

# REMOVING STATUTORY AND ADMINISTRATIVE BARRIERS TO LIBRARY DEVELOPMENT IN GHANA

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## INTRODUCTION

Some legal provisions which were introduced some decades ago to enhance the growth and development of libraries have become anachronistic with the passage of time and our inability to revise and bring them in line with current trends constitutes a barrier to Library development. In much the same vein, our lack of resolve to introduce legislation which might contribute to information provision and some administrative decisions or indecision can be considered to be barriers to development.

## BOOK AND NEWSPAPER REGISTRATION ACT, 1961, ACT 73<sup>1</sup>

The Act states that 'a printed copy of every book which is published in Ghana together with all maps, prints or other engravings belonging thereto and also of any second or subsequent edition which is published or shall continue to be, within one month after the day on which such book is first taken out of the press and notwithstanding any agreement between the printer and publisher about the publication of such book, be delivered free of charge by the printer to each person or institution specified in the first schedule to this Act and the said book shall be delivered with a memorandum containing particulars mentioned in Section 2(2) of this Act''.

The memorandum referred to in this Act which should accompany the book concerns mainly the title of the book, the language in which it is written, name of the author, translator, etc., name and address of the printer or publisher, date of issue from the press or of the publication, the price and the number of copies in that edition.

Those who pay heed to this legislation normally comply by sending the book with the memorandum attached.

The Act also identifies some beneficiary institutions and Libraries which are the following:

- Ghana Library Board
- The Registrar-General
- The Library of University of Ghana
- The Library of the Kwame Nkrumah University of Science and Technology
- The Library of the University College of Cape Coast
- The Library of the Ghana Academy of Sciences.
- The Library of the Kwame Nkrumah Institute of Economic and Political Science.

From this list, it can be assumed that since

University College of Education, Winneba, has superseded the Kwame Nkrumah Institute of Economics and Political Science, the University College is a beneficiary of the Act. However, the University for Development Studies which is relatively new in the University arena is not catered for as a legal deposit beneficiary because of the date of the legislation and the fact that after the amendment in 1963 it has not been revised to cater for later developments. Since polytechnics are now tertiary institutions, one wonders whether a current revision of the statute will embrace them.

### **PENALTY UNDER THE ACT**

Sections 4 and 5 of the Act stipulate that any printer or publisher who contravenes the Act shall be liable to a fine not exceeding five pounds (£5). If we are even to assume that the five pounds indicated above is the equivalent of the Pound Sterling, the conversion of that amount at the current rate will be about c18,000. This certainly will not be a deterrent for a publisher whose book may be valued at c40,000 or more, and considering the fact that the Act, old as it is, compels him to send his publication to seven establishments, he would have to part with not less than c300,000 cedis if postage at his own expense is taken into consideration.

### **THE COPYRIGHT LAW OF 1985<sup>2</sup>**

The Copyright Law of 1985, PNDC Law 110 stipulates a heavier penalty for infringement of the law than it is the case in Act 73 of 1961.

Section 45 of the Act states as follows 'any person who infringes any copyright or neighbouring right of another person under this law shall be guilty of an offence and shall be li-

able on summary conviction to a fine of not less than c10,000 and not exceeding c1,000,000.00 or to imprisonment not exceeding two years or both".

This penalty aims at protecting the rights of authors and artists and prevent undue exploitation of their works which will also amount to undermining their economic interest.

Hence unlike the legal deposit law which sought to promote the growth of libraries and therefore the availability of publications to the general public, the copyright law only seeks to protect the economic interest of the authors and publishers.

Since Act 73 is thirty-four years old, it will be in the interest of libraries, if the Act is revised in the light of present circumstances. Some people deliberately ignore the provisions of the Act, even when they are brought to their attention because the penalty is not deterrent enough.

It is also important that other major libraries which are serving the reading and research needs of the Ghanaian public should be catered for in a revised legislation.

### **LEGISLATION FOR A NATIONAL LIBRARY**

Nigeria legislated for a National Library with the promulgation of the National Library decree in 1970 which was later changed to National Library Act 1970. Since then, that National Library has contributed immensely to the process of library development in Nigeria.<sup>3</sup> Section 4 of the decree requires the Federal Government and its statutory bodies to deposit 25 copies of each publication with the National Library. The State governments

and their agencies should deposit 10 copies of each item published by them.

It is instructive to note that the Book and Newspaper Registration Act, Act 73 of Ghana is silent on depositing government publications with specified libraries and establishments listed in the Act. Yet government publications form a very substantial portion of the country's publications.

Apart from being a focal point for inter-library lending and international exchange services, the National Library caters for research and training in Librarianship. Although George Padmore Research Library is undertaking some functions of a National Library, and as a case in point, the publication of the National Bibliography, the attendant function of achieving a comprehensive coverage of the National literary output is obviously a herculean task which cannot easily be accomplished by the Padmore Research Library with the resources at its disposal currently. There is the need for the employment of bibliographers who can tour the length and breadth of the country visiting printing and publishing houses, among others, with the aim of attaining bibliographic control of the National literary output.

Indeed Padmore Research Library has filled a yawning vacuum on the library scene, yet more could be done if our governments heed the call for the establishment of a National Library.

The first three Universities to be established in the country together with CSIR made inputs towards the publication of a Union List of Serials some years ago, and we are yet to see the list in printed form. This situation

has not encouraged the participating libraries to produce the updates which were originally envisaged.

### ADMINISTRATIVE BARRIERS

The Gold Coast Library Board was created with the promulgation of the Gold Coast Library Board Ordinance Cap 118 1949 to establish, equip, manage and maintain Public Library Services in the country.

The role of the Board was further strengthened at the Regional and District levels with the enactment of the Ghana Library Board Act 327 of 1970. Regional and District Committees were established to advise on the development of Library Services at the Regional and District levels.<sup>4</sup>

The invaluable services of the Board towards the development of public library services was given a jolt with the dissolution of the Board in 1982. The reconstitution of the Board has not been effected in spite of various appeals by concerned parties. Consequently, the Director has had to work single handedly and this has apparently affected the services as well as the morale of the staff as improved service conditions have not been forthcoming. This has contributed to the industrial actions embarked on by staff of the headquarters and the high level of professional staff turnover. If the center wobbles, one wonders how the adjoining parts can stand with equanimity and progress.

### INADEQUATE LIBRARY ACCOMMODATION

The provision of suitable library accommodation has been a central problem that gnaws at the fabric of library development in the country. With the expansion of education and

the quest for knowledge by increasing numbers of the population and also the need for research to meet the country's developmental requirements "all the University Libraries are faced with the problems of space for users, staff, materials and equipment" but the "greatest demand is for space".<sup>5</sup>

The problem of space is not limited to University Libraries alone as 'most of the special libraries in the country were started in temporary buildings which now appear unsuitable for their purpose. New buildings or extension to older ones are often difficult to undertake.'<sup>6</sup>

Just like the special libraries, all the University libraries were started in temporary buildings. After the establishment of the institutions, it takes a considerably longer period to put up what are considered as permanent buildings. This is unlike what one observes in Europe and other developed countries where the need to put up a library befitting the status of a new institution is recognised from the onset. In Ghana prominence is given to the provision of classrooms, offices and accommodation for staff and the provision of a suitable library is in practice, the last on the priority list, even though in theory it is supposed to be one of the top priorities.

As a case in point, the University of Cape Coast which was established in 1962 is in the process of completing a permanent library building after 35 years of its existence. The new five (5) storey Library complex was begun in 1971 and the number of years which were taken to bring it to this present level clearly indicate the difficulties the University authorities have encountered to secure the

necessary funding for such a complex. If the African Development Bank had not offered to help, one wonders what its fate would have been.

In contrast with this, the University of Essex which was established almost at the same time as Cape coast, had a spacious Library complex in use shortly after its establishment. Indeed the present writer did his library attachment in that complex in 1968.

The other Universities in Ghana have similar painful stories to tell although their problems might have been solved a little earlier than that of Cape Coast.

#### **ADMINISTRATIVE TAMPERING OF NORM ALLOCATION**

After recognising that Libraries were not adequately being funded, the Ministry of Education in the 1980s established norms for the allocation of funds to the University Libraries. Thus 5% of the total budgetary allocation for the Universities was to be set aside for the libraries. In practice, however, only about 2% was allocated to the libraries. There was an increase of norm allocation to the libraries in the 1990s to 10%.

There is sometimes an argument as to whether the 10% should be worked out from the aggregate budgetary allocation to the Universities or it should be worked out after payment for utility services like water and electricity have been deducted from the University's subvention.

The long period of administrative interference has had a deleterious effect on the development of libraries as they were starved of

funds which should have been made available to them.

### ORDERING OF BOOKS AND EQUIPMENT

The introduction of the Education Sector Adjustment Credit (EDSAC) under the Structural Adjustment programme witnessed the rise of administrative bottlenecks which disturbed the smooth process of orders for books and equipment which the Universities were capable of handling efficiently. The problem concerning Periodical orders has been dealt with elsewhere.<sup>7</sup>

The Universities were at the start of the programme in the later half of the 1980s asked to submit their requirements for books, equipment and periodicals to the Ministry of Education for processing and subsequent award of contracts. Number of copies required for each book title was indicated as well as specifications for the equipment.

The aftermath of this exercise left much to be desired in many respects. Multiple copies of some text books and reference materials which had not been indicated in the orders were received. Some equipment were also received which did not tally with the specification of the institutions concerned and some of the equipment were found to be unusable.

It was realized later that the local representative of the bid winner unilaterally decided on some multiple copies when he had lingering doubts as to the exact number of copies required. There was no communication with the initiators of the orders to clear the doubts. Hence the value of the orders were ultimately exceeded. This excess amount could have been used to acquire more useful titles for

the benefit of our users.

It is obvious that the mechanism put in place for the execution of such World Bank and other projects should be re-examined as invariably some of the bureaucrats do not seem to appreciate the fundamental reason for certain specifications decided on by the initiators of the orders. Ironically, the doctored orders go from their end and if one is not lucky to see it before they are despatched, then there is bound to be dissatisfaction when the orders are received.

### CONCLUSION

It is important that laws which are geared towards the development of our libraries should be updated to meet the exigencies of our current information needs. A law establishing a National Library is very much overdue and our avowed commitment to meet the information requirements of Ghanaians in the 21st Century should be backed by positive action. It is also crucial that Librarians and Information Scientists should be involved at the high level of decision making as the effort to promote their work can be undermined without the necessary consultation. They have the competence and ability to remove the barriers that impede their work.

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