

Enabling legislation for access to information in Cameroon and the role of libraries and librarians

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Abstract

This paper examines the legislation in force in Cameroon that enables access to information of different types and forms by looking at the strength and shortcomings. In writing this paper, the role of the Library and Information Sector(LIS) has been highlighted with respect to how it can enhance legislation relating to access to information. In the paper, it is evident that legislation is a driving force in accessing information. The survey method with questionnaire, interview schedule and document analysis constituting the main data collecting instruments was used. The sampling technique used to select the samples for study was the purposive sampling technique. The simple descriptive statistical method of using mean scores and percentages was used to analysis data collected for the study. The research questions that guided the study include: What legislation exist in the country relating to access to information? How fluid is the implementation of existing legislation? What are the constraints of using the legislation in force? What role does the LIS sector play with respect to the legislation relating to access to information in Cameroon? What is the way forward and are there any hopes? Based on findings from the study, some recommendations were proffered.

Keywords: Access to Information, Enabling Legislation, Constraints, Cameroon.

Introduction

Cameroon, located in Central Africa with about 20.000.000 inhabitants has in recent years been intensifying efforts towards building a strong economy that should lead Cameroon to emergence by 2035. In order to achieve these goals, there is need for a good information base. Information is primordial in the development of any human society, because it acts as the life wire of any vibrant economy therefore if Cameroon must emerge, its government must be very concern with access to information and knowledge. This view is supported by the IFLA Lyon Declaration to

Information and Development (2014) in the following words, “we..., believe that increasing access to information and knowledge across society, assisted by the availability of information and communication technologies (ICTs), supports sustainable development and improves peoples’ lives”. By access to information and knowledge we expect the possibility that provides the necessary tools and skills that make it possible for persons to locate and use appropriate and quality information needed in solving different information needs given that appropriate and quality information is the basis for an informed decision making.

One of the strong instruments for access to information is having enabling legislation that ensures access to needed information and knowledge within the ambit of the law. The law has been defined differently in given contexts, varying from legal positivism through Marxist theory to Natural Law and Legal realism. It may not be possible to define law as such, but it is possible to describe what it does and what rules apply (Souper: 2000 – 2008). Notwithstanding, the law can be defined as, “The body of official rules and regulations, generally found in constitutions, legislation, judicial opinions and the like, that is used to govern a society and to control the behavior of its members” (bid). It is indispensable for every nation to develop legislation that facilitates access to information and knowledge in order to achieve literacy which is a necessary approach to improve people’s lives. Although the Cameroon constitution is silent on access to information, there has been however significant progress regarding laws on access rights of citizens (GlobexCam: 2012).

Research Motivation and Questions

Motivation

Several international laws exist on access to information and knowledge. Most of these laws are being improved upon more and more, notwithstanding, none of these is imposed on any country but these countries are expected to draw inspiration from these in order to facilitate access to information and knowledge with specifications to local needs. This is important because following current trends such as the millennium development goals and the expected United Nations post 2015 Development agenda, there is need for better access in order to increase literacy for better livelihood.

Based on these, it becomes incumbent on Cameroon as a UN member state to improve on access to information by providing enabling legislation that will enhance access to information and knowledge. This paper was initiated to evaluate the legislation in force in Cameroon that enables access to information of all types and forms as well as the short comings of the legislation. Based on the findings some recommendations have been made to help improve on the legal situation in Cameroon relating to access to information. In the course of this evaluation, the role of libraries and librarians was highlighted as to how they can help in moving legislation on access to information forward.

The survey method with questionnaire, interview schedule and document analysis constituting the main data collecting instruments was used. Three hundred (300) respondents in the Library and Information Sector (LIS) and related professions constituted the sample population selected across the country. Twenty (20) directors of institutions related to the LIS sector were interviewed.

Questions

The main research questions that this paper was out to answer included:

1. What areas of information needs are common?
2. How accessible is the needed information in Cameroon with respect to legislation in force.
3. What is the nature of existing legislation on access to information in Cameroon?
4. What are the constraints in accessing information in Cameroon from the legislation point of view?
5. How can the prevailing constraints be improved?

Literature

In line with this paper, it is helpful to draw a conceptual map of existing legislation on access to information and knowledge in Cameroon. Thus literature on legislation on three basic aspects has been done for this work, which includes:

- (i). Existing legislation on access to information and knowledge,
- (ii). How enabling the legislation is
- (iii). Constraints.

Cameroon Legislation on Access to Information and Knowledge

The political history of Cameroon and its development of a “bijural” system based on the common law in Anglophone Cameroon and the civil law in Francophone Cameroon has a vital role in understanding the existing legislation on access to information (Ewumbue-Monono: 1992). Until 1966 when the first press law was enacted, Cameroon had different laws for the Francophone and Anglophone Cameroons.

On attaining a self-governing status, the French Cameroon Assembly adopted an existing 1881 law as law No. 55-35 of May 27, 1959, a law that regulated the press in Francophone Cameroon until 1966.

Although Southern Cameroon (the English Cameroon) was operating as an autonomous region, it was only after its independence in 1961 that the West Cameroon Newspaper Ordinance was passed to govern the establishment of newspapers. Following the reunification of English and French Cameroons, the practice of vetting and censorship provided in the 1959 French Cameroon law was extended to Anglophone Cameroon by the Ministry of Territorial Administration. This act was decried by Anglophone Cameroon as unconstitutional given that the 1959 law was signed prior to reunification. The rejection of the 1959 law in West Cameroon on grounds of

unconstitutionality was a serious embarrassment to the Federal government which prompted its hasty adoption of Law No. 66/CF/13 of December 21, 1966 by the Federal Assembly. This law was amended five times by Decree No. 69/LF/13 of November 1969; Decree No. 73/6 of December 1973; Decree No. 76/27 of December 14, 1976; Decree No. 80/18 of July 14, 1980, and Decree No. 81/244 of June 22, 1981. In 1987, Law No. 87/19 of December 17 on audio-visual communication was enacted to regulate the functioning of television following its introduction in 1985 (Ewumbue-Monono: 1992).

Following the five amendments of the 1966 law and the introduction of the television law, a number of movements took place that brought about the first ever law related to the freedom of mass communication which was Law No. 90/052. The 1990 law is still the current law as far as press freedom is concerned. While it is true that the 1990 law has brought in a number of positive changes, such as the extension of the concept of mass communications to cover both the print (newspapers, magazines, bill-postings and pamphlets) and the audio-visual (radio and television) media as against the previous laws, there is still great need for improvements following current trends.

Besides the 1990 press law that has been held in some quarters as a landmark, the government of Cameroon has made some efforts in other areas in an effort to promote access to information and knowledge. Some of the efforts have been made thanks to organizations such as the, Cameroon Center for Democracy and Human Rights (CCDHR) for example. CCDHR in an effort to promote good governance and public accountability understands that a vibrant civil society is predicated on the right to information. It recognizes that an informed civil society is an essential component to the democratization process of any country (CCDHR: 2006). The CCDHR seeks to facilitate and enhance public access to the most important laws in Cameroon as well as access to other international treaties and conventions.

There is Law No. 2000/011 of December 19, 2000 on Copyright and Neighbouring Rights in Cameroon which governs copyright and neighbouring rights and relates to electronic access to information and knowledge. It also provides for the collection of laws for electronic access in Cameroon, thus facilitating access and making it possible for information ethics to be respected (CM001EN: 2000)

Besides the copyright law in Cameroon, there equally exist intellectual property laws that cover such areas as: domain names, traditional knowledge, transfer of technology, patents/copyrights, to name just these. In the domain of intellectual property, Cameroon is party to several international intellectual property agreements (WIPO: 211).

Besides the education law enhancing access to education and making primary education compulsory and free, the important step taken by the Cameroon government has been in the area of the law on inclusive education supported by the following legal steps:

- The 1983 law on welfare and its 1990 text of application which states: “The education of persons with disabilities shall take place in special as well as regular schools...”
- In 1986, the Ministry of National Education in support of the 1983 law issued a circular which states that, punishment will be given to any head teacher who refuses to enroll a child with disabilities in institutions of learning, and decree No. 90/1516 of 26 November 1990 provides conditions for implementing this law.
- In 2005, the Teachers’ Research Center for Secondary Schools met in Cameroon’s capital Yaounde, to adopt a common front on inclusive education to be taken to the main meeting in Geneva.

The Ministry of Higher Education in its effort to enhance access to quality information has created the, Inter-University Centre for Information Resources (CRID) and the Inter University Centre for Information Technology (CITI). Both structures have as mission to promote the sharing of online resources between Cameroon universities to support scientific research activities. Public structures like, state universities have begun to embrace the Open Access drive by signing the Berlin Declaration that constitutes an underpinning for Open Access publishing. This has gone a long way to facilitate the publishing of articles by Cameroon researchers in Open Access Journals. There is the national information and communication technologies (ICTs) policy done in May 2007 that aims at improving livelihood by ensuring the availability of accessible, efficient, reliable and affordable ICT services.

Constraints to Access to Information with Respect to Legislation

Despite the efforts made in enhancing access to information and knowledge by legislation in force, there are some constraints that challenge the effective access to information in Cameroon and include:

- Cameroon has made significant progress regarding laws on access rights of citizens but has not done well at implementing them, a situation attributed to delayed instruments of application and inadequate capacity building at all levels, rendering implementation partial, difficult or impossible (BDCP-6, FEDEV and NESDA – DA: 2007)
- Confidentiality of information on grounds of national security is a major hindrance to access to information (BDCPC: 2012).
- The legislation in Cameroon calls for tenders for purchase that is up to five thousand US Dollars including the purchase of information resources in all forms. This has serious consequences on the provision and accessibility to requisite information resources necessary for various sectors of society including educational institutions. This goes to explain to a good extent the ill equipped information services in the country in general (Public Contracts Code: 2004).

Cameroon is lacking in publishing houses, information vendors and aggregators. The few publishing houses publish basically for the secondary and primary sectors of education, implying that most information resources in all forms especially for the tertiary sector can only be procured abroad.

Following the public contracts code, it becomes quite challenging for companies, vendors and aggregators abroad to compete for national calls for tenders in Cameroon. Secondly, most local companies that bid for such tenders are usually ill equipped for the job. They are usually general business bodies with little or no knowledge of the book chain. This implies that at the end of the day, they are unable to execute the contract or execute it very poorly. The above is testimony to the fact that, the legislation on acquisition of information resources in Cameroon is not enabling, leading to serious challenges in accessing quality information.

Data Analysis In Line with Research Questions

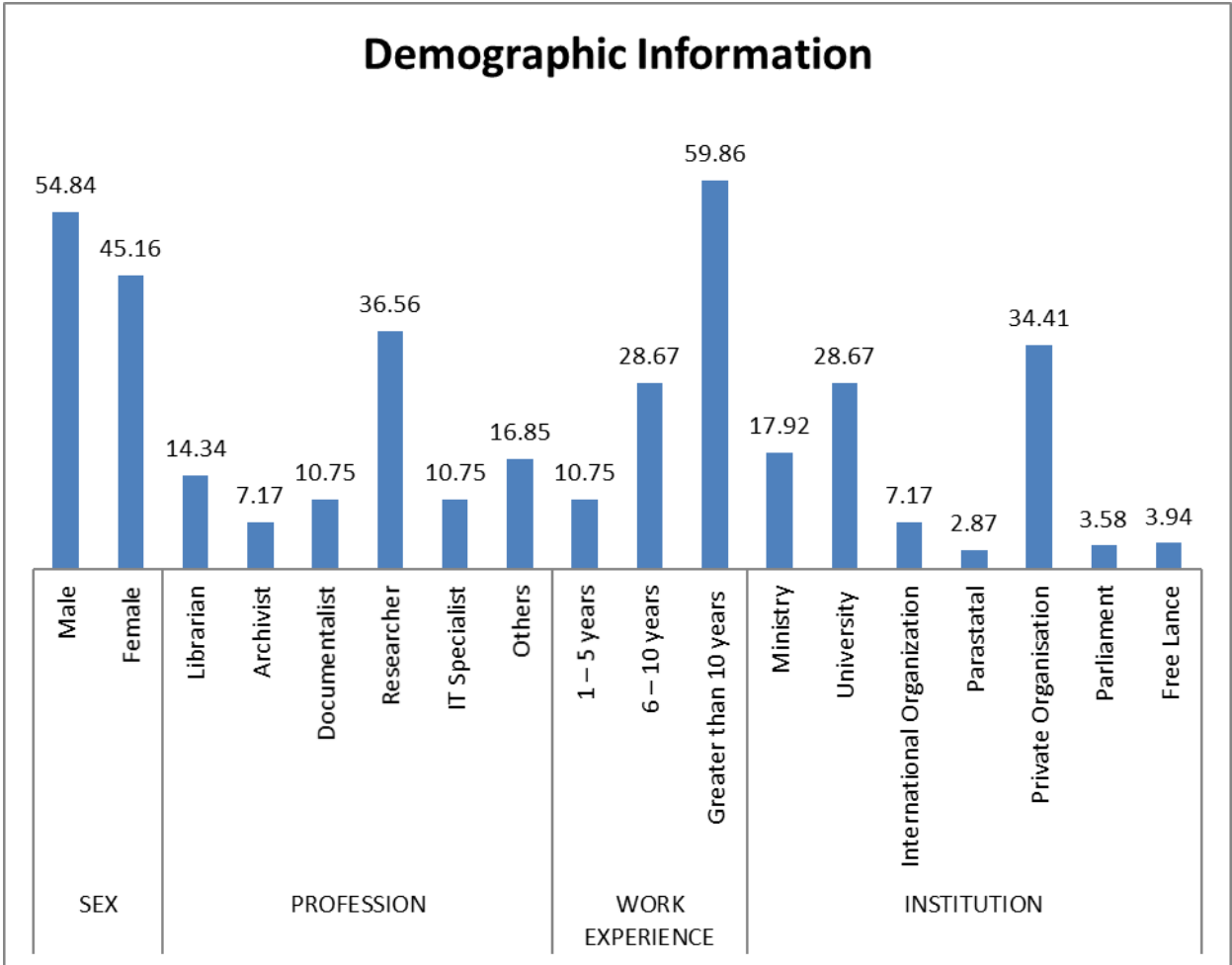


Figure 1: Demographic Data of Respondents (in Percentages)
Source: Data from the Field 2015

A sample of 300 respondents of males and females covering many institutions was used. From figure 1, it is evident that these persons all work in different LIS professions. Of the 300 questionnaires distributed 277 was returned, giving a 92.3% response rate. Of the 277 respondents, 45.34% were females and 54.84% males. The professionals covered included: Librarians 14.34%, Archivists 7.17%, Documentalists 10.75%, Researcher (36.56), IT Specialist (10.75) and others 16.85%. These professionals were from government Ministries (17.92%), University institutions (28.67%), International Organizations (7.17%), Parastatals (2.87%), Parliament (3.58%) and Freelance organization (3.94%). A bulk of these persons have a working experience of over ten (10) years representing 59.86%, followed by six (6) – ten (10) years working experience representing 28.67%, and one (1) – five (5) years' experience, representing 10.75%.

Research Question One on Areas of Information Needs, Accessibility of Information and Challenges.

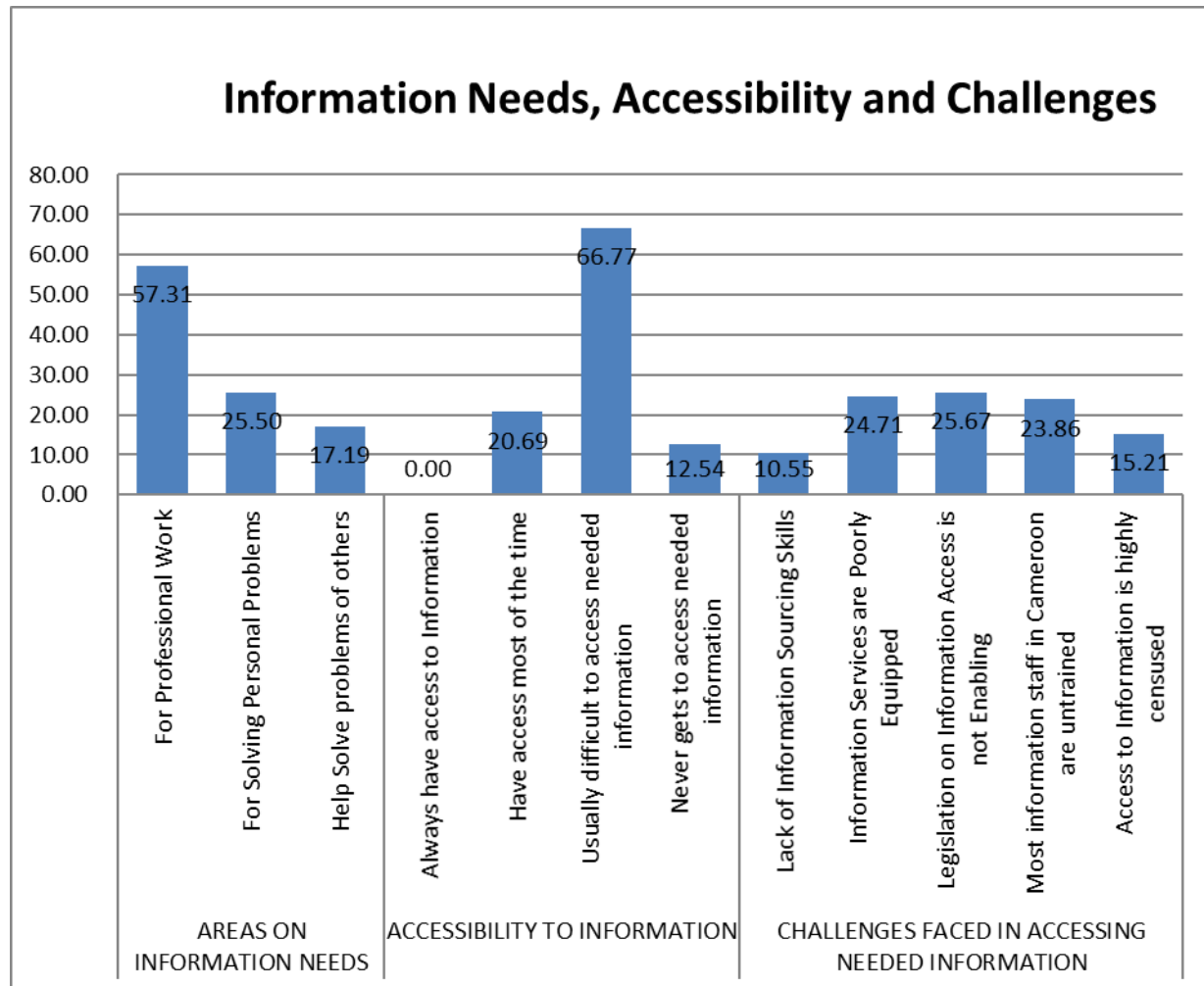


Figure 2: Areas of Information Needs, Accessibility and Challenges
Source: Data from the Field 2015

Question one on areas of information needs, accessibility and challenges to access to information, provided results presented on figure 2:

The Following Data were gotten on Information Needs.

57.31% needed information for professional work, 25.5% needed information for personal issues and 17.19% needed information in order to attend to the information needs of others. It is worth noting that respondents listed more than a single information need.

With respect to how accessible information needed is, the respondents gave responses shown on figure 2:

None of the respondents accepted always having access to needed information, 20.69% has access to needed information most of the time, 66.77% usually has difficulty accessing needed information and 12.54% never gets to access needed information.

On constraints faced accessing needed information, the following data were obtained:

10.55% could not access needed information because of lack of information sourcing skills, 24.71% pointed the poorly equipped state of information services, 25.67% professed that legislation on information access is not enabling, 23.86% said most information staff were untrained and 15.21% stated that access to information was highly censored.

Research Question Two on Existing Legislation in Cameroon on Information Access.

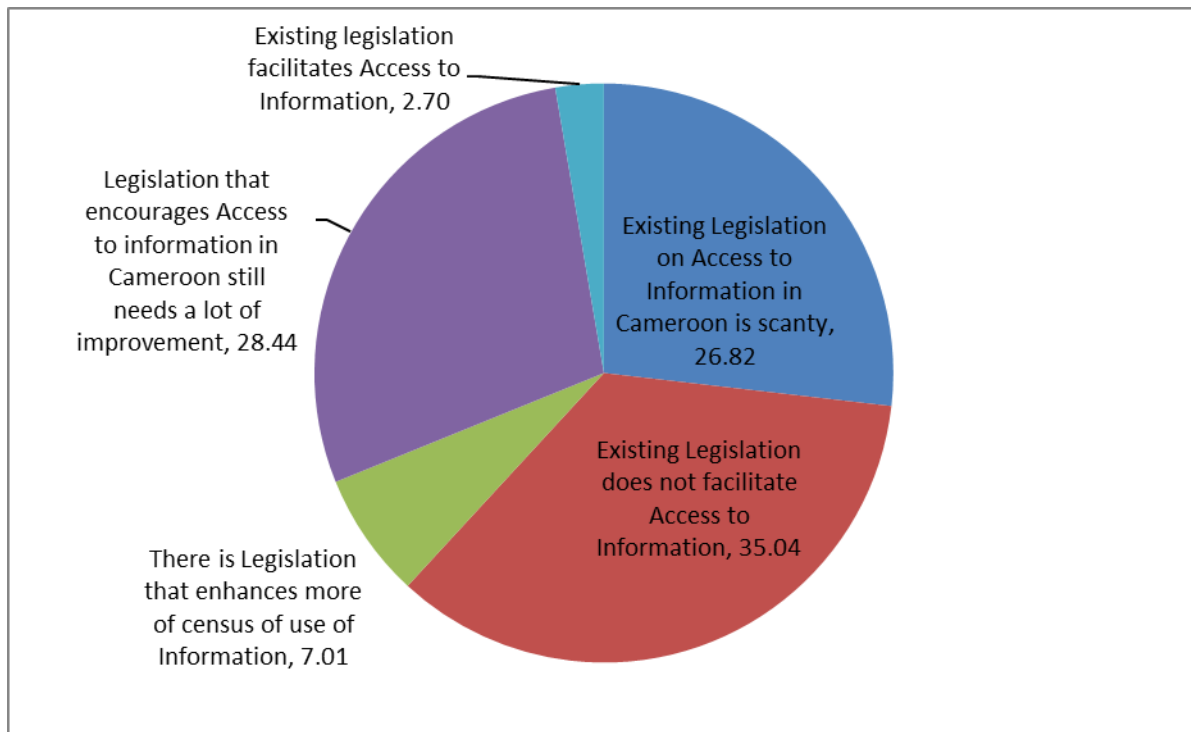


Figure 3: Nature of Existing Legislation (in percentages) in Cameroon on Access to Information

Source: Data from the Field 2015

Research question two on the nature of existing legislation on access to information in Cameroon recorded these results: 26.82% professed that existing legislation in Cameroon relating to access to information was scanty, 35.04% said the legislation that relates to access to information does not facilitate access, 7.01% expressed that existing legislation enhances more of census to access to information, 28.44% indicated that existing legislation facilitating access to information still needs a lot of improvement and 2.7% affirmed that legislation that exist facilitates access.

Research Question Three on What Recommendations can Improve Access to Information

Research question three on recommendation recorded the following views:

1.	Need for improvement in capacity building of information professionals
2.	Need for Ministries concern and Parliament to improve on enabling legislation on access to information.
3.	Need to dismantle barriers to access to information
4.	Need to get information professionals involved in improving legislation on access to information
5.	Existing legislation on access needs to be revised
6.	Need for legislation for access that is inclusive.
7.	Existing laws need to be implemented.
8.	Need for an active legal deposit law.
9.	Need for a legal structure that obliges the development of well-equipped information services.

Table 1: Proposals on Improving Access to Information

Results from Interview

Interview Procedure

A short structured interview was done for 15 directors heading services that are linked to information services in Cameroon both in the civil service and private organizations. The interview was to help compare with what the 300 respondents to the questionnaires would provide as data.

No.	Interview Questions	Responses	No. of Respondents	%
1	Are you satisfied with the existing Legislation in Cameroon on Information?	No	05	33.33
		To an Extent	06	40.00
		A lot still has to be done	04	26.67
2	Would you say that the existing legislation is quite helpful with respect to access to information?	To a very little extent	05	33.33
		Some good laws exist which could help if implemented.	03	20.00
		Press freedom exists in Cameroon as seen in the 1990 laws on press freedom.	02	13.33
		Still quite a lot to do to provide enabling legislation on access to information in Cameroon.	04	26.67
		Human Rights Services in the country are helping on this.	01	6.67
3	What would you say about the issue of census on access to information?	Still quite some census on access to information generally speaking	08	53.33
		Human Rights Organizations are helping to reduce census on information.	03	20.00
		Census may not be direct but has other ways of application.	04	26.67
4	How can Access to Information be improved upon from the legal perspective?	Good laws on developing and equipping information services will help	09	60.00
		Universities, Ministry of Culture and Higher Education should make proposals on legal structure on the LIS profession in the country for improvement.	02	13.33
		Cameroon has signed International conventions and if these together with the laws that exist on information are implemented, this will help immensely.	04	26.67

Discussion of Results

The caliber of respondents' responses and the response rate to the instruments used in data collection for this paper presented on figure 1 was judged to be satisfactory; thus data obtained are considered appropriate to yield reliable results.

Results show that a bulk (57.31%) of information needed is for professional work. This implies that there is need to ensure that needed information is accessible. One of the most important catalysts to enhance this is of course enabling legislation on access to information and knowledge. This is indispensable in promoting information literacy especially in the 21st century (Bundy: 1998).

With respect to how accessible information is, the greater majority of the respondents (66.77%) upheld the difficulty to access information needed. There were other sheds of opinions reflected in figure 2 but generally it can be seen that access to information is quite challenging. Although it is evident that technological development advances have made access to information easier as supported by Jager (2005), there is still need for enabling instruments to facilitate access such as enabling legislation. The importance of this cannot be over emphasized as evidenced by efforts put in by big international organizations such as IFLA, WIPO naming just these.

With respect to constraints militating against access to information and knowledge in Cameroon, a number of critical challenges were listed by respondents. The nature of the constraints shows that a lot still has to be done to facilitate access to information. Important amongst these are issues relating to legislation on access to information. An informed civil society is an essential component to the democratization process that helps to enhance good governance (CCDHR: 2006). This can be achieved if people have access to appropriate and reliable information.

Relating to the nature of existing legislation in Cameroon and access to information, it is evident as presented in figure 3 that various sheds of opinions exist but pulling them together, 97.31% hold that existing legislation on access to information in Cameroon is not enabling. This answers the main objective of this paper.

Although the "Law" may seem abstract and far removed from everyday life, it is actually a framework for much of what we do. It is the set of rules that guide our conduct in society and is enforceable through public agencies (BDCPC: 2012). If this is what the law is, then it is indispensable for appropriate and enabling legislation to be put in place to enhance access to what constitutes the life wire of a knowledge economy (Shafack: 2015)

Looking at the results from the interview on table 2, it is evident that the results are not too far from those generated from the questionnaires. This confirms that existing legislation on access to information in Cameroon still needs a lot of up grading.

Role of Libraries and Librarians

From the demographic data on figure 1, it is evident that the number of LIS professionals is generally weak. This explains why this sector has ill equipped information services as revealed by the respondents for this study. Notwithstanding, in recent times frantic efforts have been made by the LIS profession to stride ahead. The Cameroon National Association of Librarians, Archivists, Documentalists and Museographers with the French acronym, ABADCAM, revived three years ago has been taking the lead to make a number of improvements in the LIS sector including legislation. ABADCAM and the Ministry of Culture have worked on a new draft law on copyright which is now pending adoption. The new law when approved will go a long way to improve access to information.

ABADCAM has been working with a number of partners (Diplomatic Services, Universities, private organizations, Ministries, etc.) in the LIS sector to ensure that their policies on access to information are user friendly.

A number of libraries both in the public and private sector are going ahead to sign the Berlin Declaration which is the first step towards supporting the Open Access drive that has gone a long way to enhance access. Signing means accepting to implement the regulations (legislation) governing Open Access. A few examples of the institutions include the Universities of Buea and Yaounde I and the Library without Borders (Private Public Library) in Yaounde. At the end of each academic year, at least 1200 scientific papers and theses are produced; the problem is that these are not known to researchers and students because there is no national policy on public dissemination of research results (UNESCO: 2013). It is important to note that this is now improving slightly with the Open Access drive as 155 articles have been published with BioMed Central – an STM (Science, Technology and Medicine) publisher which has pioneered the Open Access publishing mode and 128 articles have been published in Public Library of Science (PLoS) International Open Access journals (UNESCO:2013) that are now freely available..

The LIS sector in Cameroon is fully aware of the importance of Information Literacy (Jones, Shafack, Kiven and Willinsky, 2005) and the LIS professionals are taking the lead in enhancing literacy through organizing different literacy programmes. Although there is evidence that technological advances have made access to information easier, there is an ongoing concern that information sourcing skills have to be inculcated into information users to facilitate access (Jager: 2005). Many users are not aware for example of the types of information available on the Internet, the Libraries virtual platform, how these are organized, how they can be retrieved or how to get quality information resources (Li: 2006). From the above, it can be concluded that despite the challenges to access to information in Cameroon, libraries and librarians are putting in their own quota to enhance changes for the better.

Conclusion

It can be drawn from this study that:

- Different stakeholders are implicated with providing legislation for the library and Information sector (LIS) in Cameroon.
- Cameroon has some good legislation that can facilitate access to information but has not done well at the level of implementation.
- Information services are very ill equipped with few professionals to help drive access through literacy education.
- There are hopes following the efforts being put by ABADCAM and the LIS sector through the Open Access drive.

Some recommendations have been made for improvement.

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