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LIBRARY LEGISLATION AND DEVELOPMENT OF PUBLIC LIBRARIES IN NIGERIA: SOME GENERAL CONSIDERATIONS

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Abstract

The public library remains a library of interest not only to the librarian but to the government and the general public because of the important role it plays in the development of any country. It is upon this premise that the paper generally discusses the effect of library legislation in the development of public libraries in Nigeria. It presents a brief historical overview of the development of public library and library legislation in Nigeria. Against the dearth of literature in library legislation in relation to public library development, the paper highlights the need for public library legislation, outlining the States in Nigeria with their year of enactment of their library legislation (Library Edicts/Laws). Furthermore, it provides a treatise on the legal deposit requirement of library legislation. In order to increase the effectiveness of legal deposit provisions, the paper made several recommendations as regards legal deposit requirements of the law. Also, from a critical assessment of the library legislations (State Library Laws/Edicts) in Nigeria, the paper made several recommendations that will reposition the laws/edicts for greater development of the public libraries in Nigeria.

Keywords : Public library; Library legislation; Development; Legal deposit

Introduction

The public library has remained a library of interest to the government of any nation, the general public and of course the librarian. The reason for the sustained interest in public library is mainly because of the important

role public library plays in the development of a nation. The public library is the gateway to information and knowledge, providing opportunities for lifelong learning, self education, cultural development of individual and the society. The public library is a library established, supported and funded by the government, the community, the private sector or a combination of these for use by those residing within the area the library is situated. The public library provides access to information, knowledge and works of the imagination through a wide range of resources and services, making them available equally to all members of the community regardless of race, nationality, age, gender, religion, language, disability, economic and employment status and educational attainment (IFLA, 1997).

The Public Library is a worldwide phenomenon and this is not surprising when its functions and relevance to the society are considered. They operate in a variety of society and cultures leading to variation in services provided and the way the services are provided but by and large, public libraries have common features (Oyegade, Nasarawa, and Mokogwu, 2003).

Public libraries form an essential and irreplaceable component of the cultural, educational and informational infrastructure of a society. Furthermore, they form an irreplaceable part of the cultural heritage. The public library guarantees the protection of the fundamental human rights of freedom of expression and public access to information. It secures the development and preservation of national collections, in whatever form or whatever the content. It also complements the tendencies of globalization by emphasizing the local dimension and the thriving of multicultural societies. Since it is generally accepted that no country belongs fully to the democratic world as long as its inhabitants do not have equal right and free access to information, it is essential that legislations which protect the public library and commits the government to its funding and sustainability are enacted (Council for cultural cooperation, 2000). This explains the need for a research based general discussion on library legislation and the development of public library in Nigeria. Development here, according to Todaro and Smith (2003), refers to a multidimensional process involving major changes in social structures, popular attitudes, national institutions, as well as acceleration of economic growth, the reduction of inequality

which public library promotes, and the eradication of extreme poverty. In other words, development refers to the process for enlarging the people choices which primarily leads them to healthy living, acquisition of basic knowledge or information, and access to library resources that are essential for an improved standard of living.

Historical Development of Public Library and Library Legislation in Nigeria

The Lagos library which was established in 1932 with the support of a grant of \$6,000 made available by the Carnegie Corporation is a foremost Public library in Nigeria. The library was a subscription library. The British Council also played a prominent role in the early history of public library development in Nigeria. The British Council arrived Nigeria in 1943 establishing reading rooms across the country to promote the British culture and ideas. The Council opened the Lagos Public Library on behalf of the Lagos Town Council. In 1950, the Lagos Town Council took over from the British Council full responsibility for the Lagos public library (Oyegade, Nassarawa and Mokogwu, 2003).

Meanwhile, the Carnegie Corporation, from 1932 to 1959, made substantial grants to Nigeria for Library Development. Aguolu and Aguolu (1997) enumerated the Carnegie's grants as follows:

Table 1

| S/N | Purpose of Grant | Year | Amount in U.S. Dollar (\$) |
|------------|-----------------------------------------------------------------------------|-------------|-----------------------------------|
| 1 | Library Development * | 1932 | 6,000 |
| 2 | Books for Schools and Colleges | 1940 | 3,000 |
| 3 | Purchase of books for Lagos public libraries* | 1940 | 27,3323 |
| 4 | Regional libraries and reading rooms* | 1940 | 1,412 |
| 5 | Library of Congress Catalogue and Supplement for University College, Ibadan | 1951 | 1,126 |
| 6 | Purchase of books for Library of Nigeria College of Arts, Science and | 1954 | 10,000 |

| | | | |
|--------------|-----------------------------------------------------------|------|------------------|
| | Technology | | |
| 7 | Library Training course at the University College, Ibadan | 1959 | 88,000 |
| Total | | | \$136,816 |

Carnegie Corporation's Library Grant to Nigeria.

Source: *World Libraries*

From the above, Carnegie Corporation funded the development of the School, Academic and Public Libraries. Their grant to the Public Library Sector (items 1, 3 and 4 in asterisks above) was much more than their grant to the School and Academic Libraries. In the 1940s, there were no libraries in the Regions of Nigeria. The regions were created in 1952 as political divisions. The UNESCO Seminar on Public Library Development in Africa, held at Ibadan in 1953, emphasized that only Legislation can empower the government to provide and ensure adequate financial support and efficient administration for the public library. It also stated that only legislation can define the functions of the providing authority, create the conditions in which it may fulfill those functions, and ensure development (UNESCO, 1954). Also, the seminar called for State and National Library Schemes including provision of library services by the Local Authorities.

As narrated by Elaturoti (2001), the seminar at Ibadan ushered in a new era for public library development in Nigeria. In the year 1955, the Eastern Nigerian Government enacted the Eastern Nigeria Library Act. The act was well articulated, giving success to the development of library service in Eastern Region. The public library plan of the Eastern Region was a trailblazer and it is on record that Dr. Nnamdi Azikiwe soon after coming into power in the country focused on the development of libraries, consulted with librarians and influenced the enactment of a Library Law in Eastern Region of Nigeria, the first Public Library Legislation in the country.

Aguolu and Aguolu (1997) also provided a useful narration on the historical development of public library and library legislation in Nigeria. He explained that the value of the Public library legislation to the development of public library in Eastern Region of Nigeria was so obvious that immediately after the Civil war in 1970, other state governments' enacted public library legislations which provided for legal deposit in respect of

publications issued within their states. Although, the Western and Northern Regional Governments of Nigeria had passed publication laws in 1957 and 1964 respectively, they did not pass the public library board law. Today, most of the states in Nigeria have passed public library laws of varying degrees of effectiveness. Commenting on the effect of library legislation and the contribution of Dr. Nnamdi Azikiwe on Library development in Nigeria, Harris (1970) remarked:

“As to what happened in Eastern Nigeria; that of course was of utmost significance. It is probably the most significant thing that has happened in Nigerian Library Development...what happened was that Dr. Azikiwe, when he came to power in the country he did not forget libraries in the Eastern Region, he very soon after coming into power set about establishing a regional library service...He did consult with librarians and it developed from there. The whole library law of Eastern Nigeria was quite certainly worked out and we all know how successful its development was that it was well based (n.p)”

The success of the public library services in Nigeria from the 1950s to date is rooted in the early promulgation of public library legislation in Eastern Nigeria and the subsequent public library legislation by most state governments in the country. The success story of library legislation in most states has become a historic reference point for the librarians in the states without public library law to pressure their state governments to enact public library legislation which would provide for a library board and legal deposit.

Need for Public Library Legislation in Nigeria

Public Library Legislation is all about laws on public libraries. Legislation, according to Staphenurst (2004), refers to the process of developing or formulating laws that will be able to govern or guide a particular issue or an activity or behaviour. Reitz (2004) and Menon (2009) refer to Library Legislation as laws passed by a government legislative body pertaining to or affecting the interests of libraries and related institutions. They also observed that librarians and library advocates, through their professional

associations, seek to influence legislative decision-making in ways that will benefit libraries and their users.

Any general discussion of the subject of legislation may be prefaced by the observations that legislation does not originate in vacuum. Most legislation, if not all, is deeply rooted in the social, economic and political soil of society, for law and legislation are merely tools to produce social results. Why is there need for legislation on Public Library? The answer to this question is rooted on the importance or need for legislations or laws in any society. Laws perform important functions in the affairs of any community including the library community. According to <http://wps.pearsoned.co.uk/ema-uk-he-melaws> or legislations provide defense against unpleasant situations and attacks from people. Secondly, legislations are not just about providing defense from attacks or bringing offenders to account for their actions, laws are concerned with the promotion of the common good of people such as the library community. They help to harmonize the actions of a defined people or institutions for their common good. Thirdly, legislation helps to resolve disputes which are inevitable where people interact for common good. Finally, legislation or law encourages people and institutions to do the right thing.

Where legislation governs the conduct of a people or an institution, the development and progress of the people are crucially dependent on how the rule of law is maintained and observed. This underscores the importance of public library legislation and its implementation. It protects the library from abuse and keeps the library running. It ensures fair treatment to all who use the library and also helps to resolve any misunderstanding that may arise in the process of managing the library and administering services to the public. Library legislation discourages people from reckless behaviour that will run the library down. It brings order to the library and ensures that there are guidelines that people can follow in all their conducts with the library. Library legislation illuminates and influences the future path of library development. It is therefore, obvious that public library legislation is imperative. Referring to the work of Ogbonna (2010), the table below provides information on the states in Nigeria that have enacted public library laws and the year each of the laws is enacted:

Table 2

| S/N | Political Zone/Number of States | Number of States and Name | Status | | Year of Legislation |
|-----|-------------------------------------|---------------------------|--------|----|---------------------|
| | | | Yes | No | |
| 1 | South-East Nigeria (5 States) | 1. Abia State | √ | - | 1992 |
| | | 2. Anambra State | √ | - | 1996 |
| | | 3. Ebonyi State | √ | - | 1999 |
| | | 4. Enugu State | √ | - | 1991 |
| | | 5. Imo State | √ | - | 1982 |
| 2 | South-South Nigeria (6 States) | 1. Akwa Ibom State | √ | - | 1995 |
| | | 2. Bayelsa State* | - | √ | - |
| | | 3. Cross River State | √ | - | 1973 |
| | | 4. Delta State * | - | √ | - |
| | | 5. Edo State* | - | √ | - |
| | | 6. Rivers State | √ | - | 1971 |
| 3 | South-West Nigeria (6 States) | 1. Ekiti State * | - | √ | - |
| | | 2. Lagos State | √ | - | 1980 |
| | | 3. Ogun State | √ | - | 1991 |
| | | 4. Ondo State | √ | - | 1995 |
| | | 5. Osun State | √ | - | 1992 |
| | | 6. Oyo State | √ | - | 1998/2001 |
| 4 | North Central Nigeria (6 States) | 1. Benue State | √ | - | 1982 |
| | | 2. Kogi State | - | √ | - |
| | | 3. Kwara State | √ | - | 1990 |
| | | 4. Nasarawa State | √ | - | 2001 |
| | | 5. Niger State | √ | - | 1991 |
| | | 6. Plateau State | √ | - | 1977 |
| 5 | North-West Nigeria (7 States) | 1. Jigawa State | √ | - | 2008 |
| | | 2. Kaduna State | √ | - | 1995 |

| | | | | | |
|---|----------------------------------|------------------|---|---|-----------|
| | | 3. Kano State | √ | - | 1981 |
| | | 4. Katsina State | √ | - | 1976 |
| | | 5. Kebbi State | - | √ | - |
| | | 6. Sokoto State | √ | - | 1990 |
| | | 7. Zamfara State | √ | - | 1997 |
| 6 | North-East Nigeria (6 States) | 1. Adamawa State | √ | - | 1991 |
| | | 2. Bauchi State | √ | - | 1988 |
| | | 3. Borno State | √ | - | 1982/2005 |
| | | 4. Gombe State | √ | - | 2003 |
| | | 5. Taraba State | - | √ | - |
| | | 6. Yobe State | √ | - | 1992 |

Nigerian States that have enacted Public Library Laws.

From the above table, seven states out of the thirty-six (36) states in Nigeria do not have Library Edict/Law. Bayelsa State Library Board claims to be using the Rivers State Library Board's Edict, Delta State Library Board claims to be using the defunct Bendel Library Board Edict and Edo State Library Board also claims to be using the defunct Midwest Library Board Edict. The position of this paper is that these claims are not tenable, so the states simply do not have State Library Laws/Edicts.

The Legal Deposit Provision of the Law

Legal deposit requirements are usually an important part of public library legislation. Legal deposit is defined by Lunn (1981) as the requirement, enforceable by law, to deposit with one or more specified agencies or institutions copies of publications of all kinds reproduced in any medium or with any process for public distribution, lease or sale. In simpler explanation, it is a requirement by law that a person or group (usually publishers and producers of intellectual works) submit copies of their publications and productions to a repository, usually a library. The legal deposit law of a nation or state usually requires every published work to be deposited in a stated library or libraries and in all cases the public library is included. Such stated libraries that benefit from the legal deposit law is referred to as legal deposit libraries while the materials received by the

libraries as a result of the implementation of the law is referred to as the legal deposit collections/publications.

The legal deposit is the main instrument the public library uses for the building up of broad base collections of a heritage nature. Legal deposit requirements aim for the accumulation of all published works in a state or nation, in order to preserve, develop and transmit the culture of the people to the future generations. It also aims to facilitate the bibliographic compilation of all published works so that they can be visible and accessible. Almost all countries subscribe to legal deposit (Jason, 1991). In Nigeria, almost all the states also subscribe to legal deposit. Legal deposit is subject to numerous challenges almost in all countries, which include: Lack of clear demarcation of scope of the legal deposit materials, overseas publishing, lack of cooperation amongst the legal deposit centres, lack of cooperation between the legal depositories and the copyright office, and limited cooperation from the publishing industry. One major problem that has dogged legal deposit systems everywhere is having in place a clear definition of the material scope of the legal deposit system (Matovu and Musoke, 2012). The original view limited to the legal deposit materials to formal literature in form of books, pamphlets and magazine (Mill, 2000). This has since broadened in most countries to include semi published literature, audiovisual as well as electronic literature (Jason, 1991). In other words, to some scholars, the term 'publication' in legal deposit is used in the widest sense possible to include the traditional printed text materials as well as non-printed materials that include maps and music, and a wide range of non-book materials, or audiovisual materials, that again include sound recordings, videotapes, learning kits, cassettes, globes, and machine-readable files.

Legal deposit provision of public library laws in the various states of Nigeria is not being enforced, so publishers have stopped depositing their publications as required. This attitude of non-compliance is encouraged by some factors that include the very low fine for non-compliance. Furthermore, in many cases, those publications that have been deposited are not properly handled. In addition to the trifling penalty imposed on publishers who fail to comply, some of the legal deposit provisions have a

serious flaw. They exempt government publications, the sector that constitutes the bulk of publications in Nigeria.

Recommendations

For sustained effect in the development of public libraries, library legislation is not something that should remain static. It should be in a constant state of change, amendment and evolution. Bearing in mind the effects of library legislation on public library development, and from a critical assessment of the library legislations (State Library Laws/Edicts) in Nigeria, we proffer some recommendations that will reposition the laws/edicts for greater development of the public libraries. In order to increase the effectiveness of legal deposit provisions in the public library legislation in Nigeria, we also proffer some recommendations in the area of legal deposit:

1. The library edicts/laws in all the states of Nigeria should be reviewed and amended.
2. The library legislation (State Library Laws) in Nigeria should clearly create/establish the library as an entity or agency just as it created the Boards of the library. Out of all the library edicts/laws in the country, only the Oyo State Library Edict appropriately created the library itself. It, therefore, stated that "there is hereby established in the state a library to be known as the Oyo State Library (hereinafter referred to as the library) (Oyo State Government, 1988).
3. The tenure of office of the Board members and the State Librarian should be clearly stated. Single tenure of three years is being recommended for the Board members while a maximum of two terms of five years each is also being recommended for the State Librarian. As it is now, some State Library Board laws in Nigeria provided that the tenure of office of the Board members and the State Librarian is at the pleasure of the Governor. This means that the Governor can wake up one dark morning and terminate their appointments with or without reason.
4. Most of the current library legislations (State Library Board Laws/Edicts) provided for the position of Director of Library Services (DLS) as the Chief Executive Officer of the State Library Boards. We recommend that the proper nomenclature for the Chief Executive

Officer of the State Library Boards should be 'State Librarian', not 'Director of Library Services'. Although some states have, in practice, re-designated their Chief Executive Officers of their Library Boards from Director of Library Services to State Librarian, their Library Laws/Edicts are yet to be amended accordingly.

5. Most of the Public Library Laws/Edicts in the various States of Nigeria provided for a minimum number of times the Boards of the libraries will have meetings without stating the maximum number of times. This creates a loophole for some of the Boards to meet outrageously more than twelve times in a year. We, therefore, recommend that the Library Edicts be amended to provide for a minimum of four and a maximum of seven meetings in a year.
6. The Local Government Authorities in Nigeria should be encouraged to make legislation mandating the authorities to establish public libraries in the communities within their jurisdiction.
7. The legal deposit provision of the State Library Board Laws/Edicts in Nigeria should clearly provide for distinction of scope of the legal deposit materials. For example, it should clarify and resolve the issue of overseas publication.
8. There should be cooperation amongst those involved in legal deposit matters. The State Library Boards should provide leadership in this regard.
9. The Nigerian Library Association (NLA) and the Librarians Registration Council of Nigeria (LRCN) should bring their weight to bear in their drive for enactment of library legislation in the seven states that do not have the legislation and also amendment of the existing library laws in the other states of the federation.
10. Depository institutions should be able to produce efficient bibliographic services of, and adequate access to, deposited publications, preferably through electronic networks in order to increase efficiency.
11. Deposit of printed copies should be kept at a reasonable number, ranging from three to five copies of the publication.

12. The non-compliance with legal deposit regulations ought to be sanctioned with commensurate financial and/or other measures that are appropriate with the present time.
13. Definite policy should be made as regards treatment of electronic publications.
14. All categories of publications should be covered by the legal deposit provision and appropriate policies for each of them made. With the extension of legal deposit legislation to cover all types of information carriers including digital materials, it becomes interpretative to build a bridge between legal deposit legislation and copyright legislation. Such legislation should ensure access to deposit electronic materials
15. Enforcement of legal deposit provision by the State Library Boards should be business-like, and where necessary, the police presence should be involved.

Summary and Conclusion

Library legislation played a key role in the development of public libraries in Nigeria. The impact of State Library Laws/Edicts in the establishment and development of public libraries in the various states of Nigeria brings out strikingly the immense need not only for the states without library laws to promulgate library legislation, but also for all other states to review, up-date and amend their State Library Laws/Edicts. The recommendations made above demands urgent attention as it is necessary that they are added to the existing State Library Laws in Nigeria. Their addition will no doubt move public library development in Nigeria to the next level. The gains of library legislation reveal that lack of State Library Edicts in some states of Nigeria and deficient library legislation in all the states adversely affected the development of public libraries in Nigeria.

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