

Dick Kawooya
International Fellowship Program
2006-2007

**Copyright and E-Resources in Africa's Institutions of Higher Learning:
the case of selected Ugandan Institutions**

Research Proposal

Background

Poor infrastructure, low bandwidth and related access barriers notwithstanding, the Internet is democratizing access to information and civic participation in Africa. Access to digital content has improved in Africa's education, training and research institutions (Walker 2005, Muinde 2004). Internet in many African countries is associated with institutions of higher learning having served as springboards for diffusion of the technology (Walker 2005). African universities remain important venues and test beds for Information and Communication Technology (ICT) initiatives and Internet-related policy debates, content inclusive. Initially Internet initiatives focused on infrastructure but not content despite the critical shortage of reference and research materials in institutional libraries. A holistic approach would cover both content and infrastructure.

While content is the main focus for this study, I acknowledge infrastructure is a prerequisite to content availability and accessibility. Internet infrastructure rollout in Africa has enabled electronic-content (e-content) initiatives. Consequently, African scholarship in local and 'western' outlets is increasingly accessible to African and foreign scholars deconstructing Africa as net consumer and not producer of knowledge. Closely related to accessibility of Africa's knowledge in the global knowledge flows is the question of representation and control. Copyright in electronic environment best illustrates this 'politics of information' which impacts accessibility but also distorts Africa's knowledge production and position in the global knowledge flows. Firstly, as an economic control mechanism copyright limits, or hinders, content availability and accessibility. In the Africa context, copyright then marginalizes the poor majority. Secondly, copyright with its western cultural constructs when applied to Africa's historically oral and communal context distorts culturally embedded systems of knowledge ownership and control leaving Africa disempowered and marginalized in the global knowledge flows.

Knowledge availability and accessibility in Africa's educational and research settings goes beyond general knowledge to availability of African knowledge and scholarship. In approaching access to electronic resources and impact of copyright on access in specific institutional frameworks, this study acknowledges and attempts to account for the disproportional representation of African knowledge in the global knowledge flows and how contemporary

copyright discourse contributes to the inequality. The study revisits the copyright debate in the attempt to carve out an ‘African’ niche in what seems a settled debate. We question the notion of Africa as a net consumer rather than producer of knowledge and how western knowledge systems such as electronic databases are venues for distorting Africa’s knowledge potential. Reference and research databases used in Ugandan education and research institutions are sites for knowledge control and representation.¹

Objectives

Specific objectives for the study include:

- 1) Understanding how copyright factors into access and use of electronic resources by academics, students and researchers on and off campus using both proprietary and non-proprietary electronic resources,
- 2) Exploring from the perspective of academic, students and researchers, how African scholarship is represented in the e-resources they use, and
- 3) Determining how internal practices and empirical findings can be utilized by university and research institutions to develop not only own institutional policies on copyright but also influence national and international policy dialogs and spaces.

E-Resources in Africa’s Institutions

Through different initiatives, several databases are available to education and research institutions in Africa. Technological initiatives for providing e-content in Africa’s education and research institutions are numerous with varying degree of success and impact. Several educational and research institutions have undertaken digital content initiatives. A donor-funded project coordinated by the International Network for Availability of Scientific Publications (INASP) is one of the most successful initiatives at the moment.² Outside South Africa, INASP’s Program for Enhancement of Research Information (PERI) is the first extensive multi-country e-content delivery initiative covering universities and research institutions. Initiated in 2000, PERI provides access to full text journal and bibliographic databases from leading database aggregators including: Blackwell, CABI, EBSCO, Emerald, Gale, Springer, OVID, among others. Over 14,500 full text online journals, citation, bibliographic and reference databases are delivered under the programme. By focusing on a select set of databases under the PERI initiative, the study will critically analyze representation of African scholarship and control. To the extent possible, a review of the South Africa’s e-resource and policy environment will be undertaken to understand South Africa’s approach to access to knowledge and representation.

In addition to PERI, open access initiatives such as Electronic Supply of Academic Publications (**eSAP**)³, **eGranary**⁴ and **ePrints**⁵ are widening access to e-content for research and instructional

¹ Thanks to Lawrence Liag for pointing me in that direction.

² <http://www.inasp.info/>

³ <http://www.fiuc.org/esap/index2.php?page=esaphome>

purposes. Open access models also serve unique purposes: creating outlets, further widening and deepening access to African scholarship. Libraries and parent institutions have to assess and compare e-resource usage and impact, for instance, open access over proprietary resources. Decisions on whether to promote non-proprietary over proprietary resources and initiatives require empirical research appropriately desegregated according to on and off campus; faculty and students, graduate-undergraduate levels, among others. These are policy choices African institutions have to make. Data will be collected through Focus Group Discussions (FGDs) with different user groups representing academics, students, researchers, digital librarians, administrators/policy makers, and institutional stakeholders such as nongovernmental organizations. The study is tailored around the library/information unit as the reference point in use of e-resources since libraries are often centrally located to provide access services.

Library user studies have been conducted for different purposes using different methodologies (Covey 2002; Luther 2001; Tenopir 2003). User studies in African academic libraries are hardly reported and where done, the focus is on general issues like staff performance and user needs (Van Heerden 1994). As e-content becomes prevalent and important component of the academic library collections, studies designed specifically for this environment become necessary to inform institutional, national, regional and global policies.

Intellectual Property Rights (IPR), copyright in particular, is the policy area central to the global Information Society debate specifically its impact on access to information for education and training. Copyright presents opportunities to Africa if the right balance is struck between public and private interest (Okediji 2004). Technological protection measures legitimated by restrictive copyright laws have eroded, or narrowed, the *fair use* doctrine, limitations and exceptions built into the copyright system to enable legitimate functioning of public sector institutions like libraries, education and research institutions (Kerr, Maurushat and Tacit 2002). Both public and private sectors are critical to socioeconomic transformation of the continent. Widespread lack of awareness of copyright in education and lack of explicit link between public sector services and socioeconomic development means that public interests are barely mentioned in policy and legal debates on copyright in Africa.

The proposed project considers representation and control of knowledge in electronic environments by examining representation of African scholarship in western databases and access controls to knowledge generally available through electronic databases. The study examines usage of electronic resources in selected institutions of higher learning to understand impact of copyright on access to information in Uganda's institutions of higher learning.

The study will be conducted at Makerere University (public), Nkumba University (private) and Centre for Basic Research (research) all in Uganda. Beyond participating and other educational institutions, policy recommendations from the study will target Government Institutions especially the Uganda Legal Reform Commission (ULRC) responsible for consulting on and drafting copyright laws, and the Parliamentary Committee on Legal and Parliamentary Affairs,

⁴ eGranary – based in Iowa, provides access to content free except cost of equipment (servers and related hardware). <http://www.widernet.org/digitallibrary/>

⁵ <http://www.eprints.org/>

currently considering the draft Copyright Bill 2004. Other forums and organizations targeted by the project as venues for policy advocacy and awareness include: the World Intellectual Property Rights (WIPO); the Standing Conference for Eastern, Central and Southern African Library and Information workers (SCECSAL), the International Federation of Library Associations and Institutions' (IFLA) - Africa Section and lastly the Commonwealth of Learning's (COL) Forum on Open and Distance Learning.

Research Design and Methods

The study takes a qualitative paradigm using Focus Group Discussions (FGDs) as the data collection method.⁶ A review of relevant literature will be conducted prior to FGDs to better frame and situate analytical questions for the FGDs. FGDs of different groups will constitute 8-10 participants with the researcher as moderator with the help of a research assistant taking notes. If need be, the researcher will switch to note taker and let the research assistant moderate the sessions. Regardless of role, the research assistant will be dully trained and briefed about the study. The Last Incident Technique (LIT), a widely used technique in human behavior will be adopted and used but in slightly different ways Tenopir and King (2001) have deployed it for three decades in a variety of information user studies. Since this is a qualitative study, LIT will still focus on incidents of use but quantifiable aspects of use. Rather experiential data will be enlisted. Participants will be asked to focus on a wide range of incidents ranging from a single download and use of an article to a week of e-resource use activities.

Procedures

Initial activities will involve extensive review of literature focusing on analyzing institutional policies on copyright e-resource usage, and enabling ICTs; theoretical area (critical/last incident technique); study designs (user behavior/library user studies); copyright, access to knowledge and representation with bias to Africa's higher education contexts, and African Universities (libraries) in public policy arena. Other areas include: national copyright policies, laws (including case law); international & regional copyright instruments and institutional infrastructures and review of the South African policies on access to knowledge and representation.

Upon securing permission from the Government of Uganda, through Uganda National Council of Science and Technology (UNCST) and requisite procedures of the Institute (OSI), the researcher will proceed to field activities. The researcher will visit libraries and archives searching for and studying literature and policy documents relevant to the study areas (especially copyright and related legal domains including contract and property laws, relevant case law, etc).

The researcher will identify and maintain contacts with key individuals to consult on effective execution of the project, specifically development of a suitable survey tool. Two to three preliminary FGDs and interviews will be conducted with carefully selected individuals in non-participating institutions to focus analytical questions for FGDs in participating institutions.

The study will involve three institutions, two of which are universities (public and private) and one research institution. The researcher will work closely with the Consortium of Ugandan

⁶ <http://www.socresonline.org.uk/2/1/6.html>

University Libraries (CUUL) to select participating institutions. FGDs participants will be selected randomly with the help of university administration in-charge of research.

Demographic-background will be collected from each participant including: department, gender, area of specialty, faculty/student and any other variables deemed relevant. The FGD guide will have a few open ended questions to serve as conversation starters. Questions will focus on:

- Use of e-resources, or lack thereof, purpose(s) of use, resources used and level of use;
- Location of use (off/on-campus; home/café, etc)
- Satisfaction levels, or total lack thereof, by which resources (bibliographic /reference, journals, e-books, proprietary versus open) and why
- Copyright knowledge, or awareness, and consideration whenever using e-resources, or lack thereof. Participant will be encouraged to suggest tenets of an ideal copyright system, and
- any other important issues likely to come up during initial consultations with stakeholders

If necessary, the researcher and the assistant will travel to selected locations to conduct FGDs with off campus students. In such situation, permission will be sought for advance notification of students through institutional communication channels.

Data Analysis

Depending on the data size collected, the computer will be used for analysis or ‘traditional’ coding, cutting and pasting. Keyword or codes will be counted or text segments constructed followed by linking themes or codes to arrive at broad abstract statements about use of e-resources, access and knowledge representation in participating institutions. Text data will be analyzed with the help of content analysis software to develop themes and trends.

Sharing Findings and Impact

The study has application in other African countries beyond participating institutions and Uganda but no attempt at extrapolation of findings to other institutions apart from those that present similar contexts. The researcher will present about the project methodologies, findings, etc, at various professional meetings in and out of Africa targeting education and information focused professional meetings. Publications will be developed and sent out to peer-reviewed and non peer-reviewed outlets in and out of Africa—looking out for those with big audience and impact.

References

- Covey, D. Troll (2002). Usage and Usability Assessment: Library Practices and Concerns. Washington: Council on Library and Information Resources.
- Kerr, Ian, Maurushat, Alana and Tacit, S. Christian (2002). Technical Protection Measures: Trends in Technical Protection Measures and Circumvention Technologies. Available from: http://www.canadianheritage.gc.ca/progs/ac-ca/progs/pda-cpb/pubs/protection/tdm_e.cfm
- Luther, Judy (2001). White Paper on Electronic Journal Usage Statistics. Washington: Council on Library and Information Resources.
- Muinde, Florence (2004). The Public Knowledge Project’s Open Journal System. IN National

- Academy of Sciences, Open Access and the Public Domain in Digital Data and Information for Science. Washington, National Academies Press.
- Okediji, L. Ruth (2004). Development in the Information Age: Issues in the Regulation of Intellectual Property Rights, Computer Software and Electronic Commerce. Available from: http://www.iprsonline.org/unctadictsd/docs/CS_Okediji.pdf
- Tenopir, Carol (2003). Use and Users of Electronic Library Resources: An Overview and Analysis of Recent Research Studies. Washington: Council on Library and Information Resources.
- King, W. Donald and Tenopir, Carol (2001). Using and Reading Scholarly Literature. IN *Annual Review of Information Science and Technology* Martha E. Williams, ed. Vol. 34, 1999-2000. Medford, NJ: Information Today, Inc., Pp. 423-477.
- Silcox, Barbara and Deutsch, Paula (2003). The Customer Speaks: assessing the user's view; NIST survey-process and results – The Customer Speaks. *Information Outlook*. Available from: http://www.findarticles.com/p/articles/mi_mOFWE/is_5_/ai_101614197/
- Walker, Kenneth (2005). Bandwidth and Copyright: barriers to knowledge in Africa. Carnegie Reporter, (3). Available from: <http://www.carnegie.org/reporter/10/bandwidth/index.html>
- Van Heerden, Louise (1994). Productivity Improvement in Library and Information Services. Mousaion, (12) 2: 56-69.