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Awareness and Pattern of Compliance of Authors and Publishers in Nigeria with the Nigerian National Legal Deposit

La sensibilisation et les modalités de la conformité des auteurs et des éditeurs du Nigéria envers le dépôt légal national nigérian

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Abstract: Using data collected from the National Library of Nigeria with a checklist and from 164 authors and twenty-five publishers in Nigeria with questionnaires, this study examined the awareness and compliance of authors and publishers with the Nigerian national legal deposit. The result shows that during 1990–2007, authors and publishers deposited 105,770 items. Serials comprised the highest number of deposited materials, while the peak year of deposit for all categories of materials was 1991. The highest level of awareness was recorded for those authors who have been associated with research and authoring for more than twenty-six years (22.3%). None of the demographic variables explained compliance of authors. Publishers that have national coverage reported higher awareness and compliance than those that have other forms of coverage. Also, publishers who have been members of the Nigerian Publishers' Association for more than twenty-six years reported higher awareness than others, but this awareness did not translate to compliance. Generally four factors—lack of awareness, logistic bottlenecks, unwillingness of some stakeholders, and unclearness of the law—account for the low awareness. The National Library needs to embark on an enlightenment of authors and publishers through conferences and electronic and print media.

Keywords: Nigeria, national legal deposit, compliance of authors, National Library of Nigeria

Résumé : Sur la base de données recueillies à la Bibliothèque nationale du Nigéria avec liste de contrôle et auprès de cent soixante quatre auteurs et vingt-cinq éditeurs du Nigéria au moyen de questionnaires, cette étude s'est proposé d'évaluer la sensibilisation des auteurs et des éditeurs au dépôt légal national du Nigéria et à vérifier à quel point ils s'y conforment. Pendant la période 1990–2007, les auteurs et les éditeurs ont déposé 105 770 titres. Les périodiques formaient la majeure partie des dépôts, et c'est l'année 1991 qui connut le nombre maximal de dépôts. Le niveau de sensibilisation maximal a été enregistré auprès de ceux qui sont actifs dans la recherche ou la rédaction depuis plus de vingt-six ans (22,3 %). Aucune des variables démographiques n'a expliqué la sensibilisation. Les éditeurs jouissant d'une couverture nationale ont montré une sensibilisation et un respect du dépôt légal supérieurs aux éditeurs jouissant d'une autre sorte de couverture. De même, les éditeurs qui sont membres de l'Association des éditeurs du Nigéria depuis plus de vingt-six ans sont plus sensibilisés que les autres, mais cette sensibilité ne se traduit pas en respect du dépôt légal. De façon générale, quatre facteurs expliquent le peu de sensibilisation : l'ignorance, les goulets d'étranglement logistiques, le manque de bonne volonté de certains des participants, et le manque de clarté de la loi. La Bibliothèque nationale a la tâche de sensibiliser les auteurs et les éditeurs au moyen de colloques et la distribution de documentation imprimée ou électronique.

Mots-clés : Nigéria, dépôt légal national, respect par les auteurs, Bibliothèque nationale du Nigéria

Introduction

Documentary intellectual heritage has been widely recognized as critical to national development. Intellectual resources in a country are therefore often preserved to benchmark the country's development history and contribution to knowledge. To this end, countries enact laws to ensure that producers of information resources deposit their products at designated centres—a provision commonly known as legal deposit. 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 a national bibliographic preservation for research and related purposes (Bazan 2003; Byford 2002). Legal deposit applies to all producers of information resources that are made available to the public. This means that individuals, associations, federal and state government departments and agencies, trade and periodical publishers, and publishers of audio, video, multimedia, microforms, maps, and electronic publications issued in physical and electronic or any other formats must comply with this provision. Just like in many other countries, producers of intellectual resources in Nigeria are expected to deposit copies of their resources at the National Library of Nigeria.

Our preliminary investigation and interaction with staff of the Collection Development and Processing Department of the National Library in Abuja, Nigeria, in June 2008 gave an indication that there was a decreasing trend in compliance by authors and publishers. This information prompted an examination of the subject by addressing several questions: Are authors and publishers in Nigeria actually aware of legal deposit, and do they comply with the provision? Is there any association between their awareness about the provision and compliance to it? What are authors' and publishers' perceptions about factors influencing awareness and compliance? What are the categories of information resources that publishers in Nigeria produce? What are the categories of information resources deposited by authors and publishers?

The decreasing compliance justifies a hypothesis that older and more senior authors might be aware and compliant with the provision more than younger ones. In line with this hypothesis is the common knowledge in the country that publishing houses that once thrived in the production of educational resources have been compelled by the decline in the economy to adopt forms of publishing that might make compliance with legal deposit difficult. For instance, apart from focusing on the publishing of non-educational materials, many publishers operate on a cash-and-carry basis. That is, they publish materials for clients who market the goods themselves. Furthermore, the large and older publishing houses that were established in the country before the economic decline, and whose scope of publishing activities and realm of business coverage are large, might also be aware of the provision and willing to comply with it more than the younger and smaller ones, which presently dominate the publishing business.

Literature review

Legal deposit in Nigeria

Legal deposit in Nigeria dates back to April 27, 1950, with the enactment of An Ordinance to Provide for the Preservation of Copies of Books Printed in Nigeria. The four-section law was amended in 1951 to become Publications Act, Cap 171 of the Laws of the Federation of Nigeria. The National Library of Nigeria, with responsibilities subsuming this act, was established by the National Library Act of 1964. The act was repealed and substituted with the National Library Act No. 29 of 1970, enjoining the library to

- i. Assemble, maintain and extend a collection of books, periodicals, pamphlets, newspapers, maps, musical scores, films and recordings and such other matter as the Board considers appropriate for a library of the highest standing.
- ii. To collect legal deposit materials, in order to facilitate the distribution of published materials. (Laws of the Federation of Nigeria 1990, 10793).

In Cap 264 of the Laws of the Federation of Nigeria (1990), the national deposit responsibility of the Library as amended in 1970 was reflected in section 4(1), stipulating that “the publisher or author of every book in Nigeria shall within one month after the publication deliver at his own expense to the National Library three copies of the book, two of which shall be kept in the National Library for permanent preservation and one of which shall be sent by the Director to the Ibadan University Library” (Laws of the Federation of Nigeria 1990, 10793).

Despite of the fact that only relatively recently was there mention of national legal deposit in the Laws of the Federation of Nigeria (1990), the scope and content of the Nigeria national legal deposit have not changed from its structure in 1970. The provision thus still excludes works published by Nigerians in diaspora and is silent about electronic and other forms of publication. Furthermore, the classes of the items to be collected do not follow any standard format and they are not updated to cover new developments such as epublishing.

Jegede (1996) reviewed the legal deposit in Nigeria and identified lack of clarity on what authors and publishers are expected to do. A case in point is section 4, subsection 7 of the Nigeria Library Act, which does not give a specific definition of a book. Furthermore, there is the problem of the duplication of the law in the states, with differing demands on the publisher. Counterpart laws in various states of the federation sometimes diverge from federal law. In Anambra State, for instance, a publisher is expected to deposit seventeen copies to the State Library Board, while the federal laws request a deposit of three copies with the National Library of Nigeria. Jegede argued that if the publisher in Anambra State printed only 200 copies of a document, such a publisher would lose the price of twenty items and might not be able to recover the production cost, let alone make a profit. Other states of the federation may also have different elements in their versions of the law that may further impede implementation and compliance. Jegede also observed that

there is no comprehensive list of types and format of publications to be deposited.

Sonaïke (2003) also examined legal deposit laws in Nigeria with emphasis on implementation, presentation, components, types of materials, and number of copies to be deposited. One finding was the possible constraints posed by the cost of deposit falling on the publisher. In his own study in the same year, Egbuchulam (2003) studied legal deposit collection in Nigeria and its implication on the National Bibliography of Nigeria and ascertained that the number of publishers in the records of the National Library of Nigeria was not commensurate with the publication outputs of Nigerian publishers. He found that the National Library of Nigeria has collected little more than half of what was published in Nigeria. Egbuchulam further compared the number of publishers in the records of the National Library of Nigeria with the number of publishers that complied with the legal deposit, and showed that out of 5,461 publishers in 1999, only 2,010 (36.8%) complied. He further found that by 2000, the compliance rate had drastically reduced: out of 5,728 publishers he enumerated, only 1,151 (20.1%) complied.

Prior to Sonaïke's study, Enyia (1998) examined the history and future of the National Library, with respect to its readiness to confront the challenges of organising and managing national information resources. He concluded that the library has failed to expand effectively to the thirty-six state capitals of the federation, as designated by the library decree of 1970. In concert with the lack of facilities in the state capitals, a lack of adequate social amenities for the library staff in some state capitals is another obstacle to the library's development. According to Enyia, there is also a lack of professional librarians; the library failed to protect itself by training students in library science, and the few graduates of library science often migrate to jobs in the publishing and related businesses. The lack of adequate amenities provided by the library also inhibits recruitment and retention of qualified staff. There are also insufficient storage devices for audio and visual collections. This finding suggests that a major crisis of the national information resources organization is the library's lack of preparedness.

The United Nations Economic Commission for Africa has observed that "the majority of African libraries are in real crisis" (2003, 2). According to UNECA, libraries were built and resourced with determination during

1960s and 1980s, with the expectation that they would support the rapid development of their communities. But “since the early 1980’s, libraries across Africa have experienced a very deep decline in resources and services” (5). UNECA points to factors such as lack of funds; lack of current books, journals, and other information sources; rusty professional skills; little or no physical development to match current needs; and little or no professional library activism and advocacy as factors affecting libraries in the region. By inference, these issues point to the role of the government in the weakness of the library and to the declining state of publishing in Nigeria. Ike (2004) has examined the industry and observed that because it is dominated by the private sector aftermath of the indigenization policy in 1978, “publishing is one of the most unregulated industries in Nigeria” (3).

All the studies identified on legal deposit in Nigeria were based on data collected through interviews with staff of the National Library or bibliographic information from deposited materials in the library, or were mere opinion essays. Studies based on empirical data collected from either publishers or authors—stakeholders whose opinions are necessary in explaining the low compliance reported by some of the studies—were not found. The results of this present study are therefore expected to provide crucial information about legal deposit in Nigeria, since data collection focused on authors and publishers.

Methodology

Research design and data sources

The study adopted a sample survey design to select respondents from academic authors and commercial publishers, and a physical examination of records of legal deposit in the library during June to August 2008.

Academic authors

These are researchers, scientists or lecturers who are based in the universities, higher educational or research institutions and other organizations. We relied on the bibliographic database of Nigerian authors being constructed by the National Library of Nigeria, from which we identified 799 subjects who have email addresses.

Commercial publishers

This category of respondents consisted of publishing houses. A preliminary investigation at the National Library of Nigeria, Abuja, revealed that Kano, Ibadan, and Enugu have the highest number of publishing houses compared with other cities, and we concentrated on the publishers in these cities. To construct a sampling of publishers in these cities, we consulted the *Publisher* (Nigeria Publishers Association 2007), which contains a list of registered publishers in Nigeria and their addresses. From that source, we extracted forty-eight registered publishers in these cities and removed twenty-three publishers that provided only occasional and corporate publishing services such as weddings cards, calendars, diaries, gifts, and related materials, leaving us with twenty-five publishers that were eligible to supply us with data.

Records of deposit

Records of the deposit made in the library as well as the deposits themselves were physically examined.

Research instruments

Three instruments were used to collect data. Two questionnaires—one for authors and the other for publishers—containing structured questions guided data collection about number and types of intellectual works produced and deposited by the respondents, while the open-ended questions guided collection of data about perceived factors influencing compliance. The third instrument was a checklist to record the count and class of deposited materials.

Data collection procedure

The questionnaire was emailed to authors, while the questionnaire for publishers was personally administered to key officers in the organizations by the second author and five assistants. Data collection by questionnaires was restricted to deposit of print materials because there was no provision for legal deposit of electronic resources. About 21% or 164 authors completed the questionnaire. Although this response rate is low, it is acceptable for an unsolicited survey of this type, considering poor access to the Internet in many circumstances. The records of legal deposit materials were counted and tabulated using the checklist. In addition

Figure 1: Awareness about legal deposit

to description of frequency distributions and open-ended responses, chi square analysis was used to test at 5% level of significance for association between awareness and compliance of authors with their demographic characteristics.

Results

Awareness and compliance: Evidence from questionnaires

The study asked authors and publishers whether or not they were aware of Nigerian national legal deposit. Figure 1 shows that only 40.0% of the authors reported in the affirmative, while 93.8% of the publishing houses did so. The study further inquired from those respondents who reported being aware whether they complied with the provision. Figure 2 shows

Figure 2: Compliance with legal deposit

Table 1: Materials deposited in the National Library by class, 1991–1998

Class of material	Frequency	%
Serials	41,067	38.83
Monographs	40,057	37.87
Votes and proceedings	12,655	11.96
Newspapers	6,829	6.46
Gazettes	4,992	4.72
Non-books	98	0.09
Press releases	70	0.07
Photographs	2	0.01
Total	105,770	100.00

that only 24.7% and 78.0% of authors and publishers respectively reported in the affirmative.

Compliance and types of items deposited: Some desk evidence

Further data on compliance were collected by examining the records of deposit in the National Library over the time period in the study. It was established that the library received 105,770 items during 1990–2007. The peak of deposit was in 1991, with 28,107 items (26.57%), followed by 2001 with 12,210 items (11.54%), while 1993 with 1,490 items (1.41%), and 1995 with 1,449 (1.37%) had the fewest deposits.

Table 1 implies that serials were the most deposited items, and the peak was in 1991 (45.67%), while the fewest deposits were made in 1998 (0.22%). The highest number of monographs was deposited in 2005 (11.45%), while the least was in 1995 (0.93%). The highest volume of newspapers was deposited in 1991 (72.34%), while there were none in 1998. Gazettes were not deposited in 1991, 1998, 2002, 2003, 2005, or 2007, whereas votes and proceedings were deposited in 1990, 2001, 2002, 2006, and 2007. Non-book materials made fractional contribution to the total materials deposited, and there were no deposits during 1990, 1993–6, or 1998–2001. In comparison with other items, press releases and photographs were the least deposited items. Of the seventy press releases deposited during the period, 68.57% were made in 2005, while the fewest (5.71%) were deposited in 1997. Only two photographs were deposited, in 1990 and 2007 respectively.

Information resources produced by publishers

In the questionnaire administered to publishers, information items (periodical articles, magazines, annual reports, pamphlets, transactions of societies, maps, newspapers, books, biographies, encyclopedias, yearbooks, directories, dictionaries, and technical reports) were listed, and publishers were asked to indicate the items they produced. This question was restricted to publishers because they are directly involved in the production of intellectual resources. For ease of data management, these information items were later categorized as serials, monographs, and journals.

Of all the items listed, only those items in table 2 were reportedly produced by at least one publisher. In the serial category, seminar/workshop proceedings and yearbooks were reportedly produced by 24% and 20% of the publishers respectively. Only 8% of the publishers reported producing each of annual reports and transaction of societies. In the journal category, table 2 shows that 32% of respondents reported producing magazines, while periodical articles were reportedly produced by 8%. In the monograph category, 100% of publishers reported that they produced books, while 20% each produced pamphlets, dictionaries, and biographies. The items not listed in the table—newspapers, maps, and encyclopedias—were not reportedly produced by the publishers.

Information resources deposited by authors and publishers

It was considered necessary to know the kinds of resources deposited by authors and publishers. Although publications are often produced by publishers, authors may have access to information items such as copies of proceedings of conferences, workshops and seminars, books, and journal articles they published abroad. We listed the same information materials as those used in collecting data about deposit by publishers in table 2 and asked respondents to indicate which of the items they deposited. Table 3 contains information items that at least one publisher or author reported depositing. Books (21.0%, an item in the monograph category), and periodical articles (18.0%) and magazines (16.1%, journal category items) were the most deposited by the authors, while conference proceedings (3.7%, a serial item), were the least deposited. Although all the publishers reported producing books (table 1), only 87.5% indicated they deposited books, and far fewer than this number deposited magazines (18.0%). Neither authors nor publishers deposited annual reports, transactions of societies, maps, bibliographies, dictionaries, yearbooks, or directories.

Table 2: Categories of information resources produced by publishers

Information resources		Freq.	%
Serials	Yearbooks	5	20
	Annual reports	2	8
	Transactions of societies	2	8
	Seminar/workshop/conference proceedings	6	24
Journals	Magazines	8	32
	Periodical articles	2	8
Monographs	Dictionaries	5	20
	Bibliographies	5	20
	Pamphlets	5	20
	Books	25	100

Table 3: Information resources deposited by authors and publishers

Information resources		Authors (n = 164)		Publishers (n = 25)	
		Frequency	%	Frequency	%
Journal	Periodical articles	29	17.7	41	25.0
	Magazines	27	16.1	31	18.8
Serial	Seminar/workshop/ conference proceedings	6	3.7	10	6.3
Monographs	Pamphlets	2	1.2	10	6.3
	Books	34	20.7	144	87.5

Awareness and compliance: A cross-examination

Does level of awareness about legal deposit actually explain the observed low compliance? To address this question, a chi square test was used to establish the association between awareness and compliance by authors and publishers. The result ($\chi^2 = 79.26$, $df = 1$, $p = .001$) showed a significant association for authors. Only 30.6% of those authors who reported being aware of the obligation also reported depositing their resources at the library, in comparison with 14% who were aware but did not deposit. This pattern is somewhat different for the publishers, where the association between awareness and compliance ($\chi^2 = 113.12$, $df = 1$, $p = .211$) is not significant; out of 93.8% of the publishers that reported awareness about the provision, only 48.3% deposited.

Table 4: Demographics and awareness and compliance of authors

Variables		Awareness				Compliance			
		Yes (%)	No (%)	χ^2	p	Yes (%)	No (%)	χ^2	p
Sex	Male	36.1	40.6	1.055	.198	51.1	18.3	2.151	.181
	Female	8.9	14.4			25.6	5.0		
Designation	Professors/readers	17.8	2.8	5.603	.689	6.1	12.1	6.36	.095
	Senior lecturers / senior res. fellows	15.6	9.4			18.9	13.3		
	Lecturers I/II and research fellows I/II	8.9	14.4			34.4	9.3		
	Asst. lecturers and jr. res. fellows	2.8	9.4	3.907	.013	1.7	7.2	7.163	.306
Work experience (years)	< 5	2.8	9.4	3.907	.013	1.7	7.2	7.163	.306
	6–10	5.6	13.3			6.1	28.2		
	11–15	5.0	12.2			9.4	14.4		
	16–20	1.7	5.6			3.3	7.8		
	21–25	7.8	3.9			4.4	4.4		
	26–30	10.6	4.4			1.1	5.5		
	30>	11.7	6.1			4.4	12.8		

A chi square test was further used to cross-examine awareness and compliance of authors with their demographic background (see table 4). There is no significant association between awareness and gender, as well as designation ($p > .05$). However, there is significant association between working experience and awareness, with the highest level of awareness ($> 22\%$) recorded for authors who have been associated with research and writing for more than twenty-six years. The result regarding compliance is totally different: there is no significant association between any of the demographic factors of the authors and compliance with the provision.

The same analysis was carried out with respect to the publishers (see table 5). There is a significant association between the coverage of the publishing houses and their awareness, as well as with their compliance. Publishers that indicated that they have national coverage reported that they are aware (38.8%) and also complied (42.5%) with the provision more than those that reported other forms of coverage. Number of years since publishing does not relate to either publishers' awareness or compliance, but length of time of membership in the NPA is significant.

Table 5: Characteristics of publishers and their awareness and compliance

Variables		Awareness				Compliance			
		Yes (%)	No (%)	χ^2	p	Yes (%)	No (%)	χ^2	p
Coverage	Local environment	2.8	3.9	8.1	.04	2.8	3.9	8.120	.04
	Within the state	7.2	25.1			7.2	5.6		
	National	38.8	26.1			42.5	35.2		
	International	2.8	–			2.5	0.3		
Age (years)	<5	2.6	6.1	3.9	.7	16.1	17.2	7.849	.16
	6–10	10.6	13.3			13.9	22.2		
	11–15	11.7	12.2			11.1	15.0		
	16–20	5.6	5.6			1.1	–		
	21–25	5.0	3.9			1.1	–		
	26–30	1.7	4.4			0.7	0.6		
	30>	7.8	9.4			1.0	–		
Length of membership in NPA (years)	<5	0.6	17.2	7.8	.22	3.3	2.8	3.588	.73
	6–10	1.1	22.2			5.6	7.8		
	11–15	1.1	15.0			7.2	7.8		
	16–20	1.1	14.4			4.4	7.2		
	21–25	1.7	–			9.4	15.1		
	26–30	13.9	0.6			12.2	10.0		
	30>	11.11	–			2.8	4.4		

Publishers who have been members of NPA for more than twenty-six years reported higher awareness (25.01%) than did other categories of publishers, although this awareness did not translate to compliance by all categories of publishers.

Factors discouraging compliance

Authors who reported not depositing their items were asked to state their reasons for not doing so. A synthesis of their responses shows four dominant strands of opinions: lack of awareness, logistic challenges, unwillingness to comply, and lack of clarity about the law.

Lack of awareness

Many authors reported that they are not aware of the provision:

“This is probably the first time I am learning about this. I wish to be educated more on what it portends to academic development.” “I don’t know anything about legal deposit; I would appreciate it if we can be educated on this.” “I am simply not aware of the existence of such, since I have not had the privilege of

knowing from anyone that such an instrument exists.” “Nobody has brought it to my notice, and I have not come across it myself.” “I am not aware. It is not popularized. Need to do that so that it could be widely accepted and respectable.” “I am aware of copyright issue and not deposit of publications with the National Library of Nigeria.” “I guess simple ignorance.” “I really do not have adequate information about what that entails and how to go about it.”

Respondents who said, “My research works are published mostly in international journals,” or, “I publish outside Nigeria,” clearly show how ignorant some authors are about the provision.

Logistic challenges

Another strand of opinion focused on logistic factors. The first issue mentioned was cost of deposit, which falls on the information producer: “I use my money to publish, use my money to pay for the EMS, but nothing in return. I cannot deposit.” A second is the high cost of publishing, which discourages publishers from providing copies of their printed materials at free of charge. Cost of posting three copies as required by law as well as cost of the number of copies to be posted was also considered too high for authors to bear. Another issue is the inconvenience of the distance to the nearest depository as well as ignorance about the procedure: “I do not know the procedure.” “It is not convenient. I cannot go to Lagos just to deposit a copy.”

Unwillingness to comply

The third category consists of those who considered the provision completely unnecessary: “My publications are my property. If any institution wants any of them, we negotiate the terms.” “Don’t know why I should; are there accruable financial benefits for doing so? Besides I don’t know how to go about it.” These responses show the extent of unpopularity in some cases and unacceptability in others, of the legal deposit among Nigerian authors.

Lack of clarity about the law

The final category consists of those who said that the law is unclear. One respondent asked, “Why should I deposit in the state and also at the federal level at the same time? What kind of law is that?” Many states in Nigeria have their own counterpart versions of the provision, specifying

how many copies an author or a publisher should deposit. One of the respondents simply stated, "The law is not clear."

Among the publishers, only a few of those who reported non-compliance supplied their reasons for not doing so. Some respondents blamed the decreasing awareness and compliance of authors and publishers on the ailing economy and the fact that compliance is not enforced. According to one such respondent, non-compliance could be attributed to "prevailing customised publishing practice in Nigeria," which we understood to mean that publishers produce and deliver to authors who market their materials. Another respondent questioned, "Does the law still exist in Nigeria? It's a long time we heard about the stuff from National Library." Other respondents raised issues covering cost of deposit, distance of depositories, lack of awareness about the provision, and general lack of education on the advantages of legal deposit. For another publisher, the time specified by law within which to deposit published items is too short. Some publishers reported that they produce the quantity of items ordered by clients and that they could be charged with breach of contract if they reserved items for deposit. This view is corroborated by another publisher who observed that "most publishers produce limited quantities of items because of cost," and depositing items may be considered wasteful.

Another open-ended survey question was aimed at generating opinions on how to achieve awareness and increase compliance with the provision. Five categories of responses could be identified:

1. The National Library should embark on enlightenment programs and sensitization of stakeholders.
2. There should be an incentive—such as paying some token to depositors, paying some compensation, or paying for the cost of the material deposited—to encourage compliance.
3. Depositories are too far away, and there is need for clarity on the deposit law.
4. Those who do not comply with the provision should be penalized.

The fifth category of responses came mainly from the publishers, who suggested that

5. The law should be discarded.

Discussion of findings

This study examined awareness and compliance of authors and publishers in Nigeria with the Nigerian national legal deposit legislation, and established factors that influence awareness and compliance. Almost all publishers know about legal deposit, although only about half of those who know actually complied with the provision. On the other hand, few authors know about the provision, but some who know about it complied. Ironically, the peak year of deposit, 1991, falls during the repressive military regime of General Ibrahim Badamasi Babangida (1985–93), and midway into a longer period of crisis in the country.

The very low compliance during the subsequent periods, 1993–5 and beyond, reflects the political situation in Nigeria—the annulment of duly conducted elections by General Ibrahim Babangida’s regime, the installation of an interim national government led by Chief Ernest Shonekan (1993), and the setting aside of the interim government through a coup d’état by Nigeria’s most notorious dictator General Sani Abacha (1993–8). Abacha’s regime was marked by policies that were unfriendly to education; the press was gagged and censorship was heavily enforced. The pattern of deposit suggests that compliance picked up in 1999, probably in response to the transition to civil rule in the same year, and rose gently before crashing again in 2003. The fall in 2003 might be connected with the crises that marked the first successful transition from one civilian administration to another, the bid by the civilian president Chief Olusegun Obasanjo to succeed himself, as well as the many strikes and other political and economic hiccups that marked the period. Financial and other resources were channelled to quell opposition, burnish the public image, and assuage local patrons whose roles in achieving the bid were considered sensitive. Allocation of funds and investments in sectors whose functions would not contribute to self-succession were greatly hampered (Human Rights Watch 2007).

From the records of deposit, the pattern of compliance since 2004 shows that stakeholders seem no longer eager to deposit their information resources as they did from 1999 to 2002. Although the sources of the deposit in the library were not recorded, the government appears to be a major defaulter because gazettes and votes—documents often produced by the government—were scarcely deposited in the library. But the evolving political environment and the challenges of the political transformation justify an expectation that the library should collect and store information related to these events.

The failure to include non-book and audiovisual resources in the list of resources deposited in the library is intriguing, in light of national developments. For instance, the Nigerian cinema industry, Nollywood, ranks second in the world behind India (Muhammad 2009). The National Films and Video Censors Board was created by Act No. 85 of 1993 to regulate the industry and empowered to classify all films and videos, whether imported or produced locally. It is also the duty of the board to register all films and video outlets across the country and to keep a register of such registered outlets. The functions of the board do not include depository (see <http://www.nfvcb.gov.ng/>), but there is need to examine whether the activities of the board overlap with the functions of the national library, the information management preparedness of the board, and the relationship between the board and the library. This observation also applies to other agencies.

For reasons we could not establish, materials deposited in the library were not categorized by standard format. They were given to us in overlapping classes: monographs, serials, newspapers, gazettes, votes and proceedings, non-books, photographs, and press releases. The information items—votes and proceedings, gazettes and press releases—were listed as different from serials, which should have subsumed them. It is also not clear what is meant by “votes and proceedings”; we took *votes* to mean votes cast during elections, while *proceedings* would mean proceedings in government-organized functions such as conferences and workshops. Furthermore, “non-book,” which is actually an information format, was listed as a type of publication, and the type of information contained in the non-book was not indicated. This confusion of inadequate classification of materials probably shows the absence of core librarianship skill such as indexing and classification, which would underlie efficient management of national information resources. It could also be evidence of “rusty professional skills” as suggested by UNECA (2003) in its discussion of state of libraries in Africa generally. At worst, it could show that the task of organizing national information resources is not considered a vital one by the library, or that library staff are unwilling to work. Generally, however, the inability of the library to adopt a standard procedure to organize deposited materials questions the preparedness of the library to manage legal deposit.

On the basis of dominant practices in the libraries in Nigeria, it would have been expected that the data should be organized according to the three major types of publications: (1) journals, which would include

newspapers, (2) monographs, under which we could classify photographs, and (3) serials, which include gazettes, press releases, and votes and proceedings. The absence of any consciousness of the need to class deposited data using any scheme shows non-observance of international requirements about legal deposit. For instance, the guidelines of the UNESCO-sponsored Conference of Directors of National Libraries on deposit of electronic publications, as well as IFLA's (2000) recommendation that deposit be classed as print, non-print, and electronic resources, have not been embraced in managing the deposit in the Library (Larivière 2000; UNESCO 1996).

The questionnaire survey showed that all publishers indicated that they produced books. A cursory observation and awareness of the publishing trends in Nigeria corroborate this result, because school books dominate the items published. Most other items are produced on demand by individuals or corporate organizations. For instance, most print journals are printed on contract. No publishing house manages journals or magazine production on any basis that could give publishers copyright control of such materials. In line with the foregoing, books and other monographic items were also reported as the highest deposited items. Serial items such as yearbooks, annual reports, and transactions of societies, which seldom appear in the information resources produced by authors and publishers, are not listed in the records of resources deposited by authors or publishers. There were fewer publishers in our study who reported depositing books than those who reported producing them. Also, the authors who complied with book deposit were even less than a quarter of the publishers that did so.

As would be expected in an environment of low information consciousness and awareness, there were fewer and there was less variety of items deposited both by authors and publishers than the number and variety of items produced. Some items that the publishers reported producing such as transaction of societies, periodical articles, and annual reports were not reported deposited at all. It is worth pointing out that although authors "produce" information items such as research papers and conference presentations, publishers' tasks are more concentrated on the actual production of information resources. None of the publishers surveyed reported publishing or depositing newspapers, whereas this item constituted more than 6% of the deposit received in the library. The finding might imply that the organizations in our study did not include those that published newspapers; most newspapers are printed in the city of Lagos, which was

not included in our study. It might also relate to the contractual nature of publishing, in which publishers produce only for their clients.

The study also examined whether the lack of awareness relates to the demographic characteristics of the authors. The result showed that lack of awareness among authors is not differentiable by sex; both male and female authors expressed high levels of ignorance about legal deposit. Their lack of awareness is so significant that even professors were unaware of the provision, although those who have worked for more than twenty years expressed some awareness. This finding implies that lack of awareness about legal deposit has actually become a part of the intellectual production and management system, because some senior scholars who are policymakers in higher education do not know about the provision. Compliance among authors does not relate to demographic characteristics of the authors. Awareness and compliance among publishers do not relate to the number of years they have produced intellectual materials, although those who have national coverage are both more aware and also comply more than those with other forms of coverage. Also those publishers who have been members of the NPA for a long time were more aware than the others, although non-compliance pervaded the whole industry. These findings relate to Ike's (2004) suggestion that the indigenization of publishing in Nigeria in 1978 reduced the scale of operation of publishing houses, and that these small publishing businesses that sprouted thereafter may not be members of the association.

Although a cross-examination of awareness and compliance showed that a large proportion of those authors who did not comply were not aware, the proportion of those who were aware but did not deposit was sufficient to speculate that there must be other factors than awareness that discourage compliance. With only half of the publishers who were aware reporting compliance, this speculation is stronger for publishers—awareness alone may not account for compliance level. This inference is supported by an examination of the records of deposit maintained in the library during 1990 to 2007.

The open-ended interviews revealed three major factors that discouraged authors and publishers from depositing their resources. The first is a high degree of authors' ignorance about the provision. Few have come across the provision, and information about it has not been provided to them. The pattern of the authors' responses, however, shows that they are willing to learn about the provision and its implication for academic development.

The second issue that accounts for non-compliance is logistics. The problem of distance to depositories arises because the National Library has yet to extend branches to the thirty-six states of the federation as planned. A major explanation, however, could be that respondents did not know that there are branches of the National Library in the cities where they live. For instance, many of our respondents in Ibadan who complained about the obstacle of the distance to the Lagos branch of the National Library were simply unaware that there is a branch right in the city of Ibadan. It might more appropriate to designate centres other than the branches of the library as depositories, depending on how much information is produced in the community. The next logistic issue is the confusion about responsibility. In France, where legal deposit started, responsibility for deposit resides with the publisher, and provisions in Norway, Italy, and Spain follow the same procedure (UNESCO 1996). But Nigeria specifies that both the author and the publisher have responsibility of legal deposit, thus running the risk of confusion and possible double deposit. Another logistic issue is cost: of postage, transport to the depository, materials to be deposited, and number of items to be deposited. These issues were covered by Sonaike (2003).

The third issue accounting for non-compliance is that some respondents do not consider the provision necessary. They simply do not understand why they should be compelled to deposit information materials they developed with their own resources. This opinion is related to both ignorance and logistics. In a new form of publishing—known in Nigeria as “cash and carry”—publishers publish for clients who distribute their own goods as they see fit. Costs of materials and the need to abide by contractual agreements also restrain publishers from depositing materials they publish. Furthermore, the absence of any action by the library on national deposit suggests to some publishers that the provision is no longer active.

The National Library itself needs to re-examine its role in managing the intellectual holdings of the nation. Disregard of the law indicts the leadership of the library, whose responsibility should include sensitizing government and other stakeholders on the need to review the law. The library needs to expand the scope of resources deposited to include all the information formats: (1) print material such as books, serials, pamphlets and offprints, music scores, iconographic material, government publications, and maps, (2) non-print material such as microforms and

audiovisual materials, and (3) electronic material such as diskettes, CD-ROMs, online materials, websites, and databases as recommended by the IFLA.

The variety of respondents' opinions on how awareness and compliance with the provision could be achieved requires some elucidation. In 1950, when the legal deposit was initiated, there was only one outreach branch created, at the University of Ibadan Library. The inclusion of the University of Ibadan Library as one outreach centre of the National Library in the discharge of its depository functions was a well-considered outreach plan at the time. But the law also stipulates that the library should establish and maintain a branch in each state of the federation. Our survey showed that scholars from the University of Ibadan are as ignorant about the legal deposit as those from other institutions, that no depository is being made at the Ibadan University library at present, and that many states do not yet have their own branches of the library. A major step in the enlightenment programs and sensitization of stakeholders should therefore focus on establishment of branches of the library in all states, as originally planned. The poor state of legal deposit in the nation also justifies a national conference to revisit the vision and mission of legal deposit, with participation by officers of the federal and state branches of the library, librarians from the universities, and other stakeholder institutions and individuals, who will be expected to implement the legal deposit in their domains.

The question of incentive for compliance must be addressed. The budget of the National Library must include incentives to authors who comply with the legal deposit. One challenge is what the form of that incentive should be. Given the tight budgets of many government establishments, financial incentives might be very difficult to recommend, although the library could increase its stock if it bore the cost of postage. In Okwilagwe's (2001) opinion, copyright is everywhere predicated on recognition that the protection of the rights of authors and assignees of intellectual property—as well as the orderly and constructive social exploitation of such rights for their overall material benefit—is a powerful incentive and motivation for creative endeavour. In his view, a country's development depends on the creativity of its people, and encouragement of national creativity is a *sine qua non* for progress. Authors need to know the benefits they stand to gain from complying with legal deposit. Making their creative work available in the national collection guarantees legal backing on ownership and on the claim of any illegal use of any author's intellectual product.

Also, it should be demonstrated to producers of intellectual materials that depositing copies of their output is a contribution to national development.

Scholarly publications are symbols of intellectual achievement, and academic and professional publishers share an interest in the benefits that accrue to their countries from their publications. The author's benefit in publishing an item is inherent in its visibility, and this is the currency of scholarship. On the other hand, publishers are in business to make money. Although depositing their publications may also promote their businesses, publishers may emphasize profits more than symbolic advantage. This may explain why compliance is lower among publishers, despite higher awareness among them than among authors. The library should repackage and reposition the depository function so that scholars can cherish the symbolic benefit they receive by depositing their materials. Encouraging bibliometric and other studies based on deposit made in the library, as well as a periodic publication of the names of authors and publishers that comply, will stimulate others to share in the publicity that scholars and publishers desire. The law establishing legal deposit in Nigeria recommends that a receipt be issued to authors and publishers who comply. In addition, letters could be sent to depositors acknowledging their invaluable roles in helping the library keep track of the nation's intellectual heritage. In the electronic era, the library could reduce cost of publicity by using email to inform, educate, and remind authors listed in the ongoing national bibliography about the need to comply with legal deposit. The library presently runs an electronic newsletter, and this could be a useful instrument to educate the public on legal deposit.

Just as the University of Ibadan was designated an outreach centre in 1950, all university libraries—as well as libraries of all government agencies and institutions—could be allocated roles in reviving the national legal deposit. Staff of the state branches could pay periodic visits to publishers to demand compliance with depositing the materials they publish. Jegede (1996) has described how ISBN and ISSN could be used to stimulate compliance by publishers and to enable the library to manage the activity efficiently; this opinion has been affirmed by Ajibola (2007). With increasing availability of electronic versions of documents, the library could encourage the electronic mailing of published materials. To reach this goal, the library must meet the challenge of the information technology era to develop strategies to manage electronic resources.

One major limitation of this study is that it does not include information about the training and skills of librarians at the National Library—

information that would have helped explain the state of legal deposit literacy and practice in the library and the country at large. In addition, beyond reviewing the materials deposited, the study did not include staff opinions on the poor state of legal deposit practice in the library. These are subjects that could be taken up in different studies.

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