
The Marrakesh Treaty and Inclusive Library Service Delivery to the Print-Disabled in Nigeria

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ABSTRACT: People who are print-disabled have the same knowledge requirements as sighted people. They are curious to gain information and news through information sources like newspapers, magazines, books, radio, television digital media etc. Hence libraries have a moral duty to make information sources available to users irrespective of gender, race, age, political affiliation and disabilities. While normal library users have choices of information resources, the print-disabled persons do not. Nigeria joined other 90 countries of the world as a signatory to the Marrakesh Treaty with the main purpose of providing books and information materials in accessible formats for the print-disabled. The Nigerian government has portrayed commitment in terms of ratification of the Marrakesh Treaty on October 4, 2017. The passage of the bill and the amendment of the copyright law is a prodigious development. Once the bill is consented to by the president, it becomes an enforceable law. The provisions of the treaty will be binding on libraries, information centers, government agencies and all authorized entities that service the information needs of the print-disabled. Books will be published in accessible formats for the print-disabled and Nigeria will benefit from cross border library cooperation with participating countries in the Marrakesh Treaty. This in the long run will bring an end to **‘Book Famine’**. This paper discusses the merits of domestication of the Marrakesh Treaty in Nigeria and the roles of Nigerian libraries in implementing the Treaty.

KEYWORDS: Print-disabled, Marrakesh Treaty, Service delivery, Nigeria, Libraries, Copyright, Inclusive publishing

“Without books to share, the dream of equal access will remain an unfulfilled dream. The Marrakesh Treaty is much more than a treaty about books. It is an historic human right instrument”

- **Frederick Schroeder, President, World Blind Union**

1. INTRODUCTION

Information is essential to all human beings and every library’s aim is to provide the right information at the right time and in the right format to all library patrons. Libraries play a fundamental role in the society. They act as vehicle of formal and informal education, the resources and services they offer creates opportunities for learning, support literacy and education. They are established specifically to support individuals’ drive for self-development and lifelong learning, and to preserve people’s right to information by providing access to a collection that accommodates the interest of their heterogeneous users. These users include the blind and the visually impaired otherwise categorized as print-disabled library users.

Library services to persons with visual impairment refers to the specific professional assistance and other various forms of guidance given to the print-disabled library users in the process of serving their information needs. According to Aramide, Lawal and Odunlade (2018) libraries as information providers should be at the forefront of removing barriers hindering access to information. Libraries should have facilities that facilitate physical and intellectual access for the visually impaired users.

The World Health Organization recognizes three levels of visual capacity as normal vision, low vision and blindness. The low vision encompasses the visually impaired and the print-disabled. Impairment is a problem in body function or structure that limits normal activity. According to Babalola & Haliso (2011) Libraries have a

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moral obligation to make information available to all categories of users regardless of their gender, age, race, political affiliation, or disability. Libraries and librarians play a vital role to direct the disabled users to the best access to library resources. The authors stated further that a lot of people have limited access to information most especially in developing countries like Nigeria. According to Kwafoa & Osman (2020), World Health Organization (WHO) presently estimates that approximately 285 million people are visually impaired worldwide (WHO Fact Sheet No. 282). Specifically, the Ghana National Blindness and Visually impaired affirmed that 0.74% of Ghanaians are visually impaired. A research published in the Lancet Journal in 2017, estimated that about 253 million people worldwide are visually impaired. More than 90% of these people are resident in developing countries where the World Blind Union (WBU) estimated that people who are blind have only a one in ten chances of going to school or getting a job. The lack of accessible books is a barrier to getting education and leading an independent productive life as less than 10% of all published materials can be read by blind or print-disabled persons.

The Nigerian Optometric Association (2022) stated that Nigeria has close to 50 million persons suffering from some form of visual disability or the other. Similarly, according to Okon (2014) available statistics in Nigeria indicate that over 1million adults are blind and 3million visually impaired, while 42 out of every 1000 adults aged 40years and above are blind. These individuals will have difficulty in finding print materials in a format that is both accessible and easy to use. It is the responsibility of the library to cater for the information needs of these categories of people and make resources available and accessible and easy to use. Atimo (2007) observed that only three out of the 36 State libraries in Nigeria, render library and information services to the blind. These public libraries are in Abia State, Imo State and Oyo State. These libraries offer library services to the blind and visually impaired students in secondary schools. These State libraries do not produce books, they receive Braille books from donors and make them available in their libraries. These donations are few and hardly enough to meet the information needs of the visually impaired in the State. In the opinion of Adeniran (2023), the government and corporate bodies in Nigeria should intensify efforts to ensure that visually impaired people in society have access to information in order to be able to contribute meaningfully to society. Also the author called for inclusive opportunities for the visually impaired and people with special needs. This is part of the vision of the Marrakesh Treaty (MT), the Treaty aims to bring the global community together to better address the universal challenges of ensuring timely access to a wider availability of printed materials to the print-disabled. The negotiation for the Treaty was led by World Intellectual Property Organization (WIPO). WIPO is a United Nations Agency with 188 members, of which Nigeria is a member.

Essential Library Resources and Services to the Print-Disabled

The print-disabled persons have need for information just like the sighted persons. The information needs of the print-disabled include but not limited to managing their impairment, health information, current affairs and politics, information on educational opportunities, job vacancies, career choices and vocation, information on security, travel, ICT, sports and recreation (Babarinde and Onifade, 2020).

Traditionally, the print-disabled read Braille, Tape Audio books and large print books produced by specialized libraries for the blind. According to Kapoor (2012) assistive technology has revolutionized the lives of visually impaired persons in many countries giving them equal access to services. Not only has technology given the print-disabled access to computers and all its advantages but has led to advancement of several special devices, which together has gone a long way in overcoming the difficulties faced by the print-disabled. Assistive technology ensures their equal participation in many social activities ranging from meetings and entertainment to the more personal activities of reading books, accessing information, or enjoying recreational activities.

Some of the library resources available for the print-disabled are:

- (i) Hard copy braille
- (ii) Talking e-book cartridges
- (iii) Talking book machines
- (iv) Braille and Audio Reading Download (BARD)

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Furthermore, in the words of Agbauche and Obiora (2021), ICT has provided new possibilities and great potentials in terms of information resources for the print-disabled. These resources include screen reading software e.g. JAWS, screen magnification software e.g. Zoom and Web Access software e.g. Connect Outloud. These softwares are available to enable the print-disabled access information like the sighted information users. It is in a bid to make information resources available and more accessible to the print-disabled, that the Marrakesh Treaty was signed and presently ratified by 91 countries worldwide.

The Marrakesh Treaty (MT)

The Marrakesh Treaty (MT) with its full name as the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print-Disabled, forms part of the body of the international copyright treaties administered by World Intellectual Property Organization (WIPO). The Treaty was signed by more than 75 WIPO member States and adopted on June 27, 2013 at a diplomatic conference organized by WIPO and hosted by the kingdom of Marrakesh, a former imperial city in Western Morocco. MT was conceived in line with human rights principles outlined in the Universal Declaration of Human Rights and the United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD). It is the first copyright treaty to include a clear human rights perspectives. The treaty can only enter into force or be enforced if it is ratified by twenty (20) member countries. The Treaty has a humanitarian and social development dimension and requires contracting member nations to create a set of mandatory limitations and exceptions to copyright law for the benefit of the blind, the visually impaired and otherwise the print-disabled. This copyright law will make it easier for the print-disabled persons to access printed works in accessible formats such as Braille and digital audio files. It also provides rules for the exchange of these accessible format publications across borders by organizations that serve the blind, the visually impaired and the print disabled. These organizations include the Blind People's Organizations, the libraries and other authorized entities. It is only the aforementioned that can send accessible format of information and books with important policy options. Librarians need to be involved in driving the objective of the MT, in ending the **"global book famine"** for print-disabled persons. The Marrakesh Treaty addresses the **"global book famine"** by requiring its contracting parties to adopt national law provisions that permit the reproduction of, distribution and making available published works in accessible formats – such as Braille – through limitations and exceptions to the rights of copyright right holders.

According to WIPO (2016), India was the first country to accede to the treaty on June 30, 2014 while Canada was the 20th nation to accede to the Treaty on February 28, 2018. This made the MT come into force, as the policy needed only 20 countries to accede to the Treaty before it becomes enforceable. In the words of Carla Qualtrough **"I am proud that our government is standing up for Canadians with disabilities and providing those with print disabilities more equitable access to alternative format published materials."** Furthermore, as the coming into force of the treaty becomes a reality, Canadians will benefit from greater accessibility and opportunities in the communities and workplaces. Canada's action brings Marrakesh Treaty into force internationally. The coming into force of the treaty is the last step towards a more inclusive global community where the print-disabled people can more fully and actively participate in society and achieve their full potential. Nigeria ratified the Treaty on October 4, 2017, but not enforceable or implementable as the president's assent is still underway.

According to WIPO Director-General, the MT when widely adopted throughout the world will create the framework for persons who are print-disabled to enjoy access to literacy in a much more equal and inclusive way. The World Blind Union (2023) asserted that the MT has an overarching objective to enhance the human rights of print-disabled persons by facilitating their ability to create, read and share books and other cultural materials in accessible formats. As part of their input in the Treaty, the World Blind Union (WBU) produced a document titled **"Guide to the Marrakesh Treaty"** published by Oxford University Press. The Guide is intended to help governments ratify countries with varieties of legal and policy choices when incorporating the MT into their national legal systems. Also, the Electronic Information for Libraries (EIFL) also published a **"Guide for Libraries"**- This provides an introduction to Marrakesh Treaty for libraries. All these guides indicate the importance of both the contracting countries and the libraries in implementing and enforcing the treaty.

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As at December 2022, the MT has 91 contracting member nations, covering 117 member States because the European Union joined as a block.

Benefits of the Marrakesh Treaty to library services for the print-disabled

The Marrakesh Treaty has one specific goal and benefit, this is to increase access to books, magazines and other printed materials for the world's population of persons with print disabilities.

It is expected that the Treaty will have concrete positive effects in all countries where it is implemented, including developing and least developed countries like Nigeria where the greatest numbers of persons with print disabilities live. Other general benefits of the Treaty includes:

- (i) Improved awareness of the challenges faced by the print-disabled community and persons with disabilities. This Treaty is an instrument that fosters discussion and raises awareness about the need for policies that benefit the print-disabled. The implementation of the treaty could provide access to works for persons with other types of disabilities.
- (ii) Greater access to education: Education plays a crucial role in the society and has an immeasurable impact on an individual's life. Access to educational materials in accessible formats in the library is essential to enable people with print-disabilities pursue educational opportunities.
- (iii) Enhanced social integration and cultural participation: Having equal access to common sources of information and knowledge is crucial to learning, social inclusion and cultural participation. Improved access to both educational and leisure materials, the Marrakesh Treaty will facilitate greater inclusiveness and participation by print-disabled persons in the cultural and social life of their communities.
- (iv) Poverty alleviation and increased contributions to the national economy: By providing access to learning materials in accessible formats, the implementation of the Marrakesh Treaty can be a tool for poverty alleviation, providing persons with print-disabilities with opportunities for professional growth.

Also the Marrakesh Treaty will strengthen local publishing industries and increase investment in copyright industries, which are key drivers for economic growth and development.

The MT is designed to provide assurances to authors and publishers that the system will not expose their published works to misuse or distributed to anyone other than the intended. Also, the sharing of works in accessible formats will increase the overall number of works available, eliminating duplication and increasing efficiency. For instance, instead of five member countries producing accessible version of the same work, the five countries will each produce an accessible version of a different work which can be shared with each of the other countries. As at December 6, 2022, ninety-one (91) countries including Nigeria is already a party to the Treaty (WIPO, 2016).

The Nigerian Situation

The Marrakesh Treaty has been ratified by twenty-three (23) African countries and Nigeria is a signatory to it. On October 4th 2017, Nigeria deposited its instrument of ratification of the treaty to facilitate access to published works for persons who are print disabled. The treaty entered into force in Nigeria on January 4, 2018. Though not yet implementable and enforceable as it is yet to get the president of Nigeria's consent. The Nigeria National Blindness and Visual Impairment reports that the Northeast part of Nigeria has the highest prevalence of blindness with about 6.1%, while the Southwest has the lowest prevalence rate with about 2.8%. Blindness or lack of accessible book format could be a factor why many visually impaired people in Nigeria do not go to school or drop out of school (Premium Times, (2023).

Copyright laws in Nigeria prohibit the conversion of books to readable formats for visually impaired persons. This has led to limited access to books for persons who are visually impaired and who live with print disabilities resulting in "**Book Famine**". In the words of Atewe (2023), difficulty in accessing books is one of the main challenges facing people with visual impairment in Nigeria tertiary institutions. Getting access to books is difficult because books are not in accessible format for the visually impaired, and books on braille is extremely expensive. Thankfully, the treaty aims to facilitate access for people with print disabilities by removing barriers in

national copyright laws that hinder the reproduction, distribution and sharing of books in accessible format for the print disabled persons.

Assein (2023) affirms that the process of ratifying the Treaty in Nigeria has reached the final stage which is the presidential assent after which it finally becomes law and binding. The Nigerian Copyright Commission (NCC) also confirmed that the provisions of the treaty has been incorporated into the revised Nigeria Copyrights Amendment Bill which has been passed by both chambers of the National Assembly and awaiting presidential consent. Once the copyright amendment bill is approved by the president, it becomes a law, binding, and enforceable. The domestication of the treaty would mean more books in accessible format, addressing the needs of persons with visual impairment and helping to increase the literacy level of the print disabled persons. On the contrary, Kieti, M. in Premium Times (2023) stated that in Africa the ratification of MT and its implementation into law does not guarantee the enjoyment of the right to read by people with print disabilities. The author stated further that poor implementation of treaties and policies in Africa can be attributed to amongst other reasons, lack of resources, political goodwill, legal remedies and mechanisms to enforce such treaties, laws and policies. All the same, this issue can be collectively resolved by the 23 African member countries that have ratified the Treaty.

Nigeria Copyright Amendment, the Libraries and the Marrakesh Treaty

More than 50 million Nigerians live with some form of visual disability and around 3 million Nigerians are print-disabled, which means they have an impairment related to comprehension (e.g autism) or the inability to hold or manipulate a book (e.g. Parkinson disease). It is difficult to find print materials in an easy to use and accessible formats for these individuals. More can be done to ensure that copyright laws do not create additional barriers for those with print disabilities, and that users access the latest and best published materials around the world. The Marrakesh Treaty aims to bring the global community together to address the challenges of ensuring timely access and wider availability of printed materials for the visually impaired.

In 2017 Nigeria ratified the Marrakesh Treaty, prior to that, Nigeria had some pre-Marrakesh exceptions in their Copyright Act. According to Band & Cox (2020) in the Second Schedule, the right conferred in respect of a work by section 6 of this Act does not include the right to control-(s) reproduction of published work in braille for the exclusive use of the blind, and sound recordings made by institutions or other establishments approved by the government for the promotion of the welfare of other disabled persons for exclusive use of such blind or disable person.

The MT demonstrates that copyright systems are an important part of the solution to the challenges of improving access to books and other printed works for persons with print disabilities, as one of the main obligations of MT is its **exception to domestic copyright law** for the visually impaired and print disabled. This means that such countries are obliged to ensure that their laws allow blind people and their organizations to have books produced in accessible formats without the need to ask for permission from the holders of the copyright. This is why the Copyright Amendment Bill in Nigeria has been passed by the legislature and it is awaiting the consent of the president. This Copyright Amendment is a huge step towards achieving the two main obligations of the MT.

The ratification, amendment of copyright, implementation and enforcement of the Marrakesh Treaty will have a positive social, economic and cultural impacts on Nigeria. The print-disabled persons are expected to be the primary beneficiaries. They are likely to have improved access to education, enhanced participation in public life leading to greater autonomy and independence and improved health outcomes.

The library serves as a channel for the actualization of the Marrakesh Treaty. Once the treaty is signed into a national law, it transforms the library services for people with print-disabilities. The library does so through two major ways:

- (i) It removes legal barriers to making and sharing accessible forms of library resources, while increasing the quantity of reading materials available to print-disabled users.
- (ii) It saves time, money and efforts as libraries can pull their resources within a country, region and coordinate

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production of works, reducing duplication in converting same book multiple times in different countries.

Owen (2015) stated that under the Treaty, a library can supply the accessible copy directly to the print disabled persons. The library can also supply or receive the accessible work from another library or institution within or outside the country. A library can produce an accessible format copy of a work, catalogue and store the work.

Libraries are keys to the success of the Marrakesh Treaty because throughout the world libraries have a long history of serving people with print-disabilities. It is only blind people's organizations, libraries and other 'authorized entities' that can send accessible format copies to other countries. As providers of information to users on a non-profit basis, libraries qualify as authorized entities. To fulfill the purpose of the Treaty, all types of libraries- from special libraries serving the blind and visually impaired people, to academic, public, national and school libraries are empowered to provide print-disabled users with timely access to accessible materials.

2. CONCLUSION

Obviously, the Nigerian government has shown commitment in terms of ratification of this Treaty. This ratification, subsequent amendment of Copyright Act, implementation and enforcement of the Treaty will have positive social, cultural and economic impacts on Nigeria. Those with print-disabilities are expected to be the primary beneficiaries, as the treaty creates a new weapon to fight illiteracy among print-disabled persons while giving them equal opportunities to information and education as the sighted persons. The government should create awareness on the copyright amendment bill underway amongst the citizens, libraries and information centers, publishers, publishing organizations and organizations in charge of those with print-disabilities. Libraries, non-profit organizations, educational institutions and government agencies are to take advantage of the provisions in the Treaty to deliver books in accessible formats to enable people with print-impairment realize their dream in education, employment and full social inclusion on an equal basis with others.

REFERENCES

1. Adeniran, A. (2023). Don seeks inclusive opportunity for visually impaired in Nigeria. *Vanguard Newspaper*, February, 12.
2. Agbauche, E., Obiora, K. & Agbauche, S. (2021). Provision of alternative formats of information resources for inclusive library services of visually impaired primary school pupils in South-east Nigeria. *Library Philosophy & Practice*, ejournal 4969.
3. Aramide, Lawal & Odunlade (2018). Information needs and library services delivery for students with visual impairment in Oyo State, Nigeria. *International Association of School Librarianship. IASL Conference Proceedings 2018*.
4. Assein, J. (2023). What Marrakesh Treaty domestication could mean to Nigeria's blind community. *Premium Times*, January 18.
5. Atewe, G. (2023). Book famine: How policies in Nigeria limit visually impaired persons access to books. *Premium Times*, January, 18.
6. Babalola, Y. & Haliso, Y. (2011). Library and information services to the visually impaired; the role of academic libraries. *Canadian Social Science*, vol.7 (1), pp. 140-147.
7. Babarinde, B. & Onifade, F. (2020). Provision of library resources and services to visually impaired students at Oyo State School for the blind Ogbomosho. *Nigeria Library Philosophy & Practice* (e-journal).
8. Band, J. & Cox, K. (compilers) (2020). National implementations of the Marrakesh Treaty by countries that have ratified or acceded to the treaty. *Association of Research Libraries*. November. <https://www.arl.org.2020/11>
9. Daily Trust Newspaper.(2022). Nearly 50 million Nigerians having eye problems. July 14. <https://dailytrust.com>
10. EIFL (2015). The Marrakesh Treaty (an EIFL guide for libraries). October
11. Eskay, M. & Chima, J. N. (2013). Library and information service delivery for the blind and physically challenged in University of Nigeria Nsukka. *European Academic Research*, vol. 1(5).
12. IFLA (2020). Implementing the Marrakesh Treaty for persons with print

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SOCIAL SCIENCES RESEARCH
(IJMSSR)**

ISSN 2455-1422 (Online)

www.aarmssjournals.com

Volume: 09, Issue: 03 | 2023

13. disabilities: A practical guide for librarians - Canadian
14. Khusbu, T. (2021). Library services to visually impaired people. *International Journal of Advance Scientific Research & ET*, Vol.5 (12). January.
15. Kieti, M. in Omolola (2023). Book famine: How policies in Nigeria limit visually impaired persons access to books. *Premium Times*, January 18.
16. The Lancet Global Health 2017. Vol.6 (9). September.
17. Library of Congress (2020). National Library services for the blind and print-disabled.
18. Macharia, S.W.(2020). Librarians' role in Marrakesh Treaty – access to information by visually impaired.
19. Marrakesh Treaty Ratification by the Federal Republic of Nigeria. <https://www.wipo.int>.
20. Odhiambo, D. O. (2018). Marrakesh Treaty: Education gateway for the visually impaired students in Kenya. *WIPO-WTO Colloquium papers*.
21. Okon, (2014). United by blood and blindness. *Punch Newspaper*, Sept.7.
22. Omolola, A. (2023). Book famine: How policies in Nigeria limit visually impaired persons access to books. *Premium Times*, January 18. <https://www.premiumtimesorg.com>.
23. Onoyeyan, G. (2019). Provisions of library and information services to the visually impaired in Ogun State, Nigeria. *Library Philosophy & Practice* (e-journal). 2170. <https://digitalcommons.uni.edu>.
24. Osman, I. and Kwafoa, P. (2020). Library services for the visually impaired: case study of academic libraries in Ghana. *Library Philosophy and Practice* (e-journal) 3545.
25. Owen, V. ed. {2015} Implementing the Marrakesh Treaty for persons with eye disability; A practical guide for librarian-Canadian version.
26. Rayini, J. (2017). Library and information services to the visually impaired persons. *Library Philosophy & Practice* (e-journal). 1510
27. United States Copyright Office (2016). Understanding the Marrakesh Treaty Act 2013.
28. WHO Fact Sheet No. 282
29. World Blind Union (2023). Marrakesh Treaty Ratification and Implementation campaign. <https://worldblindunion.org/programs/marrakesh> treaty.
30. WIPO (2016). Main provisions and benefits of the Marrakesh Treaty 2013.