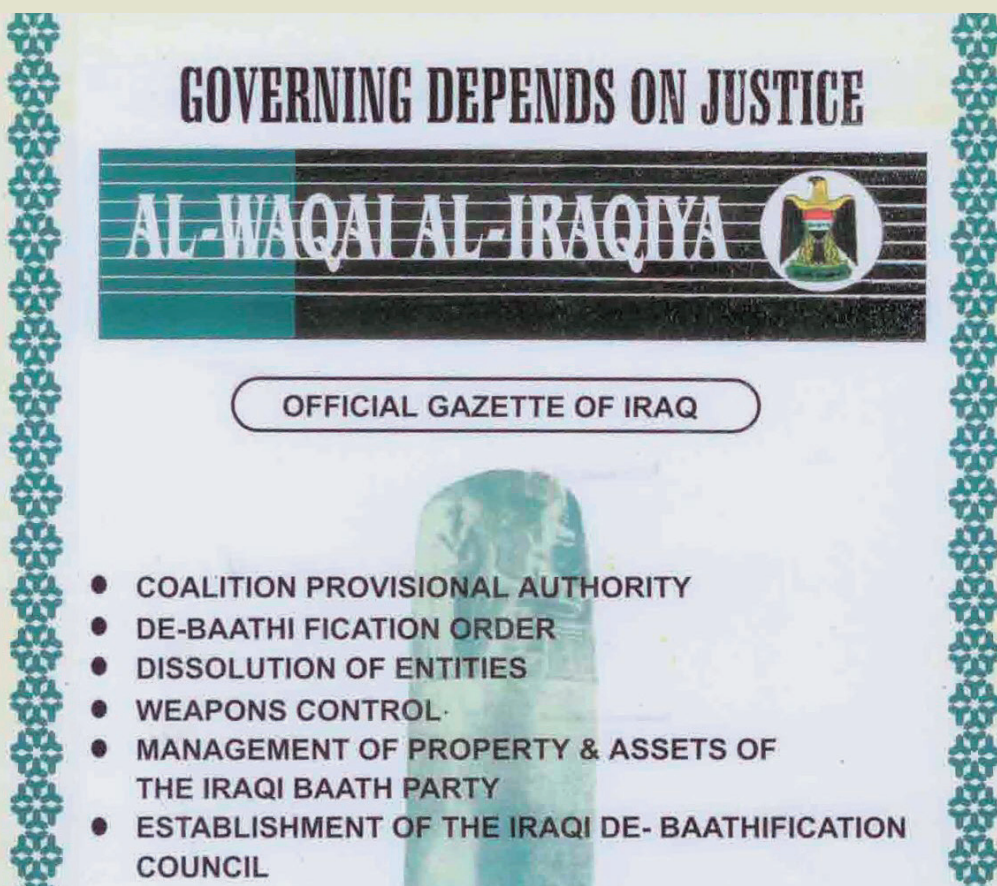


Official Gazettes & Civil Society Information

- | | |
|--|----------|
| Towards an Open Web
Repository for Civil
Society Documentation | 2 |
| Official Gazettes—
a History of Collecting
Efforts in the
United States | 4 |
| Official Gazettes—
Challenges to Access and
Libraries' Response | 8 |

*Official Gazette of Iraq, June 17, 2003.
From Global Justice Project: Iraq.
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of Utah.*

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In This Issue

With support from the Carnegie Corporation of New York, CRL recently brought online an “open web repository of civil society documentation.” The repository features more than 40,000 issues of official gazettes—rare and important documentation of laws and government actions—from ten nations whose current regimes are identified as extremely corrupt and/or repressive. The publications will henceforth be available in a secure and open format, to promote accountability and preserve the public record. The copies of most of the gazettes digitized were collected over the years by librarians working with CRL. CRL has served as a vehicle for many such cooperative efforts since 1949. This effort is a fitting new chapter in that history.

—Bernard F. Reilly, Jr.
President

Towards an Open Web Repository for Civil Society Documentation



Official Gazettes & Civil Society

Official Gazettes & Civil Society Documentation, CRL digital collection, June 2016

In 2014 the [Carnegie Corporation of New York](#) awarded the Center for Research Libraries (CRL) funding to preserve and make available on the open web endangered government documentation from several African and Persian Gulf region nations. The \$248,500 grant enabled the digitization of official gazettes that have been preserved over the past 60 years by CRL and its partner institutions.

Government publications known as official gazettes (variously titled “journal officiel,” “diario oficial,” “bulletin officiel”) have long been key documents of civil society. These publications function as the legal newspapers of many countries, wherein the texts of new laws, decrees, regulations, international treaties, legal notices, legislative debates, and court decisions are announced. The laws published in the gazettes are the versions of record—and in many jurisdictions the only published versions—of many nations’ primary laws. In some cases, publication in the gazette even initiates jurisdiction.

Despite their fundamental significance, gazettes in countries with repressive or authoritarian regimes are not often widely accessible to the public. Various indices such as the Economist Intelligence Unit’s *Democracy Index* and the *World Justice Project Rule of Law Index* measure government transparency and accessibility to information. The focus of the CRL project was to digitize and post on the web official gazettes published in ten nations cited in Transparency International’s *Corruption Perceptions Index* as among the countries with the most corrupt public sectors.¹

Targeted countries and publication dates included:

Algeria	1945–2016
Congo (Republic)	1958–2016
Iran	1970–1994
Iraq	1958–2016
Libya	1951–2014
Morocco	1956–2016
Mozambique	1975–1988; 2006–2016
Nigeria*	1958–1974
Somalia	1960–1989
Sudan	1899–1986
Zimbabwe	1980–1997; 2003–2014

1. The *Corruption Perceptions Index* scores and ranks countries/territories based on how corrupt a country’s public sector is perceived to be. The CPI is an indicator of perceptions of public sector corruption, not a verdict on the levels of corruption of entire nations or societies, or of their policies, or the activities of their private sector. (*Corruption Perceptions Index* 2015: Frequently Asked Questions.)

*While Nigeria was not among the originally targeted countries, CRL was able to include Nigerian gazettes from 1958–1974 as a result of cost savings in its digital operations.

CRL's effort focused on countries where content was inaccessible or might be at risk of loss due to unstable governments or questionable infrastructure. CRL worked with subject specialists in Middle East and African studies to identify relevant gazettes and available holdings. To ensure a more comprehensive collection of resources, CRL digitized materials from partner libraries as well as its own holdings. Content partners included:

- Columbia University
- Library of Congress
- Los Angeles County Law Library
- New York Public Library
- Princeton University
- University of Chicago

CRL significantly exceeded its projected targets of pages digitized from print and microfilm by leveraging production efficiencies. Through its partnership with the Law Library Microform Consortium (LLMC), CRL was able to scan nearly 80,000 pages of content from print sources. Likewise, CRL's provider of document conversion services was able to scan nearly 544,000 pages from microfilm. In total, the project yielded 623,430 pages from print and film sources.

To augment the print and microfilm collections held by libraries, CRL also investigated the extent of published gazettes online on current government websites. Harvesting digital content from web sources (government sites or other academic programs) added 597,000 pages to the open web repository. In total, CRL's efforts resulted in 1,220,456 pages—more than 40,000 issues—of key historical documentation made available together online for the first time.

CRL's *Official Gazettes & Civil Society Documentation* digital collection became publicly available in June 2016.

CRL's efforts to make legal documentation from the selected countries openly accessible online will ensure unrestricted, long-term access to documentation that defines the rights and obligations of citizens in those countries. Many of the materials will now be freely available to populations in the regions of origin and to scholars from those regions. The availability of CRL's open web repository will also promote those governments' accountability by providing a permanent "offshore" public record, immune to revision or alteration over time by hostile regimes and factions. ❖

Official Gazettes— a History of Collecting Efforts in the United States

JOURNAL OFFICIEL

DE LA REPUBLIQUE DU CONGO

paraissant le jeudi de chaque semaine à Brazzaville

James Simon

Vice President, Collections and Services
Center for Research Libraries

Journal officiel de la République du Congo, February 7, 2013, CRL digital collections

Official gazettes serve as key primary source documentation, publishing the legal notices, announcements, and legislation of governments around the world. Gazettes originated more than three centuries ago as many European countries sought to create a public record of laws, minutes of the proceedings of legislatures and other governing bodies, and comparable information. The practice of issuing gazettes was taken up by colonial and protectorate governments in the eighteenth and nineteenth centuries, and most countries continued this tradition—often mandated in their constitution—following independence.

Use of Gazettes in Legal Practice and Research

Often, information appearing in gazettes is not published elsewhere and does not appear in commercial indexes or compilations of session laws. In many instances the gazettes are the de facto source for the laws of a country that, while in force, have not yet been incorporated into a country's legal codes. Legal codes are revised only periodically: in Europe more than 20 years can pass between codifications. In less stable regions that duration is often even longer. Hence, gazettes can serve as the statute of record and point of reference for jurists for a long time.

For example, in 2011, when the International Criminal Court charged Libyan dictator Muammar Gaddafi with crimes against humanity, the charges cited the gazette versions of laws passed by the regime limiting freedom of press and assembly as evidence of the regime's crimes. Similarly lawyers working for the UN International Criminal Tribunal for the former Yugoslavia, prosecuting war crimes in the Balkans in the 1990s, researched and sourced the applicable Yugoslavian statutes against rape and genocide from hard copies of Yugoslav gazettes held by Harvard University Library.

Gazettes are most often cited as primary sources for the wording and language of laws passed. They can serve as a frame of reference for present-day legislation and legal reform, such as property claims litigation, or support of compensation through government reparations. They are also a source for research into the impact of those laws on society, revealing the historical development of laws and legal regimes over time. Gazettes can supplement studies on the evolution of government structures and hierarchies or the development of corporate law and commercial regulations. Gazettes provide extensive information useful in researching topics such as nationalism, educational development, or religious restrictions.

History of Gazette Collections in North American Libraries

Official gazettes were recognized early on by libraries as significant documentation for research and scholarship. The Law Library of Congress (LC) has collected official gazettes (among other foreign government publications) since the mid-nineteenth century; in 1912 they reported actively receiving 70 gazette titles.¹ Likewise, the New York Public Library (NYPL) began collecting gazettes from the earliest days of its establishment in 1895. However, given the difficulty of securing reliable supplies, few other libraries have attempted to maintain comprehensive gazette collections. Supply challenges, combined with the volume, fragility, and specialized nature of the material, led libraries to explore collaborative strategies for making these resources accessible.

In 1956 NYPL began microfilming gazettes for 13 Latin American countries in cooperation with the Dag Hammarskjöld Library of the United Nations. In 1958 the Association of Research Libraries (ARL) Foreign Official Gazette Project (FOG) was initiated to procure copies of microfilm produced by NYPL on behalf of subscribing institutions. Modeled after the successful Foreign Newspaper Microfilm Project (FNMP), ARL's FOG project selected the Center for Research Libraries (then the Midwest Inter-Library Center) to administer the project and to house a copy of the film for circulation to participating libraries. In 1960, NYPL expanded its filming to encompass gazettes from 100 countries. The program's progress was routinely reported to the ARL Foreign Acquisitions Committee and communicated via the *Farmington Plan Newsletter* and ARL's *Foreign Acquisitions Newsletter*.

The FOG microfilming project brought initial success. By 1963 the FOG project reported 35 subscribing libraries. Within five years, NYPL had undertaken filming of nearly 300 gazettes. From this project, CRL acquired approximately 3,000 reels of microfilm of gazettes published from 1958 to 1970. However, unlike the FNMP, the FOG program did not succeed in attracting an adequate subscriber base, and costs of ongoing acquisition and preservation exceeded subscription revenues received from participating institutions. The program was discontinued in 1971.


The FOG preservation effort was reinvigorated in 1973 through a renewed partnership between LC and NYPL, with 175 titles targeted for ongoing filming. NYPL and LC agreed to share responsibility for filming gazettes: LC focused on national gazettes from Latin America, Asia, the Middle East, and Northern Africa, while NYPL concentrated on Europe, the British Commonwealth (except for India), and Sub-Saharan Africa.²

The NYPL/LC cooperative relationship lasted until approximately 1992, when NYPL determined it could no longer continue to participate in the project. NYPL invited CRL to take over its holdings. Between 1996 and 2000, NYPL gradually deposited much of its holdings of official gazettes with CRL. Deposits totaled 360 titles (equal to 6,300 bibliographic volumes) consisting of 11,500 reels of microfilm, 13,000 fiche, and 2,000 hard copy bibliographic volumes. Hard copy was retained for holdings of which no microform exists within the U.S.

In 1995 CRL launched a new cooperative effort to establish a retrospective collection of record for its official gazettes. The effort aimed to collect national level gazettes for all countries, establishing comprehensive holdings from inception through 1995. The CRL project was overseen by a Foreign Official Gazettes Task Force representing the interests of the CRL membership and major holders of gazettes in the U.S. To aid the effort, CRL and the Task Force created a union list of gazettes held by major institutions (including CRL, LC, Harvard, LA Law, NYPL,

1. W. Dawson Johnston and Isadore G. Mudge, "Special Collections in Libraries in the United States," United States Bureau of Education Bulletin no. 23 (1912). <http://files.eric.ed.gov/fulltext/ED543047.pdf> (Accessed November 8, 2016).

2. "New Foreign Gazette Microfilming Project Organized," *Foreign Acquisitions Newsletter*, No. 37, Spring 1973. <https://books.google.com/books?id=kR3pAAAAMAAJ> (Accessed November 8, 2016).

		
ZIMBABWEAN		
GOVERNMENT GAZETTE		
EXTRAORDINARY		
Published by Authority		
Vol. I.XXXIV, No. 40	16th JUNE, 2006	Price \$195 000.00
General Notice 161 of 2005.		
LAND ACQUISITION ACT [CHAPTER 20:10]		
Vesting of Land, Taking of Materials and Exercise of Rights over Land		
NOTICE is hereby given, in terms of section 8 (1)(iii) of the Land Acquisition Act [Chapter 20:10], that the President has acquired compulsorily the land described in the Schedule for urban expansion.		
D. N. E. MUTASA, Minister of State for National Security, Lands, Land Reform and Resettlement in the President's Office.		
16-6-2006.		
SCHEDULE		
DESCRIPTION OF LAND		
1. Deed of Transfer 5816/65, registered in the name of Zimbabwe Tobacco Association, in respect of certain piece of land situate in the district of Salisbury, being The Remainder of the Farm Odar, measuring six hundred and five comma eight zero nine two (605,809.2) hectares.	6. Deed of Transfer 4035/86, registered in the name of Crest Breeders International (Private) Limited, in respect of certain piece of land situate in the district of Salisbury, being Lot 2 of Saturday Retreat, measuring twenty-two comma zero seven seven six (22,077.6) hectares.	
2. Deed of Transfer 11351/2000, registered in the name of Alexander Stuart Ross, in respect of certain piece of land situate in the district of Salisbury, being Stand 1 Gletwyn Township of Gletwyn, measuring two hundred and fifty five	7. Deed of Transfer 4035/86, registered in the name of Crest Breeders International (Private) Limited, in respect of certain piece of land situate in the district of Salisbury, being Remaining Extent of Saturday Retreat Estate, measuring one thousand and fifty-seven comma three eight one zero (1 057,381.0) hectares.	
	8. Deed of Transfer 4035/86, registered in the name of Crest Breeders International (Private) Limited, in respect of certain piece of land situate in the district of Salisbury, being New Cennety Township 2 of Saturday Retreat Estate, measuring sixty-three comma eight nine five one (63,895.1) hectares.	
	9. Deed of Transfer 3975/87, registered in the name of Mashonaland Holdings Limited, in respect of certain piece of land situate in the district of Salisbury, being The Remaining Extent of Chizororo of Eyrecourt, measuring one hundred and ninety seven comma five four eight eight (197,548.8) hectares.	
	10. Deed of Transfer 5428/2001, registered in the name of Sensene Investments (Private) Limited, in respect of certain piece of land situate in the district of Salisbury, being The Remaining Extent of Stoneridge, measuring five hundred and eighty-six comma seven one four nine (586,714.9) hectares.	

and later Michigan, holdings of the U.K. National Archives). A “FOG Database” was created to present consolidated information on approximately 650 official gazette titles. The database served as a tool for CRL acquisition, preservation, and eventually for digitization planning.³ The work of CRL’s FOG Task Force concluded around 2004.

The FOG Task Force frequently discussed digitization of CRL’s gazette collection, but strategies for achieving this did not emerge until 2010, when CRL and the Law Library Microform Consortium (LLMC) formed a “[Global Resources Law Partnership](#)” to digitize primary source legal documents in support of social science and humanities research. CRL’s official gazettes were among the priorities for digitization recommended by a joint CRL-LLMC advisory committee. In 2012, CRL completed cataloging the FOG collection. In total, CRL produced 582 records for titles published in 161 countries. Armed with more precise information to aid planning, CRL and LLMC prioritized materials in the collection for systematic digitization. Funding provided to CRL in 2014 by the Carnegie Corporation of New York enabled CRL to initiate that work.

CRL’s digitization of African and Persian Gulf gazettes has generated renewed interest in these materials. During the first year after launch of CRL’s open web repository, issues from gazettes published in Iraq, Libya, and Somalia were downloaded over 10,000 times. Librarians and subject specialists at libraries and archives in Africa and the Middle East have affirmed that CRL’s efforts are both welcome and sorely needed.

3. As of 2016, the FOG Database, though superseded, is still hosted by CRL for reference purposes at <http://www-apps.crl.edu/fog>.

However, the ongoing effort to make government and civil society documentation accessible faces continuing challenges. CRL's gazette collection remains incomplete. Researchers trying to access complete runs often must search across a variety of repositories. One library subject guide quips: "Researching foreign law in American law libraries is often like trying to put together a jigsaw puzzle in the full knowledge that at least half of the pieces are missing."⁴

If libraries hope to accumulate a "critical mass" of civil society documentation, greater effort to collect and expose information beyond official publications is necessary. African institutions responding to CRL inquiries suggested additional areas where libraries might pursue broader exposure of documentation, including:

- Official communications from government ministries;
- Compliance documentation;
- Documentation of women's rights and status;

Preserving and providing access to rare and endangered documentation of the actions of governments has been a consistent focus of action by CRL and its community of libraries since 1949. That effort will continue to generate benefits for scholars and researchers everywhere for years to come. ♦

4. University of Houston "Locating Key Foreign & International Law Sources." <http://www.law.uh.edu/libraries/publications/researchguides/locating.html> Prepared by Tim Mulligan, Last revision: February 7, 2011 by Saskia Mehlhorn. (accessed November 8, 2016)

Official Gazettes— Challenges to Access and Libraries’ Response

James Simon

Vice President, Collections and Services
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U.S. bomb damage to Baath Party Headquarters in Damascus, Iraq, during Gulf War in 1998. U.S. Armed Forces ID 981221-O-0000M-002 (detail)
https://commons.wikimedia.org/wiki/Category:1998_in_Baghdad#/media/File:Defense.gov_News_Photo_981221-O-0000M-002.jpg (accessed October 15, 2016)

Despite their importance as primary sources documenting the actions of governing bodies, gazettes have been infrequently collected by all but the most robust research libraries committed to acquiring legal resources. Besides CRL, other major holders of gazettes in the United States include the Library of Congress, New York Public Library, Los Angeles County Law Library, and select academic law or general libraries with collection mandates for international and area studies.

In her 2005 article “Foreign Official Gazettes: Solving a Collection Conundrum,”¹ Beatrice Tice (Associate Dean at the University of California, Irvine, School of Law) characterized the many challenges of collecting gazettes. These include difficulties in locating suitable vendors, varying frequencies and sporadic receipt of issues, variable physical quality, and costs of acquisition and preservation. Tice also describes access challenges facing North American scholars: locating gazettes in library catalogs (with frequent title changes and multiple supplements); lack of useful indexing; sequential nature of publication hampering cross-reference and identification of legislative updates; and the lack of English translations.

The initial distribution of printed gazettes is often quite limited. They are frequently printed on poor quality, highly acidic paper; in many countries the lack of a suitable preservation infrastructure imperils these fragile resources. Additional challenges to access (and use) arise for gazettes published by authoritarian regimes and in unstable areas of the world. Distribution vagaries combined with a pervasive lack of accessibility of public records means that many gazettes are “at risk,” no longer available in the countries that produced them.

Today many governments publish this documentation directly to the web. Encouraged by intergovernmental organizations like the UN and the International Monetary Fund, governments worldwide are adopting “open data” policies, posting more information online than ever before. However, for the ten countries represented in CRL’s *Open Web Repository for Civil Society Documentation*, CRL found numerous cases in which accessibility of information was inconsistent, unreliable or non-existent.

CRL’s investigation findings include:

- Many government websites offer little official documentation for public access, either because of limited transparency and/or a lack of reliable technical infrastructure. Seven of the ten countries reviewed had discoverable websites that

1. *Law Library Journal*, v. 97, no. 2 (2005), pp. 299–321.

referenced their official gazette. Three countries (Somalia, Sudan, and Zimbabwe) did not present gazettes at all on discoverable sites. Two countries—Iran and Mozambique—provided access to laws through searchable text databases instead of faithful electronic facsimiles of the official printed gazette. Mozambique’s database is not publicly accessible, but rather offered through an expensive subscription-based database service (generally marketed to law firms and individual subscribers in country).

- Five countries (out of the ten) presented links to basic PDF facsimiles of their current printed gazettes.
- The availability of backfiles was highly variable (generally, no further back than 2006, but some countries offered only a few years). Only two out of the ten countries provide deep retrospective access to their historical gazettes: Algeria (French and Arabic editions dating back to 1962), and Morocco (English and Arabic versions dating back to 1912).
- CRL encountered numerous missing or corrupt digital files on publicly accessible sites. Links frequently were broken, requiring extensive trial and error to determine whether the issue was still available elsewhere on the government server or, in fact, lacking.

Certain gazettes were digitized by external third parties. Sudan’s gazette, for instance, was scanned by Durham University (United Kingdom) for the years 1899–1975. Iraq’s gazette (English-language edition) was scanned by the Law Library Microform Consortium (LLMC) for 1931–1984. CRL found evidence of other efforts by governments or third parties to make digitized gazettes available, but in most cases the content no longer appeared online.

When the interests and priorities of governments change, finding “historical” information about previous administrations often becomes problematic. As with some print era documentation, government web content is rarely maintained as regimes change. Studies have shown that documentation on government websites in Iraq, Morocco, Libya, and even the United States is withdrawn or revised to suit the interests of the regime. For example, the Coalition Provisional Authority (CPA) website in Iraq is no longer accessible online. Gone with it are the records of the gazette published by the CPA for the years 2003–2006, as are Iraqi government websites developed prior to the fall of Saddam Hussein. The *Global Justice Project: Iraq* claimed to have digitized the Iraq gazette in full text from 1982–2002. However, only scattered issues were actually found on the site.

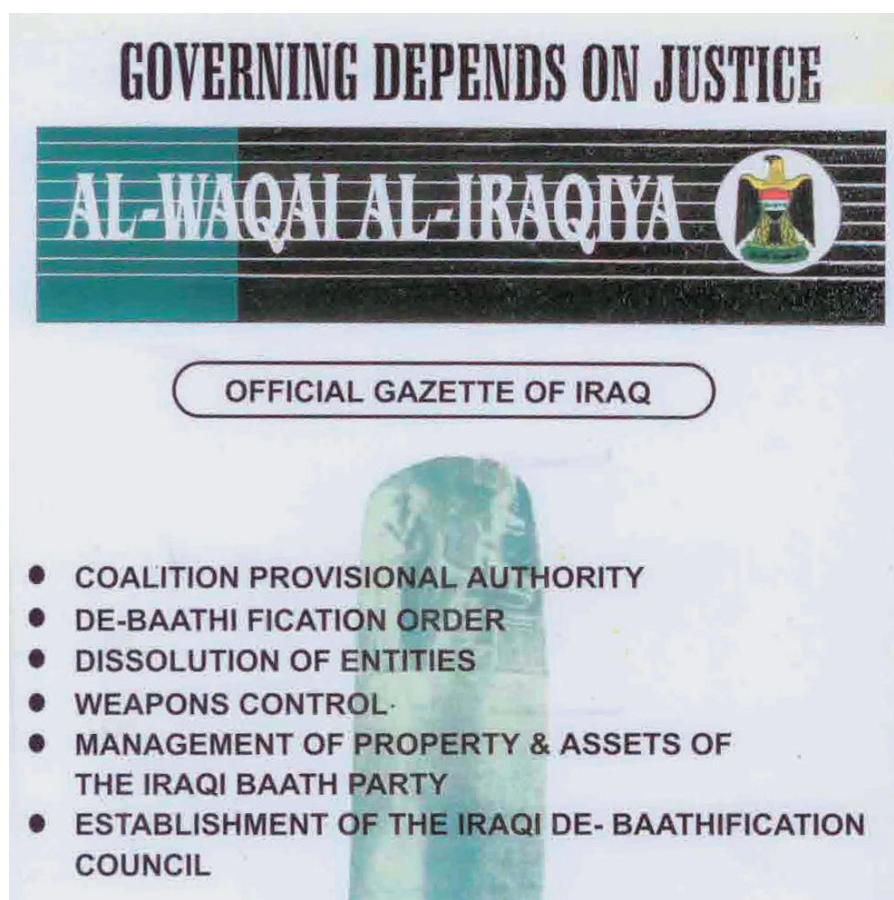
The *Global Legal Information Network (GLIN)*, hosted by the Law Library of Congress, claimed to have digitized gazettes from numerous countries (including CRL-targeted countries Iraq, Morocco, and Mozambique).² However, GLIN’s database was shut down in 2012, and prospects for its restoration now appear to be limited. For the current project, CRL and LLMC successfully negotiated with the Library of Congress to receive digital copies of the official gazettes from GLIN files. However, on inspection CRL found that the files for most countries included only limited portions of the gazettes (*i.e.*, select pages containing individual laws), rather than the complete publications.³

Reliance on library print holdings might appear to be the best recourse for procuring copies of gazettes from many countries. However, even these are not always easily identified or accessible. While the Library of Congress continues to collect gazettes in print, obtaining access to this material beyond LC’s premises remains limited. In a particularly notable case, CRL found that copies of the Iraq Gazette (*al-Waqai` al-Iraqiyah*) (فيقارعل عىاقول) from 1990–1999 were unavailable in North America or in Europe due to the embargo of material coming from Iraq during the Gulf War.

2. “Official Gazettes: Afghanistan to Zimbabwe,” In *Custodia Legis* blog of the Law Librarians of Congress, 2010. <https://blogs.loc.gov/law/2010/12/official-gazettes/> (Accessed 10/31/2016).

3. The exception, thankfully, was the availability of full issues of the Iraq gazette covering 1970–1989. This content was ingested into CRL’s open web repository as well as into LLMC-Digital.

Official Gazette of Iraq, June 17, 2003.
From *Global Justice Project: Iraq*.
S.J. Quinney College of Law, University
of Utah.



It was only through extensive investigation—and the able assistance of Middle East librarians participating in CRL’s Middle East Materials Project (MEMP)—that CRL was able to identify a book dealer who could procure copies of the gazette for CRL. CRL acquired these scarce volumes from a book market in Baghdad and scanned them for the project. This may be the first instance in which the Iraqi gazette from this time period has been accessible to scholars and the public.

The threat to obtaining documentation produced in regions with unstable, non-transparent, and corrupt governments is credible and tangible. Historically, research libraries have played a key role in ensuring that such government records and publications remain intact and available for the long term. U.S. and Canadian libraries have served as independent repositories, preserving and collecting important paper records and publications of domestic and foreign governments. Given the scarcity of resources for preservation today, libraries must focus on what is known to be at risk and what is not likely to be adequately preserved by other actors, public sector or private.

Yet, few libraries today preserve records and documents produced by governments in conflict zones or unstable areas, and materials produced by corrupt and/or non-transparent governments abroad are likely to be lost if not independently harvested and archived. Libraries and archives must engage in deeper, strategic partnerships with civil society institutions in unstable regions to ensure that documentation is collected and retained in-country. At the same time, libraries and archives need to expand accessibility through cooperative digital efforts with institutions that possess the resources and technical expertise to ensure the preservation and access to these critical materials. ❖



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