

# **COPYRIGHT AND EDUCATION – A PUBLISHERS PERSPECTIVE FROM A DEVELOPING WORLD**

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First I will like to thank World Intellectual Property Organisation(WIPO) for giving me the invitation to present this paper at this August gathering; and Jens Bammel of the International Publishers Association (IPA) who recommended me and also made sure that funding was secured to make it possible for me to travel to Geneva for the first time in my life.

## **COPYRIGHT**

In Article 27 of the United Nations Declaration of Human Rights,

1. everyone has the right freely to participate in the cultural life of the community and enjoy the arts and to share in scientific advancement and its benefit;
2. everyone has the right to the protection of the moral and material interest resulting from any scientific, literary or artistic production of which he is author.

The socio-economic principle that copyright protection encourages individual effort and invariably enriches the society is the guiding principle behind the enactment and enforcement of copyright laws by many nations.

Paul Gleason (1998) observes in his article, International Copyright, that today's copyright law serves several purposes, the most important one I consider relevant to this topic is to "encourage progress in the country's arts and sciences in order to foster economic, social, and cultural development." Edward Ploman and L.Clark Hamilton put it succinctly that "copyright is used as a legal mechanism for the ordering of social and cultural life."

At an organised symposium by the World Trade Organisation (WTO) and the World Intellectual Property Organisation (WIPO), it was emphasized that the progress and the development of the LCD (less developed countries) and developing countries of the world in the 21<sup>st</sup> century will be determined, to a great extent, by their compliance with varying conventions on intellectual property rights and the enactment of enabling laws for their enforcement.

## **Developing Countries and Copyright**

The driving force of the development of the Western world has been and still is a well articulated, focused and enforced intellectual property and copyright system, so much so that when the colonial powers granted independence to their dependants in the 50s and 60s; the industrialized nations denied the developing countries access to much needed information for education and development because publishers were

reluctant to give up existing or potential overseas markets. UNESCO's *The ABC of Copyright* as was quoted in Gleason's article explained:

In the 1960's developing countries under great pressure to meet the educational needs of their people found that they were having difficulty obtaining rights to translate and reproduce much needed educational materials. The needs of these countries were brought to the attention of the publishing countries where rights were held. Developing countries... said that copyright was blocking access to translation and reproduction of such works. The copyright owners, authors, and publishers in the major publishing nations countered that authors [and publishers] were entitled to a fair return for their work and that their rights should be respected.

This attitude of Industrialised countries lead to piracy on a large scale as copyright laws in developing countries were either weak and unenforceable. Piracy is still thriving today either in the form of photocopying of textbooks in the universities or outright printing of educational books because of the dearth of textbooks and excessive demand due to expansion of educational institutions. There were several attempts by the Industrialised countries to ameliorate the situation through subsidy and the production of low priced editions, which certainly helped to meet the needs of the developing countries; but the programme was also criticised for 'inhibiting the growth of indigenous publishing in the recipient countries' noted Gleason

### **Education in the Developing Countries**

It is true that the level of education in developing countries, especially in Africa is still inadequate to meet the educational goals of the continent. The internecine strife plaguing the continent many years after independence from colonial powers has had a debilitating effect on planning and execution of laudable plans to educate the citizens. National Book Policies in developing countries tend to follow the same trend; viz:-(i) motivating indigenous authors to produce relevant cultural books (ii) encouraging local production of books and authorship (iii) provision of adequate textbooks to meet the need of every pupil. The Nigerian Book Policy envisages five(5) textbooks per pupil.

However to buttress my point about the difficulties plaguing the continent, the

“Nigerian National Policy on Education (1981) envisages the integration of the individual into a sound and effective citizen through educational opportunities within and outside the formal school system. It has been projected that by the year 2000A.D. every Nigerian should be literate.” It was recognised at the same time that there was a critical shortage of textbooks and library materials at all levels of education.

Almost twenty five years on, we are still very far from the set goals. Every student of the Nigerian political development knows the difficulty the country has gone through. The same can be said of many African Countries.

### **Book Development and provision in Developing Countries**

Ever since Industrialised countries denied the Developing countries access to information and rights in the 60s, they (Developing countries) have made great strides in the attempt to provide relevant books for their citizens. The relevant books in this case are textbooks especially basic educational books for primary and secondary

schools. Whilst the Anglophone countries in West and East Africa have made great strides in the development of books; the supply of books, both production and distribution to the Francophone countries is still essentially from France.

South Africa is the only exception in sub-Saharan Africa “where over three quarters of books sold are published by foreign multinational companies. Ownership patterns in the rest of the industry reflect the legacy of apartheid: 15% of book sales originate with white owned South African publishers, and only 8% from local black publishing companies,” noted James Hall in his article CULTURE-AFRICA. Publishing takes on NEPAD.

The Multinational publishers, Oxford University Press, Evans Publishers, Heinemann, Macmillan, and Longman who divested themselves of their business interests after indigenisation in Nigeria are now fully Nigerian Publishers alongside other 91, publishers registered members of the Nigerian Publishers Association. There are also 256 other publishing firms including University Publishers, Specialised Publishers for example Law Publishers and small publishers who are engaged in the provision of literature books, and culturally relevant textbooks for Nigeria. The same can be said for Kenya where Longhorn Publishers replaced Longman, East Africa Educational Publishers replaced Heinemann. Ghana has many thriving indigenous publishers, e.g. Sam Woode Publishers quoted on the Ghana Stock Exchange, Sedco Publishers, SubSaharan Publishers, are some of the most prominent ones.

In all these countries Award Winning books have been produced by the publishers, especially books by Nigerians are now winning International Awards. APNET, African Publishers Network, has been coordinating the activities of publishers on the Continent of Africa from Cairo to Cape Town and has as many as 146 registered African publishers. All these efforts go to show that there are a lot of publishing activities going on in the Continent. With the ongoing development of democracy taking root in most African countries, it will not take too long before cross-cultural fertilisation aids book development and distribution in Africa.

## **Conclusion**

I will like to end this presentation with Malinowskis definition of Culture:

“Culture is partly human, partly spiritual and partly materialistic. In its humanistic aspects, culture consists of ideas, values, knowledge, philosophy, laws, morals and so on. In its spiritual aspects, it consists of a system of beliefs and religious doctrines. In its materialistic aspect, it consists of artefacts and consumer goods made by man as opposed to things found in nature. Culture is a distinguishing factor between man and man.”

If Africa does not develop its own books to meet local needs, manage and disseminate correct information about its scientific, social and cultural life, it will not only kill local initiatives; it will render the products of local research useless; exaggerate assumptions and falsehood about Africa.

In his view Philip G. Altbach (1998) concluded in his paper, Current Trends in Book Publishing that:

“Publishing, because it is absolutely essential to the cultural, scientific and educational life of nations, has an importance beyond its limited economic role. While it may be appropriate to import textiles or even computers, the production of books that directly reflect the culture, history of a nation or people is something that cannot be left to others, ... It is vital part of culture and deserves special consideration.”

Thank you very much for listening.

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