

Legal Deposit Compliance in Nigeria: Issues and Challenges

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Abstract

The National Library of Nigeria Act of 1970 in section 4 clearly states legal deposit obligations and consequences for any infraction. This proactively provides a cover for inclusion of electronic publications which means that irrespective of the medium of delivery of the content, the legal provision applies. The number of titles submitted as legal deposit nose-dived from 903 and 1042 in 2013 and 2014 respectively to 351 in 2015 for serials. The rate of change (geometric mean) in legal deposit for serials and monographs in the last 10 years (2007-2016) were 1289 and 3399 titles/year respectively. Simple computation of legal deposit compliance level based on percentage of titles submitted against the total number of serials and monographs published in a particular year is also a problem. The details of the specific amendments being proposed to the legal deposit legislation are yet to be made public. A monitoring and evaluation plan which is a self-auditing process that helps management to identify any deviation from set goals is needed. The challenges facing legal deposit compliance in Nigeria range from the problem of non-adherence to the time-limit, non-submission of required copies, submission of imperfect copies, un-cooperative attitudes of some government agencies, publishers and authors to inadequate funding.

Keywords: National Library of Nigeria, Legal Deposit, Compliance, Publishers/Authors, Bibliography.

Introduction

National libraries are responsible for acquiring information resources published in their countries of domain and making them available to their citizens and also users outside their countries, thereby enhancing access to information nationally and globally through their legal depository practices. Lor (1997) opined that national libraries have the responsibility of provision of access to publications and information, however distant they may be. According to the author, the IFLA/ UNESCO programme of universal availability of publications (UAP) confers on every country the responsibility to make

copies of its own publications available within and beyond its borders. All national libraries are established by the governments of the nation specifically to serve as a repositories of information and intellectual works for that country. Legal deposit is a statutory provision, which usually is backed by law and legislation mandating the submission of every publication by every publisher to designated library or accredited institution in a country. Legal Deposit enforcement started in France by King François I. in the year 1537. The king outlawed the sales of any book which has not been deposited in the castle Library.

The National Library of Nigeria is accredited for the purpose of such depository, such as, books, journals, magazines, gazettes, newspaper pamphlets, postcards, maps, microfilm, music, CD- ROMs and electronic publication. The National Library Act No 29 of 1970 section(4) No 2 states that every publisher in Nigeria shall within one month after publication deliver at his own expense to the National Library certain number of copies of the published books. The publication ordinance of 1950 did not give the National Library of Nigeria the full responsibility to collect Legal Deposit materials. Then the National Library of Nigeria Act No 29 of 1970 was promulgated with emphasis on deposit obligations and bibliographic function given to National Library of Nigeria. The decree applied throughout the country and has supremacy over any state government Library Laws/edits in event of any conflict. In some countries especially, France and Japan the legal deposit legislation had to be modified to incorporate electronic publications. However in Nigeria the problems of how on-line publications will be acquired and preserved have limited developments in legal deposit of digital publications.

What is to be Deposited?

All information sources published in Nigeria by Nigerians. The Act in section 4 sub sections (7) defines “book” Thus: All literary works such as books, pamphlet, sheet of music, maps, chart and compilation

Dramatic works Collective works, such as encyclopedia, yearbooks, dictionaries or similar works, newspaper, magazines and periodicals All form in which documentary or oral records are published. This mean Legal Deposit includes Non-books and electronic materials.

Who should Deposit

1. Private publishers: they are commercial and individual publishers

2. State Government publishers: state government owned publishing
3. Federal Government: publishing house owned by federal government ministries, and agencies.

The private as stated by the Law is expected to deposit three (3) copies of its publication to the national Library of Nigeria. Two (2) of which shall be kept in National Library of Nigeria for permanent preservation and one(1) copy sent to the university of Ibadan. State Government and their departments are to deposit ten (10) copies of each publication while the federal government and its agencies are to deposit twenty five (25) copies of each publication. The copies of publication deposit to the National Library under section 4 sub section (1) in the Act.

a. Shall be perfect copies of the whole book with all maps and illustration belonging thereto, finished and colored in the same manner as the best copies of the book are published. b. Shall be bound, sewed or stitched together and on the best paper on which the book is printed. The hesitance of some publishers to voluntarily comply with the legal deposit obligations could be taken as lack of confidence in the public interest that the legislation serves by ensuring that the nation's published heritage is made available to future generations. A publisher who fulfills her legal deposit obligations is inadvertently supporting National library of Nigeria to meet her IFLA/UNESCO commitments - Universal Bibliographic Control (UBC) and Universal Availability of Publications (UAP). The yearly NBN publication is used by other libraries as selection tools in acquisition. The ultimate goal of enhanced cooperation for resource sharing among libraries through Online public Access Catalogue (OPAC) is made possible by NBN. Iqbal and Soroya (2016) opined that there is also ethical obligation on the publishers/Authors to submit copies for nation deposit collection because their intellectual work is produced with the different material and with the help from different libraries and works of others.

Legal deposit compliance is expected to be high in countries where the enforcement mechanism is effective because the incentives to ignore the legal deposit law are not attractive. In most developing countries, such as Nigeria data on titles collected and collated are helplessly taken as the intellectual output in a particular year. It is not surprising that adequate data are not available for meaningful statistical inference to be drawn on level of compliance and its nature. The few data available are not enough to enable stakeholders monitor and track changes that reflect the outcomes of sensitization efforts on legal deposit obligations. A proactive approach that involves commissioning of studies on many aspects of legal deposit compliance and cost- effectiveness of the sensitization programme would help to provide reliable empirical data.

This paper attempts to examine legal deposit compliance in Nigeria, review the enforcement strategy and the need for a reliable monitoring and evaluation plan. The problems of non-adherence to the time-limit, non-submission of required copies and submission of imperfect copies for legal deposit are serious issues extensively discussed.

The objectives of this paper include:

- * To identify an all-inclusive and appropriate strategy that will improve the level of legal deposit compliance;
- * To identify aspects of legal deposit legislation that are due for review, especially enforcement and penalties, and
- * To articulate the need for monitoring and evaluation plan to determine the cost-effectiveness of sensitization programme.

Legal Deposit Compliance

Legal deposit legislation is generally aimed at the creation of national publications and national bibliographic record. The National Library of Nigeria is saddled with the statutory responsibilities to collect, preserve the historical, literary, and cultural record of the nation, and provide means of identifying and maintaining recorded information in perpetuity. The legal deposit obligations provide a guaranteed means of identifying, understanding or replicating researches of the past as part of the continuing cycle of experimentation and advancement of knowledge (CDNL, 1996). Legal deposit compliance level in Nigeria is presently difficult to estimate due to lack of reliable data on published materials. The compliance level in United Kingdom in 2013 was estimated to range from 90 to 95% (Gilchrist, 2005). The recent sensitization campaign by the National Librarian to raise awareness level on legal deposit obligations among the stakeholders is not only commendable but timely. The number of titles nose-dived from 903 and 1042 in 2013 and 2014 respectively to 351 in 2015 for serials as shown in Figure 1. The rate of change (geometric mean) in legal deposit for serials and monographs in the last 10 years (2007-2016) are 1,289 and 3,399 titles/year (figs. 1&2). The observed trends in Figures. 1&2 cannot be safely attributed to the impact of any sensitization programme. The trends may be due to other factors such as aggressive legal deposit drive, lethargy of the publishers/Authors that might have resulted in few book publications and collation errors. (Available data would have been more useful in assessing the impact of the yearly sensitization programme if data for a particular year been officially designated as baseline data).

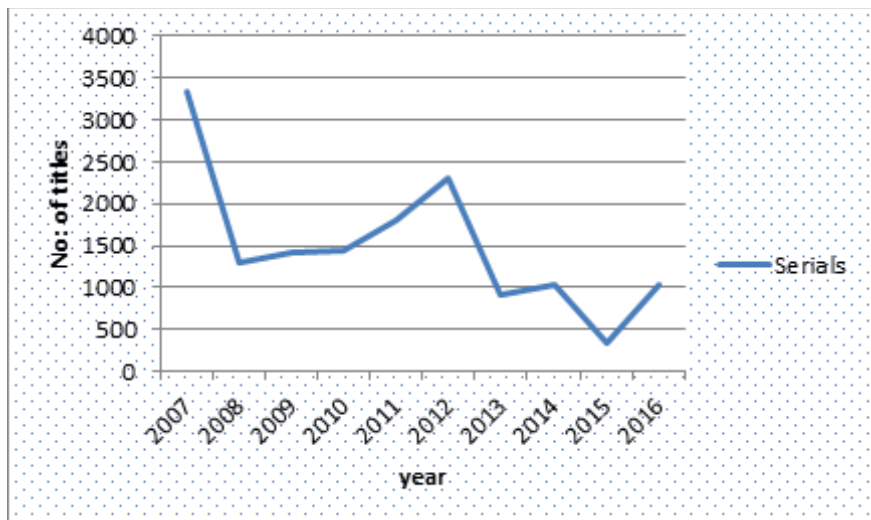


Fig. 1

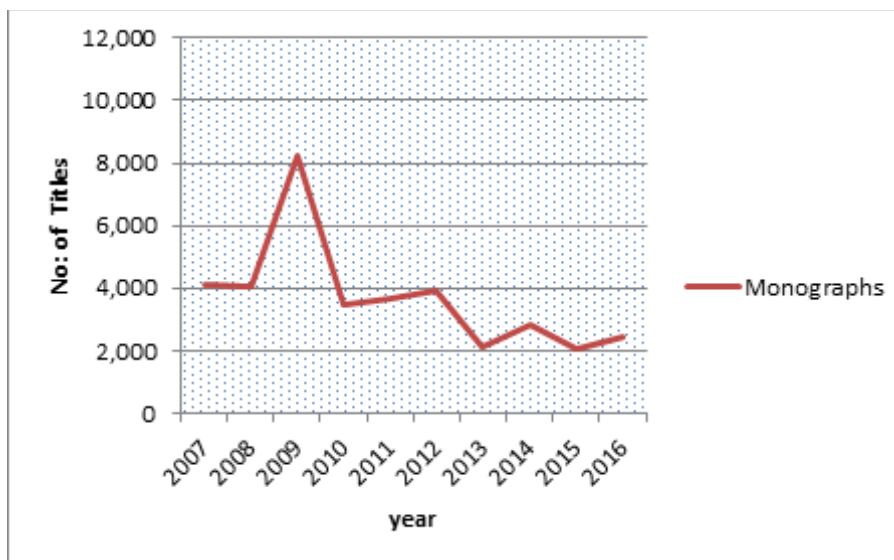


Fig.2.

Figures. 1& 2 are graphs showing the trends in the number of titles of serials and monographs respectively collected (2007-2016)

Simple computation of legal deposit compliance level based on percentage of titles submitted against the total number of serials and monographs published in a particular year is also a problem. It is actually difficult to accurately estimate the total number of publications due to 7 factors such as submission of published work outside the statutory timeline and lack of effective intelligence unit to monitor book fairs, exhibitions and review programmes on radio, television and in the newspapers.

Advantages of Legal Deposit compliance:

Nicholson (2015) highlighted the importance of legal deposit as an internationally recognized practice within the global library community, which ensures that the documentary or cultural heritage of a nation is collected, accessioned, stored, protected preserved and made accessible for the benefit of its citizens and future generation.

* Preservation: Legal deposit has a substantial cultural role in establishing its continuity to ensure the availability of knowledge on a national and international level through exchange of bibliographical control.

* Publicity: The National Library of Nigeria compiles and produces the National Bibliography of Nigeria (NBN). This is the most authentic list of the nation's intellectual output and cultural heritage. The NBN also serves as a selection tools for library and information Centre's

* Litigation/subpoena: The legal deposit copy is the only authentic copy accepted by law court in case litigation.

* Publishing Standard: Publishers who deposit their works with National Library of Nigeria stands a chance of partaking in the Universal Bibliographic Control (UBC) aimed at encouraging International conformity in the exchange of bibliographic data.

* Resource Sharing and Access: The publishers/author that deposit its works will have its work compiled and listed out on the online national union catalogue database of National Library of Nigeria which also enhance bibliographic control services towards universal availability of publication (UAP). The aim of UAP is to improve access to published materials.

Issues and Challenges

Despite the trend in information and communication technology, analysis of records of legal deposit materials deposited with National Library of Nigeria shows that most of the materials deposited are mainly print materials, while the non- print such as e-resource, audio and video recordings are rarely deposited.

The following are some of the challenges:

- * Lack of cooperation from Authors, Publishers and Government Agencies
- * Non –adherence to the submission of perfect copies as stipulated in Legal Deposit Act
- * Late submission of publications by the publishers/author contrary to the one month time frame in the legislation
- * Improved funding required: i.e. in the area of publicity, sensitization and enforcement of Legal Deposit

Lack of Cooperation from Authors and Publishers/Government Agencies

The only excuse for the uncooperative attitudes of some Private authors and publishers is lack of awareness which is not plausible and the popular aphorism that ignorance is no excuse for infraction of legal provision applies. However, efforts aimed at raising the awareness level on Legal Deposit obligations are currently being championed by the National Librarian who on assumption of duties hits the ground running with his personal visits to the heads of many government agencies that hitherto were unaware or aware but did not appreciate the importance of their legal deposit obligations.

Non-Adherence to the Submission within the Time-Limit as Stipulated in Legal Deposit Act

The impact of non-adherence to time limit is a major factor responsible for un-timely production of different editions of NBN main and supplementary-. Experience has shown that some materials are submitted three years after the date of publication in serious violation of the legal deposit legislation. The implication has been the late NBN production that sometimes could be three (3) years behind schedule and supplementary editions that could be five (5) years late. Although, there are other internal factors that do contribute to the late NBN production, however, the non-adherence to the stipulated time-limit for legal deposit obligations has not helped to make production cost effective.

Non-Adherence to the Submission of Perfect Copies as Stipulated in Legal Deposit Act.

The objectives of preserving materials are defeated when imperfect and inadequate copies are submitted in violation of the legal deposit obligations. Materials that fall short of the legal provision are usually not listed until the publishers meet the requirements. This also affects the ability of NLN to be up-to-date in NBN production. Persuasion has been working effectively in convincing defaulting publishers to see reasons and comply.

Improved Funding Required

The problem of inadequacy of fund for legal deposit collection is evidenced by the inability of NLN to carry out effective publicity as described in a publication referred to earlier. Availability of adequate fund for publicity is a must as it is far more productive and cost effective to spend more on sensitization than litigation that might arise from enforcement effort. The routine legal drive is sometimes hampered by lack of fund, hence it has been irregular. Follow-up visits in cases where appreciable progress has been made are sometimes abandoned due to lack of fund. The acquisition of appropriate infrastructure for preservation of digital legal deposits has been hindered by lack of fund.

Legal Deposit Compliance and Enforcement Strategy

The general slow-pace and cost of litigation in Nigeria appear to be responsible for lack

of

interest in pursuing legal option in obvious cases of disregard of the statutory provision on legal deposit obligations. This implies that no matter how diligent the routine legal deposit drive is pursued, it is unsustainable and cost-ineffective. A fine of £50 is what any infraction of the provision will cost the offender, A cursory look at the cost elements and associated risks with enforcement drive, coupled with uncertainty of the outcome will compel a review of our strategy for legal deposit collection. In Netherlands, there is no statutory provision on legal deposit obligations as deposit collection is based on mutual agreement between the National Library and Publishers, so resources not expended on enforcement are freed for use in meeting other library needs.

The Netherlands Experience as an option?

It has been argued in some quarters that if adequate publicity is embarked upon to sensitize the authors and publishers on the benefits of legal deposit collection, the Netherlands experience may apply in Nigeria, irrespective of the differences in our socio-economic, educational and technological developments. They believe that money spent on enforcement if judiciously expended on publicity with some creativity will go along to improve the compliance level. The counter argument is that the relative success recorded on legal deposit collection so far can be attributed to statutory provision on legal deposit because many authors in Nigeria do self-publishing and relying on any publishers' association to get copies of their work as legal deposit seems impracticable.

Expected Amendments to the Legal Deposit Provisions

Amendments to legal provisions are generally carried out to make existing legislations better, address any noticed lacuna, and meet new challenges. The details of the specific amendments being proposed to the legal deposit legislation are yet to be made public. In many countries such as United Kingdom, France and New Zealand the amendments of the legal deposit obligations centered on legal deposit collection of digital resources. In New Zealand amendment of legal deposit collection led to the establishment of the National Digital Heritage Archive where electronic deposits are to be preserved. Legal issues concerning electronic deposits and website archiving still lack concession regarding acquisition, copyright, and preservation and Nigeria cannot be an exception in this effort.

Amendments of the legal deposit provisions in Nigeria may include the following:

- i. Both electronic and printed copies of published materials must be submitted by authors and publishers;
- ii. Upward review of amount stipulated as fine for infraction;

- iii. Provision for the establishment of National Digital Archive for electronic deposits;
- iv. Establishment of special fund that will provide fund to would-be authors and established authors to get their work published after careful selection and registration with NLN.

Monitoring and Evaluation

A monitoring and evaluation plan is a self-auditing process that helps management to identify any deviation from set goals. An effective monitoring plan alerts management to a problem before it gets out of hand and assists to recognize solution to fix the problem. The yearly sensitization programmes on Legal Deposit needs a plan that will help determine its impact on compliance level and cost-effectiveness.

The benefits of a monitoring and evaluation plan include the followings:

- ★ Providing timely information on compliance level in relation to set goals and objectives;
- ★ Providing reliable verification process that ensures continued compliance with the legislation in force;
- ★ Providing an opportunity for management to give credit for good performance;
- ★ Identifying potential cost-savings, especially those which might arise from waste minimization.
- ★ Providing an up- to date database which can be drawn on when making decisions in relation to legal deposit compliance level,

The data sets derived from monitoring plan can be used to identify and evaluate the effects of the legal deposit drive, voluntary compliance and sensitization programme.

The Role of National Library of Nigeria to Ensure Compliance

The National Library in ensuring Legal Deposit compliance has taken the following measures:

- i. Restructuring of the National Library of Nigeria has given birth to the Legal deposit department from a divisional status.
- ii. Regular sensitization and awareness programmes.
- iii. Reactivation of legal deposit annual award.
- iv. Evidence of Legal Deposit past publications before issuance of ISSN/ISBN numbers.
- v. Prompt production of National Bibliography of Nigeria

- vi. Embarking on aggressive Legal Deposit Drive.

All- inclusive approach for improved legal deposit compliance

Legal deposit compliance level cannot be objectively ascertained due to lack of adequate empirical data and monitoring and evaluation plan. The availability of relevant data could be effectively used to justify call for improved funding of the sensitization programme on legal obligations and other technical functions. The need to see that the publishers' capacity to comply with legal deposit obligations is improved through regular dialogue, seminar, workshop and participation in award programmes and participation in the proposed NLN fund, is imperative.

From the foregoing, the basic steps that will lead to improved legal deposit compliance in Nigeria

include the following:

- i. Better funding of Legal deposit compliance activities;
- ii. Regular consultation with publishers' association;
- iii. Implementation of effective monitoring and evaluation plan;
- iv. Publicity for Readership Promotion Campaign as contained in a NLN's publication referred to above can be adopted and modified to reflect present realities;
- v. Intelligence unit should be set up to monitor developments in the publishing industry, especially book-launch, book-fair, book-exhibition, and book-review on radio and television; and
- vi. Provision of grants for research work on legal deposit compliance and other technical functions.

It is expected that with the serious commitment the current management has demonstrated, implementation of the steps suggested above would lead to cost-effective improvement in legal deposit compliance level in Nigeria.

Conclusion

Compliance to legal deposit provisions saves cost and makes planning effective as money spent on enforcement could be better used on other competing needs of the library. The un-cooperative attitudes of some publishers and government agencies need to change as non-adherence to time-limit, submission of imperfect and inadequate

copies impacted negatively on the timely NBN production and its cost-effectiveness. Availability of reliable data gathered from monitoring and evaluation plan and research work will help to keep NLN's goals on track and deviation easily detected and corrected. Results from search work will help in our attempts to request improved funding for legal deposit collection effort. It is clear that non-compliance to laws at any level disrupts socio-order and it is counter-productive in the long-run. Therefore, compliance to legal deposit law will increase productivity, easy access to information by the library clients and prompt production of the National Bibliography of Nigeria

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