congress should use their positions to both privately and publicly urge Government of Bahrain officials to re-engage with the opposition to find a way forward to resolve the country's political crisis and to respect the rights of all Bahraini citizens

After the election if the political environment does not improve, Congress should:

5. Include in the FY2020 National Defense Authorization Act and State and Foreign Operations bill language conditioning the provision of security assistance to Bahrain on the Secretary of

State's certification that the steps outlined above have been fulfilled.

6. Include language in the FY2020 State and Foreign Operations bill requiring the Department of State to issue a public report on Embassy Manama's plans to address the GAO recommendations for Leahy vetting recipients of U.S. equipment; particularly amid growing concerns that the Bahrain Defense Forces are involved in gross human rights violations.
7. Urge the administration to use the authority provided the Global Magnitsky Act to sanction Bahraini officials and security force members credibly linked to human rights violations; personal consequences, particularly to a family-run regime, send a critical message and make abuses less likely.

By taking these steps, Congress will send a strong message to the Government of Bahrain and to the U.S. administration alike, that U.S. national security interests require Bahrain's citizens to be able to freely associate and voice dissent peacefully without fear. Moreover, such steps could help push the country in the direction of a desperately needed process of reconciliation, a prerequisite to the reforms needed to allow the Bahraini people to meet their democratic aspirations by establishing a representative and accountable government.