

# Crucial role of library

Book famine must be turned into a book banquet, writes **Caroline B Ncube**

**T**OMORROW will see the launch of the 2015 South African Library Week with the theme connect @ your library. The value of **reading** for people of all ages is indisputable, as is the crucial role libraries play in making books available. But, as we prepare to celebrate the value of books and the role of libraries, let's spare a thought for those who are blind, visually impaired or otherwise print disabled (**VIPs**).

There is general agreement that books are limited and expensive for sighted people, particularly those who are economically disadvantaged. Imagine how much more so they are for **VIPs**. The World Blind Union rightly says that they experience a book famine.

Books have to be available in a particular accessible format such as audio, braille or large print. It's not possible to simply walk into any library or bookshop and find the books you need or want.

I use the word "need" intentionally because we "need" books to acquire an education, learn a skill or acquire a professional qualification. Without learning materials, learning is near impossible. We need books to participate in culture and engage in our democratic freedoms.

How do I enjoy my freedom of expression if I am unable to access the written thoughts and opinions of others – or **read** relevant materials in order to formulate my own views or to respond to those of others?

Publishers don't always make their works available in accessible formats, primarily for economic reasons. Due to copyright protection it is not lawful for anyone else (including civic or non-profit organisations) to simply step in and transform written materials into these formats. This is because copyright law gives the copyright holder exclusive rights over the protected work which include such transformation.

One would first have to seek and obtain permission or a licence which usually comes at high cost. Entities such as the South African National Library for the Blind do their best to meet the demand for accessible format materials by **VIPs**, but are hampered in their efforts by complex copyright laws and drawn-out licence negotiations with copyright holders.

There are some exceptions to the copyright holders' rights that permit certain uses of work without the rightholders' permission or licence but these do not adequately cater for the transformation of works into accessible formats.

That is why, on June 28, 2013, a landmark treaty was concluded by members of the World Intellectual Property Rights Organisation (WIPO), a specialised UN organisation. This treaty is known as the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. It was signed by 51 countries on that day. The Marrakesh Treaty calls on signatory states to amend their copyright laws to include exceptions that

allow the permission or licence free transformation of print materials into accessible formats for **VIPs**.

These exceptions are carefully crafted to ensure that copyright holders are still able to economically exploit their work by making sure that transformation of works can only lawfully happen in strictly specified non-profit instances for exclusive distribution to **VIPs**.

This treaty has not yet come into force as it has to be ratified, or acceded to, by 20 countries before it becomes operational. As of last week, only six countries had ratified the treaty. These are El Salvador, India, Mali, Paraguay, UAE and Uruguay.

South Africa is a member of WIPO and was represented in Marrakesh at the diplomatic conference when the treaty was adopted. Among our representatives was the Deputy Minister for Women, Children and Persons with Disabilities, Ipeleng Bogopane-Zulu, who made the following statement: "This is not a treaty being negotiated between the developed and developing worlds, as often portrayed, but is essentially between governments protecting industry and governments protecting their citizens who are marginalised from accessing the products of industry. This treaty is about equality of opportunity for people who have, to date, been excluded and marginalised due to limitations placed on converting print for people requiring access to it in alternative media.

"This treaty is, therefore, about removing barriers to access and fighting discrim-

ination. We would like to assure you of South Africa's commitment to engage constructively within a human rights context on the treaty."

Despite this supportive statement, South Africa did not sign the treaty, but the relevant departments have given assurances that the country will accede to the treaty after the conclusion of the proper national procedures which include a revision of copyright laws.

The Department of Trade and Industry (DTI) continues its work on the updating of the country's copyright laws. The cusp of Library Week is an opportune moment to urge the DTI to ensure that its legal reforms include appropriate exceptions to permit the production of accessible formats of print works and to press the government to take the necessary steps to accede to the Marrakesh Treaty.

This will enable non-profit organisations, in South Africa and beyond, to ramp up their efforts to transform print works into accessible formats so that perhaps one day we can turn the book famine into a book banquet for **VIPs** and truly all connect @ our libraries.

● *Ncube is an associate professor in the department of commercial Law at UCT. She is part of a group of 50 legal scholars from around the world who have written an open letter to the DTI calling for these and other reforms to copyright law. You can **read** the full letter at <http://afrop.blogspot.com/2015/03/south-africa-letter-from-50-legal.html>*

BOOKS MUST BE MADE ACCESSIBLE TO ALL

# Time to get a reading on VIPs

Caroline B Ncube

FRIDAY, March 13 will see the launch of the 2015 South African Library Week with an event to be held at the Centre for the Book, Cape Town.

This year's theme is *connect@our library*. The value of reading for people of all ages is indisputable, as is the crucial role libraries play in making books available. As we prepare to celebrate the value of books and the role of libraries, let's spare a thought for those who are blind, visually impaired or otherwise print disabled (VIPs).

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The World Blind Union has rightly said that its members experience "book famine". Books for them have to be available in a particular, accessible format such as audio, braille or large print, so it's not possible for them to simply walk into any library or book shop and find the books they need or want.

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It was signed by 51 countries on that day. Countries that sign a treaty upon its adoption confirm their commitment to it by ratifying it at a later stage.

Those countries that do not sign a treaty upon its adoption signify their commitment to it through a formal process known as accession. Each so committed country has to change its national laws to implement the treaty at domestic level.

The Marrakesh Treaty calls on signatory states to amend their copyright laws to include exceptions in their copyright laws that allow the permission or licence-free transformation of print materials into accessible formats for VIPs.

These exceptions are carefully crafted to ensure copyright holders are still able to economically exploit their work.

This is achieved by making sure that transformation of works can only lawfully happen in strictly specified non-profit instances for exclusive distribution to VIPs. This treaty has not yet come into force as it has to be ratified, or acceded to, by 20 countries before it becomes operational. As of March 4, 2015, only six countries had ratified the treaty (El Salvador, India, Mali, Paraguay, UAE and Uruguay).

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Among its representatives was the Deputy Minister for Women, Children and Persons with Disabilities, Minister Ipeleg Bogopane-Zulu, who made the following statement: "This is not a treaty being negotiated between the developed and developing worlds, but is essentially between governments protecting industry and



STORY TIME: Kristin Turgeon, 11, reads her Braille copy of the final book in the Harry Potter series, *Harry Potter and the Deathly Hallows*, at the National Braille Press in Boston, Massachusetts. The Braille version of the book has 1 100 pages and a mass of 5.4kg.

governments protecting their citizens who are marginalised from accessing the products of industry.

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"It is about removing barriers to access and fighting discrimination... We would like to assure you of South Africa's commitment to engage constructively within a human rights context, on the treaty."

Despite this supportive statement, South Africa did not sign the treaty but the relevant departments have given assur-

ances that the country will accede to the treaty after the conclusion of the proper national procedures, which include a revision of copyright laws.

The Department of Trade and Industry (DTI) continues its work on the updating of the country's copyright laws.

The cusp of Library Week is an opportune moment to urge the DTI to ensure its legal reforms include appropriate exceptions to permit the production of accessible formats of print works, and to press the government to take steps to accede to the Marrakesh Treaty so that the required number of ratifications or accessions is reached and the treaty comes into force.

This will enable non-profit organisations in South Africa and beyond to ramp up their efforts to transform print works into accessible formats so that perhaps one day we can turn the "book famine" into a "book banquet" for VIPs and truly ALL *connect@our libraries*.

● Ncube is an associate professor in department of commercial law at UCT. She is part of a group of 50 legal scholars from around the world who have written an open letter to the DTI calling for these and other reforms to copyright law.

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If we believe President Jacob Zuma and his Public Enterprises Minister Lynne Brown, then the quick and easy answer to that question is that since 1994, most such "power" has indeed gone to the people. According to this line of argument, it is precisely because of the ANC government's commitment to doing so, as part of a larger effort to deal with the discriminatory legacies of apartheid, that the country finds itself in a power crisis.

In other words, it has been the roll-out of electricity infrastructure to those – overwhelmingly from the ranks of the black poor and working class – who were excluded from the grid before 1994 which shoulders the primary "blame" for the country's current electricity woes. To back this up Zuma, Brown and their ANC and government counterparts have continuously cited the fact that since 1994, almost 6 million additional people have been connected to the grid.

There are several problems with this story, which crucially undermine the framing argument.

**Problem No 1:** The claim (presented as fact by government politicians and reports) that the roll-out has reduced the percentage of households without electricity from around 50 percent in 1994 to 15 percent at present, is simply not borne out by

3.4 million households without electricity. As the Department of Energy has confirmed, this consists of 1.2 million informal and 2.2 million formal households.

The resultant equation is that the percentage of people still without power stands at 22.5 percent. Not nearly as many of "the people" have "power" as claimed.

**Problem No 2:** While the 11.7 million households connected to the grid might seem like they represent the largest consumer-block of electricity, the reality is that residential use accounts for only 18 percent of (average yearly) usage.

This pales in comparison to the 59 percent consumed by the manufacturing and mining sectors combined. When broken down into per customer usage on a monthly basis, the size of the usage gap becomes even more glaring. Residential (home)light users supplied directly from Eskom consume 0.0007 percent of what large corporate-industrial (megaflex) customers use.

Furthermore, Eskom's figures show that sales to residential users from 1996-2014 increased by a mere 3.5 percent, from 1.5 percent to 5 percent of total sales. As energy expert Dirk de Vos has shown, when placed in the context of "the total increase in electricity supplied to the country as a whole" since 1996, "less than 12 percent of that can be ascribed to the

**Problem No 3:** The price that the people pay for electricity, and more importantly by that poor majority which is engaged in a daily struggle just to survive, is far beyond what those who are most able to afford pay. As set against the average cost of electricity (measured per kilowatt hour) across all socio-economic sectors, residential users pay 100 percent more.

When it comes to a price comparison with the manufacturing and mining sectors, residential users pay on average 300 percent more than these power-guzzlers.

What makes this class-framed price divide even worse is the fact that almost a third of the power generated by Eskom is sold below the cost of production, with the power guzzlers and international clients being the main beneficiaries. The cumulative result is that not only have the people become the power cash-cows, but the cosy, below-cost deals with those who should be charged much more have financially compromised capital expansion requirements.

**Problem No 4:** While the dominant trope of media, public and government discourse and thinking is that poor people are the main defaulters and electricity "thieves" (mostly through "illegal connections"), the reality is that, by far, the biggest power defaulters and "thieves" are anything but poor.

Last year in the Western Cape municipality of Kannaland, a leaked confidential report revealed that big businesses owed the lion's share of R20 million arrears to Eskom. Similarly, a 2014 report from the Free State municipality of Matshabeng fingered mines, medium-sized businesses, government departments and those renting state-owned properties as the biggest defaulters. And, even though the 2013-2014 annual report of (Johurg's) City Power failed to mention how much its big business, industrial and commercial clients owed, it did reveal that the yearly debt of Charlotte Maxeke Hospital stands at R57m.

The picture is clear. Our energy crisis is not the result of successive ANC government's bringing "power to the people". Rather, combined with extremely poor forward planning, it is the result of bringing less-than-cost power to a small minority of manufacturing and mining corporates.

The crisis has been further exacerbated by allowing those who can most afford to pay to largely get away with large-scale power "theft" and non-payment.

It seems like "the people" need to shout a lot louder. *Amandla ngawethu!*

McKinley is an independent writer, researcher, lecturer and political activist. This piece was first published on [www.sasjis.org.za](http://www.sasjis.org.za).

present, with some calling for the meeting to be postponed. Her deputy Thembi Majola was also not present.

Officials were taken to task by committee members for being tardy and disorganised before appearing before the committee.

The department briefed the committee on the cabinet-endorsed five-point plan to help deal with the energy challenges.

The department's deputy director-general for policy planning and clean energy, Ompi Aphane, presented some of the challenges and the milestones achieved since the adoption of the five-point plan in December, which is a collaboration between various departments and state entities.

DA MP Gordon Mackay said the minister had not appeared before the committee in six months.



Majola said it would have a follow-up meeting.

"I, too, don't want an underwhelming report before this committee. I want to make sure that we can have a full report that gives us confidence that the different departments know

what they're going to do, how they're going to do it and where the funding going to come from. And what are the time frames, so we can hold them accountable. But with the level of report we have here, we can't do that yet," Majola said.

Aphane apologised to the committee for the presentation and the late distribution of the report, saying the implementation of the plan happened through a co-ordinated structure called the War Room, and that the presentation the department gave did "not purport to give an update". – *Babalo Ndenze*

## How to transform the book famine into a book banquet

CAROLINE NCUBE

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**ACTION NOW:** The Marrakesh Treaty would give blind people better access to books

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