

Access to Legal Information in Africa: The Role of Libraries and Librarians

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Abstract:

Purpose: The purpose of this paper is to examine the legal information sources and resources available to legal practitioners in Africa and the various access avenues created by law libraries and librarians for the fullest utilization of these resources.

Design/Methodology/Approach: the authors surveyed relevant legal information resources available in different jurisdiction of Africa and conducted a comparative analysis of how the availability of the resources translates to access as determined by the role of law libraries and librarians in Africa.

Findings: Law libraries and librarians in Africa are playing a great role in ensuring access to legal information resources by legal practitioners across the continent. A good number of literature consulted on the subject matter identified inadequate funding; erratic power supply; inadequate skilled manpower; inadequate knowledge of ICT (on the part of both librarians and legal practitioners); and inadequate infrastructure as major impediments militating against the provision and access to legal information resources in Africa.

Implication: Suggested measures to impediments in the provision of legal information resources for the legal practitioners include the provision of adequate funding for the libraries; provision of adequate infrastructure and training of librarians and the legal practitioners on information dissemination and access among others.

Originality/Value: Libraries must lobby their legislatures and parent bodies to create new legal instruments that will enable them provide effective legal information services and access to them by their users.

Keywords: Access, Legal Information, Africa, Role, Libraries, Librarians

Paper type: Literature review

Introduction

From time immemorial, mankind has employed information as a tool in the search for solutions to problems that he has come to grapple with. This means that mankind has always been engaged in the quest for information to satisfy his needs. The legal profession is mostly dependent on information for its activities (Emasealu and Popoola, 2016). Law is a highly knowledge-intensive domain and obtaining accurate and up-to-date legal information can mean the difference between winning or losing cases (Makri, 2008). No lawyer can know all the law, it is said, but a lawyer must know where and how to find the law (Ali and Owoey, 2010).

Information is knowledge derived from reading or instruction or gathered in any way (Webster's Dictionary, 1983). It is regarded as knowledge communicated and received in relation to a particular subject. Information is seen as the raw materials which legal fireworks are made. It is described as the article of trade of the legal profession. Omekwu (2003) avers that the instructive delineation of the relationship between information and knowledge is that once information is assimilated by individuals, it becomes personal knowledge. And once the personal knowledge is incorporated into books, files, software, etc., it becomes potential information for others. An information society is that which guarantees quality of life as well as

protection for social change and economic development. It also ensures equal opportunity to access to information.

Access to information refers to the means and mode through which information is made available by providing entire range of possibilities for making information and information services available to the public. What this mean is that the availability of information does not necessarily mean it's accessible. Access to information ensures that access to all library and information sources, no matter the format should be made available to users. Accessing information invariably means bridging the gap between the developed and the developing nations. Oyeronke (2012) confirms that access to information is very crucial; it accelerates the level of individual advancement as well as corporate educational development.

Legal information is paramount to the success of the judicial system. Tuhumwire and Okello-Obura (2010) categorize legal information into 3: **public legal information** (laws that govern relationship between the citizens and the state of those within the state, e.g. criminal and constitutional legal information); **private legal information** (pertains to relationships between citizens, e.g. family, inheritance, business, etc.); **international legal information** (involves relations among nations with the legal framework as provided by United Nations).

Access to information has been viewed as right to information. Access to information is the freedom or the ability to identify, obtain and make use of data or information effectively. Perhaps the step taken by some African countries to legislate for freedom of information was to satisfy this view.

Legal Information Needs

The legal profession is a 'book' profession. Tuhumwire and Okello-Obura(2010), cited Ademola (1994) and Bello (1994) stressing that the legal profession is a highly book reading profession. They argue that books are the tools of trade of the legal profession. The solicitor needs relevant information to keep abreast of the law; the legal researcher needs it to conduct legal research, while the man at the bench needs it to accurately and appropriately take legal decisions. Thus, of all

the professions, law has the largest collection of books. This is because a well-stocked reference law library is important to a lawyer, as well as to the judge in administration of justice. A lawyer will always make a poor submission if he does not refer to legal authorities, and a judgment will not be as rich without referring to previously decided cases as authorities. According to Tuhumwire and Okello-Obura (2010), a lawyer is a person learned in the law as an attorney, counsel or solicitor, a person licensed to practice law. Working as a lawyer represents the practical application of legal theory and knowledge to solve real problems or to advance the interests of those who retain (i.e. hire) lawyers for legal services. Dada (2011) avers that it is part of the competence of a lawyer to be able to analyse legal problems and do research. Lawyers work primarily in the legal culture, with its extensive rules and procedures requiring the right kind of legal information (Fowler, 2007). Their information needs is directly related to their information seeking behavior.

Kuhlthau and Tama (2001) conducted a study to probe how lawyers acquire and use information as well as issues of task complexity and how stages of their information-seeking tasks fit together. The study described information seeking process in relation to information needs as a series of six stages:

- Initiation - Becoming aware of the need for information when facing a problem.
- Selection - Identifying and choosing a general topic for seeking information.
- Exploration - Seeking and investigating information on the general topic.
- Focus formulation - Fixing and structuring the problem to be solved.
- Collection - Gathering pertinent information for the focused topic.
- Presentation - Completing information-seeking, reporting and using the result of the task.

Legal Information Resources

Scholars and legal information providers have written extensively on the types of legal information resources. All the resources identified are basically categorized under primary and secondary resources. Haddison (2017) gives the holding of a law library to include: federal

legislations; foreign law publications; digest & treatises; law journals; textbooks; dictionaries & encyclopedias; law dictionaries; law encyclopedias; newspapers & magazines, Commonwealth publications; casebooks; bibliographies; directories; indexing & abstracting materials, etc. Dada (2011) submits that the contents of a law library are categorized into two-primary sources and secondary sources. The primary sources, according to him, consist of books that contain the law itself. For example, Acts of Parliament, Gazettes, Reports of Cases, Digests, Indexes, Book of law rather than books on law. Secondary sources include: treatises, commentaries, journals and other types of publications which are about law and are not in themselves sources of legal authority. Typical examples include textbooks, supplements, loose-leaf publications, Encyclopedias, Practice Books, Casebooks, Periodicals, Bibliographies, Indexes, Reference Materials, Library Catalogues, Dictionaries, Directories and Handbooks.

However, the above-mentioned resources are meant to be consulted by legal practitioners for effective dispensation of justice. Unfortunately, some legal professionals do not possess the requisite skills for selecting relevant legal information resources from the flux of information available.

Sources of Legal Information Resources

Law is an information-intensive profession, in which there has traditionally been great reliance on external information, calling for a need to identify and access the right sources.

ICT and access to legal information:

Information and Communication Technology (ICT) has made information identification and access easy. The traditional method of accessing information through visits to physical libraries has been modernly eliminated. Legal information resources abound on the Internet for research and administration of justice. It is now possible to see judges, lawyers and law students having access to endless materials and law reports at the click of a button. Perhaps this is the reason why the legal profession acknowledges the importance of the new technology in carrying out its business. For instance, computer-generated documents and

electronic signature are now admissible in evidence (Akinyemi, 2017).

However, law libraries must automate their services to be able to benefit from the current information age. Automation is the first step to digital library. Studies have shown that very few libraries in Nigeria have automated their collections. Another way the law libraries can guarantee adequate access to electronic legal information is by sharing their resources. It is a common believe that no library can satisfy all the information needs of its users. Sangal (1984), cited in Ali, Owoye and Anasi (2010), stresses that the present race between knowledge and book production has made it impossible for any library, however big, to acquire all the literature in the world. Resource sharing is important in order to:

- ✓ promote free flow of information resources;
- ✓ ensure better access to information resources;
- ✓ ensure maximization of information resources;
- ✓ save resources and avoid duplication of effort;
- ✓ ensure faster provision of information and literature support to the users; and
- ✓ facilitate reciprocal exchange of local publications.

The study conducted by Lawal, Bassey and Ani (2008) to investigate the state of the art in resources sharing among law libraries in Nigerian universities revealed that law libraries acknowledge the importance of resource sharing in information dissemination. They found that over 77% of the libraries surveyed did not have a written policy on resource sharing.

However, it is imperative to state that, at this juncture, resource sharing on the Internet can only be made easy if the law libraries involved have functional institutional repositories. Musa, Musa and Aliyu (2014) avert that institutional repositories are established for exposure. They showcase the holdings of libraries to the world with a view to promoting access to their resources. Akintunde (2010), Eke (2011) and Ezeani and Ezema (2011) reported institutional repository efforts in University of Jos, University of Nigeria and Federal University of Technology, Akure,

respectively. They extolled the benefits library users are bound to reap in terms of access to relevant and timely information.

Advocates of open access often encourage institutions to establish institutional repositories. Open access refers to work that is freely available to users through the Internet without legal, technical or financial barriers (Budapest Open Access Initiative, 2002). Nwagwu (2013) stresses that scholars from Africa and other developing nations should no longer mourn the unavailability of research outcomes from developed nations because much have been uploaded for them to be downloading. Well, developing nations should not see themselves as only 'downloader's', rather, they should strive to be part of the 'up-loaders'. Supporting the call for open access through institutional repositories, Okoye and Ejikeme (2011) cited Okojie (2008) endorsing open access for all journals, dissertations and conference proceedings in the library and information science sector in Nigeria.

The Role of Libraries and Librarians

Law libraries and legal profession are said to be partners in progress. Scholars in law librarianship often ask the rhetoric question 'what can the legal profession achieve without the law library'. The main purpose of every library is to render services to its users. Omokaro and Ode (2007) posit that the functions of cataloguing, classification and the purpose of processing the court library materials are geared toward letting the users know what is in the library, where it can be found and how it may be borrowed from the library. Olowu (2004) avers that libraries provide access to information to satisfy the user's information need. The ever-increasing information resources require new kinds of access. Information is being posted online on a daily basis. As such, if the cataloguing section of the library is to remain relevant in the new information age, it must have to create effective catalog records for that resources. The library catalogue whether manual or electronic remains a guide to library users and the librarian. Libraries must develop several other access points through which their users can locate the needed information. It is in record that the

cataloguing section was facing several challenges as a result of the new information age. Traditional bibliographic descriptions of library holdings could no longer reach the targeted audience. The effort of the Joint Steering Committee of AACR2 is commendable at this juncture. Catalogers can now apply the modern technology to reach out to their patrons irrespective of place or time.

Ahonsi (2014) reports the decision of the Joint Steering Committee for developing AACR2 in 2005. The Committee decided to dump AACR2 for Resource Description and Access (RDA), a new standard that provides proper structure and guidelines to catalogers so that the bibliographic records they produce can meet the challenges of the new information age. Libraries must ensure that catalogers are given the requisite training to be able to work with the new scheme. The result of a study by Adeleke and Olorunsola (2007) on the use of ICT by a private university in Nigeria underscores this point. The study showed that ICT has not been fully embraced by catalogers in developing nations.

Aliyu(2007) avers that the library user is interested in a system that is accurate, dependable and above all, responsive to his needs. In order to meet these actual needs, the librarian must be technically and professionally trained. The library should not be left out in the new information age. Judicial libraries have more to give in terms of services now than ever before. Modern court libraries are increasingly being redefined as places to get unrestricted access to information in many formats and from many sources. The services now extends beyond the physical walls of a building, by providing material accessible by electronic means, navigating and analyzing very large amounts of information with a variety of digital tools (Akinyemi, 2017).

Law libraries now promote knowledge creation rather than knowledge consumption. They no longer focus their attention on distributing books and research materials; rather, they create a space where patrons engage with information—process it, reflect on it, have conversations about it, and develop new ideas, conversations, and opportunities as a result of it (Akinyemi, 2017). Haddison (2017) emphasizes the role of law librarians in the information provision business.

She contends that law librarians must have to acquire the requisite knowledge to be able to: order, acquire catalogue and index legal materials; facilitate access to legal sources and resources; provide effective support for lawyers and judges; and assist in the production and dissemination of decisions and judgments. Leither (2007) also outlines the roles of law librarians in electronic environment thus: evaluate the quality of print and electronic information, teach legal research methodology and be seen as core participants in the objective of their institutions.

Moreover, Moore, cited in Tuhumwire and Okello-Obura (2010) observe that an important determinant of the impact that is made by information providers and processors is the trust that users place in the information they provide. Authority is an important determinant of trust. Information users take a number of things into account when assessing the information they receive. These include —standing of the information provider; the extent to which it can be seen to be objective; its motive in providing the information, and the likelihood that it will get things right. Law librarians are to take note of these criteria into account when providing information. They must provide relevant, current and dependable information. Library services, especially in public sectors are social services. They are not intended for profits. Therefore, they are to do everything humanly possible to satisfy the information needs of their parent organisations.

Challenges of Provision of Legal Information

The emerging role of the libraries as information providers in the new knowledge dispensation is enhanced by two main challenges. First, the value of information lies in the ability to access and adapt to suit new applications and improve the efficiency of existing systems. Libraries are challenged to provide access to relevant information by applying ICTs to facilitate quick, efficient access, integrate and repackage information for the end-user that will capacitate higher educational institutions to conduct research (Agboola and Bamigboye, 2011). Libraries now contend with inadequate funding, which is characterized by obsolete library resources, epileptic power supply, scarcity of professional

librarians, lack of technological know-how (technophobia), non-conducive operational hours, poor telecommunication facilities amongst others. This is also the view of Adekunmisi (2005), Akpoghome and Idiegbeya-Ose, (2010).

Judicial librarians have come to realize that work that used to be done by individuals can now be done by machines easier and faster. It is imperative now to keep up-to-date with technological trends in the discharge of their duties. They have to learn new skills. T.H.E Journal (identifies twenty-five (25) necessary technology skills which every law librarian should have. They include: word processing, spreadsheets, database, electronic presentation, web navigation, e-mail management, digital camera, Computer Network knowledge application and file management, to mention but a view. Haddison (2017) itemizes some information-media associated problems the law librarians are likely to encounter in the new information age to include: reliability of internet source; problems of fragility and rapid technological obsolescence; authenticity of official legal digital sources; and poor local content.

Lawal (2010) posits that whenever global networking is being discussed, an important element to consider is the local content. Local content, according to him, is the locally-owned, locally-adapted, produced or published content. African nations have less to offer in terms of locally-published information resources. Other Obstacles to access to information include: lack of awareness, information explosion, crime (theft and mutilation), declining budgets and rising costs, poor infrastructure, inaccessibility due to lack of infrastructure or poor bibliographic description (Ugah, 2007).

The Way Forward

For the issue of staff incompetency, Issak (2000) advocates the training and retraining of library personnel on a regular basis for them to stay relevant to the needs of their communities. The new and older staff do not know how to use internet to surf information. Therefore training is required for them to provide unhindered access to the users. Ugah (2007) is of the view that obstacles to effective library services do not have ready-

made solutions. Libraries are to look inward, study the problems they are facing individually, and find solutions to them. Measures proffered by Haddison (2017) seem to be adequate, as far as African library problems are concerned. They are: enhanced funding; ICT infrastructure; manpower training; consortium building; Electricity supply; subscription to online databases; enriching our local content; mass digitizing of law materials; and open access legislation.

Conclusion

Seeking, accessing and applying information to solve human needs is as old as mankind. The legal profession is a knowledge-intensive profession. No legal practitioner can function effectively without relevant and up-to-date information. Information is the raw material with which legal decisions are made. Hence, the importance of access to legal information cannot be over-emphasized. Access to information widens individual legal practitioner's horizon. It is what bridges the gap between the developed and

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developing nations. Legal information resources are categorized into primary and secondary resources. The primary resources include Acts of Parliament, Gazettes, Reports of Cases, Digests, Indexes, etc., while the secondary resources are the textbooks, supplements, loose-leaf publications, Encyclopedias, etc. they are about law but are not in themselves sources of legal authority. Law libraries and librarians are charged with the responsibility of ensuring easy access to relevant legal information. Unfortunately, the law libraries are entangled with sinking problems-ranging from poor funding, erratic power supply, inadequate training, or less-technologically-skilled-staff, etc. This paper calls for urgent attention to all the negatives that hinder effective and efficient law library services in Africa in general, and Nigeria in particular. Unless and until the obstacles are eliminated, provision of current and timely information in our law libraries will remain a mirage.

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