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Trends in legislations affecting library and information practice in Uganda

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Abstract

Introduction: legislation and ethics as one of the top five themes that preoccupied LIS scholars and practitioners in the first decade of the 21st century.

This is true for Library and Information Science and its related disciplines such as Records, information and archives, archeology and museum study.

Objective: This paper attempts to discuss the various trends in legislations relating to the Library and Information Science discipline and profession.

Methodology: In this research, reviewing literature was used to define the main concepts of this research.

Findings: There is a noticeable attribute that more legislations are likely to be drafted and passed. Indeed, there are noticeable trends in the nature of legislation relating to LIS which include the shift from a more right based form of legislations to legislations concerned with social order; a shift towards embracing changing technologies with in the legislations; thirdly, there is a shift towards the internationalisation; a shift towards open access to LIS material from closed access; the adoption of the Western values of LIS values; and adoption of LIS perspectives in other legislations

Conclusion: Professionals cannot afford the comfort of waiting for new developments to be handed down to them but rather equip themselves with competences to; locate and evaluate primary and secondary material, understanding its value as a professional decision-making resource; apply existing legal tenets to various library environments and develop practical compliance; and express professional responsibility, views concerning the legal problems in the library and information sciences in which one is situated.

Key words: Uganda, information policy, library and information legislation, Information ethics

1.0 Introduction

When the Israelites left Egypt for the Promised Land, one of the very first things they were given was the book of the law. This was before they even reached the land that was promised or even partitioned land and identified the land among themselves. The fact that these were to live together, a code to guide their peaceful coexistence was given. Such is the importance of legislations that even scriptures are sometimes referred to as books of the law.

In the same breadth, scripture says, “The heart of man is desperately wicked” (Jeremiah 17:9, NKJV¹). All this attest to this one reality; that it is impossible to deal with any matters of mankind without any form of legislation. This is also true for professions and disciplines such as Library and Information Science.

Therefore, this paper attempts to discuss the various trends in legislations relating to the Library and Information Science discipline and profession. In discussing these trends, two guiding questions will be used and these are;

Two questions stand out?

How is LIS affected by existing legislations?

How is LIS affecting existing legislations?

2.0 Background

Kawalec (2013) defined trends in Library and Information Science (LIS) are an ever current and interesting topic for the LIS research community and practitioners. Kawalec further lists legislation and ethics as one of the top five themes that preoccupied LIS scholars and practitioners in the first decade of the 21st century.

The term legislation is derived from the concept “legal” which in turn is derives its meaning from law. The Cambridge Advanced Learners Dictionary and Thesaurus (2016) defines this as a set of laws suggested by a body in authority. From this it is evident that the root word to all this is “law”.

The concept “law” denotes rules that are set by a body in authority to guide behaviour. It can be argued that it is impossible to have normalcy in the absence of any form of regulations. In other words, human behaviour ought to be regulated.

Suffice to note, man relates with fellow man in an array of layers including family, cities, corporations, nations, scholarship and professions. In each of these layers, human behaviour has to be regulated lest lawlessness abounds.

Library and Information Science (LIS) is one of the disciplines and set of practices that punctuate the scholarly and professional layers and spaces. It is in these spaces that mankind relates in pursuit of one’s goals and objectives.

Okello-Obura (2011) argues that to prevent any crises in information management (and in this case in the LIS profession), practice (and in this case scholarly thought) ought to anchor in

¹NKJV- New King James Version, 2011

legislative and policy frameworks. He further argues that on the other hand laws have “a direct” impact on the way duties are conducted in a given space. It can therefore be argued that for any profession to be worth its name, it should have legislations that define the boundaries of practice and service (Okello-Obura, 2011).

Besides that, legislations add an element of legitimacy in any given discipline. This is also true for Library and Information Science and its related disciplines such as Records, information and archives, archeology and museum study.

Titilola et al (2014) note that historically legal aspects of information work have evolved over the years into a multi-faceted phenomenon, in part stimulated by the convergence of many disciplines and the rise of new sub disciplines and rise of new technologies such as the internet. Titilola et al further argue that before 1960 legislation in LIS focused on social responsibility. However, today the focus of legislation takes a multipronged approach.

3.0 Theories underpinning of laws in LIS

Library and Information Science is a growing discipline. In addition to the above, it has an interdisciplinary and multi-disciplinary approach. To this end, what is done in LIS relies on other what is done in other disciplines (Zins, 2007). Likewise, actions taken in LIS impacts other disciplines. This is also true for legislations. As such

Titilola (et al, 2014) opine that the epistemology of information related legislation largely lies in the applied legal ethic. They further consider that legislations in different information concepts is guided by four main theoretical underpinnings. These are:

Consequence-based theories,

Duty-based theories,

Right based theories and

Virtue based theories.

These theories demonstrate the difficulties and contradictions that arise in the conceptualisation and application of legislations in the different contexts. However,

- **Consequence-based theories:** Hinman (2013) opines that these are also called teleological theories and they assume that human behaviour is a guided by consequences of the action engaged in. Moral behavior, therefore, is goal-directed. Therefore, whether an act is morally right depends solely on consequences or the goodness of consequences.
- **Duty based theories (Also known as Kant’s theory):** This is also referred to as deontology. White (2012) explains that deontologists believe that morality is a matter of duty. We have moral duties to do things which it is right to do and moral duties not to do things which it is wrong to do. Whether something is right or wrong doesn’t depend on its consequences as the case of consequence-based legislation but rather, an action is right or wrong in itself.
- **Virtue based theoretical bases:** Virtue-based systems are inclined to promote communities over individuals. Therefore, they tend more toward the good of the

community (for example the professional community or the community LIS serves) than individualism (White, 2012). White further opines that non-religious virtue-based systems usually identify communities with political regimes. To White, communities define what is considered acceptable (virtues) and what is unacceptable (vices).

- **Rights based theories:** Hinman (2013) argues that this theoretical base considers two kinds of legal rights: positive rights negative rights. Having a negative right to something means simply that one has the right not to be interfered with in carrying out the privileges associated with that right. The holder of a negative right has the right (and the expectation) not to be interfered with in exercising your right but cannot demand assistance in the pursuit of the right. On the other hand, a positive right is a right to accomplish some meaningful objective. A positive right, therefore, asserts a responsibility on the part of others (for example those in authority) to actively assist one as one pursues one's objective.

It should be noted that most legislations in which human behaviour is to be guided or controlled will adopt one or a combination of more than one of the above theories. Suffice to note, it may be hard for law makers to explain which theoretical base informed their drafting of a particular legislations.

It should be noted that the above whereas the above theories attempt to provide a theoretical base for many of the legislations in LIS, they can also be used in non-LIS instances as their main niche is in the realm of regulating human behaviour.

There are other theories that are specific to LIS specific contexts. For example, in the discussion of copyright legislations, Fischer (2014) opines that four theories underpin copyright protection, pricing and exemptions. These include, personality theory, cultural theory, welfare theory and fairness theory. In lieu of this, there are other contexts in which other theories can be adopted to examine, explain or develop and revise legislations in LIS.

4.0 Historical development of LIS legislations

The development of “formal” legislation can be said to have a short but explosive history. The term formal here is used deliberately to denote the fact that before codified law, there might have been some informal laws that were set and enforced by the loose egalitarian order. A case in point were the King's repositories kept in the Sumerian empire more than 7000 years ago (Penn, et al, 1994).

The development of such law can be linked to the very development of formal law-making bodies in various jurisdiction and the rise in the importance of information in societies. As societies have established structures to enact laws coupled with an increase in the value placed on information, so has been in the rise in the number of legislations that relate to information

management including LIS. Suffice to note, these structures have been mostly developed earlier in Western Europe and Northern America.

The earliest form of codified legislation relating to LIS was recorded in Sweden in 1766. This law related to freedom of access to information in the Swedish Society and it was drafted and passed by the Swedish monarch (Mustonen, 2006).

The United States has been a leader in the development and implementation of information related legislation (Warren, 2005). This leadership has been noted especially in the incorporation of tenets of the law that relate to newer technologies.

Since then, different countries, societies and professions have seen a rise in the enactment of legislations that relate to LIS. These legislations have in turn experienced a transformation over time to incorporate industry, technological and professional changes.

In Uganda, formal (codified) legislations can be traced back to the second half of the 20th Century. These were drafted by the Colonial government and early independent Uganda as part of the laws of Uganda. Some of the early laws included the Public Libraries Act, 1964 and sections of the Penal Code Act of 1950².

Since then LIS related legislations in Uganda have expanded from just government laws to even organisational level and international laws.

5.0 The nature of LIS legislations

To understand the nature of legislations in LIS, it is imperative to establish the various types of laws that exist. Warren (2005) notes that society governed by one or a combination of these two law typologies. These include

- Civil or criminal law in which Civil law includes a wide range of laws that govern a nation and deal with the relationships and conflicts between organisational entities and people; where as Criminal law which relates to activities and conduct harmful to society and is actively enforced by the state organs.
- Law can also be categorized as private or public. Private law encompasses family law, commercial law, and labor law, and regulates the relationship between individuals and organizations. Public law on the other hand regulates the structure and administration of government agencies and their relationships with citizens, employees, and other governments. Public law includes criminal, administrative, and constitutional law (Warren, 2005).

LIS legislation can fall in any one of the categories mentioned above. That is; it can be at the private level in form of organisational policy, rules and guidelines as well as public in form of

² Uganda got her Independence on October 9th 1962. Some of these laws continue to be in force even in 2017.

acts, policies or tenets of the Constitution. Beyond this, LIS legislations can even transcend national boundaries. This is true especially for international treaties and transnational professional associations. A case in point are policies by the International Federation of Library and Information Associations.

6.0 Issues addressed in LIS legislations

As noted above, LIS is an evolving discipline and practice. As such as LIS changes to adopt new concepts and practices, issues being legislated are also changing. Whereas the oldest law from Sweden was concerned with freedom of expression, and the most recent legislations are dealing with more recent developments such as internationalisation and safety of children and responsible use of information and related technologies.

Titilola et al (2014) and Okello-Obura (2014) enumerate a number of issues that are addressed by existing LIS legislations and these include;

- Information and record creation,
- Information access,
- Legal deposit,
- Ethics and standards of practice,
- Legal admissibility,
- Importation of information,
- Intellectual property and copyright protection,
- Publishing and expression of information, and
- Censorship.
- Decency
- Child safety
- Equity and equality (against discrimination)
- Social development
- Professional responsibility
- Internationalisation

All these are geared towards defining standards and boundaries of thoughts and practice, and prevention of abuse.

7.0 Categories of LIS legislations today

The currently recognized legislations in the line of records, information and archives management include the following categories;

- a) Laws and policies that directly relate to Library and Information Science field
- b) General laws and policies that do not directly relate to Library and Information Science and archives management but have got provisions that relate to the field of LIS and related fields.

These laws may further be categorized basing on the entity that makes the law. Entities that may pass LIS related legislations range from organisations to cities, countries and groups of countries.

The table below summarises the types of laws that may be made by each of the entity mentioned.

Type of entity	Type of LIS Laws that can be made
Individual Organisations	Policies Regulations and Guidelines
Group of Organisations	Agreements Memorandum of Agreements
Cities	Bylaws Ordinances
Countries	Decrees/Executive orders (made by the head of the country) Acts Bills Statutes Constitution
Professional Associations	Memorandum of Association Ethical code
Groups of countries	Agreements Treaties Conventions

The Cambridge Advanced Learners Dictionary and Thesaurus (2016) provides definitions of the above forms of laws in the following way;

Bill: This can be defined as a draft law. In this form, the law is still undergoing steps to be legislated. A case in point was the National Records Bill of Uganda, 1994 which was later replaced by the National Records and Archives Act, 2001.

Act: This can be defined as bill which has passed through the various legislative steps required for it and which has become law. In Uganda Acts are passed by Parliament and assented to by the President (Parliament of Uganda, 2006). Examples of Acts that relate to LIS are discussed in 7.1 below.

Constitution: this can be described as the highest law in a given country. Cambridge Advanced Learners Dictionary and Thesaurus opines that a Constitution is normally made up of fundamental principles and sometimes established precedents of a given country. It further opines that some organisations and associations make own Constitutions. Examples include Uganda Library and Information Association and Singapore Library Association, which call their articles of association a Constitution. It should be noted that a national Constitution overrides all other legislations that are made in a particular country (Okello-Obura, 2011).

Policy: This can be defined what to do in particular situations that has been agreed to officially by a group of people, organization, a government. Okello-Obura (2011) opines that this plan provides a framework for the operationalizing of other rules or acts in the organisation or country respectively.

Memorandum of Agreement: This can be defined as a written contract which guides the entities that are entering into an understanding. A professional association in one country may enter into such an arrangement with another professional association in another country.

Ethical code: Titilola et al (2014) define an ethical code as a written to guide behaviour of individuals in a particular organisation or professional group. In the context of LIS, a code of ethics can be prescribed by the LIS organisation for its staff or the professional association in a given country. In the case of Uganda, the latest version of this code was passed in 2016.

Treaties, and Conventions: these may be defined as contractual engagements that may be signed between countries (bilateral) or among more than two countries (multilateral). Two of such in the context of LIS include Berne Convention, which provides for copyright protection across international boundaries; and Trade-Related Aspects of Intellectual Property (TRIPS). Uganda is a signatory to both agreements.

7.1 LIS legislations in Uganda

These are legal provisions that drafted or have been drafted with a focus of the field of Library and Information Science in Uganda, these currently include the following;

- i) The National Records and Archives Management, 2001
- ii) The Access to Information Act, 2005
- iii) The Copyright and Neighbouring Act, 2006
- iv) The Deposit Library and Documentation Centre Act, 1969
- v) Makerere University Legal Deposit Act, 1965
- vi) The National Library Act, 2003

- vii) The Press and Journalistic Statute, 1995
- viii) The Uganda Communications Act, 1997
- ix) Uganda Broadcasting Act, 2004
- x) The National ICT Policy, 2003
- xi) Uganda Library and Information Association (ULIA) Ethical Code, 2016.

The National Records and Archives Management, 2001

This is the first ever comprehensive law on the management of records and archives in government departments and public parastatals³. This Act repealed the National Records Bill of 1994 and The Records (Disposal) Act and any rules made under it.

The major aspects addressed by this Act include the following;

- That there will be a National records and Archives Agency and a National Records and Archives Agency Advisory Committee which will provide guidance on professional good practices in managing public records.
- The Act also provides guidance on the responsibilities of the creators of public records for their proper management
- Furthermore, the Act provides for the management of records and archives from Local government authorities and how these should be managed.
- The Act also provides for the protection of the copyright of public records against abuse or illegal exportation
- The Act also provides for the penalties of those who abuse the Act or its provisions

It should be noted that though many of the provisions of this Act have not been implemented yet, the Act that the Act does exist is a major development on the management of public records in Uganda. However, there is still need for a more comprehensive Act that does take into consideration records and archives management requirements in the ever-growing private sector.

The Access to Information Act, 2005

This is an Act provides for the right of access to information pursuant to article 41 of the Constitution. It prescribes the classes of information referred to in that article and the procedure for obtaining access to that information.

The purpose of this Act is.

- To promote an efficient, effective, transparent and accountable Government;
- To give effect to article 41 of the Constitution by providing the right of access to information held by organs of the State, other than exempt records and information;
- To protect persons disclosing evidence of contravention of the law, maladministration or corruption in Government bodies;

³ Parastatals are semi-autonomous departments of the state. (Cambridge Advanced learner's dictionary, 2016)

- To promote transparency and accountability in all organs of the State by providing the public with timely, accessible and accurate information; and
- To empower the public to effectively scrutinize and participate in Government decisions that affects them.

The major aspects provided for in this Act include the following;

- The Act defines the types of records and information that are covered by the Act. These include; all information and records of Government ministries, departments, local governments, statutory corporations and bodies, commissions and other Government organs and agencies
- Definition of the type of information that is exempted from the provisions of the Act. These include the following
 - Cabinet records and those of its committees;
 - Records of court proceedings before the conclusion of the case
- The Act also defines the procedures that persons have to go through when accessing public information or records. This also provides for guidance on where fees have to be paid for one to access.
- The Act also requires a designated public official to make available a list of public records and information that is available for public viewing every two years.
- The Act also provides for circumstances where persons may be denied access to public information. For example; Article 21 of the Act states that; An information officer shall refuse access to health records, the disclosure of which would constitute an invasion of personal privacy.
- The Act further provides for guidance to public officials in case of deferred information requests
- The Act also provides for guidance on appeals in case a request for information is denied.

The Copyright and Neighbouring Act, 2006

This Act was enacted after a lot of criticism of its predecessor, The Copyright Act, 1964, which had outlived its relevance and could no longer meet the requirements of the day.

The major goal of the Act is to protect intellectual and literary creations from unfair use, sale, reproduction and publication.

The major aspects provided for in this Act include the following;

- Classification of the types of works that are protected by copyright.
- The duration of copyright for particular types of works
- The Act also provides for the types of copyright protection for the different types of works.
- Furthermore, the Act also defines the types of works that are exempted from protection of the Act
- The Act also defines circumstances where protected works may be used without the limitation of the Act. This is the basis of the Fair Use doctrine under the copyright law.
- The Act also provides for guidance on the types of protection that protected works are given. For example, commercial rights, and moral rights.
- The Act provides for penalties to the violators of the Act.

Makerere University Legal Deposit Act, 1965

This is one of three acts that relate to legal deposit in Uganda. The others are The Deposit Library and Documentation Centre Act, 1969 and The National Library Act, 2003. This Act was the first in the line legal deposit in Uganda. It was promulgated under Ordinance No. 26 by the then Legislative Council and first went into print as a Legal Statute on 1 March, 1958. Its major provisions included the following;

- The statute and the act designated the Makerere Library the Deposit Centre for publications accruing from the Statute.
- The purposes of the Statute were also defined.
- The materials to be deposited and the number of copies to be deposited are also defined in the Act.
- The Act also provides for the penalties against defaulters.

The Deposit Library and Documentation Centre Act, 1969

This was the second legislation regarding legal deposit in Uganda. Its major provisions included the following;

- It designated the Uganda Management Institute as administrator of the Legal Deposit Library and Documentation Centre.
- The materials to be deposited and the number of copies to be deposited are also defined in the Act. Kigongo-Bukenya (2000) notes that although the Act does not specifically mention it, the centre should be unique and should specialize in collecting publications on public administration. He further notes that it was for this reason that it was placed under the Ministry of Public Service.
- The Act also provides for the penalties against defaulters.

The National Library Act, 2003

This act was enacted in 2003 replacing any former legislation regarding public libraries in Uganda. The major provisions of the Act include the following;

- The Act provides for the establishment of a National Library to replace the Public Libraries Board. The Act also provides for the functions of the National Library which among other things is supposed to provide professional guidance to all public Libraries in Uganda and develop standards in these libraries.
- The Act also designates the National Library as a national legal deposit center for publications published in Uganda.
- The Act also provides for the penalties against defaulters.

The Press and Journalistic Statute, 1995

This is one of the last statutes that were passed by the National Resistance Council. The statute was meant to provide guidance to the news press and journalistic productions by Uganda's media. Its major provisions include the following;

- The statute was primarily meant to provide guidance on the rights of the journalists that operate within the country.
- Besides that, the statute also provides for the duties and moral obligations of journalists in Uganda. For example, the statute obliges journalists to report truthfully and avoidance of defaming ideologies in the press.
- The statute also highlights penalties for non-compliance by the individual journalists and media houses.

The Uganda Communications Act, 1997

This Act was primarily championed to promote communication networks across the country including the rural areas. Its major provisions include the following;

- The Act provided for the establishment of a Communications commission which would be the licensing and agency for all communications practitioners in Uganda including Postal services, telecommunications companies, Internet Service providers and communications bureaus
- The Act also created a duopoly in the Mobile Telephone Communication industry in which only two service providers were granted a ten-year duopoly to operate without granting licenses to any new company. The two duopoly firms were given obligations to fulfill in the ten-year dual reign.
- The Act also spells out the roles and duties of the commission, its administrative structure and the tenure of its directors.
- The Act also provides for the penalties against defaulters.

Uganda Broadcasting Act, 2004

This Act was established in the wake of the restructuring of the Uganda Television and Radio Uganda, two of the government media parastatals. The major provisions of the act include the following;

- In the first instance the Act provided for the establishment of Uganda Broadcasting Corporation, a government parastatal, to replace Uganda Television and Radio Uganda.
- The Act also spells out the roles and duties of Uganda Broadcasting Corporation, its administrative structure and the tenure of its directors.
- The Act also provides for the establishment of a Broadcasting Council, which would be the broadcasting ombudsman in Uganda. It further highlights the roles and functions of the council.
- The Act highlights the duties of media houses (particularly broadcast media) in Uganda.
- The Act also provides for the penalties against defaulters and those who contravene the articles of this Act.

The National ICT Policy, 2003

This was the first comprehensive policy on Information and Communication Technology use in Uganda. The Policy was drafted in the midst of the heightened growth of the embracing of Information and Communication Technologies in the country. The Policy provided for guidance especially for public offices in their adoption of these new technologies.

The policy was meant to be made operational by the Ministry of Works, Transport and Telecommunications.

However, it is imperative to note that since then the country has witnessed the opening up of the Ministry of ICT which is seemingly the most appropriate line ministry to champion the Policy. Perhaps the most appropriate way forward is to review the policy and place under the most appropriate government department.

Uganda Library and Information Association (ULIA) Ethical Code

Uganda Library and Information Association (ULIA) is the professional body that brings all professionals in Library and Information Science including librarians, archivists, records managers and related Para-professionals. This professional body had drafted Code of Ethics that guides all its members on issues of professional practice for the good of the whole profession. It should however be noted that the association is still very small with few active members and as such many professionals are not inclined towards complying with the code.

a) Laws and policies that do not directly relate to records, information and archives management

These are legal provisions whose primary focus is not on the field of records, information and archives management but yet they have provisions that relate to the field of records, information and archives management. In Uganda, these currently include the following;

- i) Provisions in the Uganda Constitution of 1995
- ii) Provisions in The Penal Code

The Constitution of Uganda, 1995

The constitution has got some provisions which relate to information and information management. These include the following

Right to privacy under Article 27

This states that no person shall be subjected to unlawful search of the body, home or other property or to unlawful entry of his or her premises.

Right to a fair hearing under Article 28

Subsection five of this article states that every accused person is entitled to a copy of court proceedings upon payment of a fee.

Freedom of speech and expression under Article 29

Subsection (1) clause (a) notes that every person has a right to freedom of expression and this includes freedom of the press and other media.

Right of access to information under Article 41

This article states that every citizen has a right of access to information in the possession of the State or any other organ of the State except where the release of the information is likely to interfere with the security of the State or the right to the privacy of any other person.

This article further mandates the Parliament of Uganda to enact a law to provide guidance on this article. This is fulfilled in the enactment of the Access to Information Act, 2005.

The Penal Code Act

This Act was promulgated in 1950 under the principles of English criminal law. It deals with many items in the area of criminal law. One of the areas that is dealt with is information management. These include the following:

- Interpretation of import, publication, etc.
- Power to prohibit importation of publications, etc.
- Offences in relation to publications, the importation of which is prohibited
- Delivery of prohibited publications
- Publication of information prejudicial to security
- Power to examine packages
- Seditious intention
- Seditious offence

All these are articles, 34, 35, 36, 38, 39, 40, 42, 43, 44, 53, 54 and 55

Power to prohibit importation of publications, etc. under article 34

Clause (1) of this article states that whenever the Minister considers it in the public interest so to do, he or she may, in his or her absolute discretion, prohibit, by statutory order, the importation of all publications or any of them, periodical or otherwise; and where the prohibition is in respect of any periodical publications, the same or any subsequent order may relate to all or any of the past or future issues of a periodical publication.

Offences in relation to publications, the importation of which is prohibited under article 35

Clause (1) of this article states that any person who imports, publishes, sells, offers for sale, distributes or reproduces any publication, the importation of which has been prohibited under section 34, or any extract from such publication, commits an offence and is liable for a first offence to imprisonment for two years or to a fine not exceeding two thousand shillings or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and such publication or extract from it shall be forfeited to the Government.

Delivery of prohibited publications under article 36

This article states that any person to whom any publication, the importation of which has been prohibited under section 34, or any extract from such publication, is sent without his or her knowledge or privity, or in response to a request made before the prohibition of the importation of such publication came into effect.

Clause (b) of the same article states that who has any such publication or extract from such publication in his or her possession at the time when the prohibition of its importation comes into effect, shall forthwith, if or as soon as the nature of its contents has become known to him or her, or in the case of a publication or extract from such publication coming into the possession of such person before the order prohibiting its importation has been made, forthwith upon the

coming into effect of an order prohibiting the importation of the publication, deliver such publication or extract from it to the nearest administrative officer or to the officer in charge of the nearest police station.

Publication of information prejudicial to security under article 37

This article states that any person a person who publishes or causes to be published in a book, newspaper, magazine, article or any other printed matter, information regarding military operations, strategies, troop location or movement, location of military supplies or equipment of the armed forces or of the enemy, which publication is likely to; endanger the safety of any military installations, equipment or supplies or of the members of the armed forces of Uganda; or assist the enemy in its operations; or disrupt public order and security, commits an offence.

39. Seditious intention under article 39

This article defines a seditious intention as an intention to bring into hatred or contempt or to excite disaffection against the person of the President, the Government as by law established or the Constitution; or to excite any person to attempt to procure the alteration, otherwise than by lawful means, of any matter in state as by law established.

Seditious offences under article 40

This article defines the various offences that are related to sedition. These include;

- Does or attempts to do or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;
- Utters any words with a seditious intention;
- Prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
- Imports any seditious publication,
- Any person who, without lawful excuse, has in his or her possession any seditious publication to imprisonment for five years.

Promoting sectarianism under article 41

This article explains offences that relate printing, publishing, or uttering any statement which degrade, revile or expose to hatred or contempt or create alienation or despondency of; any group or body of persons on account of religion, tribe or ethnic or regional origin commits an offence.

Publication of false news under article 50

This article states that any person who publishes any false statement, rumor or report which is likely to cause fear and alarm to the public or to disturb the public peace commits a misdemeanor.

Incitement to violence under article 51

This article states that any person, who, without lawful excuse, prints, publishes or to any assembly makes any statement indicating or implying that it would be incumbent or desirable to do any acts calculated to bring death or physical injury to any person or to any class or community of persons

Defamation of foreign princes under article 53

This article states that any person who, without such justification would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between Uganda and the country to which such prince, potentate, ambassador or dignitary belongs, commits a misdemeanor.

Piracy under article 55

This article states that any person who is guilty of piracy or any crime connected with or relating or akin to piracy is liable to be tried and punished according to the law of England for the time being in force.

Other example of legislations that relate to LIS in Uganda include;

Various information management policies in the various organisations, such as the Ministry of Public Service Records Management Policy, 2008;

The Anti-pornography act, 2014,

The Computer misuse Act, 2011; and

The Electronic Signatures Act, 2011

On the other hand, there is an array of legislations that impact on LIS practice. Such laws are drafted for some other purpose but with provisions relating to Information management.

Suffice to note with the explosion of information it is only foreseeable that most laws at all levels of law making will have an information management component. This will in turn impact on LIS practice. Examples of these include the following;

The Anti-pornography Act, 2014.

The Company Act, 2010

The leadership code Act, 2002; and the

Various communication policies of organisations.

8.0 Trends arising of LIS legislations

From the above presentation, there is a clear rise in interest in legislating LIS related issues in Uganda and other countries. From the analysis of the various legislations there is a noticeable

attribute that more legislations are likely to be drafted and passed. Indeed, there are noticeable trends in the nature of legislation relating to LIS. These are discussed as shown below;

Firstly, there is movement from a more right based form of legislations to legislations concerned with social order. A preview of the laws relating to LIS in indicates that earlier legislations were more concerned with enhancing tenets of human rights. A case in point is the Swedish Law of 1766, the Declaration of Human rights, 1948. Today most legislations are concerned with creating order of practice in LIS with in the different spheres.

Secondly, there is movement towards embracing changing technologies with in the legislations. Legislations that only focused on one form information medium to a multimedia dimension. A case in point is the Copyright Act, 1964 in Uganda which focused on just written works; The Copyright and neighbouring Act, 2006 attempts to incorporate new media including software.

Thirdly, there is a shift towards the internationalisation of legislations. In the recent years, more countries are signing up to joining international agreements and conventions than draft national laws.

Fourthly, there is the shift towards open access to LIS material from closed access. Even in instances where there is an emphasis on closed access, avenues for exemptions are provided in many of the latest form of legislations.

Another trend to note is the adoption of the Western values of LIS values. Warren (2006) notes that most of the information related legislations are hinged on what has been studied from North America and Western Europe. It is rare to find a purely indigenous legislation in any country. However, these are drafted in the context of local situations.

Last but not least there is a rise in LIS perspectives in other legislations. The early legislations relating to LIS had to be exclusive to the LIS discipline and practice. However, with the increasing value of information to different entities, there is an increasing adoption of LIS aspects in new forms of legislations across the disciplines.

- Closed to open access
- Rise in emphasis on professional ethics (professional conduct)
- Most legislations originate from North to South and not the other round.
- Information law as a research field.
- Exclusive rules to incorporated law
- From closed jurisdictions to multi-level jurisdiction (In principles and in practice)

QN: Is there anything like an ideal law in Library and Information Science.

9.0 Discussion

“It is our burden and our glory that we are expected to live by a high professional standard and earn a living at the same time. We do not have the luxury of the clergy who can live in the temple and condemn the market place. We have to carry the standards of the temple into the market place and practice our trade there.” (Redlich in William, 1979). Though this statement was made to an audience of lawyers, LIS professionals are also faced with the same challenge today; the challenge of how to go about their professional duties without breaking the law while at the same time earning from the profession.

From the various sections above, it is evident that it is quite hard to maintain coherence in any world today without legislations. It should further be noted that laws have to be codified and not left to second guessing.

On the other hand, the LIS space is evolving so fast and some of the changes are from within the LIS professional space, while others are from other disciplines and yet they impact on thought and praxis in LIS. Some of the changes include, changing professional practices, technology used, and Internationalisation of the discipline.

Since LIS professionals normally serve in an array of other disciplines, changes in the respective disciplines are also affecting the legal landscape in which LIS professionals have to serve and thrive.

As such professionals have to keep themselves abreast with the developments in the legal requirements of the profession. The American Records Managers and Administrators (ARMA) (2007) lists knowledge of legislations as one of the key competencies of an accomplished professionals.

It is also evident that the legal evolution provides no pointers to where it goes next for LIS but rather dependent to an intersection of many factors and industry developments.

A smart LIS professional in the 21st Century ought to;

- 1) to understand the nature and scope of legal problems arising in the operation of the library;
- 2) to identify the responsibilities that library and information professionals have in executing current law and the opportunities available to effect necessary change; and
- 3) to evaluate current legal responses to such problems and envision alternative responses, both legal and non-legal, in light of sound information concepts

10.0 Conclusion

As noted above, trends in LIS legislations can come from within the organisation in which one is employed or even from outside environment including national laws and international legislations. In light of this, professionals cannot afford the comfort of waiting for new developments to be handed down to them but rather equip themselves with competences to;

- locate and evaluate primary and secondary legal material regarding legal issues in LIS, understanding its value as a professional decision-making resource;
- apply existing legal tenets to various library environments and develop practical compliance strategies for those organizations; and
- Express, consistent with professional responsibility, views and opinions concerning the legal problems in the library and information sciences in which one is situated.

Whereas the paper has outline numerous areas of legislations and provided examples from Uganda of the various legislations, these are likely to grow in number and even existing ones evolve.

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“You have loved righteousness and hated **lawlessness**; Therefore God, your God, has anointed you with the oil of gladness more than your companions.” (Hebrews 1:9, New King James Version)