

Sanctions on scientific publication

Does publication of scientific papers amount to giving aid and comfort to the enemy? In some cases it may, according to the Office of Foreign Assets Control (OFAC) of the United States Treasury Department, which administers economic sanctions ordered by the president under the International Emergency Economic Powers Act of 1977. Because *Nature Neuroscience* receives occasional submissions from Iran, one of the countries currently under such sanctions, we are concerned about how the laws are being interpreted to apply to scientific publishers. Thus we were pleased to hear that a coalition of publishing trade groups filed a lawsuit on September 27th, asking the federal court to prevent the government from regulating publication of material from sanctioned countries.

The OFAC rulings on peer review and copy editing of scientific papers issued in April of this year leave open the possibility that publishers and editors of journals that are based in the United States (including *Nature Neuroscience*) may be subject to fines up to one million dollars and up to ten years in prison for publishing papers from sanctioned countries. Such an interpretation seems clearly at odds with the intent of the law, as economic sanctions are not meant to impede the free exchange of ideas and experimental results among scientists.

The 1988 Berman amendment to the economic sanctions laws appears to carry a very clear message from Congress to the executive branch. The Berman amendment prohibits the president from regulating “the importation from any country, or the exportation to any country...of any information or informational materials, including but not limited to, publications...” However, the OFAC regulations state that this exemption does not apply to “information and informational materials not fully created and in existence at the date of the transactions, or to the substantive or artistic alteration or enhancement of informational materials...” According to the Association of American Publishers, this interpretation has no basis in the text of the original sanctions laws or the Berman amendment.

In light of this concern, one journal publisher, the Institute of Electrical and Electronic Engineers (IEEE), asked OFAC for a ruling that the language regarding alteration of materials did not apply to their peer review or copy editing. The response was not entirely reassuring: it stated that no license was required for the specific activities described by IEEE, but suggested that a license might well be required for related activities by other publishers or individual scientists. In particular, OFAC said that it would consider a collaborative interaction between authors in a sanctioned country and US scholars to be prohibited if it resulted in “co-authorship or the equivalent thereof.” No guidelines were offered to help publishers determine what sorts of peer review interactions would be deemed the equivalent of coauthorship.

More disturbingly, the decision was narrowly drawn to exclude situations in which the publisher or the reviewers “substantially re-write or revise the manuscript for the author.” This language points to a major distinction between IEEE publication and the practices of the Nature family journals. Their copy editors are described in the OFAC request as making minor grammatical and spelling corrections and applying house style to manuscripts. Our copy editors are often much more ambitious. To meet word count limits and ensure that papers are clear to nonspecialists, it is not uncommon for copy editors (and in some cases editors) to substantially rewrite accepted papers. It seems likely that OFAC would consider this practice to be prohibited under its rules.

There are at least three problems with this ruling. First, as noted above, it is inconsistent with both the letter and the spirit of the law. Second, it remains uncertain what activities are permitted and what activities are prohibited under the law. (The rules—whatever they turn out to be—will also affect papers from other countries under economic sanctions, though Iran seems most likely to present an immediate concern for scientific publishers.) Third, this interpretation serves to hinder exactly the sort of interactions with people in these sanctioned countries that we should be encouraging if our aim is to bring about a change in their cultures and governments to make them less dangerous to the rest of the world.

The purpose of economic sanctions is to inconvenience governments by depriving them of the benefits of trade with other countries. The economic benefits of scientific publication are minor, particularly when weighed against the risk of having citizens of other countries view the US government as an opponent, rather than an advocate, of free speech. Contact with other countries has the potential to be a strong force for liberalization and the spread of values and beliefs that are opposed to terrorism. Isolating the citizens of sanctioned countries from these influences is likely to be counterproductive to our interests by delaying reform in their governments.

In closing, we should emphasize that our editorial decisions on papers from Iran have been based purely on the scientific merits of the work, and we believe that we will be able to continue this practice under the US sanctions law. However, it remains possible that if we accept such a paper, we may have to compromise our editorial standards in preparing it for publication. In addition, it seems clear that we cannot commission material from Iranian authors for publication in the journal under the law as it is currently interpreted. We enthusiastically support the efforts of the coalition of publisher’s and author’s groups who have filed this lawsuit to ensure that scientists working anywhere in the world have full access to the scientific publication process. ■