

# **The relation between the grey literature and the Algeria organic law on information 1982-1990-2012**

SMAILI Nadia

Lecturer - researcher

Department of Library Science

Djilali Bounaama Khemis Miliana University (Algeria)

## **Summary**

Laws and reforms aimed at information's exercise and activity to satisfy the information users as well as to protect the media industry through laws that upgrade progress in all domains including; scientific, technical and technological fields.

What we consider useful is to draw attention to information unallocated to the grey literature.

## **Key words**

Grey literature, The Information Law 1982- 1990- 2012; grey literature; Algeria; The grey literature and the organic law on information.

## **About the author**

Smaili Nadia lecturer – researcher, library science department, Djilali Bounaama Khemis Miliana University (Algeria). She is interested in scientific and technical information, grey literature in Algeria, the new technologies of information, open archives and the open access to grey information in the developing countries.

Djilali Bounaama Khemis Miliana University, Thniet El Had Street, Khemis Miliana, Ain Defla province- Algeria.

Mail : n.smaili@univ-dbk.m.dz.

## 1. Preamble

We come with this analysis of the law No. 12-05 of 18 safar 1433 corresponding to January 12<sup>th</sup>, 2012 relating to information, to indicate for the legal committee's officials of parliament as well as to the legal advisers of Algerian universities the difficulties and disabilities encountered by most Algerian researchers in the accessing to information contained in grey literature documents.

Our contribution aims, as preliminary, to anticipate the problems that would hinder “The act of research in general”.

Our interference is based on a reality experienced by those involved in scientific production of all categories whatever their status are public or private. This reality consists in the disregard of grey literature by state institutions, which considerably induces to its ignorance in the development of information laws. This ignorance or oversight which is accomplished in a certain way in the clauses of the above - mentioned laws which have not provide any mention or article on scientific and academic information contained in grey literature documents.

And in that capacity, we are thinking to submit to the legal officials our concern with regard to the management and accessibility of information plus its outreach to the large audience.

Our action is part of the framework of “**the guarantee of management act of grey literature**” as well as “**the act of scientific research**” which bring to it a guarantee through a legal text that reflects a release and a reinforcement of research, in general. The one is inseparable from the other, it aims to make the “**Employment Relationship**” of potential research participants, more flexible and less restrictive supported by introducing grey literature into research mores and the efforts made to meet the needs of government sectors for projects along with the attempt to find answers to them at lower cost.

This state of mind, was our first motivation for the appreciation of the organic law of 2012 which we tried according to our means of interpretation to analyze, in order to find some answer elements and to contribute with some proposals in projection.

## 2. Projection of proposals

The draft revision of the 2012 information law must find support in the Algerian scientific community by opening an extensive debate on grey literature in order to make it visible, workable and enriched by their work.

Contributing to the revision or the rethinking of the 2012 law texts; this revised and redesigned project is based on "the complement" or "the addition" to the current texts which supposed to clarify the situation of the "objects" provided for in this law, namely: media, periodicals, and regulatory authorities. Grey literature, being a typical sample of information which affects all sectors of a citizen's life, must find a successful follow-up to its introduction into scientific spheres through a text.

We are looking here to find answers to what concerns us most, namely: the management, the exercise of activities, the structures, the modern tools, the methods of identifications and their unifications, the canals and networks that allow its accessibility, as well as the connectivity speeds allowing real-time fluidity of access to information.

In terms of the information diffusion from grey literature, it is necessary to point out their peculiarities and their specificities which do not concern media and other media support. This specificity and peculiarity can be distinguished in a comprehensive way in three registers, and it takes place at the information level that can be identify in three categories:

1 / sensitive information (related to sovereignty).

2 / mildly sensitive information (accessible in time).

3 / non-sensitive information, which represents the crucible of scientific and academic research.

It is within this legitimate framework that we want this revision, while providing proposals that can support any approach in this direction.

### **3. Global analysis**

Law No. 12-05 of 18 safar 1433 corresponding to January 12th, 2012 relating to information as well as that of 07/90 concerning the media sectors (public / private),rights regulation, journalists obligations in order **to improve the working conditions and relations** with state authorities as well as the respect of the procedures inherent in each organism that disseminate information. It also identifies the profiles that lay with those officials authorized to produce the information content, the procedures dedicated to information assurance, and the diffusion canals oriented towards the Algerian citizen at the national and international level. Moreover it provides the penalties resulting from the non-compliance of articles affronts judicially.

#### 4. Analysis and interpretation

##### **The law of 2012 and its relation to grey literature as a subject of information**

At the level of its exploitation, according to interpretation, the 2012 law does not offer any possibility of insertion or articles which **could introduce in fact assurance** to the information that the grey literature conveys and acquires through scientific and governmental productions.

In view of its content, its scope of action is limited, it focuses only on the media and other information products. There are no clues or open tracks that enable to broaden in information scope in this new subject.

This proves **the ignorance of that last by the Algerian scholar**. This observation does not reveal that no "relationship" exists between the law of 2012 and the productions of grey literature whose scope of intervention is not only broader but also more exhaustive and it affects all sectors of State and government. **Therefore, that is a question of reviewing and rethinking the law of 2012 in order to fill the judicial gap concerning the information contained in grey literature documents.**

It is also a question of rethinking about “**Employment Relationship**” with the performers and producers of grey literature at all levels: universities, research institutes, colleges, and research laboratories. All these grey literature producing entities exist in both domains (public and private).

How to understand the future of grey literature information (which is also a major problem), on account that thereon is most often diffused according to an itinerary and underground canal, unconventional, outside the systems of the publishing and distribution, recognized and official.

#### 5. project proposals

##### **Proposal No 1**

In order to ensure this exceptional feature that the grey literature assumes, it is possible for managers of each sector to take internal measures to try to fill the judicial gap; the use of internal measures allows a faster anticipation in order to establish a platform which would cover and fill the judicial gap.

This is to ensure the employment relationship, which is without juridical coverage, can be interrupted at any moment due to the absence of internal measures or clauses relating thereto by those responsible.

The requested clauses must be in support with the concerned sectors by grey literature and also researchers affiliated with their public and private institutions. It should allow lectures - researchers to find all the help necessary to conduct their research projects through state canals established in alignment with the legal texts **which would have a role in facilitating access to information.**

We are convinced that the organic law of 2012, if it occurs that it is revised and rethought under a “**new paradigm**” that shall we call “**the information landscape**”, would not risk going unnoticed, particularly by lecturers-researchers who have been quietly claiming for years the provision of grey literature documents and also taking action with access to information concerning their content.

Grey literature currently located in an “area” not yet undetermined compared to classical literature, the media and other information products. Its course remains opaque, although it is used by researchers in all categories. It lies between formal and legal within the intramural research framework of the above-mentioned entities and unofficial at the level of administrations and other state bodies.

All this slows down the productive forces of knowledge and science, this characteristic of "non-conventional associated with the production of grey literature", slows down and creates massive difficulties as regards to the collection, the process and the diffusion; not only at the inter-university level, but also to a large audience, because there are performers who are not affiliated with any entity.

The role of the law, as a result of its revision and reconsidering, must be able to strengthen the employment relationship so that there is worthy production to the new challenges facing the country in terms of durable development. In return, it must allow the potential performers of grey literature to benefit from the others experiences, in order to forge exchange and sharing relationships of data without limitation.

The guidelines of exchanges, sharing, partnership and cooperation can only be established if they go through a legal framework in which the statements must reflect “a clarification regarding the act of research” which wants to free from the bureaucratic fetters.

## **6. Elements to clarify**

For a good development and a clear activity exercise concerning the information process of grey literature, we are seeking intervention on the following points:

- A. Its identity
- B. Its definition
- C. Its exploitation according to the modalities: sensitive, mildly sensitive and non-sensitive
- D. Its process
- E. e. Its canal
- F. f. Its edition
- G. g. its diffusion
- H. h. Its Standardization
- I. Cooperation at national and international level through international twinning agreements and partnership with academies, libraries and organizations having similar criteria with the institutions and authorities of the country.

## **7. ITEMS IN QUESTION: Establishing a clause for grey literature**

In order to find answers to 6<sup>th</sup> paragraph concerning the elements to clarify, we assess the results of the congresses for a better apprehension and a more or less approximate understanding of grey literature, so that we submit for the evaluation of the Algerian scholar definitions adopted at the following three congresses:

- The 3<sup>rd</sup> International Conference on grey literature in 1997.
- The 6<sup>th</sup> International Conference on grey literature in 2004 in New York.
- The 12<sup>th</sup> International Conference on Grey Literature in December, 6<sup>th</sup> and 7<sup>th</sup>, 2010.

The most well known of these definitions is the so-called “of Luxembourg” approved at the third international conference in 1997; “Grey literature is what is produced by all levels of the government, education and public research, commerce and industry, in paper or digital format which are not controlled by Commercial edition”<sup>1</sup>. A few years later, in 2004, the New York conference clarified that this definition included (also) the publishers “where publication is not the main activity”<sup>2</sup>.

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<sup>1</sup> Third International Conference on Grey Literature: Perspectives on the Design and Transfer of Scientific and Technical Information. Luxemburg, 13-14 November 1997

<sup>2</sup> Sixth International Conference on Grey Literature: Work on Grey in Progress. New York, 6-7 December 2004.

Today, the New York definition is generally accepted and serves as a reference. However, the majority of professionals and researchers agree that it requires a revision. To find out more, a survey of 108 professionals and researchers from the international Grey net<sup>3</sup> network was done, in addition to an analytical study on the New York definition. The results were presented at the end of 2010 in Prague, together with the proposal for a new “Prague definition” (Schöpfel, 2010).<sup>4</sup>

The new definition of “Grey literature represents any type of document produced by government, administration, education and research, commerce and industry, in paper or digital format protected by intellectual property rights, of a sufficient quality to be collected and preserved by a library or institutional archive which is not controlled by commercial edition.”<sup>5</sup>

## 8. THE PROPOSAL PURPOSE

**Our proposal aims to:** the submission of a review of the clauses governing the activity of information in general and its diffusion in a broad sense, in order to allow certain categories of information not covered by the organic law of 2012, to find a space facilitating their rapid introduction. This requires taking into account the paradigm of the broader concept “information landscape”. Reconsidering the information landscape in order to open up a legal space for this new subject, namely: “**grey literature**”.

This is the introduction of a new subject called **GREY LITERATURE** whose information contained in its documents is of an extremely scientific and academic nature that the law cited above did not provide due to the jurist's ignorance, because it does not exist yet *in our information landscape*.

**The law of 2012 intends to set the principles and the rules of practicing the right to information as well as the press freedom.** From this legal introductory, it is heard and well understood that the law is restricted to two objects; the right to information which interests **citizens** and their satisfaction on the subject as well as the *freedom of the press* through the media which must ensure by natural and legal persons in general. The course of the clauses governing the activities and their exercises in addition to the arrangements inherent in them do not allow us to glimpse some answers elements to our

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<sup>3</sup> <http://www.greynet.org/>

<sup>4</sup> Schöpfel, J. (2010). Towards a Prague definition of grey literature. In: Twelfth International Conference on Grey Literature: Transparency in Grey Literature. Grey Tech Approaches to High Tech Issues. Prague, 6-7 December 2010. [http://greynet.org/images/GL12\\_S1P,\\_Sch\\_pfel.pdf](http://greynet.org/images/GL12_S1P,_Sch_pfel.pdf)

<sup>5</sup> Twelfth International Conference on Grey Literature: Transparency in Grey Literature. Grey Tech Approaches to High Tech Issues. Prague, 6-7 December 2010.

questioning as well as to our query. **This law does not satisfy the information landscape in view of its restrictive principles and rules oriented solely towards these two objects.**

**The adopted approach is based on the observation of texts according to the critical interpretive method.**

The review of the law texts allowed us to draw the first observation:

We encountered the absence of clauses which can with some effort and imagination to find solutions. These clauses present closed conditions and express themselves intrinsically and widely on the media according to the two known forms: public / private media and specialized journals which both fit within a conventional framework, and follow a legal itinerary and canal. This is not the case with grey literature, which cannot establish itself as such media or such journal for which a law has been provided for, because it acts outside conventional circuits.

Whereas we have not found any link or connection through the clauses concerning *the improvement of working conditions in an organized framework, and to guarantee to the structures activating within the framework of the grey literature a legal cover, then we recommend two axes that can be consulted.*

## **9. AXES OF REFLECTION**

The two selected axes are presented as follows:

The first axe of reflection interacts with the texts that govern the "activity" and "diffusion" of information which are dominant; they are a vital exercise for a better establishing of the environment, which is "organization", they represent the beginning and the end. This tends towards the revision of: the clauses concerning the insurance of the activity (the procedural framework), the diffusion of information from grey literature (ways and means), as well as the establishment and the application of the new information and communication technologies that we consider as an essential logistics.

### **Remark**

Bearing in mind that certain measures with regard to internal organization can be taken at the level of each sector of the state and also the denomination of the structures devoted to grey literature (as we propose in our thesis for the sector of scientific research at our University "Algiers-2": a unit dedicated solely to grey literature. It is interesting to discuss it with those in charge.

The second axe of reflection:

On an item included in our recommendations for a possible creation of a national authority responsible for the management and standardization of grey literature information on all levels.

## **10.CONCLUSION**

The revision of the law of 2012 should allow and facilitate the establishment of a roadmap which an organization gives to itself, it concerns universities, research laboratories, institutes, higher schools that are acting under the public and private modes, to achieve the medium and the long-term objectives in terms of performing the activities of collecting, processing and diffusion grey literature information.

The review will also aim to examine internal and external contexts, so that producers of grey literature can project into the future without juridical constraints. Further to be able to determine the strategies to achieve the mission and the review of the organization of their planning and operating objectives.

Any prospecting for information in grey literature and its large-scale diffusion must be covered and guaranteed by a law reflecting the expectations of the scientific community in terms of access and diffusion.

Without this law that govern the activity, the organization, and diffusion of information from grey literature in the world of knowledge will continue to work in a vacuum.

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- 8) Grey literature Network Service <http://www.greynet.org/>

**Note**

Our research project within the framework of a doctoral thesis is entitled "The contribution in the support and facilitating access to grey literature: University of Algiers 2 case study".