

# **BUILDING A NATIONAL CULTURAL HERITAGE: THE ROLE OF LEGAL DEPOSIT LAW IN NIGERIA**

**BY**

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“The book is the receptacle of the wisdom and ingenuity of civilization...., where it is absent, a nation with the history of its intelligences is committed to forgetfulness, or rather a civilization without the evidence of a sacred text is soon condemned or diminish; the book is an important material of the Human Development Index, the measure of a nations intellectual development.” -Remi Raji (2019)

## **Abstract:**

*The paper discusses the concept and evolvement of legal deposit law over the years and the legislative aspect of the legal deposit law in Nigeria and other countries. It examines in tabular form specific legal deposit Acts and Decrees operational in some developed and developing countries including Nigeria, showing their similarities and differences. It highlights the importance of legal deposit as an approved exercise that guarantees the documentary cultural heritage of a nation is collected, preserved and made accessible for future generations. Legal deposit is considered very important and essential in bibliographic control nationally and internationally securing national cultural heritage and its transfer to future generations. The paper suggested the need to amend and comprehensively review the legal deposit law of Nigeria to accommodate digital and electronic publications in this era of high technology.*

**Key Words:** Legal deposit law, National Library of Nigeria, Cultural heritage, legal deposit legislation, National Libraries, benefits of legal deposit

## **Introduction**

Legal Deposit is an internationally recognized practice within the global library community that ensures documentary heritage of a nation is collected, accessioned, stored, protected, preserved and made accessible for the benefit of its citizens and future generations. UNESCO Guidelines on Legal deposit (2000) defines it as a statutory obligation that requires publishers to deposit a copy or copies of their publications in designated national or regional repositories within the context of legal deposit legislation.

Documentary intellectual heritage is recognized as critical to national development;



hence intellectual resources in a country are preserved to benchmark the country's development history and contribution to knowledge. As a result, countries enact laws to ensure that producers of information resources and publishers deposit their products to designated centres – this is commonly known as legal deposit.

Legal Deposit according to Iqbal & Soroya (2015) is a government regulation that requires producers of all types of publications to deposit a certain number of copies of each publication in designated organizations. These provisions are in practice in most countries of the world for the preservation and creation of a national heritage. The goals of legal deposit include building and developing a nation's publication collection and preserving them for the benefit of future generations as well as creating national bibliographic preservation for research and related purposes. In the words of Jasion (1991) legal deposit is broadly defined as government provision which compels producers of all types of publications to deposit a certain number of copies of each publication in designated libraries or similar institutions.

### **Evolution of Legal Deposit**

The principle of legal deposits dates back to 1537 in France when King Francois I was the first to put into practice a system of deposit with specific aim of collecting original materials for his royal collection and personal gain. This gave birth to a system of legal deposit of books, backed up by the Montpellier Ordinance of 28 December 1537 (Crews, 1988). Other countries followed up after France: Great Britain in 1610; Poland in 1645; Sweden in 1661; Denmark in 1697; Finland in 1702 and South Africa in 1824. In due course legal deposit spread and became a means of enriching the collections of national libraries at no cost or at minimal cost to the libraries. The original objects of deposit were books from 16<sup>th</sup> century to the 18<sup>th</sup> century.

Traditionally, books and print publications were the original objects of legal deposit because for centuries the traditional means of storage and display of information was based on print medium. However, due to technological development there exists a paradigm shift as a number of publications were produced in other new formats. This brought an amendment in legal contents to include new means and types of publishing. The 19<sup>th</sup> and 20<sup>th</sup> century sound recording and microfilm, audio-visual material and electronic publications became formats for information storage. Therefore, today's legal deposit resources presents in both print and electronic formats, forming part of a country's national heritage.

It is worthy of note that the original aim of instituting legal deposits by King Francois I was to acquire books for himself which later developed into preservation for future generations. In the 20<sup>th</sup> century, fresh objectives were included such as the formation of a national bibliography and making collections available for research purposes. Lariviere (2000) and Fenerci (2008) states that legal deposits has



three main political, legal and cultural functions:

1. Monitoring the printing of publications.
2. Securing intellectual property and control of copyrights
3. Multiplication of national collections, preservation of literary heritage and all works likely to be forgotten in the future.

However, Behrens(2000) emphasizes that the main function of legal deposit is to guarantee that a country's intellectual and cultural heritage is collected, controlled, bibliographically preserved and made accessible for present and future generations. Larievère (2003) posits that through time legal deposit evolved from the original aims of the 16<sup>th</sup> century which was to preserve books for future generations to the constitution of national bibliography reflecting the intellectual output of a country.

### **Over view of Legal Deposit Legislation in other Countries**

Legislation of legal deposit varies from country to country in the way it is administered, implemented and enforced. All these depend on the system of law in place, customs and publishing setup in a particular country. Depository laws legislation appear in various countries as the Legal Deposit Acts in France, Greece, Indonesia, Norway, Peru, South Africa, Zimbabwe and Sweden; as a part of the Copyright Acts in Australia, Great Britain and United States; as the National Library Acts in Nigeria, Canada, Japan and Venezuela; as a general Libraries Acts in Tasmania and as an administrative decree or ordinance in Chile & Cuba (Lariviere, 2000). In Zimbabwe, Audio Visual (A/V) materials are subject to legal deposit requirement.

Landry (2014) states that most countries depend heavily on legal deposit to build their collections but a few countries have succeeded in building a national cultural heritage through voluntary deposits systems. These countries include Switzerland and Netherlands.

UNESCO (2002) maintains that most countries in the world have legislation that regulates the area of legal deposits for publications offered to the public. There are several motives, but the most important is to preserve the cultural heritage. Other motives are to create a base for national bibliography or a desire to support libraries with published materials. Thus, depository laws are widely recognized as main instrument for acquisition and preservation of materials for posterity. However, this depends on symbiotic faithful, involvement between legal deposit, the library and the publishers as they are the key players in legal deposit practice. In Africa, South Africa was the first to start a legal deposit system in 1842, and published its first national bibliography in 1916. Musiker (2005) asserted that in Africa, South Africa was also the first country to have a national bibliography in 1916 followed by Sierra Leone in 1925, Ghana in 1932, Kenya in 1967 and Nigeria in June 1970.

Lariviere (2000) posits that to ensure compliance from publishers, the system of



legal deposit should be based on some legislation. This has formed the bases for legal deposit practice in countries as legal deposit is backed up by law, to ensure compliance and enforcement. In addition, Gilchrist (2005) asserts that Legal deposit laws are critical tools for the preservation of national life, heritage and manifestation of human value and human identity as it encapsulates the collective artistic, social, economic and intellectual memory of a nation.

**Table 1: Legal Deposit Legislation in Nigeria and other Countries**

Country	Botswana	Nigeria	Namibia	South Africa	Israel	Britain	Canada
Legislation Specific Act	National Library Act section 10 of 1967	National Library Decree 29 of 1970	National Library and Information Service Act 4 of 2000	Legal Deposit Act 54 of 1997	Book Act 2000	Legal Deposit Act 2003	Library and Archives of Canada Act
Type of depositories	National library and university library	National library and university library	National Library of Namibia	National library, public libraries, parliamentary library, archive	National library and university library, parliamentary library	National libraries and University libraries	Library and Archives Canada
Objects of deposit	Very narrow scope	Wide scope	Wide scope	Wide scope	Narrow scope	Wide scope	Wide Scope
Print Materials	Books only	Yes	Yes	Yes	Yes	Yes	Yes
Govt. Publications	No	Yes	Yes	Yes	?	Yes	Yes
Electronic materials (offline)	No	Yes	Yes (not yet collected)	Yes	No	Yes	Yes
Electronic materials (online/dynamic)	No	Yes	Yes (not yet collected)	Yes (not yet collected)	No	Yes - not yet collected regulations come into effect April 2011	Yes
Audio-visual materials	No	Yes	Yes	Yes	Yes	Yes	Yes
No. of copies to deposit	3 (2 National library and 1 university library)	3-private/commercial publishers; 10-State govt.publishers, 25-federal govt.agencies	5	5	3	6	2
Time	1 month	1 month	14 days	14 days	1 month	1 month	7 days



**Table 1 (continued)**

Country	Botswana	Nigeria	Namibia	South Africa	Israel	Britain	Canada
Costs	Publishers	Publishers	Publishers	Publishers	Publishers are responsible for 2 copies and Knesset Library compensates publishers for 1 copy	Publishers	Publishers
Penalties		Fine £50		Fine not exceeding R20000		Publisher will pay the library an amount not more than the cost of making the publication	Maximum fine is C\$25,000
Miscellaneous		Have legal deposit awards to encourage depositors			The parliamentary library compensates for the copy they receive	Apart from the British Library (1 month) the other libraries receive their deposit within a time frame of 1 year.	Number of copies decreases with print run
Sources consulted	(Radiporo, 2009: section 10...)	(National Bibliography of Nigeria, 2009: National Library Decree...)	(Zulu, 2003)	(SA Legal Deposit Act 54 of 1997)	(Rabina, 2009: 177-178)	(Gibby and Green, 2008:55-69)	(Library and Archives Canada, 2007)

Adapt ed from Nsibirwa (2012)

**Brief Discussion of Table**

Table 1 above provides a simplified and easy comparison of issues covered by legal deposit legislation in seven countries including Nigeria. This comparison is in line with Lariviere’s *Guidelines for legal deposit legislation* as recommended by IFLA. Nigerian legislation compares excellently with that of developed countries such as Canada, South Africa and Britain in United Kingdom. United Kingdom is one of the first countries in the world to establish a legal deposit system in 1610 while South Africa is the first African country to establish a legal deposit system in 1842. In addition, following the discourse on issues contained in legislation as



outlined by IFLA, Nigeria legal deposit complies excellently with international recommendations. Other developing countries like Botswana, Namibia and Israel obviously has gaps in their legislation, resulting in partial compliance with international guideline on legal deposit issued by IFLA.

### **Overview of Legal Deposit & National Libraries**

Generally, National Libraries all over the world hold the strongest collection of books, periodicals and other materials available in their home countries. These libraries collect all publications belonging to the nations' intellectual or literary heritage (Lunn, 1981). In order to develop these collections for current and future use, the National Library must depend on more than budget and acquisition. It needs in addition legal mandate to take delivery of a copy or copies of each new work published in the country. With the aid of enforceable law, National Libraries can receive nearly all publications emanating from their parent country. This arrangement is known as "legal deposit" and it is the foundation of national collection development and library services in the country.

In most countries, legal deposit is a statutory requirement that all publishers within the country deliver copies of each new publication to the National Library. As countries vary, so are details of their deposit law, for example, in Nigeria three (3) copies go to National Library, in the United States two copies of each copyrighted work go to the Library of Congress and in the United Kingdom publishers give one copy to the British Library, while five other libraries may request additional copies. This compilation by UNESCO revealed diversity in legal deposit recipients, number of copies, time of deposit, penalties for failure to deposit and other specifics. In spite of all these diversities, one general trend is evident; legal deposit builds collections at national libraries and it is essential for national bibliographies and other library services.

All in all, legal deposit helps to ensure that a country's intellectual heritage will be preserved and available for study. Without legal deposit, many publications would probably not be saved, and the entirety of a country's publications would be scattered among many institutions. Research would likewise be scattered and more difficult, and no nation would have the strong, central collections on which to base national bibliographies, information centers cataloguing in publication and other services.

### **National Library of Nigeria and Legal Deposit Law**

In Nigeria the history of legal deposit started formally in April 1950, exactly four hundred and thirteen (413) years after the Ordinance of Montpellier. It was known as Nigeria Publication Ordinance No. 13 of 1950, later amended to Publication Act 29 of 1951, which later climaxed in the promulgation of the National Library Act



no. 29 (section 4) of 1970. Under this Act it is mandatory for publishers to deliver copies of published works in Nigeria, by Nigerian or about Nigeria to the National Library of Nigeria.

The National Library Act (29) of 1970 was promulgated with emphasis on legal deposit obligations and bibliographic functions. It stipulates that the Act should be applied throughout the country, and has supremacy over any library laws of state government even when there is conflict.

The National Library Act (No. 9) of 1970, Section 4 (1-7) enjoined that, "the publisher of every book published in Nigeria shall within one month after publication deliver at his own expense to the National Library of Nigeria three (3) copies of the book, two of which shall be kept in the NLN for permanent preservation and one of which shall be sent by the Director to the University of Ibadan Library. As stipulated, the copies of the book delivered "shall be perfect copies of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of books are published and shall be bound, sewed or stitched together and on the best paper on which the best book is printed". Also, "twenty-five (25) copies of the publications, if it is published by or on behalf of a department of the Federation; and ten (10) copies of the publication, if it is published by or on behalf of a department of government of a State".

In the Act, the word "book" includes the following:

1. All literary work such as books, pamphlets, sheets of music, maps, charts, plans, tables and compilations;
2. Dramatic works;
3. Collective works such as encyclopedias, dictionaries, yearbooks or similar works, newspapers, magazines and similar periodicals;
4. Any work written in distinctive parts of different authors or in which a part or parts of work of different authors is or are incorporated, and every part or division of a work;
5. All forms in which documentary or oral records are published.

The implementation of legal deposit depends not only on legislation but also requires certain procedures to be in place to ensure the successful execution, monitoring and management of legal deposit programme. According to Lor (1997) ISBN is useful for identifying publications subject to legal deposit in countries where the national library is also the agency responsible for administering ISBN. Cataloguing in Publication (CIP) is another effective tool for identifying legal deposit material. CIP involves preparing a catalogue and entry for a book in advance of printing and publications which appears in a printed book (Prabha, 1996).



### **Benefits of Legal Deposits to the Author/ Publisher**

In the words of Egbokhare (2019), these benefits are:

1. It enhances the validity of the work and gives credibility to the author. Serious people will think twice before quoting a work that has no ISBN or whose ISBN is fake.
2. The reason people write is to share knowledge. By adhering to the requirements, the author's works are easily accessed in libraries and are searchable from the database of library systems worldwide.
3. Following (b), an author can easily obtain global reach for his works and rise from being a local player to a global one. More so, as an unknown or budding writer, one needs the help and leverage which is offered through the ISBN. By opening one's work to a global audience, the constraints of location, reputation and resources is mitigated. There are massive economic benefits for global visibility.
4. Submission of works for global competitions is contingent on the validation of the work through standards compliance through a legal deposit system. You may have a great collection of poems or an excellent documentation of the festival of your village or even an exceptional work of pedagogy. It would be difficult for any credible organization to patronize or recognize such works without the legitimacy conferred on it by appropriate standards recognition.
5. What better way can there be for the safekeeping of your books and ideas for posterity than by depositing them with the National Library. By having copies deposited, you are sure that forever, your work will be available to you and whoever receives the copyright
6. It is not a book if it has no ISBN. Without a book with ISBN, you are a quack author and your work is not a book.
7. It makes good business sense for you to be visible to a global audience.
8. There is great academic satisfaction and prestige value for people to contact you from far and wide for your works.

### **The Role of National Library of Nigeria in Building a Cultural Heritage**

Cultural heritage is the legacy of physical artifacts and intangible attributes of a group or society that is inherited from past generations. Not all legacies of past generations are "heritage" rather "heritage" is a product of selection of society (Sullivan, 2016). Cultural heritage includes tangible culture such as buildings, monuments, landscapes, books, work of arts and artifacts. Intangible culture such as folklore traditions, language, knowledge and national heritage (including culturally significant landscapes and biodiversity). The deliberate act of keeping cultural heritage from the present for the future is known as preservation.

Oketunji (2006) in Akidi, (2008) affirms that the National Library of Nigeria is



dedicated to building a world-class national resources thereby enabling Nigerians to know their country and themselves through their published heritage and to providing an effective gateway to national and international sources of information. This is done through the system of legal deposit practice and enforcement. Kawalya (2011) corroborates that legal deposit has a cultural role in establishing its continuity to ensure the availability of knowledge on a national and international level.

CDNL (2012) posits that legal deposit underpins democracy and citizens' participation by (i) collecting, recording and preserving all published materials of a country, legal deposit guarantees each citizen access to the nation's published heritage without making any judgement on the intrinsic value of the materials should it be a judgement of a moral, political, artistic or literary nature. (ii) legal deposit has clear public interest benefits : it underpins competitiveness, creativity, research excellence and education and learning and in so doing, it contributes to economic development and well-being.

The NLN ensures the availability of a comprehensive collection of resources to reflect existing world knowledge and to ensure full access to such resources both within and outside Nigeria. This is accomplished by encouraging free public access to Nigerians and foreign books as well as e-books and audio-visual collections of the library.

The NLN promotes the free flow of knowledge between Nigeria and other countries and secures Nigeria's place in the community of nations that depend on recorded knowledge, information and for survival.

In partnership with legal deposit libraries, publishers, producers and authors play a positive role in contributing to development and preservation of Nigeria's published heritage forever.

Raji (2019) summarized legal depository (NLN) as both the physical bank of the nation's intellectual production and the metaphoric memory bank of a people's cultural and scientific contributions to world civilization. Similarly, Mmejimi (2018) corroborated that legal deposit ensures the cultural, intellectual heritage and linguistic diversity of the nation is preserved and made accessible for current and future users.

Specifically Enyia, (1998), enumerated the following as specific roles the NLN as a legal depository plays in building a national intellectual and cultural heritage for Nigeria.

1. Liaising with the international ISBN (infill) HQ in Germany the NLN manages the ISBN agency on behalf of book publishers in Nigeria. The Agency allocates identifiers and provides computer printout.
2. Management of Nigeria National Serial Data Centre for registering and assigning ISSN to serial titles published in Nigeria providing a link between



- Nigerian publishers of serials and the international serials data system network.
3. Administers the nation's CIP programme. The program began in 1984 as a joint program between the NLN as the National bibliography agency and the NPA. The objective is to provide detailed professionally compiled advanced information about forthcoming books. The CIP data is usually printed in the reverse of the title page and it includes bibliographic description, subject headings, classification and ISBN. CIP records are printed in NBN.
  4. Serves as the National copyrighted information center, providing services for the protection of the intellectual property of authors and publishers. Also, provides information regarding copyright for all Nigerians.
  5. UNESCO international conference on National Bibliographies in 1977 promulgated guidelines on development of national bibliographies. This resulted in publication of NBN.
  6. In 1970, UNESCO approved recommendations concerning the international standardization of library statistics. As a result, the FGN designated the National Library as the center to collate, analyze, preserve and disseminate the country's library statistics. Processed statistical data are published in the Digest of Library Statistics.

### **Conclusion**

Legal deposit plays a significant role in preserving cultural heritage and providing access to culturally significant publications for present and future generations. Section 4 of the National Library of Nigeria Act No. 29 of 1970 confers on the NLN the depository obligations of the nation with the implication that resources published in the country must be deposited in the NLN. In fulfilling its depository obligations, NLN over the years has created awareness through sensitization workshops, conferences, seminars and legal deposit drives (Akidi, 2017). These efforts are targeted at book sector operators – publishers, printers, booksellers etc. Nigerian legal deposit provisions are presently limited to traditional print book publications. Technology has changed the way society consumes information. Online publishing and the use of internet as means of communication underpins the necessity of extending the legal deposit scheme to include online materials in Nigeria. Culturally significant online resources come in various formats, and their inclusion in the legal deposit system is a critical step in recording Nigerian cultural heritage.

### **Recommendation**

The National Library of Nigeria as the custodian of the country's intellectual output needs to forge partnership and work in collaboration with publishers and also demonstrate to them the benefits of depositing their publications. The deposit law should be reviewed and amended to make explicit the need to deposit electronic publications and capture online resources. An effective legal deposit system will help Nigeria contribute to the development of UBC and facilitate availability and access to published materials for learning and research as Nigeria cannot afford a memory loss by ignoring the need for bibliographic control.



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