



On Serving Members In Embargoed Countries

In January of 2002, the IEEE took action to fulfill the U.S. Treasury Department trade regulations administered by the Office of Foreign Assets Control (OFAC). The IEEE informed members residing in several sanctioned countries that they were not able to take advantage of member benefits and services except for print subscriptions to IEEE publications. The IEEE has received numerous inquiries from members and others on this issue. In response, 2003 President Michael Adler offers the following open letter.

Colleagues,

I am writing this open letter to help IEEE members and our other colleagues around the world understand the IEEE position regarding the U.S. Department of Treasury's restrictions on serving members in embargoed countries and how the IEEE Board of Directors is dealing with this sensitive matter.

This situation is now entering its third year. Stated concerns include criticism of the IEEE's handling of this issue, including the suggestion that the IEEE's actions have been arbitrary and in conflict with the IEEE Code of Ethics. For those of you who are directly impacted because you live in the embargoed countries, we understand that you are angry. For those members who have taken the time to share their views, we appreciate your concern.

We do not like this situation either. The IEEE has been in contact with OFAC to resolve these difficulties. Until now, we have made few public statements on this matter. But given the slow pace of progress, it is now more important than ever for the IEEE to speak out publicly on our position. This message is a start.

The IEEE believes in a world of unfettered exchange of scientific and technical information for educational and research purposes. Last February the IEEE Board of Directors voted to reaffirm its belief that no government should restrict the right of scientists, engineers, or academicians to exchange ideas and participate in scholarly activities on a global basis.

In an effort to uphold our beliefs, the IEEE is investing considerable resources in aggressively trying to overcome the obstacles created by the OFAC regulations. In September 2002, we met with OFAC to discuss our concerns about the OFAC regulations and their impact on the IEEE. In December, the IEEE took the necessary steps to clarify the OFAC guidelines concerning our publishing activities. We stated the reasons that the IEEE firmly believes that the peer review and editing of technical journal articles should be permissible under the current regulations. We have asked that they agree with our interpreta-

tion outright, or at least issue us a license to permit these activities as an exception. While we are optimistic that OFAC will see the logic of our argument, they have not responded as of my writing of this letter, even though they have had more than nine months to consider our petition. It is important to note that our publishing activities are only one of several issues that the IEEE must address as we pursue resolution of this OFAC situation. The slow pace of the government's response is very frustrating, but unfortunately beyond our control.

While the IEEE works to uphold its beliefs, we must also do what is necessary to protect the organization and its volunteers. OFAC regulations clearly state that violations can result in fines and other civil and criminal sanctions for the individuals involved and the officers of the sponsoring organization. The determination of OFAC to enforce its rules has been demonstrated on numerous occasions, with fines being assessed to both corporations and individuals. The IEEE must adhere to our obligation to abide by the laws of all the countries in which it does business. To that end, one thing is clear: the IEEE will continue to comply with U.S. laws. Our failure to do so would place the IEEE at risk and would subject the organization to penalties from the U.S. government that could dramatically affect our ability to service our members worldwide.

The IEEE will see this difficult issue through, no matter how long it takes. In addition to current efforts, it may also be necessary to assemble a coalition of other professional organizations and interested parties to work and discuss these issues with the U.S. government in order to make changes to the OFAC regulations. The IEEE Board of Directors will consider this and other approaches in its ongoing deliberations about how best to resolve the current situation.

I am asking IEEE members, as well as our other colleagues, to support the IEEE as we work to preserve the rights of its members and of the scientific and technical community worldwide to engage in open scholarly research and communications. It is only through our collective efforts that we will be able to effect the necessary changes that will allow the IEEE to provide all our services to those currently in the embargoed countries.

Sincerely,

Michael S. Adler
2003 President