Crucial role of library

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

Tomorrow 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 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 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 materials or 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 formats, but are hampered in their efforts by complex copyright laws. There are exceptions with copyright holders.

There are some exceptions to the copyright holders’ rights that permit certain uses of work without the right holders’ 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 Bogosana-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 about 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 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 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 opportunity to urge the DTI to ensure that its legal reforms include appropriate exceptions to allow 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 build on 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://afropip.blogspot.com/2015/03/south-africa-letter-from-50-legal.html
Time to get a reading on VIPs

Caroline B Ncube

Public libraries 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 connectyour 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).

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 has rightly said that it’s members experience “book famine”. Books are for them to be available in a particular accessible form such as audio, braille or large print. Yet it is not possible for them to simply walk into any library or book shop and find the books they need or want.

It was the word “need” intentionally because we “need” books to get 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 materials to formulate my own views and 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 copy and transform written materials into accessible forms. This is because copyright gives the copyright holder exclusive rights over the protected work, which include such transformation. One would have to seek and obtain permission or a licence, which usually costs a high fee.

Libraries such as the South African National Library for the Blind does its best to meet the demand for accessible format materials by VIPs, but is hampered in its efforts by complex copyright laws and demands over licence negotiations with copyright holders.

There are some exceptions to the copyright holders’ rights that permit certain uses of work without the right holders permission or licence, but these are not adequate to 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 Organization (WIPO), a specialised United Nations 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 60 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 such country can then choose to 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 30 countries before it becomes operational. As of March 4, 2015, only six countries had ratified the treaty (El Salvador, India, Mali, Portugal, Ukraine and Uruguay).

South Africa is a member of WIPO and was represented at Marrakesh when the treaty was adopted. Among its representatives was the Deputy Minister for Women, Children and Persons with Disabilities, Dr Dipuo Phahla.

In her speech, Dr Phahla said: “I am delighted that South Africa is an early supporter of this treaty. It is a recognition of South Africa’s commitment to remove barriers to access to information.”

Among the countries that have ratified the treaty is the United States, which has over 240,000 registered blind and visually impaired people. These people can now access books and have great access to material made available.

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

– Ncube is an associate professor in the Department of Intellectual Property Law at UCT. She is part of a group of 50 legal scholars from around the world who wrote a open letter to the DIT calling for them and other reforms to copyright law.

You can read the full letter at http://www. ipblog.org/2015/04/south-african-letter- from-30countries.html

Caroline B Ncube
If we believe President Jacob Zuma and his Public Enterprises Minister Nkosazana Dlamini-Zuma, the answer to the question is that since 1994, most such employees have indeed left government, to make a “good living in the private sector.”

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 discrimination and legacy of apartheid, that the country finds itself in a power crisis.

Furthermore, it overlooks the collateral of electricity infrastructure to those—overwhelmingly from the ranks of the black South African workforce who were excluded from the grid before 1994 which will need to be expanded to serve the country’s current electricity needs. To back this up Dunn, Brown and their ANC government colleagues have consistently cited the fact that since 1994, 6 million more people have been connected to the grid.

There are several problems with this story, which I believe undermines the framing argument.

Problem No.1: The claim (presented as fact by government politicians and reporters that the rollout has reduced the percentage of households without electricity from around 30 percent in 1984 to 1 percent at present, is simply not borne out by the statistics.

Problem No.2: The 11.3 million households connected to the grid might seem like the largest concentration of electricity users. The reality is that residential use accounts for only 18 percent of (average yearly) usage.

This is in comparison to the 58 percent consumed by the manufacturing and mining sector combined. When load shedding imposed on customers on a monthly basis, the rate of the usage gap becomes even more glaring. Residential use, (which is supplied directly from Eskom) accounted for 53 percent of what large corporate and industrial consumers use.

Furthermore, Eskom figures show that sales to residential users from 1994 increased by a mere 1 percent, from 14 percent to 1 percent of total sales. An energy expert, Bidu Vas has shown, when placed in the context of the “total increase in electricity supplied to the country as a whole” since 1994, “less than 1 percent of that can be attributed to the increase in residential sales as compared to the overall increase in sales.”

Problem No.3: The prices 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 higher than what those who are most able are off offered or paid. As a result, we see not only the average cost of electricity measured per kWh but also rates across all socio-economic sectors, residential users pay on average 100 percent more.

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

What makes this class-based price divide even worse is the fact that almost one third of the power generated by Eskom is sold at below the cost of production, with the power plants and international clients being the main beneficiaries. The cumulative result is that not only have the prices to the power costs, but the costs, below-cost deals with those who should be charged much more, has financially compromised Eskom’s capital expenditure requirements.

Problem No.4: While the demand for power is real, government and public discourse on the issue is not. It is important that power poor households, the power deficient and electricity thieves, (loosely through “legal corruption”

The recent move to transform the book “Jasmine” into a book barquet...