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# Impact of the New Legal Deposit System on National Bibliographic Control in Uganda: Developments, Practices, and Challenges

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## Introduction

Uganda has, since 2002, put in place a three-legal deposit centre system constituted of Makerere University Library Legal Deposit Act (1958), revised (1964), under Makerere University Library (MUL); Deposit Library and Documentation Centre Act (1969) under the Uganda Management Institute (UMI), formerly, Institute of Public Administration, and, the National Library of Uganda Act (2003). Legal deposit is important for various reasons that include compilation of an authoritative national bibliography, promotion of copyright protection, monitoring the growth of the publishing industry, stocking of selected libraries including the National Library. In some countries, legal deposit is used as a tool to supervise the publishing industry against production of subversive as well as uncultured literature. Uganda's Legal Deposit System, however, is based mainly on two factors, namely; compilation of an authoritative national bibliography and preservation of the country's literature heritage (Kayaga-Mulindwa 2010). The enacting of the National Library of Uganda (NLU) Act (2003) relieved Makerere University Library (MUL) of the role of National Bibliographic Centre, giving it to NLU ( Kigongo-Bukenya 2000).

Almost all countries subscribe to legal deposit (Jason, 1991). Legal deposit is subject to numerous challenges almost in all countries, which include: lack of a 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 problem that has dogged legal deposit systems everywhere is having in place a clear definition of the material scope of the legal deposit system. The original view limited the legal deposit materials to formal

literature in form of books, pamphlets and magazines (Mili, 2000). This has since broadened in most countries to include semi-published literature, audiovisual as well as electronic literature (Jason, 1991). For example, Spain found it necessary to decree in 1957 a new legal deposit system, that stipulates material scope as 'writings, prints, pictures, and musical compositions produced in large numbers for purposes of dissemination, by a mechanical or chemical process' (Guatavino, 1961). 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, jigsaw puzzles, cassettes, globes, and machine-readable files.

## Challenges

The legal deposit system in Uganda is facing numerous challenges which include difficulty in defining the scope of legal deposit materials, in-house publishing, multiple legal deposit system, overseas publishing limited cooperation from the publishing industry, limited cooperation amongst the legal deposit centres and lack of cooperation with the copyright office.

Material scope is one problem Uganda is experiencing, especially in the treatment of semi-published (grey) literature which for many years has been looked at by scholars as inferior publications. Today, many scholars look at preservation of grey literature as a necessity to make National Bibliographic Control (NBC) complete. It is argued that minor publications could be a source of inestimable value for the writing of history which, hitherto, could only be done with the aid of material laboriously assembled by some diligent collector (Guatavino, 1961). Uganda's publishing industry is overwhelmed by the steep increase in the production and use of grey literature. Grey literature is favoured by researchers as well as managers as it can be current, detailed, and sometimes, easier to use (Matovu 2006).

Information and Computer Technology (ICT) has made almost every office in Uganda a potential publishing unit for both printed and non-printed literature. ICT produces quality output at a considerably reduced cost, and is thus being used by many firms to produce locally published or grey literature. Increase in the flow of grey literature in Uganda could also be attributed to the influence of what is termed as New Public Management (NPM) (Matovu 2006; Denhardt and Denhardt, 2001). Under NPM, as adopted by Uganda Government in 2003, Government ministries and autonomous bodies are required to produce regular progressive reports in the name of project interim reports (Uganda, Ministry of Public Service, 2007). This has contributed heavily to the amount of grey literature produced by Government. Universities are another major source of grey literature in form of conference papers, theses and dissertations, institutional reports, etc. (Luzzi, 2000). Increase in the number of government and private universities as well as research centres, as has been the case with Uganda, has translated itself into exponential increase in the volume of grey literature produced by the country (Mili 2000). Currently, bibliographic control of grey literature in Uganda is haphazard because of the inadequacy of deposit laws, the elusiveness of producers, the inconsistency of terminology; and the rapid development of new forms and new shapes of such materials.

## Multiple Legal Deposit System

Uganda has opted for a three-centre legal deposit system. To some people, thus amounts to overburdening of depositors who have to part with several publications for each of the legal deposit centres, at no cost to the beneficiary. Multiple legal deposit system is actually a common feature in many countries (Jason, 1991).

Furthermore, there seems to be no guidelines to arrive at the ideal number. Australia, for example, has 17 legal deposit centres that include university libraries, state libraries and national libraries. The United States of America (USA) on its part has over 44 legal deposit centres (Jason 1991).

Uganda's publishing industry is dominated by informal publishers, or unregistered publishers (Kayaga-Mulindwa 2010). To informal publishers, the problem of number of copies required for legal deposit is secondary, as compared to the administrative cost of working with a disintegrated legal deposit system. Many institutions are irked by the problem of having to deal with different people calling at different times for legal deposit materials. Most offices would prefer to deal with one institution that is ready to collect for the entire legal deposit industry. For the same reason, many institutions would also prefer to release legal deposit materials in bulk rather than single titles.

## Overseas Publishing

The legal deposit system in Uganda is challenged by the daunting problem of Ugandan scholars and writers who prefer to publish with overseas publishing firms because of the higher quality end-product and a more developed book market system. Unfortunately, even the local policies in Uganda sometimes militate against local publishing as more weight is given to overseas publishing, or publishing done with renowned international journals.

While overseas publishing may be a common problem to most countries in the developing world, Uganda's situation is however unique due to the large population of Ugandans who left the country in a mass exodus during 1970s and 1980s due to political and economic upheavals in the country (Karugire, 1996). Many of these renowned scholars and writers, have since been joined by a new generation of young Ugandan scholars migrating in search for greener pasture, as well as those born to parents leaving abroad. Many of them have settled overseas where they publish on technical as well as scientific matters, with publications appearing in countries such as USA, France and Canada among others (Mamdani 2007). Tracking this literature for legal deposit is no doubt a daunting task faced by the country's legal deposit system. Furthermore, some of these migrants have acquired new citizenship, with their output thus coming out as French literature, or Canadian literature, or American literature.

## Cooperation from the Publishing Industry

Many publishers in Uganda still lack the full understanding of the relevance of legal deposit system, and how it stands to benefit a depositor. Many of them rarely feel obliged to cooperate with the legal deposit centres. MUL has been a legal deposit centre since late 1950s, yet it is able to collect less than 40 percent of the University scholarly output (Nakiganda, 2009). Even then, according to Nakiganda, much of this collection comes from science-based faculties where publishing and legal deposit form part of the clause in donor funding of one's research project. The situation is different with Arts, Humanities and Social Science Faculties as most research here is privately sponsored.

A greater percentage of publishing in Uganda is in-house, or is done by unregistered publishing firms who take the advantage of ICT technologies. The responsibility to deliver legal deposit copies largely rests on the writer. Many scholars, however, often fail to keep enough copies of their own output to meet such demands as a gift or exchange with friends and peers; and often, due to poor calculations, the limited copies spared for the exercise may soon get shared out, leaving one with nothing to spare for legal deposit.

## Lack of a Regular and Predictable National

## Bibliography

A regular and predictable national bibliography provides a cheap and effective avenue of marketing the publisher's outputs. Depositors are encouraged to send their output to the National Bibliographic Agency for coverage by the National Bibliography. Unfortunately, the wish by the National Library of Uganda to have quarterly issues of the Uganda National Bibliography is being curtailed by the limited publishing taking place in the country. In the process the Uganda National Bibliography has remained an annual publication since its revival in 2004. Nakiganda (2009) points out that while some publishers in Uganda may be appreciative of the role of National Bibliographic Control (NBC), many fail in the expeditious release of their output to NBC, preferring the bulk release of the output. At one time during 2006, for example, UNL was able to receive 90 documents from the Uganda Law Reform Commission in bulk. On another occasion during 2008, UNL again received 8,115 documents from Ministry of Finance. While bulk release eases the administrative costs of legal deposit to the publishers, it negates the advantages of current awareness service embedded in NBC

Imposition of legal deposit penalties to defaulters has proved difficult to implement due to excessive litigation involved. It is indeed doubtful that MUL, in its fifty years of existence as the National Legal Deposit Centre, ever considered the possibility of resorting to penalties to enforce legal deposit. Impromptu visits to publishers and printers by the legal deposit centres have also proved unworkable due to limited resources available to legal deposit centres. Sensitisation of authors, publishers, and booksellers about the economic benefits of legal deposit according to many, is one effective way to deal with non-compliance. Face to face interview revealed that sensitisation of local publisher about the legal deposit system has been tried by NLU and found to be unsustainable due to limited resources. Face to face interview again revealed that NLU is presently working towards regular issuing of the Uganda National Bibliography, hoping that publishers would eventually realise its benefits to the publishing industry. Bagenda (2009), on his part recommends replacement of the expensive workshops, with talk shows on radio as well as television. Remaining watchful of announcements in the local newspapers and periodicals concerning new literature in the offing, as well as liaison with research centres, government departments and the government printing offices, form part of the additional measures under consideration by NLU.

## The Copyright System

Merging the copyright and legal deposit offices is one strategy used by many countries to defeat the problem of non-compliance. Merging the two offices yields benefits to the publishing industry in that it provides publishers with protection of one's products from abuse by unscrupulous individuals through breach of copyright regulations, at the same time provides the same individual with marketing publicity of his product when it appears in the National Bibliography (Kigongo-Bukenya 2000). Uganda is yet to learn from countries such as Australia where the legal deposit law is section 201 of the Copyright Act 1968-1973 (Jason, 1991:113). Here, publishers will be more than willing to deliver copies of their produce to the Copyright Office for registration and eventual protection by the government.

## Cooperation Amongst Legal Deposit Centres

There is presently no meaningful cooperation amongst the three legal deposit centres in Uganda as they all focus on the same types of materials, leading to duplication of effort. (Kasajja Kawalya 2000). Drafting of both the Documentation and Legal Deposit Centre (Act), and the National Library of Uganda Act (2003) was based on the Makerere University Legal Deposit Act (1964), which had also been identified with numerous loopholes. Cooperation amongst the Legal Deposit

Centres can take various forms including, management of the legal deposit collection process, marketing of the legal deposit system, storage of the legal deposit materials, compilation of the legal deposit bibliographies, among others. One form of cooperation under serious consideration is division of labor where MUL takes care of legal deposit of scholarly literature countrywide, UMI takes care of government publications including local governments, and UNL remains to take care of the rest of the publishing industry (Kasajja-Kawalya 2007).

One reason, however, why specialisation in legal deposit collection may not be in the interest of everybody is that research centres such as Makerere University have their own collection that differs greatly from the one of the national library. The interest of the National Library primarily is archival, while that of a research centre is advancement of knowledge. Universities everywhere are leading research centres, and most libraries of national universities are legal deposit centres. This can be said of the University of Ibadan Library in Nigreria, the University of the South Pacific Library in Fiji, as well as Oxford University Library and Cambridge University Library in UK (Jason, 1991:13). Legal deposit status provides university libraries with easy access to national literature, including access to literature that, ordinarily would be under tight restrictions.

## Uganda Scholarly Digital Literature (USDL)

Division of labour in the legal deposit as described above is in total conformity with the launching of the Universal Scholarly Digital Library (USDL) by MUL. Having surrendered its influence over the national bibliography. MUL thought of reinventing its treasured influence through what came to be termed as Uganda Scholarly Digital Literature. USDL is about electronic archiving of scholarly literature produced by Makerere University's scholarly and administrative community (USDL, 2009). Materials archived under USDL include preprints as well as post-prints of research materials, conference and technical reports, working papers, sound files, theses and dissertations, among others. College librarians are tasked to collect all possible grey literature produced by their respective colleges, including conference proceedings, dissertations, etc. USDL also provides for self-archiving of research materials by the different institution in the University (USDL, 2009). Records at MUL indicate that legal deposit collection of scholarly literature has shot up from an average of 20 titles per year, to 1,004 titles for 2,010 calendar year alone, a change that is partly attributable to the effectiveness of USDL.

Makerere University presently, boasts of more than 5,000 research scientists, in the name of post graduate students, lecturers, senior lecturers and professors. Professional progress at Makerere University is very much pegged on the number of books, journal articles, research reports and conference proceedings published by an individual. Legal deposit status provides MUL with easy access to literature produced by the Central Government, local governments, non-governmental organisations, research institutions, the private sector, as well as international agencies. This includes literature that would otherwise be very difficult to obtain due to institutional restrictions.

As a research centre, the information needs under MUL go beyond what NLU can support, as the motivating factors in the two cases may be at variance. NLU supports bibliographical control for purposes of creating awareness and archival storage. Research centres, on the other hand look at bibliographic control as a critical means of satisfying the highly specialized information needs of research scientist and managers. Under this work environment, some literature materials seen as critical by one group may be seen differently by another. One may thus feel that MUL should be left to take direct care of its interests rather than surrender this to a third party in the name of NLU.

## Findings and Discussion

Below is a summary of some of the findings from the study. This is followed by a discussion of those findings, and conclusions

The study, as demonstrated in Table 1, suggests that the advent of the Uganda National Library has given a new life to the country's legal deposit system as well as NBC. During the period 2003 and 2010, legal deposit collection by UNL amounted to 11,130, that is, an average of 1,705 documents each year. Success made by UNL in revamping NBC in Uganda becomes vivid when compared with the limited success coming from long and well established legal deposit centres under UMI and MUL. Table 1, for example, reveals that for the period 2005 to 2009, MUL could only collect 149 legal materials under Makerere University Legal Deposit Act 1964. As for Deposit Library and Documentation Centre Act (1969) under UMI, legal deposit collection went up to 1,461 materials during the same period. It is however, also important to note that UMI and MUL have performed fairly well when it comes to collection of scholarly literature.

## Legal Deposit Collection

The study, according to Table 2 suggests that Government, in particular Central Government, is the leading contributor to the legal deposit collection in general. Ministry of Finance has so far proved to be the leading contributor accounting for 9,752 materials, or 59 percent, of the total collection collected by UNL between 2003 and 2010. This was followed by Commercial publishers (1,767) and autonomous bodies (1,049). On the other hand, local Government proved to be the least contributors (26), followed by Universities (172).

The study revealed that more than 74 institutions and organizations in the country have become active contributors to the country's legal deposit system. Categorized broadly, these include Government Ministries, Publishing firms, autonomous bodies, universities, and NGOs. Universities, on the other hand make an insignificant contribution despite the fact that universities everywhere are known to be leading research centres closely associated with production of a wide range of grey literature in the name of research reports, theses and dissertations. Universities in Uganda have been on the increase over the last ten years. Furthermore, university intake in terms of postgraduate students as well as staffing has also been on the increase. It is also important to note that Uganda Publishing and Printing Corporation (UPPC), the once renowned Government Printer today, has also made an insignificant impact to legal deposit collection.

## Percentage Legal Deposit Coverage

The study, according to Table 3, revealed that NLU has done well with Central Government attaining an estimated 65 percent coverage. It has also fared well with international agencies with 40 percent coverage, and local publishing covering 40 percent. On the other hand, it has performed very poorly with local governments, that is, a palatable 26 records, with nothing received since 2004 to date. UMI has also performed fairly well with Central Government, NGOs, and research centres that are 35 percent, 30 percent and 30 percent respectively. As for MUL coverage, it is estimated at 30 percent of international agencies, and 40 percent of Universities. Over all, Local Governments stand out to be the least covered, with estimated coverage ranging from 5 percent at UMI to 20 percent at NLU.

## Ranking of Legal Deposit Challenges

Asked to rank the effect of the different challenges facing legal deposit in Uganda using a scoreboard of 1 for insignificant effect to 5 for very bad effect. The results as presented in Table 4 suggests that lack of funding is the biggest problem the legal deposit is facing, followed by lack of cooperation as well as limited awareness

from publishers. This is again followed by in-house publishing. From the above report, intervention regarding making of legal deposit more effective, should consider funding of the legal deposit system, and creation of awareness amongst publishers as to be among the critical areas.

## Conclusion

The establishment of the much awaited National Library of Uganda in 2003 has since helped to revamp national bibliographic control, with legal deposit collection going up several times fold. Nevertheless, the country's legal deposit system is still facing numerous challenges. There is need to explore ways of overcoming the challenges presented by the explosive increase in the production and use of grey literature, once seen as substandard literature. Overseas publishing, lack of cooperation within the legal deposit industry, as well as, lack of adequate cooperation from the publishing industry are additional bottlenecks the country's legal deposit system must overcome. Division of labor within the legal deposit industry has been suggested where MUL takes care of the scholarly literature, UMI specializes in Government related publications, and UNL takes care of the rest of the publishing industry as one way of ensuring thorough combing of the publishing industry for legal deposit purposes. Combined with increased cooperation of the legal deposit centers with the publishing industry, and the copyright office, this should guarantee the joint effort of the legal deposit system to realize a regular and predictable national bibliography.

Table 1: Total Legal Deposit Collection Between 2003 to 2010

Date	NLU	UMI	MUL
2010			
2009	479	395	23
2008	8285	284	20
2007	1061	418	65
2006	145	284	20
2005	712	86	21
2004	147	n/a	n/a
2003	301	n/a	n/a
Total	11130	1467	149

Table 2: NLU Legal Deposit Collection between 2003 to 2010

	2003	2004	2005	2006	2007	2008	2009	2010	Total
Government Ministries	253	147	673	130	20	8215	470	21	9499
Commercial Publishers	439	170	275	46	121	03	199	514	1767



Universities	-		04	03	03	03	03	156	172
NGOs	68	05	142	29	18	37	24	160	483
Local Governments	26		-	-			-		26
Autonomous Bodies	199		305	93	115	233	68	169	1049
International Agencies	-	-	40	-	11	179	18	20	268
Individuals	-	-		-	-		04	-	-
Total	980	322	1439	301	288	8680	786	1040	13,264

Table 3: Claim of Legal Deposit Coverage in %age

Sector	NLU	UMI	MUL
Central Government	65	35	20
Local Government	20	05	10
International Agencies	40	50	30
NGOs Local	30	30	20
Private sector	30	20	05
Overseas publishing	10	05	30
Local publishing	40	20	10
Universities	10	20	40
Research centres	10	30	20

Source: Field work

Table 4: Legal deposit management challenges

Challenges	NLU	UMI	MUL	Total
Lack of adequate funding	5	5	3	13
Lack of cooperation from publishers	3	3	5	11
Lack of skilled personnel	3	1	1	5

Lack of storage and processing room	1	5	1	7
Increased in-house publishing	3	3	3	9
Limited awareness about legal deposit system by publishers	5	1	5	11

Scoring chart: 5 = very bad; 3 = bad; 1 = insignificant effect.

Source: *Face to Face Interview*

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