

DEPOSITORY OBLIGATIONS AT THE NATIONAL LIBRARY OF NIGERIA: ISSUES AT STAKE

BY

FRANCISCA I. OFODILE
National Library of Nigeria, Abuja.

ABSTRACT

This paper traces the history of legal deposit provision in Nigeria. It treats the elements of Legal Deposit. It specifies the types of materials to be deposited with the categories of publishers. It concludes by identifying the problems militating against the collection of legal deposit materials and the way forward.

INTRODUCTION:

The activities of the National Library of Nigeria in the area of collection of legal deposit materials have spanned almost four decades. With the increase in the production of print and non-print materials, it has become necessary to look at the issues affecting a comprehensive collection of the nation's intellectual output.

The National Library being the National Bibliographic Agency is responsible for the production of the National Bibliography of Nigeria (NBN). This publication which is a collaborative effort of the Collection Development and Processing Department and the National Bibliographic Control Department (NBCD) list the Nigerian publications deposited at the National Library of Nigeria which is published annually. Legal Deposit is the collection of the intellectual output of a nation in its entire ramification backed up by law. Legal Deposit is a statutory obligation, which requires any organization, Commercial or public, and any individual, producing any type of document in multiple copies, to deposit one or more copies with a recognized national.

Institution (Lariviere 2000). It is therefore worth knowing that most countries rely on a legal instrument in order to ensure compliance.

DEFINITION OF TERMS

i) The Legal Deposit

Harrod (1976) defines "legal deposit", as a method whereby certain libraries are entitled by law to receive one or more copies of every book or other Publication which is printed or published in the country."

According to Ojo (1982), it is "a method whereby a publisher or printer is

required by law to deposit at his own expense a prescribed number of copies of any material published in a particular region or country to one or more appointed libraries, within a specified period after publication". Among reasons advanced for the provision of legal deposit, the following two stand out as most important:

- First, it is aimed at achieving, as much as possible, awareness of the publishing output of the country in the concept of bibliographic control;
- The building up of a national collection reflecting much of intellect, civilization and culture of that country. The existence of this important national resource is given the widest possible publicity through listing universally circulated national bibliography.

BRIEF HISTORY OF LEGAL DEPOSIT PROVISION IN NIGERIA

Publication Ordinance

This was the first depository law initiated in Nigeria which came into existence on 27th April, 1950. The Ordinance stipulated the deposit of two copies of all publications issued in Nigeria in the University of Ibadan library, and also in the office of the Chief Secretary to the Government. It specifically stipulated that "the publisher of every book produced in Nigeria should deposit within one month of publication, copies of the book to the librarian of the University College, Ibadan for preservation. The University of Ibadan under the leadership of the late Professor John Harris took the initiative to compile and produce the Nigerian publications which formed the foundation for the current national bibliography now known as the National Bibliography of Nigeria. Subsequently, the regional government in the country took their turns in enacting their own depository laws for their own library boards. The Country at the time, therefore, had the Eastern Regional Board Act of 1955; the Western Region had its own provision in 1957, while the Northern Nigeria "Publications Law" was enacted in 1964.

In 1964, the National Library of Nigeria Act was passed and it established The National Library Board with the power to set up a Central Library. The Act failed to empower the National Library with the function of a National Depository as well as the publication of a National Bibliography. Subsection (2) (a) of section 1 only empowers the Board to assemble, maintain and extend a collection of books, periodicals, pamphlets, newspapers, maps, musical scores, films and recordings".

National Library, appeared not to have any depository function and could therefore not publish the National Bibliography of Nigeria. This allowed the University of Ibadan, Library to continue with the functions it had been performing under the provision of the publication ordinance of 1950. In 1970 however, the National Library Decree was promulgated which rectified

the shortcomings of the 1964 Act as far as Legal Deposit was concerned. The National Library Decree No.29 of 1970 therefore provided the right for the National Library to assume depository obligations as well as perform bibliographic functions i.e. publication of the National Bibliography of Nigeria. The point to note in the 1970 decree is the fact that it applies throughout the country, having supremacy over any other library edicts of State Governments, in the event of conflicts.

OBJECTIVES OF THE LEGAL DEPOSIT

IFLA (2005) maintained that the major objective of legal deposit is "to secure the preservation of the National Cultural heritage for posterity and for transmission of National heritage by storing it and making it available now and for future generations". The importance of materials collected under legal deposit provision cannot be overemphasized. It helps in creating awareness of the publishing output of the country. The Authors' names will also be entrenched in the annals of the nation's publications' history while the publishers' names will be listed in the publishers' directory in the country wherever it is printed. - The materials so deposited also serve as the only authentic copies in cases of litigations.

METHODS OF COLLECTING BOOKS UNDER LEGAL DEPOSIT

Legal Deposit Materials are collected in the National Library of Nigeria through the following processes:

- i. Unsolicited delivery by publishers in any of the National Library offices
- ii. Materials collected during Legal Deposit drives
- iii. Materials collected after claim and demand letters
- iv. Materials collected during book launches and book fairs
- v. Materials received through the post.

TYPES OF LEGAL DEPOSIT MATERIALS

A handbill of facts on Legal Deposit published by the Bibliographic Control Department (NBCD) (1994) listed these to include everything Published in Nigeria.

- i. All literacy works such as books, pamphlets, sheets of music, maps, charts, plans, tables and compilations.
- ii. Dramatic works
- iii. Works such as encyclopedias, dictionaries, yearbooks, newspapers, magazines and periodicals.
- iv. Any work written in distinct parts by different authors.
- v. All forms in which documentary or oral records are published.

Items here indicate that Legal deposit materials are not only books and other print materials but includes audio-visual materials e.g. home videos, cassettes, films, microfiches, slides and electronic publications.

ELEMENTS OF LEGAL DEPOSIT SCHEME

Legal deposit is an efficient means for building up a national collection of print and non-print material. As contained in IFLANET (1999) this is "in order to secure the preservation of the national cultural heritage for posterity and for transmission of the national heritage by storing it and making it available now and for future generations". It goes further to say that a country is committed to article 19 of the Universal declaration of Human Rights which gives to every one "the right to freedom of opinion and expression, including the right to seek, receive and impart information and ideas through any media regardless of frontiers".

Origin of Publication

The origin or place of publication of the material is important in order to determine whether to include it as an item in the legal deposit scheme. Bibliographic details such as origin or place of publication, issuing agency and date of publication are to be examined to determine the origin of the material. For example, the scope of the legal deposit covers a book on Nigeria written by a Nigerian and published abroad. In the same vein, a book on Nigeria written by a foreigner and published in Nigeria or abroad falls within the legal deposit scheme.

Comprehensiveness

The scope of the legal deposit materials collected in the National Library of Nigeria cover both print and non-print materials. Efforts are made to cover any type of library materials regardless of their formats as long as they fall within the scope of the materials to be deposited.

The Depositor

The legal deposit decree states that all producers of the materials covered by the decree should deliver the required copies to the National Library within the stipulated period of one month. It is expected that all materials published, produced, printed or distributed whether commercially or not be deposited by the publishers, producers, printers or distributors. To ensure that a good percentage of the materials published are deposited, the National Library also involves the Heads of the State Branches across the country in the collection of legal deposit materials by undertaking legal drives to the commercial, private and government publishers.

In carrying out this assignment, they are armed with copies of the legal deposit decree which they distribute to all the stakeholders. In addition to this, some of these publishers bring their books to deposit personally at the Headquarters in Abuja or in the State Branches.

Number of Copies to be Deposited

In order to ensure that copies are available for preservation and for use by researchers having access to the national collection of the legal deposit materials, the number of copies to be deposited varies with the categories of publishers. The private/commercial publishers are expected to deposit three copies while the Federal and State Governments are required to deposit twenty-five(25) and ten(10) copies respectively of their publications.

How to Deposit

Published materials are deposited either in person directly to the Legal Deposit Division of the Collection Development and Processing Department(CDPD) or by post using the National Library's postal address. Publishers within the Abuja environs can deposit their materials at the National Library Headquarters, Sanusi Dantata House, Central Business District, P.M.B. 1, Garki, Abuja or in any of the National Library State Branches in the states where they are located.

Time of Deposit

The period of time for deposit as stipulated in the decree is within one month of the publication. Authors/Publishers are advised to deposit their materials as soon as possible. The reason for this is far fetched. Firstly, it will be able to meet the needs of users seeking new publications and to permit prompt listing in the national bibliography. Another reason for ensuring early deposit is that some publications go out of print quickly and any delay in depositing these materials could mean that the materials will never be collected.

UNESCO GUIDELINES FOR COLLECTION OF LEGAL DEPOSIT MATERIALS

The UNESCO guidelines for the collection of legal deposit all over the world are incorporated in the National Library Decree of 1970. The guidelines are as follows:

- i. Visits to publishers.
- ii. Examination of announcements and advertisements in National and local newspapers.
- iii. Liaison with Government Department and Government Printing Office.

- iv. Establishment of an effective clerical routine of registration, receipts, checks and follow-ups.

All the above guidelines have been followed to ensure comprehensive collection of legal deposit materials in Nigeria.

Strategies for Collecting Legal Deposit Materials

Publishers who visit the ISBN Agency/ISSN Centre to obtain ISBN or ISSN are expected to send copies of their publications to the Legal Deposit Division of the Collection Development and Processing Department. They are also required to show evidence of their publications to the Agency that they have complied to enable them collect new ISBN's for their publications.

In order to ensure compliance, the Legal Deposit Division periodically sends letters of claims and demands to authors and publishers reminding them of their legal deposit obligations. Attendance of staff of the Division at bookfairs/exhibitions organized in the Country has enabled them to collect legal deposit materials on the spot and Acknowledge receipt of same.

Occasional visits of staff to reputable publishing houses, government organizations/institutions scattered all over the country has helped to boost the legal deposit collection. As a way of encouraging Authors/Publishers to regularly deposit their materials in the National Library, an award was set up by the National Library in collaboration with the Nigerian Book Foundation for the publisher with highest number of legal deposit materials deposited in the National Library in a particular year. The practice, however stopped some years ago. It is hoped that it will be resuscitated in the nearest future.

Publishers who deposit their materials in the National Library have their names listed in the publishers column of the National Bibliography of Nigeria(NBN). The NBN which is distributed locally and Internationally has helped to publicise such publishers outside the shores of Nigeria.

FACTORS MILITATING AGAINST COLLECTION OF LEGAL DEPOSIT MATERIALS

Some authors and publishers have been consistent in depositing their materials in the National Library of Nigeria, even though full compliance have not been achieved by these publishers. This has resulted in inability of the National Library to achieve a comprehensive collection of all the materials published in the country for reasons enumerated below:

- i. Non-challatan attitude of publishers
- ii. General lack of awareness
- iii. Review of the legal deposit law
- iv. Depositing of materials with the State Libraries in preference to the

- National Library of Nigeria.
- v. Reluctance to deposit expensive materials.

Non-challant attitude of publishers

The non-challant attitude of some publishers has resulted in the conspicuous absence of many Nigerian Publications from the National Bibliography of Nigeria. Many publishers, printers and authors evade the Legal Deposit Law because the penalty has not been enforced. Publishers who are found to be guilty of the offence have not been prosecuted in any court of law.

The fine of fifty pounds (50) (₦12,500) for non-compliance or the three copies deposit required of a commercial publication on the conviction of defaulters has become too small when compared to the present cost of publications.

It is observed that there is apathy on the part of government printer to legal depository in Nigeria. It is rather sad to note that even top government functionaries could afford to be "indifferent" to government directive or even feign "ignorance" of the existing law in their area of authority.

General Lack of Awareness

Lack of adequate funding to place advertisements in Newspapers, Television and Radio emphasizing legal deposit has resulted to lack of awareness on the part of actors in the book industry. The National Library is not receiving enough funds to undertake this type of services on regular basis like other product advertisement carried out by government or commercial institutions.

Review of the Legal Deposit Law

Previous papers on this issue have stressed the need for review of the Legal deposit law. According to Sonaike (2002) "many publishers, authors and printers evade the legal deposit law because the penalty has not been enforced and those who are found wanting have not been prosecuted. Some government agencies even claim ignorance of the law. Public enlightenment campaigns should be embarked upon by the depository library in order to make the desired impact". Gbadamosi (2005) and Shuaibu-Adamu (2006) also lend their support to his view.

Depositing of Materials with their State Libraries in Preference to National Library of Nigeria

With the states and some tertiary institutions serving as depository libraries for publications emanating from their states, publishers are faced

with divided loyalty. Some of them find it difficult to deposit materials in their states and still deposit the number of materials required by the National Library. Publishers are however advised on the need to deposit with the National Library as the National Library decree supercedes all other legal deposit laws.

Reluctance to Deposit Expensive Materials

Some publishers are reluctant to deposit their materials due to the high cost of production. Some of them make in-complete deposit because of the cost involved. The Legal deposit division has had to grapple with this problem by writing and requesting for the remaining copies of the publications where they are incomplete. On the other hand, publishers who fail to deposit are written to Comply.

PENALTY FOR NON-COMPLIANCE

Under subsection(1) or (2) of the National library Decree, any publisher that is guilty of an offence and on conviction will be liable to a fine of fifty pounds (50) (N 12,500) and the court which convicts the publisher may in addition order him to deliver to the Director/Chief Executive, three(3) copies or to pay the value of those copies. The obligations imposed by this section are additional to any similar obligation, which may be imposed by any law in force in a State other than this decree. However, the Federal law takes pre-eminence over State laws.

RECOMMENDATIONS

Having said much about the attitude of publishers to legal deposit provision, decree 29 of 1970, it is pertinent to suggest some steps that could be taken to ameliorate the situation.

- i. First and foremost, the decree, which deals with legal deposit should be reviewed in line with current realities if it is to achieve desired results. For example, the fine imposed on convicted defaulters has become too minor when compared with present cost of publications.
- ii. The National Library should create more awareness by slotting advertisements regularly in the Nigerian dailies that have high readership coverage. Such advertisements could also go on the Radio and Television.
- iii. Sending of reminders to publishers and circulation of handbills and posters for public enlightenment should also be pursued to stimulate publishers' interest.
- iv. Organisation of Seminars and Workshops for publishers, authors and other stakeholders on the need to deposit their materials in accordance

with the provision of the law. When organizing such programmes, participation should be free of charge. This is to encourage the participants to attend.

- v. On daily basis, national newspapers and magazines are browsed through to detect new publication announced in newspapers so that legal deposit copies could be demanded from the publishers. Attention is also paid to radio and television for announcements in respect of launching of new publications.
- vi. Visits to book stands in hotels, airports, motor parks, conferences other places where new books are displayed so as to get information on the titles and publishers of the books and serials that have not been deposited in order to request for legal deposit copies.
- vii. Even though the legal deposit law covers depositing of non-print materials such as films, videos, CDs, etc., not much has been accomplished in these areas. The Legal deposit division has a lot of work to do to see that law is complied with to cover these non-print materials. This could be achieved by collaborating with the Nigerian Video and Censor's Board, The Nigerian Film Corporation and other stakeholders in the industry. Although efforts have been made in the past to approach the relevant bodies concerned, it is advisable that our efforts be renewed in this pursuit to enable us have a breakthrough. Once this is achieved, there will be a boost in our collection of non-print materials produced locally.
- viii. Reactivation of the legal deposit's annual award should be pursued, the National Library of Nigeria used to organize an annual event to encourage publishers and stakeholders in the legal deposit of materials. The programme which is called "The Legal Deposit Award" was instituted in 1994 by the National Library of Nigeria Under the auspices of the Nigerian Book Foundation (NBF).

The criteria for the award then were:

- a. Coming personally to deposit ones publication within the stipulated one month of publications(s); and
- b. The number of titles deposited per annum.

The exercise was intended to bring publishers and the National Library of Nigeria together in their related effort towards boosting learning and achieving bibliographic control of both print and non-print media in the country. It is being suggested that this programme which is now moribund should be resuscitated.

CONCLUSION

The national bibliography of any nation is the only organ that can be used to determine the intellectual output of that nation. Collection of legal deposit materials is paramount to the preparation of national bibliographies. National Libraries' collections, the world over are viewed as the pride of the nation. Such collections are usually preserved for posterity and equally seen as national monuments.

So also in Nigeria, without legal deposit materials, compilation of the National Library of Nigeria cannot be achieved. It is therefore important that a comprehensive collection of legal deposit materials should be achieved in all its ramifications. It is hoped that the Legal Deposit Division will be well funded to enable the division perform its duties effectively.

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