

THE JEREMY SCAHILL YEMEN EXECUTIVE ORDER

For the record, I don't think the Obama Administration would be so brazen as to freeze Jeremy Scahill's assets because he reported critically on Obama's Yemen policy. But the Executive Order they're rolling out today is reportedly written so broadly so as to make something like that possible.

The unusual order, which administration officials said also targets U.S. citizens who engage in activity deemed to threaten Yemen's security or political stability, is the first issued for Yemen that does not directly relate to counterterrorism.

Unlike similar measures authorizing terrorist designations and sanctions, the new order does not include a list of names or organizations already determined to be in violation. Instead, one official said, it is designed as a "deterrent" to "make clear to those who are even thinking of spoiling the transition" to think again.

[snip]

The order provides criteria to take action against people who the Treasury secretary, in consultation with the secretary of state, determines have "engaged in acts that directly or indirectly threaten the peace, security or stability of Yemen, such as acts that obstruct the implementation of the Nov. 23, 2011, agreement between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power . . . or that obstruct the political process in Yemen."

It covers those who “have materially assisted, sponsored or provided financial, material or technological support” for the acts described or any person whose property has already been blocked, as well as those who have acted on behalf of such people.

The explanation this anonymous official seems to have given Karen DeYoung is that the order is a way to make sure Ali Abdullah Saleh’s family butts out of affairs in Yemen (which would work, given that he presumably does have significant assets in the US). Using Saleh’s wealth as a way to try to keep him out of Yemeni politics is a nice idea (though the agreement itself could have done more to enforce this).

But Saleh’s not a US citizen. So why explicitly include US citizens in the order?

Moreover, since the language borrows material support language from terrorist sanctions, and since terrorist material support extends to First Amendment protected activities (as Tarek Mehanna knows well), and since Obama has already made sure a journalist remains jailed in Yemen, then what protection is there for people who say that using signature strikes in Yemen is boneheaded, or suggesting that investing all our energies in Saleh’s Vice President doesn’t really constitute a meaningful solution in Yemen?

And to make things worse, the anonymous official tries to tell DeYoung that this sanction is not the first of its kind. It was used twice before: in 2006 in Cote d’Ivoire and in 2009 in Somalia. That is, precisely this kind of sanction has been used twice—and has twice failed to do anything to bring about meaningful stability.

But the single most troubling aspect of this EO is that is guaranteed to be selectively enforced. After all, the Saudis aren’t exactly great friends of “political processes” anywhere, particularly in their backyard, and surely

they're waiting to bomb more Houthis. Yet what are the chances that any Administration would freeze the very significant assets of Saudi citizens in the US—even those operating outside official channels?

Update: I haven't found the EO yet, but Jay Carney's statement on it emphasizes our cooperation with the GCC, which I guess is yet another guarantee the Saudis will never be sanctioned for intervening in Yemen in unproductive ways.

Today, President Obama signed an Executive Order authorizing sanctions to be imposed on individuals and entities who threaten the peace, security, and stability of Yemen by disrupting the political transition. This Executive Order will allow the United States to take action against those who seek to undermine Yemen's transition and the Yemeni peoples' clear desire for change. The President took this step because he believes that the legitimate aspirations of the Yemeni people, along with the urgent humanitarian and security challenges, cannot be addressed if political progress stalls.

Yemen's transition represents an important step forward for the Yemeni people, who deserve the opportunity to determine their future. The United States strongly supports Yemen's political transition and will continue to work with our international partners, including the Gulf Cooperation Council, to help Yemen chart a more secure, democratic, and prosperous path forward.

Update: Here's the Executive Order—reading it now.