


# Critical Analysis of Telecommunications Regulatory Governance in Malawi

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## ABSTRACT

This paper presents a critical analysis of power dynamics for telecommunications governance in the context of a developing country. The study used regulatory governance and critical discourse analysis as theoretical underpinnings. The case of telecommunications sector of Malawi was analysed using secondary data comprise policy documents and media reports. The results showed that power relations affected the autonomy of the telecommunications regulator in performing its functions. The effects of power dynamics created practices and conduct of stakeholders that contributed towards the barriers in market entry of mobile network operators in the telecommunications sector. Consequently, there was limited market competition and the cost of ICT services remained high. Power relations were also productive in enabling stakeholders to raise sector problems to the regulator. The study provides an understanding of power relations in the regulation of telecommunications in the context of an African country.

## KEYWORDS

Critical Discourse Analysis, Malawi, Regulatory Governance, Telecommunications

## 1. INTRODUCTION

Telecommunications regulatory organisations (TRO) are responsible for regulating and promoting the development of telecommunications sector. Some of the roles of TRO include promoting telecommunications network expansion, recommending tariffs, promoting standards, licencing network operators, allocation of spectrum frequencies, monitoring the quality of services and protecting consumers (Binsfeld, Whalley, & Pugalis, 2016; Qiang & Xu, 2005; Vogelsang, 2017). The functions of TRO are important in facilitating telecommunications sector investments in infrastructure and sector competitiveness and growth that can lead to economic development of a country (Chavula, 2012; Gillwald, 2005; Mohamad, 2014). In Africa, TRO are faced with a myriad of challenges in performing their functions. The challenges include lack of resources, absence of legal frameworks, limited expertise, political interference from government officials and departments. Consequently, the quality of regulatory governance may be affected (Jayaker & Martin, 2012; Li et al., 2005).

Regulatory governance is clarity of roles and functions of TRO that support legal and institutional design to achieve credibility, legitimacy and transparency of regulatory decisions (Kapika & Eberhat, 2010; Levy & Spiller, 1994). Regulatory governance is significant for TRO in telecommunications

DOI: 10.4018/IJITN.2021010105

sector decisions that are cost-effective, promote reliable infrastructure services, financial viability and attracting new investments. As noted above, one of the challenges in the telecommunications sector is power dynamics where there are struggles or power imbalances for authority and control over processes and decision-making among the regulatory organisations, government departments, politicians, courts and private sector organisations. Understanding of power dynamics is important because power influences what can be achieved in roles and functions of TRO in the development of the telecommunications sector (Badran, 2012; Jayakar & Martin, 2012; van Gorp & Matland, 2009; Vogelsang, 2017).

TRO practice autonomy when executing their roles and functions (Hullur & Sane, 2017). Others have noted that autonomy is one of the critical factors of the TRO to legally perform their mandated functions without interference (Asoka, 2009; van Gorp & Matland, 2009). Further, regulatory governance can be affected where political systems permit policy stakeholders to influence ICT sector decisions (Christensen & Laegried, 2007). This study takes the debate further and argues that power dynamics are inherent in regulatory governance where stakeholders (e.g. ministries, government officials, politicians, courts, network operators and citizens) are engaged and may affect the autonomy of TRO (Christensen & Laegried, 2007; Li et al., 2005; van Gorp & Maitland, 2009b). Understanding of power struggles and domination may bring to light the hidden assumptions and taken for granted issues in regulatory governance and leading to corrective action (Cecez-Kemanovic, 2010; Myers & Klein, 2011). Understanding of the power dynamics in regulatory governance of telecommunication sector raises the following questions:

- How does regulatory governance affect the development of telecommunications sector?
- How does power dynamics affect the autonomy of the regulatory organisations and their functions?

To answer these questions, the study employed two theories. First, the constructs of regulatory governance and institutional endowments (Levy & Spiller, 1994) were used to understand the context of telecommunications sector regulation. Second, Critical social theory (Foucault, 1980) was used to bring to light issues of domination and power struggles when a TRO perform its functions and autonomy as part of regulatory governance. The study argues that regulatory governance and institutional endowment does not adequately address the concept of power in practices and discourses related to telecommunications sector regulation. Hence, Critical social theory (Foucault, 1980) was considered to complement the understanding of power dynamics among the ICT sector stakeholders (Willcocks, 2006).

The case of Malawi was selected as an example of a low-human development economy in Africa (UNDP, 2018). ICTs are perceived as enablers that can support the country in improving its economy and the well-being of its citizens. One of the areas of interest was infrastructure development (Makoza, 2019). It was interesting to note how telecommunications governance was supporting the regulator in the development of telecommunications sector including ICT infrastructure investments, market entry and sector competitiveness.

The rest of the paper is presented as follows. Section 2 summarises the background to the study. Section 3 highlights the theoretical underpinning of the study. Section 4 presents the research methodology. Section 5 summarises the research findings. Section 6 discusses the findings and this followed by conclusions from the study.

## **2. BACKGROUND TO THE STUDY**

### **2.1. Telecommunications Regulatory Governance**

Neoliberal reforms in economies have led to changes in the telecommunications sectors across the globe. Part of the changes included privatisation of the state-owned telecommunications enterprises,

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